Title
A framework for equality proofing

Authors(s)
University College, Dublin. Equality Studies Centre; Lynch, Kathleen; Baker, John; Connelly, Alpha

Publication date
1995-04

Publisher
University College Dublin. Equality Studies Centre

Item record/more information
http://hdl.handle.net/10197/2033
A Framework for Equality Proofing
A paper prepared for the
National Economic and Social Forum

by

The Equality Studies Centre
University College Dublin

April 1995

Reprinted 1996

Section 1. Introduction 1a
Section 2. Equality Framework: 1a
Four Equality Objectives
Scope and Limitations of Each
Section 3. Equality Proofing Mechanisms & Structures 6b
Concept of Equality Proofing
Scope and Limitations of Mechanisms & Structures
Section 4. Target Groups and Contexts 14a
Disabled People 14b
Education
Personal Relationships
Social Class: Working Class People 20a
Employment
Education
Travellers 25a
Accommodation
Political Participation and Decision-Making
Women 28b
Employment
Caring
Section 5. Summary and Recommendations 32b
Section 1. Introduction

Equality proofing refers to procedures designed to ensure that the equality objectives of public policy are achieved: it is a means to an end rather than an end in itself. It is impossible therefore, to debate mechanisms without first establishing what those mechanisms are attempting to achieve. The most fundamental question an equality proofing policy needs to address is the identification of equality objectives. That is to say, there is a need to define what is meant by equality before identifying proofing mechanisms to achieve it.

This report has four principal sections apart from the introduction. Section two outlines four models or conceptions of equality and the scope and limitations of each; these are, in effect, a set of equality objectives. Section three discusses what is meant by the concept of equality proofing, and analyses the strengths and weaknesses of some of the various structures and mechanisms which can be employed to attain it. The objective in the fourth section of the report is to relate different conceptions of equality to particular groups in specific contexts. This provides a clear illustration of what procedures or mechanisms are necessary to attempt to achieve any given equality objective for a given target group, while section five presents a summary and set of recommendations. Although the focus of the report is on four particular target groups, disabled people, Travellers, working class people and women, it is recognised that the 'target group' could include those who experience exclusion or marginalisation in society on other grounds including age, race, sexual orientation, social origin, property, language, political or other opinion, religion, or any combination of these, or any other factors.

Section 2. Equality Framework: Four Equality Objectives

Any discussion of equality has to pose questions about the nature and organisation of society. It is the kind of society that people want which ultimately determines which equality objectives are adopted and which proofing mechanisms are employed.

While there has been no large-scale, public questioning of the nature of equality in Western European societies since the late 1960s, debates have continued to take place around specific equality issues such as gender, disability and race. In addition, debates between academics and policy makers show that there are a number of different ways to classify equality objectives. In the pursuit of clarity, four major ways in which equality objectives can be defined are outlined.

Equality objectives can, in some respects, be regarded as operating along a continuum. At one end of the continuum is the minimalist conception of equality which defines equality in terms of equal formal rights and opportunities and is a central component of equality of access. Equality of participation represents a stage beyond this where the focus is on enabling and encouraging members of different social groups to be equally able to participate in society, while equality of success or outcome is concerned with ensuring equal rates of success for these groups. At the opposite end of the continuum is the concept of equality of condition which aims at creating equality in the living conditions of all citizens.

Equality Objective No.1: Equal Formal Rights and Opportunities, and Equality of Access

The minimalist conception of equality is that which defines equality in terms of the provision of equal rights to participate in economic, social, political, and cultural life, where such rights are construed as the absence of legal and institutionalised barriers to entry and participation in a given institution or system. This view is linked to the idea of formal equality of opportunity, i.e. the idea that no one should be prevented from entry to education, employment, politics, etc., or in advancing from one level of participation to another, on the grounds of gender, sexual orientation, ethnicity, disability, or any other irrelevant characteristic, and that access to, and advancement within, such forms of participation should be based on merit.
In terms of providing equal access to a given institution or system, the removal of legal or quasi-legal barriers does not address the problem of non-formal barriers to entry. To have equality of access, not only must formal legal and quasi-legal barriers be removed, non-formal barriers must also be eliminated. For example, the removal of Rule 155 (4) (a) of the Rules for National Schools which formally excludes a person from entering primary teacher education colleges unless she/he "is of sound and healthy constitution and free from any physical or mental defect likely to impair his (her) usefulness as a teacher.", would meet the requirement of removing a formal quasi-legal barrier against disabled people. (Such a rule is an example of direct discrimination against disabled people.) However, non-formal barriers could still operate which would effectively exclude disabled people. An example of a non-formal barrier would be the fact that the college had no facilities to cater for deaf or blind students and had no provisions in its budget to address their needs (for example for an interpreter or a brailing service).

Scope and Limitations of Equal Formal Rights and Opportunities and Equality of Access

The vindication of formal rights and opportunities through legislation, and the removal of legal and quasi-legal barriers to access in fields such as employment, goods and services, and education, for particular target groups, both guarantees their rights and eliminates forms of discrimination against them. However, the outlawing of discrimination does not, in and of itself, guarantee any more substantive form of equality for the target group, such as equality of participation.

Moreover, there are quite significant difficulties in outlawing indirect discrimination against target groups owing to its relative invisibility and indeterminacy. [Direct discrimination occurs when someone is treated differently when they should be treated the same and when as a result they experience a disadvantage. Indirect discrimination refers to the differential impact of the same treatment where the differential is not justified. It occurs when a condition or requirement is set such that a considerably smaller proportion of one than of another groups can comply with it, which is to the detriment of the person(s) concerned and where the person using the condition or requirement cannot show it to be justified.] The problem arises especially when defining what is or is not a justifiable condition or requirement. For example, an employer can argue that certain conditions or requirements are justified for promotion (such as having an MBA degree for senior managerial posts which men disproportionately obtain, not least because of the male-oriented entry criteria to these very programmes, such as having a strong mathematical background) even though this results in indirect discrimination against women. Great scope exists for the employer to define what is or is not a justifiable condition or requirement for entry or promotion within an occupation as the job is within her/his giving.

Given these difficulties, eliminating indirect discrimination might entail granting substantial powers to enforcement agencies to review requirements for access and advancement in both employment and non-employment areas, and to require a revision of conditions deemed to be indirectly (or directly) discriminatory.

The actual demands and costs involved in proving that discrimination actually occurred can also be a barrier to eliminating discrimination if the onus of proof is on the person taking the claim. The burden of proof must be on the body or person denying that the discrimination has taken place. This shifting of the onus of proof is necessary both because of the difficulty of proving discriminatory intent or impact, and because of the financial and emotional costs involved for any given individual taking a case.

Further difficulties arise with anti-discrimination legislation in relation to finding an appropriate comparator. One of the weaknesses of anti-discrimination legislation such as the Anti-Discrimination (Pay) Act, 1974, stems from the fact that an appropriate (in this case, male) comparator could not be found in many cases where women were making claims for equal pay. While there is no easy solution to the problem of comparators, and indeed the lack of an appropriate comparator may, in certain cases, be a function of existing structured inequalities such as those arising from the gendered division of labour, the issue of comparators does need to be addressed satisfactorily in legislation, as it is
because of the absence of an appropriate comparator that many equality claims have been lost.

A further constraint imposed by pursuing equal formal rights exclusively as an equality objective is that it does not address the follow-on effects of inequalities arising from the initial discriminatory act. A good example of this is the case of *Aer Lingus V. The Labour Court* (1990) when 24 air hostesses who had to leave employment due to the marriage ban at an earlier time, experienced on-going inequalities as a result of the initial act of discrimination yet these were not addressed by the Employment Equality Act, 1977 (see Lynch, "Labour Law", in A.Connelly (ed.) *Gender and the Law and the Legal System in Ireland*, Dublin: Oak Tree Press, 1993.

Although the case cited above relates to the difficulties of prohibiting discrimination in relation to employment, it should be noted that the difficulties of prohibiting direct and indirect discrimination apply in a wide range of contexts in the non-employment areas as well.

**Equality Objective No.2: Equality of Participation**

It is now widely recognised that equality of formal rights and opportunities has little impact on the promotion of equality in any substantive sense. Substantive equality depends not simply on having the formal right to participate but on having the actual ability and resources to exercise that right, that is by being able to participate.

The second way in which equality can be conceptualised therefore is in terms of equality of participation. This involves both enabling a designated disadvantaged or minority group or an individual member of the group to participate and encouraging them to participate.

Enabling participation means ensuring that the basic material needs and the basic psychological, educational and other needs of the target group are met so that they are in a position to participate on equal terms. For example, if working class children are to participate on equal terms with middle class children in public examinations, they must have access to the same quality and level of resources. If women who have worked full-time in the home as carers and domestic workers for many years are to return to the paid labour market and participate equally with others, they need to be prepared educationally and psychologically for such a return.

To have equal participation, it is also necessary to encourage participation. Encouraging participation means ensuring that the members of the target group are motivated to participate and are accepted by others as full participants. This means going beyond provision for basic or other needs. It could mean the development of a proactive policy in a given town or area to enable Travellers and settled people to work on a common project to promote greater understanding of each other's culture and way of life. It could involve the development of an advertising campaign to encourage disabled people to participate in a sports club, or the development of a training and education programme within a company around equality issues for staff.

**Scope and Limitations of Equal Participation**

Equal participation assumes the pre-existence of equal formal rights and opportunities and equality of access. Policies based on the equal participation principle go beyond the protection of formal rights and the prevention of discrimination as they actively intervene to enable and encourage equal participation. However, enabling and encouraging equal participation does not guarantee or ensure it: while interventions such as improved education and training about equality issues within a given company may make the environment for women or disabled people working within it more favourable, or while developing access programmes for various types of disadvantaged students to enable them to enter higher education will undoubtedly improve their rates of participation, such policies do not guarantee equal participation as the interventions work on a voluntary rather than a mandatory principle.

Also, addressing inequalities in participation varies according to the nature and scope of the group/person's marginalisation and according to context. Policies which enable a particular group, such as disabled people, to participate in employment will generally do little to foster the participation of Travellers, except for those Travellers who are disabled. Indeed, even within a group such as disabled people, it is clear that many
of the strategies adopted to improve the participation of people with one type of impairment (e.g. mobility impairments) will not assist people with unrelated (non-mobility) impairments such as deafness, mental illness or learning difficulties. Heterogeneity within and between marginalised groups has to be recognised in the development of any policies to promote equal participation.

In addition, the heterogeneity of contexts must be recognised, as the policies required to promote equal participation in areas such as employment, the media, education or recreational activities will vary considerably.

**Equality Objective No.3: Equality of Outcome or Success**

Equality of outcome represents a stage beyond the objective of equal participation and refers to policies which promote equality in the outcome of social processes. In particular, equality of outcome between marginalised or excluded groups and those not marginalised refers to achieving overall equality between these groups in terms of access to, and the distribution of, economic, educational, cultural, political and other benefits.

The degree of success people experience in the course of their participation in a given context, is the primary determinant of status in contemporary society. If society was not hierarchically stratified in terms of wealth, power and privilege, then the question of equality of success or outcome would not be so significant. However since society is so stratified, then it follows that achieving equal rates of success or outcomes for particular groups is one way in which to define equality. If women, for example, are to be equal to men in terms of success, this means that they must be ensured success at the same rates as men.

International experience shows that there is no easy proofing mechanism for realising equal success for different social groups and no given structure which will guarantee it in the absence of equality of condition (equality objective, no. 4 below). However, it is clear that any serious attempt to redress the problem involves policies commonly referred to as 'affirmative action', 'preferential treatment' or 'reverse discrimination', and 'quotas'. It should be noted moreover, that a number of these strategies could also be employed to achieve equality of participation. For example, affirmative action could include the running of a special third-level access programme for disabled students to enable them to participate on equal terms with able-bodied students when in the third-level education system.

**Scope and Limitations of Equality of Outcome**

Equality of outcome is the strongest of the three equality objectives cited so far, as it aims to ensure equal rates of success or outcome by direct intervention to overcome disadvantage. In addition, equality of outcome assumes that equality of access and equal participation exist.

While equality of outcome, represents a radical challenge to existing policies, like equality objectives 1 and 2, it operates by comparing particular disadvantaged or marginalised groups with their counterparts as groups i.e. the Travelling Community and the settled community, disabled and able bodied, and men and women. If operated singly for one group, without being simultaneously implemented for all other groups, the principle of equality of outcome would result in substantial inequalities within the group itself. For example, if equality of outcome was pursued as an objective for women but not for disabled people or working class people, it would not address inequalities among women arising from social class or disability. If equality of outcome is to be fully effective therefore, it needs to be operationalised for all groups simultaneously.

Although equality of outcome would represent a major advance in the promotion of equality in society, it does not address the fundamental problems of hierarchies of power, wealth and other privileges. What it does is to replace or supplement the existing elites within the economic, political, educational and other hierarchies with new elites from hitherto disadvantaged groups. While this would represent a significant shift in the balance of power and privilege, it must be noted that privileged positions are by definition scarce and only a small number of any given group will ever enter these positions.

Also, regardless of which disadvantaged group is in question, it is likely to be the relatively advantaged from within that group which will
become upwardly socially mobile in any system which promotes equality of success or outcome. (The same issue arises with equal participation policies. It is the relatively privileged who will be best positioned to take advantage of the new opportunities for participation or success.

Given the fact that women represent more than half the population, the promotion of policies of equality of success or outcome would clearly have a considerable advantage for them. The principle would also have a positive and visible effect on large groups such as working class people, while its impact on smaller groups such as Travellers or even disabled people, albeit significant, would be less visible.

Equality Objective No.4: Equality of Condition

The concept of equality of condition is centrally concerned with equal status for all citizens. If equality of condition were adopted as an objective, it would involve the development of an egalitarian society which would be committed to equality in the living conditions of all citizens, taking due account of their heterogeneity be it arising from gender, ethnicity, disability, religion, age, sexual orientation or any other relevant attribute. It would not simply be concerned with equalising the position (access, participation and outcome) of marginalised groups at each level within the hierarchies of wealth, power and privilege. Rather, it would involve the equalisation of wealth distribution; substantial equality in working conditions; job satisfaction and income across different occupations; an educational system devoted to developing equally the potentials of every member of society; a radically democratic politics which aimed at the equal participation and influence of all citizens; and a restructuring of family and personal life for the sake of enriching the personal relationships of every individual. Policies based on the second and third criteria of equal status could clearly contribute substantially to satisfying this fourth criterion, although they would continue to fall short of it.

The structures and mechanisms required to promote equality of condition would involve widespread changes in constitutional and legislative frameworks, as well as in the political, economic, social and cultural infrastructures of the society. Taxation, legislation and education would be among the many mechanisms required to bring about change.

Scope and Limitations of Objective 4

As equality of condition represents the maximal type of equality objective, it overcomes the limitations which hold for the other objectives. Most importantly, it is the only effective means of overcoming the types of limitations listed under objective 3, namely the problems posed by the hierarchical structures of institutions and structures, and the threat to equality posed by selective social, economic and political mobility out of marginalised groups.

While the limitations of objectives 1 to 3 in promoting equality are intrinsic to the objectives themselves, the limitations of equality of condition are extrinsic to the objective. The difficulties are primarily political and institutional, namely the difficulty of realising equality of condition in a society which is already structured around income, power and wealth inequalities, and where such differentials are protected by a variety of legal, institutional and other political and social supports.

While there is no readily available solution to this dilemma, what can be recognised and made more visible to existing elites and power holders in society is that the cost of inequality, politically, socially and economically is high. That is to say, while it may be unrealistic to expect privileged groups or individuals to support egalitarian aims, on the grounds of principle or on the grounds of compassion, what is possible is that they may come to support it on the basis of enlightened self interest. Poverty, unemployment, ethnic tensions, gender tensions, and other by-products of inequality create political and social instabilities and conflicts in a given society. These instabilities result in both direct costs and opportunity costs which are considerable. Such costs if enumerated and publicised could contribute to developing a commitment to equality even among those whose immediate self interest may not be visibly served by equality of condition.

Even if a given society does not adhere to the principle of equality of condition, a recognition of its importance does influence the way in which objectives are framed and targeted. For example, a move to promote
greater equality in the distribution of income and wealth through the promotion of greater equality in taxation structures, would move society towards this objective; the introduction of systems and structures which promoted participatory democracy in decision-making would also help in the realisation of equality of condition.

The failure to recognise the importance of equality of condition, on the other hand, means that powerful interest groups who own and control disproportionately large resources of wealth, power and income in society, will always be in a position to use their extra resources to circumvent or challenge equality policies set out under objectives 1, 2, 3, and to undermine their effectiveness as they see fit. This, in turn, will put considerable expense and onus on the State and its agents to defend the policies it has enacted.

**Summary: Section 2, Equality Framework**

Four equality objectives have been outlined here: Equal Formal Rights and Opportunities and Equality of Access; Equal Participation; Equal Outcome or Success, and Equality of Condition. These four objectives can be construed as being on a continuum with the objective of equal formal rights and opportunities representing the minimal level of equality and equality of condition the maximal level of equality. The notion of a continuum of equality helps illustrate how the various stages are inter-related and interdependent - objective 2 cannot operate without objective 1, objective 3 without objective 2, etc.. Viewing the stages of equality as a continuum also clarifies the scope and limitations of the different equality objectives.

The first three objectives are concerned with ensuring that the members of disadvantaged groups, as defined by particular characteristics such as gender, disability, or ethnicity, have, on average, the same rights and opportunities, ability to participate or success rates as other groups. By contrast, equality of condition is fundamentally concerned with eliminating hierarchies of wealth, power and privilege not just with ensuring that all groups access, participate or succeed at equal rates within an accepted hierarchy.

Regardless of which objective is adopted to direct particular policies, what has to be recognised is the on-going nature of the equality proofing process. First, it is evident that, for any given group, the realisation of even the more minimal equality objectives such as equal participation requires considerable work. And even if all the equality objectives were to be realised for particular target groups, new target groups are likely to emerge over time as the structures of society change. This means that whatever institutions or systems are put in place to promote equality objectives, it is essential that dynamic strategies and processes are developed which allow for the identification of new inequalities while recognising the complex and on going nature of equality proofing work for existing target groups.

**Section 3. Equality Proofing Mechanisms & Structures**

**Concept of Equality Proofing**

Within Europe, the equality proofing process refers essentially to procedures designed to ensure that the equality objectives of public policy are achieved. It refers to the integration of equality considerations into policy and programme planning and implementation at all levels of society.

Thus it might be said that there are at least two dimensions to equality proofing. The first dimension concerns equality proofing mechanisms and the second, equality proofing structures.

**Equality proofing mechanisms** refer to the instruments utilised by the agencies responsible for developing, implementing, monitoring and enforcing equality policies. They include legislation, guide-lines and codes of practice, affirmative action and positive discrimination programmes, quota systems, financial and other supports for target groups, equality audit and monitoring systems, complaints procedures, sanctions and enforcement procedures, and equality education and training. **Equality proofing structures** include the agencies charged with
developing, monitoring and enforcing equality proofing policies and the institutions charged with resolving conflicts.

Structures and mechanisms are mutually reinforcing and interdependent elements in any equality proofing procedure, especially with regard to the monitoring and enforcement of policies. While a mechanism such as legislation is essential in the protection of basic rights and opportunities, the changes effected by the legislation are related to the coherence of the equality-proofing process and structures, including the strength, resources and mandate of enforcement and compliance agencies, and the degree to which target groups are effectively involved at all levels.

At any given time, it is important to clarify the interrelationship between objectives of equality and equality proofing mechanisms. Equality proofing mechanisms are a means to an end rather than ends in themselves; they are technical instruments, and in that sense are formally neutral, as it is the objectives which determine which mechanisms are most appropriate in a given context. For example, if the equalisation of formal rights and opportunities in order to promote equality of access is the targeted equality objective, then the adoption of equality proofing mechanisms such as positive discrimination, would be unnecessary. On the other hand, if equality objectives such as equal participation or equal outcomes were the objectives, then failure to adopt mechanisms which would involve the monitoring or penalisation of persons, or others, for failure to comply with the standards specified would mean that the proofing mechanisms are not wholly adequate for the objectives.

Also, while some mechanisms can be utilised to enforce all four equality objectives, other mechanisms are tied more closely to specific objectives. Quotas and positive discrimination policies are tied very closely, for example to the promotion of equality of outcome, while other mechanisms such as sanctions, equality audits or education can be used to promote all four objectives in different ways.

While there are many methods of equality proofing, this report highlights what are considered to be the essential mechanisms and structures that need to be invoked for any equality proofing policy to be effective. Thus mechanisms such as guidelines and codes of practice are not analysed as there is little evidence that they are effective in promoting equality objectives in and of themselves. They are supplementary tools which facilitate the implementation of legislative change as they can be used to call agencies or bodies to account. However, their effectiveness is limited given that they are not enforceable.

**Scope and Limitations of Specific Equality Proofing Mechanisms and Structures**

This section outlines the relative merits and limitations of different equality proofing mechanisms and structures. It focuses on key procedures beginning with those which could be utilised to promote all four equality objectives, namely legislation, taxation, the media and education. It goes on to discuss those which are tied to specific objectives such as quotas, and those which are effectively mechanisms for monitoring, evaluating and reinforcing other equality targets such as performance indicators and enforcement procedures. Finally, it discusses the structures, institutions and administrative procedures required for implementing equality objectives and their related mechanisms.

**Legislation**

Equality proofing can be developed by establishing minimum or maximum rights in legislation. The legislation, in turn, determines the framework of economic, social, cultural and political policies which are obliged to take account of that legislation in their formulation.

It is generally agreed that legislation is a necessary, though not a sufficient, condition for realising all four equality objectives. The enactment of legislation provides the foundation stone for the establishment of equality across all fields. The value of legislation is that it guarantees and protects rights, and reinforces equality policies in a public, statutory context. It thereby grants them new authority and status. The presence of equality legislation can also help inspire changes in social behaviour and attitudes which are outside its strict statutory remit.

While anti-discrimination legislation is necessary to ensure the protection of equal formal rights and opportunities for all groups, more proactive equality legislation would be necessary to ensure equality of
participation or outcome, e.g. through requiring positive discrimination or quota systems for women within employment, or for working class people in higher education. Prohibiting discrimination does not equate with promoting equality in any substantive sense although it is a precondition for it. Two pieces of legislation which go beyond prohibiting discrimination and support affirmative action are the British Race Relations Act, 1976 and the Fair Employment (Northern Ireland) Act, 1989.

Grounds for Prohibiting Discrimination

The most common way of establishing equality of formal rights and opportunities is by means of legislation and policies prohibiting direct or indirect discrimination. Both forms of discrimination concern the way people can be disadvantaged by the criteria used for admission into or advancement within some area of activity[see pages 4-5 above for definitions]. While such legislation is desirable, its strength and effectiveness will vary with a number of contingencies. First, there is the question as to which groups are covered. The forthcoming Employment Equality Bill and the Equal Status Bill, for example propose to prohibit discrimination "on the grounds of marital or parental status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origins or membership of the Travelling Community", (Speech by the Minister of Equality and Law Reform to the NESF, Dublin Castle, 25th January, 1995). This list does not include grounds such as language, political or other opinion, social origin, property, birth or other status yet these are named in a variety of international instruments to which Ireland is party, including the following:

1. The Universal Declaration of Human Rights, Article 2;
2. The International Covenant on Civil and Political Rights, Article 2(1);
3. The International Covenant on Economic, Social and Cultural Rights, Article 2(2); and

This means, for example, that even direct discrimination on the basis of social class is not prohibited by the proposed legislation.

Dealing With Indirect Discrimination

A further issue of concern with anti-discrimination legislation is its ability to deal effectively with indirect discrimination. The problems posed by this form of discrimination for legislators have been outlined already under the Scope and Limitations of Objective 1, Equality of Formal Rights and Opportunities and Equality of Access.

Selectivity

One danger with all equality legislation is its selectivity. Legislation may be selective in the contexts it covers (e.g. it may focus mostly on employment); in the issues it covers (e.g. it may not cover relations within families); and/or in the groups it covers (e.g. it may not cover very vulnerable groups such as migrant workers and refugees). So even if legislation is comprehensive, its effectiveness may be offset by its limited range.

Related to the problem of selectivity is that of newly emerging groups which experience inequality but which may not be covered under existing legislation at a given time. An example in the Irish case may be migrant workers. The legislation needs to be designed so that inequalities arising for such a newly emerging group are covered.

Exemptions

The effectiveness of legislation is also affected by the extent to which exemptions are included. If exemptions are wide in scope or too loosely drawn, this makes the legislation ineffective. Allowing for discrimination on the grounds of "undue hardship" or "excessive cost" for a prospective employer, leisure or educational institution is open to considerable abuse. If such a clause is included then "undue hardship" and "excessive cost" need to be defined, and the clause should be offset by a requirement that the responsible body make reasonable accommodation for the needs of the target group, be they disabled people, Travellers or others. Without some mandatory requirement to make reasonable accommodation for the needs of a target group, the scope for indirect discrimination is enormous as the agency/person in question can always argue "undue hardship" or "excessive cost".
Timescales and Targets
If legislation is enacted to promote equality in the form of equal participation or equal outcome, then it is essential that targets are set and a specified timeframe is put in place. Otherwise it is possible for the responsible body to claim that they are working under the law although it may be working to indeterminable targets and a very long-term timeframe.

Resourcing the Implementation of Equality Legislation
The changes effected by legislation are related to the coherence of the equality proofing process, and the strength, resources and mandate of enforcement agencies. For example, any legislative change to enforce equality objectives could not be applied without the structural back-up of monitoring and enforcement agencies. This requires adequate financial resourcing.

Involvement of Target Groups
If equality legislation is to be effectively implemented then target groups must be involved at all levels, including drafting, monitoring, evaluating and enforcing legislation. Those who have daily experience of inequality at a grassroots level have a direct knowledge of the subtle and varied ways in which inequalities are reproduced; such nuanced understanding can complement and inform the knowledge of professional workers in the field.

Taxation
The tax system is the most direct tool available to the Government for altering the degree of income inequality and is thus, potentially at least, a valuable mechanism for the promotion of equality in society. Indeed it would be almost impossible to address differential access to wealth, income and property without access to taxation as an equality proofing mechanism. Other policies, such as those designed to reduce unemployment, may have large effects but they are less direct and reliable.

In principle, taxes represent the contribution made by the citizens of a society towards building a better society. The main functions of the tax system are the raising of revenue so as to finance the production of public goods and services and income redistribution via progressive direct income taxation. A third objective of taxation policy can be identified as the influencing of behaviour via the imposition of taxes on the production or consumption of goods and services.

Taxation policy can thus be perceived as proactive in that it can encourage or discourage certain processes or end-states. For example, in the context of processes, tax policy in Ireland has traditionally encouraged home-ownership via mortgage interest tax relief and first-time buyer grants; marriage over co-habitation via double tax allowances, and investment in manufacturing over services via a reduced rate of corporation tax. In the context of end-states, tax policy has the potential to redistribute society's resources from the well-off to the less well-off.

In formulating tax policy it is generally accepted that an individual's tax payment should be based on "ability-to-pay". This principle attempts to incorporate two dimensions of equity: horizontal and vertical. Horizontal equity implies that individuals in similar circumstances with similar incomes should pay similar amounts of tax i.e. pre-tax situations should be similar to post-tax situations. Vertical equity focuses on individuals in different pre-tax situations and implies that the extent of inequality in the pre-tax distribution of income should be reduced by the appropriate tax policy i.e people who are better off should pay a higher proportion of their income in taxes than people who are worse off. How far vertical equity should extend runs along a continuum with the extremes represented by those favouring no change in the relative pre-tax position of individuals and those favouring the equalisation of post-tax incomes. Clearly, if equality is to be promoted, there needs to be a greater equalisation of post-tax incomes.

Some general examples may illustrate the relationship between taxation policy and equality and the possible role it could play in achieving the various equality objectives.

Tax expenditures and equality
Given the existence of three rates (0%, 27% and 48%) the Irish income tax system appears fairly progressive. The rates of tax, however, are only part of the story as the tax base on which these rates apply can vary dramatically across individuals and groups. A myriad of tax allowances,
tax deductions and tax reliefs, jointly referred to as tax expenditures, narrow the base on which the tax rates are imposed. Mortgage interest tax relief is particularly significant in this respect, as is the deduction allowed for pension contributions. Tax covenants and deductions for voluntary health insurance contributions and investments in business expansion schemes are also significant tax expenditures. Tax expenditures are of more benefit to high income taxpayers as they offer relief at the higher marginal rate of tax although the process of standard rating certain tax expenditures (mortgage interest relief and voluntary health insurance) began in the Budget of 1994. Nonetheless tax breaks with some of them are only available to higher income earners, as access to the tax breaks may require a threshold level of savings and certainty with respect to future income.

To calculate the true progressivity of the income tax system would be almost an impossible task but it would be very easy to construct some basic statistics as to the distributional effects of various tax expenditures. Equality policies based on these could be developed as the data and infrastructure is available to do it. For example, the Revenue Commissioners already publish a list of tax expenditures with some limited data on the distributional effects of mortgage interest tax relief and deductions for voluntary health insurance contributions. It should be a relatively easy task for the Revenue Commissioners to estimate and publish the distributional effects of some of the other tax expenditures.

**Excise taxes**

In theory excise taxes do not represent an equality problem as individuals can "choose" not to consume goods which attract high levels of excise tax. However, the levying of excise taxes can lead to serious inequalities. Smokers and drinkers, for example, pay taxes which exceed any exchequer costs which they impose on the rest of society. The incidence of smoking and drinking is not unrelated to social class and consequently excise taxes have significant distributional effects. The distributional effects of various excise taxes can be estimated from Central Statistics Office data files and published so as to allow an informed debate on the appropriateness of the current levels of excise taxes.

**Tax Avoidance and Tax Evasion**

Much rhetoric has suggested that the black economy in Ireland is the preserve of welfare recipients. However, the two recent tax amnesties Ireland have provided evidence to the contrary.

The incentives and opportunities for avoidance and evasion of taxes, especially by very high income earners, in themselves reduce the equity of the tax system. One possible option, suggested by the Commission on Social Justice in the UK, is to consider the introduction of a minimum tax bill either as an alternative to the normal income tax or a supplement to it. However, probably the most effective way of ensuring that people pay their fair share of tax is to close the obvious loopholes for tax evasion and tax avoidance such as the use of offshore trusts. Resources and powers must be given to the Revenue Commissioners, or any other relevant authority, to ensure that if equality provisions are introduced in the taxation area, those with high incomes and wealth are not so advantaged by both resources and expertise relative to the State and its agents, that they are in a position to subvert the will of the people as enshrined in equality legislation.

**Tax units and Guaranteed Adequate Income for all Citizens**

Debate has surfaced periodically on the appropriateness of introducing a guaranteed adequate income for all citizens in Ireland. The debate serves to focus attention on the tax unit, which can be individually or household based. One advantage of introducing a guaranteed adequate income system, based on individual rather than household payments, would be to alleviate poverty within households as well as between households. If the principle of adequate income for all citizens were adopted, it is important that the income level is index linked, and set at a level which guarantees a comfortable and secure standard of living, comparable to that of other citizens living in comfortable and secure circumstances.

At present, in households with one market-earner and one home-worker, the value of the home-worker's tax allowances are simply allocated to the market-earner. The home-worker has no legal right to the value of her or his tax allowances. With or without a guaranteed adequate income system in Ireland, it would be preferable to allocate a portion of
the market-earner's income to the home-worker. The *absolute minimum level* should correspond to the value of the home-worker's allowances.

**Taxes on inherited and transferred wealth**

Inheritance and transference are important sources of inequality producing extensive inequality in property and income, fostering unequal outcomes and opportunities across individuals in society. Allowing wealth, in the form of property or capital assets, to pass untaxed from one generation to the next, or between generations within a given lifetime, perpetuates these inequalities. The significance of this inequality was recognised by the The Commission on Taxation (1982) which recommended the introduction of a comprehensive income tax which would be much broader than that income itself and would include, inter alia, capital gains, lump sum receipts, gifts, and inheritances. The implementation of the Commission's recommendations would have left Ireland with the most consistent and fully integrated system of taxation with respect to the taxation of wealth and capital transfer in the OECD area and it is for that reason that we highlight the recommendation as a potential mechanism in achieving the various equality objectives.

**The Media and Education**

The effectiveness of any equality legislation or policy is commensurate with the level of public commitment to the legislation or policy. To achieve a high level of commitment to equality policies, it is essential to recognise the importance of major ideological (in the sense of opinion forming) institutions in society and the role they play in creating favourable or unfavourable climates for equality policies. Unless both the media and educational institutions engage in direct action to promote equality through advertising and education programmes on an ongoing basis, it is difficult to see how the type of cultural and political climate which promotes equality policies can be created. What has to be recognised is that there are strong anti-egalitarian principles, ideologies and practices rooted in our culture, politics and history. These will not change unless challenged in a direct pro-active way through education and media-related work.

Within the media, equality clauses could be incorporated into the Broadcasting Acts so that the promotion of equality would become part of the broadcasting remit.

One practical possibility in the education area is that an equality module could be introduced into the Junior Cycle of Second Level Education. For example, there is a new course being introduced in the Junior Cycle in 1996 called "Civic, Social and Political Education". A compulsory module could be included on equality issues. This would help inform the wider population about equality issues and problems related to discrimination etc.

**Quotas**

Quotas are a strategy for achieving equal success or outcome for a given target group as they ensure, rather than merely enable or encourage, equal rates of success vis-à-vis other groups. However, as the experience of disabled people has shown, quotas alone, while important in promoting equality of outcome, especially in order to overcome past discriminations, are not sufficient. A quota system needs to be supported by monitoring mechanisms, specified time scales and even sanctions.

One of the difficulties posed by the introduction of quotas is the issue of competency especially in spheres such as employment or education. As this is an oft cited objection, though not necessarily well founded, it has to be addressed. The problem arises if quotas are introduced and the members of the target group are given places without meeting the requirements for the position (such as 'the points' for entry to universities being lowered for working class or disabled students, for example; or women being promoted to more senior positions without the necessary management qualifications). This can lead to public resentment, and discrediting of both the positions and the target group. There is no reason why this should happen in a quota system, as the problem can be overcome by tying quotas to education/training provisions which ensure that members of the target group meet the required level of competency for the job or task in question (e.g. by introducing access/foundation programmes for students who may need an academic top-up to qualify for particular areas of study, or management training for women etc.).
Even if the target group pass the competency test, the quota system will often be opposed on ideological grounds by whichever group is already in power; this is inevitable as a quota system will have a replacement effect on groups and individuals occupying positions of relative advantage. This problem is likely to be most acute where the target group is large and is therefore likely to have a large displacement effect: clearly quotas for Travellers within employment are likely to meet with less hostility, as they constitute less than 1% of the population, than quotas for women who comprise 51% of the population.

Another consideration to bear in mind with quotas is to ensure that they are truly representative of the target group. Theoretically, at least, a quota system for disabled people in employment could be met by only employing middle class men and this would constitute a satisfactory realisation of the quota. If quotas are to be representative of the target group, there is a need for ‘quotas within quotas’ so that all types of women, Travellers, disabled people etc. are represented. This is especially important in the sphere of political representation.

Equality Performance Indicators

Monitoring is an essential component of any equality proofing exercise for establishing whether a range of groups and categories have achieved a given equality objective, be it in the private or public domain. Equality monitoring is an ongoing process involving the evaluation of policies and practices in relation to given equality targets or objectives.

An effective monitoring system would entail: identifying equality targets; developing strategies for change; developing a monitoring policy to oversee the implementation of these; analysing monitoring data; and reviewing overall progress and publishing findings in a simple accessible format.

The nature of the equality performance indicators used will depend on the equality objective agreed. While it is difficult to quantify and measure different inequalities, there are a number of simple and readily quantifiable performance indicators available. For example, in relation to employment, a company/organisation could monitor the composition of employees by gender/ethnicity/disability each year, in terms of applicants, appointments and promotions broken down by grade. Similarly, within education, an analysis of the social class, disability and gender intake into a school, and the allocation of students across ability groups would provide important basic indicators. A system for filing equality-related complaints could be established within all organisations and the nature and extent of these, and the response to them could be monitored and published. A list of the activities and equality targets achieved within any given organisation could be published each year. Another valuable practice would be to establish Public Equality Hearings as annual events where the progress on simple targets is outlined and where those responsible for implementing policy are held to account. Indeed some type of public oral equality hearing would seem essential both to profile equality issues and to make accountability visible and real.

Enforcement

Monitoring and Sanctions

To be effective, equality legislation has to be monitored in a publicly accountable way. The monitoring mechanism needs to be as simple and visible as is practicable. Failure to comply with legislation will have no impact on the party in question unless there are some sanctions imposed for failure to comply.

This means that if an Equality Agency is established, it or its agents, must to be in a position to effectively sanction, or assist in the sanctioning of organisations or individuals, who discriminate.

The enforcement of equality provisions will not be possible without accurate and comprehensive information. Adequate provision must be made in the law to ensure that information is provided by the relevant bodies covered by equality legislation. Such provisions exist in the Fair Employment (Northern Ireland) Act, 1989. It is recommended therefore that an information processing unit be set up within the proposed Equality Agency to compile and record accurate information on equality practice, and that all relevant public and private organisations and bodies be required to provide the Agency with the requisite information for monitoring and evaluation.
As the enforcement of equality provisions is also dependent on public acceptance and recognition of their importance, opinion forming institutions, such as the media and education, would need to be mandated, through amendments to the Broadcasting Acts, or special provisions in any future education legislation, to contribute to understanding in the equality field.

Structures, Institutions and Administrative Procedures

Equality proofing mechanisms cannot operate in a vacuum. If they are to be implemented the necessary structures and institutions must be put in place.

This section begins by providing a simple visual illustration of the process involved in equality proofing at both the structural and procedural levels. The procedures outlined could be utilised in monitoring and implementing any equality objective.

An Equality Proofing Procedure*

Equality Audit - Assessment/Current Status

↓

New Policy Formulation

↓

Set Targets/Agree Timescale

↓

Set Out Structure for Implementation

↓

Monitoring Mechanisms

↓

Review and Amend

*Involving target groups at all stages

The diagram gives an indication of the flow, and the cyclical nature, of equality proofing and the operational procedures, practices, policies and mechanisms that can be enlisted, singly or together, with the intention of reducing inequality. It shows that equality proofing is a dynamic process where there is an ongoing evaluation of progress made. Through monitoring by an Equality Agency, the equality impact can be assessed, reviewed and improved upon. Further, it shows that there are a number of points in an equality proofing process for the consultative and collaborative involvement of the specific target groups themselves and the wider public. The importance of the participation of the target/marginalised group(s) itself is critical as it is only such involvement that can bring real, practical experience and support in circumstances of enforcement of legislative or other changes.

An Equality Agency

If the commitment to equality is to be more than rhetorical it is important that adequate resources are invested in the equality infrastructure. An essential component of an equality proofing structures is the establishment of an Equality Agency/Authority specialised in the application of equality laws and policies and the enforcement of, and compliance with, anti-discriminatory legislation.

For the body to be effective it would need to have specialised units dealing with specific target groups (disabled people, women, Travellers, social class issues etc.) and regional offices designed along similar lines to guarantee an adequate response at local level. The target groups (bearing in mind the quotas within quotas principle) would need to be fully represented within all the agencies and structures established both as workers and/or board members/policy makers.

Not only would the central Equality Agency/Authority need to have direct representation from the various target groups at whom equality legislation is directed, it would also need to have representatives from the various monitoring committees established on a regional basis. It is recognised that separate boards may be needed within the agency to deal with employment and non-employment issues.

The Agency would establish monitoring and reporting systems that would include equality analysis, audits and inputs in terms of gender/class/ethnicity/disability/ sexual orientation/ age, etc.. It would investigate and review, on its own initiative, patterns and trends in public and private sector practices and activities to determine if they reveal, or create conditions for, or result in discrimination, or fail to promote equality. It, or its agents, would have to have the power to promote,
facilitate and initiate compensatory actions to counteract or correct for inequalities that exist if it were to be effective. And to undertake this work the Agency would have to be adequately funded.

Among the difficulties and dangers facing any equality-type agency is that the professional interests of members or other professionals involved begin to dictate the equality agenda over time, especially as 'expertise' is developed. There is also the danger that the body itself becomes overly bureaucratic and therefore unresponsive to real issues. To foreclose against such developments, the system of representation from nominating bodies and target groups must be open, rotating and flexible, so that routinisation and detachment does not develop within the Agency or its regional bodies. The work of the Agency also needs to be directly responsive to the needs of the target groups at all times.

If the Agency is to operate as an independent body engaged in the evaluation, monitoring and enforcement of policy, then it needs to have considerable autonomy. This autonomy would need to be given statutory expression.

If the Agency is to be effective it has to have the statutory authority to oversee the implementation of affirmative action programmes and quota systems and the authority to sanction individuals, organisations and bodies which fail to comply with the regulations. There is a useful example in the Fair Employment (Northern Ireland) Act, 1989. Section 27 of this Act enables the Fair Employment Commission to monitor employment practices and Sections 10 and 11 allow for surveys of employment and investigation of employment practices. Under the Act it is also possible to encourage organisations to implement quotas and affirmative action strategies through the financial incentive schemes such as grants and reduced tax liabilities.

An Equality Tribunal

It is likely that employment equality issues will continue to be dealt with through the Labour Relations Commission and the Labour Court. For the hearing of non-employment issues, however, the establishment of a special Equality Tribunal would be preferable to having such claims dealt with in the District Court. The merits of such a Tribunal would include not only the appointment of persons with expertise in equality matters but also the further development of a concentrated body of such expertise.

Further, a Tribunal setting would be more informal and less intimidating for those taking cases than going through the courts.

As with the Equality Agency, the Tribunal would need to have representatives from the target groups, and representation from these, and from other nominating bodies on the Tribunal, must also be open, rotating and flexible.

Finally, the Tribunal should have access to adequate remedies. These should include financial penalties, as well as orders for changes in practices and procedures by the guilty party. A benchmark for consideration might be the sanctions and remedies outlined in the Fair Employment (Northern Ireland) Act, 1989. The financial penalties, whether compensation costs and/or fines applied against offenders, should be adequate, flexible and commensurate with the nature of the offence.

Section 4. Target Groups and Contexts

This section will focus on four specific groups, disabled people, Travellers, women and working class people. It will examine the implications of different equality objectives for each of these focusing on specific contexts. It is not possible to address all the equality issues and contexts of relevance for these four groups, so the paper focuses on key issues for each instead.

Although the equality concerns of other groups cannot be addressed in this report due to time and space constraints, their importance is noted. The groups concerned include those of religious and non-religious affiliated minorities, lesbian and gay groups, children, Irish language speakers, immigrants, refugees and asylum seekers. The implications of different equality objectives for these groups should be addressed in a separate paper.

Disabled People and Equality

To promote equality for disabled people would require action on a very wide range of levels and contexts. However, as impairments are highly
differentiated (for example, there is only one gender distinction, that between women and men, but disabilities can vary enormously in nature and complexity), and because these differentiations are further compounded by the same social distinctions that apply to all other groups, such as gender, social class, age, ethnicity etc., addressing inequalities for disabled people is, in some respects, a more complex matter than for other groups.

This section will address the question of inequality for disabled people in two specific contexts, namely education and personal relationships. The decision to examine contexts in both the public (education) and private domains (personal relationships) was deliberate as the issue of equality is not confined to any particular sphere. Also, many disabled people do not exercise control over their personal lives and relationships, especially if they live in an institutional context, in the same way that able-bodied people do. Personal relationships present unique opportunities for inequalities to arise for disabled people, and these need to be addressed. The reason education was chosen is because of the centrality of education to the achievement of equality for disabled people especially in terms of employment.

Context: Education

A key feature of education is that it operates at different levels. It is a series of interrelated systems, the most obvious of which are the first, second and third-level systems. Adult, continuing and second-chance education also form centres of education around which policies have to be developed. Although, space will not allow a full discussion of what equality would require at each level of education, it is useful to bear the interdependent and generally tiered nature of education in mind for the purposes of policy-making.

Objective 1: Equal Formal Rights and Opportunities in Education for Disabled People

The issue of formal rights to education cannot be discussed without taking account of the interrelationships between formal rights in one sector and that in another. For example, participation in third-level education is related to having access to, and success in, relevant second-level and primary education. For a variety of reasons, a considerable number of disabled students are not now prepared for public examinations such as the Leaving Certificate. The result is that a number of these young people are not in a position to apply for, or participate in, third-level education. Any proposal for change in educational policy therefore, must take account of the need to facilitate movement from one education sector to another. It must also enable disabled mature students who have been denied appropriate second-level education to enter third-level education through alternative routes such as adult access programmes.

Direct Discrimination

With the exception of Rule 155 (4) (a) of the Rules for National Schools there are no regulations in first, second or third-level education in Ireland which formally discriminate against disabled people. The Disability Discrimination Act (Cth) 1992 (DDA, section 22) in Australia outlaws this type of discrimination. Discrimination in relation to the admission of students, denial of benefits, expulsion and subjectation of the student to any detriment arising from their impairment is also prohibited under that Act. Similar legislation outlawing direct discrimination is necessary in Ireland.

Indirect Discrimination

Although there may be little evidence of direct discrimination, there are a number of ways in which disabled people are indirectly discriminated against in terms of access to education. One example is through the use of entry tests. Secondary schools (as opposed to vocational, comprehensive and community schools and community colleges) are privately owned and controlled educational institutions. At present, a number of secondary schools use entry tests to select pupils. These are normally written tests in Irish, English and Mathematics, although some schools also use written aptitude and intelligence tests. Such tests are not normally available in braille. Those who write in braille therefore would be unable to take the test and would thereby be unable to attend the school in question. Also, such tests indirectly discriminate against all those who have a writing disability. If a person is only able to
express themselves orally for example, then they could not do written tests and would not be able to attend a school where successful performance on a written entry test is a requirement of entry.

Indirect discrimination could also occur due to the requirements of some disabled people for personal assistants. If a potential pupil needed a personal assistant and was prepared to provide their own, the school could argue that there is no provision for such arrangements within the rules of the school. For example, they could claim that such a person would not be an employee of the school and would create problems for them in terms of insurance or in terms of discipline.

There is a need to outlaw indirect discrimination in relation to education by enacting legislation prohibiting it. This has already been done in the United States through the Individuals with Disabilities in Education Act, 1990 and in Australia through the The Disability Discrimination Act (Cth) 1992 (DDA, section 22).

Objective 2: Equality of Participation in Education and Disability

To enable disabled students to participate in education on equal terms with able-bodied students requires the school or educational institution and the state (as provider of educational services) to take account of their needs. If disabled people are to participate in schools or colleges then the institution must provide 'reasonable accommodation for the needs of disabled students'. What this accommodation would mean would vary with the disability and the educational context.

Reasonable Accommodation in Education: Basic Needs

It would involve making the physical environment readily accessible and usable for those with mobility impairments. It would mean making other accommodations such as facilitating guide dogs in schools or colleges for those with visual impairments. If the student needed a personal assistant to participate, it could mean providing such an assistant or allowing the person to have their own personal assistant in the school and providing some financial aid towards her/his support.

Reasonable Accommodation in Education: Social, Psychological and Other Needs

If students who are disabled are to participate on equal terms with others, then there must also be provision made to educate teachers, lecturers and other students about disability issues. The pre-service and, more particularly in the Irish case, the in-service education of teachers and lecturers about disability is crucial here. If teachers are not educated, and therefore not fully apprised of the needs and interests of their disabled students, the students cannot participate on equal terms with others in schools and colleges. Teachers who are ignorant about disability will not understand the needs of disabled pupils. There is evidence that they may even feel resentful or threatened by them in class with all the attendant negative implications that this has for their pupils and students themselves.

As there is considerable ignorance and fear about certain impairments, such as those arising from mental illness or mental retardation, particularly, it is imperative to educate all teachers and pupils about differences and impairments so that these are not translated into barriers to participation due to ignorance and prejudice.

The breaking down of misconceptions and ignorance about disability in all schools can be done by incorporating more material by disabled people across the curricula, by having role models who are disabled (e.g. teachers, administrative staff, etc.), by including systematic education in relevant subject areas about different disabilities and by developing whole-school/college policies about disability in the context of an overall equality policy.

Promoting equality of participation for disabled students would also require affirmative action, including the provision of specially designed access courses for disabled people who wanted to enter higher education. Research in the U.S. indicates that it was only when affirmative action was required, through the Individuals With Disabilities in Education Act, 1990, that the participation of disabled people began to increase significantly in higher education.
Subject Choice, Examinations and Extracurricular Activities

Equality of participation also means being able to opt for particular subjects in schools on the same terms as able-bodied students. For example, if laboratories or workshops in schools are constructed in such a way that students in wheelchairs cannot move around the rooms to undertake the essential tasks of the subject, then such students are indirectly discriminated against in terms of their ability to participate on equal terms with able-bodied students. They are effectively precluded from exercising their rights to full participation by being excluded from taking particular subjects.

To participate on equal terms with able-bodied people in school one must be able to participate in examinations and assessments. The provision of special facilities for examinations such as scribes, individual rooms, closed circuit television or microcomputers would all be essential in different circumstances depending on the disability.

One must also be able to participate in extracurricular activities if one is to participate equally with others in education. There is a need therefore for schools and colleges to make reasonable accommodation for their disabled students in the extracurricular area. This means having appropriate equipment so that pupils with mobility difficulties can participate in physical education, enter and exit swimming pools easily, travel on school buses etc. It also means enabling students to participate in games or activities which are of interest and accessible to them.

Equality of Participation: Specialised Centres of Education and Inclusive Education

One question which has to be addressed here is whether provision for the disabled students should be made in all schools and colleges, in some regionally-based schools and colleges, in a select number of specialised national centres, or by providing a mixture of services which allow for some special centres but generally pursue inclusive education policies. Clearly the views on this question will vary with the disability as well as with the level and type of education required and the age of the person in question.

The limitations of concentrating provision in specialised segregated schools are as follows:

1. the disabled students do not have the opportunity to mix with able-bodied students and vice-versa. This limits both the social and educational opportunities available to both types of students about one another.

The best way to overcome prejudice about disability is to have disabled and able-bodied people working together as equals. By having segregated as opposed to inclusive education, there is little scope for real confrontation of prejudicial attitudes towards disability among the able-bodied. Inclusive education, does not mean simply locating able-bodied and disabled people in the same schools and then ignoring the reality of difference. It means taking account of differences and developing a school/college policy which addresses differences in an open and honest way. Inclusive education is about making the system suit the pupils not just making the pupils 'fit the system' which has often been what integration has meant in the past.

2. specialised units often cannot afford to offer students a full range of subjects owing to their size. This can seriously limit the educational opportunities available to students.

3. when specialised education is highly centralised, it means that a considerable number of students have to go to boarding schools at a young age. This can put the disabled student at an emotional disadvantage vis-à-vis able-bodied students as they lack the experience of warmth and caring which can be provided in a loving family context. The emotional trauma involved in separation at a young age can inhibit the young person's educational development as well.

The potential inequalities that young disabled people may experience as a result of their segregation into special schools does not mean that there are not potential dangers involved in integrated education.

Young disabled people may not be able to participate fully in integrated schools especially if their disability is one which isolates them from other pupils in a permanent way, or where it would be extraordinarily difficult to accommodate their difference in a way that would allow them to participate equally with able-bodied children. One obvious example are pupils who are deaf and whose natural language is sign. Such students may only experience equality in educational
participation by being educated in a school where sign is the medium of communication.

**Objective 3: Equality of Outcome in Education for Disabled People**

If disabled students are to succeed at the same rate as able-bodied students in schools and colleges not only must they be able to access and participate in schools on equal terms, they must also be given whatever resources they require to succeed on equal terms. The goal here is to achieve the same rate of educational success (as measured by the proportion of disabled people sitting and attaining success in school, public and college examinations among disabled people as in the population generally).

Success could also be measured in terms of the level of satisfaction which disabled people experienced with their education; it should be the same level of satisfaction as in the population generally. Equality of outcome as measured in terms of satisfaction will be especially relevant for those students who for reasons of their mental impairment are not participating in formal public examinations. Appropriate and relevant educational attainment targets should also be established however for students who do not partake in general education for disability-related reasons, and there needs to be flexible access routes between any such education and general education.

Ongoing measures to ensure success would mean the provision of extra resources and support services to enable the disabled person to achieve comparable grades in public examinations (or comparable levels of attainment on other relevant tests) and to enable them to experience comparable levels of satisfaction.

In particular, if disabled people are to attain equal levels of success in second and third-level education, they would, in certain cases, need special tutors to enable them succeed at a comparable level with able-bodied students. Students who will not be partaking in general education would also need specialised tutors and support so that they can develop all their capacities to the full.

Because disabled people are significantly under-represented at third-level education at present, there is a need to operate a quota or to have reserved places if their participation rates are to be brought into line with those of able-bodied students. There may even be a need to have a reserved places policy over a long period of time as many of the disadvantages which disabled people experience in attaining equal rates of participation in higher education cannot be realistically overcome for the foreseeable future.

Special attention would have to be paid to particularly disadvantaged groups including women, working class people, Travellers and Irish language speakers within the disabled group itself, in the operation of a quota system or reserved places policy. The principle of 'quotas within quotas' would need to be operationalised. If equality of success or indeed of access or participation were to be achieved, it would be essential that such policies were monitored on an ongoing basis and that sanctions would apply to institutions which did not meet targets.

**Objective 4: Education, Equality of Condition and Disability**

For equality of condition to operate in any given institution in society, it would have to operate in other major institutions in society. Indeed it would be impossible to have equality of condition in education without equalising the distribution of wealth and power throughout society.

While having equality of condition in other institutions is a pre-requisite for having equality of condition in education, it is not the only consideration. Schools and colleges are the principal institutions in our society for transmitting and legitimating cultural forms. At present, much of what is incorporated in the formal curricula of schools and colleges does not take account of the life world of disabled people. Equality of condition would require not just that disabled people be enabled to access, participate and succeed on equal terms with able-bodied people in education, but that the organisation of school life (what is referred to in educational circles as the hidden curriculum of schooling) and the formal curriculum took account of their life style and culture and included it fully in the school/college. It would mean, for example, having a full subject on offer in 'Sign Language' at the leaving certificate, incorporating 'Disability Studies' as a subject, and having a disability perspective on all subjects. It would also mean adapting modes of assessment, in terms of
style, format and medium of expression to allow for different impairments. The pre-occupation of so much of formal education with credentialising those forms of knowledge and human understanding which can be assessed and measured through the medium of written language and mathematics is, in fact, a factor creating disability and inequality in education at present.

**Context: Personal Relationships**

This section examines the issue of equality and personal relationships. Among the relationships in question are personal friendships, family relationships including marriage, long-term partnerships and parenthood, and relations of sexual intimacy. As with other forms of participation, the establishment and development of personal relationships serves both to enhance the status of disabled people in the eyes of others, and to sustain the self-esteem of disabled people themselves. Equality of access, participation, outcome and condition in this domain is of central importance therefore.

**Objective 1: Equal formal Rights and Opportunities and Disability**

In the area of personal relationships, the concept of discrimination applies, informally, in the way in which able-bodied people treat disabled people as potential friends, partners, and lovers. Obviously there is no straightforward legal solution to the prejudice able-bodied people exercise in developing their personal relationships, but some of the other policy tools we have highlighted have an important role to play. For example, the way disability is treated in educational contexts can have an important bearing on whether or not able-bodied people find it perfectly natural or highly problematic to make friends with disabled people. Whatever the value might be of segregated education for children with special needs, one of the key arguments in favour of some degree of integration is to reduce the barriers between disabled and able-bodied people. Social policy can play a similar role in helping disabled people to be integrated into the social life of local communities as against being isolated and institutionalised. The role of the media in portraying disabled people as friends, family members, and sexual intimates can also have an influence on popular prejudice.

Some disabled people face another, more institutional barrier to personal relationships through their dependency on caring agencies which may have the authority to restrict or discourage certain kinds of relationship. Those who are especially vulnerable in this regard are those who live in an institutional setting for all or part of their lives. Although it might not be possible to defend absolute rights to have intimate sexual relationships or to have children, regardless of disability, these ought to be considered at least *prima facie* rights which could only be restricted under very special circumstances. Any anti-discrimination legislation which is introduced needs to protect the rights of disabled people to form satisfying personal and sexual relationships, especially the rights of people who are under the care of others, be that in an institutional or family situation.

As in other areas, dependency creates a vulnerability to the power of others which needs to be systematically and self-consciously reviewed. Structures and procedures need to be set in place to ensure that disabled people who experience discrimination through the denial of access to personal relationships have a right and opportunity to challenge this in as simple and as unbureaucratic way as possible.

**Objective 2: Equal Participation in Personal Relationships and Disability**

For many disabled people, the difficulty of establishing and maintaining personal relationships stems from difficulties in satisfying their other basic needs. Developing personal relationships is, by its very nature, a communicative process; those with special communication needs may therefore experience severe problems in developing personal relationships without adequate support and education. Friendships and long-term partnerships often develop out of shared activities, at work, in education, in political associations, in sports or cultural pursuits. All the obstacles which society places in the way of the participation of disabled people in these activities also affect their opportunities for developing personal relationships out of them.
Bearing in mind that an estimated 70% of disabled people are unemployed, and do not therefore have access to a work-related social life, and that many of those who are employed cannot have a social life outside of work due to mobility impairments, the question of equality of participation in the context of personal relationships is crucial.

To enable disabled people to form personal relationships, support services are required and the character of these will vary with the disability. Two key requirements for a number of disabled people are transport and personal assistants.

The impact of a person’s disability on the able-bodied members of their family or household and on their friends can also have severe repercussions on the character and sustainability of these relationships. Adequate state support for carers would answer to the needs of both carers and those they care for, both at the material level and at the level of sustaining and enhancing their relationship to each other. For example, the requirements of caring for a brain damaged person can be considerably eased by appropriate help from caring agencies, leaving parents, children, partners, or friends with more freedom to develop their personal relationships. Policies to enhance the independence of disabled people, through the provision of personal assistants for example, would help to ensure that they can develop personal relations with others on the basis of freedom and equality rather than severe dependency. Personal inter-dependency is a characteristic feature of deep human relationships, but severely unequal dependency can also strongly limit relationships.

Parenthood offers tremendous satisfactions to most people, and carries a significant status in the wider society. Disabled people often face substantial obstacles in having and rearing children; yet most forms of disability are perfectly compatible with successful parenting, provided that the special needs related to the disability are catered for.

Mental illness constitutes one of the most widespread forms of disability in our society, and is often manifested in difficulties in developing and sustaining personal relationships. An adequate mental health service would itself undoubtedly contribute opportunities and support for developing personal relationships through the use, where appropriate, of group therapy, day centres, counselling services, etc.

Objective 3: Equality of Outcome in Personal Relationships and Disability

Unlike employment, education, or politics, the sphere of personal relationships is not organised in institutional hierarchies. We could not establish quotas to ensure that disabled people on the whole had just the same quality of personal relationships as able-bodied people, or insist that everyone should have at least one disabled person as a friend or lover. At the same time, however, it is possible to use some broad statistical measures of whether or not particular groups of disabled people are doing as well as able-bodied people in their personal relationships. For instance, if people with certain types of disability have a significantly lower marriage rate, or a significantly higher rate of marriage breakdown, than able-bodied people, this may point to ways in which their special needs are being inadequately supported. If certain groups have higher rates of treatment for depression or higher suicide rates, this is a likely indication that their personal relationships are not going so well as the rest of the population’s. We cannot intervene directly to change a group’s marriage or suicide rate, but we can use this information to highlight unmet needs and to spur further research and policy initiatives.

Objective 4: Equality of Condition, Disability and Personal Relationships

Acting to change the conditions under which personal relationships can develop is for the most part an indirect and long-term strategy. The additional support which disabled people need for developing personal relationships is closely connected with the additional support which all people need in this regard. Although no conceivable social policy can ensure that everyone has a satisfying life, everyone’s ability to make and sustain satisfying personal ties could be enhanced by certain policy initiatives.

A more egalitarian distribution of wealth, income and power would undoubtedly help ensure that everyone had the basic resources necessary to enter in to more free and equal relationships. So would well resourced programmes of education and development around personal relationships. Ensuring a favourable balance between the demands of paid work and
caring would also be central to any equality strategy in the sphere of personal relationships be that for disabled or able bodied people.

**Social Class and Equality Objectives, Working Class People**

To address inequality in any fundamental sense demands that the issue of social class-related inequalities are taken into account. Social class-related differentiations adversely or positively influence all social, economic and other interactions in society. The type of health service one can afford, the type of education one receives, the type of housing one occupies, the type of transport one takes; the standard of living one can enjoy, etc., are all directly affected by the amount of economic resources one owns and controls. And this is closely related to (albeit not synonymous with) the nature of one's occupation and one's class position. Whether one is female or male, Traveller or settled, disabled or not, the nature and quality of one's access to goods and services is directly affected by one's class position.

Occupational position or lack of access to such a position, is being taken here as a general measure of social class. Within the social sciences, occupation is still regarded as the single most effective measure of social class albeit not a perfect measure.

At present, there is no proposal to include social class, or social origin as a proxy for social class, property or birth, as grounds on the basis of which discrimination will be prohibited in the proposed Employment Equality and Equal Status Bills. Yet, social origin, property, birth or other status are all grounds on which discrimination is prohibited in a variety of international instruments to which Ireland is party, as noted above in Section 3, Mechanism 1, Legislation, Grounds for Prohibiting Discrimination. The listed grounds in the proposed Bills are, therefore, limited and narrower than those in respect of which Ireland has assumed international obligations.

The realisation of equal formal rights and opportunities for working class people or the unemployed, especially the long term unemployed (and it should be noted that working class people are significantly more likely to be unemployed than middle class people) means that both direct and indirect forms of discrimination must be prohibited against them, especially in key areas such as employment and education.

Although social class inequalities arise in numerous contexts, it is not possible to address these systematically here. This section will focus therefore on education-related class inequalities and will also give some attention to the question of employment as these are both very relevant in a class context. When discussing objective 2 (equal participation) and objective 3 (equality of outcome) the focus will principally be on education, as these objectives are especially relevant in this area. When analysing objective 4 (equality of condition), the discussion will return again to employment as well as education. It will also examine the issue of wealth/property as this is a related key question in terms of social-class-related inequality.

**Context: Employment**

**Objective 1: Equal Formal Rights and Opportunities and Equality of Access in Employment for Working Class People**

There is considerable research evidence which shows that jobs which require relatively low levels of skills and education, such as general operative jobs in industry and general service jobs, are increasingly been taken up by those with much higher levels of education than the job requires (Labour Force Surveys, 1990-1993). What this means, in effect, is that those with the lowest levels of educational qualifications, albeit levels which more than qualify them for the specific jobs in question (and these tend to be predominantly working class people) are increasingly excluded from the only forms of employment which they are technically skilled to undertake. If this trend continues, it means that certain sectors of Irish society will be consigned to unemployment in perpetuity.

A study being undertaken by Murphy in UCD (in press) on discrimination against working class people who are long term unemployed, not only confirms the above trend, but shows that there are other more subtle forms of discrimination against working class people in...
employment. For example, there is evidence that people are not called for interviews for jobs because of their address. The grounds for not offering jobs include not only the address of the applicant, but her/his accent or dress even though the jobs concerned do not involve the kinds of work where accent or dress are of importance, such as general store worker, lift operator or kitchen assistant.

Equal formal rights and opportunities in relation to employment would mean that direct forms of discrimination against working class people such as excluding people from shortlisting for a job, or from entry to a job, or from promotion within a job, on the basis of irrelevant criteria arising from social origin such as accent, address, family background or school attended, would be prohibited.

Also, indirect discrimination against working class people would also be prohibited. Indirect discrimination refers to when a condition or requirement is set such that a considerably smaller proportion of one than of another groups can comply with it, which is to the detriment of the person(s) concerned, and where the person using the condition or requirement cannot show it to be justified.

At present, there is no limit set on the level of educational qualification which is specified as a requirement for entry to particular occupations. Yet, the level of educational qualification which is specified is frequently much higher than the occupation requires (e.g. that check-out operators have a leaving certificate with a specified number of grades). Such conditions indirectly discriminate against working class people. They are effectively excluded from applying for the only jobs for which they are qualified by virtue of the (irrelevant) entry requirements which they are proportionately far less likely to meet than middle class applicants.

There is no doubt however, that even if both direct and especially indirect discrimination were outlawed against working class people it may not lead to a radical change in their employment chances because of the scope which exists in any legislation for the employer to define what is or is not a justifiable condition or requirement for entry or promotion within an occupation. What is required therefore is that the proposed Equality Agency has statutory powers to monitor and revise the conditions of eligibility for entry and promotion within occupations for all groups.

Objective 2: Equal Participation in Employment for Working Class People

Equal participation for working class people in employment would mean that where they entered a job at the same level as middle class people that they were enabled and encouraged to participate on equal terms with them. It would mean that in professions and jobs which are traditionally dominated by middle class people, for example, such as the legal profession, that direct actions be taken to enable and encourage equal participation through funded support groups, network organisations and an open recognition of social class difference as something to be accommodated.

Objective 3: Equality of Outcome in Employment and Working Class People

As noted above, to have equality of outcome in employment for working class groups would mean ensuring that those from working class backgrounds who entered particular employments were guaranteed the same rates of success as those from middle class and upper class groups. As the issue of equality of outcome in employment does not even arise without achieving rates of attainment comparable with those in more privileged groups, and as working class students have, on aggregate, higher drop out rates and lower attainment rates than middle class students at present (Interim Report of the Technical Working Group of the Steering Committee on the future of Higher Education, Dublin, Higher Education Authority, 1995), the discussion here will focus on education.

Objective 4: Equality of Condition and Employment, Social Class Issues

The goal of equality of condition is to establish equality between all citizens, not only to ensure that certain disadvantaged groups are granted privileges and resources in equal proportion to the more advantaged groups. Within employment, this would mean working steadily towards the reduction of wage and salary differentials between different groups of workers. What is at issue here is the fact that the wages or salaries which accrue to many occupations and jobs are socially rather than technically determined. What this means is that better pay and working conditions
are more often determined by the ability (organisational, strategic location, resources available, power etc.) of particular groups of workers to demand and receive significantly higher levels of financial reward than others, rather than because of the intrinsic value of the work undertaken, or its demands on the workers.

If equality of condition was a goal in relation to social class, there would also have to be mechanisms introduced to redistribute unearned wealth, property and incomes so that inequalities reproduced through this processes would be addressed.

The equality proofing mechanisms which are required here are obviously taxation and legislation.

**Context: Education**

**Objective 1: Equal Formal Rights and Opportunities and Equality of Access in Education for Working Class People**

There are no legal or quasi-legal barriers which exclude working class students from formal access to different levels of education, be that primary, second or third level. In fact, at primary level, Rule 10 explicitly outlaws direct discrimination in national schools as it states that "no child may be refused admission to a national school on account of the social position of its parents, nor may any pupil be kept apart from the other pupils on the ground of social distinction". However, no such regulation governs the operation of second-level schools.

There may be forms of indirect discrimination which operate in relation to entry to education however, which are more subtle and difficult to identify. The selection mechanisms used by schools can, in fact, indirectly discriminate against working class students, even though discrimination is not intended. For example, it is common practice now for second level schools to hold tests in the spring preceding the autumn enrolment in order to group classes at entry. While this is a reasonable arrangement from the schools' viewpoint in terms of planning for the autumn, it impacts differentially and unfairly on working class students, as they are often less likely to know about the tests and their importance, this lack of knowledge being a function of their relative exclusion from education itself. The same problem arises with the 'first come first served' entry requirement which is widely used for selection in both primary and second-level schools. Lack of information means that parents do not apply in time and therefore their children are excluded by default. As there is evidence that working class parents are less knowledgeable about the operation of selection mechanisms and other procedures in relation to schooling, there is an onus on the schools to make information about selection widely known especially in working class areas so that working class students are not excluded indirectly from access to particular schools.

**Objective 2: Equal Participation in Education for Working Class People**

Enabling and encouraging equal participation for working class and low income students with middle and upper class students at all levels of education would require two major types of action within the present system. It would require action at the level of resourcing to enable and encourage working class students to participate on equal terms with others, and it would require action in terms of educational and organisational policy to ensure that curricula and syllabi and the organisation of educational institutions took due account of the cultural backgrounds of working class pupils in the design and operation of policy.

Encouraging equal participation of working class students in higher education for example, would mean taking the following types of action: running an advertising campaign in working class areas which was aimed as encouraging participation in education beyond the compulsory age, and demystifying the nature of higher education; establishing study support services in schools in disadvantaged areas and within schools with reasonable numbers of students from low income working class backgrounds. It could also mean establishing support services in the colleges to liaise with working class students prior to higher education entry, and to provide them with support during college.

Enabling equal participation would require further action, including the raising of financial support for working class students at all levels of education and/or their parents to enable them to participate equally in
examinations as well as in the social and extracurricular life of the school or college. For example, it could mean doubling the maintenance grant for low income working class students in higher education so that the full economic cost of maintenance was met. In addition, it could mean increasing the financial support for dependent children in low income working class households so that parents would have the extra resources at their disposal to enable their children to participate on equal terms with relatively more privileged children.

Enabling and encouraging participation would also require schools to examine organisational policies and practices which impact on social class participation. One area of particular sensitivity is ability grouping which is known to have an effect on examination outcomes and drop out rates. Second level schools could ensure that working class students are not disproportionately represented in the lower bands or streams (or in the low reading groups in primary classes) and thereby disadvantaged in terms of the types of subject options open to them, or in terms of the level (ordinary or higher) at which they take particular subjects. It would mean ensuring that working class students were equally represented on school teams and in its extracurricular life generally, and that they were proportionately represented among heads and prefects, or other public representatives for the school.

To have equal participation would also mean promoting positive attitudes among teachers, staff and pupils as necessary, to working class culture and lifestyles. It could mean the development of an inservice programme for teachers on issues of equality on which the class issue was explicitly addressed.

Within the curriculum, the syllabi of the different subjects would also have to be revised to take account of the culture and lifestyles of working class groups. For example, the nature of the poetry and literature which is included in core texts and readers should be revised to make it fully representative of working class language and literature. Texts, poetry, books etc., written from a working class perspective should be included in order to valorise working class experience and ways of life, and thereby to enable working class students to identify more strongly with education.

**Objective 3: Equality of Outcome in Education for Working Class People**

To guarantee equal rates of success to working class students in education would mean ensuring that working class students achieved the same rate of educational success (as measured in terms of success at each level of education: equal rates of participation in pre-school education; equal levels of retention at second level and equal rates of attainment in public examinations; equal rates of access, retention and performance in higher education; and equal levels of satisfaction) compared with middle and upper class groups. It would require a radical departure from present policies as not only would it require the development of policies outlined above under objectives 1 and 2, it would also require taking such actions as are necessary to promote equality of outcome. To ensure that working class people have equal rates of success demands that they are given all the resources necessary to succeed. This would require a fundamental redistribution of resources to working class students and households. At present, one of the principal ways in which middle and upper class groups maintain their performance differential in education is through their access to superior resources, and their ability to convert their economic resources into educational capital as necessary. For example, through their extra income, upper class households can buy extra grinds for their children, send them to educationally relevant extracurricular activities, pay for trips abroad to improve their language skills, keep them in school longer etc. In addition, they can send their children to fee-paying second-level schools where they will have access to all the superior educational resources that the schools can buy with their extra fee income.

If there were to be equal rates of success for working class students, they would have to operate educationally under the same conditions as middle and upper class students. In conjunction with the conditions laid out under objective 2 above, this would require that the state would cease to subvent (through the payment of teacher salaries and building grants) fee-paying schools (and boarding schools) as it is known that the students who attend these are with a few exceptions middle class or upper class, and are currently disproportionately represented at entry to higher education (see Clancy, *Participation in Higher Education: A National*
Survey, 1982; and Who Goes to College, 1988, Dublin: Higher Education Authority). In addition, it would demand that working class students were given the extra grinds, teachers, tutors and ancillary educational services that would boost their performance to comparable levels with middle class students. It would mean subventing the families of students from low income backgrounds for staying on in education and thereby compensating them for both the direct costs and the opportunity costs involved in participating successfully in education.

Even with the above policies in place, it is likely that equality of outcome will not be achieved for a very long time without some type of positive discrimination or quota-type policy, both to overcome past discriminations and to ensure a balance in current representation. This would apply especially in higher education, particularly in those sectors of higher education where working class people have been most under-represented, including the university sector and the professional faculties such as medicine, law, architecture and veterinary.

Objective 4: Equality of Condition and Education, Social Class Issues

To have equality of condition within education, it would be essential to have equality of condition in the economic and political spheres as well. As education is, in a number of respects, 'a cultural commodity' which can be bought, the pre-existence of large income and wealth differentials allows relatively privileged classes to gain differential access to education in its credentialised form, both in terms of the nature of the award (degrees, diplomas, leaving certificates etc.) and level at which these are attained. Without an equalisation of income and wealth differentials, those with superior resources can always use them to improve their rates of achievement above and beyond that of less privileged groups.

In addition, equality of condition in education would require action around styles of management and control to make them more democratic and accountable; radical changes in curricula and syllabi as noted above under objective 3; more open and democratically determined pedagogical styles; and a radical re-think as to the nature of what is valuable knowledge in itself. Schools and colleges are the principal institutions in our society for transmitting and legitimating cultural forms. Most of what is incorporated in the formal curricula of schools and colleges does not take account of the life world of working class people (or indeed of disabled people, Travellers, women or minorities). Equality of condition would require not just that working class people were enabled to access, participate and succeed on equal terms with others, but that the organisation of school life (what is referred to in educational circles as the hidden curriculum of schooling) and the formal curriculum took account of their life style and culture and included it fully in the school/college. It would mean, for example, having subjects on offer such as Cultural Studies which addressed the issue of social class, and having a 'class' perspective on other subjects as well. It would mean recognising fully the multiple forms of human intelligence which exist, and not just the linguistic and mathematical-based abilities which so dominate education in terms of subject matter and in terms of modes of assessment at present.

The pre-occupation of so much of formal education with credentialising those forms of knowledge and human understanding which can be assessed and measured through the medium of written language and mathematics is, in fact, a factor creating inequality and disability in education. For example, many people have insights, competencies, skills and abilities which cannot be measured through the linguistic medium, yet such people are heavily penalised and often labelled disabled or failures in schools; examples include people whose primary interests is in the visual/spatial sphere, those who work through the oral rather than the written medium, those who are primarily oriented to the bodily-kinesthetic sphere and those whose principal competencies are in the inter-personal and intra-personal areas. The problem is not that such people are unwilling to learn or are educationally disabled, but that the education system does not allow them the means of expression or the opportunity to develop the fields of competence and interest which they have. In effect, equality of condition would mean changing the school and curricula, not just making working class or other marginalised students fit the system as it stands.

25a
Travellers and Equality

While contexts such as education and employment are as crucial in the promotion of equality for Travellers as for settled people, there are other contexts which are more crucial for Travellers than other groups and accommodation is a key one of these. Travellers, by definition, a nomadic group, and any equality policy must address this. This section will also discuss the issue of equality in political participation and decision-making as this is another area of central concern to Travellers, and indeed to other marginalised groups.

Context: Accommodation

Equality Objective 1: Equal Formal Rights and Opportunities and Equality of Access

Nomadism and nomadic-related cultural practices are central to Travellers way of life. One of the key reasons why tensions and conflicts develop between Travellers and settled people is because the nomadic life style of Travellers has not been addressed in a comprehensive manner at the policy level. Even Travellers who settle often engage in cultural practices which are related to nomadism and provision has also to be made for this.

The realisation of equal formal rights and equality of access in relation to accommodation would mean the elimination of both formal and informal barriers which Travellers experience in their search for accommodation. As Travellers experience both direct and indirect discrimination at present in relation to accessing appropriate accommodation, legislation is required to ensure that their rights are protected and that discrimination is prohibited. In any such legislation, there must be recognition that Traveller accommodation needs vary (between those who require standard housing, group housing, permanent halting sites, transient halting sites and emergency accommodation) and therefore that forms of both direct and indirect discrimination may vary with the context.

Equality Objective 2: Equality of Participation and Accommodation for Travellers

Prohibiting discrimination in relation to housing will not ensure equality of participation. If Travellers are to have equal participation in this context, then they must be enabled to participate and encouraged to do so.

A preliminary step in enabling and encouraging participation would be ensuring that Travellers had a central role in designing and developing any accommodation provision which affected themselves. Ensuring equality of participation in accommodation would also mean ensuring that service providers for Travellers in this area (and indeed in all areas) should have a knowledge and appreciation of Travellers, their way of life, their culture and their situation.

Travellers cannot participate on equal terms with the settled population if ignorance and prejudice about Travellers way of life abounds. Equally, Travellers need education about the norms and cultural assumptions of the settled way of life. Ignorance creates fear and fear, in turn, can lead to isolation of the Traveller with its attendant negative effects on their accommodation experience. Equal participation in accommodation would require that an educational programme be provided about Traveller culture and settled culture to breakdown prejudice and ignorance between the settled and the Traveller community. While this should be part of mainstream education, more specific targeted information and education is also needed at local level to address ignorance in the adult community.

The media play a central role in opinion formation in our society. Consequently the role of the media in creating, developing and reinforcing impressions about Travellers needs to be recognised. For Travellers to participate equally with settled people, it is essential that the media develops a more pro-active educational role in challenging prejudice and discrimination against Travellers. Moreover, where and when the media is engaged in biased reporting against Travellers, some system of sanctioning must be put in place.
Objective 3: Equality of Outcome and Accommodation for Travellers

If Travellers needs in relation to accommodation are to be met, then it is incumbent that there is legislative provision to ensure that the desired outcome is achieved. This means that targets (outcomes) for Traveller accommodation need to be set and met within specified time frames. Specific bodies need to be designated with responsibility for implementing accommodation policies (local authorities being the obvious ones) and such targets need to be monitored by an independent national agency with the powers to sanction defaulting authorities.

To pre-empt conflict over such proposals, a long term strategy would need to be developed with opportunities for the education of public opinion and the development of channels of communication and reconciliation should conflicts arise. At present many conflicts over accommodation are negotiated through the courts with all the attending costs and acrimony involved. The setting up of an Appeals and Reconciliation Tribunal would seem desirable for both resolving and pre-empting conflicts as it would allow for more discussion, negotiation and reconciliation than litigation procedures. To complement the work of such a Tribunal there needs to be an education authority with responsibility for educating local opinion on accommodation issues. If regional education authorities are established, general public education on issues of common concern could be made part of their remit, and this would include education about Travellers and their way of life.

Objective 4: Equality of Condition and Accommodation for Travellers

As noted at the outset, the realisation of equality of condition assumes the pre-existence of equality of access, participation and outcome. If equality of condition were to be achieved, there would need to be full and complete recognition of Travellers culture and way of life and all the requisite institutions and structures which would be needed to accommodate this would be established. This would require action in all institutions including education, the media, employment, accommodation and the law.

Context: Political Participation and Decision-Making

Political participation includes voting, standing for and holding positions as public representatives, participating in political discussion and policy formation, and participating in organisations such as local residents’ associations, political parties, trade unions, and single-issue campaigning groups.

Objective 1: Equal Formal Rights and Opportunities in Political Participation and Decision-Making for Travellers

Under the Irish constitution, all citizens have the same rights to vote, stand for office, engage in political discussion and belong to political associations. The rights of Travellers to these forms of political participation could be reinforced by legislation against direct or indirect discrimination in membership rules and qualifications for office.

Equality Objective 2: Equal Participation in Political Life and Decision-Making for Travellers

Political participation is impossible without adequate educational and financial resources. The rate of political participation of Travellers is therefore closely connected with participation in education and employment. Given this, it is essential that culturally relevant and sensitive education for Travellers be developed, not only because of its intrinsic value, but because it is a pre-requisite for effective political participation in society.

While under the Irish Constitution, the right to vote is not denied to any citizen (over 18 years), this focus on decision making or political equality requires an acknowledgement that the equal right to vote does not guarantee equal access to, and participation in decision making. Mechanisms are therefore required to allow for the organisation of groups and communities experiencing inequality to participate in decision making through adding a layer of participative democracy to our existing representative model. This is especially important for a minority group such as Travellers who have not had a strong involvement in the institutions of participatory democracy, such as political parties.
The political capacities of Travellers would be enhanced by taking steps to develop the organisational capacities and resources of groups representing their interests. State financial and organisational support for such groups enhances their ability to take part in political debates and to influence public policy. It is important to emphasise that the object of such support would be to ensure equality of influence for groups which are currently political marginalised, partly at least by the electoral system itself, and in no way shows ‘favouritism’ towards Travellers.

**Objective 3: Equality of Outcome in Political Participation and Decision-Making for Travellers**

In politics, equal success means equal power and influence. Although the right to vote gives every citizen a formally equal say in elections, how this operates even at the electoral level depends on the electoral system. Under the Irish system of proportional representation by single transferable vote, which operates in relatively small constituencies (for most elections no more than 5 seats), a quota of votes (i.e. 17% or more of the poll) is the minimum threshold for direct political representation. Since Travellers (and other relatively small minorities such as disabled people) constitute far less than a quota in all constituencies in all current local, national, and European elections, the current electoral system cannot be expected to provide direct political representation for them in most constituencies. Indirect influence by way of voting for parties committed to the needs of the Travellers is hard to assess, but there is no obvious evidence of it.

There is no straightforward policy within the current electoral system for increasing the number of Travellers elected as public representatives. However, political parties could set themselves targets in terms of Traveller recruitment and election to local councils, the Dail, and the Seanad. Irish political parties are sufficiently centralised that such a policy could be effectively planned in association with local activists.

The use of direct nominations to public bodies, particularly to the Seanad, could also be used to increase Traveller representation in public office. Other means of ensuring the full participation of Travellers in decision-making processes, include: public funding for their representative groups to organise and formulate their interests; and substantial Traveller representation on all organisations involved in decision-making about Travellers. As noted above with respect to other target groups, it is important that the Traveller representatives are themselves balanced and representative in terms of gender, age, disability, income, nomadism, etc.

In contemporary politics a great deal of influence is exercised by appointed boards, committees and commissions. These provide another area in which currently marginalised people could be included as full participants. Bodies which have a general impact on citizens at large would be expected to have Traveller members roughly proportional to their representation in the Irish population. Committees which have a special impact on Travellers would be expected to have an especially high membership from the Travelling Community.

The relative political power of different social groups is expressed institutionally through the organisation of parliamentary committees, special commissions, government departments, and responsibilities and procedures within departments. Attention to how the machinery of government could be restructured to provide Travellers with a more equal influence over public policy might suggest the desirability of one or more of the following: a joint committee of the Oireachtas on the Rights of Travellers; a new department or a division within an existing department to deal explicitly with the needs of Travellers; and procedures to ensure that the impact of particular policies on the needs of Travellers were addressed as a matter of routine. The latter would be especially important in government departments which have ongoing relations with Travellers including, Environment, Education, Health and Social Welfare.

Another factor in political influence is media coverage in news and current affairs programmes and publications, and, in particular the participation of Travellers in such programmes and publications. Not only would a proportionate participation (for example, among the panellists on TV programmes) help to raise the importance of issues affecting Travellers, but the visible participation of Travellers would directly contribute to greater social status for the group.
Objective 4: Equality of Condition in Political Life and Decision-Making for Travellers

While the realisation of equality of access, participation and outcome in decision-making and political life would greatly improve the political status and influence of Travellers as a group, it would not ensure that all Travellers are equally politically influential. Existing inequalities within the Traveller community in terms of political and other decision-making would not be automatically addressed. To have equality of condition in decision-making and political life would mean ensuring that all types of Travellers, be they women or men, young or old, well off or poor, settled or nomadic, were given full and equal rights in decision-making and that structures were put in place to ensure this. Also, the full and equal participation of Travellers in political life both individually and as a group requires that their culture and values are given equal status with settled culture.

Women and Equality Objectives

To promote equality for women in society would require action at a multiplicity of levels and in a multiplicity of contexts. It is impossible to address all of these here. This section will analyse the implications of the different equality objectives for women with specific reference to two interrelated contexts, namely employment and care work. To have equality with men in society, it is essential for women to have an income for their work (be it at home or elsewhere). As women have, for a variety of cultural and historical reasons, the primary responsibility for caring in households, this has to be taken into account when developing policies which enable women to undertake remunerative work other than care work. Care work has also to be recognised as work in its own right with the appropriate remuneration.

Context: Employment and the Economic Status of Women

The subordination of women to men in society is fundamentally linked to their subordinate, and frequently dependent, economic status. The economic subordination of women is enshrined implicitly, and often explicitly, in a variety of policies, assumptions and practices, in social welfare, taxation, constitutional and other provisions. If women are ever to have equality with men, their economic subordination to men and/or their economic dependence on men must be ended. To end economic subordination and dependence, there needs to be a recognition in law, social policy, and in political and personal practice that women combine productive and reproductive roles in society in a way which is different to men. These differences need to be accommodated to enable women to maintain economic independence at all stages of their lives. Without economic independence, women, and those who depend on them, especially children, are always vulnerable and subordinate to those who own and control the material means to their existence, namely men.

The ways in which economic subordination develops and is maintained varies for different classes, ages and types of women. This section will examine issues of equality in relation to women and employment and caring, while recognising that economic subordination is not confined to this sphere, as it arises in a variety of other areas, especially in the field of social welfare.

Because the paid labour market is stratified within occupations (senior/junior, management/general worker, permanent/temporary, full-time/part-time) between occupations (e.g. doctors versus nurses) and between sectors (e.g. pharmaceutical industry versus cleaning industry), certain forms of employment provide opportunities for considerably higher status and income than others. For example, the average industrial wage is much lower in the textile industry than it is in the telecommunications industry; workers in the medical profession have, on aggregate, considerably higher incomes than workers in the nursing profession, and the latter, in turn, have considerably higher incomes than the cleaning profession. If women are to gain equality with men then it is clear that they must not be concentrated in either low paid sectors of employment, low paid occupations within particular sectors, or in the lowest levels of employment within particular occupations. Yet there is considerable evidence at present that women are over-represented in the lowest paid sectors, occupations, and levels within occupations. (Report of
Entry to paid employment is strongly correlated with one's level of educational attainment in Ireland; in other words, the higher the level of education attained the more likely one is to be employed. (Department of Labour/Enterprise and Employment, Annual School Leavers Surveys). In addition, promotion within employment is also related to level of education attained. Because of this one cannot separate out the issue of employment from education in the discussion of equality for women or other groups: the two are closely interwoven and this must be taken in to account in any policy initiative. The question of access to education (be it second chance, community, adult, or third-level education) to secure well remunerated employment is especially crucial for early school leaving (mostly working class) women, disabled women, Travelling women and women who are returning to employment after long periods of work in the home as carers.

Equality Objective 1: Equal Formal Rights and Opportunities and Equality of Access to Employment for Women

The realisation of formal equal rights and opportunities and equality of access for women would mean the elimination of both formal and non-formal barriers which might inhibit their entry and promotion particular fields of employment. While current legislation has gone some way to achieving this goal especially by outlawing direct discrimination, women do experience indirect discrimination both in accessing employment and achieving promotion which is not yet prohibited by law, although there is a proposal to deal with this in the forthcoming Employment Equality Bill. For example, by laying down a general entry requirement for a job which is significantly more difficult for women to achieve than men, and which is not justified by the nature of the job, would be a case of indirect discrimination. An example of this would be that the position of school principal would only be open to those who were 'A' post holders in schools. As women are noticeably less likely than men to hold these posts, and as there is no conclusive evidence that holding such a post is essential for a principal, the operation of such a selection mechanism would result in indirect discrimination against women. The proofing mechanism required to overcome such indirect discrimination is legislation. As noted above however, in Section 2, Scope and Limitations of Objective 1, outlawing indirect discrimination poses a number of difficulties which have to be addressed if the legislation enacted in this area is to be effective.

A key issue here, is that either direct or indirect discrimination can only be identified when comparability with men arises. Concepts of work comparability need to be clearly delineated to ensure that the legislation outlawing discrimination is not made ineffective by virtue of the absence of a comparator (see discussion above in Section 2 under the Scope and Limitations of Objective 1).

The outlawing of discrimination, however welcome, will not address most of the inequalities which women experience in relation to employment. One of the biggest problems that women face in employment is the fact that they are segregated in to different occupations and sectors of employment. This is not the result of either direct or indirect discrimination and therefore it cannot be changed by anti-discrimination legislation. Furthermore, the reasons those women who are in comparable sectors of employment with men do not get promotion at the same rate is not simply a function of either direct or indirect discrimination, although they are undoubtedly contributing factors in certain cases. And, the fact that women as a group comprise 99% of those designated in Labour Force Surveys as being on so-called 'home duties' without pay, is not primarily due to discrimination in either the direct or indirect sense within employment. There is a need to go far beyond anti-discrimination legislation to promote equality for women in terms of income and employment. Some of the ways in which these issues can be addressed are outlined below under the other three equality objectives.

Objective 2: Equal Participation in Employment for Women

Having a formal right to participate in employment is not enough, one must also be able to exercise this right. To have equal participation with men in employment means that women must be encouraged and enabled to participate on equal terms with men.
To enable women to participate on equal terms means taking account of their basic needs and responsibilities and encouraging participation. This is sometimes referred to as the principle of ‘reasonable accommodation’. And among the most basic need which women have vis-à-vis men are those arising from their reproductive roles. Related to these are the caring roles which women assume, which are not necessarily related to their reproductive roles, but which they assume nonetheless in disproportionately large numbers compared with men. While the purely reproductive work of carrying, having and feeding babies is confined to a relatively short time span in women's lives in this society, caring responsibilities extend from infancy through childhood; they arise again in old age, and for reasons of ill-health or disability, at several times in between. Caring, especially if it includes non-dependent care work as well, for example, between partners, is a major part of the social work-life of any society.

Although women have tended to be the primary carers of children and other dependent persons in our society, there is no reason for this to be the norm in the future. Men are as capable of caring as women and any new provision which is made in policy to support carers should be gender inclusive.

Enabling Equal Participation: Support for Carers

Enabling women to participate equally with men in employment means accommodating their basic needs and responsibilities outside of employment. At this time in our society, the most significant of these responsibilities is caring.

Having equal participation in employment means ensuring that both women and men have adequate and comprehensive support in their caring responsibilities, be these relating to children or other dependent persons. Providing reasonable accommodation for carers would mean recognising the value of that work and providing the carer with remuneration commensurate with the importance of the task. In Norway, for example, the carer of children is given a payment/allowance, and this can be taken by the person who is the primary carer or it can be used to pay for care if the primary carer(s) wishes to engage in employment. Such a system allows for maximum flexibility and does not tie the primary carer(s) in to one type of care against their wishes.

Reasonable accommodation would also mean that paternity and maternity leave should be available for the early stages of infant care and that care leave could be used interchangeably as in Sweden.

Those who become carers be it on a part-time or full-time basis also need to be incorporated in to social insurance and pension systems so that they can retain their financial independence at all times.

Enabling and Encouraging Equal Participation in Other Spheres

Enabling and encouraging women to have equal participation with men means providing them with the education/training which they need to compete on equal terms. This is especially important if women are in need of specialised training or education for particular positions from which they have been traditionally excluded, or from which they excluded themselves for gender-related reasons, in their formative education.

It also means developing formal systems and structures to encourage and support women who are entering male-dominated spheres of work. There is too little realisation of how hostile male-dominated work situations are for women, be that in terms of management or other general areas of work. It will not be possible to alter the pattern of gender segregation across occupational sectors without direct interventions to support women. Without visible and available supports women will simply not apply for the positions as they know that the work environment without these will often be hostile and functionally inoperational. Making work environments which are male-dominated women-friendly does not mean teaching women to behave like men. It could mean re-defining the nature of the corporate culture at senior management level so that it took account of the realities of women's lives, especially the realities of caring (and this is not only a reality for women but also for caring men).

It could also mean running an education programme for men, especially men in decision-making positions, which examined their masculinity and their images of women and thereby enabled them to examine ways in which their attitudes and behaviours inhibited women's equal participation including promotion at work.
Objective 3: Employment and Equality of Outcome for Women

Equality of outcome or success for women in work would mean ensuring that women were attaining equal levels of success both within a given sector or field of employment and across sectors. The issue here is that certain sectors and levels of employment enjoy both better rates of pay and better employment conditions than others. If women are to have equal outcome in employment therefore, their upward mobility within a given field needs to be equal to that of men, and they need to be equally well represented in the better paid and more secure sectors of employment. A variety of mechanisms could be employed to effect such changes, including affirmative action, positive discrimination and quotas.

If quotas or positive discrimination is employed, then it is essential that these quotas are representative of different types of women. Without some system of ‘quotas within quotas’, the quota for women is likely to be filled by relatively advantaged women most of the time.

Two further points need to be made here about positive discrimination and quotas. First, it should be noted that quotas are not in contravention of European Union law; there has in fact been no case of the European Court of Justice outlawing quotas. Even if the European Court found against quotas in the event of such a case arising, the European Union is definitely in favour of other forms of positive action. Moreover, the UN convention of the Elimination of All Forms of Discrimination of All Forms of Discrimination Against Women, to which Ireland is party, has an even stronger position than the European Union. Under Article 4.1 it states that: "the adoption by states' parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination". In other words, quotas are not precluded under the UN Convention on women, and neither are they precluded under the relevant Conventions pertaining to groups including racial, ethnic and other minorities.

Second, the implementation of positive discrimination or quotas does not mean that incompetent people must be appointed to particular positions. The simple way to ensure that this does not happen is to link quotas and positive discrimination systems to training and education as necessary. As there is no evidence of major educational or competency differentials between men and women in Ireland (in fact women's aggregate rate of attainment in public examinations is higher than that of men), apart from the more general pattern of gender-related specialisations, meeting quotas or engaging in positive discrimination in favour of women should not pose a major problem. If and where gaps exist, in-career training and/access programmes should be put in place to ensure that a pool of suitably qualified women are available for the relevant positions.

Objective 4: Employment and Equality of Condition for Women

The promotion of equality of access, participation and outcome in the sphere of economic and employment relations would greatly improve the living conditions of women in society. Yet, even if equality objectives 1 to 3 were simultaneously pursued for women and all other groups, the general problem of hierarchical differentiations in income and status between jobs themselves is not addressed. The structure of the job market is left in tact, even if it is organised on inegalitarian principles, and equality objectives 1 to 3 are fitted around that.

There is a structural inevitability about inequality when power, employment, income, wealth and related systems are themselves organised on an hierarchical and stratified basis. Put at its simplest, if jobs (and this applies to all other goods and privileges such as power and wealth) in an organisation are divided between a small number of highly paid and secure positions, a range of positions which are relatively less well paid, and other jobs which are lowly paid and/or insecure, someone has to occupy the lowest paid and insecure positions. While quotas and positive discrimination can go some way to ensuring that the same people do not occupy these positions all the time, it cannot alter the fact that whoever occupies the lowest paid and insecure positions is in a relatively unequal situation in terms of income (and generally status and power) compared with those in more privileged positions. In any given society, the weakest and least powerful members are likely to fill the positions which are least well paid and lowly in status; and in our society, women are disproportionately represented among the weakest members.
Creating equality of condition in employment for women would mean, in effect, creating equality of conditions for all citizens and not just women. It would mean developing substantial equality in the incomes, working and living conditions of all citizens. What this would mean from the outset is recognising the internal differentiation that exists between women (and other groups of course) as women are homogeneous in their gender but heterogeneous in a number of other respects.

It would also mean reducing the income, power and other differentials which exist between different positions as it is the existence of differentiated positions which create the structural conditions which make inequalities inevitable. While there a number of reasons why the attributes of, and attitudes to, certain groups, including women, may create the conditions which facilitate their subordination, and allocation to low income positions, it is the fact that positions themselves are differentially rewarded that makes inequality inevitable.

Creating equality of condition means making the life chances and living conditions of the disadvantaged in our current society equal to those of the advantaged.

As noted above, equality of condition would involve major changes in the legal, economic, political, social and cultural institutions of society if it were to be implemented. In particular it would require the equalisation of wealth and power, through substantial legal, taxation, political, educational and cultural reforms.

**Section 5: Summary and Recommendations**

Any discussion about equality presents questions about the nature and organisation of society. It is the kind of society which people want which ultimately determines the equality objectives adopted, and the proofing mechanisms employed. Equality proofing mechanisms are therefore a means to an end rather than ends in themselves. They are procedures designed to ensure that the equality objectives of public policy are achieved.

This section is devoted to outlining some of the general principles which should guide policy and practice in the equality field. It presents an overview of some of the major policy issues addressed in the paper. More substantive comments and recommendations are available in the relevant sections of the text above.

**Equality Objectives**

Equality objectives can be classified as operating along a continuum ranging from the minimalist conception of Equality of Formal Rights and Access at one end, through Equality of Participation and Equality of Outcome, to Equality of Condition, which is the maximal equality objective. Equality objectives are interdependent and cumulative; it is not possible to have equality of participation without equality of access, and equality of outcome without equality of participation, for example. The interdependence of objectives needs to be recognised in policy making.

There are intrinsic limitations inherent in objectives 1 to 3 aimed at creating equality of access, participation and outcome respectively. One of the most important limitations is that the hierarchies and inequalities which are institutionalised in society, be these relating to wealth, income, power or other privileges, are not addressed under these objectives. This means that unequal structures and institutions can continue, while attention is focused on maximising access (or participation or outcome) within each level of a pre-defined and unquestioned hierarchy.

The limitations facing objective 4 are extrinsic to the objective itself; they arise from the very real political and social difficulties of moving from a society which is already structured around substantial income, wealth, power and privilege inequalities to a more egalitarian one.

As equality structures and mechanisms are designed to ensure that the equality objectives of public policy are achieved, objectives must precede mechanisms in the order of policy decision-making. Equality objectives must be agreed therefore before any policy decisions about mechanisms and structures to promote equality are considered.

Any equality-proofing policy should be based on the most substantive equality objectives possible, committed not just to equality of formal
rights and opportunities but promoting, as far as possible, each of the other three objectives.

Mechanisms and Structures for Equality Proofing

There are a variety of mechanisms and structures which can be utilised to implement any of the equality objectives outlined. Some of the mechanisms could be utilised for all four objectives (such as legislation or education), while some are more closely tied to specific objectives, such as quotas.

Mechanisms for achieving identified objectives should be chosen on the basis of their effectiveness in achieving the objectives adopted. Anti-discrimination legislation, for example, is essentially concerned with protecting formal rights and opportunities. Operating alone, it cannot promote equality of participation, outcome or condition. If equality legislation is to be proactive it should go beyond protecting formal rights and opportunities and have explicit equality requirements including affirmative action, positive discrimination and quotas.

Given that taxation, education and the media are key mechanisms for promoting all equality objectives in conjunction with legislation, equality policies should set out how each of these will be utilised to promote particular objectives.

Targets, timescales, monitoring, evaluation and enforcement procedures are key features of the equality proofing process. All equality policies should indicate how each of these will be implemented.

Adequately funded structures and institutions must be put in place to ensure that the equality objectives, and the mechanisms to achieve them, are effectively implemented.

Whatever agencies or institutions are set up to implement equality policies, the target groups must be centrally involved in overviewing and reviewing its work.

Target Groups

Inequalities in society do not arise from the intrinsic nature or characteristics of marginalised or excluded groups but from the way in which their unique characteristics are handled.

Inequalities persist in society because positions are differentially rewarded or resourced in terms of wealth, power and privilege, not because of the character of the people who occupy these positions.

While this paper only covers four target groups (Disabled people, Travellers, Working Class people and Women) it recognises that a number of other groups experience exclusion and marginalisation on other grounds including age, race, sexual orientation, marital status, social origin, property, language, political or other opinions, religion or any combination of these.

Detailed recommendations for the chosen target groups, are not presented here as such recommendations are being, or have been, made in other fora dealing with these, namely the Commission on the Status of People With Disabilities, the Task Force on the Travelling Community and the Monitoring Committee on the Implementation of the Recommendations of the Second Commission on the Status of Women.

While employment, education and political participation are key equality considerations for all groups, a number of marginalised groups experience inequalities in contexts which are specific to themselves, such as accommodation in the case of Travellers, or caring in the case of women.

Marginalised groups need to have a direct input into policy-related decisions which affect themselves including the kind of research undertaken on their behalf.

Representation from all target groups on decision-making bodies should itself be balanced in terms of gender, age, disablement, social class, etc. The more heterogeneous and larger the group, the more important this is.
Disabled People

Disabled people are more heterogeneous than other target groups, owing to the fact that their defining attributes (impairments) can be either or both physical and mental, and can vary considerably within each of these spheres. The complex nature of disablement must be given special attention in equality policy-making.

While recognising the importance of equality in education, employment and political life and decision-making, for disabled people, equality in the sphere of personal relationships should be given special attention.

Working Class People

A key context for promoting greater class-related equality is education. It must be recognised that, unless income and wealth differentials in society are reduced to a greater or lesser degree, social class inequality, in some form, is inevitable.

Travellers

Among the key equality considerations for Travellers are accommodation and participation in decision making.

Nomadism is a defining feature of Traveller culture and this must be recognised in policy-making, be it related to education, accommodation, health, welfare or economic development.

Travellers need to be centrally involved in all decisions of public policy which affect themselves.

Women

Two key contexts for promoting equality for women are employment and care.

Equality policies for women needs to be directed at ensuring women's economic independence. Without economic independence, women will always be vulnerable and subordinate to men.

As women are the primary carers of children and other dependent persons in Irish society at this time, one way of ensuring some independence for them is by introducing a payment allowance for all carers (women and men) to be paid directly to the person.

Women's rights need to be enshrined in law and policy and the Constitution needs to be revised accordingly.

As women are the largest of the target groups, and very heterogeneous, especially in terms of social class, regional location and occupation, special attention needs to be paid to the needs of the women who are most vulnerable including low income working class, rural and disabled women.