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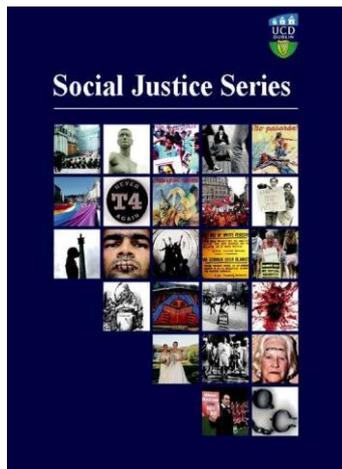
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The labour market and LGBT discrimination in Ireland

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Abstract

As recently as 1993, homosexuality was illegal in Ireland. Equality legislation prohibits both direct and indirect discrimination on grounds of sexual orientation in both the private and public sectors, in work and employment. A key exception in relation to the situation of LGBT people in the labour market is the clause in the Employment Equality Act 1998, Section 37(1), which allows religious organisations, medical institutions and educational institutions an exemption on employment grounds. If such an organisation argues that in order to maintain their 'religious ethos' or prevent their religious ethos from being undermined then it is not illegal under section 37 for them to discriminate. There is very little existing research that deals specifically with the situation of LGBT people in the labour market in Ireland. This report presents an overview of the role of social partners, NGOs, equality bodies and other stakeholders in promoting the rights of LGBT workers. Another important aspect that masks the real picture of discrimination in the labour market is the fact that many LGB people are not "out" in their workplace, which reinforces their "invisibility" in the labour market. "Coming out" in the workplace is not an option for all LGBT workers. Many of them are afraid of experiencing the negative consequences that disclosing their sexual orientation might generate for their professional careers and general wellbeing at work.

Key words

Ireland, LGBT, sexual orientation, discrimination, labour market, diversity

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Introduction

Thirteen percent of the Irish population, aged 18 and over, reported that they had been discriminated against between 2002-2004 (Russell et al. 2008). Among those respondents, 9% stated they were discriminated while accessing services and 7% reported work-related discrimination (CSO 2007). In terms of the “perceived ground of discrimination”, age related discrimination was the most commonly reported (19%) followed by gender (16%); race/ethnicity (15%); family status (12%); disability (6%); and marital status (6%); religious belief (0.9%); sexual orientation (0.6%), and members of the Traveller communities (0.6%). The Quarterly National Household Survey will include a module in Equality issues in the fourth quarter of 2010. This module will update the data collected in 2004. The QNHS survey has questions on discrimination among the nine groups covered by Irish legislation, including sexual orientation.

As recently as 1993, homosexuality was illegal in Ireland. The Employment Equality Act 2004, which amended the pre-existing Employment Equality Act 1998 and the Equal Status Act 2000, constitutes the Irish legal framework that prohibits discrimination on the ground of sexual orientation. Sexual orientation is one of the nine grounds of non-discrimination covered by this equality legislation¹. This Equality Legislation prohibits both direct and indirect discrimination on grounds of sexual orientation in both the private and public sectors, in work and employment. It outlaws discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access on nine distinct grounds (Quinn and Paradis 2007; De Schutter 2008). The Act makes unlawful discrimination based on sexual orientation in terms of pay, access to employment, conditions of employment, promotion or regarding or classification of posts (ICTU 2003). Even though the Acts do not explicitly include protection for transgender people, it is considered implicitly covered under the grounds of gender and sexual orientation (McIlroy 2009).

Discrimination in the workplace differs from discrimination while looking for work. For instance, gender based discrimination is perceived as more prevalent in the workplace (18%) compared to when looking for a job (6%). In contrast, age related discrimination is perceived as higher when looking for work (33%) compared to (16%) in the workplace (CSO 2007).

Access to public services, both health and transport, are domains particularly relevant for discrimination based on family status, disability, race and sexual orientation (McGinnity et al 2009). Another important aspect that hides the real picture of discrimination in the labour market is the fact that many LGB people are not “out” in their workplace, which reinforces their “invisibility” in the labour market.

¹ The nine grounds covered by Irish Legislation include age; disability; family status (e.g. pregnant women or with children or other dependants); gender; marital status; race/ethnic group/nationality; religious belief; sexual orientation; and membership of the Traveller community. The Equality Act 2004 (Number 24 of 2004) was signed into Law on 19th July 2004. Full text available at <http://www.equality.ie/index.asp?docID=206>.

Official data about the proportion of gay and bisexual population is widely recognised as an unreliable profile of sexual diversity. Over 96% of males and 99% of females identify themselves as heterosexual. Lesbians, gay men and bisexuals are almost invisible in a report by the Central Statistics Office: 2% of males and 0.4% of females identified themselves as “homosexuals”; and 1 % of males and 0.8% of females as “bisexuals”(CSO 2007).

Transgender workers face specific issues in the workplace. The rights of transgender people are gradually being recognised in Irish law, for example, the Passports Act 2008 saw the first statutory recognition of transgender people in providing for a person's right to apply to have a passport issued in their new gender. However, there is no provision for transgender populations in Irish legislation that officially recognizes the gender identity with which these individuals identify (FRA 2009a; FRA 2009b).

1. Situation of LGBT people on the labour market

There is very little existing research that deals specifically with the situation of LGBT people in the labour market in Ireland. The European Union Agency for Fundamental Rights reports, which contain the most recent information document on the social situation of sexual minorities in Ireland, emphasizes this lack of research on the labour market experiences of LGBT individuals (FRA 2009a; FRA 2009b). The only report which specifically looks at the issue of the socio economic impact of discrimination based on sexual orientation is the *Gay and Lesbian Equality Network and Nexus Research*, published in 1995 (GLEN 1995).

On the other hand, there is a considerable amount of studies that tackle the situation of sexual minorities in Ireland in relation to other issues, particularly health (Gibbons et al. 2007; Mayock et al. 2009; LinC 2006; Devine et al 2006; Kelleher 2009; and Power 2004); education (Normal 2004; Barron 2006); and legal issues (Walsh et al. 2007; Mee and Ronayne 2000; and OConnell 2008). The Equality Authority has also been producing reports on non-discrimination that include sexual diversity at the level of policy, research and education.

A key exception in relation to the situation of LGBT people in the labour market is the clause in the Employment Equality Act, Section 37(1), which allows religious organisations, medical institutions and educational institutions an exemption on employment grounds. If such an organisation argues that in order to maintain their ‘religious ethos’ or prevent their religious ethos from being undermined then it is not illegal under section 37 for them to discriminate.

Clause 37(1) in the Employment Equality allows religious organizations, educational and medical institutions under the direction or control of a religious order to take action to prevent an employee or prospective employee from undermining the ‘religion ethos’. This clause has been highly criticized and diverse institutions including the Equality Authority, Trade Unions, political parties such as the Labour Party, and NGOs oppose this clause on the grounds that it creates an atmosphere of fear among LGBT workers and delegitimizes their rights and dignity. This discriminatory clause in Irish legislation undermines the non-discrimination legislation in the grounds of sexual orientation and religion. This clause has yet to be

contested and there are varying views as to how it would be interpreted if subject to legal contestation. The Civil Partnership Act 2010 will not change this situation. So in fact, where for example a teacher registers a civil partnership, she or he may have to keep this matter hidden at work due to the risk of losing her/his job.

Further to the Equality legislation, the National Action Plan for Social Inclusion 2007-2016 constitutes the government policy framework to combat poverty, inequality and marginalisation².

Discrimination in the workplace operates at a number of different levels: in the recruitment process, in training and promotion, in unfair selection for redundancy and dismissal, and in harassment (GLEN and Nexus 1995). Despite being unlawful, discrimination on grounds of sexuality still happens in the workplace. It can be direct, subtle, conscious or unwitting. It can come from supervisors, managers and also from other members of the workforce. Discrimination against sexual minorities exists in a wide range of ways including: being overlooked for promotion; denied training; unfair selection for difficult or unpleasant tasks; being called names; being the target of jokes; innuendo; verbal harassment or sustained unfriendly contact of exclusion. There are also extreme forms of discrimination such as physical violence (ICTU 2003).

In an report in 2002, the Equality Authority stated that 25% of those who had ever worked had been called abusive names at work because they were LGB, 15% had been verbally threatened and 17% physically threatened by work colleagues and 10% missed work because they were afraid of being hurt or felt threatened because of their LGB identity (Equality Authority 2002).

The notion of 'double disadvantage' refers to individuals who are already suffering disadvantages in issues such as socioeconomic status, race, age, among others, and discrimination based on their sexual orientation reinforces their vulnerability in society. Importantly, even those who come from a privileged economic situation, due to their sexual orientation have to face the risk of isolation, depression, and different forms of discrimination throughout their lives, from school to the labour market. Several reports have shown that the labour market is the area in which lesbians and gay men are most vulnerable to discrimination (Denver et al. 2003; Walsh et al. 2007). This is critical in terms of equality as positioning in the labour market and employment are the most critical factors in determining income levels and poverty (GLEN and Nexus 1995).

Despite the legislation that prohibits discrimination based on sexual orientation in Ireland, the reality for many LGBT individuals is very often one of fear of disclosure their sexual orientation in a climate of prejudice and discrimination against sexual diversity. The current economic climate has been narrowing employment opportunities for everyone and this is likely to have an added impact on disparities in the labour market for LGBT people who are already experiencing disadvantage in Irish society.

² The full text of the National Action Plan for Social Inclusion 2007–2016 can be accessed from <http://www.socialinclusion.ie/nationalactionplan2007.html>

Several scholars have pointed how the Freedom of Movement i.e. the ability to move from one country to another, represents a real challenge for same sex couples. For instance in the case of a same sex married couple with children, if they want to move to Ireland, their civil marriage will not be recognised under Irish legislation. Instead the Minister, at his discretion, may recognise it as a civil partnership, and therefore they will not have all the same rights that they enjoyed in countries such as Spain or the Netherlands. The family of this couple will not be recognised as one and the adoption order may not be recognised, leaving the children and parents legally in a very vulnerable situation. This barrier to freedom of movement is even more dramatic in the case of non EU couples, which has direct impact on the possibilities to engage in the Irish labour market.

In terms of access to work, the Equality Authority and ESRI conducted an experimental research exercise to measure discrimination in recruitment in the Irish labour force (McGinnity et al. 2009). The report compares employers' responses to job applications from candidates who are identical on all relevant characteristics other than their ethnic or national origin. Job applicants with Irish names were found to be over twice as likely to be invited to interview as candidates with identifiably non-Irish names, even though both submitted equivalent CVs. The authors interpret this as evidence of the extent of racial and ethnic discrimination in the Irish labour market. Unfortunately this innovative report focused only on ethnic and national origin and so does not include any reference to the sexual orientation of the candidates and how this factor might be also influencing bias in the recruitment process. There is no equivalent research in the Irish context that explores discrimination based on sexual orientation in the recruitment process and in accessing to jobs.

In terms of labour market activation programmes, the Luxemburg Employment Guidelines adopted by the EU in 1997 set out the vision of active labour market policy based on activation principals, particularly related to so-called "mutual obligations" by which benefit recipients are expected to participate actively for work or engage in a programme to promote their job prospects (OECD 2005). According to a recent report by the OECD, the primary responsibility for job matching and placement in Ireland lies with FÁS Employment Services (FÁS-ES). Employment counselling services are provided by the 'Local Employment Service'; facilitators within the Department of Social and Family Affairs (who implement an "Activation Programme"); and the 'Services to the Unemployed' (Grubb et al. 2009). This comprehensive report about Activation Programmes analyses the current situation in Ireland in terms of client activation, job-search assistance, career guidance and employer outreach. There are several references to disadvantaged groups such as Travellers, lone parents, disabled individuals among others who are benefiting from these programs; however, sexual minorities are not part of this picture. So again, there is an absence of information about how sexual orientation may be impacting on LGBT people's participation in these initiatives.

2. Working conditions/well being at work

The 2009 *Supporting LGBT Lives* report constitutes the most comprehensive study about the well-being of sexual minorities in Ireland (Mayock et al. 2009). This report addresses the concept of 'minority stress' that LGBT people experience in

contemporary Ireland. The report reveals experiences of stigmatisation, discrimination, social exclusion and harassment that have a negative impact for gays and lesbians. School and the workplace clearly constitute contexts for harassment and discrimination for LGBT people.

Almost 60% of respondents refer to the existence of homophobic bullying in their schools; 40% being verbally abused; and 25% being physically threatened by their peers. In terms of the workplace, over 25% of those who had been employed reported having being called abusive names related to their sexual orientation, and almost 7% being physically threatened by a work colleague, while almost 10% admitted to having missed work because they were afraid of being hurt or felt threatened because of their sexual orientation. A key aspect of this report is that being LGBT *per se* is not indicative of, or correlated with, mental health problems. Additionally, it shows the greater the support, inclusion and equality for LGBT people, the lesser the minority stress (Mayock et al. 2009).

In a quantitative research study, Devine and colleagues show the impact of homophobia, stigma and discrimination in the sexual health of gay men in Ireland (Devine et al. 2006). Confirming these findings, a qualitative study about LGB individuals in North West Ireland, illustrates the barriers that restrict LGB people from accessing health services (Gibbons et al 2007). The Lesbians in Cork Ltd (LinC) published a study about the health of the lesbian community in Cork, the second largest city in Ireland. The study found ‘endemic levels of heterosexism’ across the health system, including assumptions and prejudices that lesbians have to face when dealing with health issues (Gibbons et al. 2007).

“Coming out” in the workplace is not an option for all LGBT workers. Many of them are afraid about the negative consequences that disclosing their sexual orientation might impact on their professional career and general wellbeing at work. In a revealing survey among LGBT workers, PSEU found out that only 16.4% of LGBT workers are “out to all the people with whom I work”. Almost 20% of respondents also consider that decisions concerning their promotion, transfer or assignment to other roles within the company have been influenced because “someone believed” that they were LGBT people (Public Service Executive Union 2009).

The lack of legal recognition for same-sex partnership increases the disadvantages and vulnerabilities of LGBT people in the workplace. The Irish Congress of Trade Union includes the following areas in which same-sex couples are particularly vulnerable: families with children who have no legal relationship with each parent; lack of recognition of same sex relations represent huge problems for LGBT people with partners outside the EU; financial difficulties encompassing pensions, taxation transfer of property, protection of the family home, social welfare, etc. There are also circumstances such as the hospitalization or disability of one of the partners; access to reproductive/fertility services, particularly for lesbians; and force majeure leave, which was incorporated into Irish Legislation protecting same sex couples in case of injury or illness but in practice, all these practices are still under the discretion of health providers (Pillinger 2008).

The Report ‘Burning Issues: Listening to the Voices of the LGBT Community’ conducted by the National Lesbian and Gay Federation (NLGF) provides a

comprehensive picture of the attitudes and opinions of LGBT people in Ireland. In the current economic climate, issues in the workplace constitute the fundamental concern of all LGBT respondents. Being able to work in a safe environment where individuals can be openly out about their sexuality is an important issue for these individuals (Denyer et al. 2009). This fear of disclosure is also reported in the context of clinical consultation. Gibbons and colleagues revealed how many LGB patients have never informed any GP about their sexual orientation (Gibbons et al. 2007).

Consistent with this data, the number of complaints of discrimination due to sexual orientation handled by the Equality Tribunals are remarkably low, which may also be related to the fear of people of disclosing their sexual identity (FRA 2009a).

LGBT people are also concerned about their personal security (bullying and violence); marriage equality; support for young LGBT people; and supporting people coming out. Lesbian and gay parents are particularly vulnerable due to the lack of legislation that protects their rights. These issues are heightened for LGBT members outside the major cities, especially those individuals who live in isolated rural areas (Denyer et al. 2009).

In terms of legislation, Walsh and colleagues found out that amongst other reasons, being denied access to marriage was directly linked to LGB people not being able to be “out” and therefore not being in a position to take a case under Equality legislation (Denyer et al. 2009).

The health sector also has its own LGBT support network since December 2009. Gay Doctors Ireland (GDI) was created in order to provide educational professional and social support network for LGBT doctors working in the Irish health sector. GDI recruits its members through the internet (www.gaydoctorsireland.ie), including those who want to be visible members and those who prefer to remain anonymous. Despite its name, GDI seeks to engage not only gay doctors but also lesbians, bisexual and transgender doctors. GDI held its first annual general meeting in May 2010.

The LGBT Lawyers Association of Ireland has been recently launched to create social and educational bonds among LGBT solicitors, barristers, academics and law students. The association seeks to raise awareness of the legal issues affecting the LGBT community in Ireland; to provide support for LGBT lawyers and students; and to facilitate legal research and support other LGBT rights organisations (<http://www.lgbtlawyersireland.com>).

In 2008 the Equality Authority produced a Report on the issues affecting transgendered people. A recent report by the EU-Agency for Fundamental Rights found strong discrimination against transgenders while seeking health care and in the workplace. Additionally, transgendered people are victims of hate crimes and hate speech (FRA 2009a; FRA 2009b). Transgendered individuals experience multiple forms of discrimination not only based on sexual orientation but also because of their gender identities (“transphobia”). There is a lack of legislation protecting this population, as well as a comprehensive health treatment plan, which reinforces transgender people’s vulnerability.

In the case of Dr. Lydia Foy, the Irish High Court issued in October 2007 the first declaration of the incompatibility between Irish law and the European Convention on Human Rights (ECHR) due to its failure to provide legal recognition for transgender people. Dr Foy was born male and had gender reassignment surgery in 1992, but her request to amend the sex on her birth certificate was refused in 1993. The High Court formalised declarations that sections of the Civil Registration Act 2004 violated the right of Dr Foy's to respect for her private life under the ECHR, when the Irish State failed to "provide for meaningful recognition of her female identity" (ICCL 2008). Although the issue have been raised in parliamentary debate, no ruling has been made yet. Despite the Passports Act 2008, which recognized a person's right to have a passport issued in this or her new gender, the Irish government is reluctant to change the laws that would allow transgender individuals like Lydia Foy to have her gender change officially recognised by obtaining a new birth certificate showing her realigned gender.

In April 2009, the Irish Association of Social Workers (IASW) rejected "Reparative Therapy" for Gay, Lesbian and Bisexual people. The IASW stated that there is no evidence that reparative therapy (formerly called Conversion Therapy) is effective, though there is evidence of mental health risks associated with the use of such approaches with GLB individuals³.

3. Vocational education and training

While education refers to the transfer of knowledge and the promotion of awareness; training addresses practical skills requirements in addition to knowledge and awareness (Equality Authority, ICTU and IBEC 2005). In this sense, a programme that seeks to introduce behavioural changes in issues of equality and diversity need to include these both components. The sole promotion of knowledge and awareness without the provision of necessary skills will face serious difficulties trying to introduce real changes in an organization. The Equality Authority together with the Irish Congress of Trade Unions (ICTU) and the Irish Business and Employers Confederation (IBEC) published two important guidelines on Equality and Diversity in Enterprise. The *Guidelines on Equality and Diversity Training in Enterprise* (2003) and the *Guidelines for Employment Equality Policies in Enterprise* (2005), which constitute the Irish National Framework Committee for the development of equality policies at the level of enterprise. The first report provides practical guidance on ensuring the promotion of equality and diversity training in the workplace. Both reports target employers, employees, trade unions and employer organizations in order to build a comprehensive approach addressing equality and sexual diversity training.

The reports recommend paying proper attention to the training process (e.g., topics of training, methods, trainers, etc) in order to ensure that equality, non-discrimination and diversity, particularly sexual diversity, is fully implemented. The

³ For further information about reputable professional institutions that have rejected the practice of reparative therapy see for example statements from the Royal College of Psychiatrists in the UK (at <http://www.rcpsych.ac.uk/pressparliament/pressreleases2009/statement.aspx>); the National Association of Social Worker in the US (www.socialworkers.org/pressroom/media/justthefacts.pdf); and the American Psychological Association (www.apa.org/pi/lgbcp/publications/justthefacts.pdf).

section Sexual Orientation Equality Training tackles the following aspects: Equality legislation in relation to sexual orientation; sexual orientation in equality policies and procedures; facts and common myths about gay, lesbian and bisexual people; assumptions, stereotyping and prejudice; understanding why sexual orientation is a workplace issue; individual and workplace sensitivity to issues and circumstances of gay and lesbian employees or prospective employees; and supports required in the workplace (ICTU 2003).

Important initiatives at University level have been carried out across Ireland. University College Cork (UCC) illustrates a successful experience providing visibility for LGBT people on the university campus and providing an inclusive administrative structure for LGBT staff since 2007. The UCC LGBT Staff Network has also created liaisons with other LGBT groups in Ireland and abroad. This network conducted research about the experiences of LGBT staff in these programs which indicated the benefits of participating in a support network. UCC LGBT staff recommended the creation of specific networks for staff and students: education, visibility and safety for employees and social networking for students⁴. There is also a new initiative establishing a Staff Network in University College Dublin (UCD). Student LGBT societies are also common in many third level colleges. Union of Students in Ireland (USI) – the national student organisation has a specific officer with responsibility for LGBT issues.

4. Equality bodies

The Equality Authority is the statutory body that protects the rights of sexual minorities and serves as the liaison between the Government and other public and private institutions. The Equality Authority plays a pivotal role in Irish legislation regarding minorities' rights, supporting cases challenging discrimination in employment and service provision. There are also “quasi-judicial” tribunals known as the Equality Tribunal, which deals with complaints of discrimination. As stated in the First Irish National Report (2009), the massive cut in funding in 2009 budget represented a critical situation for the Equality Authority. In 2010, a new three year strategic plan was announced: *Equality for All in a Time of Change*, which sets six goals with key indicators to be achieved through targeted communications, stakeholders outreach, casework and research (Equality Authority 2010).

The Equality & Rights Alliance (ERA), a coalition of 147 civil society groups and individuals was formed in response to a series of moves by government that negatively impacted on the statutory equality, human rights, anti-racism and anti-poverty infrastructure in Ireland. In October 2010, the ERA produced a report that analyses the Irish Government's cuts on budget to bodies that promote equality, defend human rights and address discrimination. ERA considers that these cuts were a deliberate attempt to undermine the effectiveness and independence of important watchdog bodies (ERA 2010).

The Equality Authority produces diverse and wide-ranging materials that tackle equality and sexual orientation: information booklets; research publications, policy

⁴ Since 2007 the UCC LGBT Staff Network promotes equality and visibility for LGBT people in the university sector. For further information see <http://www.ucc.ie/en/lgbtstaff/>

publications, codes of practices; good practices publications; newsletters; and national reports. It has published reports on the situation of LGBT people in Ireland (Equality Authority 2002; Equality Authority 2009; Gibbons et al. 2007; Walsh et al. 2007; among others that are part of this report), as well as studies about the labour situation of other grounds of non-discrimination, such as disabled and older people⁵.

The Equality Authority has also an in-house Legal Service that provides free legal assistance to those making complaints of discrimination under the Employment Equality Act 1998 and the Equal Status Act 2000. Unfortunately this service has been negatively affected by cuts in the budget of the Equality Authority.

The National Economic and Social Forum (NESF), has also produced important reports on the situation of older workers and on sexual minorities (NESF 2003a; NESF 2003b; NESF 2006). The NESF recommends the full implementation of the Government New Strategy on Ageing 2007-2012 (NESF 2003b; NESF 2006). In terms of equality policies for sexual minorities, the NESF calls attention on the need for the Department of Education and Science to play a lead role in tackling homophobia in schools, which should be reflected in materials across the curriculum.

In December 2009, the Irish Supreme Court overturned the 2008 High Court Justice's decision that ruled in favour of a lesbian couple and rejected the biological father's application to have visitation or guardianships rights. The Supreme Court ruled that a gay man who donated this sperm to the lesbian couple should be permitted to see his 3-year-old son regularly. The Supreme Court's unanimous decision said that the High Court erred by trying to apply the European Convention of Human Rights in favour of the lesbian couple. They concluded that when the Irish Constitution and the European Convention are in conflict, the Irish constitution is superior to European human rights laws.

5. LGBT Organisations

The National Lesbian and Gay Federation (NLGF) published a report based on a symposium they jointly organized with the European Union and Equality Authority in 2009 for stakeholders, activists, politicians and scholars to discuss the situation of marriage for lesbian and gay people in Ireland (GLEN 2009). The symposium analysed issues such as the Irish and European legal framework that would create conditions for the introduction of a more equal legislation than the Civil Partnership bill already proposed. Speakers stated the limitations of competence of the European Union regarding the areas of family and law in Ireland. It discussed the role of the Council of Europe, particularly regarding Protocol 12, which was signed by Ireland but is not yet ratified. This Protocol constitutes a 'window of opportunity' to guarantee that all rights would be based on non-discrimination, which includes the rights to life and privacy. If Ireland ratifies Protocol 12, any case of discrimination

⁵ The Equality Authority has also published reports on the labour market situation of people with disabilities (Gannon, B., & Nolan, B. 2004. Disability and Labour Market Participation *Equality Research Series* pp. 1-66. Dublin: Equality Authority, Irish Government, European Union); and about the participation of older people in the market (Russell, H., & Fahey, T. 2004. Ageing and Labour Market Participation *Equality Research Series* pp. 1-67. Dublin: Equality Authority, Irish Government, European Union).

based on sexual orientation can be taken in the European Court of Human Rights (GLEN 2009). Speakers from Spain showed the importance of integrating at least five components in order to achieve a successful outcome regarding same sex marriages: political support; social support; role of activists and the LGBT movement; the media; and LGBT public visibility such as Pride Parades that advocate for 'equality and dignity' for sexual minorities within the general population.

A report by the Gay and Lesbian Equality Network (GLEN) on the role of diversity and equality in the context of the international competitiveness of the Irish economy shows the importance of creating a more inclusive and equal society in order to achieve productivity and innovation in the workplace. The growing link between equality, diversity and economic success has become standard practice across a growing number of companies and corporations worldwide, and some of these transnational companies such as Google, IBM, Dell and Microsoft have been creating a culture of equality and competitiveness in the private sector in Ireland (Collins 2009). The Government's strategy for a Smart Economy (Government of Ireland 2008) constitutes an opportunity for trade unions, employees and employers to advocate for real equality for LGBT people in the market sector. (GLEN) is a very active NGO producing research, policies and awareness campaigns in Ireland. Currently, GLEN and Age & Opportunity are conducting a research project entitled *Identifying the experiences and needs of older Lesbian, Gay, Bisexual and Transgender (LGBT) people in Ireland*. The results of this study are expected to produce guidelines and policy recommendations for positive ageing strategies and actions to promote the full participation and inclusion of older LGBT people in Irish society.

Gay Community News (GCN), estimated that 200,000 gays and Lesbians are living in Ireland and that 50% of all LGBT respondents said that they are open at work about their sexuality. This compares with 51% in UK, 61% in Australia and 66% in the Netherlands⁶. The GCN report addresses the need to work with private and public companies to create a more supportive work environment for gay and lesbians workers, not only for the well being of these workers, but also because paying more attention to sexual diversity gives companies real benefits in both retaining valuable gay and lesbian staff and increasing workplace productivity (GCN 2007). The report also shows that the gender wage gap in the market place is reinforced among gay and lesbians in the workforce with gay male respondents earning more than lesbian respondents.

RTE One, the most popular television channel in Ireland, aired in April 2010 a two-part documentary series "Growing Up Gay" produced by Crossing The Line Films in collaboration with BeLonG To. The two series were filmed over 18 months following the lives of six young LGBT people, their friends and family members. The series also highlights the vital role played by LGBT youth services around Ireland in supporting young people at some of the most important times of their lives. It showed both the positive and negative consequences of coming out, as well as the challenges, homophobia, dreams and daily experiences that these young people face in their homes and schools in contemporary Ireland. LGBT activists and NGOs

⁶ This report was carried out between 2006-2007 with 1,191 respondents across Ireland, which constitutes the largest LGBT sample in the country (GNC 2009).

welcomed the series and celebrated its enormous impact in Irish society. The series was also very popular in places such as *facebook* and *twitter* where straight and LGBT individuals highly commented and supported the content of the shows.

In 2008 BeLonG To organized the first 'Gay Prom' in Ireland in order to provide a social event for LGBT young students who usually miss this event due to strict school regulations that ban LGBT young students for bringing their same-sex partners. A Prom Committee worked for months selling tickets and raising awareness about the rights of LGBT students and homophobic bullying in schools. The event was held in the Mansion House in Dublin with Senator David Norris as guest of honour, and was widely covered by the media.

BeLonG To also launched the first LGBT Awareness Week for Young People in April 2010. The campaign took place all over Ireland with the goal to engage straight young people who showed their support for their LGBT friends and that they do not stand for homophobic bullying. As part of this campaign, BeLonG To also commissioned a series of short documentaries about young gay people and their straight mates who believe in equal rights.

The Gay, Lesbian and Equality Network (GLEN) published the guide *Lesbian, Gay, Bisexual Diversity in the Workplace* (GLEN 2010) with the support of key institutions including the Business in the Community Ireland; the Equality Authority; the Irish Business and Employers Confederation (IBEC); the Irish Congress of Trade Unions; and the financial support of IBM Ireland. This guideline constitutes an important resource, particularly for employers who want to include sexual diversity in their workplace. It emphasizes the impact of diversity for a modern and more competitive economy, and gives practical advice how to create a culture of respect for sexual minorities. The guide incorporates the ground of sexual orientation across all aspects of the labour environment, from recruitment to everyday life. It also provides a comprehensive legal framework of non-discrimination that employers should know and fulfil. It also includes a section of transgender issues in the workplace in the form of non-discrimination on grounds of gender identity and gender reassignment.

The NGO Transgender Equality Network Ireland (TENI) develops awareness about gender diversity, education and advocacy as well produces reports and guidelines about the transgender community in Ireland. TENI has also many projects underway such as the transgender strand of the Building Sustainable LGBT Communities project (2009-2012). TENI's staff members and volunteers offer multimedia presentations and trainings on transgender people and issues for a variety of audiences, including companies, medical professionals, teachers, LGBT groups, schools and university classes (www.teni.ie).

The research report *Transphobia in Ireland* (McIlroy 2009) published by the Equality Network Ireland (TENI) constitutes a pioneer study about the situation of transgender people in Ireland. It shows the invisibility and lack of legislation of *trans* people. The report states that cases of transphobia remain unknown in Ireland because the police does not collect or publish data on such incidents. A small number of case files were presented in the Equality Authority, such as difficulties with access to gyms and health services, and issues of employees and students.

6. Social Partners

The Irish Congress of Trade Unions (ICTU) published in 1982 the first guidelines for trade unions in Ireland regarding the rights of lesbian, gay and bisexuals in the workplace. Since then, ICTU has been actively promoting LGB rights among unions, developing guidelines and assistance to all unions in fighting discrimination and in ensuring equality, even if there are no Lesbian, gay or bisexual workers “out” in the workplace. In 2003, ICTU published an updated version of these guidelines in order to ensure that all unions continue to tackle discrimination based on sexual diversity as key aspect on employees’ rights. ICTU also promotes Equal Opportunities Policies for both the public and private sector, emphasising that this policy should cover LGB concerns, from visibility, recognition and protection of LGB members (ICTU 2003). ICTU constitutes an important body monitoring and promoting equal treatment for LGB workers in Ireland.

The Association of Second Level Teachers in Ireland (ASTI) and the Teachers Union of Ireland (TUI) have joined with the Gay and Lesbian Equality Network (GLEN) in publishing resource materials to assist teachers in supporting and promoting sexual diversity in their schools. These materials have a specific focus on providing resources to help LGB students. The aims of this initiative are to: 1) recognise the presence of sexual diversity at school; 2) affirm the values of diversity and the existence of multiple sexual orientations; 3) support students who identify or are perceived to be lesbian, gay or bisexual; and 4) challenge homophobic bullying and create a safer environment for LGB students (ASTI et al. 2007). Only gay, lesbians and bisexual students are included in this definition of sexual diversity and transgender students or transgender issues are not included in these educational materials. The Irish National Teachers' Organisation (INTO), which is an organization for teachers at primary level, established in 2004 a LGB Teacher Special Interest Group⁷.

7. Public Opinion

The *Special Eurobarometer 296* report on perceptions and experiences of discrimination shows how the perception of discrimination based on sexual orientation is relatively low in Ireland (38%) compared to the average among the other EU27 countries where this perception is expressed by over half of the Irish population (51%) (European Commission 2008a).

The report on the situation of homophobia and discrimination based on sexual orientation in Ireland (FRA 2009a; FRA 2009b) shows that despite the significant improvement in the legal framework for prohibiting discrimination, sexual minorities are still facing oppression in Irish society. Based on several studies, the report concludes that the general population has experienced major attitudinal changes towards homosexuality and the rights of LGBT populations (strongly negative attitudes towards homosexuality had declined to 38% in 1990-2000 from

⁷<http://www.into.ie/ROI/InformationforTeachers/TeacherSpecialInterestGroups/LesbianGayBisexualTeachersGroup/>

62% in 1981), but Ireland still remains on the “conservative side of the European average”. The report also shows that cases of discrimination because of sexual orientation are still very low because these claims imply the need to “come out”, which many individuals are not able to do for a variety of reasons.

Currently, the agenda of civil partnership, civil marriage and the rights of LGBT families have gained attention in the Irish media. Several reports and surveys have addressed the increasing support of LGBT rights by the general population. Public opinion is supportive of legislative change. The current *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*⁸ allows same-sex couples to register their civil partnership and enjoy many of the same statutory protections as married couples across a wide range of areas. However, it stops short of allowing gay and lesbian couples to marry and as a result important areas of inequality remain. The rights and obligations that are included encompass the protection of a shared home, pension rights, the right to succession, among others. Children, children’s rights and parental rights are not covered by this Act.

Public opinion towards same-sex unions is increasingly favourable according to national polls. A 2006 public poll showed that more than 80% of the population supported the introduction of some partnership rights for same-sex couples, with a slim majority favouring full marriage. An earlier 2006 public survey showed that those who only support civil partnerships instead of full marriage fell from 33% to 26%⁹. In a 2009 poll, 62% of adults would support to extend civil marriage to same-sex couples in Ireland. The support is strongest among younger people and in urban areas. Women were more supportive at 68% compared to 56% of men. There was slightly less support for same-sex couples being given the right to adopt. 58% of those under 50 believe same-sex couples should be able to adopt, falling to 33% among the over-50s. 54% believe the definition of the family unit in the Irish Constitution should be changed to include same-sex families¹⁰. In a most recent poll, 67% of Irish people support civil marriage¹¹.

The marriage equality movement has grown in Ireland over the last 2-3 years. LGBT communities are increasingly active around marriage equality, involving people all over the country, including heterosexual allies. Important media work has been done around the issue. Posters showing LGBT families with the slogan *We are Family* were put on walls of libraries, CICs, FRCs all over Ireland and 500 buses in Dublin, as well as postcard campaigns.

During the debate for Civil Partnership, all parties voted for the recent civil partnership legislation for same-sex couples. Also, the position of all political parties is that marriage for same-sex couples would require a referendum to change the Irish Constitution. Within this perceived Constitutional constraint, the position of progressive parties such as Labour and Green, have been for the enactment of the

⁸ GLEN published a very comprehensive report about the implications of the Civil Partnership Bill, in terms of the scope and provisions of this recent legislation: Ryan, Ferguson (2010). *Civil Partnership: Your Questions Answered. A Comprehensive Analysis of the Civil Partnership Bill*. Dublin: GLEN.

⁹ “Increased support for gay marriage. *BreakingNews.ie*, 31/03/2008: Available at www.breakingnews.ie/ireland/mhojojeyauid/

¹⁰ “Same sex marriage gets poll support”, *The Irish Times*. February 27, 2009. Available at: <http://www.irishtimes.com/newspaper/ireland/2009/0227/1224241892986.html>

¹¹ <http://www.irishtimes.com/newspaper/frontpage/2010/0915/1224278900109.html>

Civil Unions Bill, and at the same time continue to advocate for civil marriage for same-sex couples.

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