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# **Case studies of good practice for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workplace**

Ireland

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**EUROPEAN FOUNDATION**  
**for the Improvement of Living and Working Conditions**

**CASE STUDIES OF GOOD PRACTICE  
FOR THE PREVENTION OF RACIAL DISCRIMINATION  
AND XENOPHOBIA AND THE PROMOTION OF EQUAL  
TREATMENT IN THE WORKPLACE**

**IRELAND**

*by*

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## BIOGRAPHICAL NOTE

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# TABLE OF CONTENTS

## Introduction

### Chapter 1: The National Context

- 1.1 Ethnic Composition of the Irish Population
  - Travellers
  - 'Programme refugees'
  - Other ethnic groups
- 1.3 Experiences of Ethnic and 'Racial' Minorities
  - Travellers
  - Other Ethnic and 'Racial' Groups
- 1.4 Legal Framework
  - Employment Equality Bill 1996
  - Equal Status Bill (1997)

### Chapter 2: Description of Case Studies

- 2.1 Employers
- 2.2 Employment Support Services

### Chapter 3: Description of Policies and Practices

- 3.1 A Model Equal Status Policy: Government Task Force on the Travelling Community
- 3.2 Travellers and the Local Employment Service
  - Background to the Local Employment Service
  - Travellers and Employment Support Services
  - Traveller Specific Initiatives in the Local Employment Service
  - Implementation of Pilot Actions
- 3.3 Travellers and Community Employment
  - Background to Community Employment
  - Traveller Participation in Community employment
  - Promoting Traveller Inclusion in Community Employment

### Chapter 4: Evaluation of Policies and Practices

### Chapter 5: Conclusions

## References

## Contacts

## INTRODUCTION

The following report outlines the results of a research process carried out in Ireland as part of the European Foundation for the Improvement of Living and Working Conditions (EFILWC) project to develop a Compendium of Good Practice for the Prevention of Racial Discrimination and Xenophobia and the Promotion of Equal Treatment in the workplace. The project arises from the Joint Declaration on the Prevention of Racial discrimination and Xenophobia and the Promotion of Equal Treatment at Workplace agreed by the European social partners in Florence in 1995, which called for a Compendium of Good Practice to be compiled as part of a series of measures to follow up the Declaration.

The focus of the Compendium in each member state is to identify, through case studies, best practice within organisations (private, public or voluntary sector) which are designed to facilitate equal access of migrant and ethnic minority workers to jobs, training and promotion, and to reduce discrimination, prejudice and xenophobia at the workplace. With organisations which are involved in the provision of services, their inclusion as case studies in the Compendium relates to their role as employers, rather than in terms of the services they provide. The exception to this is employment support services. As one of their primary roles is to assist their clients in finding employment, then policies to encourage equal treatment in the provision of this service to their clients are directly related to the research.

In line with the common structure developed for the compilation of national reports in each member state of the EU, the following report for Ireland is set out in five chapters. Chapter 1 describes the national context in terms of: the ethnic/'racial' composition of the population; the living circumstances of ethnic and 'racial' minorities (including available information on the prevalence and impact of prejudice and discrimination); and the legal framework for addressing racism.

Chapter 2 provides an overview of the case studies, including the methodology followed in their selection. Chapter 3 then provides details of the cases studies, focusing on specific policies and practices to address racism in the employment area. These policies and practices are then evaluated in Chapter 4, detailing the available evidence on the success and failure factors.

# CHAPTER 1

## THE NATIONAL CONTEXT

### *1.1 Ethnic Composition of the Irish Population*

Based on available data it would appear that Ireland continues to have one of the most homogenous populations in European Union in terms of 'race' and ethnicity. A range of factors have contributed to this situation, most significant being the fact that net emigration rather than immigration has been the primary demographic trend. While this trend was interrupted in the 1960s and 1970s, such immigration that did ensue largely involved the return of previous emigrants. Since 1991, although economic (and employment) growth in Ireland has been high relative to other countries in the EU, labour force survey figures record net inward migration for the years 1992 and 1996 only. The majority of inward migrants recorded came from Great Britain or the United States (traditional destinations for Irish emigrants), suggesting that most are, as in the past, returning Irish nationals.

In addition to these demographic trends, it is also important to note that as Ireland has not been a colonising power it has not developed the same relationship with ex-colonies that has been the spur for immigration to a number of other countries in the EU.

Although the Irish population continues to be relatively homogenous in terms of 'race' and ethnicity, this does not mean that there are no minority 'racial' or ethnic groups or that their numbers are not changing. The largest single ethnic minority are Travellers, who are widely acknowledged to experience endemic levels of prejudice and discrimination which has contributed to extreme disadvantage and social exclusion (Nexus, 1994. Report of the Task Force on the Travelling Community, 1995). Also, while not significant in comparison to other countries, Ireland has been host to groups of refugees from Vietnam, Bosnia, and also refugees admitted from other parts of the world on an individual basis.

#### **Travellers**

The Central Statistics Office (CSO) Census of Population, conducted every 5 years is the main source of data concerning the size of the population in Ireland. However, for a variety of reasons, including the way in which people are categorised, it is not possible to extract from Census the number of Travellers living in the country. Accordingly, as referred to by the 'Report of the Task Force on the Travelling Community' (1995), apart from the Annual Count of Traveller Families collated by the Government Department of the Environment, there are no detailed statistics on the exact size of the Traveller population today (1995: 56). However, a census of Travellers was undertaken in 1986 as part of a study on Traveller's health which recorded a population of 16,000 people distributed among 2,800 households.

Some indication of the growth in the Traveller population since 1986 is provided by the Annual Count of Traveller Families. The count reports a total of 4,369 Traveller families in 1995, an increase of more than 40 percent since 1986. While a census is required to enumerate the actual population, these figures do indicate that the population of Travellers is growing significantly. According to the 'Report of the Task force on the Travelling Community', this growth will continue and from their research, they projected an annual increase in the Traveller population of four percent per annum up to 1999.

### **'Programme refugees'**

Over the years the Irish Government has allowed and facilitated the entry of a number of refugees from Vietnam and Bosnia. Arising from these Government decisions 'Programme Refugees' are allowed to stay in the country indefinitely, and are entitled to take up employment and to receive health, education, social welfare, housing and other public services on the same basis as Irish nationals.

In the late 1970s, 212 people from Vietnam were admitted to the country as 'Programme refugees'. At the beginning of 1997, there were 579 people, including 150 children who were born in Ireland.

One hundred and seventy eight refugees from the former Yugoslavia (Bosnia) were admitted in 1992. There are now 578 such refugees.

### **Other ethnic groups**

As outlined in the Preventing Racism at the Workplace Report (Nexus 1994), information on non-indigenous 'racial' or ethnic groups in Ireland is very limited. The Irish census of population does not include questions on 'racial' or ethnic background. The only information available from census statistics is a profile of the population by place of birth, which is not a reliable guide to the national or ethnic background of people living in the Republic of Ireland. For example, a person may be born outside of Ireland but to Irish parents. This possibility is illustrated from 1991 census figures<sup>1</sup> which show that the majority of those not born in Ireland were born in Great Britain, the principal destination of Irish emigrants.

There are also other limitations with statistical information available. The census figures are not broken down into those employed/unemployed, available for work, or unavailable for work for reasons of age, retirement etc. These factors are important as Ireland is a popular holiday and retirement location for people from the United States of America, Great Britain and other parts of Europe, who are unlikely to have any links with the labour market at all (Nexus,1994:6).

Given these factors, it is likely that only a small proportion of persons resident in Ireland, but born outside the country (as identified in the 1991 Census of Population), come from those 'racial' or ethnic backgrounds most commonly affected by racism (for example Black people). A possible indicator of the numbers involved in this respect could be those counted in the Census as being born in 'other countries', i.e. not born in Europe, Great Britain, North America and Europe. This group however, made up a tiny proportion of the total population as enumerated in the 1991 Census (note: information to establish any changes in this situation will depend on the results of the 1996 Census of Population which are not yet available in relation to a person's place of birth).

An alternative approximation of the number of people in Ireland from different 'racial' or ethnic groups can be derived from information available on numbers of 'registered aliens' (Nexus, 1994: 6). All foreign nationals (with the exception of EU nationals) are required to register as 'aliens' after being in the country for more than three months.<sup>2</sup> Figures from 1993, outlined in the Preventing Racism in the Workplace: Irish National Report (1994), showed there were 16,366 such registered aliens from Africa, Asia, Australia and the Caribbean. Of these, less than three thousand possessed work permits, most being in Ireland for the purposes of training or further education. Figures for 1996 shows an actual decrease in these figures, with only 9,552 people from these regions of the world, 2,217 of whom possessed work permits.

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<sup>1</sup> The Census of population is conducted every 5 years. No figures are yet available from the 1996 Census of the Population on place of origin.

<sup>2</sup> Prior to 1994, EU nationals, with the exception of United Kingdom citizens, also had to register as 'aliens', but did not need work permits to work in Ireland. All such restrictions have now ended.

From the above analysis, it would appear that there has not been a significant change in the ethnic and ‘racial’ composition of the Irish population since the completion of the first national report for Ireland on Racism at the workplace. However, it is important to note that available figures need to be treated with some caution. As EU nationals are no longer required to register as ‘aliens’ no figures are currently available on the numbers of people coming to Ireland from other parts of the European Union. Recent reports however, suggest that labour shortages have developed in certain sectors of the Irish economy and that positions are being filled by other EU nationals. Significant employment growth in the Irish economy is also attracting increased numbers of refugees from Eastern Europe and elsewhere, who are likely to be especially vulnerable to discrimination given the precariousness of their legal position<sup>3</sup>. If employment growth continues, the ‘racial’ and ethnic composition of the Irish population and labour force may change substantially in the future.

### ***1.3 Experiences of Ethnic and ‘Racial’ Minorities***

#### **Travellers**

According to the Report of the Task Force on the Travelling Community (1995) set up by the Government to advise and report on the needs of Travellers in Ireland, the Traveller Community experiences high levels of social exclusion and disadvantage. The principal features of the difficulties faced by Travellers, according to the Report, include:

- Insufficient accommodation with 1,085 Traveller households residing on the roadside and another 257 households on temporary sites, many of which are without the basic services such as toilets, electricity and proper washing facilities, which are taken for granted by the vast majority of the ‘Settled’ population;
- Infant mortality and adult mortality rates which are over twice those of the ‘Settled’ community and general health status which is much lower than for members of the ‘Settled’ community;
- Extremely low education participation rates among Traveller children, particularly at second level. For example, it has been estimated that eighty per cent of Traveller children in the twelve to fifteen year old age group do not attend school;
- High levels of illiteracy which present a major barrier to full Traveller participation in society and to the Traveller participation in adult education programmes;
- The disappearance of the traditional economic activities of Travellers and difficulties faced in pursuing new economic initiatives;
- A very low rate of participation in the mainstream labour force with high levels of unemployment and reliance on social welfare payments;
- Direct and indirect discrimination against Travellers, which is experienced at many levels (1995: 55).

In relation to employment, the Task Force Report also drew attention to the barriers Travellers face in accessing training and work experience.

According to the Task Force, Travellers experience discrimination at the individual or inter-personal level and at an institutional level. Common examples of discrimination experienced include, being refused service in pubs, hotels and leisure facilities. Other experiences included insurance companies refusing to provide motor insurance cover. Travellers, according to the Report are also often subject to intimidation and physical and verbal attacks (1995: 80).

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<sup>3</sup> A key issue in this respect, which has been raised by anti-racist NGOs in Ireland, is the fact that refugees seeking asylum in Ireland are not entitled to work until asylum has been granted. As this process can take a long time, this can lead to either severe disadvantage and poverty among asylum seekers or increase their vulnerability to racism if they choose to work illegally.



At an institutional level, the Task Force Report also cited three identifiable mechanisms where discrimination against Travellers may occur. These were:

- Procedures and practices which can reflect a lack of acceptance of Travellers' culture and identity and which can involve controls placed on Travellers in excess of those placed on member of the 'Settled' community in similar circumstances.
- The fact that Travellers can be segregated in the provision of various services. Segregation is defined here as the imposed setting apart of a group and is, therefore, different from service provision which is designed to advance positive resourcing and affirmative action policies, where participation is by choice.
- Legislation, policy making and provision which can be developed without account being taken of their potential impact on a minority cultural group such as the Travellers. (1995: 80).

### **Other Ethnic and 'Racial' Groups**

There are relatively few *recorded* incidents of racism in Ireland. While this may reflect the relatively small numbers of people of different ethnic 'racial' or ethnic backgrounds living in the country (compared to other countries in the EU)<sup>4</sup>, it may also reflect the fact that no comprehensive research has yet been undertaken on the experiences of 'racial' or ethnic minorities. Such research that has been undertaken, including written accounts by individuals of minority 'racial' backgrounds, indicates that racism is indeed a serious problem, particularly for Black people. For example, a report by the group Harmony entitled *Racial Discrimination in Ireland: Realities and Remedies* (1990) highlighted a number of incidents reported in the media during the 1980s including repeated attacks on Jewish shops in Dublin's south inner city in 1986, the continued abuse of a Moroccan man and his Irish wife and family in their public authority flat (eventually forcing them to leave their home), and, in December 1987 the racial abuse of a family living in a Dublin suburb, which included threats and actual violence.

A report on the experiences of asylum seekers conducted in 1994 (Collins, 1994) found that all of the asylum seekers interviewed had experienced discrimination of some sort. The report, based on interviews with seven asylum seekers found that:

"all had experienced serious difficulty in finding rented accommodation. Two felt that they would not have found a place without the help of staff in the Refugee Home because they were black. One African woman was refused two places because she was black and emphasised the need to be helped by an Irish person or an organisation. A man from the former Yugoslavia who is white felt he was refused places because he had a foreign accent" (1994: 3)

It is interesting to note that the research on asylum seekers noted that many refugees and asylum seekers were reluctant to report incidents due to feelings of vulnerability, arising partly from their uncertain legal position. Such vulnerability on the part of those who may be living or working illegally or unsure of their legal position may have resulted, according to a number of key informants interviewed in the course of this research, in considerable under-reporting of incidents of racism. Also, as noted in the 'Preventing Racism at the Workplace: Irish National Report' (Nexus, 1994), the relatively few reported cases of racism in the workplace, or elsewhere, may also reflect that fact that at the time of writing, the only legislative protection against discrimination on the basis of ethnic or 'racial' origin was the Unfair Dismissals Act (1977 to 1993). The implications of such limited legislative protection against racism was raised in the Harmony report cited above, where in all cases of discrimination and harassment reported, the state authorities did not appear to have the powers, or feel they had the remit, to deal with the incidents reported (Harmony, 1990: 6).

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<sup>4</sup> According to the European Committee of Inquiry on Racism and Xenophobia, it is precisely because Ireland has such an insignificant foreign population that the few reported cases of racial discrimination and harassment reported are so significant. These incidents could indicate underlying attitudes of racism and xenophobia that could reach more dangerous levels if there were more foreigners (European Parliament, 1991).

Attitudinal studies on the Irish population also give little cause for complacency about the extent or potential for racism in Ireland. *Prejudice in Ireland Revisited* by Micheál MacGréil (1996) is a study on attitudes in Ireland based on a national survey undertaken in 1988/89 and is an update of a previous study entitled *Prejudice and Tolerance in Ireland* (1977). While the study shows more positive attitudes towards 'racial' and ethnic minorities since 1977, some of the results do give considerable cause for concern. For example, 16.7% of respondents to the survey agreed that "because of their basic make-up Black people could never become as good Irish people as others" and only 52.4% agreed that "it is a good thing for Whites and Blacks to get married where there are no cultural or religious barriers" (1996: 133).

The MacGréil study also used the Bogardus scale of social distance, where respondents were asked to indicate how close they were prepared to admit members of listed categories on a scale of statements ranging from 'to close kinship by marriage' at one end to 'would exclude from my country' on the other. The categories examined using this scale were 'Blacks' and 'Coloureds' as well as that of six ethnic groups: 'Africans', 'Black Americans', 'Chinese', 'Indians', 'Nigerians' and 'Pakistanis'. Only in the case of 'coloureds' did more than 30% of respondents state they were prepared to admit people to close kinship by marriage. Even more disturbing were the numbers who would deny citizenship to the different groups. For example, 20.7% stated they would deny citizenship to 'Black Americans' and 25.9% stated they would do so for Pakistanis (McGréil, 1996: 144).

## **1.4 Legal Framework**

When the 'Preventing Racism at the Workplace: Irish National Report' was completed in 1994, the only legislative protection against racism at the workplace concerned termination of employment. This was the Unfair Dismissals Act (1977 to 1993) which deemed a dismissal resulting wholly or mainly from, *inter alia*, 'race', 'colour' and membership of the Traveller community as 'automatically unfair'. While acknowledging the importance of this piece of legislation, the 'National Report' noted that the protection provided under the Unfair Dismissal Act was very limited, particularly in relation to Travellers who were (and continue to be) under-represented in the workforce. As the 'National Report' noted, for Travellers, it is in access to employment, rather than in employment itself, where discrimination has its most significant impact (Nexus, 1994).

At a more general level, some legislative protection against discrimination and prejudice on the basis of, *inter alia*, 'race' and ethnic origin (including membership of the Travelling community) was also provided under the Prohibition of Incitement to Hatred Act (1989). Other than this and the Unfair Dismissals Act, the most comprehensive anti-discrimination legislation at the time of writing the 'National Report' (Nexus, 1994) covered discrimination only on the basis of *sex or marital status*. Key legislation in this respect was the Employment Equality Act (1977), which outlawed direct and indirect discrimination on the basis of sex or marital status in a range of areas connected with employment. This Act also provided for the establishment of the Employment Equality Agency (EEA) which among other equality promotion functions, assists individuals in taking discrimination cases in connection with the defined basis of discrimination as set out in the Act.

As reported in the 'National Report' (Nexus 1994) the Irish Government Department of Equality and Law Reform<sup>5</sup> stated that in line with the equality agenda set out in its Programme for Government, it would be producing two 'major pieces of anti-discrimination legislation which would include protection against discrimination on the grounds of, *inter alia*, 'race', 'colour', nationality, or national or ethnic origin'. These, according to the Department of Equality and Law were:

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<sup>5</sup> As outlined in 'Preventing Racism at the Workplace: National Report for Ireland' a Government Department of Equality Law Reform was established in 1992 by agreement of the then Government parties: Fianna Fáil and Labour. The Department has had the specific remit of bringing forward a range of legislative changes in relation to the equality provisions agreed by the two parties. The provisions were in turn taken on board by the new government which came into office in 1994. The new Government, still in office at the time of writing, comprises the Labour Party, Fine Gael, and Democratic Left.

- Revised Employment Equality Legislation, which would re-enact , with improvements, the existing equal pay and employment equality laws which are primarily gender based. These would also extend the scope of the new law to cover other forms of discrimination including those based on ‘race’ and membership of the Traveller community.
- Equal Status Legislation. The proposals here would extend anti-discrimination law beyond non-employment areas. As outlined in the Programme for Government, the proposals here would declare unlawful many forms of discrimination, including those related to ‘race’ and membership of the Traveller community.

These two separate pieces of legislation are in the process of being enacted and are summarised below.

### **Employment Equality Bill 1996**

The Employment Equality Bill (1996) has, at the time of writing, been passed by the Oireachtas (Irish Parliament) but has been referred to the Supreme Court by the President of Ireland to check its constitutionality<sup>6</sup>. According to the Explanatory Memorandum:

“The Bill provides for the promotion of equality between employed persons. It outlaws both direct and indirect discrimination in employment (other than in respect of pensions). The Bill makes discrimination in employment unlawful on grounds of sex, marital or family status, sexual orientation, religion age, disability, *race, and membership of the travelling community* (our italics). It also prohibits harassment based on discrimination. It applies to both public and private sector employment” (Government Publications, 1996-1997).

The specific areas of employment covered by the Bill include access to employment, conditions of employment, training, work experience and promotion. The proposed Act will also make unlawful discrimination by employment agencies or by organisations concerned with the provision of vocational training courses and discrimination in relation to membership of, and benefits provided by, organisations such as employer bodies, trade unions and professional bodies. The proposed Act will prohibit the procurement of discrimination and display of discriminatory advertisements.

Redress under the Bill will be available by means of a claim to the Director of Equality Investigations, a new office of which will be established on a statutory basis in the Labour Relations Commission<sup>7</sup>, with a right of appeal to the Labour Court on the facts and to the High Court on a point of law and, in certain cases the Circuit Court. The Bill also provides for the restructuring of the Employment Equality Agency (which, as stated above, had a range of functions in terms of promoting equality under the Employment Equality Act (1977)) into a new Equality Authority. The Bill gives the new Authority powers in respect of equality reviews and action plans as well as developing codes of practice.

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<sup>6</sup> Ireland has a written constitution which has provisions on the structure and procedures of government, the rights of citizens, etc. The Constitution also gives the President of Ireland (the head of state) the power to refer legislation to the Supreme court to determine whether they are in line with protections provided in the Constitution.

<sup>7</sup> The Labour Relations Commission was established in 1991 with general responsibility for the improvement of industrial relations. Its statutory authority and function derive from sections of the Industrial Relations Act 1990. Some of its specific functions include the provision of a Rights Commissioner and Equality Service. Rights commissioners have the power to investigate industrial relations disputes under the 1990 Act and in addition can investigate referrals under, inter alia, the Unfair dismissals Act (1973-1990). Through the Equality service, equality officers can investigate cases under the Employment Equality Act (1977) and the 1974 Anti Discrimination (Pay Act).

### **Equal Status Bill (1997)**

The Equal Status Bill (1997) was published in February 1997 and at the time of writing is before the Seanad, the second house of the Oireachtas (parliament). The Bill, according to the explanatory memorandum

“..provides for equality outside the context of employment. It outlaws direct and indirect discrimination in education, provision of personal property and services, disposal of land and firms of partners. The specific grounds on which the bill prohibits discrimination are gender, marital status, family status, sexual orientation, religion, age, disability, race (including colour nationality and ethnic or national origin) and membership of the travelling community. Sexual and other harassment is also prohibited in the areas covered by the Bill.” (Government Publications, 1997).

The Bill provides that claims of discrimination (other than those concerning registered clubs) will be dealt with by the Director of Equality Investigations. The proposed Equality Authority will also have a range of functions in terms of working towards the elimination of discrimination and promoting equality of opportunity both in the non employment areas covered in this Bill as well as the employment areas covered in the Employment Equality Bill outlined above. Examples of the functions of the new Authority as set out in the both pieces of legislation include research and information activities relating to its functions and specific investigation powers and procedures for dealing with persons ‘discriminating or otherwise in breach of the Employment Equality Act 1997 or the Equal Status Act 1997 (Equal Status Bill 1997: Explanatory and Financial Memorandum: p. 7).

## CHAPTER 2

### DESCRIPTION OF CASE STUDIES

As stated in the introduction, in line with the EFILWC brief, the emphasis of the Compendium of Good Practice in each member state is to identify, through case studies, best practice within organisations (private, public or voluntary sector) which are designed to facilitate equal access of migrant and ethnic minority workers to jobs, training and promotion, and to reduce discrimination, prejudice and xenophobia at the workplace. With organisations which are involved in the provision of services, their inclusion as case studies in the Compendium relates to their role as employers, rather than in terms of the services they provide. The exception to this is employment support services. As one of their primary roles is to assist their clients in finding employment, then policies to encourage equal treatment in the provision of this service to their clients are directly related to the research.

In selecting the case studies in Ireland on this basis, contact was made with a range of social partners and other relevant organisations. These included: the Irish Congress of Trade Unions (ICTU); the Irish Business and Employers Confederation (IBEC), the Government Department of Equality and Law Reform, the Refugee Agency, FAS (the State Training and Employment Authority) and groups working with ethnic and 'racial' minorities or dealing with associated issues of discrimination. The latter included the Cities Anti-Racism Project, the Irish Travellers Movement, Pavee Point and the Bosnian Community Development Project. The results of these contacts in terms of selecting appropriate case studies which reflect the situation in Ireland are detailed below in relation to good practice at the level of the employer, and in the area of employment support services.

#### 2.1 Employers

All organisations consulted felt that it would be difficult to identify Irish employers, singly or collectively, in the private, public or voluntary sector, with formal policies *and* structures and procedures designed to promote the inclusion of ethnic and racial minorities and to address discrimination on this basis. While many trans-national corporations based in Ireland do have equal opportunities policies which cover the issue of racism, these have largely been developed from head office or experiences from other locations. How these policies are implemented in practice can, therefore, be best examined with reference to their plants in other parts of Europe with large 'racial' minorities.

A significant reason for the apparent absence of anti-discrimination policies at employer level is the fact that anti-discrimination legislation is only now being enacted which specifically covers issues of discrimination on the basis of 'race' or ethnicity. As a result, employers have not had the spur to develop anti-discrimination policies, and procedures for dealing with racism, as they have had in other areas. An illustration of this was contained in the *Preventing Racism at the Workplace: Irish National Report* (1994) where the Irish Business and Employers Confederation (IBEC) stated that the then focus of their activities in relation to discrimination policies concerned sex, marital and family discrimination because these were the areas specifically covered by equality legislation (1994: 10). Also significant is the fact that as outlined above, the small numbers of racial/ethnic minorities in Ireland, dispersed thinly throughout the working population, has meant that racism has not been as visible an issue for individual Irish employers as it is in other countries of the European Union.

The enactment of new anti-discrimination legislation, outlined in the previous section, will hopefully change this situation. A sub-committee has recently been formed for the 'European Year Against Racism in Ireland', comprising representatives from IBEC (the largest employer organisation), the Irish Congress of Trade Unions, and anti-racist NGO's, with the specific remit of developing guidelines for employers on dealing with discrimination and promoting inclusion of racial and ethnic minorities (The work of this Sub-Committee will not be completed until the middle of 1997).

A possible model for these guidelines has, however, already been developed by the Governments Task Force on the Travelling Community, which, as stated above, was established in 1993 to advise and report on the needs of Travellers and on Government policy generally in relation to Travellers. The Equal Status Policy proposed by the Task Force is outlined in more detail in Section 3 and is included in the Compendium as it provides a very significant framework for developing good practice in terms of promoting the inclusion of Travellers in employment and other areas, and addressing the discrimination they face. It also has wider application to other 'racial' and ethnic minorities.

## ***2.2 Employment Support Services***

The most significant developments identified in Ireland in terms of actual practice to promote the inclusion of ethnic groups in the labour force (and address discrimination and its consequences) has been in the area of employment support services for Travellers. Two initiatives in particular have been identified as being of particular interest to the Compendium in that they concern promoting Traveller inclusion in two of the major State employment support initiatives in Ireland: the Local Employment Service (LES) and the Community Employment Programme (CE).

These initiatives were identified following contacts with Pavee Point, one of the largest single Traveller organisations in Ireland, which has played a central role in their development. This has been done as part of Pavee Point's work in supporting the effective participation, involvement, visibility, mobilisation and self determination of Travellers through education, training and inclusion in a broad range of socio-economic activities. In doing this, it works with other Traveller organisations, state agencies and the community/voluntary sector at national, regional and local level.

The initiatives to promote Traveller inclusion in the Local Employment Service and the Community Employment Programme are outlined in detail in the next section.

## CHAPTER 3

### DESCRIPTION OF POLICIES AND PRACTICES

#### ***3.1 A Model Equal Status Policy: Government Task Force on the Travelling Community***

As related above, one of the most comprehensive models for promoting the inclusion of ethnic minorities and addressing discrimination (both in employment and other areas) is that recommended by the Government's Task Force on the Travelling Community (1995). It is included in this Compendium as an example of how Equal Status legislation could be applied on the ground to meet the specific needs and experiences of Travellers. It also has wider applicability to other racial and ethnic groups.

The Task Force recommended that each government department, semi-state body, State agency, local authority, private sector and voluntary organisation adopt, implement and monitor an Equal Status Policy appropriate to the nature of its function and, that public and voluntary sector organisations be adequately resourced to meet their obligations in applying this policy. It further recommended that while the Equal Status Policy would be the responsibility of management, it would be designed in co-operation with employees and their trade unions and that the policy would be communicated to all staff within the institution or organisation and to the general public served by them.

The report further recommended that an Equal Status policy applied by all of these bodies would include the following commitments as appropriate to the size and nature of the institution or organisation:

- A member of senior management to be given responsibility for implementation and monitoring of the Equal Status Policy;
- Goods, services and facilities to be provided in a manner that respects and is appropriate to the distinct culture and identity of the Traveller community;
- Materials to be developed that are appropriate to the Traveller culture and identity, within services and facilities availed of by this community;
- Communications with the general public to be couched in a language and imagery that reflect the commitment in the Equal Status policy and that is accessible to the Traveller community;
- Training to be provided for all staff to ensure an understanding of the Equal Status Policy;
- Training to be provided for staff with responsibility for Traveller issues and services to ensure an understanding of the Traveller culture and identity and a knowledge of inter-cultural and anti-discrimination work methods;
- Travellers and appropriate Traveller organisations to participate at the relevant level within an institution in decision-making processes that impact on the Traveller community and on the implementation of the Equal Status Policy;
- Where the institution or organisation is involved in the creation of policy *fora* or task forces, any Traveller dimension be recognised and Traveller and Traveller organisation representation ensured;
- Positive action programmes to be developed for Travellers, including programmes for the recruitment of Travellers into the institution or organisation and creating the conditions for this to happen;
- Existing policies and procedures, including the Equal Status Policy, to be reviewed on a regular basis and changed wherever the potential for discrimination is discovered or where scope for further or alternative positive action is identified;
- Annual reports or other appropriate reporting mechanisms engaged in by the institutions or organisation, to include details of equality issues arising during the year, including implementation of work done, complaints of discrimination dealt with and positive action undertaken.

## 3.2 Travellers and the Local Employment Service

### Background to the Local Employment Service

The Local Employment Service (LES) was established by the Government in 1996 as a major initiative to combat long-term unemployment and other aspects of disadvantage in the labour market. The initiative was one of the key recommendations of the *Task Force on Long-term Unemployment* set up by the Department of the Tánaiste (Deputy Prime Minister) in 1994. The LES has been established initially in twelve partnership areas participating in the Government's Local Development Programme<sup>8</sup> and two non partnership areas - the aim will be to introduce it progressively in other areas subsequently. The LES has two key functions, that is:

- The co-ordination of existing training and employment support services provided by a range of statutory and voluntary organisations. Access will then be available to all of these services through single access points run by the LES.
- The provision through this integrated service of skilled mediators who act on behalf of those most disadvantaged in the labour market. The mediators have a guidance and advocacy role, guiding their clients through the various employment support services and ultimately seeking to match them with potential employers.

The LES are required to focus on the needs of a number of specified groups: the registered long-term unemployed; the registered unemployed for more than six months, dependent spouses of the unemployed, lone parents and the young unemployed.

### Travellers and Employment Support Services

Although the LES has been established to meet the needs of those especially disadvantaged in the labour force, no specific provision is made for Travellers. Yet Travellers have been identified by the Government's Task Force on the Travelling Community as a distinct group within the long-term unemployed. A crucial part of this 'distinctiveness' is the discrimination that Travellers experience and the fact that they, more than any other group, have a very low rate of participation in existing state employment support programmes. A number of reasons can be identified, according to Pavee Point, for such low rates of participation:

- Staff in existing employment services have not had the skills necessary to develop positive relations with Travellers and to respond in a manner relevant to their aspirations.
- Travellers capacity to hold expectations in relation to, or to make demands on, employment services has not been developed.
- Links have not been made between Traveller groups and existing employment service initiatives; a key channel of contact if these services are to meet the specific needs of Travellers.
- The outcomes open to those progressing through the employment services has not matched the needs of Travellers in terms of their efforts at developing their own economic activities. (This point was raised by the Government's Task Force on the Travelling Community, which emphasised the importance of combining strategies to increase Traveller participation in the mainstream labour force with those designed to create a supportive infrastructure for the Traveller economy).<sup>9</sup>

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<sup>8</sup> Areas Based Partnerships have been set up in a number of areas throughout the country which are characterised by high levels of unemployment and other aspects of disadvantage. The Partnerships have a major role in developing responses to long-term unemployment and have a tri-partite management structure comprising state organisations, social partners and the voluntary/community sector.

<sup>9</sup> The term "Traveller Economy" as defined by the Task force on the Travelling Community refers both to the range of distinct economic activities pursued by Travellers (principally services) and also to the particular and distinct manner in which these activities are organised.



Addressing these problems in the context of the LES required, according to Pavee Point, a Traveller specific initiative to be integrated into the LES. As part of its role in working with partnership companies in promoting the inclusion of Travellers in local development activities, the group has developed an Action Plan for the development of such Traveller specific initiatives and a pilot action from this plan has recently been put in place. The Plan is outlined below.

### **Traveller Specific Initiatives in the Local Employment Service**

Pavee Point's Action Plan proposed a three pronged strategy to promote the inclusion of Travellers in the Local Employment Service. The strategy includes:

- The development and delivery of a module for use in 'in-service' training for LES staff in terms of developing their skills in relating to Travellers and their aspirations. This module would be delivered as part of national training for LES co-ordinators. It would also be delivered in targeted local areas in partnership with relevant Traveller groups and partnership companies.
- The development and application of a monitoring procedure that would be used within the various local services to measure take-up by Travellers and to track their experience of the service. This would provide essential data for evaluation of the service and identification of strategies for the appropriate inclusion of Travellers in the LES.
- The implementation of two pilot projects, one in a rural area and one in an urban area, to test out strategies for the appropriate inclusion of Travellers in the LES. These pilot projects would:
  - ⇒ be designed by a partnership of Pavee Point, local Traveller groups and the local LES;
  - ⇒ be the responsibility of the local LES;
  - ⇒ involve contracting in the service of the local Traveller group with the interest and the capacity to provide outreach contact service;
  - ⇒ involve developing a monitoring system to measure and track Traveller take-up;
  - ⇒ involve exploring a range of potential outcomes of relevance to Travellers;
  - ⇒ be evaluated after a six month period.

One of the proposed pilot projects is now in operation in the urban setting of Tallaght, adjacent to Dublin, and has been developed in conjunction with the Tallaght Partnership, the Local Employment Service and the Traveller Interest Group of the Tallaght Partnership. How the pilot project is implemented in practice, including how it fits into the structure and practice of the LES in Tallaght is outlined below.

## Implementation of Pilot Actions

In line with the structure of the Local Employment Service (LES) being developed nationally, the LES in Tallaght has been developed to co-ordinate existing training and employment support services. It also provides a mediation service, through which trained mediators work with a job seeker to analyse his/her position and devise a plan of action to reach the goal of suitable employment opportunities. The LES also has an employer liaison officer whose role is to actively link with employers in the area.

To implement the pilot project for Travellers, the LES has been given funding to employ a Mediator/Outreach Worker<sup>10</sup> who will undertake the following tasks:

- Provide Travellers with a confidential individual career path, planning, guidance and counselling on a case load basis. This will involve identifying the needs of the individual client in terms of employment, training and development and actively matching them with appropriate opportunities. This will include liaising with training providers and employers to encourage them to recruit Travellers. (In providing this service, the Mediator will act as an integrated member of the LES, taking on non-Traveller clients from the general case load in addition to being based in the main LES office. This will ensure that the role of the mediator is not marginalised within the LES.)
- Identify necessary changes in mainstream and relevant targeted labour market measures to make them more accessible to Travellers. As part of this function, the Mediator will also seek to identify necessary support for the Traveller economy, including Traveller integration into local and national measures to support the 'social economy'<sup>11</sup>.
- Encourage Traveller participation in the LES through outreach to individual Travellers by working through Traveller organisations.
- Monitor Traveller take-up of the range of training and employment support services available through the LES on an on-going basis and identify necessary support for Traveller participation in the future.
- All staff in the Tallaght LES will be given foundation training in Travellers issues, needs and opportunities so as to develop their skills in relating to Travellers. This training will be designed in conjunction with Pavee Point and will be delivered in co-operation with the Tallaght Partnership's Horizon Disability Project.

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<sup>10</sup> At the time of writing the Mediator/Outreach worker had just been employed.

<sup>11</sup> The 'social economy' comprises a range of economic activities and businesses which have broader goals than profit maximisation, such as bringing value to the community in terms of, for example, employment generation, enterprise skills development, or the provision of services.

### ***3.3 Travellers and Community Employment***

#### **Background to Community Employment**

The Community Employment Programme (CE) is one of the largest Government initiatives to tackle unemployment. Run by FAS, the State Training and Employment Authority, the Programme combines part-time, temporary work experience within communities with a training development module. While its primary focus is the development of the unemployed who participate in the scheme, it is also seen as important in contributing to the development of local communities by providing work experience on projects that meet a social or community need. Overall the programme is seen as having three main objectives:

- providing part-time employment opportunities for the long-term unemployed and for those “at risk” of becoming long-term unemployed;
- personal development of participants and consequent improvement of their future job prospects;
- delivering economic and social benefits to communities by contributing to local development.

If a group wishes to sponsor a CE scheme they make an application to FAS. If the project meets the stated criteria, they are given funding for: wages paid to staff (which vary according to their dependency status) and for full-time supervision, where applicable; certain overheads; and development and training. Projects eligible for funding are defined as those which “respond to community need” and which “offer valuable work opportunities for workers”. Examples include projects involving heritage, arts, culture, the environment and community development.

#### **Traveller Participation in Community employment**

The Government’s Task Force on Long-Term Unemployment (1995), has stated that Community Employment (CE) can contribute to building capacity within the Traveller Community and open new avenues of progression to education, training and to the mainstream labour force (1995: 90). However, evidence shows that Travellers and Traveller organisations have not found Community Employment to be particularly attractive or accessible and participation by Travellers in such schemes has been low. According to the Task Force, a significant contributory factor to such low participation was the eligibility criteria for participation on CE schemes which did not take account of the particular circumstances of Travellers. For example:

- The requirement in the Community employment Programme for participants to be signing on the Live Register in practice excluded many married women. Traveller women tend to marry young which exacerbated this situation for them in relation, not only to the Community Employment Programme, but also to similar schemes.
- While the age for receipt of Unemployment Assistance is eighteen years, potential participants of the Community Employment Programme had to be twenty one years. The underlying logic appeared to be the belief that people between these age categories should be involved in training or education only. However, this did not recognise or cater for the specific needs of Travellers where employment schemes can have a particular relevance for this age group, especially in a situation of low mainstream labour force participation.
- Allowances paid to participants on CE schemes were often designed in a manner more appropriate to young single people without dependants. However, many Travellers marry young and the level of allowances effectively barred their entry to schemes targeted at disadvantaged people, including CE.
- The amount of time a scheme runs for, or for which participants can remain working, were often inadequate in terms of gaining skills and other work based knowledge. This was particularly true for Travellers who lack mainstream employment experience opportunities (1995: 264).

In addition to these problems, Pavee Point noted that ongoing contacts they had with Traveller organisations who had accessed Community Employment revealed difficulties faced in negotiating a training package in the context of Community Employment which was relevant to Traveller participants in terms of its content and extent.

## **Promoting Traveller Inclusion in Community Employment**

Some head way has been made in removing some of the above barriers to Traveller participation in the Community Employment Programme identified above. In April 1996, FAS, as part of its general revamping of the eligibility requirements for participants in CE schemes, made changes in relation to eligibility criteria for Travellers. Specifically:

- Previously everyone had to be 21 years of age or over and unemployed for over one year to participate in Community Employment. Now Travellers of any age and in receipt of Unemployment Benefit or Unemployment Assistance for any period are qualified to participate in Community Employment. Further, to make up the qualifying requirement, people can combine a period of receipt of these unemployment payments with a period on a recognised training or employment programme. In the case of Travellers under 18 years of age, a minimum of 12 months spent in a Travellers Training Centre will suffice for eligibility.
- Provision has been made for the development of special CE projects which provide enhanced work experience and development for Travellers.
- Whereas previously people could only participate on a CE scheme for a period of one year, there is now a three year option for people over 35 years and 3 years unemployed. Specific recognition is given to Travellers in this. Special CE projects can negotiate with FAS to extend the participation of Travellers of any age in the project for periods of up to three years.
- Special provision for Travellers has also been included in the Community Employment Framework Agreement with Local Area Partnerships operating under the Government's Local Development Programme. According to FAS almost seventy percent of schemes operating under the Community Employment Programme (CE) are run in Partnership areas. The aim of the Framework Agreement is to enable the CE Programme to support local development strategies developed by the Partnership Companies. It will do this through an agreed annual programme worked out in each Partnership area by the local FAS service and the Partnership Company. In relation to Travellers, the Agreement provides for:
  - The notification by Partnerships to FAS of trends in Traveller participation; this will occur on an evolving basis, starting with the participation by Travellers in Traveller specific projects.
  - Outlining targets for the overall participation by age, sex, and Travellers in CE in the Partnership areas;
  - FAS and the Areas Partnership Companies and the Special Traveller Initiative (Pavee Point) to co-operate in the identification of special projects which will provide enhanced work experience and development for Travellers.

## CHAPTER 4

### EVALUATION OF POLICIES AND PRACTICES

To date, little progress has been made in implementing the Equality Policy recommended by the Task Force on the Travelling Community at any organisational level in Ireland. To some extent this reflects the limited progress made to date in establishing structures for the implementation of the Task force recommendations. It is hoped that this situation will change with the passage of the equality legislation outlined in the previous section, the provisions of which include the establishment of an Equality Authority with responsibility for the promotion and implementation of codes of practice to address discrimination and promote equality at the workplace.

As the initiative to promote Traveller inclusion in the Local Employment Service has only recently been instituted, there is insufficient information currently available with which to judge its impact. There is also little information currently available on progress in terms of Traveller participation in the Community Employment Programme since the qualification criteria were changed to reflect the particular needs and circumstances of the Traveller community. However, anecdotal evidence would suggest that the changes in qualification criteria have had a positive impact, particularly in relation to participation in Traveller specific Community Employment projects.<sup>12</sup>

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<sup>12</sup> Information will soon be available from FAS to establish progress in this area.

## CHAPTER 5

### CONCLUSIONS

The results of this research show that much has to be done in Ireland in developing policies and practices to counter discrimination and promote the inclusion of ethnic minorities in employment. While the enactment of Equality legislation will be an essential part of providing the spur for the development of such practices, it is vital that working codes of practice be developed at employer level and in employment support services, that directly address the particular experiences of different 'racial' and ethnic groups.

It will be important to do this with some urgency, not only because of the continuing disadvantage and discrimination Travellers face in so many areas that directly affect their chances of employment, but also as growth in employment levels attracts more people of different 'racial' and ethnic backgrounds to Ireland. Indeed given current projections for growth in the Irish economy, it is possible that the ethnic and 'racial' composition of the population will change significantly over the next decade. Providing an effective framework for addressing discrimination and promoting the inclusion of all ethnic and 'racial' minorities in employment will consequently be crucial, both in ethical terms and for economic reasons, by ensuring that the potential benefits of an expanded labour force can be fully utilised.

In very specific areas of employment support services, the work of promoting Traveller inclusion in the Local Employment Service and Community Employment outlined in the research should be quickly evaluated, and the positive lessons learned used as a basis for the extension of measures to support the needs of all ethnic groups in general employment support services.

At a wider level, it is hoped that the codes of practice for employers being developed by the Sub-Committee convened under the European Year Against Racism are sufficiently comprehensive to effectively promote the inclusion of all ethnic and 'racial' groups in employment and provide proper redress for any related discrimination experienced. A model that could be used by the Sub-Committee is that developed by the Government's Task Force on the Travelling Community, which although specifically relating to Traveller's, could be applied more generally.

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