



The European Anti-Poverty Network (EAPN) Ireland welcomes the opportunity to make this submission to the Department of Equality, Children, Disability, Inclusion and Youth Review of the Irish Equality Acts.

This submission will focus on three areas:

1. The inclusion of disadvantaged socio-economic status as a ground in equality legislation
2. Making equality legislation more effective in protecting those it covers
3. Supporting equality legislation to tackle structural inequality

EAPN Ireland is also a member of the # Add the 10th Alliance and supports the proposals of the Alliance.

1. The inclusion of socio-economic discrimination

The exclusion of disadvantaged socio-economic status as a ground in Irish equality legislation is an inequality that needs to be urgently addressed through this review process. Discrimination based on a person's socio-economic status is common and those who experience it feel abandoned by the state in trying to address the discrimination their experience. This discrimination is experienced at all levels in access to goods, services and employment as well as at both an individual and institutional level. The discrimination experienced by those from a disadvantaged socio-economic background has a direct impact on the sense of dignity of those who experience it. It also has a direct collective impact on families and communities.

Discrimination based on a person's disadvantaged socio-economic background is also experienced in an intersectional way by those covered under existing equality grounds. This intersectionality is also a reality that should be reflected in how our equality legislation operates.

Therefore, discrimination based on disadvantaged socio-economic status needs to be included as a new ground in Irish equality legislation. The evidence for this ground is irrefutable¹.

2. Making equality legislation more effective in protecting those it covers

There are a number of changes needed to equality legislation to make it more effective in protecting people against discrimination. The following are some of the key changes that are necessary.

- a. The two-month time-limit on taking a case under the Equal Status Act effectively means that many who experience discrimination are unable to take a case. Many of those who are

¹ *Does It Only Happen to Me? Living in the shadows of Socio-Economic Discrimination*, a report by All Together in Dignity Ireland <http://17october.ie/wp-content/uploads/2019/09/SES-Discrimination-Report-ATD-Ireland-Sept-19.pdf> and *An analysis of the introduction of socio-economic status as a discrimination ground* by Tamas Kadar for the Equality and Rights Alliance <https://equineteurope.org/wp-content/uploads/2020/07/Analysis-of-socio-economic-status-as-discrimination-final.pdf>

discriminated against require support in taking a case, including to fully understand the nature of the discrimination they have experienced, and how to take a case. The two-month time-limit needs to be revisited and extended to enable those who experience discrimination to access justice.

- b. Exemptions for the State under Section 14 of the Equal Status Act need to be completely removed. This Section effectively means that many people cannot achieve justice for discrimination they have experienced. This is also a particular issue for people from a disadvantaged socio-economic background who have a higher level of interaction with state services compared to the general population. Section 14 is also in conflict with the Public Sector Duty which seeks to address discrimination and develop a pro-active approach in public sector organisations in relation to discrimination, equality and human rights.
- c. The Intoxicating Liquor Act, 2003, section 19 meant that instances of discrimination in a licenced premises are heard in a District Court rather than before the Equality Tribunal (whose function the WRC has now absorbed). The District Court has not proven to be an accessible venue for such cases, with a dramatic decline in such cases presenting after this change. This needs to be addressed by changes in legislation to ensure equality of arms for people can taking cases against licenced premises holders. These cases need to be heard by adjudicators in the WRC.

3. Supporting equality legislation to tackle structural inequality

The inequality and discrimination experienced by particular groups and communities in our society is systemic and collective in nature. It is important to ensure that Irish equality legislation can support changes to these systems and as a result to the experience of inequality and discrimination by members of these groups and communities. Section 32 and Section 42 of the Irish Human Rights and Equality 2014 Act relating to Equality Reviews and the Public Sector Equality and Human Rights Duty are important in providing a means of bring about systemic change. However, both instruments are not as effective as they should be and need to be strengthened through the review.

The review should strengthen the means of monitoring the implementation of the Action Plans developed by an organisation or public body through the Equality Reviews. A more transparent and open reporting process needs to be put in place involving an agreed timeframe for reporting on progress that allows NGO's and population groups to feed in their own comments.

Similarly in relation to strengthening the Public Sector Equality and Human Rights Duty. In order to avoid a superficial box ticking approach to the requirements to assess, address and report on equality and human rights issues within the remit of a public body, the implementation, monitoring and enforcement powers under the Duty need to be strengthened and need to include a role for civil society groups.



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