



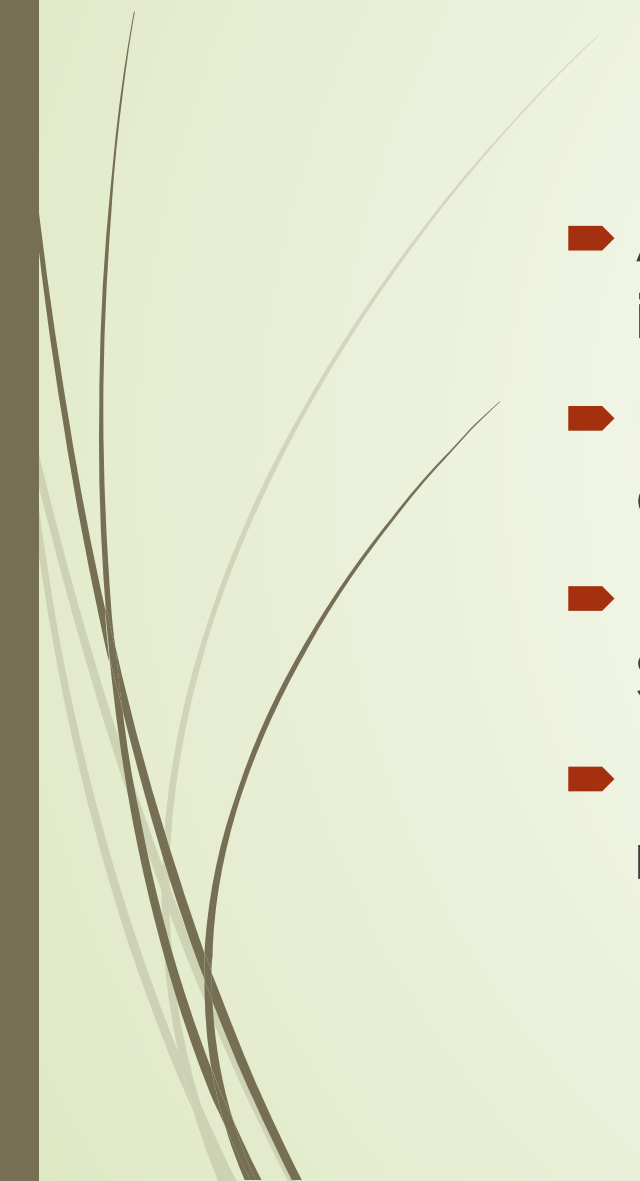
Seeking the Socio- Economic Status Ground

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Equality and Rights Alliance



Equality and Rights Alliance

- ▶ A coalition of over 170 civil society organisations and individuals working on equality and human rights
 - ▶ Formed in 2008 in response to political attacks on the equality and human rights infrastructure
 - ▶ Effectively promoted action on its Roadmap for a Strengthened Equality and Human Rights Infrastructure
 - ▶ Promoted the ground of socio-economic status – most recently through research by Tamas Kadar in 2016
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Equal Treatment Legislation in Ireland

- ▶ Employment Equality Acts, 1998, covers employment
- ▶ Equal Status Acts, 2000, covers provision of goods and services, education, and accommodation, and registered clubs
- ▶ Grounds: Gender, civil status, family status, age, disability, sexual orientation, race, religion or belief, and Traveller community
- ▶ Equality (Miscellaneous Provisions) Act 2015: ground of “housing assistance” under the Equal Status Act 2000



There is a significant gap...

- ▶ Equality Module of Central Statistics Office (part of QNHS)
 - 12% of the population aged over 18 reported experiencing some form of discrimination in the previous two years
 - Discrimination rates highest in: seeking work (7%), the workplace (5%), private services (5%), and public services (3%)
 - 29.6% of those reporting discrimination stated it was on grounds other than those covered – ‘other’ not broken down but indications that it is related to income and location or address
 - In the work domain, this figure was 22.7%. In the provision of services domain, this figure was 34.5%



Change takes time...

- ▶ 1998: Review clause in Employment Equality Act required Minister to assess, within two years, the need to add further grounds
- ▶ 2002: Equality Authority proposed socio-economic status ground, noted high levels of socio-economic discrimination in labour market
 - 2004: report of Department of Justice Equality and Law Reform suggested socio-economic status ground would serve objectives of equality legislation, and enable intersectional approach
- ▶ 2015: Irish Human Rights and Equality Commission, recommended prohibition of discrimination on the basis of socio-economic status. UN ICESCR Committee regrets lack of protection against discrimination on all grounds of discrimination prohibited by ICESCR



Making the case...

- Comprehensive equal treatment legislation
- Implementing equal treatment legislation without creating perceptions of hierarchies
- Coherence between social policy and equal treatment legislation
- Creating more favourable terrain for integrated approaches to equality and human rights
- Additional grounds not a heavy burden in context of multi-ground approaches already in place



Equality (Miscellaneous Provisions) Bill 2017...

- Include ground of 'Disadvantaged Socio-Economic Status'
- Ground defined as: "a socially identifiable status of social or economic disadvantage resulting from poverty, level or source of income, homelessness, place of residence, or family background"
- No additional exemptions or limitations
- Introduced by Deputies Jim O'Callaghan and Fiona O'Loughlin of Fianna Fail. Draft Bill got majority support in the Dail to be sent for scrutiny to Oireachtas Committee



Is there a political appetite...

- ▶ Government opposed the draft Bill, raising issues as to its necessity and impact, and as to the definition used
- ▶ Government has blocked scrutiny by refusal to provide a “Money Message” suggesting that the Bill has fiscal implications
- ▶ Government is proposing extensive research on the ground to establish levels and locations of discrimination and to explore definitions and provisions in relation to the ground



Defining the ground...

- ▶ Work to date, including that of Tamas Kadar has recommended:
 - Asymmetrical protection focused on those in a disadvantaged socio-economic situation
 - Identification of specific situations
- ▶ Equality Authority: family background, geographical location, home ownership, educational background, and economic situation
- ▶ Department of Justice, Equality and Law Reform report: Level of education; Level of literacy; Homelessness; Geographical location; Source of income; Level of income; Type of work or profession; and Employment status



In conclusion...

- Definitional challenges not unique to socio-economic status ground
- Equality legislation does not work on the basis of large numbers of cases coming forward. It functions on the basis of small numbers of strong successful cases serving to generate a culture of compliance
- European Network of Legal Experts of the European Commission identified in 2015 that equality legislation includes socio-economic status ground in 20 of the 35 European countries they cover
- Equinet found it took time for this ground to be understood, but its value has become evident with increased and comprehensive casework, covering fields of employment, social services, public and private housing, healthcare and social protection