

Speech by
Minister of State Mr David Stanton TD
Equinet Conference:
“Poverty and Discrimination – Two sides of the Same Coin”
Thursday 22 March, 2018

Good morning ladies and gentlemen. It is a great pleasure to be here and I would like to thank the Executive Director of Equinet, Anne Gaspard and her colleagues, for extending an invitation to me to open your conference today.

I would also like to thank Chief Commissioner Emily Logan and her team in the IHREC for hosting the event and of course to recognise the contribution made by Niall Crowley one of the original drivers behind the establishment of Equinet.

The theme of your conference here today is a well thought one. Discrimination violates the fundamental human right of equal treatment for all people damaging the individual affected and society generally. Everyone here today shares the common objective of wanting to protect people from poverty and from the discrimination.

In Ireland, it is almost 20 years since our equality code came into being and, of course, it is fair to say that it owes its origins to the European Union. It tackles discrimination in two halves: the workplace and in the provision of goods and services. Through the Employment Equality and Equal Status legislation, which prohibit discrimination across nine grounds, many instances of discrimination have been tackled. A wide range of caselaw has been generated over the years. Employers and service providers have an ever clearer understanding of what constitutes discrimination and what they must do to tackle it.

Ireland's equality legislation is reasonably robust and has not stood still. In recent years, for example, the Government took action in a targeted manner to address instances of discrimination against those who were in receipt of housing assistance. This was addressed in the Equality (Miscellaneous Provisions) Act 2015 which prohibits the less favourable treatment of people who receive rent supplement, or housing assistance payments. This represents a step towards the recognition of socio-economic inequalities in equality law by protecting those on lower incomes or in receipt of social welfare payments from being discriminated against. I understand that 30% of queries to the IHREC in 2016 related to housing assistance which is a clear indication of the need for including this as an additional ground of discrimination.

Current Government policy is to tackle poverty and inequality through a whole of Government approach by developing targeted strategies and allocating resources where needed. Poverty and inequality can best be addressed through our education system, through effective labour market measures and through social supports.

The Government is committed to tackling structural barriers to inequality using a range of tools. The Programme for Partnership Government has committed the Government to develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights - the Irish Human Rights and Equality Commission has a specific mandate to support this work. Pilot projects are now underway to develop expertise within the civil and public service on equality budgeting.

Such tools have the potential to effectively target structural disadvantage and to address issues at a macro level. Their benefit is that they do not require an individual victim to go through the process of taking an equality claim and undergoing the difficult process of proving discrimination.

The Programme for Government includes a commitment to develop a new Integrated Framework for Social Inclusion and a public consultation on the National Action Plan for **Social Inclusion 2018** to 2021 is currently underway. It is recognised that there needs to be a

greater focus on modernising the social protection system, improving effectiveness and efficiency of social transfers and strengthening active inclusion policies – for example the introduction of further assistance for low income families.

In my capacity as Minister of State at the Department of Justice and Equality with special responsibility for Equality, Immigration and Integration I am driving a number of strategies to reduce inequality and I would like to mention a few specifics.

The National Strategy for Women and Girls was launched in 2017 and contains a range of actions to advance socio-economic equality for women and girls, to promote physical and mental well-being and to increase their visibility and participation in leadership. One of the persistent inequalities relates to pay. Women continue to earn less in our society than men. With this in mind, the Government is preparing legislation which will require companies to publish information on the gender pay gap in their organisations. I am confident that this legislation will put the spotlight on gender pay inequalities at company level and will act as a catalyst for action to tackle such inequalities.

The National Traveller and Roma Inclusion Strategy 2017-2021 will make practical improvements to the quality of life of Travellers across Ireland; improve their living conditions, promote their health and to

give them the best possible access to education and services and employment. The first anniversary of the historic recognition of traveller ethnicity was celebrated last week

We also have a comprehensive Migrant Integration Strategy, which I launched last year with the then Tánaiste, Frances Fitzgerald T.D.. At its heart is the vision that migrants are facilitated to play a full role in Irish society, that integration is a core principle of Irish life, and that Irish society and institutions work together to promote integration. Focus areas of the Strategy include access to citizenship and public services; employment and education; political participation and the promotion of intercultural awareness. Government Departments, Agencies, cities and local communities are all playing their part in delivering on the commitments in the Strategy. On Saturday next, for instance, we will have an event jointly organised with migrant and minority ethnic NGOs and the political parties to promote greater participation by migrants and ethnic minorities in the political system. It is of course through political participation that change comes about. Diversity has become a fundamental characteristic of the Irish population. And it has brought us great benefits. I believe firmly that integration has to be promoted at community level. Yesterday, I launched the second call for proposals under the Communities Integration Fund. That Fund supports a wide range of community-based organisations to take action to promote integration. The aim is

to get migrants and non-migrants alike to work together at community level to promote greater understanding and participation.

Turning to the focus of today's conference, I believe that we need to look at a multi-faceted approach to this issue. Issues which are structural in nature may best be served by policy initiatives.

Significant progress has been made, for instance, in the field of education over the past two decades in Ireland. For example in 2001, only 68% of students in the 2001 stayed in school up to Leaving Certificate level. That number had risen to almost 83% in 2009 with over 93% of these students completing the Junior Certificate level.

The Department of Education and Skills plan has set ambitious goals for 2019 to increase enrolments in higher education enrolments from the non-manual workers group; semi/unskilled manual work group; first-time mature students; and new entrants whose basis for admission is a further education qualification.

Similar progress has been made in creating employment opportunities for citizens and migrant workers. In March 2011, 441,000 persons were on the Live Register. By the end of 2017 that figure had essentially halved. Just as importantly, the number of long term social welfare claimants alone decreased by over 23,000, or 18%, over the same period. These Live Register figures confirm that people in every field of employment, regardless of skill set and regardless of

postcode, from professional and technical, are accessing employment. Education and employment opportunities are opening up for all.

We have to be very clear as to the cause of inequality if we are to be in a position to tackle it properly. For example, as Socio-economic disadvantage may be caused by working conditions - one of the Government's legislative priorities is to address the problems caused by the increased casualization of work and to strengthen the regulation of precarious employment. This was a commitment in the Programme for Government and the draft legislation – Employment (Miscellaneous Provisions) Bill has been approved by the Government and aims to fulfil this commitment.

The aim of this draft legislation is to address a number of issues which have been identified as being areas where current employment rights legislation can be strengthened – such as prohibiting zero-hour contracts with some exceptions such as emergency cover. Perhaps this is a more appropriate way of enhancing rights of people disadvantaged by socio-economic status as there is a particular emphasis on low-paid, vulnerable workers.

Consideration is being given to adding a new ground of socio-economic status into the equality legislation. This is a complex matter and it has been considered in the past. A Report was

undertaken by UCC in 2004 on this question. The report - “Extending the Scope of Employment Equality Legislation: Comparative Perspectives on the Prohibited Grounds of Discrimination” - found that discrimination on the basis of socio-economic status is not necessarily revealed by distinctive external features. It also found that there is extreme difficulty in providing proof of discrimination, particularly where the burden of proof lies with the victim of discrimination.

The International Labour Organisation Committee of Experts - has also noted that the problem of discrimination based on “social origin” is “unquestionably one of the most difficult to define.”

The Equality Rights Alliance has also done some useful preliminary research in this area as outlined in its report, *An Analysis of the Introduction of Socio-Economic Status as a Discrimination Ground*

The Government is working to commission objective research to establish the extent and prevalence of socio-economic discrimination which needs to be addressed.

It is hoped that the research will establish whether or not such discrimination is occurring in relation to employment or in relation to access to goods and services or both. It will establish whether a legislative response is needed and, if so, which legislation needs to be

amended. A precise formulation of words for the additional equality ground will also need to be devised and it is essential that it is easy to interpret by both the person the law seeks to protect and by employers, service providers and businesses who need to be aware of their obligations.

Before we amend the equality legislation, we need to be sure that it is actually discrimination that we need to tackle rather than other factors such as training needs or educational disadvantage. We need to know the extent of any such discrimination. We also need to isolate the potential discrimination from any other factors that might affect the person's employment status. The inclusion of "socio-economic" ground in equality legislation is relatively new at European level.

Definitions vary between EU Member States. Some, such as Belgium or Denmark, have introduced the concept of 'social origin' into their equality legislation. Others such as Latvia are using the concepts of 'property' and 'place of residence' to address socio-economic discrimination. Meanwhile, Lithuania uses the term 'social status'. The application of such concepts in caselaw at EU level is still in its infancy.

Indeed I note that EQUINET, has indicated that equality bodies are only beginning to develop greater clarity as to how the new ground can be operationalised.

A clear definition as to what is meant by socio-economic discrimination is therefore essential to avoid introducing an ambiguous and wide-ranging definition of 'disadvantaged socio-economic status' into our Equality legislation which may not, ultimately, provide any additional benefit.

Conclusion

We should continue to seek to address barriers that create disadvantage for individuals in our society and prevent them from realising their full potential. The Irish Government is using a series of approaches to achieve this end.

The Government's extensive programme of work in tackling disadvantage and providing opportunities for all in this republic will continue to be a priority.

Unfortunately other commitments mean that I cannot stay for the discussions. I would like to thank Equinet and IHREC for organising such a valuable worthwhile conference and I look forward to hearing the outcomes and conclusion of your deliberations today.

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