

ENABLING LESBIAN, GAY AND BISEXUAL INDIVIDUALS TO ACCESS THEIR RIGHTS UNDER EQUALITY LAW

*Research Summary Report
November 2007*

Judy Walsh, Catherine Conlon, Barry Fitzpatrick and Ulf Hansson

Equality Commission

FOR NORTHERN IRELAND



THE EQUALITY AUTHORITY
AN TÚDARÁS COMHIONANNAIS

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1. Introduction

This report summarises the key findings of a research project¹ commissioned by the Equality Commission for Northern Ireland (ECNI) and the Equality Authority (EA). The project's primary aim is to identify strategies whereby specialised equality bodies can enable lesbian, gay and bisexual (LGB) people to secure their rights under equality law. Specific objectives of the report are to explore:

- Obstacles to LGB individuals realising the protection afforded by the legislation and to engaging effectively with equality bodies.
- Barriers for equality bodies in securing a visibility for LGB people in their work and in the implementation of equality legislation.
- Good practice for specialised equality bodies in securing effective access to rights for LGB people.
- Legislative, policy, resource and contextual changes required to secure effective access to rights for LGB people.

The report combines findings from a small-scale qualitative study² with a literature review and an appraisal of current legislation, policy and practice.

1 Walsh, J; Conlon, C; Fitzpatrick, B; Hansson, U (2007). "Enabling Lesbian, Gay and Bisexual individuals to access their rights under equality law", available in PDF format at www.equalityni.org and www.equality.ie/research.

2 The study comprised interviews with LGB individuals, representatives of LGB non-governmental organisations, personnel working in specialised equality bodies, and other relevant stakeholders.

2. Main Findings

2.1 Contextual Issues

While the LGB community is internally diverse, its members share harmful experiences generated by heterosexist and homophobic practices. In order to avoid the adverse consequences that may arise in a homophobic environment, many people are cautious about disclosing their sexuality. Heterosexism, the assumption that everyone is heterosexual, exacerbates the problem of LGB invisibility. Although the legal and social status of LGB people has improved considerably in recent years, a body of qualitative research³ reveals significant patterns of inequality. Further, interviewees emphasised that the absence of a relationship recognition framework in the Republic of Ireland (ROI) substantially contributes to a discriminatory culture.

Equality laws are in place in both Northern Ireland (NI)⁴ and the ROI⁵ which seek to promote equality of opportunity and protect LGB individuals from discrimination in the context of employment and the provision of goods and services, accommodation and education. Enforcement of these laws relies heavily upon actions taken by individuals. Since litigation plays an important role in clarifying legal principles and raising awareness of equality issues, the individual complaint is a core focus of this report. Mirroring experience in other countries, to date the level of sexual orientation (SO) ground complaints is low in both jurisdictions. However, there have been a number of valuable casework outcomes in the ROI.

3 For example, GLEN/NEXUS (1995) *Poverty, Lesbians and Gay Men: The Economic and Social Effects of Discrimination*. Dublin: Combat Poverty Agency; Jarman, N and Tennant, A. (2003) *An Acceptable Prejudice*. Belfast: Institute for Conflict Research; Lesbian Advocacy Service Initiative (2002) *A Mighty Silence*. Belfast: LASI; Gay HIV Strategies / NEXUS (1999) *Education: Lesbian and Gay Students*. Dublin: Gay HIV Strategies and NEXUS.

4 NI: Employment Equality (Sexual Orientation) Regulations (NI) 2003 (employment and training); Equality Act (Sexual Orientation) Regulations (NI) 2006 (goods, facilities and services, control of premises and performance of public functions); Section 75 of the Northern Ireland Act 1998.

5 Employment Equality Acts 1998 & 2004 (EEA); Equal Status Acts 2000 to 2004 (ESA); Intoxicating Liquor Act 2003.

Given the difficulties associated with the 'individual justice' mode of redress the potential of other enforcement mechanisms and promotional measures more broadly is examined. In line with a 'group justice' approach the EA and ECNI can enforce equality law through various means, including litigation on their own initiative, and investigations or inquiries. Because such collective enforcement powers remove the onerous burden placed on individual litigants they are an appealing option for advancing the equality rights of minority groups such as LGB people.

Compliance with equality law is not solely triggered by legal actions, it can also be voluntary and proactive. In this regard the promotional and developmental work carried out by the equality bodies is a vital strand of their mandate. With respect to LGB equality, discrimination prohibitions tackle certain manifestations of homophobia but have very little purchase on heterosexism. Various promotional and developmental measures consequently assume central importance in countering this relatively covert and institutionalised form of inequality.

2.2 Access to Rights: Identification and Pursuit of Complaints

Using a framework developed by sociologists of law⁶ the conditions operative during the formative stages of equality law claims are explored in the main research report. The first step on any path of redress involves the identification of a harmful experience. That experience is then transformed into a grievance, a stage referred to as 'rights realisation'. Awareness of applicable laws and policies is crucial if persons are to translate the perceived harm suffered into one that is understood as legally prohibited. Once the grievance is brought to the attention of the persons considered responsible a third stage is reached, that of seeking redress.

6 Felstiner, W., Abel, R.L. and Sarat, A. (1981). *Emergence and Transformation of Disputes: Naming, Blaming, Claiming...* Law and Society Review 15, pp631-54.

Barriers

All potential claimants face certain barriers during the identification and pursuit of complaints, however, many of these are heightened for LGB people.

The process of acknowledging being a victim of discrimination was described as a painful one by research participants; many LGB people tolerate homophobic practices in order to 'get by' in various settings.

According to the research participants, the form of advice or assistance required in discrimination cases is not purely technical but encompasses social and emotional supports. A range of stakeholders should therefore play discrete roles during the formative stages of claims. The EA and ECNI operate an extensive public information service on the equality legislation, but individual legal advice and representation can only be supplied in a limited number of cases. An apparent legal needs gap exists in both jurisdictions. This is particularly so for claims arising outside the workplace or where the services of a trade union cannot be accessed. Support in the form of advocacy services and equality law information and advice has been accessed through Citizens Advice Bureaux, Citizens Information Centres and non-governmental organisations (NGOs), but the extent to which these organisations have adequate capacity and resources for these roles is of concern. Currently LGB NGOs act as an important port of call for people seeking information on SO claims; however, capacity in the sector needs to be enhanced if they are to play a more central role in supporting claimants.

Once an individual has concluded that their rights under equality law may have been breached a decision whether to actually seek redress must be taken. Fear of victimisation is an established barrier to pursuit of discrimination law cases generally. Equality law prohibits the victimisation of those taking action around the enforcement of equality legislation. Casework in NI and the ROI demonstrates how seriously the equality bodies, courts and tribunals view such incidents. SO ground claims entail considerable anxiety about the impact of litigation on interpersonal relationships and the potential threat to one's career given the risk of being 'outed'.

Emerging Strategies

Assisting LGB people to identify discriminatory practices and then consider taking action requires extensive promotional work on the part of specialised equality bodies, acting in concert with LGB groups and the social partners. Developing a positive culture of respect is required in order to counter the invisibility of minority sexual orientations. Measures undertaken should address the harms of heterosexist environments as well as the types of conduct such as discrimination, harassment and victimisation that are actionable under equality law. Access to appropriate legal advice and personal support should be enhanced.

Generic information and advice providers often do not have specialist equality expertise; it is therefore essential that the EA and ECNI are in a position to share knowledge of equality law and practice with other bodies. Work aimed at fostering effective partnerships with agencies such as the Citizens Advice Bureaux and the Citizens Information Centres builds capacity at local levels and so can be expected to have a significant “multiplier effect”. Dedicated SO ground materials and, if feasible equality law training, would facilitate the enhanced advocacy role that could be played by LGB NGOs.

2.3 Access to Rights: Bringing a Case

All those who proceed to seek redress before a court or tribunal have to grapple with complex laws and engage with an unfamiliar and intimidating environment. Prospective litigants must fit their claim within the legal framework and follow various formal requirements including completing and filing documentation within strict time limits. In this respect it is important to acknowledge the importance of the investigative function of the Equality Tribunal in the ROI, which means that the pursuit of a claim is not entirely dependent on the capacity of the individual litigant to marshal relevant evidence and present complex legal arguments.

Barriers

Significant exemptions undermine the potential of equality laws for LGB people in the ROI and so low levels of litigation under the SO ground may in part be attributable to the fact that many instances of discrimination fall outside the protection afforded by the legislation. In both jurisdictions religious ethos

provisions, in particular, Section 37 of the Employment Equality Act (Ireland) and 'faith-based' exemptions in the Equality Act (Sexual Orientation) Regulations (NI) (SO GFS Regulations), have a significant 'chilling effect' on the LGB population, with many believing that certain institutions enjoy a licence to engage in SO discrimination. The actual impact of these exemptions has still to be tested in case law.

While securing adequate evidence to mount a case is a hurdle faced by every claimant, the SO ground generates distinct problems: Sexuality goes to the heart of a person's identity and so the issues raised are necessarily intimate.

Anonymity cannot be guaranteed in either NI or the ROI; as a result litigation is frequently not a feasible option for individuals that are not 'out' in all domains of their lives.

Many equality law cases are heard before tribunals and these forums aspire to a level of accessibility that enables individuals to represent themselves or avail of a lay advocate. Nonetheless, LGB individuals and representative organisations regard the procedures for taking a case under equality legislation as complicated and somewhat opaque.

Difficulties generated by time limits and delays impact considerably on LGB people. In both jurisdictions litigation must be commenced within a very short period, but under the SO ground it may take some time before a person identifies the incident as discriminatory and recovers from it sufficiently to act or mobilise their personal resources to tell others. The requirement under the ROI Equal Status Acts 2000 to 2004 (ESA) to notify the person against whom the claim is being made in writing within two months is a particular barrier. Substantial delays have a heavy psychological toll and may cause withdrawal from the process, or inhibit the lodgement of claims in the first place. Delays in the Equality Tribunal of up to three years in a case being decided present particular difficulties.

Emerging Strategies

A legal reform package should, amongst other things, address the statutory exemptions that affect the LGB population and secure anonymity where desired by claimants. Resources, as well as improved procedures and case management systems, are required to expedite the hearing process in both jurisdictions but particularly in the ROI.

2.4 The Role of Specialised Equality Bodies

The ECNI and the EA engage in a range of activities, both SO-specific and multi-ground, that promote equality of opportunity and combat discrimination against LGB people. These activities include awareness campaigns, developing best practice models, providing information and occasionally training on equality rights, research, convening an advisory committee to give visibility to the equality agenda for LGB people, conducting equality reviews, and supporting complainants. In realising their statutory mandates the equality bodies strive to balance the needs of individuals with strategic aims, while also maintaining the independence required to ground constructive engagement with a range of stakeholders.

Several challenges for the specialised bodies were identified in the course of the research. These are attributable to two primary factors: (1) inadequate resources and (2) the legislative framework.

Neither the EA nor the ECNI are the sole source of equality law advice and assistance. Both bodies provide such services to a limited number of claimants in accordance with the equality law and on the basis of published criteria. As with all claimants, LGB people cannot be guaranteed access to advice and representation. It is important, therefore, that a range of sources of equality law advice can be drawn upon.

Outreach programmes aimed at building equality law expertise in Citizens Information Centres have been undertaken for a number of years in the ROI. Nonetheless, community legal services remain under-developed in both jurisdictions. Given the identified need for social and emotional support advocates drawn from the NGO sector could play a significant role in assisting LGB

claimants. However, it seems that LGB organisations assume their advocacy role is confined to the preliminary stages of cases.

With respect to adjudication of claims, the ROI system enjoys a considerable advantage over its NI counterpart: the Equality Tribunal functions as a dedicated, independent forum for redress under equality law. However, inadequate resources, procedural and case management issues have generated considerable delays in the processing of claims. Interviewees also raised the need for greater use of the Tribunal's investigative powers.

The EA has supported the voluntary implementation of Employment Equality Reviews and Action Plans and of Equal Status Reviews and Action Plans. The Reviews and Action Plans have had an SO focus as part of a multi-ground approach. This reflects progress in using the collective enforcement powers available to the EA. However it is important to build on this progress and to ensure that both EA and ECNI are provided with adequate resources to achieve further progress in this area.

Additional statutory powers would enhance the work of ECNI and EA in certain fields and secure a greater role for civil society organisations in the enforcement of LGB equality rights.

Strategies and legal reforms aimed at overcoming the challenges encountered by equality bodies are outlined in the *Conclusions and Recommendations* section.

2.5 Comparative Review

A comparative review was carried out in order to examine the extent to which the issues that have emerged on the island of Ireland have also surfaced in other jurisdictions and to identify examples of good practice. The review drew on expertise of specialised equality bodies located in four European States. Of the countries canvassed - Belgium, The Netherlands, Scotland and Sweden - none reported significant numbers of SO ground cases. So the modest rates in both parts of Ireland are not exceptional.

Several of the bodies have established good working relationships with LGB NGOs. These links frequently formalised through 'collaboration agreements', are used to refer discrimination cases, cooperate on promotional campaigns and to develop SO ground resource materials. Several of the websites surveyed contain dedicated SO pages (as does the ECNI's site) incorporating sections that direct members of the public to alternative sources of information, advice and assistance.

The Swedish SO equality body, HomO, has collaborated with domestic and international partners to produce a publication - *Equal at Work*⁷ - which supplies an accessible template for NGO advocacy work that could inform the generation of an advocacy system in NI and the ROI.

NGOs in several countries have developed resource materials aimed at promoting greater understanding of LGB equality issues, which provide examples of concrete implementation measures.

As for dispute resolution, some of the countries reviewed have moved further in the direction of a group justice model than NI and the ROI, in that trade unions and other civil society organisations can take cases on behalf of complainants and/ or refer general discriminatory practices for adjudication. Powers of investigation/inquiry similar to those conferred on the EA and ECNI have been invoked to deal with SO discrimination in the Netherlands and in Sweden.

7 Piehl, M. (2006). *Equal at Work*: <http://www.accesstojustice.se/>

3. Conclusions and Recommendations⁸

In line with the analysis of barriers and challenges discussed in the earlier sections recommendations are presented under three headings:

- Homophobia and Heterosexism
- The Legislation
- Mechanisms of Access

The EA and ECNI have developed collaborative networks and enjoy considerable stakeholder approval and so in that sense are well placed to drive a programme of concerted action to enhance LGB access to equality rights. The equality bodies should consider establishing a structured dialogue to consider how the recommendations set out in this report can be progressed. Other stakeholders, in particular the trade unions and the citizens advice/ citizens information providers could also usefully be included in this dialogue.

3.1 Homophobia and Heterosexism

The Equality Bodies

The ECNI and EA have engaged in a range of LGB centred initiatives, as well as undertaking multi-ground work that encompasses sexual orientation. Despite these efforts SO claims are not forthcoming in significant numbers. LGB visibility and the stigma associated with minority sexual orientations is the most salient factor in this context. Certain LGB populations, most notably young people, persons who live in rural settings and those that are employed in given occupations, are especially vulnerable. For such groups the prospect of taking a case is remote. These populations will rely on the specialised equality bodies to drive proactive compliance with equality law through promotional, developmental, and outreach work on SO issues. The EA and ECNI should continue efforts to generate a positive culture of respect for lesbian, gay and bisexual people across all sectors of society. Under the umbrella of its ongoing *Equal Rights - It's the Law*

⁸ The recommendations are presented in full in chapter 6 of the main report, "Enabling Lesbian, Gay and Bisexual individuals to access their rights under equality law".

campaign the ECNI could consider a specific initiative to address the area of homophobic bullying in schools. This could also draw from the EA awareness campaign on homophobic bullying in schools carried out jointly with the BeLonG To Youth Project.

A significant contextual issue, which differentiates the two jurisdictions, is the absence of LGB relationship recognition laws in the ROI. Further, as the statutory equality duty evolves in NI, sexual orientation issues will acquire a greater foothold within the public policy agenda. Securing legal recognition of LGB partnership rights is one of the two core project areas specific to the ground identified in the Equality Authority's strategic plan. The EA played a significant role in the Working Group on Domestic Partnerships established by the Minister for Justice, Equality and Law Reform on foot of these commitments. It has also highlighted the need for equivalence in the protection of rights and in that context noted the absence of an ROI equivalent to the Section 75 statutory equality duty. Our research findings strongly endorse the continuation of those strategies as a central pillar in bringing about greater social justice generally for LGB people based in the ROI.

LGB NGOs

LGB NGOs could explore the feasibility of implementing an 'E-quality mark', designed to acknowledge best practice amongst employers and service providers. As such this measure would include but also move beyond the traditional focus on overt discrimination, providing an ideal platform for tackling one of the primary forms of inequality experienced by LGB individuals - heterosexism. As a complement to advocacy work, representative organisations could also explore the use of situation testing, a mechanism that is designed to generate proof of discrimination in particular fields. As an extra-legal strategy situation testing is appealing because it can uncover discrimination against LGB people without the fear of victimisation and the anonymity concerns that impact on individual LGB claimants.

Trade Unions

Trade unions are important providers of advice and assistance for claimants in the employment arena. Research participants raised the need for further dialogue between unions and LGB NGOs. Dedicated SO representatives could be appointed and the development of LGB sections or committees could be further encouraged. In the ROI amendment of the religious ethos exception contained in Section 37 of the Employment Equality Acts 1998-2004 (EEA) was identified as an issue that has been progressed by the trade union movement; this important work should continue.

3.2 The Legislation

Significant problems were identified with the scope and content of the equality laws in place in both jurisdictions from the perspective of SO ground complainants. Areas were also highlighted in which the equality bodies' capacity to act is constrained by the legislative framework. The EA and ECNI are charged with keeping the laws that come within their mandate under review and in that regard have made several submissions to the respective government departments.

ROI and NI Governments

Equality law in both jurisdictions should be amended to (a) address barriers to SO claims (b) enhance the capacity of equality bodies and third parties to promote equality for LGBs, and to (c) afford an equivalence of rights protection as between NI and the ROI. Primary suggested reforms include:

- Extension of time limits under ROI legislation which apply to the making of a claim of discrimination (including removal of the notification requirement under the ESA) and the harmonisation of time limits in NI to the County Court standard.
- The introduction of representative actions in both jurisdictions, which would enable organisations such as trade unions and LGB NGOs to take cases on behalf of named complainants and in their own name.
- Extension of equivalent powers to litigate to the ECNI as those enjoyed by the EA.

- Enactment of statutory equality duties to promote equality in the ROI equivalent to those in NI and consideration of alternative forms of access to individual and NGO complaints both in relation to the NI duty and also the equivalent duty which is recommended for the ROI.
- Extension of the Equal Status Act to explicitly cover public functions in the ROI.
- The amendment of Section 37 of the Employment Equality Act in the ROI and reconsideration of the breadth of 'faith-based' exceptions in the Equality Act (Sexual Orientation) Regulations (NI) 2006.
- Provisions that would secure anonymity for the Sexual Orientation ground and other 'sensitive' claims before tribunals and in the wider court system in NI and the ROI.
- Improved redress provisions in equality law cases in NI and ROI, which will effectively counter acts of discrimination and harassment.

ROI Government

Bearing in mind equivalence of rights commitments, the undertaking to legislate for civil partnerships in the ROI Programme for Government should be fulfilled at the earliest possible opportunity.

3.3 Mechanisms of Access

The Equality Bodies

In order to enhance knowledge of LGB equality issues the EA and ECNI should consider monitoring and analysing data concerning queries and case files under the SO ground.

Both bodies should consider developing a 'Funding and Representation' website section which would give information about means of funding cases and detail statutory and voluntary organisations that may be able to supply legal advice to potential complainants.

Resource packs tailored to the pursuit of SO ground claims should be developed. The packs should provide accessible information to potential claimants and

advocates on equality law and the associated redress processes. In relation to the ROI, the materials should cover all grounds but include LGB specific information.

Provision of dedicated briefing sessions and, if feasible training opportunities, to representative organisations would enhance advocacy work and help to counter some reported confusion as to the role of NGOs in equality law claims.

The EA and ECNI should continue to build and strengthen training partnerships with agencies such as trade unions and Citizens Advice Bureaux/ Citizens Information Centres, in order to build capacity at local levels.

In light of the significant obstacles to individual litigation outlined in this report, the equality bodies should also consider how the full ambit of their powers might be utilised to challenge instances of discrimination and harassment where individual litigation is unlikely.

Both the EA and ECNI enjoy collective enforcement powers designed to address systemic instances of discrimination. Consideration should be paid to the strategic use of powers of investigation or inquiry in areas where SO discrimination may be present. Evidence from other jurisdictions is that such investigations can be effective, particularly where individual litigation is unlikely. Further, the equality bodies' power to refer 'discriminatory practices' to NI and ROI adjudication forums should be further explored.

Equality bodies should consider further their potential to act through 'amicus curiae' interventions in ongoing litigation should the occasion arise. It is also significant that, although in a 'defensive' context, the ECNI, Northern Ireland Human Rights Commission (NIHRC) and Coalition on Sexual Orientation (CoSO) all intervened in the judicial review on the Equality Act (Sexual Orientation) Regulations (NI) 2006 (SO goods, facilities and services regulations), indicating a willingness to act strategically in defence of LGB rights.

LGB NGOs

A community advocacy initiative to help those reporting LGB discrimination could be put in place. Advocates would provide emotional, personal and social support, meeting an acute need that cannot be fulfilled by the specialised equality bodies and trade unions. Ultimately, and provided it is adequately resourced, the envisaged advocacy initiative could include assistance with tribunal applications. For such a development to be feasible the under funding of the LGB NGO sector at local level would have to be addressed by the NI and ROI governments.

Citizens Advice and Information Providers

Citizens Information Centres and Citizens Advice Bureaux are an important infrastructure for disseminating information on equality law for LGB people. Existing advocacy programmes should include an equality law and SO focus. Select centres and bureaux could also host outreach sessions with LGB representative organisations and service providers within their geographic area.

Trade Unions

In the ROI, and to a lesser extent in NI, unions act as advocates before tribunals and courts. Given their substantial experience in representing individual claimants, union officials could perhaps provide advocacy training to LGB NGOs.

The Legal Profession

The ROI Bar Council's Voluntary Assistance Scheme could be promoted as a resource for LGB representative organisations. A range of other LGB-friendly initiatives could be considered by the legal professions in both jurisdictions including: the establishment of a Discrimination Law Forum; development of an accreditation system for specialists in discrimination law along with an 'LGB-friendly' register, which could be used in solicitors' advertising material; and delivery of further and ground-specific education and training on equality legislation on legal education courses.

Legal Aid Bodies

Following a suggested dialogue with the ECNI and EA, the Northern Ireland Legal Services Commission and the Legal Aid Board (ROI) should develop and then publicise a policy on their capacity to fund legal advice and/or assistance in discrimination claims.

The Equality Tribunal

Equality Officers should continue to use the redress provisions to effect changes in organisational practices and should consider recommending the production of specific policies on combating homophobia and eliminating heterosexism in successful SO ground cases. A rules committee should be established to address procedural and case management issues, which could in conjunction with increased resources assist in reducing delays in hearing claims.

NI Tribunal; County Court (NI)

Employment tribunals in NI should consider their powers to grant restricted reporting orders, particularly in light of the recent Court of Appeal ruling on anonymity.

NI and ROI Governments

Significant delays are encountered by claimants using the Equality Tribunal system. This innovative system of quasi-judicial adjudication is under-resourced and renewed efforts should be made to ensure that staffing levels in particular are augmented. Investment should also be made to enable the EA and the ECNI to further implement their collective enforcement powers.

Capacity in the sector needs to be enhanced if LGB NGOs are to play an enhanced role in supporting claimants. NGOs who engage in equality rights advocacy, have a key role to play as a channel of communication on rights, and there is an appetite for exploring a more structured approach to this work. These developments cannot take place without secure and increased government funding.

NI Government

In terms of equivalence of equality rights serious consideration should be given in NI to the merits of a redress system similar to that overseen by the Equality Tribunal in the ROI.

Table 1: Summary of Recommendations

Underlying Cause	Barrier	Proposed Recommendation	Responsibility
Homophobia and heterosexism	Failure to identify harmful practices	Targeted promotional campaigns	ECNI EA Trade Unions
	Absence of positive culture of respect for LGB people within workplaces and in other social contexts	E-quality mark to encourage and acknowledge good practice on LGB equality	LGB NGOs
	Fear of victimisation	Specific initiatives with employer and service provider organisations in relation to SO equality issues	ECNI EA Trade Unions
Legislative Framework	Time Limits	Extended time limits; removal of notification requirement under ESA	ROI Government NI Government
	Operation of legislative exceptions that impact on LGB people	Amendment of section 37 EEA Extension of ESA to cover public functions Consideration of breadth of faith-based exceptions in SO GFS Regulations	ROI Government NI Government

Underlying Cause	Barrier	Proposed Recommendation	Responsibility
	Fear of victimisation and privacy concerns	Anonymity for SO ground claimants Introduction of representative actions	ROI Government NI Government ROI Government NI Government
	Inadequate redress	Establishment of proactive remedies in NI Removal of ceiling on awards in ROI	NI Government ROI Government
	Absence of positive culture of respect for LGB people within workplaces and in other social contexts	Enactment of statutory equality duty in ROI Introduction of relationship recognition laws in ROI	ROI Government
Mechanisms of Access	Lack of awareness of legal rights and avenues of redress	Development of LGB – specific briefings for inclusion in resource pack on equality law Educational programmes with LGB organisations	EA ECNI LGB NGOs EA ECNI
	Inadequate sources of advice and assistance	Outreach work in order to enhance discrimination law expertise in CAB and CICs	ECNI EA CA CIB

Underlying Cause	Barrier	Proposed Recommendation	Responsibility
		<p>Establishment of advocacy programme to provide social and emotional support to LGB complainants</p> <p>Proactive LGB employee supports Advocacy training with LGB NGOs</p> <p>Proactive equality law, LGB – friendly educational and outreach initiatives</p>	<p>LGB NGOs CA CIB</p> <p>Trade Unions</p> <p>Legal professions</p>
	Financial costs	<p>Extension of civil legal aid scheme to tribunal hearings</p> <p>Clarification of role of statutory legal advice providers in equality law cases</p>	<p>ROI Government NI Government</p> <p>EA ECNI LAB NILSC</p>
	Inadequate redress	Use of proactive remedies by courts and tribunals	Equality Tribunal Industrial Tribunal County Court
	Complex and opaque processes	<p>Establishment of rules committee to review Equality Tribunal procedures</p> <p>Creation of specialised equality law tribunal</p>	<p>Equality Tribunal</p> <p>NI Government</p>
	Delays	Resources for tribunals to reduce waiting periods	ROI Government NI Government

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