



Submission to the consultation on the review of the Equality Acts

8th December 2021

The Cork Equal and Sustainable Communities Alliance (CESCA) is an alliance of eighteen diverse community and voluntary organisations in Cork City, coming together with a common goal of social inclusion and social justice. The alliance partners with and is supported by the HSE Social Inclusion Services in Cork and works to address issues of disadvantage in Cork city. The alliance was established in 2014 to work together across the nine equality grounds and a tenth ground of socio-economic status. This collaboration also aims to progress as well as protect the vast experience and excellent work of these front-line organisations that are at the heart of social inclusion services in Cork City. As individual organisations we advocate for and provide direct support to many of the communities already protected under the Equality Acts including members of the Traveller community, lesbian and bisexual women, gay bi+, trans and queer men, refugee and migrant communities, people with disabilities and additionally communities affected by socio-economic disadvantage. For more information see www.cesca.ie

1. Introduction

CESCA welcomes and commends the Government's current review of the Equality Acts and are grateful for the opportunity to input into the current consultation underway.

CESCA's mission is to achieve positive change for the marginalised communities we support and to champion the vital role of community and voluntary organisations in the city of Cork. We achieve this in a variety of ways including direct support to communities, education and lifelong learning provision, advocacy and campaigning for the rights of communities and through education and training to public and private bodies. As an alliance we have four clear objectives supporting our work all of which inform our position in terms of the current consultation. These are:

1 Social Inclusion and Equality To support and resource marginalised communities to amplify social exclusion and equality issues and to engage with local and national stakeholders aiming to achieve positive change.

2 Educational Disadvantage and Lifelong Learning To support marginalised communities experiencing educational disadvantage so they can participate fully, engage with and progress through lifelong learning opportunities.

3 Employment and Social Enterprise To engage with marginalised communities who are unemployed but who do not fall within mainstream employment services aiming to move individuals closer to the labour market and create social enterprise opportunities.

4 Interagency Working in the Community and Voluntary Sector Raise awareness of the critical role of the community and voluntary sector in supporting marginalised communities, the importance of interagency working and the increasing challenges we face.

Each CESCA member works in partnership with the communities they support through equality-based community development approaches that aim to ensure that the voices and experiences of their communities are amplified. It is within this context that we submit our views on the Equality Acts consultation.

2. Areas of concern

As an alliance we view the current protections afforded to marginalised communities under the Equality Acts as essential in ensuring people are protected from discrimination and inequality on the basis of who they are. We have supported many individuals and communities to pursue their rights as set out under the Equality Acts and view this as an essential vehicle for achieving a more just and equal society here in Cork City and beyond. However, we are also aware that many people continue to experience discrimination and injustices on a daily basis because of who they are and where they come from. Some of this relates to not being able to fully vindicate their rights as enshrined in the legislation or in other instances it may be because the discrimination they are experiencing is not currently covered by the Equality Acts

We broadly support the [submission already made](#) by Community Work Ireland and their recommendations concerning the need to strengthen and build on the provisions of the Equality Acts.

We would however like to make additional representations based on recent experiences we have had of advocating for and supporting marginalised communities. We know that, despite the existence of the Equality Acts, our communities continue to experience discrimination and inequality on a daily basis. The reasons for this are multifactorial but we are particularly concerned with the:

- 1) Obstacles that exist in terms of people being able to access justice under the Equality Acts
- 2) Current grounds of the Equality Acts do not provide for the discrimination experienced by many communities

2.1 Barriers to justice under the Acts

Like Community Work Ireland we are particularly concerned about the impacts felt by the removal of the Equality Tribunal in overseeing the implementation of the Equality Acts and similarly have concerns about the limitations of the Free Legal Aid Service (FLAC) in supporting communities to pursue their rights fully under the Equality Acts.

CWI report that the levels of under-reporting of discrimination found in the 2014 CSO Quarterly National Household Survey indicated that almost two thirds (64%) of people who experienced discrimination in the two years prior did not take any action in response to their experience and only 10% stated that they had made an official complaint or taken legal action. This would reflect the experiences of many of our communities who either are not

aware of the avenues to access justice or do have the resources or support to pursue their rights.

For example, members of the Traveller community as well as other marginalised communities often face significant barriers when it comes to taking cases to the District Court and the Workplace Relations Commission. These include but are not limited to:

- Under the Intoxicating Liquor Act 2003, anyone experiencing discrimination in a licensed premises must go to the District Court, where there is a fee for lodging a claim, plus associated costs and this is often adversarial in nature.
- It is often very difficult to find legal representation, because equality cases may be considered time-consuming and costly. Traveller communities in particular have reported discrimination from lawyers and the legal profession.
- The experience of some of the communities we support is that the Workplace Relations Commission often has its own barriers and can be a slow process. There are concerns regarding the imbalance that can exist with voluntary organisations attending as advocates for marginalised communities whereas private businesses may have full legal representation.
- There is a strict two-month deadline for the ES1 form for the WRC, which claimants might have difficulty with.
- It is our experience that the dissolution of the Equality Tribunal and the transfer of cases relating to licensed premises to the jurisdiction to the District Court led to communities being much less likely to pursue justice under the Equality Acts.

CESCA recommends:

- **A need to address the procedural issues and barriers that can exist in the implementation of the Equality Acts**
- **The Criminal Justice (Hate Crime) Bill 2021 should be implemented and should align with amendments made to the Equality Acts.**
- **The capacity, resources and remit of FLAC should be extended to enhance access to justice under the Equality Acts**
- **The Equality Tribunal should be reinstated.**

2.2 Extending the grounds under the Equality Acts

Since our inception in 2014 CESCA have not only advocated for and worked according to the nine grounds under the Equality Acts but also a tenth ground of socio-economic status. This is in recognition of the fact that many of the communities we support face discrimination and inequality because of where they live, their educational status or because of poverty. This is particularly notable for people who live in areas of high deprivation within Cork City, are homeless or are member of the Traveller community. We believe no one should face discrimination in accessing public or private services, education, healthcare, employment or in any other aspect of their lives because of who they are. Yet our experience tells us this is happening every day for our communities. This is backed up by research published in 2019 by All Together in Dignity (ATD) Ireland in a report entitled [*Does it Only Happen to Me?*](#) Noting in particular the significant impact such discrimination has on a person mental health and self-worth. This is particularly so when a person does not have access to justice in terms of this form of discrimination.

One CESCA member organisation [The Gay Project](#), recently ran a high-profile campaign entitled ProudAF aiming to highlight racism amongstGBTQI+ men in Ireland. This campaign drew particular attention to the experiences of Queer men of colour and Queer men who are Travellers in terms of homophobia and racism. The campaign found that this led to isolation and feelings of invisibility in a generally white, settled LGBTQI+ communities. This clear example of intersectionality highlights the need for greater consideration of intersectionality within the Equality Acts. As the Gay Project explained as part of their campaign:

“There is an expansive list of identities that make up our beautiful, vibrant LGBTQ community, however, holding certain identities results in increased discrimination, prejudice, and oppression. Intersectionality is an analytic framework that identifies how systems of power impact those who are most marginalised in society. Although they often face the same oppressors, the life of a white, cis-gendered gay man is very different to that of a transgender asylum seeker in the same country. In order for the LGBTQI+ community to achieve collective action for inclusion, it must first acknowledge that Queer men of colour and Queer men who are Travellers experience Ireland differently from those who are white and settled.”

CESCA recommends

- **The Equality Acts need be extended to include socio-economic status.**
- **Greater consideration should be given to the issue of intersectionality and ensuring equality exists within all communities.**
- **We support Community Work Ireland in calling for the inclusion of new ‘previous criminal conviction’ ground, explicit reference to transgender, non-binary and intersex people in covering gender identity, gender expression and sex characteristics and removing the current age limit of 18 to cover young people under the Equality Acts.**

We thank you for the opportunity to contribute to the consultation on the review of the Equality Acts.

CESCA is made up of:

