



# **Employment Equality Bill**

**Forum Opinion No. 5**

**December 1996**





# Employment Equality Bill

## Forum Opinion No. 5

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Section I

**Introduction**





# Introduction

- 1.1 This Opinion has been prepared as a response to the recently introduced Employment Equality Bill.
- 1.2 Forum Report No. 10 – *Equality Proofing Issues*, which was published in February 1996, sought to raise public awareness and debate on equality proofing issues and, topically, to provide an input to the Employment Equality and Equal Status legislation being prepared by the Minister for Equality and Law Reform.
- 1.3 While the Forum is concerned with all disadvantaged groups, the particular focus of *Equality Proofing Issues* was on women, people with disabilities and Travellers. However, the recommendations of the Report have relevance for other target groups who have been or are open to discrimination.
- 1.4 The Forum warmly welcomes the Employment Equality Bill as a milestone in the equality issue. It commends the Minister for Equality and Law Reform, his officials and those who contributed through research or opinions. We would hope that the amendments and refinements set out in this opinion will be incorporated into the Bill and, subsequently, we wish it a speedy passage to enactment through the Houses of the Oireachtas.
- 1.5 The Forum notes that while some of its recommendations have been included in the Bill, there are omissions and qualifications to the equality objectives espoused in the Forum Report. Also, there are other issues in the Bill which although not directly addressed in the Forum Report, must be commented upon in the spirit of the same equality objectives.
- 1.6 The Forum awaits with interest the publication of the Equal Status Bill which is hoped will complement the Employment Equality Bill, as has happened in EU and other international legislation.
- 1.7 The structure of this Opinion is as follows:
  - Section II sets out the principal areas of concern for the Forum; and
  - Section III sets out the recommendations of the Forum.
- 1.8 This Opinion uses the sections of the Bill as reference in order to standardise and simplify. The Forum Report refers to Report No. 10, *Equality Proofing Issues*, unless otherwise stated.



Section II

**Principal Areas  
of Concern**



# Principal Areas of Concern

## Section 2 of the Bill

2.1 This Section of the Bill sets out the definitions to be interpreted in the Bill. It is fundamental to the success and effectiveness of the legislation that appropriate definitions are adopted.

2.2 The Forum is concerned, in particular, with the definition of disability. In the Bill, disability is defined as:

- *the total or partial loss of a persons bodily or mental functions, including the loss of a part of a persons body; or*
- *the presence in the body of organisms causing, or likely to cause, chronic disease or illness; or*
- *the malfunction, malformation or disfigurement of a part of a persons body; or*
- *a condition or malfunction which results in a person learning differently from a person without the condition or malfunction; and*
- *a condition, illness or disease which affects a persons thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour, and shall be taken to include a disability which presently exists, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.*

This is a medical definition of disability which, as such, focuses on the health status of a person with a disability rather than on a persons ability to function in an employment situation.

2.3 The implications of adopting a purely medical definition are:

- the possible introduction of medical assessments for all persons seeking employment;
- such medical assessments would be required in many cases where the disability has no medical side effects and no bearing on a persons ability to function in an employment situation;

- the process of medical assessment to determine the degree of disability will inhibit many people with disabilities from seeking employment, thereby limiting the effectiveness of the legislation and perpetuating discrimination against people with disabilities in employment matters;
- existing agreements aimed at increasing employment opportunities for people with disabilities e.g. Code of Practice on the Employment of People with Disabilities in the Civil Service will have to be revisited; and
- in 1986 the Government ratified the International Labour Organisation Convention on Vocational Rehabilitation and Employment (Disabled Persons) No. 159, 1983. The definition of disability contained in this Convention (Article 1) is an employment oriented definition and it would be contradictory to assume a medical definition in a national Bill.

2.4 The ILO definition of disability is:

*“A person with a disability means an individual whose prospects of securing, retaining and advancing in employment are substantially reduced as a result of a duly recognised physical, sensory, psychological or mental impairment”.*

As an employment oriented definition of disability it should hold preference over a medical definition in employment equality legislation.

### **Section 6 of the Bill**

2.5 This Section of the Bill describes the discriminatory grounds.

2.6 There are nine grounds on which discrimination is to be illegal, however, political opinion, political affiliation and trade union or non trade union membership are not included. It is considered that the inclusion of these grounds is necessary in this legislation.

2.7 Discrimination on the grounds of age is included with the stated exception of where

- (a) a person is 65 or over; or
- (b) a person is under 18.

The introduction of an age threshold for persons under 18 discriminates against workers in the age group 16 – 18.

- 2.8 Discrimination on the grounds of sexual orientation is also included. However, without a definition of sexual orientation this is open to mis-interpretation. Clarification must be made on whether sexual orientation is confined to heterosexuality and homosexuality only or whether it is to be interpreted as extending to all kinds of sexual behaviour. For example, Paedophilia is an undesirable sexual behaviour in a person seeking employment in a child's environment. Without a definition of sexual orientation there are no safeguards and, conversely, discrimination will continue against, for example, homosexuals without such definition.
- 2.9 Subsection (2) (i) uses the wording "travelling community" and "travelling community ground". In these instances and throughout the Bill the correct formula is "Traveller community" and "Traveller community ground" as set out in the Forum Report. The description of the Traveller ground should also identify the Traveller community as an ethnic group in line with the Forum recommendation in this regard.

### Section 16 of the Bill

- 2.10 Section 16, subsection (4), states:

*Nothing in this Act shall be construed as requiring an employer to recruit, retain in employment or promote an individual if the employer is aware, on the basis of a criminal conviction of the individual or other reliable information, that the individual engages, or has a propensity to engage, in any form of sexual behaviour to which the employer or any of the employers employees, clients, customers or other business contacts –*

- (a) might be at risk of exposure; or*
- (b) might reasonably object.*

- 2.11 In the absence of a definition of sexual behaviour it is possible to anticipate discrimination in employment on the grounds of sexual orientation particularly as the discretion lies with the reasonable objection of the employer, employees, customers, clients or other business contact to any form of sexual behaviour.
- 2.12 A full definition of sexual orientation under Section 2 (see above) and its relationship to sexual behaviour as set out in Section 16 would clarify the form of sexual orientation which the legislation intends to protect.
- 2.13 Also, the use of the wording "reliable information" is questionable and may require definition if it is not to be used subjectively or left open to abuse.

## **Indirect Discrimination – Sections 19, 22, 29 and 31**

2.14 In the Forum Report, indirect discrimination was described and defined as:

*Indirect discrimination is less visible and does not always involve intent. It is most visible in terms of the outcomes for particular groups in relation to employment status in the employment area and in relation to the provision of goods and services in the non-employment area. Indirect discrimination occurs where policies, practices, terms or conditions apply which are unnecessary and which have a significantly adverse impact on a particular group. In this scenario, it must be demonstrated that the particular group fares worse under the policies, practices, terms or conditions than other groups, and that these policies, practices, terms or conditions cannot be shown to be necessary. Indirect discrimination refers, therefore, to the differential impact of the same treatment where the differential is not justified.*

The use of the word *necessary* in the above description and definition was chosen deliberately and with consideration. However, Section 29 (4) (d) and Section 31 (1) (d) and (2) (d) of the Bill use the wording:

*“cannot be justified as being reasonable in all the circumstances of the case”.*

The Forum recommends that the word “reasonable” be substituted with *necessary*, which presents a stronger statement of limitation.

2.15 Section 22 (1) defines indirect discrimination for the gender ground, and Section 31 (1) defines indirect discrimination for all other grounds. It is important that there is a harmonisation of definitions across all grounds or else hierarchies of equality are promoted. The definitions should be harmonised on the basis of Section 22 and Section 19 and these should be further expanded to reflect the Forum’s definition above.

### **Section 23 of the Bill**

2.16 This Section includes a new legal definition of sexual harassment and the inclusion of harassment in the Bill is welcomed. The test of sexual harassment is whether a “reasonable person” would consider the behaviour “sexually offensive, humiliating, or intimidating”. The meaning of “reasonable” needs to be clarified.

2.17 Also, the Bill provides for defences to an allegation of sexual harassment. Subsection (4) allows that a person accused of sexual harassment may successfully defend the allegation if they had reason to believe that their accuser would not find the act or conduct sexually offensive, humiliating or intimidating. This may allow an accused person to impugn the moral character of the complainant in order to show “reason to believe”. This may deter complainants from making or pursuing a complaint.



### Section 33 of the Bill

2.18 This Section refers to positive action to facilitate the integration into employment of three disadvantaged groups viz.

- (a) *persons over the age of 50;*
- (b) *persons with a disability or any class or description of such persons; and*
- (c) *members of the Travelling community.*

2.19 There is no provision for positive action to integrate into employment the other five categories of disadvantaged groups and this represents a hierarchy of positive action. Positive action should be permitted for the promotion of equality of all the different categories of persons covered by the Bill.

2.20 Different wordings in Sections 33 and 24 imply a hierarchy of positive action. Section 33 of the Bill applies to positive action for the three groups named above. Section 24 applies to positive action for women. Section 33 refers only to “integration into employment” and to reducing the “effects of discrimination”. Section 24 refers to “access to employment, vocational training and promotion and working conditions” and to the promotion of equal opportunity. The wording of these two Sections should be harmonised on the basis of wording used in Section 24 for women.

2.21 Section 33, subsection (3), of the Bill refers to the need for Ministerial approval for positive action measures for the groups mentioned at 2.18 above. There is no right of appeal by the groups of persons affected. Approval based on the likelihood of receiving similar training or work experience is limiting. Approval should be based on the need to address the specific needs of particular groups and to redress the effects of past discrimination.

### Section 35 of the Bill

2.22 This Section sets out the special provisions relating to the introduction into employment of persons with disabilities.

The Forum is particularly concerned about subsections 4 (a) and (b) viz.

*Nothing in this Part or Part II applies to discrimination against a person on the disability ground in relation to employment of any description if:*

- (a) *that person would require special treatment or facilities in order satisfactorily to take part in a selection process or to undertake that employment; and*

- (b) *the cost of the provision of that treatment or those facilities would give rise to undue hardship to the employer, having regard to all the relevant circumstances including, without prejudice to the generality, the matters specified in subsection (5).*

This may allow employers to opt out from employing people with disabilities on the grounds of cost. However, cost to the employer is described as giving rise to *undue hardship*.

It is feared that, regardless of how small or large the cost may be, some employers will quote *undue hardship* in order to avoid any additional cost and thereby perpetuate discrimination against people with disabilities.

#### 2.23 Recommendation 4.14 of the Forum Report states:

*A particular concern for people with disabilities is the potential for restriction of their participation through legislative exemption on the grounds of “undue hardship” or “excessive cost”. The Forum recommends that, if exemptions are proposed to be included in the legislation, there should be consultations with representatives of target groups and other affected interests to ensure that **reasonable accommodation** for the needs of the target groups is achieved, i.e. taking into account the costs to and needs of the parties affected. The requirement of reasonable accommodation on the part of employers balances the promotion of equality with genuine excessive cost implications for the employer.*

### Section 37 of the Bill

#### 2.24 This Section of the Bill excludes a religious, educational or medical institution from discrimination if:

- (a) *the institution is under the direction or control of a body established for religious purposes;*
- (b) *the discrimination is essential for the maintenance of the religious ethos of the institution or is reasonable in order to avoid offending the religious sensitivities of its members or clients; and*
- (c) *the discrimination is on grounds other than the gender ground, the age ground or the disability ground.*

The essential flaw in this Section is that the distinction is not made between institutions set up to engage solely or primarily in religious activities and institutions run by religious organisations.

- 2.25 By nature of the specifications at subsection (c) discrimination will be permitted on the grounds of family status, marital status, sexual orientation, religious belief, race, colour, nationality, ethnic or national origins and membership of the Traveller community.
- 2.26 The reality of this is that a teacher could be refused employment in a religious run school if he or she is separated; or a Traveller could be refused employment in any capacity without reason.
- 2.27 The Bill refuses to allow discrimination on certain grounds but not on others. There can be no justification for providing for equality for some but not equality for all or for addressing discrimination against some and not against others.
- 2.28 Subsection (6) of the Section states:  
In relation to discrimination on the age ground or the disability ground, nothing in this Part or Part II applies to employment -
- (a) *in the Defence Forces; or*
  - (b) *in the Garda Síochána; or*
  - (c) *in the Prison Service.*
- 2.29 Given that a medical definition of disability is being used (Section 2) the derogation being offered to the above organisations is unacceptable if, for example, a person with a disfigurement or a speech impediment is discriminated against while seeking employment or in employment. It is understandable that these organisations must have some derogation but, in the absence of a non-medical definition of disability, discrimination will be perpetuated.

### **Sections 38 to 73 inclusive refer to Remedies and Enforcement**

- 2.30 There are particular aspects to some of these Sections that the Forum wishes to highlight.
- 2.31 The Bill provides that a claim for redress may be initiated by referral to the Labour Court, Director of Equality Investigations or to the Circuit Court depending on the equality issue which is being pursued. The range of procedures and qualifications for each avenue of redress is complicated and cumbersome and, by nature, may make it difficult for the public to understand. Cases which are pursued via the Labour Court and the Director of Equality Investigations are to have limits on the amounts a successful claimant may receive. The Circuit Court maximum is £30,000 but provision is made for progress to the High Court where no maximum exists.

- 2.32 It is important that hierarchies of equality are not promoted by the operation of the equality institutions. The fact that distinctions are made, for example in the type of case which may be brought to the Circuit Court, will limit the compensation which a claimant may receive regardless of whether or not the claimant has the ability to pursue the case through the Circuit Court. This refers in particular to Section 41, subsection (3), which does not allow for a general right of access to the Circuit Court for all protected groups.
- 2.33 The capping of compensation at the levels allowed to the Labour Court and Director of Equality Investigations may not deter employers from discriminating.
- 2.34 Forum Report recommendation 5.58 said that the Free Legal Aid Scheme should be extended to include cases under the new and existing legislation. The absence of legal aid under the proposed legislation may deter complainants from taking cases to the Director of Equality Investigations.
- 2.35 Section 70 of the Bill provides that the Employment Equality Authority may invite a particular business, group of businesses or the businesses making up a particular industry or sector thereof to carry out an Equality Review or prepare and implement an Equality Action Plan (subsection (3)). It also provides for the Authority to carry out the Equality Review and the Equality Action Plan (subsection (4)).

However, subsection (5) states:

*The powers conferred in subsection (4) do not apply in relation to any business which has less than 50 employees (and, accordingly, references to a group of businesses or the businesses making up a particular industry or sector thereof do not include such a business).*

A large proportion of businesses employ less than 50 people. It could be expected that there would be cost implications for compliance with the Equality Review and Equality Action Plans but, given the number of businesses that will be excluded, it can be expected to have implications for equality in such businesses.

- 2.36 Forum Report recommendation 4.54 said the new Equality Authority should have powers to examine “current and proposed legislation to ensure its consistency with equality objectives”. Section 72 of the Bill is too narrow in the brief it gives the Equality Authority in this area. It should be broadened to encompass the enactment of all legislation.

2.37 Section 73, subsection (8), refers to the composition of the Authority. The change envisaged is not adequate to ensure representation of all the interests now involved in the implementation of this legislation.

Forum Report recommendation 4.55 said that the Equality Authority should “include effective representation and participation of the target groups as a feature of its role and operations”.



Section III

**Recommendations**





# Recommendations

## Definition of Disability

- 3.1 It is **recommended** that the definition of disability as set out in Section 2 of the Bill be replaced with a non-medical and employment oriented definition. The Forum recommends the International Labour Organisation's definition of disability viz.

*“A person with a disability means an individual whose prospects of securing, retaining and advancing in employment are substantially reduced as a result of a duly recognised physical, sensory, psychological or mental impairment”.*

## Definition of Sexual Orientation

- 3.2 Section 6 of the Bill, which describes the discriminatory grounds to be made unlawful, specifies sexual orientation. Furthermore, Section 16 allows employers derogation from the Bill on the grounds of the sexual behaviour of the employee or prospective employee.
- 3.3 It is **recommended** that sexual orientation be fully defined so as to clarify which groups are being offered protection under the legislation and, therefore, clarify the nature of the sexual behaviour which can be proffered as a reason for not employing a person.

## Political opinion, political affiliation and trade union or non trade union membership

- 3.4 It is **recommended** that the grounds of discrimination be expanded so as to include political opinion, political affiliation and trade union or non trade union membership.

## Removal of Age Threshold

- 3.5 Section 6 specifies the age grounds as unlawful discrimination for the purposes of the Act with the exception of

*where*

*(a) a person is 65 or over; or*

*(b) a person is under 18.*

It is **recommended** that the age threshold in relation to those below 18 years of age be removed.

## Traveller Ground

- 3.6 The Forum **recommends** that the Bill should make reference to the “Traveller community” and to the “Traveller community ground”. The Traveller ground should be described in a manner that identifies Travellers as an ethnic group.

## Indirect Discrimination

- 3.7 The Forum Report gave a full, considered and balanced definition of Indirect discrimination. An extract from same is –

*... it must be demonstrated that the particular group fares worse under the policies, practices, terms or conditions than other groups, and that these policies, practices, terms or conditions cannot be shown to be necessary.*

- 3.8 However, Sections 29 and 31 of the Bill have diluted the safeguard by using the wording;

*“cannot be justified as being reasonable in all circumstances of the case”.*

- 3.9 It is **recommended** that the word “reasonable” be substituted with *necessary* in all such qualifications.
- 3.10 The definition employed in the Bill should refer to “a provision (whether in the nature of a requirement, practice, policy or otherwise) which relates to” to reflect the Forum definition above. The Forum **recommends** all definitions should then be harmonised on the basis of Sections 22 and 19 so that the same definition is applied to all groups.

## Sexual Harassment

- 3.11 The Forum **recommends** that the subsections in Section 23 of the Bill pertaining to the test of sexual harassment and to the defence of a sexual harassment complaint be amended so as to;

- (a) define and refine the usage of the term “reasonable person”; and
- (b) remove the possibility of moral character impugment in the defence of a complaint.

## Positive Action

- 3.12 Section 33 provides for positive action to facilitate the integration into employment of three of the named disadvantaged groups – persons over 50, persons with a disability and members of the Traveller community.

- 3.13 It is **recommended**, in accordance with the recommendations 4.27, 4.54 and 4.55 from the Forum Report, that provision be made for positive action to integrate all the disadvantaged groups into employment and thereby eliminate a hierarchy of positive action which the current provision represents.
- 3.14 The approach to defining positive action should be the same for all groups protected under the legislation. It is **recommended** that this approach should be based on that of Section 24 focusing on “access to employment, vocational training, and promotion and working conditions” with the aim of addressing the effects of discrimination as well as promoting equality.
- 3.15 Certification by the Minister, as per Section 33, subsection (3), of positive action for groups should be based on the need to address specific needs of particular groups and to redress the effects of past discrimination as well as the likelihood of receiving similar training or work experience. It is **recommended** a right of appeal to non-certification should also be allowed for.

### **Employment of Persons with Disabilities**

- 3.16 Section 35, subsection 4 (a) and (b) of the Bill, allow an employer to refuse employment to a disabled person if:

*“the cost of the provision of that treatment or those facilities would give rise to undue hardship to the employer”*

The Forum **recommends**, in accordance with recommendation 4.14 of the Forum Report (see paragraph 2.23, page 12), that, if exemptions are proposed to be included in legislation, there should be consultations with representatives of target groups and other affected interests to ensure that “*reasonable accommodation*” for the needs of the target groups is achieved i.e. taking into account the costs to and needs of the parties affected.

### **Religious Institutions**

- 3.17 Section 37 of the bill excludes discrimination on particular grounds in certain employments.

The Forum considers it unacceptable that it specifies that religious institutions will be permitted to be discriminatory in employment with the exception of the grounds of gender, age and disability. This will apply to many educational, medical and community institutions.

This creates a hierarchy of equality which is contrary to the equality objectives and will perpetuate discrimination. Discrimination should be unlawful under all the grounds as set out in Section 6.

- 3.18 The Forum **recommends** that a distinction be made between institutions set up to engage solely or primarily in religious activities as against institutions run by religious organisations. Section 37, subsection (c), should be deleted.

Institutions which are set up to engage solely or primarily in religious activities can be justified in being discriminatory in order to protect or maintain a religious ethos but this can not be allowed to apply to all institutions run by religious organisations, many of which are state funded.

### **Derogation from Discrimination in Defence Forces, Garda Síochána and Prison Service**

- 3.19 Section 37 derogates the above organisations from discrimination on the age and disability grounds. However, given that a medical definition of disability is being used it is unacceptable that what may be medically classed as a disability e.g. disfigurement or speech impediment will disqualify a person from employment in these organisations.

- 3.20 It is **recommended** that the definition of disability in Section 2 be redefined.

### **Derogation from Equality Review and Equality Action Planning**

- 3.21 Section 70, subsection (4), derogates any businesses or group of businesses making up a particular industry or sector thereof which employ less than 50 employees from Equality Review and Equality Action Planning at the initiation of the Employment Equality Authority.

- 3.22 Given that the majority of Irish business have less than 50 employees, the Forum feels that this threshold is too high and **recommends** that it be amended downwards so as to encompass the majority of businesses. However, any reduction in this threshold must take account of the cost implications of compliance with Equality Reviews and Action Plans for small business.

### **Access to the Courts**

- 3.23 The Forum **recommends** that all groups protected under the legislation should have the right of direct access to the Circuit Court if they so wish. As such, Section 41, subsection (3) (a), should be amended to cover “under Part III and IV”.

### **Proofing Legislation**

- 3.24 It is **recommended** that Section 72 of the Bill should be amended to permit the Equality Authority to examine any proposed or current legislation as it deems necessary to comment on its consistency with the objective of this Bill.

### **Composition of Authority**

- 3.25 The Forum **recommends** that Section 73, subsection (8), should allow for an expansion of the Board of the Equality Authority to allow for representation of the interests of each of the groups protected by the legislation.

### **Free Legal Aid**

- 3.26 The Forum **recommends** that the Free Legal Aid Scheme be expanded to cover cases taken to the Director of Equality Investigations.



# **Annexes**





# Annex 1

## Terms of Reference and Constitution of the Forum

1. The Terms of Reference of the National Economic and Social Forum are to develop economic and social policy initiatives, particularly initiatives to combat unemployment, and to contribute to the formation of a national consensus on social and economic matters.

The Forum will:

- (i) Have a specific focus on:
    - job creation and obstacles to employment growth;
    - long-term unemployment;
    - disadvantage;
    - equality and social justice in Irish society; and
    - policies and proposals in relation to these issues;
  - (ii) Make practical proposals on measures to meet these challenges;
  - (iii) Examine and make recommendations on other economic and social issues;
  - (iv) Review and monitor the implementation of the Forum's proposals and if necessary make further recommendations; and
  - (v) Examine and make recommendations on matters referred to it by Government.
2. The Forum may consider matters on its own initiative or at the request of Government.
  3. The Forum will work in two year cycles and will inform Government of its programme of work within three months of the beginning of each cycle.
  4. In drawing up its work programme, the Forum will take account of the role and functions of other bodies in the social and economic area such as NESC and the CRC to avoid duplication.
  5. The Forum may invite Ministers, Public Officials, Members of the Forum, and outside experts to make presentations and to assist the Forum in its work.
  6. The Forum will publish and submit all its reports to Government, to the Houses of the Oireachtas and to other Government Departments and bodies as may be appropriate.
  7. The Forum will be drawn from three broad strands. The first will represent the Government and the Oireachtas. The second will represent the traditional Social Partners. The third strand will be representative of groups traditionally outside the consultative process including women, the unemployed, the disadvantaged, people with a disability, youth, the elderly and environmental interests.
  8. The Forum will have an independent Chairperson appointed by Government.
  9. The term of office of members will be two years during which term members may nominate alternates. Casual vacancies will be filled by the nominating body or the Government as appropriate and members so appointed shall hold office until the expiry of the current term of office of all members. The size of the membership may be varied by the Government.
  10. The Forum is under the aegis of the Office of the Tánaiste and is funded through a Grant-in-Aid from that Office. This Grant-in-Aid is part of the overall estimate for the Office of the Tánaiste.

# Annex 2

## Membership of the Forum

|   |   |
|---|---|
| <b>Independent Chairperson:</b>                     | Maureen Gaffney   |
| <b>Government Representative:</b>                   | Eithne Fitzgerald, T.D.,<br>Minister of State at the Office of the Tánaiste<br>and at the Department of Enterprise and<br>Employment      |
| <b>Chairpersons of the<br/>Standing Committees:</b> | Dr. Eileen Drew<br>Professor Donal Dineen   |
| <b>Oireachtas</b>                                   |   |
| <i>Fianna Fáil:</i>                                 | Martin Cullen, T.D.<br>Chris Flood, T.D.<br>Tom Kitt, T.D.<br>Senator Willie Farrell<br>Senator Marian McGennis<br>Senator Paschal Mooney |
| <i>Fine Gael:</i>                                   | Alan Dukes, T.D.<br>Frances Fitzgerald, T.D.<br>Senator Bill Cotter<br>Senator Madeleine Taylor-Quinn                                     |
| <i>Labour:</i>                                      | Joe Costello, T.D.<br>Senator Mary Kelly  |
| <i>Progressive Democrats:</i>                       | Senator Cathy Honan   |
| <i>Technical Group:</i>                             | Kathleen Lynch, T.D.  |
| <i>Independent Senators:</i>                        | Senator Mary Henry  |
| <b>Social Partners</b>                              |   |
| <i>Trade Unions:</i>                                | Paula Carey<br>Charlie Lennon<br>Patricia O'Donovan<br>Manus O'Riordan<br>Tom Wall  |

*Employer/Business Interests:*

Mirette Corboy  
David Croughan  
Declan Madden  
Aebhric McGibney  
Aileen O'Donoghue

*Agricultural/Farming  
Organisations:*

Mary Coleman  
Ciarán Dolan  
Pat Bogue  
Monica Prendiville  
Michael Slattery

**“Third Strand”**

*Womens' Organisations:*

Ursula Barry  
Noreen Byrne  
Cris Mulvey

*Unemployed:*

Mike Allen  
Brendan Butler  
Jane Foley

*Disadvantaged:*

Niall Crowley  
Mary Daniel  
Eithne McNulty

*Youth:*

Gearóid Ó Maoilmhichíl

*The Elderly:*

Breda Dunlea

*People with a Disability:*

Roger Acton

*Environmental Interests:*

Jeanne Meldon

*Academics:*

Fr. Seán Healy  
Monica McWilliams

**Secretariat**

Director:

Seán Ó hÉigearthaigh

Secretaries of the Standing:

Committees:

Maeve Harold  
Mary McKeon

Research/Administrator

Brian Kenny  
Theresa Higgins

Executive/Secretarial:

Liz Reason

# Annex 3

## Forum Publications

### (i) Forum Reports

| Report No. | Title   | Date          |
|------------|---|---------------|
| 1.         | <i>Negotiations on a Successor Agreement to the PESP</i>                              | November 1993 |
| 2.         | <i>National Development Plan 1994-1999 – the proposed Local Development Programme</i> | November 1993 |
| 3.         | <i>Commission on Social Welfare – Outstanding Recommendations</i>                     | January 1994  |
| 4.         | <i>Ending Long-term Unemployment</i>  | June 1994     |
| 5.         | <i>Income Maintenance Strategies</i>  | July 1994     |
| 6.         | <i>Quality Delivery of Social Services</i>  | February 1995 |
| 7.         | <i>Jobs Potential of the Services Sector</i>  | April 1995    |
| 8.         | <i>First Periodic Report on the Work of the Forum</i>                                 | May 1995      |
| 9.         | <i>Jobs Potential of Work Sharing</i>   | January 1996  |
| 10.        | <i>Equality Proofing Issues</i>   | February 1996 |

## **(ii) Opinions**

Opinion No. 1 (dated 7th March, 1995) on the *Interim Report of the Task Force on Long-term Unemployment*

Opinion No. 2 (dated 29th January, 1996) on the development to-date of the *National Anti-Poverty Strategy*

Opinion No. 3 (dated May, 1996) on *Long-term Unemployment Initiatives*

Opinion No. 4 (dated August, 1996) on *Post-PCW Negotiations – A New Deal?*

