



PRIDE AS WE AGE

KNOWING OUR RIGHTS
PROTECTING OUR RIGHTS
LIVING OUR BEST LIVES

**GUIDE TO REPORTING
DISCRIMINATION
2019**

EXPERIENCING DISCRIMINATION

Despite great changes in Irish society over recent years, with the Marriage Equality referendum and the Gender recognition act, LGBT+ people still experience high levels of discrimination in all walks of life. Figures from the Central Statistics Office (CSO) show that one third of people who identify as LGBT+ have faced some form of discrimination, the highest of any group, whether that be in accessing public or health services, employment, education, or in every day life.

Older LGBT+ people face an even greater challenges, as they may also face age based discrimination while having also experienced stigmatization, prejudice and exclusion in the Irish society of years past. The Visible Lives survey show that 35% of Older LGBT+ people still face rejection from friends and family if they come out, and 27% are afraid of harassment if people find out they are LGBT+.

This guide is designed to provide a path for Older LGBT+ people when experiencing discrimination across a range of issues so that they know the actions they can take to deal with their experience. In each section, there are initial steps to take to address the discrimination at hand, with references to additional resources that can assist if further action is required.

PROTECTING YOUR WELLBEING

Experiencing discrimination is not only a legal or rights based issue, it can also causes trauma and harm to your physical, mental and emotional wellbeing. Therefore, while taking actions as listed in the sections that follow, we believe it is critical that anyone who experiences discrimination knows that they can reach out to LGBT+ specific support services and/or services that are LGBT+ inclusive. These would include:

LGBT Helpline - 1890 929 539 - www.lgbt.ie

Gay Switchboard - 01 872 1055

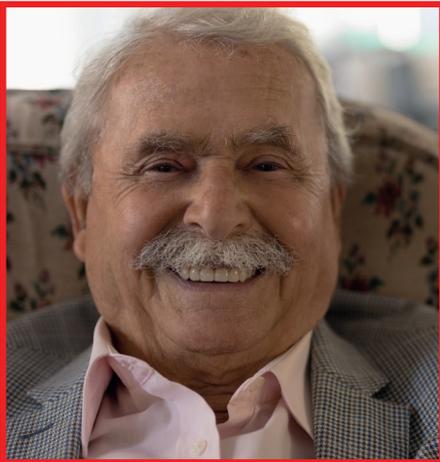
Gender Identity Support Line - 01 907 3707 - www.teni.ie

Samaritans - 116 123

RESOURCES

Who Experiences Discrimination in Ireland *from IHREC*
Visible Lives *from GLEN, Age & Opportunity, and the HSE*

GENERAL DISCRIMINATION



General discrimination can take many different forms, it may occur when you are purchasing goods or services and refused because of your sexual orientation, it may be discriminatory abuse encountered on the street, or it may be many other different forms encountered in day to day life from private citizens (ie not in the form of public/health services, education , and employment - these are covered later).

WHAT THE LAW SAYS

The law which deals with discrimination in relation to goods and services is the Equal Status Acts 2000-2015 (ESA). The ESA prohibits discrimination on nine specific grounds, two of which are relevant to LGBT+ people. You are entitled to be treated equally in the provision of goods and services:

- If you are a woman, a man, or a transgender person (the gender ground)
- Whether or not you are gay, lesbian, bisexual or heterosexual (the sexual orientation ground)

While Ireland does not currently have a specific Hate Crime legislation, An Garda Síochána have introduced in their Diversity and Inclusion Strategy, a working definition: *“Any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender.”*

WHAT YOU CAN DO

If you experience discrimination in relation to the provision of goods or services based on your sexual orientation: Firstly, make your complaint in writing to the owner/manager of the service or goods provider. If they do not satisfactorily address your complaint, the Workplace Relations Commission can be approached to intervene. More information is available on www.workplacerelations.ie under their ' Equal Status section.

If you have experienced a discrimination based crime, such as a Hate Crime, you should contact the Gardai, and specifically you may wish to directly contact your local Garda Liaison Officer, who have special training in relation to the LGBT+ Community.

Contact information can be found at: lgbt.ie/get-information/harassment-and-violence/

DISCRIMINATION IN PUBLIC SERVICES

Discrimination in public services may occur when interacting with any service provided by a public or governmental body. This could include a Social Welfare issue, a public bus, a state funded public institution like a museum, or any other similar service. Public services are a vital part of everyday life and equal access to them is the right of everyone in Ireland.



WHAT THE LAW SAYS

The main aspect of the law dealing with Public Services is a legal obligation called the Public Sector Equality and Human Rights Duty (often shortened to the 'Public Sector Duty') and it originates from Section 42 of the Irish Human Rights and Equality Act 2014.

What this law means is that all public bodies in Ireland have responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. As with the areas covered in the General Discrimination it invokes actions that can be taken under the Equal Status Acts 2000-2015 ('ESA').

While the Public Sector Duty is a new obligation, all government, state and public institutions must have implementation guidelines around how they are working to eliminate discrimination.

WHAT YOU CAN DO

If you experience discrimination in relation to a public service, you should first of all note down the occurrence, when and where it occurred, and who was involved. You should then make a formal complaint to the public body in question to inform them of the incident and how it affected you, reminding them of the Public Sector Duty as they may not be aware of it, and requesting them to take action on it.

If you are not satisfied with the response you receive, you should make contact with the Irish Human Rights and Equality Commission on 1890 245 545 who can further support you. Contacting the Ombudsman for the relevant public sector area may also be an appropriate action to address the issue in question.

DISCRIMINATION IN HEALTH SERVICES



Discrimination in Health Services can be particularly distressing for Older LGBT+ people, as there may be greater vulnerability when you encounter these services due to potentially poor health or the sensitive nature of the interaction. As the vast majority of Health Services in Ireland they fall under Public Sector Duty, but all health services, whether public or private, in Ireland are regulated.

WHAT THE LAW SAYS

The law affecting the provision of Health Services are covered under aspects of the Irish Human Rights and Equality Act 2014 and the Equal Status Acts 2000-2015 (as in previous sections). In addition to this the Health Act 2004 is clear about provision of services which are 'improperly discriminatory' being subject to the complaints procedure which is in place for health services.

It is important to distinguish complaints between services which are provided by public health services, those operated by the Health Service Executive (HSE), and private services provided by General Practitioners and Private Hospitals. Even private services are regulated for discriminatory practices by bodies such as the Medical Council, the Psychological Society of Ireland, and others. If you visit a GP and it is under a Medical or GP Visit card, you are technically a public patient

WHAT YOU CAN DO

If you experience discrimination in a health service operated by the HSE, you have a number of options. If you feel it is safe to do so, you may first make a complaint to the service directly, usually a senior manager in the service.

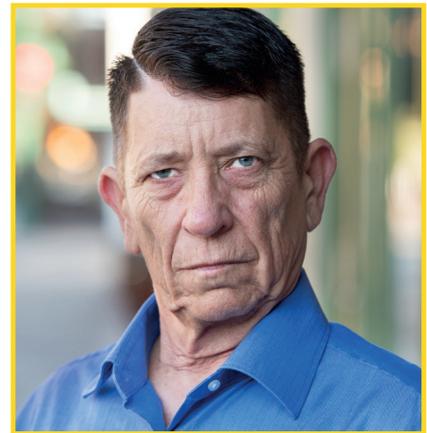
However, you may feel unsafe or unable to do so, and therefore you can follow the procedures outline under the HSE's Your Service Your Say. You can do this by e-mailing yoursay@hse.ie or calling 1850 24 1850, and a Complaints Officer will review your complaint. If you are not satisfied with the response you can contact the office of the Ombudsman on 1890 223 030 or info@ombudsman.ie

For Private services, it is recommended that you first make your complaint known directly to your health provider, but this may not always be possible or feel safe. There are a number regulators listed in the following link who you can contact.

Find out about making a public or private health complaint at healthcomplaints.ie

DISCRIMINATION IN EDUCATION

People at all ages engage with educational institutions in Ireland, and many Older LGBT+ people may find themselves returning to education or further learning. Many individuals may participate in an education on a part-time or casual basis at an older age, but no matter what sort of student you are, you are covered by the equality legislation that applies to education.



WHAT THE LAW SAYS

The Equal Status Acts (2000-2015), of which two grounds refer specifically to Sexual Orientation and Gender, places requirements on educational institutions and how they deliver services. These requirements specifically cover non-discrimination in relation to student admission, access to course, expulsion of students, and the placement of terms and conditions on a students admission and access. There are minor exemptions within the act in relation to gender and religion, but these are very narrow regarding admission practices.

In addition to Sexual Orientation and Gender, there are specific protections that related to older people in the Equal Status Act, and the White Paper on Adult Education - Learning for Life reminds that 'people aged 50 and over have the same rights of access to formal second and third level education as all other adults'.

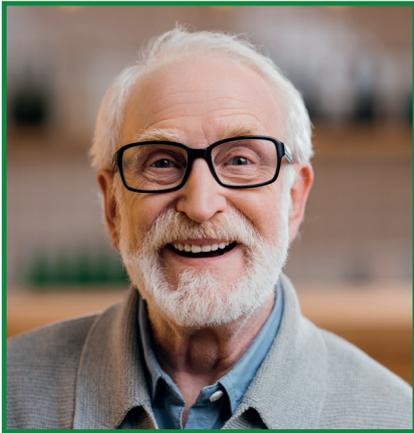
WHAT YOU CAN DO

The first step when you have experienced discrimination in education is to make a complaint directly to the institution itself. Most third level institutions will have a students complaint procedure, and you are recommended to contact the Students Union in the college to assist you with issues you may have

All Universities and Insitutes of Technology in Ireland are required to have a formal complaints procedure in place, and can be found on the college website, or you can once again be given assistance by the Students Union.

If you are unsatisfied with the handling of the complaint the Office of the Ombudsman can be contacted at 1890 22 30 30 or ombudsman@ombudsman.gov.ie

DISCRIMINATION IN EMPLOYMENT



Discrimination in employment is a very serious experience and is heavily legislated for in Ireland.

Both LGBT+ status and older age are often factors that can contribute to discrimination in the workplace. Many people may be worried or hesitant to report discrimination at work for fear of reprisal, but as Inclusion and Diversity are increasingly influential in companies it is critical to not let employment discrimination occur.

WHAT THE LAW SAYS

Employment Law is very clear about discrimination in the Employment Equality Acts 1998-2015 (EEA). The aim of this law is to ensure people have equal opportunities in relation to skills, training, jobs and promotion. The law covers both direct and indirect discrimination, as well as discrimination by association. Gender, Sexual Orientation, Age, and Civil Status (marital status) are all areas that are protected by the Employment Equality Acts, and forbid discrimination based on these grounds.

WHAT YOU CAN DO

If you have experienced discrimination in Employment you may choose to make a complaint within your workplace first, likely through the Human Resources function of your organisation, as it may be something that can be dealt with internally. However, you may not always feel safe or able to do so.

You can make a complaint to the Workplace Relations Commission in relation to discrimination on any of the grounds above. This is often done in stages: First, make sure the specific area is covered by the Employment Equality Acts (there are some limits on employers requirements), make sure you are within the time limits for making a complaint, and then initiate the process from making a full complaint. The full procedure for making a complaint can be found at www.workplacerelations.ie

It is important to note that your Union or Union representative (should you have one), may also be an important resource to contact if you've experienced discrimination. Most Unions in Ireland have a very clear mandate around LGBT+ person's rights, and are proactively engaged in supporting these rights.

YOUR RIGHTS UNDER EU LAW

The main EU equality Directives are:

- The Recast Gender Equality Directive (2006), which covers equal treatment of men and women in employment;
- The Gender Goods and Services Equality Directive (2004), which deals with equal treatment of men and women in the provision of goods, services and facilities;
- The Racial Equality Directive (2000), which outlaws discrimination on the basis of a person's racial or ethnic origin in the areas of employment, education, social security, health care and access to goods and services; and
- The Employment Equality Directive (2000), which prohibits discrimination in employment on the grounds of religious belief, age, disability and sexual orientation.