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*Second Progress Report
of the Monitoring Committee
on the Implementation of the
Recommendations
of the
Second Commission on the
Status of Women*



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DÁIL ÉIREANN

2 - APR 1996

ON ORDER PAPER

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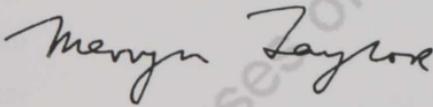
Foreword

The publication of the Second Progress Report of the Monitoring Committee on the Implementation of the Recommendations on the Second Commission on the Status of Women provides us with an opportunity both to review progress to date and to renew our efforts for the implementation of further recommendations in the future.

The Report highlights the specific areas of Irish society which the Second Commission felt needed to be addressed in order to bring about real equality for women in this country. Having reviewed the Report I am pleased to see that almost 47% of recommendations have been implemented in full and some action has been taken in relation to 80% of the recommendations contained in the Report. The achievements to date are evidence of the merit of the recommendations put forward by the Commission and the on-going commitment of the Government to the achievement of equality in Irish society.

I appointed Mr Bernard McDonagh, Secretary of my Department as Chairperson of the Monitoring Committee in order to ensure that the momentum built up by the work of the Commission and the implementation of so many of its recommendations will continue unabated.

The progress made to date has been impressive. The task of monitoring the implementation of the recommendations will continue and the Monitoring Committee will keep both the Government and the general public informed of all further progress in the future.



Mervyn Taylor TD
Minister for Equality and Law Reform
March, 1996

Introduction

The Second Commission on the Status of Women presented its report to the Taoiseach in February 1993. The Report contained 211 recommendations covering all areas in society which the Commission felt needed action to bring about equality for women. The report looked at issues in such areas as the Constitution and the law, health, education, employment and training, culture and sport, women in decision-making, childcare, rural women and women in the home.

Responsibility for bringing forward proposals for the implementation of the recommendations became a priority for the Minister for Equality and Law Reform, on his appointment. The Minister set up a Monitoring Committee comprising Departmental representatives, social partners and women's organisations to oversee the implementation of the recommendations and bring forward proposals for priority action. The First Progress Report of the Monitoring Committee was published in May 1994 and contained information on the recommendations for which progress was recorded.

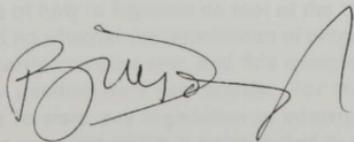
The Second Progress Report contains commentary on all the Commission's recommendations. It details where progress has been made, in whole or in part, and also outlines where no action has taken place and the reasons, where possible. The report charts progress up to end December, 1995.

There are 211 Recommendations in the Report. However, there are over 600 parts to these Recommendations. An analysis of the situation in respect of each sub recommendation gives the following picture:

(a)	implemented	46.7%
(b)	in process of implementation	34.1%
(c)	under consideration	8.0%
(d)	not yet implemented	8.1%
(e)	recommendation rejected/not implemented	3.1%
TOTAL		100.0%

As is evident in the report substantial progress has been made and in future reports the Monitoring Committee will highlight further developments.

The monitoring of the report is a major task and I would like to thank all who have contributed to the production of this report.



Bernard McDonagh
Secretary, Department of Equality and Law Reform
Chair of the Monitoring Committee
March, 1996

Implementation and Monitoring of Commission's Report

Recommendation 0.7.2

The Commission recommends that:

- (a) a monitoring committee be established under the aegis of the Department of Women's Affairs comprising representatives of Government Departments, the social partners, women's organisations and the Equality Commission (or Employment Equality Agency pending the establishment of the Equality Commission) to monitor the implementation of the recommendations;
- (b) progress reports on the implementation of the Commission's recommendations should be published and laid each year before the Houses of the Oireachtas.

(a) The Monitoring Committee has been established.

(b) Progress Reports are published, following presentation to Government, and laid before the Houses of the Oireachtas.

Constitutional & Legal Issues

Recommendation 1.2.6

The Commission recommends that:

- (a) *deletion of Article 41.2.2^o;*
 - (b) *that the Constitution should be amended to prohibit all forms of discrimination either direct or indirect based on sex.*
- (a) **The Review Group on the Constitution, which is due to report during 1996, has been asked to consider this recommendation.**
 - (b) **When the proposed employment equality and equal status legislation have been in operation for some time it will be possible to take an informed decision on the need for a Constitutional amendment on equality.**

Recommendation 1.2.7

The Commission supports the approach in the 1992 Government White Paper on Marital Breakdown and recommends that the question of whether or not divorce should be permitted should be resubmitted to the people by way of referendum; this should not be done at the same time as the recommended referendum on equality; the two subjects are not interlinked.

This recommendation has been fully implemented in that a referendum to allow for the granting of divorce in this jurisdiction was put to the people on 24 November, 1995 and the proposal to amend the Constitution was approved by majority vote.

Recommendation 1.2.8

The Commission recommends that the Oireachtas should pass legislation as recommended in paragraph 11.6.1 without delay.

The constitutional rights of a pregnant woman suffering a life-threatening condition were set out by the Supreme Court in the "X case". The Minister for Health has stated that the issue of how to legislate on foot of the "X case" (e.g. to set out the criteria to be applied in deciding whether the termination of pregnancy is permissible in a specific case) is an extraordinarily complex one, and this complexity extends to the interpretation of the constitutional position as it now stands. For that reason, the Minister has stated that he will not bring forward any legislation in advance of the constitutional review which is currently under way, and which is being asked to examine this issue.

Recommendation 1.3.8

The Commission recommends that:

- (a) an Equal Status Act providing for equal treatment of women and men vis a vis the provision of goods, facilities and services be enacted;
- (b) under the proposed Equal Status legislation it would be unlawful to discriminate against any individual on the grounds of sex, marital, or parental status;
- (c) the obligation of providing reasonable access to information held by the person who is alleged to have discriminated, as recommended in work related cases, should apply to all cases of alleged discrimination;
- (d) membership of private clubs, sporting, social or recreational, which operate discriminatory policies against women aimed at withholding from them the right to apply for full membership, should be designated as incompatible with any public or semi-State appointment or top level civil service appointment, this provision to take effect in two years;
- (e) any statutory advantages deriving from "club" status should be removed from such clubs, this provision to take effect in two years;
- (f) the Government should request the Equality Commission to draw up guidelines for the introduction of contract compliance which would require any company, organisation or club seeking public funding or contracts to show they do not discriminate against women, either as consumers of their services or as employees.

Equal status legislation is being prepared by the Minister for Equality and Law Reform which will prohibit discrimination in non-employment areas based, inter alia, on sex, marital status, family status and sexual orientation.

Recommendation 1.4.5

The Commission recommends that:

- (a) the Employment Equality Agency should be reconstituted as the Equality Commission;
- (b) the mandate of the Equality Commission should cover the enforcement of the proposed Equal Status Act as well as employment equality legislation;
- (c) the Equality Commission should be an independent semi-State body operating under the aegis of the Department of the Taoiseach at first, and later of the Department of Women's Affairs;
- (d) members of the Equality Commission should be appointed by the Taoiseach;
- (e) the membership of the Equality Commission should reflect a wider spectrum than the present composition of the Employment Equality Agency;

- (f) the Equality Commission should be given the power to appoint its own staff;
- (g) the Equality Commission should be provided with sufficient resources to enable it to carry out its mandate in an effective way;
- (h) the Equality Commission be established under the terms of the proposed Equal Status Act, not later than January, 1994;
- (i) the procedure for enforcement of rights under the extended equality legislation should be on a two tier basis;
 - (i) an informal conciliation procedure;
 - (ii) a hearing before an Equality Tribunal whose awards would be legally enforceable.

This recommendation is under consideration by the Minister for Equality and Law Reform in the context of proposed amending legislation on employment equality, which is at an advanced stage of preparation, and new legislation on equal status.

Recommendation 1.5.6

The Commission recommends the immediate introduction of a regime of community property in marriage providing for:

- (a) joint ownership of the family home;
- (b) joint entitlement to all income;
- (c) a legal right to share of one half of the estate where the other spouse dies testate (i.e. having made a will);
- (d) no change where the other spouse dies intestate (i.e. not having made a will);
- (e) a legal prohibition against alienation or charging, any lands, premises, assets, business enterprise, savings or investments without the consent of the other spouse, above a given discretionary limit; there should be provision for the court to dispense with this consent;
- (f) a legal right to information about income and assets;
- (g) control and management of property to be based on title;
- (h) no responsibility for pre-marital debts of the other spouse;
- (i) a right to opt out, on getting independent legal advice;
- (j) no change to the existing law on division of property on marital breakdown.

Following the Supreme Court decision that the Matrimonial Home Bill, 1993, which provided for the automatic joint ownership by spouses of the family home, was unconstitutional, the Department of Equality and Law Reform has been considering the legislative options in

relation to encouraging such joint ownership. It is unlikely that the Department will be in a position to bring forward proposals in this area quickly given the constitutional complexities which attach to the matter. At the moment, the proposal which is being considered most actively relates to legislative measures which would facilitate the transfer of family homes into the names of both spouses. This matter has also referred to the Review Group on the Constitution for consideration.

The Supreme Court decision on the Matrimonial Home Bill also has implications for the introduction of the wide-ranging regime of community property which is envisaged in the Commission's Report. Any such introduction would represent a radical change in existing property law and the time required for critical examination of this issue will inevitably be lengthy.

Recommendation 1.5.7

The Commissions recommends:

- (a) that the State institute an automatic enforcement programme prosecuted by the State to ensure payment of maintenance orders;*
- (b) that the Government ratify the Lugano Convention and enact appropriate legislation to extend the reciprocal enforcement of Maintenance Orders to EFTA countries.*

The Maintenance Act, 1994 enables ratification of EU and UN Conventions which will make it easier to recover maintenance from a person living abroad. The Conventions were ratified and the Act came into force on 25 November, 1995.

Recommendation 1.5.8

The Commission recommends that:

- (a) the State funded Mediation Service should be put on a statutory basis;*
- (b) the service should be extended nationwide;*
- (c) the Mediation Service should have the power to recruit staff in its own right;*
- (d) the service should be provided with adequate funding to operate effectively.*

The Family Mediation Service is undergoing a programme of development and expansion on the basis of Exchequer funding which has been allocated to it for that purpose. Work on the acquisition and fitting out of a second centre (in Limerick) is at an advanced stage. The process of recruiting additional mediators and support staff for the Service - who will be used to upgrade the Dublin Centre and to staff the new Limerick Centre - has commenced. So as to extend the geographical base of the Service, arrangements are also being made to avail of the services of private mediators on a fee basis. The question of placing the Service on a statutory basis will be considered in the light of development of the service and the final report of the Law Reform Commission on Family Courts.

Recommendation 1.5.9

The Commission recommends that the minimum age for marriage should be raised to 18. The present system of exemption under the Marriages Act, 1972 should remain.

The Family Law Act, 1995 contains provisions giving effect to this recommendation.

Recommendation 1.5.10

The Commission recommends:

- (a) that there should be a form of civil marriage common to all;*
- (b) the introduction of a system which requires the attendance of the civil registrar at all legal marriage ceremonies, with attention being drawn during the ceremony to her/his presence and its significance.*

The Department of Equality and Law Reform is carrying out a comprehensive review of the legislation on births, deaths and marriages registration, with a view to developing proposals for change. The Commission's recommendations will be considered in the context of this review.

Recommendation 1.6.4

The Commission recommends that the Family Law (Protection of Spouses and Children) Act, 1981 should be amended to provide for the following protections:

- (a) protection orders should be available as a remedy in their own right when barring orders are not available. This would provide a measure of protection for a woman cohabitee, living with a man on his property.*
- (b) barring orders are at present available only to married couples; they should also be available where the person seeking the order is the owner or tenant of the property; a woman who owns her own house or is a named tenant should be able to eject a violent partner;*
- (c) protection orders should be available as a remedy in all cases of domestic violence e.g. cohabitation, mother/son, brother/sister relationships, etc;*
- (d) in crisis situations the Garda Síochána should be empowered to initiate an ex-parte application for a protection order; at present it is only the spouse who can initiate such an order; this should be available for all cases of domestic violence, not just violence between spouses;*
- (e) there should be sittings of the District Court at weekends and bank holidays to cope with a higher incidence of domestic violence at these times.*

The Commission also recommends that the question of extending the constitutional definition of the family should be referred to the Law Reform Commission for examination.

The Domestic Violence Bill, 1995, which takes account in large measure the recommendations, was passed by Dáil Éireann on 6 December 1995, and is now awaiting consideration by Seanad Éireann.

The question of the extension of the definition of the family has been referred to the Review Group on the Constitution. The question of further changes to take account of the Commission's recommendations will be considered in the light of the Review Group's deliberations. The Joint Oireachtas Committee on the Family is also expected to address the issue of the definition of the family.

The Commission on the Family was set up by the Minister for Social Welfare to examine the needs and priorities of the family in a rapidly changing social and economic environment. The terms of reference for the Commission are wide-ranging and include:

- raising public awareness and improving understanding of issues affecting families;
- examining the effects of legislation and policies on families and making recommendations to the Government on proposals which would support and strengthen families;
- analysing recent economic and social changes affecting the position of families, taking account of relevant research already carried out; and,
- undertaking limited research as necessary.

The terms of reference also require that in carrying out its work, the Commission, while having due regard to the provisions on the family in the Constitution intended to support the family unit, should reflect in its deliberations, the definition of the family outlined by the United Nations.

The Commission has been asked to make its final report to the Government by June, 1997. There will be an interim report in October, 1996.

Recommendation 1.6.5

The Commission recommends that:

- (a) *counselling services should be available for both victims and offenders in domestic violence cases. Responsibility for providing counselling could rest either with the Probation Service or the Health Boards under the Community Care system;*
- (b) *the District Court Clerk should inform offenders and victims about the availability of counselling.*

Counselling for victims of domestic violence is provided by social workers, psychologists and other professional staff employed by health boards and by the staff of women's refuges and rape crisis centres. As far as children who are victims of abuse are concerned, health boards provide a range of assessment, counselling and treatment services in accordance with their responsibilities under the Child Care Act, 1991. Significant increases in staffing levels have taken place since 1993 as part of a sustained programme of investment in new child care and family support services to assist children and families in disadvantaged circumstances, including those affected by domestic violence.

The Department of Justice is considering the issue of how District Court Clerks could assist in informing both victims and offenders in domestic violence cases of the availability of counselling services through the health boards.

Recommendation 1.6.6

The Commission recommends that the following approach should be taken in rape trials:

- (a) *the Director of Public Prosecutions should separately brief a legally qualified person to attend a consultation with the complainant prior to the trial to inform and advise her of the Court procedures involved in the trial and her participation therein with a view to rendering the experience less traumatic;*
 - (b) *that immediately prior to the trial, as a matter of course, the complainant should be given a copy of her statement to the Gardai;*
 - (c) *that the Department of Justice should commission and publish a standard booklet explaining all the circumstances attending the investigation and prosecution of sexual offences, with particular emphasis on the role of the complainant as witness. The booklet should be routinely provided to the complainant.*
- (a) **The Director of the Public Prosecutions is entirely independent in the exercise of his functions and, as such, the Department of Justice is not in a position to comment on the particular recommendation made. However, it is known that the DPP has instructed that female complainants in sexual cases should be informed that if they wish to have a pre-trial meeting with a prosecution lawyer, it will be arranged. Ideally, such meetings should take place earlier than the morning of the start of the trial and should be attended by counsel and by an appropriate member of the Gardai. The meeting is regarded as a familiarisation process for the complainant regarding the legal procedures in which she will be involved. It is accepted that in sexual cases these procedures can often constitute a considerable ordeal for the complainant witness. For this reason, the familiarisation process, in which the layout and the procedure of the court are explained to her and in which she is advised, in general terms, of the type of matter about which she may be examined, is essential.**
- (b) **A copy of a female complainant's statement in every sexual case is supplied as soon as possible after the statement was taken. In the case of a young complainant, it is furnished, subject to the complainant's consent, to her parent or guardian. A copy of the statement can also be supplied at the pre-trial meeting (as above).**
- (c) **While not discounting the merit of publishing a booklet on the lines suggested, the Department of Justice is of the view that the procedures put in place by the DPP and the Gardai are the most appropriate way of explaining the legal procedures involved. These procedures provide for a face-to-face consultation with counsel and they are the best way of familiarising the complainant with the legal process.**

Recommendation 1.6.7

The Commission recommends that:

- (a) *a monitoring mechanism should be set up in the Central Criminal Court to gather statistics about sentencing for rape;*

- (b) *if the statistics disclose an unacceptable discrepancy the Government should consider introducing a mandatory minimum sentence;*
- (c) *before sentencing, the (rape) victim should be entitled to bring forward evidence as to the effect on her of the crime, if she so wishes;*
- (d) *seminars should be organised on a regular basis for judges to keep them informed of up-to-date knowledge on the subject.*

(a)-(c) The Department of Justice considers that it would not be possible for staff in the Office of the Central Criminal Court to undertake the detailed monitoring envisaged in the recommendation. It would involve staff in making value judgements on factors such as the relevance of particular facts, the range of factual and evidential material to be included, the weight attributed to mitigating factors etc. The consideration of such factors and the emphasis given to them would not be reflected in basic statistics. Such statistics in isolation could not form a proper basis for proposing the introduction of a mandatory minimum sentence. The Department considers that the approach should be to examine the feasibility of the proposed monitoring being undertaken by a person other than a court official attending the relevant court proceedings.

The Monitoring Committee expressed concern that a mechanism to collect statistics is not in place, and considered that making a value judgement was not involved. The Committee suggested that a research student could collect the statistics.

Regarding the Monitoring Committee's suggestion that a research student would collect statistics, the Department of Justice responded that it is not clear how this might be done.

The Court's permission would be required if it is proposed that the researcher have access to the court files. Because of the sensitive and confidential nature of the information contained on those files regarding victims etc., it is possible that the Court might not grant access to such files.

It should also be noted that it is only since the enactment of the Criminal Law (Rape) (Amendment) Act, 1990 all rape trials have been heard in the Central Criminal Court. Prior to the passing of that Act rape trials were also heard in the Circuit Court. General statistics regarding rape cases heard in the Central Criminal Court are maintained on a yearly basis by that Court under the headings:

- number of cases on hand
- number of cases received from the District Court
- number of cases in which accused pleaded guilty
- number of cases in which accused opted for trial
- number of convictions.

The Criminal Justice Act, 1993 contains a provision in Section 5 which obliges sentencing courts to take into account any effect - whether long-term or otherwise - of a sexual or violent offence on the victim. Section 5(3) obliges sentencing courts, upon application of the victim, to hear the evidence of the victim as to the effect of the offence on her or him.

- (d) Under the Constitution the judiciary are independent in the exercise of their functions. This excludes any action by the Executive which could be interpreted as direct interference in the exercise of those functions, including imposing a training or briefing programme on them. The Minister for Justice is committed to facilitating in every way initiatives which the judiciary might bring forward in this area. Funding has always been made available to allow members of the judiciary attend courses or conferences both at home and abroad. She has addressed the issue of judicial training in the Courts and Court Officers Act, 1995. This Act contains a provision to formally enable the Minister to provide funds for judicial training courses arranged by the judiciary.

Recommendation 1.6.8

The Commission calls for:

- (a) *implementation of the provisions in the Child Care Act, 1991 related to protection and care of abused children;*
 - (b) *action on the recommendations of the Law Reform Commission's Report of September, 1990 on Child Sexual Abuse;*
 - (c) *clear instructions and training for teachers at primary and second level on the appropriate steps to take if a suspected incident of child sexual abuse comes to their attention;*
 - (d) *the establishment of a module on child sexual abuse in GP training;*
 - (e) *dissemination throughout the country of the Eastern Health Board's "Stay Safe" programme, a preventive education programme for children on child sexual abuse.*
- (a) **The Government are committed to implementing all the provisions of the Child Care Act, 1991 by the end of 1996 and to providing the necessary resources to enable the health boards to fulfil the requirements of the Act. The various new initiatives approved during 1993 and 1994 at a cost of £20 million were specifically aimed at preparing the health boards for the assignment to them of additional functions under the Act. A sum of £10 million was set aside in 1995 to finance a further round of new child care developments. This funding facilitated the commencement of Parts III, IV, V, and VI of the Act which deal with the protection of children in emergencies, care proceedings and the powers and duties of health boards in relation to children in their care. The introduction of these core provisions will strengthen the powers of the health boards, the Gardai and the Courts to intervene on behalf of children who are in need of protection from abuse or neglect.**

Most of the recommendations of the Law Reform Commission that relate to the Department of Health were taken into account by way of amendment when the Child Care Act was being processed through the Oireachtas. The main recommendation outstanding relates to the introduction of mandatory reporting which is being examined in the context of the recommendations of the Kilkenny Incest Report.

- (b) **The Criminal Evidence Act, 1992 was based in the main on recommendations contained in a number of Law Reform Commission Reports including the Law Reform Commission's Report on Child Sexual Abuse.**

The Act requires the provision of an audio-visual system to enable witnesses under 17 to give evidence and be cross-examined in certain cases, including sexual offences, while not present in the trial courtroom. The close circuit TV system, which has been introduced on a pilot basis in the Four Courts and in two provincial courts, provides an audio-visual link between the courtroom and a separate witness room to allow court proceedings to be conducted as if a witness were giving evidence in the courtroom itself. Criminal law aspects of the LRC's Report on Child Sexual Abuse are being examined by the Department of Justice. Installation of additional video-links, for instance in provincial court locations, will be undertaken over the next few years.

- (c) All primary and post primary schools have been issued with a booklet on the guidelines for reporting incidents of child sex abuse. Procedural guidelines have also been issued to all officials in the Department of Education on dealing with allegations of abuse of children by teaching and other staff of schools.
- (d) Child sexual abuse is covered in both vocational training schemes in general practice and in the continuing medical education network operated by the Irish College of General Practitioners. The Department of Health has brought the recommendation of the Commission to the attention of the College.
- (e) The "Stay Safe" Programme is available on a nationwide basis to all primary schools. It had been implemented in 70% of schools to November, 1994 and 90% of primary school teachers had received training on its implementation.

The Department of Education is currently examining the Stay Safe Programme with a view to its revision for introduction into post-primary schools.

Recommendation 1.7.3

The Commission recommends that:

- (a) *adequate funding should be made available to operate a Civil Legal Aid Scheme so that there is a reasonable coverage of the country by Law Centres and that waiting lists for those Centres are not unreasonably long;*
 - (b) *equality cases should be eligible for assistance;*
 - (c) *the Government should instruct the Minister for Justice to ensure that women are appointed to any vacancies arising on the Legal Aid Board in order to ensure equitable representation between women and men;*
 - (d) *adequate funding should be made available for the National Social Service Board so that it can discharge its function of providing basic advice about family law matters, including eligibility for Civil Legal Aid;*
 - (e) *voluntary bodies which supply information on family law should be encouraged in this role and supported financially.*
- (a) **In 1995, the grant in aid to the Legal Aid Board was increased by 25% to £6.2m - almost double the 1993 figure of £3.206m, and with the opening soon of the new full-time law**

centre at Wexford the phase of the Legal Aid Board plan commenced in 1994 will have been completed. This phase of the plan consisted of

- the provision of 10 new full time law centres
- the provision of 4 new part time law centres
- the recruitment of 24 additional Solicitors
- the recruitment of 10 additional Law Clerks
- the recruitment of 30 additional Administrative staff.

A further expansion of the network of law centres has been approved. This will involve the opening of a further 4 new law centres. When these come on stream the total number of full-time law centres operated by the Legal Aid Board will have increased to 30, an increase of 14 over the 1993 position.

- (b) With regard to equality matters, the position is that legal advice in this area is already available under the Scheme of Civil Legal Aid and Advice where court proceedings are concerned. While the Scheme does not apply to cases before tribunals at present, there is a commitment to examine the possibility of extending legal aid to tribunals.
- (c) The Minister for Equality and Law Reform appointed a new Legal Aid Board, on the expiry of the existing Board's terms of office (24 April 1995). The new Board comprises 7 women and 6 men, and the chair is a woman.
- (d) The statutory functions of the National Social Services Board relate to the dissemination of information on social services. The Board has no responsibilities in the area of legal advice.
- (e) The Department of Equality and Law Reform provides £45,000 p.a. in grant aid to Free Legal Advice Centres Ltd (FLAC), a voluntary organisation which provides legal advice and legal aid on family law and other matters. Coolock Community Law Centre, which also provides legal aid and advice, is provided with funding by the Department of Social Welfare, through the Combat Poverty Agency.

Recommendation 1.8.1

The Commission recommends that the same sanctions should be applied to persons soliciting and to their clients, regardless of sex.

The Criminal Law (Sexual Offences) Act, 1993 provides that any person, whether male or female, prostitute or client, who solicits or importunes in a street or public place for the purposes of prostitution is guilty of an offence. The same offence and the same penalties apply to prostitutes, clients or anyone who solicits in a public place.

Recommendation 1.9.1

The Commission recommends that the Government should refer to the Law Reform Commission the task of drawing up proposals to provide for a nominated partner to assume next of kin status in cases of illness and hospitalisation.

The recommendation has been referred to the Attorney General's Office. It is considered, however, that the incidence and scale of the problems would not warrant referral to the Law

Reform Commission in the light of its current workload. Referral will be borne in mind in the light of progress on the work programme.

Recommendation 1.10.1

The Commission recommends that the Interpretation Act, 1937 should be redrafted with a view to:

- (a) ending discriminatory and unnecessary gender-specific language in Bills, Acts and instruments of the Oireachtas, for example, by using s/he and chairperson;*
- (b) enabling the adoption of the feminine gender in legislative measures clearly and primarily addressed at women.*

The Interpretation (Amendment) Act, 1993 became law on 22 December, 1993. It provides that in the interpretation of legislation generally, unless the contrary intention appears, an expression in the feminine gender shall be construed as importing also the masculine gender. This means that the use of the feminine gender in legislation will no longer be confined to measures directed exclusively to women. This applies to Acts passed on or after 22 December, 1993 and to statutory instruments made under such Acts.

Furthermore, the Government have decided that, in general, bills and statutory instruments should be drafted in gender-neutral language as far as possible.

Recommendation 1.10.2

The Commission recommends that revised regulations of a non-discriminatory character should be drawn up.

Specifically, we recommend that:

- (a) at birth, parents should have a choice of registering their child with maternal, paternal or joint surname;*
- (b) with regard to the long birth certificate:*
 - the child's surname should be recorded;*
 - the term "maiden surname of mother" should be replaced by "surname of mother";*
 - the occupation of the mother should be recorded in addition to the occupation of father.*

The Department of Equality and Law Reform has assumed responsibility for a comprehensive review of the legislation on births, deaths and marriages registration. The entire registration process, including the provision of certificates, will be considered. Because of the complexity of the issues involved and the age of much of the relevant legislation, the review will take some considerable time to complete.

The format of the stillbirth certificate which is provided for in the Stillbirths Registration Act, 1994, reflects the recommendations of the Commission on the Status of Women in relation to birth certificates.

Women in the Home

Recommendation 2.3.1

The Commission recommends that all income from whatever source should be jointly owned by spouses and that the legal right share on testacy established under the Succession Act, 1965 should be increased from one-third to one-half in all cases.

See recommendation 1.5.6 in relation to the question of joint income. Proposals for changes in the law regarding rights of succession will be considered when urgent legislative proposals which are in hand are disposed of.

Recommendation 2.4.2

The Commission recommends continuation of the child tax allowance for low income families, but with the introduction of a more graduated cut-off point to lessen the disincentive effect on women seeking employment.

The Finance Act, 1994, provided for an increase to the child additions to the exemption thresholds of £100 per child for all children. Further, the marginal relief rate of taxation, which is the effective marginal tax rate for many lower paid people, was reduced by 8% points - from 48% to 40%. Taken together, these two changes will be very beneficial to those on relatively low incomes; this will considerably alleviate the "poverty trap" and improve the incentive to work.

Recommendation 2.4.4

The Commission recommends that the Income Tax Code should be reviewed with the objectives:

- (a) of lessening the disincentive to married women to look for employment; and*
- (b) of using the Income Tax Code as a means of transferring income from a breadwinner spouse to a full-time homemaker spouse.*

(a) This recommendation has been examined by the Department of Finance, who do not recommend implementation. This area was considered by consultants on behalf of NESC for Report No 91 on Women's Participation in the Irish Labour Market. The NESC felt, inter alia, that the consultants' proposals "could have unknown and possibly undesirable distributional effects with much of the benefit accruing to households at the upper end of the income distribution" and that "the Council's overall strategy for tax reform based on a widening of the tax base and reduction of the income tax burden would have the effect of enhancing female labour force participation while pursuing overall economic policy objectives". It is considered by the Department of Finance that the Government's taxation policy priorities, including the removal of the low paid from the tax net and the reduction of tax rates as economic circumstances permit, should take precedence over measures which are likely to benefit the better-off.

Furthermore, it would not be possible to cost this recommendation since no specific proposal is made.

- (b) The response to this recommendation and the arguments of the Department of Finance and the Revenue Commissioners against implementation of the recommendation are already set out in paragraph 2.4.3 of the Commission's report. These arguments had previously been outlined to a sub-committee of the Commission for the Status of Women by officials of the Department of Finance and the Revenue Commissioners in December 1991. Apart from the considerations outlined in paragraph 2.4.3 of the Commission's report the proposal, if implemented, would give rise to substantial administrative difficulties and would place a considerable burden on Revenue resources in particular at a time when emphasis was being placed on simplification of Revenue procedures generally. The representatives of the Commission for the Status of Women accepted the points made by the officials of the Department of Finance and the Revenue Commissioners and indicated that they would not be pursuing this recommendation.

However the issue is encompassed in the considerations of the Expert Working Group on the Integration of Tax and Social Welfare which is expected to report early in 1996.

Recommendation 2.4.5

The Commission recommends that:

- (a) *on marriage the Revenue Commissioners adopt the principle of separate treatment as the norm, rather than joint assessment;*
- (b) *in cases where couples opt for joint assessment all correspondence should be jointly addressed to husband and wife;*
- (c) *whatever the taxation option decided on by the couple, correspondence to the wife should use her own family name if that is her preference;*
- (d) *all income tax forms should require the same information for women and men.*

(a)&(b) **Following the Report of the Second Commission on the Status of Women, in 1993, legislation was introduced in the Finance Act of that year which made significant changes, in the interests of ensuring equality between the sexes, to the tax treatment of married couples which previously applied. All married couples are now offered a choice of the following options:**

- **Joint assessment with either party nominated by the couple as the assessable person (instead of the husband being automatically selected which was the outcome under the previous legislation), a new option.**
- **Separate assessment (as before).**
- **Separate/single treatment (as before).**

In the case of a couple who married in 1993-94 or in a subsequent tax year, where no option is chosen, joint assessment applies automatically with the higher earner in the

previous year as the assessable person. This higher earner could, of course, be either the husband or wife. In the case of couples who married before 6 April, 1993 the husband continues to be treated as the assessable person where no option is chosen.

The legislation also made changes in regard to the payment of tax refunds to jointly assessed couples. Formerly, refunds in respect of a jointly assessed couple made after the end of the tax year were almost always paid to the assessable person (usually the husband). Now, refunds are payable to the two spouses in proportion to the tax paid by each spouse. This means that, if a refund is due and one spouse paid, say, three-quarters of the couple's total tax, that spouse will get three-quarters of the refund. Furthermore, the inspector of taxes now has the power to arrange in individual cases that where the refund is clearly due to an overpayment by one spouse, the full refund is paid to that spouse.

A publicity campaign outlining the taxation options open to existing married couples took place between 12 December 1993 and 19 January 1994. This campaign consisted of advertisements in the following publications; Sunday Independent, Sunday Tribune, Sunday World, Sunday Press, Sunday Business Post, Irish Independent, Irish Press, Irish Times, The Star, Cork Examiner, Evening Herald, Evening Press, Evening Echo, Anois, Image, IT, U, Woman's Way. The publicity campaign outlined the new arrangements and stated that an information leaflet entitled "Taxation of Married Persons" was available from tax offices.

Some other issues raised by the Commission had already been dealt with administratively by the Revenue Commissioners. These legislative and administrative changes represent a major contribution towards improving equality in the tax system as it affects married persons.

- (c) The Revenue Commissioners facilitate the retention of the wife's pre-marriage name where this is requested.
- (d) The Revenue Commissioners are not aware of any forms that look for different information on the basis of gender. Nevertheless, it is possible that, occasionally, forms contain an unintended slip. The Commissioners have made every effort to ensure that such slips do not happen and have put in place even more extensive procedures to obviate the possibility for the future.

Recommendation 2.5.2

The Commission recommends that, with a view to lessening disincentives to work, the abrupt cut-off limits for social welfare entitlements for recipients of social welfare and their dependants should be modified so that there is instead a more gradual tapering-off as income increases.

Regulatory powers were taken in the 1995 Social Welfare Act (Section 15) to pay an adult dependent increase in respect of a spouse/partner who is not regarded as an adult dependant because he/she has income from employment or self-employment in excess of a prescribed weekly amount. It is proposed to bring in new arrangements early in 1996 which will provide a rate of Adult Dependand Allowance related to earnings. It may be necessary for administrative reasons to introduce the new arrangements on a phased basis for different schemes. The object is to permit a higher level of earnings before the full Adult

Dependant Allowance is withdrawn from the spouse. This improvement will be a significant contribution to removing one of the poverty traps which currently keeps people out of employment or on very low pay.

Recommendation 2.5.3

The Commission recommends the following practice with regard to the issue of dependency:

- (a) the term qualified partner should be substituted for the term dependant;*
- (b) social welfare payments should be divided between the recipient and the qualified partner (dependant spouse). The recipient should be paid the Single Person's rate and the qualified partner paid the Adult Dependant rate. Any Child Dependant Allowances arising should be paid to the primary caregiver, i.e. in most cases the mother;*
- (c) qualified partners should be issued with their own allowance book;*
- (d) the Government should work towards establishing by 1997 a system of individual rights and payments in the social insurance and social welfare systems.*

The question of separate social welfare entitlement in their own right for all social welfare customers, or the "individualisation" of social welfare entitlements as the process is also known, is one that will involve a lengthy time frame and a major restructuring of the social welfare code. An examination of the process and its implications for the social welfare system is ongoing. It should be noted that the individualisation process could run the risk of depriving many thousands of dependants, mainly women, of rights which they have derived from their spouse's social insurance contributions and which have been built up over a long number of years.

Recommendation 2.5.4

The Commission recommends:

- (a) a publicity campaign aimed at ensuring that all eligible families are made aware of the Family Income Support Scheme;*
 - (b) payment of FIS direct to the primary caregiver in the family.*
- (a) The Department of Social Welfare regularly undertakes extensive advertising campaigns to increase public awareness of FIS. These campaigns include the use of advertising hoardings, television, radio and the print media and the provision of a free-phone service. Details of FIS are provided on AERTEL, on all child benefit books, and are circulated by the Revenue Commissioners with information on taxation. These measures, combined with Budgetary improvements to the scheme have resulted in the number of families in receipt of FIS rising by 48% to 11,486 between December 1992 and December 1995.
- (b) The payment of FIS directly to the primary care giver would require legislative change, could adversely affect some families and would endanger the take-up of the scheme. Recent surveys of FIS claimants have suggested that FIS is already being directed by

claimants to the primary caregiver in the family. A survey of FIS claims on 24 May, 1995 showed that 10,945 or 99% of the total 11,056 FIS claims in payment are cashable by females either because they are the FIS client themselves (2,876) or because they are the named agent (8,069).

The Programme for a Government of Renewal pledges to work towards a basic income system for children by systematic improvements in Child Benefit and the creation of a Child Benefit Supplement payable to all Social Welfare recipients and to low and middle income families. The Child Benefit Supplement will replace child Dependant Allowances currently payable to Social Welfare recipients and Family Income Supplement. This proposal is currently being examined by the Expert Working Group on the Integration of the Tax and Social Welfare Systems which is expected to report early in 1996.

Recommendation 2.5.5

The Commission recommends that younger lone parents should be encouraged and facilitated to return to or take up employment in their own long-term interests and those of their children. This involves such issues as eligibility for placement on education and work training courses, and the provision of crèche facilities and earnings disregards to remove disincentives to taking up employment.

Lone parents in receipt of Lone Parent's Allowance are specifically eligible to participate in Community Employment. Ten per cent of places on the VTOS Scheme are reserved for lone parents and the disabled.

See also responses to Recommendations 5.2.5(c) and 5.4.4.

Under the Programme for Competitiveness and Work, lone parents are allowed to retain a greater proportion of their Lone Parent's Allowance while working. The flat-rate earnings disregards was increased to £30 per week from July, 1994, in addition to the work-related disregards. Thereafter, the allowance is reduced by £1 for every £2 earned. Working lone parents are also eligible for Family Income Supplement, which is not counted as income for means test purposes. There were 2,004 female lone parents and 76 male lone parents in receipt of FIS around the end of December, 1995, which represents 18.1% of total FIS recipients (11,486) at 31 December, 1995.

The Minister for Social Welfare is to introduce a new One-Parent Family Payment to replace the existing arrangements for lone parents from early 1997 which will

- be non-discriminatory in the treatment of men and women rearing children on their own;
- be non-judgemental in that the requirement to prove desertion is being dispensed with once and for all in the social welfare system.

The new payment will incorporate the existing means-tested scheme for lone parents as well as the deserted wives benefit scheme. It will enable people, who are bringing up children on their own, the majority of whom are women, to have earnings within certain limits and retain their allowance. This will serve to encourage the participation of lone parents in

the labour force. Women will no longer be required to prove desertion which will dispense with the intrusive questioning which establishing desertion necessitates, at a particularly vulnerable time in their lives. The current requirement to prove desertion is both humiliating and degrading to women.

Recommendation 2.5.6

The Commission recommends that ideally PRSI contributions for retirement/old age/survivors pensions payable by married persons should provide pension cover for both spouses, irrespective of whether the income is directly earned by one or both spouses. While this is the Commission's preferred approach we also believe the following approach is acceptable as a minimum:

- (a) amendment of the Social Welfare Code to allow homemakers to make voluntary contributions in respect of years spent caring for pre-school children, the elderly or disabled;*
- (b) the payment of a pro-rata pension generally. This would be paid on the basis of the actual number of contributions made.*

The Commission also recommends that the old age pension should be paid direct to each spouse.

- (a) The Minister for Social Welfare has announced that the provision of access to pension cover, in their own right, for women working full-time in the home, is his priority and he is preparing proposals for Government following the Report of the National Pensions Board.**

Since July 1994 each full year of homemaking (i.e. time spent in the home while rearing children or while providing full-time care and attention to elderly or incapacitated persons) will entitle the person to have a year disregarded for the purposes of determining the yearly average for pension. This continues their social protection and enables them to benefit more fully from a resumption of social insurance on returning to work afterwards. The relevant regulations allow women returning to work, who might previously not have qualified for a pension because of a lengthy gap in their Pay Related Social Insurance records, the possibility of now doing so. The age limit for all children was increased to 12 years with effect from 6 April 1995. The actual procedures for claiming disregarded years have not yet been decided. Details of the procedures will be publicised when they are.

- (b) This recommendation will be considered in the context of the review of the National Pensions Board Report. Payment to each spouse would have cost implications.**

Recommendation 2.5.7

The Commission recommends that priority should be given by the Department of Social Welfare and An Post, together with the ESB and local authorities, to the establishment of a scheme to facilitate budgeting and the regular payment of bills by households depending on social welfare payments.

The Household Budget Scheme was launched by the Minister for Social Welfare on 15 April, 1993 and is operated by An Post.

This scheme is available for certain unemployed recipients nationwide. The scheme allows customers to pay a regular amount towards various household bills (electrical, gas, phone, local authority rent/mortgages) by direct deductions from unemployment payments. At end December, 1995 there were just over 160,000 people who could avail of the Household Budgeting Scheme and about 8,770 were participating. The numbers are growing but at a very slow rate. It will be made available to other social welfare recipients e.g. lone parents, when the necessary computer changes can be implemented. It is anticipated that credit unions will be included for loan repayment subject to the credit unions completing their own programme of computerisation.

Details of the Household Budget and Transcash Schemes operated by An Post have been sent to local authority managers and a majority of local authority tenants now have access to such schemes.

Recommendation 2.6.3

The Commission recommends that:

- (a) the current level of funding provided by the Department of Social Welfare's Scheme for Grants for Locally Based Women's Groups should be doubled to £1 million per annum;*
 - (b) funding should be available on a multi-annual as well as a once-off basis; and*
 - (c) a system of accountability for funding should be applied, i.e., each group in receipt of funding should make an annual report on expenditure to the Department of Social Welfare.*
- (a) The recommended target of £1m was reached in 1994 and the funds available for 1995 were £1,085,000. In addition, enhanced funding is being provided for more developed women's groups, with £100,000 allocated in 1994 and £240,000 in 1995.**
 - (b) A specialised stream has been established in the Community Development Programme to allow for the funding of a number of pre-existing specialised projects that cater for specific target groups, including women. A key feature of this programme is that funding continues for three years. Four women's projects were in receipt of funding under this programme in 1995.**
 - (c) Statements of expenditure and receipts have always been sought from all groups who are grant-aided.**

Recommendation 2.6.4

The Commission recommends that in the longer term, with due consideration to the wishes and needs of women concerned, the Scheme of Grants for Locally Based Women's Groups should be expanded to apply to groups including disadvantaged men as well as women.

A sum of £100,000 was allocated in the 1994 Budget, for support of locally based men's groups. This money was allocated to 122 groups; the number of applications received was 152. An increased allocation of £150,000 was available for men's groups in 1995; 142 applications were received and 88 grants were made.

Recommendation 2.7.5

The Commission recommends that:

- (a) *vulnerable groups in society, for example, single parents and elderly people living alone, should be housed as near as possible to their families;*
 - (b) *acceptable housing design must incorporate safety features such as entry phones for flat complexes and good street lighting, especially at bus stops and on routes from bus stops to houses;*
 - (c) *public housing should be planned in conjunction with adequate support services, e.g. shops, childcare facilities, public transport routes etc.;*
 - (d) *the possibility (by legislative changes if necessary) of obliging developers to provide recreational buildings and facilities when building housing estates should be investigated;*
 - (e) *zoning objectives should be flexible enough to take into account the need to provide employment opportunities, shopping and recreational opportunities readily accessible from residential areas;*
 - (f) *in residential areas, heavy or "through traffic" should be redirected to reduce the risk of accidents, particularly with regard to children;*
 - (g) *priority should be given to the funding of public transport. In particular, the possibility of providing mini-buses which would offer a more flexible, off-peak service should be investigated. In this regard the provision of "Imp" and "Nipper" services in Dublin must be welcomed and could be developed and emulated elsewhere. It is important that public transport facilities are themselves user-friendly, taking account of the fact that women will often have heavy shopping, buggies, and small children accompanying them;*
 - (h) *the Health Promotion Unit of the Department of Health should institute an annual award for the most parent/child friendly shop, supermarket or restaurant;*
 - (i) *common-sense planning decisions, based on need and usage, should be required with regard to the provision of toilet facilities in entertainment centres or other places where large numbers of people congregate;*
 - (j) *professionals concerned with design of the built environment, e.g. architects and planners, should have a compulsory module in their training dealing with urban design and related sociological factors.*
- (a) **The allocation of dwellings is a matter for local authorities having regard to their statutory scheme of letting priorities, in the light of the competing needs of housing applicants. This recommendation has however been brought to the attention of local authorities.**
- (b) **Safety features such as entry phones in flat complexes, etc, are allowed as part of the capital cost of new local authority housing schemes, where the type of development warrants it, e.g. apartment blocks with communal entry. Local authorities have also**

been informed that in dwellings for the elderly or disabled persons the cost of providing an appropriate alarm system and suitable heating facilities may be charged against the capital costs of providing such dwellings. Capital funding is also provided under the remedial works scheme for major refurbishment by authorities of designated housing estates and flat complexes and, where appropriate, the provision of controlled entry systems to flat complexes would form part of this work.

- (c) Housing authorities have been advised that, in preparing lay-outs for housing schemes, they should ensure that the new housing comprises smaller well-designed schemes with a more intimate environment, integrated as far as possible with housing and other development in their area and convenient to all important services and amenities.
- (d) A circular letter has been sent to each local authority drawing their attention to the Report of the Second Commission on the Status of Women and asking them to examine their existing practices to comply with the findings of the Report. The importance of using development plans to set out a blueprint for the development of residential areas to meet the local community's development requirements, including the particular needs of women as identified in the Report, was highlighted in this circular letter.

Under the Local Government (Planning and Development) Acts, planning authorities can attach conditions to planning permissions requiring the provision of the types of facilities referred to by the Commission where they are considered necessary in the context of a particular development proposal and subject to proper planning and development considerations.

- (e) The zoning of land for particular uses is one of the most important objectives of the development plan and the attention of local authorities has been drawn to this recommendation.
- (f) The Dublin Transportation Initiative (DTI) made recommendations in regard to measures to combat "through traffic" and these are now being implemented on a phased basis by local authorities. The provision of town by-passes and relief roads forms part of the Operational Programme for Transport and new powers are included in the Road Traffic Act, 1993 for traffic calming.
- (g) The sole funding of public transport services which is undertaken by the Department of Transport, Energy and Communications takes the form of an Annual Subvention paid to CIE in respect of the provision of socially necessary public transport services. The State's role is primarily related to Exchequer subvention, the overall level of which is determined by the Government by reference to a range of factors including the financial situation of CIE and more generally the need to balance the many urgent and competing demands on the Exchequer. Over the years State financial support for such services has been very substantial.

The allocation of the subvention and other resources for particular purposes is a matter for the Board and Management of CIE and its subsidiary operating companies to decide. Similarly decisions on operational matters such as service details and mix of vehicles is a matter for CIE Bus Companies.

Bus Éireann endeavours to meet the requirements of as many people as possible having regard to the resources available to them. Bus Éireann are currently examining the

potential for introducing minibus services in provincial cities. Preparatory work on this project is being undertaken at present.

Road passenger services in rural areas are also provided by private bus operators licensed by the Department under the provision of the Road Transport Act, 1932. The Department endeavours to be as flexible as possible in applying the licensing regime to enable the private sector to complement existing services and to fill gaps in the market.

The difficulty for both private and public sector operators is the diseconomies of operating in sparsely populated areas. Therefore the central issue comes down to a question of resources. Unless significant additional financial support for public and/or private sector operators can be made available the Department of Transport, Energy and Communications sees little practical merit in developing plans for additional services in these areas. Differing circumstances in this country especially as regards the availability of central or local authority funding militates against the adoption of initiatives which have been implemented in other countries.

The CIE Companies are very conscious of the need to make their vehicles as user friendly and accessible as possible having regard to the resources available to them.

As regards bus services, investments by CIE in bus replacement is a matter for the day to day management of the CIE Group. Both Bus Átha Cliath and Bus Éireann endeavour to obtain the most accessible and user-friendly vehicles available on a cost-effective basis. Both companies in replacing their urban fleets are guided by the recommended specifications of the Disabled Persons Transport Advisory Committee, a UK statutory body which advises on the needs and requirements of the mobility impaired. Bus Éireann has also acquired 130 improved coaches for their expressway network, which include a facility whereby the front of the coach may be lowered to facilitate access.

- (h) The Health Promotion Unit of the Department of Health is considering the introduction of an annual award for the most parent/child friendly shop, supermarket or restaurant in the context of its programme of activities for health promotion in the workplace.
- (i) The provision of toilet facilities in entertainment centres or other places where large numbers of people congregate is covered by the Building Regulations, 1991, which came into operation on 1 June, 1992. These provide, inter alia, that adequate sanitary conveniences shall be provided in a building and apply to all new buildings and to alterations, extensions and changes of use of existing buildings.
- (j) The Department of the Environment has undertaken to ascertain if training in urban design and related sociological factors is available for professionals. This process is still on-going and depending on the response, that Department will raise the matter with the relevant educational authorities concerned.

Women and Work

Recommendation 3.2.1

The Commission recommends that Government policies and practices directed at job creation should immediately take account of the changing pattern of women's labour force participation. Specifically, this entails recognising the problem of re-entry to paid employment and devising policies which tackle this such as flexibility in working life, support for childcare arrangements and access to appropriate training.

Return to Work Training Programmes provided by FÁS allow women who wish to re-enter the workforce access to training on a part-time or full-time basis. Age limits for civil and public service appointments have been raised significantly, which facilitates the entry, or re-entry, of women to the workforce. Job-sharing, career breaks and flexible working hours are widely available throughout the civil and public service.

Recommendation 3.2.2

The Commission recommends to the Government that national labour force and employment generating policies should take account of the factors impacting on women's employment and that the specific concerns and problems which face women workers and potential women workers are integrated into overall employment policy.

The Department of Enterprise and Employment commissioned a study on work sharing, which was completed in February 1995 (Worksharing in Ireland: Issue and Options). The question of reorganisation of working time is one of the issues covered.

The Government is committed to implementing the EU policy on job creation agreed at the Essen summit in December 1994, which includes action to increase employment through flexible work practices.

The provision of Return to Work training continues to be an important intervention by FÁS, especially for women. The Programme provides training for long term unemployed people and those who wish to return to work after an extended absence from the labour market. A target throughput of 900 women was set for the programme in 1994. This target was exceeded, with 983 women completing Return to Work courses. A target of 950 was set for 1995.

FÁS is reviewing the delivery of this programme with a view to further improving its targeting and effectiveness. Women are encouraged to use this programme as a form of preparatory training with a view to a proportion of them moving into Specific Skills Training.

Recommendation 3.2.3

The Commission recommends that labour force statistics should provide a detailed breakdown by occupation of women's employment, showing full-time, part-time, atypical work and home-working rates and patterns of participation.

The Labour Force Survey already contains many questions which can be used to provide information relevant to this recommendation. The questionnaire includes questions on work patterns and working from home and distinguishes full-time and part-time workers in permanent/principal and occasional/seasonal jobs, respectively. In relation to career breaks, a separate Principal Economic Status Code is assigned to persons, male or female, seeking to return to the workforce after a career break for personal or domestic reasons. Women on maternity leave are distinguished. No information is collected in the survey on job-sharing, but analyses by number of hours worked are available.

Recommendation 3.2.4

The Commission recommends the following as key elements in an employment strategy for women:

- (a) a committee comprised of the social partners should be established in the context of PESP (and any subsequent such programme) in order to monitor and make proposals on developments in women's employment, including the objective of narrowing the earnings gap between women and men;*
- (b) the Oireachtas Joint Committee on Employment, the County Enterprise Partnership Boards and any further Government committees set up to deal with employment should as part of their function be assigned the specific objective of job creation for women;*
- (c) the Government should build a specific policy objective of increasing women's employment opportunities into the Community Support Framework to be agreed with the EC Commission as the basis of applying whatever level of structural funds is available for the period 1994-1997;*
- (d) the Government should review existing policies and programmes and devise new policies and programmes aimed at widening the occupational choice of women and men and at encouraging the entry of women into traditionally male occupations;*
- (e) an employment policy for women should also respond to particularly vulnerable categories of women, such as lone parents, with a view to facilitating their participation in the labour market, rather than as at present facilitating a culture of social dependency, through the absence of any specific policy measures;*
- (f) on ratification and implementation of the Treaty of European Union (the Maastricht Treaty) the Government should have an active and positive commitment towards achieving the objectives set out in the Agreement on Social Policy annexed to the Treaty;*
- (g) in the longer term, the appropriate Government mechanism for devising and monitoring an employment policy for women should be a high-level committee chaired by the proposed Department of Women's Affairs. Representation on this committee could include the Departments of Labour, Industry and Commerce, Education, Finance, Social Welfare, the social partners, FÁS and the IDA. Policies and programmes agreed by this Committee would be implemented by the appropriate Department or Agency.*

a)&(g) The Department of the Taoiseach is of the view that the proposal at (a) was envisaged as a relatively short-term measure and that (g) refers to the functions of the group proposed at (a) being taken over by the proposed Department of Women's Affairs. These recommendations have been overtaken by events, particularly the establishment of the Department of Equality and Law Reform. It is considered that the formation of that Department, its input to Government policy and the screening of all areas of Government proposals as to their impact on women meet the requirements under these recommendations.

- (b) There is no longer an Oireachtas Joint Committee on Employment or a direct successor to this Committee. County Enterprise Boards (CEBs) have an important strategic role in promoting enterprise and job creation at local level. They have responsibility for business areas not already covered by State industrial development agencies.

During the planning stage prior to the re-launch of the County Enterprise Initiative in 1993, the Minister for Enterprise and Employment took positive remedial action to counteract the scarcity of women among the membership and staff of the main nominating interests to the Boards. The wider canvass undertaken to encourage women with business experience to participate in the work of the Boards will help to tap the significant potential of local employment initiatives for women and build on the success of the community based projects under the PESP and the European Community NOW initiative.

The County Enterprise Boards have now drawn up proposals to develop pilot actions directed at encouraging and supporting enterprise creation by women. It is hoped to implement these proposals with funding under the NOW II Community Initiative.

Area-based Partnership Companies are a further element in the Government's employment strategy. Their brief is to counter disadvantage and increase employment by supporting local economic development, based on a local action plan drawn up with each partnership area.

The new guidelines for partnerships, drafted in consultation with Department of Equality and Law Reform are contained in the Integrated Local Development Handbook 1995'. These contain specific recommendations for targeting women's unemployment, improving participation by women, and addressing childcare provision at local level.

- (c) The Community Support Framework 1994-1999 states the objective of increased participation by women in the labour market. All Operational Programmes will be monitored for their impact on gender. The Department of Equality and Law Reform participates in the Structural Funds Monitoring Committees, which monitor the effectiveness of the programmes by reference to their objectives, including the promotion of equal opportunities for women.

The Department of Enterprise and Employment adopted the approach proposed in the recommendation in the context of specific European Social Fund programmes and initiatives. The Local Urban and Rural Development Operational Programme (Department of the Taoiseach) also adopted equal opportunities as a key objective, as did the Agriculture, Rural Development and Forestry Operational Programme (Department of Agriculture Food and Forestry).

- (d) The concern expressed in the recommendation will inform the review and development of relevant policy options for new employment equality legislation which is being prepared in the Department of Equality and Law Reform.
- (e) Lone parents participate in FÁS Training Programmes and are specifically eligible to participate in Community Employment if they are in receipt of Lone Parent's Allowance.
- (f) Ireland is a party to the Agreement on Social Policy annexed to the Maastricht Treaty. The current Government Programme (A Government for Renewal, December 1994) states the Government's full support for the aims of the Agreement, which it sees as important for the strengthening and broadening of EU Equality Law.

Recommendation 3.3.4

The Commission recommends that a statutory national minimum wage should begin to be phased in by 1995 following negotiation by the Government with the social partners.

It is not proposed that a statutory national minimum wage, as recommended by the Commission, should be introduced.

In accordance with this country's voluntarist tradition of industrial relations, wages and conditions of employment in Ireland are generally determined by free collective bargaining. The question of improving the position of low paid workers traditionally has been approached through support for the collective bargaining system operating in conjunction with Joint Labour Committees (JLC). The JLC system, which established minimum rates of pay and conditions of employment in certain sectors where collective bargaining is not well established, has been extended significantly in recent years and now applies to some 100,000 workers (including considerable numbers of women). The position of low paid workers has been improved not alone through the extension of the JLC system, but also by the weighting of the pay terms of recent national programmes, including those of the current Programme for Competitiveness and Work, in favour of those on low income. Furthermore, changes have been made to the overall taxation regime with a view to improving the position of those on low pay.

Recommendation 3.4.5

The Commission recommends that:

- (a) *the Department of Labour should monitor atypical working arrangements to ensure that atypical workers, the vast majority of whom are women, are not disadvantaged in terms of pay, promotion and other entitlements; if monitoring discloses they are disadvantaged an appropriate statutory provision should be introduced.*
- (b) *the Department of Social Welfare and the Revenue Commissioners should devise a simplified system of tax/PRSI procedures for childcare/domestic workers in private houses;*
- (c) *the Department of Labour should examine the development of homeworking, with a view to applying health and safety standards and other protective legislation and in order to make information on their entitlements available to home workers;*

(d) *the Department of Labour should also work with the Department of Social Welfare and the Revenue Commissioners, in order to determine an integrated policy to bring home-working inside the formal economy.*

(e) *the Department of Labour should devise and organise an information campaign on the disadvantages of being outside the scope of protective legislation and not building up PRSI entitlements to, for example, pensions and dental and optical benefit.*

- (a) **The Department of Enterprise and Employment monitors atypical working arrangements to ensure that atypical workers are not disadvantaged in terms of employment entitlements under labour legislation. Agency workers have been brought within the scope of recently enacted labour legislation. It is also proposed to include agency workers within the scope of forthcoming legislation on holiday entitlements and legislation which will implement the 1993 EU Directive on the Organisation of Working Time.**

Under the 1977 Employment Equality Act disadvantageous treatment of part-time workers in their conditions of employment is illegal, where this amounts to indirect discrimination on grounds of sex. The Employment Equality Agency monitors this as well as indirect discrimination in pay in relation to part-time workers. Proposed legislation on employment equality being prepared by the Department of Equality and Law Reform will include agency workers in its scope.

- (b) **This matter is currently under consideration with a view to bringing forward proposals on the issue.**
- (c) **The issue of homeworking is currently being considered by the Department of Enterprise and Employment in the context of an examination of the issue which is being undertaken by the International Labour Organisation. The ILO is considering the introduction of new international labour standards in this area and proposals for a Recommendation and Convention on home work are expected to be adopted in 1996.**
- (d) **Home workers were brought within the scope of the social insurance provisions of the Social Welfare Acts under the provisions of the Social Welfare Act, 1988 as self employed persons.**
- (e) **The Department of Enterprise and Employment and the Department of Social Welfare already make available a wide range of information on protective legislation and the PRSI system respectively. Both Departments continually monitor the provision of such information.**

Recommendation 3.5.7

(a) *The Commission recommends that any amendment of the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act, 1977 should be carried out by way of a consolidating Statute.*

(b) *The Commission recommends that the concept of indirect discrimination should apply to equal pay i.e. to the issues covered at present by the Anti-Discrimination (Pay) Act, 1974.*

- (c) *The Commission recommends that a common form of initiation and enforcement procedure in the simplest form be provided, e.g. as in the 1974 Act.*
- (d) *The Commission recommends that the time limit should run from the most recent act of discrimination rather than from the first.*
- (e) *The Commission recommends that in the processing of claims alleging discrimination the onus should be on the employer to provide the claimant with reasonable access to relevant information. Where the employer fails to provide the information the onus of proof should shift to the employer.*
- (f) *The Commission does not accept that there are any valid reasons for excluding the Defence Forces globally from equality legislation and accordingly recommends that the Minister for Labour should make an order under section 12(2) applying the Acts to the Defence Forces.*
- (g) *The Commission recommends that the Employment Equality Agency (Equality Commission) should be given statutory powers under the legislation to draw up a Code of Practice on equality matters which would operate in a similar fashion to the Codes of Practice established under the Industrial Relations Act, 1990.*
- (h) *In the consolidation and amendment of anti-discrimination legislation in employment a liability should be placed on an employer who does not take reasonable steps to eliminate sexual harassment after formal notification of such harassment.*
- (i) *The Commission also recommends that the definition of discrimination in employment be extended to include discrimination for sexual orientation.*

Proposals to extend the Employment Equality legislation are being prepared by the Minister for Equality and Law Reform and the Commission's recommendations are being taken into consideration in the process.

With regard to the Defence Forces, the Government are committed to a policy of equal opportunity for women and to the full participation of women in all aspects of Defence Force activity, including operational and ceremonial duties, assignment to military courses and for promotion in the Army and the Air Corps.

(See also under Recommendation 3.6.3(a).)

Recommendation 3.6.3

The Commission recommends that the implementation of equal opportunity initiatives should be pursued on a much more systematic and integrated basis in both public and private sectors. In particular:

- (a) *employers should be required to have an equal opportunities policy, with an annual reporting mechanism;*
- (b) *the application and implementation of an equal opportunities policy should be a regular review item as part of the agenda of the PESP Central Review Committee and by the Central Review Committee of any agreed social partner programme which succeeds PESP;*

- (c) *issues such as an annual reporting mechanism and the threshold size above which employers would be monitored on the implementation of equal opportunities policies should be determined in the PESP Central Review Committee;*
 - (d) *a module on equal opportunities should be included in all State and EC funded training programmes in management skills;*
 - (e) *equal opportunity programmes should be integrated into overall training strategy;*
 - (f) *employers who adopt and implement equal opportunity training initiatives should receive support in the form of training and industry grants;*
 - (g) *the Equality Commission should provide support to employers wishing to implement an equal opportunities policy and should monitor overall developments on equal opportunities and publish their findings in an annual report;*
 - (h) *the Minister for Women's Affairs should examine the operation of affirmative action programmes in operation in the United States with a view to implementing similar programmes in Ireland;*
 - (i) *the Government should examine the introduction of contract compliance which would require any company or organisation seeking public funding or contracts to show that they have an effective equal opportunities policy;*
 - (j) *if, by 1995, a substantial number of private sector employers and all public sector employers are not operating effective equal opportunities policies the Minister for Women's Affairs, in conjunction with the Minister for Labour, should examine the situation with a view to introducing further measures in order to ensure equal opportunities in the workplace.*
- (a) There is no legal requirement on employers to have an equal opportunities policy. Policies have, however, been introduced throughout the public sector and, to a lesser extent, the private sector. The Employment Equality Agency has the responsibility, under the Employment Equality Act, 1977, of working towards the elimination of discrimination in employment and promoting equality of opportunity between men and women in relation to employment.**

The position in relation to various sectors is as follows:

Civil Service

The Equal Opportunity Policy and Guidelines for the Civil Service were drawn up in agreement with staff interests and issued in 1986. At present there is one woman Departmental Secretary (out of 16). Women represent 7% of Assistant Secretaries, and 14% of Principal Officers.

Local Authorities

Local authorities are committed to a policy of equal opportunity which is contained in a Statement of Equal Opportunity issued to all local authorities in February, 1990, by the Local Government Staff Negotiations Board. The major local authorities have des-

ignated a senior officer as Equality Officer. The local authority Equality Officers Network has prepared a revised draft Equal Opportunity Policy and Positive Action plan which is to be considered by management in the current year. Currently (1994 figures) 20% of all local authority employees are women and women comprise 46% of officer grades and 7% of non officer/outdoor grades. Overall women represent 3% of senior management level grades and 25% of middle management level grades. On the clerical/administrative side women represent 4% of senior management and 36% of middle management: the corresponding figures on the Professional/Technical side are 3% and 5%.

Defence Forces

With regard to the Defence Forces, which were previously excluded from equality legislation, the Government are committed to a policy of equal opportunity for women and to the full participation of women in all aspects of Defence Forces activity, including operational duties.

There is currently a total of 174 women serving in the Permanent Defence Force, including 51 officers. There are 2,510 women serving in the FCA of whom 41 are NCOs (August 1995).

In 1994, women were eligible to apply for cadetships in the Naval Service for the first time. However, no female candidates were successful in obtaining a cadetship. In 1995, 2 female candidates were offered Naval Service cadetships. The award of cadetships in the Naval Service to females is the first stage of a planned programme to open all appointments in the Naval Service to women.

It is specified in all job advertisements that competitions are open to both male and female candidates and selection is on the basis of suitability rather than gender. All application forms and information relating to jobs with the Defence Forces are worded in gender neutral language, with the standard form of address for correspondence with females being "Ms".

Health Boards

Women comprise 71% of Health Boards' employees. They account for 31% of executive and administrative staff, 21% of professional staff, 87% of clerical staff and 7% of management/senior management. A "Statement of Equal Opportunity" was agreed in 1990 by health board managements and the Department of Health. Further initiatives which are being taken by Health Boards are detailed under the response to Recommendation 11.2.4 below.

State-Sponsored Bodies

Women account for only 19% of employment in State-sponsored bodies at present, although this is changing (35% of total recruitment in 1990 was of women). Women comprise 10% of manual, 61% of clerical, 13% of executive/administrative, 69% of management/professional and 2% of senior management employees. Currently, a little over half of State-sponsored bodies operate an equal opportunities policy.

Private Sector

The Irish Business and Employers Confederation (IBEC) has an Equal Opportunities Programme for its own staff and has issued guidelines on the subject to member companies, recommending adoption of such programmes. (Guidelines on Equal Opportunities, FIE, December 1990.)

(b)&(c) These recommendations were drawn to the attention of the Central Review Committee under the Programme for Economic and Social Progress. The Committee agreed that its role should be confined to commenting on, rather than recommending, the approach to be adopted to monitoring equal opportunities policies. The Central Review Committee under the Programme for Competitiveness and Work examined these recommendations also and agreed with the above view.

(d)&(e) FÁS is currently developing an Equal Opportunities Module for inclusion in all its courses for unemployed people. FÁS does not provide management training for employed people directly, but funds such provision through the Training Support Scheme. (See further under (f) below.)

The Civil Service Training Centre has introduced a number of initiatives in the area of equal opportunities training. On the management development programme for Higher Executive Officers, a session is held to discuss the implications of the equality policy and guidelines and to highlight the role of the line manager in promoting equality of opportunity. Participants are also reminded of their responsibilities in relation to the guidelines on sexual harassment and given an opportunity to discuss their concerns.

The Women Managers' Network, whose membership now stands at 150, is open to women managers at the level of Higher Executive Officer and upwards. As part of its ongoing programme of training events and seminars the Network has this year held a seminar on job-sharing, which looked at the terms of the scheme and the attitudes of management and colleagues to job-sharers, and a workshop on assertiveness in 1995.

CERT, the State Agency for Education, Recruitment and Training for Hotel, Catering and Tourism Industries operates training courses within its specific areas of responsibility and gives equal opportunity in training to males and females.

As the industry has a 58% female/42% male breakdown CERT aims to encourage equal participation at all grades within the industry and to raise employee awareness and training opportunities to ensure that women are not concentrated in the lower paid occupations. From a survey published in 1993 by CERT, figures show that 9% of women in the industry are at managerial level, while 18% of men are at this level.

Teagasc, the Agriculture and Food Development Authority, operates agricultural education and training programmes giving equal opportunity in training to males and females. As part of a major review of Teagasc training programmes training material and methods have been adjusted to cater for the special needs of female trainees.

The Irish Management Institute (IMI) states that it is conscious of the need to pursue equal opportunity initiatives both in internal management, and in delivering management education, training, and development services. In pursuit of this objective IMI has adopted a holistic approach, where the concept of equal opportunity is embedded in the learning context. This is achieved through implementation of a code of practice

which ensures a consistent approach. Additionally, IMI consciously includes the concepts of equal opportunity and managing diversity in learning situations with specific relevance to human resources management.

- (f) In relation to the Training Support Scheme operated by FÁS, the literature contains explicit reference to equal opportunities programmes and points out that companies which operate equality programmes in line with the objectives of the TSS are eligible for support. The literature contains reference to the provisions of Section 15 of the Employment Equality Act, 1977 which provides for positive action programmes, and states that firms which undertake equality initiatives will receive favourable consideration under the scheme. However, it is not a requirement of the TSS or any other training or industry grant that an equal opportunities training programme be in operation. In the period up to 1993, participation of women in the Training Support Scheme has been low.
- (g) The Employment Equality Agency provides support to employers wishing to implement an equal opportunities policy, monitors overall developments and publishes an annual report. The 1994 Report of the Agency notes that during 1994, 72 enquiries regarding equal opportunities policies and 53 enquiries regarding positive action were received. A large number of public sector employers approached the agency in 1994 for assistance in drawing up such programmes as a direct result of the PCW commitment to undertake appropriate positive action in the public sector (paragraph 6.56 PCW).
- (h) The Department of Equality and Law Reform is examining the operation of positive action policies in the US and certain EU countries.
- (i) The proposal to use the public procurement code as a vehicle to support equal opportunities has been considered by the Department of Finance. Such a proposal could give rise to a number of major problems which would make it impracticable to implement. EU law requires that the principle of non-discrimination (including positive discrimination) must be applied in contract allocation. A breach of this principle would leave the State open to legal challenge by the EU Commission and/or unsuccessful contract bidders. As a consequence of this and other factors, such as the wide incidence of sub-contracting, the difficulty of monitoring and the impossibility of imposing Irish equal opportunities obligations on foreign firms, and the possible cost implications, the utilisation of the public procurement code as proposed in this way is not considered feasible.
- (j) The Department of Equality and Law Reform is currently reviewing this situation.

Recommendation 3.6.4

The Commission recommends:

- (a) *the further development, extension and promotion of active measures to deal with sexual harassment in the workplace;*
- (b) *that the issues addressed in the EEA's "Model Equal Opportunities Policy" should be incorporated into agreed management/union guidelines at individual firm level;*

- (c) that equal opportunities programmes at workplace level should refer to sexual harassment and the procedures for dealing with it;
- (d) that support should be provided by the EEA (and by the Equality Commission when established) to employers on the drawing up and implementation of procedures for dealing with sexual harassment within the context of the implementation of overall equal opportunities policy programmes;
- (e) that the Minister for Labour should direct the Labour Relations Commission to adopt in its practice the EC Code on protection of the dignity of women and men at work;
- (f) that the Department of Labour or the EEA (or the Equality Commission when established) should run a media campaign to combat sexual harassment.

(a)-(e) A National Code of Practice on Sexual Harassment was published in October, 1994, following consultation with the social partners. The Code will be promoted, monitored and reviewed by the Employment Equality Agency and will be given statutory recognition under the proposed employment equality legislation.

Draft policy and procedures for local authorities were issued by the Local Government Staff Negotiations Board for consideration by the local authority Equality Officers Network. A number of local authorities have developed and implemented policy and procedures at local level on dealing with sexual harassment. The Network has also prepared a draft detailed Sexual Harassment Code which will be considered by management and staff representatives in the current year. This draft code includes procedures for dealing with sexual harassment in the workplace.

In relation to the military an Administrative Instruction dealing with interpersonal relationships in the Defence Forces, including sexual harassment, has been prepared and will be circulated.

- (f) A media campaign will be considered when the Code of Practice is given statutory recognition.**

Recommendation 3.7.16

The Commission recommends that:

- (a) all young people have education and training in relationships, parenting, childcare, home-making and budgeting;
- (b) community support systems should be instituted and policies developed for childcare and eldercare;
- (c) the Minister for Labour should request the Labour Relations Commission to draw up as a priority, in consultation with the social partners, a Code of Practice which would facilitate the increased provision of flexibility, and set generally agreed standards and categories. The target date for establishing this Code should be end-1993;
- (d) flexible working arrangements should be available to employees through negotiation and agreement with the employer and trade union, where appropriate;

- (e) *all jobs, where possible, should be made available on a shared basis in response to demand;*
- (f) *job-sharing should be tax-efficient from the employer's point of view, i.e. the employer PRSI costs for two job-sharers should be no higher than they are for one full-time employee;*
- (g) *career breaks should be available to all employees on the basis of negotiation and agreement with the employer and trade union, where appropriate;*
- (h) *the Minister for Labour should amend the existing maternity legislation with a view to making combined maternity and parental leave entitlements closer to the EC mean with the terms and conditions of such entitlements to be subject to discussion with the social partners;*
- (i) *the earnings ceiling for the calculation of Maternity Benefit should be raised substantially from the current level of £11,000 p.a.;*
- (j) *the necessary Amendments to the Maternity (Protection of Employees) Act, 1981 and other relevant legislation to give effect to the EC Directive on the safety and health at work of pregnant women (as adopted in October 1992) should be enacted forthwith;*
- (k) *adoptive leave of ten weeks with accompanying benefit should be introduced in line with the Government's commitment set out in the 1992 Budget Statement of the Minister for Finance;*
- (l) *in the case of absence of parents from work due to maternity or parental leave, there should be provision through replacement or other arrangements to ensure that extra duties do not fall on co-workers;*
- (m) *statutory paternity leave should be introduced in order to allow fathers to fulfil their family responsibilities on the birth of their child. The Commission recommends a minimum of five days to be introduced by 1995;*
- (n) *a statutory scheme of leave for family reasons should be introduced by 1995.*

(a) See response to Recommendation 9.1.15.

(b) Health Boards are developing their services for the elderly, with teams established under the control of co-ordinators or district liaison nurses, whose main task is to identify the elderly in need.

The appointment of child care development officers in each of the health boards is a key element in the development plans for child care services, including community support systems.

See also response to recommendation 11.3.5.

(c), (d) (e)&(g)

Discussions with the social partners on work sharing are looking, among other things, at how employee interest in greater working time flexibility might be accommodated in ways that do not undermine the competitive position of enterprises.

Flexible working arrangements have been introduced in the public and, to a lesser extent, the private sectors. Flexi-time is widely available in the Civil Service for a number of years. All local authorities have been asked to consider the introduction of flexible working hours, on a negotiated basis, where it is not already available, or where it is available only on a restricted basis.

Civil servants can avail of job-sharing, career breaks, adoptive leave and leave for domestic reasons. Similar arrangements are widely available in the public sector also, including local authorities and health boards. Local authorities have been asked to give on-going support for the facilitation of career break and job sharing schemes.

A scheme for career breaks in the Defence Forces has been agreed with the representative association of commissioned officers. In the case of enlisted personnel, a similar scheme has been finalised and an agreed report will be signed in the near future. Final proposals have been submitted and should be finalised shortly.

- (f) Employer's PRSI costs for two job-sharers are no higher than for one full-time employee provided that the combined salaries of the two employees do not exceed the ceiling for PRSI contributions (£25,800 in 1995). In fact, because of recent changes in the PRSI system, employer's costs may in some cases be less as a result of worksharing because of reduced Employer's PRSI rates for lower-wage employment. In 1994, a reduced Employer's PRSI rate of 9% contribution was introduced for all employments with earnings less than £173 weekly. In 1995, this amount was increased to £231 per week thus increasing the number of employments to which this lower rate applied.
- (h) The Maternity Protection Act, 1994, which incorporates the employment rights aspects of the EU Pregnancy Directive into Irish law, came into effect on 30 January, 1995.
- (i) The 1993 Budget raised the ceiling to £11,350, and the 1995 budget increased it to £12,100.
- (j) Health and Safety Benefit is a social insurance payment which is payable to a woman, who:
 - is pregnant, has recently given birth (up to 14 weeks after giving birth, including a still-birth from 24 weeks onwards of the pregnancy) or is breastfeeding (up to 26 weeks after giving birth),
 - has been awarded health and safety leave under section 18 of the Maternity Protection, Act, 1994 and
 - satisfies certain contribution conditions.

Under the Maternity Protection Act, 1994, a woman is entitled to receive remuneration from her employer for the first 21 days of health and safety leave. Health and Safety Benefit is payable for the remainder of the period of health and safety leave, i.e. until she becomes entitled to Maternity Benefit or for 14 weeks after the baby's birth (26 weeks in the case of a breastfeeding woman) as the case may be.

- (k) The Adoptive Leave Act, 1995 came into operation on 20th March, 1995. The Act provides, among other things for the 10 weeks adoptive leave recommended by the European Commission. The Act ensures that adopting mothers are treated similarly

to pregnant workers under the Maternity Protection Act 1994, as regards maternity leave and protection of employment rights.

Provision was made in the Social Welfare Act, 1995, for the introduction of an Adoptive Benefit scheme for people who are awarded leave under the Adoptive Leave Act, and who satisfy the contribution requirements. The scheme was introduced on 19 April, 1995.

- (l) Because of the additional costs that would arise and the reasonably short period of absence involved, replacement of staff on maternity leave would not normally be sanctioned. If, however, there were particular problems in individual cases, they would be considered on their merits.

- (m)&(n) The draft EC Directive on parental leave has been supported by Ireland. The text was revised to include leave for adoptive parents following interventions by the Minister for Equality and Law Reform.

The Commissioner for Social Affairs is pursuing the adoption of a directive on this issue under the Maastricht Treaty Protocol on Social Policy. Parental, paternity and family leave entitlements will be further considered in this context. The European social partners have reached a framework agreement on parental leave and have submitted it to the Council of Ministers, which is asked to adopt a Council decision making minimal requirements binding in all member states. The framework agreement provides for a minimum of three months unpaid parental leave to be available for both parents.

Recommendation 3.7.17

The Commission urges the Minister for Tourism, Transport and Communications to incorporate in her/his Department's transport plan a policy of providing better public transport during the twilight shift hours in local areas.

See Recommendation 5.3.6(c) and 6.2.1.

Recommendation 3.8.6

The Commission recommends:

- (a) *that a targeted strategy to increase the number of women entrepreneurs should be set in train by the Government. This strategy should take account of the strong services orientation of women entrepreneurs and should also seek to equip them with the appropriate experience and specific business skills in order to broaden their participation in manufacturing industry;*
- (b) *that the County Enterprise Partnership Boards should be assigned as a specific objective the development of women's entrepreneurial skills and supporting women entrepreneurs;*
- (c) *the setting up of a Women's Business Advisory Centre in the Department of Women's Affairs;*

(d) that training should be augmented by advice at an earlier stage in the education system on entrepreneurship as an eventual career goal and on the best means of building up the appropriate skills and expertise to launch oneself as an entrepreneur.

The European Union Initiative - NOW (New Opportunities for Women) has responded to the low participation of women in business creation by providing key services to women in the development and running of enterprises. Through consultation with organisations, groups and women themselves, NOW has identified specific needs that must be met for women's involvement in business. These crucial services to assist women can be summarised as follows:

- information and advisory services specifically for women;
- financial support at key stages;
- aftercare services - mentoring, consultancy, networking.

The NOW programme provided the first opportunity to Ireland to specifically target structural funds to the needs of women only. The total EC contribution to Ireland under NOW in the period 1991-1994 was £4.6 million approximately. Matching funding of 35% was advanced by the project promoters. Thirty-three projects were approved for funding under NOW at an intervention rate of 65%.

Under the NOW Initiative, an integrated set of actions has been successfully piloted on behalf of State providers, voluntary/private sector and community based groups. Three models of provision have been established and it is envisaged that each of these models will have a complementary role in the provision of services to women and provide women with flexibility and choice.

State Sector Response

Shannon Development set up a Women's Business Development Centre under NOW to provide targeted support, advice and consultancy services for women in the Shannon Region. The aim of this project was to provide an integrated set of services to women based on the idea of the 'one stop shop'. An additional goal was that these services would act as a channel for women in to the mainstream services provided by Shannon Development. The Women's Business Centre, in association with the ICA regional unit, ran a series of promotional/information events to engage women into the services. Over 200 women have participated in the joint workshops held in association with the ICA and overall about 500 women have been in touch with this service.

Private/Voluntary Sector

NOW has supported joint actions with First Step and the EU Network LEI (Local Employment Initiatives) in the development of a permanent revolving interest free loan fund for women entrepreneurs and the provision of a dedicated mentoring service specifically for women who access this fund. This programme has a strong promotional and training input to engage women in the business creation process.

First Step's remit is to provide the socially disadvantaged unemployed with financial resources and business support to develop their own enterprises and self-employment projects.

LEI Network is a EU network established to promote and support women in business.

Community Based Model for Women in Business

In Tallaght, 14 women's groups came together to set up services to help local women get involved in business creation and to provide specific services and support to these women on a community basis. In addition, this project ran a very successful Enterprise Development Programme for Women during the period 1992-1994 and continues to provide a business support service for women in Tallaght. The proposal to fund the continuation of this service has been adopted in principle by the South Dublin County Enterprise Board. FÁS have also involved themselves in the support of this project.

One of the essential elements of this project and what has led to the programme reaching so many women is that the project is run from within the community by women themselves and this is a major factor in providing a tailor-made service to meet the needs of women in this area.

NOW 1994-1999

The priorities to be targeted under the Employment-NOW strand are informed by experiences under the first NOW Initiative. The funding approved for this programme by the European Social Fund is £15m. Enterprise creation and the support for the start-up of small businesses and co-operatives by women has been identified as a priority area within the NOW programme which will operate up to 1999. Employment-NOW will consolidate and expand the models of enterprise support established under NOW to date. Two main areas of action will be given priority - these are the provision of information, guidance and training to potential women entrepreneurs and to women who see self-employment as a viable alternative to conventional job seeking. Secondly, particular attention will be given to the development of innovative and flexible programmes which are based on women's needs and which have direct application to mainstream and local service providers. Accompanying support services, for instance childcare facilities, to enable women to fully participate in enterprise creation will be an important feature of this service development.

- (a) FÁS operates an Integrated Enterprise Programme which is designed to assist individuals or groups who are interested in setting up enterprises. Under the training element of the Programme, approximately 700 women were trained in 1994.

County Enterprise Boards (CEB) represent a shift away from the traditional bias towards manufacturing and internationally-traded services in favour of a multi-sectoral focus, in particular, services for the domestic market.

- (b) To achieve its objective of stimulating enterprise at local level each CEB is required, following consultation with interested parties, to prepare a County Enterprise Plan. In preparing their Plans, the Boards have been asked to take into account the gender profile of the unemployed.

In addition, under the Operational Programme for Local Urban and Rural Development (LDP), 1994-1999 the Boards will be expected to assess the needs of women in the context of the measures which will be co-financed under the LDP. The measures are as follows:

1. Preparation/Review of County Enterprise Plans/Promoting an Enterprise Culture;
2. Business Information, Advice and Counselling;
3. Financial Assistance;
4. Management Development.

The County Enterprise Boards are developing a pilot programme to support and encourage women in enterprise. This project will involve 12 County Enterprise Boards and will operate under the EU Employment-NOW initiative.

- (c) No decision has yet been taken on the setting up of a Business Advisory Unit. The Department of Equality and Law Reform has provided advice to County Enterprise Boards and Partnership Companies as to developing measures to encourage women in business.
- (d) The revised Leaving Certificate Vocational Programme requires students to follow three link modules - Enterprise Education, Preparation for Work and Work Experience. The purpose of the link modules is to develop young peoples' creative and innovative capacities by offering an opportunity to develop their own ideas, put them into practice and evaluate the results. By so doing it seeks to foster the skills and attributes which assist young people to be successful as employees or to become entrepreneurs and employers in their own right. (White Paper on Education p.53).

Women and Childcare

Recommendation 4.1.8

The Commission recommends that public policy and social partner policy should take on board the principles that:

- (a) work and domestic commitments have to be reconciled;*
- (b) responsibility for childcare should be shared between father and mother;*
- (c) childcare support is a public policy function.*

and

Recommendation 4.4.3

The Commission recommends that the development of workplace childcare facilities, in feasible locations, should be pursued on the social partner agenda.

Under the Programme for Competitiveness and Work, the Government and social partners agreed that in view of the contribution which childcare provision can make in promoting equal opportunities in employment, progress will be made on the development of facilities in regard to childcare for working parents. In particular:

- the measures envisaged under the National Development Plan will be introduced,
- the regulatory aspects of the Child Care Act concerning minimum standards will be introduced,
- a limited number of pilot projects will be initiated in disadvantaged areas involving partnerships with community and other groups,
- to facilitate greater equality of access to education and training opportunities, proposals for appropriate childcare facilities will be brought forward by the relevant agencies,
- Area Partnership Companies and County Enterprise Boards will be encouraged to implement specific measures to support the development of childcare facilities to promote equality of opportunity in their areas of responsibility,
- consideration will be given to the further development of childcare facilities in the public service and to the specific measures to promote the development of childcare services in the private sector,
- the design and provision of suitable childcare facilities in new industrial estates will be addressed by the industrial promotion agencies, who will consult with planning authorities as appropriate,

- consideration of the recommendations of the Working Group on Childcare for Working Parents will provide a basis for further action.

They also agreed that to facilitate combining work and family responsibilities:

- (1) the provisions of the EU Pregnancy Directive would be implemented and
- (2) consultations will be held with the social partners on the proposed EU Directive on Parental Leave.

(See also response to Recommendation 3.7.16 above)

Recommendation 4.3.1

The Commission recommends that childcare policy should be devised and implemented through a small policy unit in the Department of Health, advised by a Committee of senior officials drawn from the Departments of Education, the Environment, Labour, the proposed Department of Women's Affairs and the social partners. The Childcare Policy Unit should be established immediately and should be charged with the development and phased implementation of an integrated childcare plan, and the administration of the childcare development budget in order to realise those objectives.

A Childcare Policy Unit has been established in the Department of Health. Its responsibilities relate primarily to services for children at risk. The Unit will consult with relevant statutory and voluntary agencies where appropriate.

The Department of Equality and Law Reform is examining what mechanisms it should adopt to review policy and will bear in mind not only the Second Commission's recommendations but also those of the Working Group on Childcare for Working Parents.

Recommendation 4.3.2

The Commission recommends a childcare development plan consisting of the following elements:

- (a) the establishment of a childcare policy unit in the Department of Health;*
- (b) its priority should be the adequate provision of childcare for children in need;*
- (c) the development of local childcare partnerships between state/semi-state/local authorities/employers/unions/community, building on the model of the Local Area Employment Initiatives currently being run under the PESP;*
- (d) in rural areas childcare should be pursued through the development of multifunctional centres; centres which offer an integrated response to needs such as health services, information and advice, training, as well as childcare;*
- (e) the appointment of a childcare co-ordinator in each Health Board region;*
- (f) the establishment of a favourable tax regime for capital and operating costs of setting up a nursery;*

- (g) the establishment of the principle of standards for childcare and implementing these;
- (h) the provision of recognised training for childcare workers;
- (i) the encouragement of the spread and use of after-school and holiday care;
- (j) the provision by the State of an annual childcare development budget of at least £20 million per annum in order to achieve the above aims.

(a)&(b) See response to 4.3.1 above.

- (c) The Minister for Equality and Law Reform introduced a Pilot Childcare Initiative Scheme in 1994 with an allocation in the Department's Estimate of £1m. The Scheme is confined to groups in disadvantaged areas. Applications were invited from local community and voluntary groups, in those areas, who wished to establish or extend a childcare facility. A similar sum was included in the 1995 Estimate for the Department. Seventy-three projects have been approved for funding.

See also response to 4.5.3 below.

- (d) Many of the childcare projects in rural areas described under (c) are based in multi-functional community centres which also offer training and other services to women.
- (e) Regional Child Care Development Officer posts have been created to facilitate the co-ordination of the development of new child care and family support services in each health board area. In this context special emphasis is being placed on the development of community-based preventative services and strategies and on strengthening the health boards' community-based child care teams. These service developments include an expansion of the range of home supports and pre-school services available to assist families in their own localities.
- (f) See response to Recommendation 4.5.4 below.
- (g) The implementation of Part VII of the Child Care Act, 1991 will establish a set of standards for the provision of pre-school services. Such services will be required to comply with new regulations and will be subject to supervision and inspection by the health boards. It is intended to implement Part VII during 1996 in accordance with the timescale set by Government.
- (h) FÁS provide certified training for childcare workers and managers. It envisages that 430 such places will be provided over the period 1994-1999.
- (i) See response to Recommendation 4.3.6 below.
- (j) See response to Recommendation 4.5.2 below.

Recommendation 4.3.3

Specifically, the Commission recommends that the Childcare Policy Unit should, using the childcare development budget, be assigned the functions of:

- (a) *establishing national guidelines for day care service provision, setting minimum standards for educational content, staffing and physical requirements, taking into account the variety of needs of users, and social, labour market and demographic trends;*
- (b) *supporting and stimulating the development of community childcare and of partnership models between community groups, government, local authorities, semi-state bodies and employers;*
- (c) *reviewing and monitoring fiscal factors and their impact on childcare, with a view to developing supportive conditions for childcare costs and other obligations;*
- (d) *ensuring the provision of recognised training for childcare workers;*
- (e) *providing information:*
 - *to employers on the most suitable options/policies available to them;*
 - *to community groups on how to develop childcare initiatives;*
 - *to parents on the types and range of childcare available.*
- (f) *liaising with Health Boards and monitoring developments at Health Board levels with reference to feedback from the childcare co-ordinator proposed for each Health Board Region (see paragraph 4.3.4);*
- (g) *as an absolute priority, establishing adequate childcare provision for all the children falling into the categories of risk and disadvantage under existing Department of Health policy.*

See response to 4.3.1 and 4.3.2 above and 4.3.5(ii) under.

The Health Boards' responsibilities under the Child Care Act relate to the provision of services to disadvantaged children and children who are at risk from neglect or abuse.

Recommendation 4.3.4

The Commission recommends the immediate appointment of a regional childcare co-ordinator in each Health Board region, to serve as the network whereby childcare policy is implemented. The core functions of the regional childcare co-ordinator should be:

- (a) *to co-ordinate the provision of childcare at regional level;*
- (b) *to provide targeted information for users, providers and would-be providers of services;*
- (c) *to provide information on training options for careers in childcare and to identify training needs in childcare which should be met and;*
- (d) *to identify local needs and support and assist in developing childcare initiatives at local level, including the provision of grant aid on a selective basis;*
- (e) *to build partnerships, taking into account regional needs, between users and providers of childcare services by making optimal use of state, state-sponsored, employer, voluntary and user resources.*

See response under 4.3.2(e) and 4.3.3 above.

Recommendation 4.3.5(i)

The Commission recommends:

- (a) *immediate implementation of the regulations provided for in Part VII of the Childcare Act, 1991;*
- (b) *that amended legislation should be introduced to provide for inspection by the Health Board of the quality and type of care provided.*

The Government has decided that priority is to be given to the implementation of Parts III, IV, V and VI of the Childcare Act, 1991. When this task has been achieved, attention will then turn to the implementation of Part VII and the remaining provisions of the Act by the end of 1996 in line with the timescale decided by the Government.

Recommendation 4.3.5(ii)

The Commission recommends that the Departments of Health and Education and FÁS should work closely together in order to establish an appropriate, recognised range of qualifications for childcare workers.

FÁS provides childcare training with FAS/City and Guilds certification. FÁS recognises the need to co-ordinate and establish an appropriate recognised range of qualifications for childcare workers and is ready to work with the Departments of Health and Education to develop a range of internationally recognised qualifications for childcare workers. FÁS is investigating the possibility of providing courses for existing childminders through its night-training courses and other options with a view to providing training with certification. FÁS has commissioned a research report to identify the range and quality of existing training provision for childcare workers. The purpose of this report is to inform future provision.

FÁS is working closely with the Department of Equality and Law Reform's Pilot Childcare Initiative. Where projects have been funded under this initiative FÁS will support them through providing or facilitating the provision of childcare training for existing or new childcare workers.

Recommendation 4.3.5(iii)

The Commission recommends that:

- (a) *the Vocational Education Committees and FÁS should operate courses for childminders;*
- (b) *the proposed Childcare Policy Unit should draw up a code of conduct for childminders and an information guide for parents choosing a childminder;*
- (c) *the Health Boards should establish an approved listing of trained childminders.*

(a) See response to 4.3.5(ii)

(b) The implementation of Part VII of the Child Care Act, 1991 will establish a set of standards for the purpose of securing the health, safety and welfare and promoting the

development of pre-school children attending pre-school services. Such services will be required to comply with new regulations and will be subject to supervision and inspection by the health boards. It is intended to implement Part VII during 1996 in accordance with the timescale set by Government.

The Department of Health has supported the publication by the Irish Red Cross Society of "A Handbook for Babysitters and Parents". This booklet covers basic information for young people who are asked to babysit and parents who engage a babysitter.

- (c) The implementation of Part VII of the Child Care Act, 1991, described above, will enable health boards to establish a register of approved pre-school services which will be available to the public.

Recommendation 4.3.6

The Commission recommends that the Department of Education and individual schools should move towards the concept of year round care for children through the development of programmes for after-school care and for play schemes for holiday periods.

The local committees in the Department of Education's Home School Community Liaison Scheme have the purpose, among others, of ensuring that schools' co-ordinators for the schemes are advised of specific needs in the community. This may include the terms of this recommendation.

Many schools, particularly in urban areas, encourage pupils to stay in school after hours in order to study or to take part in extra-curricular activities.

Under the Department of Education's "Early Start" Pre-School Programme, an After-Schools Care Scheme is to be introduced on a pilot basis in a small number of designated disadvantaged areas in Dublin, Cork and Limerick.

Recommendation 4.5.2

The Commission recommends the establishment of a childcare development budget, initially with a baseline figure of £20m per annum. This budget should be administered by the Childcare Policy Unit (see paragraph 4.3.3).

Since 1993 a budget totalling £30 million has been administered by the Child Care Policy Unit in developing and expanding child care and family support services in preparation for the full implementation of the Child Care Act, 1991. Budgetary resources have also been committed in varying amounts by other Departments to their childcare projects and schemes.

Recommendation 4.5.3

The Commission recommends that the Government should incorporate childcare initiatives, in particular partnerships as described above, in the Community Support Framework and Operational Plans for the Structural Funds 1994-1997 and should actively seek financial support for such initiatives.

The Government has built the objective of equality for women into the 1994-1999 round of structural funds, through commitments in the National Development Plan on gender-proofing and childcare. These have been reiterated in the Community Support Framework and in individual operational programmes, notably the Human Resources Operational Programme and the Local Urban and Rural Development Operational Programme.

In the Human Resources Operational Programme, a specific budget of £7.7m over the period to 1999 was set aside by the two main training authorities, the Department of Education and FÁS, for a variety of measures to improve women's access to training and employment schemes, including initiatives on childcare. Under this heading the Department of Education provides crèche facilities for pre-school children and after-school provision for older children of mothers wishing to re-enter the educational system (Early Start). FÁS provides childcare training and management development for childcare managers and undertakes to support the development of locally-based childcare facilities, such as those sponsored by the Department of Equality and Law Reform. In the local development programme, partnership boards and county enterprise boards are encouraged to support childcare services.

Gender equality is an important activity under the Operation Programme for Local Urban and Rural Development and it is envisaged that special emphasis will be placed on childcare development to facilitate the participation by women in development activities.

The Partnership Boards are also involved in the implementation of the Pilot Childcare Scheme initiated by the Minister for Equality and Law Reform.

The purpose of the scheme is to support the initiation of a limited number of new and innovative projects for the setting up, on a pilot basis, of childcare measures utilising the skills of suitably trained local people so as to enable local residents to participate in education, training, re-training and employment opportunities which they might otherwise be unable to undertake in the absence of a childminding facility.

It is a condition of the Scheme that grants are confined to groups in disadvantaged areas. For this purpose, it has been agreed that these be defined as those areas in which there are Area Based Partnerships/Local Community Groups currently in receipt of funds from the global Grant for Local Development administered by Area Development Management (A.D.M.) Ltd.

It is intended to carry out an evaluation of the Scheme to determine the extent to which its objectives have been achieved.

See Recommendations 4.3.2(c) above also 5.2.5(d) and (e).

Recommendation 4.5.4

The Commission recommends that the Government implement a positive tax climate for the development of childcare facilities by providing allowances for the capital costs incurred in providing such facilities.

The tax code as currently structured provides significant support for the development of workplace childcare facilities. Capital allowances for plant and machinery would cover the

equipment in a crèche as well as the cost of fitting-out an existing room in an office building for use as a crèche. In the case of industrial buildings, including hotels, and office buildings in designated areas, the construction costs of facilities specifically for use as a crèche also attract capital allowance. The only situation not catered for at present is the construction costs where a new crèche is specifically constructed for a non-industrial building. This would be a rare occurrence.

In addition to the capital allowances available, a subsidy by an employer to a crèche in his firm is allowable as a deduction against corporation tax, provided that the employer can show that the expense is wholly and exclusively used for the purpose of the trade. Given the wide range of reliefs currently available, the Department of Finance would not favour extending the current arrangements as a means of encouraging the development of work-place based childcare services.

Houses of the Oireachtas

Women in situations of disadvantage

Recommendation 5.2.5

The Commission recommends that:

- (a) *the Department of Social Welfare should introduce a system of individual payments to all adults in receipt of social welfare;*
- (b) *any barriers to women working or participating in employment programmes created by the current social welfare regulations should be reviewed and eliminated where necessary;*
- (c) *participation in a FÁS programme by lone parents should not result in their losing out financially. There is a case for additional support for childminding costs while training;*
- (d) *the PESP Area Based Responses to Long-term Unemployment should research the level of unemployment among women in catchment areas and take positive action to ensure that women have equal access to advice, training and work opportunities;*
- (e) *childcare services which may be introduced should have as a priority the support of low income families and women parenting alone;*
- (f) *support for locally based developmental opportunities should be increased and made available on a multiannual basis;*
- (g) *the Department of Education should fund compensatory programmes for pupils of schools in disadvantaged areas in order to help break the cycle of poverty, early parenthood and dependency;*
- (h) *the health of women living on low incomes should be a priority for health service provision. Maternity services, post-natal clinics and screening services should be as locally based as possible;*
- (i) *preventive health care programmes targeted at women on low incomes should be introduced;*
- (j) *information on all methods of contraception including sterilisation should be freely available for women and choice of contraceptive method should be available to medical card holders;*
- (k) *appropriate and timely legal protection should be available for women victims of domestic violence regardless of marital status;*
- (l) *planning and housing should take account of women's needs with regard to access, transport, shopping, safety, play areas for younger children and teenagers, etc.*

- (a) The implications of this recommendation are being examined. See response to Recommendation 2.5.3 also.
- (b) Employment Programmes are by and large designed primarily to prevent marginalisation among long-term unemployed people, whose principle or only source of income is an unemployment compensation payment or lone parent allowance, by providing temporary work experience together with some training.

With effect from 15 April, 1996, the Government has decided that where it appears the spouse of a claimant, rather than the claimant, would benefit most from participation on a training course/scheme the spouse may participate and receive a training allowance equivalent to the payment received by the UA/UB claimant. The claimant will not be entitled to any payment of UA/UB while the spouse is participating on the scheme but he may continue to sign for credited contributions. This decision will considerably increase the pool of females eligible to participate on such programmes.

- (c) Consideration is on-going. Improvements were introduced in the 1994 Budget. Actual childminding expenses, subject to an upper limit, are offset against earnings or training allowances for Lone Parents Allowance means-assessment purposes. See also observations on Recommendations 2.5.5 and 5.4.4.
- (d)&(e) Partnership Companies are established in areas designated as disadvantaged under the Operational Programme for Local Urban and Rural Development and are required to prepare a local development plan for their area. This entails having a demographic profile of the area which should include the number of people, age, gender, occupations, pattern and extent of educational disadvantage, education participation levels, lone parent households, the number of people who are unemployed and long-term unemployed etc. Specific objectives to be encompassed in local development plans include improving the potential of the unemployed and especially the long-term unemployed in socially excluded communities to gain employment in the economy generally and specifically in their own areas. The Guidelines to Partnerships also specify that each Partnership should develop an equal opportunities policy and that local development plans should outline specific objectives to address equal opportunities policy and practice. The Guidelines also say that within the overall target group for the Programme special emphasis should be placed on those experiencing greatest disadvantaged, i.e. disadvantaged women, lone parents, travellers, homeless people, the elderly and young adults at risk. The measures eligible for funding under the Programme include the provision of support services such as childcare and care for dependants for those participating in the eligible actions thus maximising the benefit of and from these actions.
- (f) In 1994 a special allocation of £100,000 was provided within the scheme of Grants to Locally Based Women's Groups to allow enhanced funding over a three-year period to more developed women's groups. Some twenty groups benefited in 1994. An increased allocation of £240,000 was available in 1995, and 22 groups received funding.
- (g) See response under Recommendation 9.4.7.
- (h) The ongoing development of health services under the Health Strategy of the Department of Health takes account of the need to ensure that services are accessible on an equitable basis regardless of the person's geographic location.

- (i) The Government have outlined proposals in the Health Strategy: Shaping A Healthier Future which will be introduced in all health boards to encourage community involvement in the organisation and delivery of services through the network of voluntary agencies. In Developing a Policy for Women's Health - A Discussion Document the Government have invited submissions from interested parties on their views on the improvement of health services for women. Conferences, workshops and seminars have been organised to facilitate debate on the document and to involve as many women as possible. Following the consultation process the Government will prepare and publish a national plan for women's health which will be implemented over a defined period.
- (j) The Minister for Health issued guidelines to the health boards in March 1995 for the development of comprehensive family planning services in each region. These services include education, counselling and advice on all legal methods of contraception, and ready access to a choice of service providers. The General Medical Services scheme has been extended to provide a wide range of family planning services free of charge to medical card holders.

See response to Recommendation 11.8.7. also.

- (k) See response under Recommendation 1.6.4.
- (l) See response under Recommendation 2.7.5(b), (c), (d), (e) and (f).

Recommendation 5.3.6

The Commission recommends that:

- (a) *long-term social planning should take account of older women's need for appropriate housing, health, educational and other services, taking into account social and demographic changes and set within the context of the development of community care;*
- (b) *the Social Welfare Code should be amended to allow homemakers to make voluntary contributions in respect of years spent caring for pre-school children, the elderly or disabled, to facilitate them to obtain contributory pensions and other benefits in their own right;*
- (c) *Government policies affecting rural areas should have a social as well as an economic element which would take into account the implications for elderly women of the rationalisation of services such as post and public transport;*
- (d) *overall, policy for the aged should be set within the context of the United Nations Principles for Older Persons;*
- (e) *a preventive health programme for the elderly, and elderly women in particular, which emphasises the importance of maintaining physical and mental fitness while ageing;*
- (f) *funding should be allocated to an organisation such as Age and Opportunity to support older women specifically to explore more positive attitudes to ageing through developmental programmes similar to those funded for locally based women's groups;*

- (g) *in line with our recommendation at (a) above the situation of the elderly in our society needs to be tackled by a clear strategy. This would include such elements as residential homes in towns which should supply sheltered housing care and increased eligibility for carer's allowance;*
- (h) *more daytime educational and development courses, including courses on personal financial management, should be available to older women, with hours coinciding when possible with those of available public transport.*

(a)&(g) Policy in relation to the provision of housing for elderly people is primarily the responsibility of the Department of the Environment and the local authorities. Such housing is provided through the local authority and voluntary housing programmes. Capital funding which is provided by the Department of the Environment for these programmes has been increased significantly. In their housing programmes local authorities are required by section 20 of the Housing Act, 1988 to maintain a reasonable balance between the respective needs of the classes of persons specified in the assessment (which include the elderly as a separate class).

Under the Capital Assistance Scheme, voluntary housing bodies have been particularly successful in providing suitable housing for elderly people (including sheltered housing), and it is estimated that over 40% of dwellings provided under that scheme catered for the elderly. Also, this scheme has been successful in providing accommodation for disadvantaged women who may be homeless, handicapped, victims of family violence, etc.

The Task Force on Special Housing Aid for the Elderly, under the aegis of the Department of the Environment is funded in full by the Exchequer. The Task Force was set up in 1982 to undertake a programme to improve the housing conditions of elderly persons living on their own in unfit or insanitary accommodation. The scheme is operated on the ground by the health boards. It is estimated that over 23,000 cases have been dealt with between 1982 and the end of 1994.

The National Council for the Elderly has published some important research in relation to housing choices for elderly people.

- (b) See response under Recommendation 2.5.6(a).
- (c) An Post states that, with almost 2,000 offices nationwide, it is very conscious of its obligations and, indeed, commitment to rural areas. Such rationalisation as has taken place within the post office network has been designed inter alia to ensure the survival of the network as an invaluable service to rural communities. Recent change in shopping patterns and levels of car ownership allied to demographic developments have served to minimise any possible effects on customers according to An Post.

Rationalisation of public transport services is a matter for the operators. Under the Transport Acts, Coras Iompair Éireann and its subsidiary companies have a statutory obligation to provide reasonable, efficient and cost-effective public transport services having regard to the financial resources available to them. Within this broad framework, decisions in relation to the scope and scale of Bus Éireann's route network and other operational arrangements are matters falling within the day-to-day administration of the Company.

See also Recommendation 2.7.5(g).

- (d) The objective of Irish Government health policy for the elderly, as set out in the Report "The Years Ahead - a Policy for the Elderly" is consistent with the United Nations Principles for Older Persons. The main objectives of "The Years Ahead" are to support the care of the dependent elderly at home for as long as possible and to ensure that when they can no longer be cared for at home, that there are appropriate specialist and extended care facilities to meet their needs.

The recently published Health Strategy acknowledges that while considerable progress has been made in the past few years in implementing the recommendations of "The Years Ahead," there is still room for improvement. Accordingly, priority will be given over the next four years to promoting healthy ageing, strengthening the role of primary care professionals in supporting older people and their carers who live at home, increasing the number of specialist departments of medicine of old age in general hospitals and the provision of eight small-scale nursing units in the community by the end of 1997 to replace unsuitable accommodation and to meet the needs of the expanding population of older people.

- (e) The Department of Health is currently holding discussions with the National Council for the Elderly regarding the development of a pilot health programme for the elderly. A health sub-committee will oversee the development of such a programme which will be funded by the Health Promotion Unit. The programme commenced in 1995.
- (f) Funding is allocated to Age and Opportunity each year through the Eastern Health Board to support programmes aimed at developing more positive attitudes to ageing, including ageing and older women.
- (h) See response under Recommendation 9.6.2.

Recommendation 5.4.4

The Commission recommends:

- (a) *that a sex education programme should be developed by the Department of Education which will give young people, male and female, a sense of personal autonomy and responsibility in relationships. This should be complemented by targeted Health Promotion Unit advertisements in the media, pointing out to girls the disadvantages of early, unplanned pregnancies and pointing out to boys the responsibilities of parenthood and the need to share responsibility for contraception;*
- (b) *younger women in receipt of the Lone Parent's Allowance should be given education and training assistance, including the provision of childcare at training centres, in order that they can earn a living rather than being regarded as social welfare "pensioners";*
- (c) *younger lone mothers need support mechanisms to help them cope, e.g. mutual support groups, short-term childcare, etc.*
- (d) *the Department of Social Welfare regulations should be reviewed to see if they unwittingly contribute towards fragmenting stable relationships.*

- (a) The Report of the Expert Advisory Group on Relationships and Sexuality Education was presented to the Minister for Education and published in July, 1994. Its implications are being considered with a view to action in the near future. See Recommendation 9.1.15.
- (b) The implementation of this recommendation is on-going. Lone parents in receipt of Lone Parent's Allowance are specifically eligible to participate on Community Employment. FÁS is preparing literature aimed at lone parents to encourage more of them to take up training courses. See also under recommendation 2.5.5.
- (c) The Health Promotion Unit of the Department of Health supports the activities of the Federation of Services for Unmarried Parents and their Children and gave financial assistance for the production of the Association's information pack for single parents.
- (d) The monitoring of this recommendation is on-going.

Recommendation 5.5.3

The Commission recommends that:

- (a) *the needs of the disabled should be mainstreamed i.e. taken into consideration in all strategic planning decisions related to the social and physical environment;*
 - (b) *the vocational development of women with disability should be enhanced by access to appropriate careers/counselling and to education and training which is not gender based and which does not reinforce stereotyped notions of women's work;*
 - (c) *national employment policies and targets should specifically take people with disabilities, particularly women, into account;*
 - (d) *the home help service should be available to all women with disability who require it. There should be an element of means-testing, so that a fee would be charged according to means to non-medical card holders;*
 - (e) *research into the particular needs and situations of women with disabilities should be financed by the State.*
- (a) **The Commission on the Status of People with Disabilities has established Working Groups in the areas of Training and Employment and in Family and Personal Supports and the recommendations of these Groups will be taken into consideration in the Commission's own Report. The Commission also held a consultative meeting involving women with disabilities and the feedback from this meeting will also be taken into consideration in drawing up the Report.**

In regard to transport, a special working group of the Dublin Transportation Initiative (DTI) - The Mobility Impaired and Disabled Peoples Working Group (MID) - was established. The work of the Group provided the basis for recommendations on the DTI Final Report. These proposed a policy framework for mobility issues, stressing that the emphasis should be on the provision of an integrated transport system to provide physical accessibility for the broad average of society. It acknowledged that there would be some people whose needs could not be met by the ordinary transport sys-

tem, but as a general rule the needs of the mobility impaired and disabled people should be met in an integrated way within the system, rather than through the provision of segregated transport services for them. The real needs of mobility impaired and disabled people should form a core part of the development of transport proposals from their initiation, not an adjunct to be tagged on in the later stages of the development. These needs should be addressed as an integral part of the preparation of designs/specification etc. It recommended that the emphasis should be on finding cost effective solutions to the real needs of mobility impaired and disabled people, which are at the same time of benefit, not disbenefit to the wider population. The Report went on to make a series of detailed recommendations covering enforcement, public transport and roads and traffic.

Wheelchair users present the greatest accessibility challenge to bus operators, the main problem being the lack of affordable, operationally-proven and cost effective wheelchair-accessible buses. In this connection, the introduction of more than 90 wheelchair-accessible taxis in the Dublin area represents a significant step towards providing a flexible, door-to-door facility corresponding to the particular needs of wheelchair users. At the same time, Bus Átha Cliath, with EU funding under the Horizon programme, have purchased 5 wheelchair accessible minibuses and these are operating in a new service in the city centre area. The operation of the service is being monitored and assessed by an Inter-Departmental Transport Accessibility Committee which is chaired by the Department of Transport, Energy and Communications as part of its ongoing programme to maximise the accessibility of public transport infrastructure and services.

Mainstreaming the needs of the disabled is the key thrust of NRB's policy. Of paramount importance in this task is NRB's contribution to the work of the Commission on the Status of People with Disabilities.

- (b) People with disabilities capable of undertaking open employment are eligible to participate in FÁS courses and are admitted to them when they can follow the selected training course.

NRB's view is that a policy of equalising opportunities and outcomes for women with disabilities should be adopted in both mainstream and specialised training. At the present time, NRB considers that while good practice in specialised training does exist, much is gender-stereotypical, with few non-traditional options open to trainees of either gender. Developing initiatives such as employer-based training and distance learning are opening up new opportunities outside the limited range of courses offered by many training centres.

At the end of 1994 the EU-assisted Operational Programme for Human Resources Development 1994-1999 (OP) was agreed. The NRB-developed Standard for Vocational Training (S1.93) was adopted as the standard by which all centres delivering training under Objective 3 (Occupational integration of people with disabilities) will be accredited. While the Standard itself does not deal overtly with issues of gender stereotyping and other issues raised by Recommendation 5.5.3(b), the Self-Evaluation questionnaire for training agencies, which is being developed at present, is likely to consider these matters under the heading of trainee rights.

The new OP also requires a breakdown in reporting on trainee participation in courses and trainers employed by gender. Over the lifetime of the OP this will prove to be

a vital tool for NRB's field staff as they work with specialised agencies to ensure enhanced standards for disabled trainees.

NRB is at present preparing a submission on the White Paper on Training which will make recommendations, among other issues, on the subject of women with disabilities in both mainstream and specialised training.

On the issue of careers counselling, in 1994 NRB developed and tested a new vocational interest assessment for non-readers. This uses pictures which are non-stereotypical (for example, a woman doing sheet-metal welding). However, at present the 26 male and 17 female (whole-time equivalent) NRB staff who among other responsibilities deliver careers counselling to people with disabilities who request it, are at present not known to be following an agreed anti-sexist procedure. This matter has been raised with an NRB internal committee which is currently reviewing the organisation's occupational guidance service with a view to developing facilitative and participative individual and groupwork-based options.

- (c) Under the Programme for Competitiveness and Work the 3% quota scheme will be continually monitored to ensure that all sections of the public sector meet the target. The Monitoring Committee on the Employment of People with Disabilities will be continued. A sum of £2m was provided in the 1994 Budget for a pilot programme for the employment of people with disabilities in viable business projects.

Insofar as the health service is concerned, the Department of Health's 1993 Personnel Policy Circular requested each health agency to have due regard to the commitment to the disabled when recruiting staff and, in cases where the quota had not been achieved, to make every effort to secure an appropriate increase in the number of disabled employed.

According to NRB, evidence from the UK and the US shows that women with disabilities participate less in the labour market than disabled men; that women with disabilities are concentrated to a far greater extent in unskilled work than either non-disabled women or disabled men; and, linked to this, women with disabilities earn significantly less, on average, than other women and men in the labour market.

NRB's policy response to this - and to the estimated 70% unemployment rate of people with disabilities as a whole - is contained in pp. 42-47 of 'Equal Status: A Blueprint for Action'. On the issue of women with disabilities specifically, the submission states that employment opportunities for women with disabilities should be improved and that the equality of opportunity debates taking place in relation to the employment of non-disabled women should be addressed to the employment of women with disabilities.

NRB is involved at local and regional level in Area Partnerships, County Enterprise Boards and other employment initiatives. Over the past year NRB has also co-operated closely with the CORI Pilot Part-Time Job Opportunities Schemes. The National Advisory Committee on Training and Employment, convened by NRB and involving disabled people and the relevant social partners, has worked over the past two years to a Ten Point Action Plan which is currently being updated. This involves the organisation, among other strategies, in influencing national employment policy, including the achievement of the 3% quota system for the employment of people with disabilities in the public service. NRB is also represented on the Monitoring Committee for

the Employment of People with Disabilities, under the aegis of the Department of the Taoiseach.

- (d) NRB's policy regarding the home help service and its adjuncts are contained in pp 72-73 of 'Equal Status: A Blueprint for Action'. Equally valuable is the rapidly-developing system of personal assistants which was not yet introduced when the Commission on the Status of Women was deliberating. Among the many advantages of the personal assistant system is that the disabled woman has the right to choose her own assistant. This is a matter of enormous importance to women who require the assistance of others in intimate personal daily activity.

NRB was represented on the Advisory Committee on Personal Assistance, convened by the Department of Health to consider the present and likely future demand for such a service and the model and methodology which should be used to provide it. NRB has no other direct influence and provides no direct services in this field.

- (e) NRB's own research department is very interested in this particular topic. Since resources, both human and financial, are limited in this section of the organisation, an application was made to the Irish Social Studies Research Council for funding to examine in detail the issues faced by women with disabilities in the public and private spheres - broadly, the issues raised by the Council for the Status of Women in Widening the Circle, its submission to the Commission on the Status of People with Disabilities, and in NRB's own submission.

Research undertaken by NRB, such as the Costs of Disability survey is gender-balanced, and gender issues and differences illustrated by the results are highlighted.

Recommendation 5.6.5

The Commission recommends:

- (a) *that legislation should be enacted to decriminalise homosexual acts between consenting adults, in line with the European Court of Human Rights judgement in the Norris case and the subsequent commitment in the agreed Programme for Government 1997-1993. (While the Irish legislation relates only to men, and not to women, its continuing existence helps contribute towards a climate in which all homosexual relationships are regarded as aberrant);*
- (b) *the inclusion of sexual orientation as a category for unlawful discrimination in the amended employment equality legislation and Unfair Dismissals Act;*
- (c) *the inclusion of a module on homophobia (prejudice and hatred of lesbians and gay men) in the proposed sex and relationship education course in second level schools;*
- (d) *that lesbian groups should be eligible for consideration for funding from the Department of Social Welfare's scheme of grants for local women's groups involved in development, support and self-help activities. The same criteria should be used in assessing applications from lesbian groups as are used in assessing applications from any other women's groups.*

- (a) The Criminal Law (Sexual Offences) Act, 1993 implements the Commission's recommendation that sexual acts between consenting male adults should be decriminalised in line with the judgement of the European Court of Human Rights in the Norris case.
- (b) This recommendation was implemented in the Unfair Dismissals (Amendment) Act, 1993.
- (c) See response to recommendation 9.1.15.
- (d) Lesbian groups are not excluded from consideration under this Scheme. It is Department of Social Welfare policy to use the same criteria in assessing all applications. LOT (Lesbians Organising Together) received a grant of £10,000 in 1995 under the scheme of grants for Women's Groups. Further funding of £20,000 will be allocated in both 1996 and 1997.

Recommendation 5.7.4

The Commission recommends:

- (a) *training for health care workers on the special needs of women Travellers, along with outreach and localised services geared to meet health needs related to Travellers' lifestyles; the Commission welcomes the Eastern Health Board's planned provision of a mobile clinic for Travellers as an example of this type of initiative and recommends extension of this facility to other Health Board areas;*
- (b) *that education on family planning services geared to Travellers' special needs should be provided to GPs;*
- (c) *that in view of the Traveller tradition of marrying close blood relatives a genetic counselling programme should be developed which is targeted at Travellers;*
- (d) *that Traveller women should be supported in relation to the health care of their children through targeted programmes;*
- (e) *that adult education and training programmes should be developed and provided for Traveller women, building on the experiences gained already from such developmental programmes as are operated, e.g. by FÁS. These should include access to crèche facilities. Designed in consultation with Traveller women, such courses should reflect their particular identity. Every effort should be made to train and employ Traveller women to assist in the running of such courses;*
- (f) *training for service providers to Travellers and the design and implementation of a code of conduct for service providers in a wide range of areas, in order to ensure equal treatment;*
- (g) *the urgent development of a national plan for Traveller accommodation which will take account both of the needs of Travellers who wish to settle, through the provision of group housing schemes, and those who wish to continue a nomadic lifestyle, through providing adequate sites and facilities;*

- (h) *that an integral part of this national plan should be mandatory consultation with Travellers and especially Traveller women by local authorities before decisions regarding the design and location of sites and housing schemes are made;*
- (i) *that safety issues should be given a high priority in the planning and design of housing sites. The Preventive Code of Practice developed by Dublin County Council to reduce risks to families from fires on serviced sites should be implemented and monitored by all local authorities.*

The Task Force on the Travelling Community which was appointed by the Minister for Equality and Law Reform in July 1993 to advise and report on the needs of Travellers and on Government policy generally in relation to the Travelling community, issued its Report on 20 July, 1995.

The Report contains a large number of recommendations on issues of concern to Travellers such as education and training, accommodation, health and labour force participation and it also includes a section on Traveller women which deals with issues such as discrimination, violence, treatment under the law and access to employment and training programmes.

The main recommendations in relation to Traveller women cover the following areas:

- the need for the gender dimension to be examined in implementing the recommendations of the Task Force in order to ascertain how policies and practices in each area of the Report contribute to or block progress for Traveller women;
- that progress for Traveller women be recognised as a priority in the move towards equality for all women and also in implementing the recommendations of both the Task Force and the Second Commission on the Status of Women.
- that issues affecting the human rights of Traveller women be addressed such as institutionalised violence; that there should be no discrimination against Traveller women in access to support services in this area;
- that Traveller women's economic roles in their community be acknowledged and resourced;
- that there should be targeted responses to the needs of Traveller women in such areas as education, health, training, and personal development as a prerequisite towards progress and equality.

As the Report of the Task Force impacts on a wide range of policy areas which are the responsibility of a number of Ministers, the Government established an inter-Departmental working group of officials to consider the implementation of the Report, including in particular, the costs involved. The Government will determine what action is called for in relation to the recommendations contained in the Task Force's Report as soon as the report of the working group is available.

Organisations that work for and on behalf of Travellers are an eligible group for support under the Sub-Programme for Integrated Development of Disadvantaged and Other Areas of the Operational Programme for Local Urban and Rural Development.

(a)-(d) Under the national strategy on health "Shaping a Healthier Future" a special programme will be implemented to address the particular health needs of the Travelling Community. The Department of Health and the Task Force on the Travelling Community undertook a joint study in 1994 on Travellers' health with particular emphasis on access to appropriate health services. The Eastern Health Board mobile health clinic for Travellers has had considerable success in giving Traveller women greater access to ante- and post-natal care, health education and vaccination for their children.

(e) The Department of Education is committed to the provision of appropriate continuing education for those groups in society who have particular needs. This is usually organised by the Adult Education Officers of VEC's or by community-based groups, involves consultation with the potential clients, and is available regardless of their previous levels of education.

The National Education Organiser for Travellers (NEO) arranges seminars for Traveller parents on participation in first and second level education. Times and locations are organised in accordance with the parents' wishes.

(f) The National Education Officer for Travellers has promoted in-service training for a variety of teachers involved with Traveller children since her appointment in 1992. This work has been facilitated by the Department of Education's In-Career Development Unit in the last two years. The objectives of these training programmes include:

- the promotion of positive attitudes towards Traveller cultural identity;
- effective delivery of educational services to Travellers;
- the development of appropriate codes of conduct for teachers.

Visiting Teachers for Travellers have had annual in-service training organised by the NEO since 1992. This facilitated visiting teachers to clarify the purpose of the service, acquire skills relevant to the specialised nature of their work and develop a code of practice for the service. Equality of treatment is a key principle underlying the practice of the Visiting Teacher Service for Travellers. This training has also facilitated the development of Visiting Teachers as providers of in-service training for teachers working with Travellers in their areas. In-service training programmes were organised over the last three years by the Visiting Teacher Service and the NEO for special teachers for Travellers, school principals, selected mainstream teachers and selected remedial teachers. A focus of these training programmes is the on-going development of pedagogical skills and the promotion of positive attitudes towards Travellers' cultural identity. Plans are going ahead to include child-care workers working with Travellers in pre-schools and national schools in training courses in 1996.

One of the recommendations of the Task Force on the Travelling Community is that service providers in frequent contact with Travellers should receive more in-depth training in intercultural and anti-discrimination practices. The Department of Health proposes to discuss this recommendation with the various relevant bodies, such as health boards and organisations representing health professionals, with a view to implementing it to the maximum extent possible.

In the case of public service training in general, the Institute of Public Administration offers a number of degree courses which include sections on the Travelling community and which identify forms of disadvantage suffered by Travellers. The IPA will continue to take every opportunity to include specific modules on Traveller issues and anti-racism in its courses.

In the employment/training area, in-service training is also provided to FÁS staff and instructors which lays emphasis on avoiding discrimination when dealing with disadvantaged groups including members of the Travelling community. Staff likely to be dealing with Travellers will also be made aware of the special needs of Travellers and their culture.

Social workers employed by local authorities to work with Travellers would have received appropriate training prior to appointment. Training of staff within the local authority service, including training for those providing services to Travellers, is a matter for each individual local authority. Each Manager ensures that appropriate training is provided for all staff to enable them to provide effective services to all sections of the community.

When the code of conduct for service providers to ensure equal treatment is drawn up by the Department of Equality and Law Reform, any specific additional training requirements arising from the code will be addressed by the Department of the Environment at that stage.

- (g) A target of providing permanent serviced caravan site accommodation for all Traveller families who want it by the year 2000 was set in 1993. Local authorities have been pressed by the Department of the Environment to progress the planning of sites so that they are brought to construction as quickly as possible. The Task Force on the Travelling Community in its Report published on 20 July, 1995, recommended that 3,100 units of additional accommodation of various types, including Traveller specific accommodation, be provided for the Travelling community by the year 2000 together with the introduction of supporting legislative and administrative changes.

The recommendations on Traveller accommodation are being considered along with the other recommendations in the Report of the Task Force by an inter-Departmental working group.

Social Housing - The Way Ahead recognises that the priority of many Traveller families is accommodation in a serviced caravan park. Accordingly, major emphasis in the overall programme for the accommodation of Travellers is now on the provision of these parks and capital expenditure on this amounted to £4.053m in 1994. A capital allocation of £4.5m was made in 1995 for serviced caravan parks and group housing schemes. Local authorities have been assured that whatever extra funds may be needed for the programme to provide residential caravan parks and group housing schemes for Travellers will be provided to enable housing authorities to make maximum progress.

The recommendation in the Commission Report does not refer to local authority standard housing which is where the majority of Traveller families are accommodated (i.e. out of 2,793 Traveller families in local authority accommodation as per the November 1994 count conducted by the local authorities, 1,556 were in standard local authority housing and 258 in group houses with the remainder (979) on serviced caravan sites).

Traveller families in standard local authority houses are in a mixture of local authority housing estates (i.e. standard tenants of a local authority along with settled community tenants) and single houses acquired or built for specific Traveller families.

The expanded local authority housing construction programme in 1995 will benefit those Traveller families who wish to be accommodated in houses rather than on caravan sites.

- (h) Local authorities have been advised by the Department of the Environment of the importance of fully involving their social workers employed in connection with Travellers in the development of accommodation programmes for Travellers. These social workers are in regular contact with Travellers.
- (i) It is assumed that the reference to housing sites refers to caravan sites. The Department of the Environment guidelines for Residential Caravan Parks for Travelling People which issued to local authorities in September 1985 included fire safety requirements to be followed e.g. need for consultation with the Chief Fire Officer in relation to design, layout, making and subsequent management of such sites, minimum distance between caravans and between caravans and walls, control over parking of caravans, locations of fire extinguishers on sites etc. Having regard to the period of time (almost 10 years) since the guidelines were issued the Department proposes to review them.

The National Safety Council produce a leaflet on fire safety for the Travelling community which is highly visual in layout. These are distributed by the NSC usually to community groups involved with Travellers.

Dublin Fire Brigade in conjunction with Traveller groups, social workers and the Eastern Health Board has made a video demonstrating the fire dangers associated with caravans. The Corporation has provided a large mobile caravan for showing the video on sites.

Recommendation 5.8.6

The Commission recommends that:

- (a) *relevant and properly resourced educational, training, recreational and work opportunities, including a garden or greenhouse, should be available to women prisoners;*
- (b) *a programme of research and evaluation in the field of criminal justice as it affects women both at court and in prison should be undertaken immediately, so that its conclusions can inform policy-making;*
- (c) *the lock-up hours for women prisoners should be examined with a view to enabling them to associate and watch television later in the evenings than they currently can;*
- (d) *the Department of Justice should make an immediate commitment to the development of open prison facilities for women prisoners, a half-way house and follow-up services after release;*
- (e) *the possibility of providing a family room where prisoners could spend a longer time with their children should be examined.*

The Government decided in December 1993 to provide 210 additional prison places as part of a comprehensive law and order package. Of the 210 additional prison places, 150 are to be provided for male prisoners at Castlereagh and 60 by way of a new self-contained women's prison at Cowley Place beside Mountjoy Prison, designed to meet the specific needs of women prisoners and with a level security appropriate to them.

The Government for financial reasons, decided on 9 June, 1995 to defer the Castlereagh Prison project and to defer the Women's Prison project beyond 1996.

Design work for the new Women's Prison had reached a very advanced stage and a planning application to the local authority was about to be lodged when the decision to defer the project was made. The prison design provides for a full range of facilities - education, work-training, counselling, psychological, medical, psychiatric, etc. geared specifically to the needs of women prisoners. Incorporation of a pre-release residence in the proposed prison complex, provides for the needs of those prisoners who are deemed suitable for such facilities prior to release with a view to preparing them to resume normal life in the community at the end of their custodial sentences.

In addition, a separate training and education centre outside the prison system is being developed for about ten women at any one time.

In advance of the provision of the new prison for women, steps have already been taken to improve their situation and to enhance the services provided for them in Mountjoy and Limerick Prisons. These include the provision of a Department psychologist in regular attendance on women in prison and to the provision of a new kitchen/cookery training facility in Limerick Prison. A particular focus has been given in sentence management of women prisoners of the past twelve months to family circumstances, health and other special needs and difficulties of individual women prisoners.

Significant improvements in the physical conditions for women prisoners in Mountjoy have taken place in the past two or three years. These include a change from multi-cell occupancy to single cell accommodation with integral sanitation in each cell and the dedication of a complete accommodation wing to the female prison. These steps alone have enhanced the personal privacy and dignity of women prisoners in a very significant way.

- (a) Particular care has been taken in the design of the new women's prison to reproduce, as far as feasible, standard living arrangements in urban residential clusters. In this regard, open spaces within the new prison are maximised with the development of gardens and soft 'green' walkways/rest areas. It is envisaged that these areas will be utilised for a range of gardening activities for offenders.
- (c) The Department of Justice has prepared draft new Prison Rules to replace the existing 1947 Rules for the Government of Prisons. The draft new Rules were published in June 1994 as an appendix to the Department's policy document "The Management of Offenders - A Five Year Plan". Final consultations are now taking place and it is hoped that the new Prison Rules will come into effect as early as possible in 1996.

The draft new Rules provide that

"Prisoners shall be allowed as much out-of-cell time as practicable and, subject to the Governor's discretion, the freedom to associate with other prisoners."

- (e) The draft new Prison Rules also provide for special arrangements for women prisoners, by way of modification to the General Rules. For example, in the case of visits the Rules provide that

“Subject to the maintenance of safe custody, good order and security, and where practicable, special arrangements may be made by which a woman prisoner may have extended visits from her child or children in as unrestricted an environment as possible.”

Special emphasis has been placed on facilitating family, including children, visiting in the design of the new women’s prison.

Recommendation 5.8.7

In addition to the recommendations in Section 5.8.6, the Commission recommends that measures should be taken to provide adequate systematic support to victims of petty and personal crime, most of whom are women. Such measures should include:

- (a) *improving funding for victim support schemes;*
- (b) *guaranteeing counselling support to all victims who request it;*
- (c) *emphasising reparation to victims in sentencing, where appropriate.*

- (a)&(b) **The Minister for Justice considers that voluntary bodies such as the Irish Association for Victim Support which have experience in the provision of victim services are best placed to provide the support of the type envisaged in the recommendation. The Departmental grant paid to the Association was increased from £18,000 in 1993 to £110,000 in 1994. This grant provided for the expansion of the Association’s services to victims of crime. The grant was increased to £130,000 in 1995.**

- (c) **Provision for compensation of victims is contained in the Criminal Justice Act, 1993.**

Recommendation 5.9.3

The Commission recommends that:

- (a) *an integrated approach involving the Departments of Health, Education, Social Welfare and Justice and interested voluntary organisations, should be adopted in order to provide health and welfare services and information to women involved in prostitution. Every effort should be made to encourage women involved in prostitution to participate in decision-making regarding the type and level of service they require and in designing “social rehabilitation” programmes;*
- (b) *as a first step in this strategy the setting up of a drop-in centre or centres should be funded. The services provided would include short-term accommodation as well as opportunities for self-help and building self-esteem along with relief from isolation, informal education and advice, medical and social assistance, these services could usefully be provided in association with voluntary bodies already engaged in helping women in prostitution;*

- (c) *a rehabilitation centre should be established for women who want to get out of prostitution. The development and operation of this centre should draw on the experiences derived from the implementation of recommendations (a) and (b) above and the Centre should provide counselling and training for future employment.*

The Women's Health Project, which is based on the south side of Dublin, was started by the Eastern Health Board in 1991. It targets women engaged in all areas of prostitution and provides a health service specific to the needs of these women. It is based in a clinic in Baggot Street Hospital and the services available include information, advice and counselling, liaison and referral, education and support. Specific medical facilities comprise sexual health advice, cervical smears, HIV testing and family planning advice. The services are provided through a combination of outreach and a drop-in clinic.

The Women's Health Project has also formed an association with RUHAMA, a voluntary organisation established by the Good Shepherd congregation of religious sisters. The Eastern Health Board provided funding of £20,000 to RUHAMA in 1994 and 1995 to assist with its befriending and enabling service.

A report titled "The Health Needs of Women Working in Prostitution in the Republic of Ireland", which was jointly sponsored by the Eastern Health Board and the European Intervention Projects AIDS Prevention for Prostitutes, was published recently. The Report, which was prepared under the Europe Against AIDS Programme, presents an overview of female prostitution in Ireland and specifically of the health services which are available to women working in prostitution, with particular reference to HIV prevention measures.

The Department of Education does not have a primary role to play in the provision of a health and welfare service to women involved in prostitution, but would participate in an integrated approach.

Rural Women

Recommendation 6.2.1

The Commission recommends that the Department of Tourism, Transport and Communications, and the Department of the Environment, in consultation with other relevant Departments, should review options for improving access to transport for rural women with a view to developing a long-term integrated strategy. Specifically, the Departments involved should consider introducing, on a pilot basis, some of the models already successfully established in other countries. The possibility of introducing driving instruction into the school curriculum, or on short courses provided by training agencies such as FÁS, VECs, or Teagasc, should also be investigated.

Transport service levels for women and others in rural areas is primarily a matter for Bus Éireann having regard to the overall resource levels available to them. Many rural services are operated in response to social needs and are important contributors to communities, particularly in remote locations. Bus Éireann has recently introduced some innovation in passenger services using the off-peak resources of part-time drivers and school buses. See also Recommendation 2.7.5.

Infrastructural and Environmental Actions are eligible for funding under the Sub-Programme for Integrated Development of Disadvantaged and Other Areas of the Operational Programme for Local Urban and Rural Development. The intention is to facilitate access to the most peripheral areas of the country. There is a recognised need to provide support for capital costs to isolated and depopulated communities, such as those living on islands. The financial assistance will be contingent on evaluation of the applications for support and on their being part of an integrated local plan.

The Department of Education considers that it would not be appropriate to provide a programme in driving instruction in the post-primary school curriculum. However, VEC's provide adult education classes in a wide range of subjects including car ownership/maintenance on a self-financing basis.

Participants on Community Employment Projects can avail of driving instruction on an optional basis as part of "own-time development". Many women from rural areas avail of this facility. Within night-time training provision, FÁS provides courses on car maintenance which women avail of.

Recommendation 6.2.2

The Commission recommends:

- (a) the adoption of an information policy by the Government so that targeted information on Social Welfare and other State services is available at a low cost to the general public; the ultimate aim of this policy should be that information on State services is available for the price of a local telephone call.*
- (b) adequate funding for, and supply of information to the National Social Services Board so that it can fulfil the functions assigned to it.*

- (a) Information on Social Welfare Services is available in all Social Welfare local offices throughout the country. Under the Department's regionalisation programme, local offices are being converted into "one-stop-shops". A full-time Information Officer is available in the larger local offices. In addition, callers in the Dublin "01" areas can telephone the Department's decentralised offices in Sligo and Letterkenny for the price of a local call. The local call facility was made available so as not to make it more expensive to ring a decentralised office.

From time to time the Department of Social Welfare operates a "Free-phone" service for particular targeted schemes, such as Family Income Supplement.

- (b) The Department of Social Welfare has taken over responsibility for the NSSB from the Department of Health. The NSSB is central to the development of an independent citizen information service. It will operate at arms length from the Department of Social Welfare but will be enabled to develop its services by the provision of additional resources by the Department.

The NSSB supports over 80 Citizen Information Centres around the country providing information on a range of services including social welfare, health and taxation. Its information bank is now being computerised with the help of a £250,000 grant from the Department of Social Welfare.

Recommendation 6.2.3

The Commission recommends that the Health Boards establish mobile health centres which can respond to women's health needs and provide routine treatment, available to rural women on a regular basis in each Health Board area. Such mobile centres could locate at local health or community centres or at the multipurpose centres recommended in 6.5.2.

There is already in existence a network of health centres throughout the country. The Department of Health is committed to improving the overall standards of health centres, which play a key role in the delivery of primary health care in the community. During 1995 a total sum of £2 million has been allocated for the building of new health centres and major refurbishment to others. Health boards will be asked to consider whether mobile health centres might fulfil a need where health centre facilities are not already available. The provision of facilities to respond to women's health needs in isolated areas will also be considered in the context of the development of general practice.

In relation to the provision of ante- and post-natal care, family planning services and other preventive programmes, it is already established policy, as identified in the National Health Strategy, to ensure that the service is provided on as localised a basis as possible.

A comprehensive family planning service is available at local level through general practitioners and health board clinics.

Routine maternity care, including ante-natal and post-natal care, is available locally through general practitioners and health board clinics.

The Eastern Health Board has a mobile day hospital for the elderly which operates in north Dublin and in parts of Kildare.

Recommendation 6.2.4

The Commission recommends that:

- (a) *the training needs of rural women, particularly adult rural women, should be examined so that Teagasc, FÁS and the Vocational Education Committees can respond effectively to expressed needs;*
- (b) *the training needs of, and development opportunities for women, should also be addressed in the context of rural development initiatives which offer possibilities for developing the economic independence of rural women e.g. EC programmes such as LEADER, EUROFORM and NOW;*
- (c) *the Government should support the establishment of a college along the lines of an Grianán, the ICA College, suitable for short-stay residential training courses. This could serve as a logical extension of the Department of Social Welfare scheme of grants for locally-based women's groups and might usefully serve as a bridge into more directly commercially-based initiatives;*
- (d) *the Country Enterprise Partnership Boards should ensure women's participation in training for development and in decision-making projects and initiatives; provision should also be made for the equitable representation of women and men on such Boards.*

(a)&(b) Teagasc commissioned University College Galway to examine the training needs of rural women with particular reference to training areas relevant to Teagasc. The study has been completed and the report from UCG is expected shortly. See also Recommendation 6.5.1.

A Rural Advisory Committee was established in 1994 to implement the recommendations in the Creedon Report "Structures for Rural Development Training". The training needs of rural women are being considered in this committee.

Teagasc also had a stand at the Irish Times Exhibition in the RDS in September 1995 which focused on career guidance and training for women.

FÁS makes provision for the training of rural women through its community based and other training and employment programmes and has supported, through grant-aid, the development of the Farm Relief Services. FÁS has also co-operated with a study commissioned by the Joint Oireachtas Committee on Women's Rights on the needs of rural women. The NOW Initiative aims to promote equal opportunities for women in the fields of employment and vocational training. A number of priority areas for activity are targeted under this initiative, including rural development. Teagasc operated a NOW Programme specifically geared to providing support and training for women. The programme also involved a study to determine how participation by women in Teagasc could be improved and, funding permitting, this will be reflected in their new proposals under operational programmes.

All projects funded under the EUROFORM initiative offer equal access to males and females. Mainline ESF assisted training carried out by Teagasc particularly invites female participation. Facilities and materials have been adapted in training centres to cater for women.

Attendance by women at courses relating to alternative enterprises, such as rural tourism, rural based food enterprises, horses, deer production and forestry, which are promoted by Teagasc, has been in excess of 50%. An Bord Iascaigh Mhara, the semi-state body concerned with the development of the fishing industry, encourages female participation in its training courses.

CERT has developed a number of programmes, including Certificate in Rural Tourism Enterprise Development, Certificate in Irish Home Hospitality, and Certificate in Tourism and Customer Care, primarily with rural women in mind. These programmes assist participants to enhance their business opportunities, give a more professional service to tourists and present Ireland and their local community in an informed and interesting manner.

These CERT programmes are delivered in co-operation with VECs and/or local community organisations. The delivery of programmes can be structured to meet the needs of local women.

- (c) The Scheme of Grants for Locally-Based Women's Groups operated by the Department of Social Welfare provides grants to locally-based women's groups involved in programmes of self-help and personal development. Projects considered involve the participants in the running of, and where possible the design of, the project itself. Support for the establishment of a college similar to An Grianán would not therefore come within the remit of the Women's Grants Scheme.
- (d) The Minister for Enterprise and Employment took positive remedial action to counteract the under-representation of women among the members nominated to the County Enterprise Boards. The Guidelines for Partnership Companies specify that the membership of Partnership Boards will reflect Government policy on gender balance, i.e. at least 40% of each gender.

Recommendation 6.3.4

The Commission recommends that the work of farm wives on family farms should be given adequate recognition. To achieve this it is recommended that the work of women on farms be documented and appropriate categories devised so that this work can be included by the Central Statistics Office in the collection and publication of national statistics. Such categories could also be used as a basis for assessing farm women's contributions/entitlements to social insurance associated with their occupational position.

The annual June Agricultural Surveys collect data on all persons aged 15 and over, including spouses, who do any farm work. For each such person, the information collected includes sex, age, weeks worked in the year, average number of hours worked per week, whether that person is the manager (responsible for day-to-day running), and the importance of farm work to them (sole/major/subsidiary occupation). This information was also collected in the 1991 Census of Agriculture, and the Census publications provided a summary analysis of these questions. The CSO hope to publish similar results at least every two years, based on the larger Agricultural Surveys.

The implications of this recommendation in relation to assessing farm women's contributions/entitlements to social insurance will need to be examined in the context of the National Pensions Board Report, 1993.

Recommendation 6.3.5

The Commission recommends the introduction of a community property regime.

See response under Recommendation 1.5.6

Recommendation 6.3.6

The Commission recommends that:

- (a) women married to men excluded on the grounds of age from participation in the scheme of social insurance for the self-employed should themselves be able to make voluntary contributions if they are below the age of exclusion;*
- (b) the Department of Social Welfare should examine the scheme of social insurance for the self-employed with a view to moving towards a system of individual entitlements.*

These issues are being examined by the Department of Social Welfare in the context of the development of pension provision following the publication of the final report of the National Pensions Board in December, 1993. There are cost and legislative implications.

Recommendation 6.3.7

The Commission recommends that ways of improving women's access to relief services in cases of child-birth, sickness and vocational training should be investigated, including the possibility of attracting EU Community funding for such services for women. Priority should be given to facilitating the further development of the existing farm relief services network.

FÁS provided support for the setting up of the National Co-op Farm Relief Services. Individual Co-ops may continue to approach FÁS for support under initiatives such as the Community Enterprise Programme.

As in the last round of Structural Funds support for the Farm Relief Services is continuing in the new round. Research by the National Co-op Farm Relief Services Ltd suggests that a relief service of this type might be viable. The introduction of such a service is under consideration by the organisation.

Recommendation 6.3.8

The Commission recommends that Teagasc should draw up and adopt an equal opportunities programme which should include the following elements:

- (a) a review of courses currently available to farm women with the aim of responding to the expressed needs of women;*
- (b) encouraging and facilitating more women students to take the Certificate in Farming and the Certificate in Agriculture. This should be based on a clear strategy with timescales and targets;*
- (c) providing increased access for adult farm women to vocational training courses in agriculture including skills courses for women 'marrying into' farms.*

Teagasc has reviewed the curriculum with a view to increasing the participation of women in its training courses. Training brochures are designed to encourage women to enter courses and the Department of Education assisted in ensuring that teaching materials were adapted for women.

Two courses specifically for rural women commenced in 1993 under the NOW (New Opportunities for Women) Programme. These courses, which are of 600 hours duration, cover personal development and start-your-own-business, etc. and each has 20 participants. It is proposed to continue with NOW training at three locations each year over the next few years under the new main Operational Programme.

Additional training opportunities of particular interest to rural women will be available through the small food enterprise training course which will be an integral part of the Diploma in Rural Enterprise.

Targets set in the programme for 1993/99 are as follows:

No. of Participants	1993		1999	
	Male	Female	Male	Female
	6,555	823	5,312	874

Teagasc has submitted a proposal under the NOW Programme 1995 to develop a gender proofing initiative in the organisation. The method proposed is that of a social audit of the equality dimension in its employment structure. It is planned to develop an awareness of equality impact on all training and outreach programmes and to develop a suitable intervention procedure addressing recruitment to training programme and adapting programmes to include equality.

The organisation will continue to circulate all secondary schools in the country with brochures and leaflets on their various training programmes.

The Department of Agriculture, Food and Forestry's Operational Programme to implement the next round of Structural Funds is being negotiated with the European Commission. If the Programme is approved it may be possible for the National Co-operative Farm Relief Services Limited to begin market research on home relief services.

Recommendation 6.3.9

The Commission recommends that agricultural organisations should introduce a positive action programme to encourage women to become actively involved at all levels of their organisations, in particular, to assume more officer posts and to be included at national level as representatives for discussion of major economic issues.

See response to Recommendation 7.2.5

Recommendation 6.4.1

These issues [recognition of contribution to the family enterprise; their legal status in relation to the family enterprise; social insurance considerations] are addressed in relation to farm wives in paragraphs 6.3.4, 6.3.5 and 6.3.6 and the issues raised and recommendations made apply mutatis mutandis to other kinds of helper spouses.

The annual Labour Force Surveys and the five-yearly Census of Population include information on the number of helper spouses and other members of the household who describe themselves as at work as “assisting relatives” in any family business. However, this category does not include those who classify themselves as “engaged on home duties” or at work outside the home but who also do some work in the family business. Full compliance with this recommendation could pose considerable difficulties for the Central Statistics Office. The additional questions would not be appropriate for inclusion in a Census of Population and the annual Labour Force Survey (LFS) questionnaire is already overloaded. The CSO is examining the feasibility of a second annual LFS, which has been recommended by the National Statistics Board. If this second survey is introduced, there may be scope for including extra questions on women’s employment issues, although any new questions would have to be precisely defined and tested before being introduced in the survey proper.

The social insurance implications are being examined in the context of the National Pensions Board Report.

Recommendation 6.5.1

The Commission recommends that all Operational Programmes for the Structural Funds and Community Initiatives which promote rural development should include an explicit recognition of the need to address the problems and concerns of rural women as well as measures designed to include women in projects to be funded.

The promotion of gender equality is an important objective under the Operational Programme for Local Urban and Rural Development and will be addressed by a requirement that plans and projects being supported must demonstrate the actions being undertaken in support of that objective.

In all Operational Programmes supported by the Community Support Framework there is a commitment to gender proofing of measures.

When the results become available of a study (see under Recommendation 6.2.4 above) under the European Union Initiative NOW (New Opportunities for Women), to determine (a) how participation by women in the Teagasc training programmes could be improved and (b) the type of courses rural women require, appropriate action will be taken to implement these findings, where possible. In the interim, and so as to ensure continuity, courses already commenced under the NOW Programme exclusively for women and for which finances are exhausted, will in future operate under Sub-Programme 1 of the Operational Programme for Agriculture, Rural Development and Forestry.

Recommendation 6.5.2

The Commission recommends the establishment and support of multi-functional centres in the context of the development of community care and rural development. Ideally, such centres require funding for a core staff, overheads and administration. The users should also play a lead role in running such centres.

The European Commission has now adopted the LEADER II programme. The eligibility criteria are similar to the criteria used in LEADER I. The funding of centres of the type mentioned in the recommendation are not, on the face of it, eligible for support. Aid for general community development/animation/capacity building activities would, however, be possible.

The 1993 Framework Regulation also provides that measures financed under the Structural Funds shall be in conformity with the principal of equal opportunities. Groups are advised to take account of equality of opportunity in assessing applications for aid and are directed not to grant aid a project or applicant group which operates any policy of discrimination against persons on grounds of gender, etc, as indicated above, even if the discrimination is not complained of.

See also Recommendation 4.3.2(d).

Participation, Politics and Policies

Recommendation 7.2.3

The Commission recommends that:

- (a) politics and governance should be included as a module in the post-primary subject of social and environmental studies, the curriculum for which is currently being devised by the National Council for Curriculum and Assessment (NCCA);*
- (b) teachers should encourage the development of a political consciousness in their pupils;*
- (c) girls should be encouraged by both teachers and parents to join organisations - all kinds of organisations - in order to develop meeting and presentational skills and an acquaintance with how organisations work and take decisions.*

The NCCA is in the third year of piloting a Civic, Social and Political Education syllabus for Junior Certificate students. This development is an integral part of the Government's Programme of Work. The syllabus will be disseminated nationally from September 1996 and it will be included as a mandatory element of the core curriculum. Amongst the topics included in the programme will be the role of women and their status. The inclusion of Civic, Social and Political Education in the Senior Cycle curriculum is under discussion.

Recommendation 7.2.4

The Commission recommends that women's organisations should adopt a policy of encouraging their members to become involved in the formal political structure and to provide back-up and encouragement for women who choose to do so.

This recommendation was brought to the attention of the main organisations involving women and the following comments were received:

NATIONAL WOMEN'S COUNCIL OF IRELAND

The National Women's Council of Ireland, formerly the Council for the Status of Women, was established following the publication of the Report of the First Commission on the Status of Women in 1972. It is the national umbrella organisation representing 130 women's organisations, national, regional, local and federation. Begun with 17 affiliates in 1973, the organisation's roots lie in the UN initiative to focus global attention on women through the UN Decade for Women and the recommendations of the First Commission on the Status of Women.

Originally the main aims were to monitor the implementation of the recommendations of the First Commission and to act as a co-ordinating or umbrella body for women's organisations. The National Women's Council has established a strong public profile as the representative of Irish women in organisations. Having worked through various stages of

development the National Women's Council has now adopted a Strategic Plan and a new structure designed to ensure that it can meet the needs of affiliates into the 21st century.

Women in Politics

Throughout its history the National Women's Council has campaigned to achieve greater balance of representation by women and men in public life, including the political life of the country.

Over the years a number of women who had connections with the National Women's Council have moved into representative politics and today, in the 27th Dáil, four of the women TDs are former National Women's Council delegates, one a former Chairwoman. Others have been involved in a range of women's organisations affiliated to the National Women's Council.

In the political arena the National Women's Council has engaged in a range of activities including:

- constantly encouraging the active participation of women in political parties;
- lobbying political parties to make internal changes so that there are no barriers to women's participation;
- campaigning during elections - local, national and European - to focus attention on women candidates and encourage voter support for them;
- supporting the campaigns of the Women's Political Association during elections;
- providing support for women politicians who seek advice or information on issues;
- working with women in Northern Ireland to promote the importance of women's inclusion in the political process on the island.

Political Party Involvement in the National Women's Council

From its foundation the National Women's Council has been deliberately non party political. In the early years this was in part to ensure that the organisation was not seen as connected with one party or another. There was also concern that one or other political viewpoint would create a bias in National Women's Council policy or activity. Political parties were not entitled to affiliate to the National Women's Council because of this.

In recent years, most political parties have taken on the policies of equality, more women have moved into political positions and women have established their own fora within parties. As this has developed the question of the links between women in the formal political structure and the National Women's Council has been under discussion.

One of the major changes which the National Women's Council Strategic Plan will bring about is that the prohibition on women's groups within political parties affiliating to the National Women's Council will be lifted. It is hoped that the women's sections of all of the parties will take the opportunity to affiliate.

In addition, the Executive Committee has initiated a new approach to linking with elected members of the Oireachtas and will be developing a process of more regular meetings and briefings. This will extend to women MEPs also. It is hoped that in the long term links with women who are local politicians will also be developed. However, the emphasis will be on

encouraging affiliates of the National Women's Council active around the country to make and develop such links with women in their area.

IRISH COUNTRYWOMEN'S ASSOCIATION

The Constitution of the ICA states:

Discussion at Meetings: There shall not be any discussion of a party political or sectarian nature, nor shall any resolution which can be construed to be party political or sectarian be proposed or discussed, at any meeting of the Association.

The ICA considers that this has been one of its great strengths in its 85 years of existence and service to women, and that the ICA fulfils the criteria of the preamble to the recommendation:

'Local women's groups are often the most dynamic change agents in communities, and local community groups and women's organisations can act as a gateway for women to enter party politics. Such women's groups and organisations have an important role to play in encouraging women to participate actively in the most important forums of public life.'

Through its work locally, at county level and nationally, ICA gives invaluable training and encouragement to members who wish to enter public and/or political life. For example the basics are taught of running meetings, finding consensus, chairing, public speaking, preparing and implementing resolutions and working within a constitution at local and national level. This has resulted in members becoming County and District Councillors, as well as sitting on County Enterprise Boards (including a Chair), health boards, VECs, and numerous other public bodies at local level. At national level, ICA is represented on such bodies as the NESF and NESC. The Association also has a nomination for the Senate on the Education and Cultural Panel and is constantly looking for electoral status.

WOMEN'S POLITICAL ASSOCIATION

The aim of the WPA is to encourage and promote the participation of women at all levels of public and political life. The WPA is non-party and non political party, association or group may join.

Recommendation 7.2.5

The Commission recommends that:

- (a) *all social partner organisations should establish definite programmes and timetables to achieve proportional representation of women in their decision making bodies by the year 2000;*
- (b) *specifically, as a temporary positive action measure, reserved seats or places for women should be introduced on executive committees or decision-making forums.*

The Irish Congress of Trade Unions (ICTU) fully supports this recommendation and has set targets and time tables to achieve proportional representation of women on the Executive Council. ICTU currently has four reserved seats for women on the Council.

The Construction Industry Federation (CIF) is committed to increased involvement of women in construction careers at all levels. The CIF's Rules are non-discriminatory in the appointment of women to senior positions and the Federation has nominated women to represent it on a number of Government fora. Under the NOW Programme, the CIF, in conjunction with their French, Spanish, Portuguese and Belgian counterparts, expect to get approval for a project designed to give women, active in the sector, the opportunity to address women's roles in SMEs in the construction industry.

The Irish Business and Employers Confederation (IBEC) support the Commission's desire to achieve a more equitable level of participation by women in their decision-making bodies. However, as a Confederation which represents corporate firms, the idea of proportional representation for women does not fit easily into their representational structure. The issue of reserving seats for women is impractical and is not one which would find favour with their members. IBEC are reviewing all their committees with a view to examining ways in which participation of women could be increased and this matter is kept under regular review. IBEC have an Equal Opportunities Programme for their own staff and have issued guidelines on the subject to their members.

The Irish Creamery Milk Suppliers Association (ICMSA) does not have reserved seats for women on its decision-making bodies. Women compete on equal terms with men for election to these bodies.

The Association encourages participation by women at all levels of its organisation. Women have been elected to the National Council and County Executives since 1978, including a number of County Secretaries. Women members of the Association act on LEADER and County Enterprise Boards. The Association has appointed a woman as one of its representatives on the National Economic and Social Council.

One of the key positions in the Association - national press & public relations officer - has been occupied by a woman for over six years.

The Irish Co-operative Organisation Society (ICOS) agrees with the Commission's aspiration to achieve a more equitable representation of women in the decision-making process. ICOS is a representative organisation and as such accepts the nominations of representatives and the election of representatives on to their Council and Board structure. As a democratic organisation, people are appointed or elected on to the Council on merit as the most suitable person for the job regardless of gender.

ICOS has women involved in their Council and on their technical committees. They feel that providing specific numbers of seats for women within their structure would be artificial and could undermine their contribution as they may not be seen to have earned their place within the structure on their ability.

In recent years ICOS has had a number of women on its National Council who have come through the electoral structure and who have made a most valuable contribution.

ICOS will continue to encourage the participation of women in their structure, but they are reluctant to do this through an artificial quota system.

The overall view of the Irish Farmers' Association (IFA) is that increased participation by women members at senior levels is best achieved "from the ground up" through the existing democratic structure of the organisation, rather than by the imposition of token women representatives at a senior level.

Within this framework, a number of very positive developments are taking place within IFA to increase the participation of women at a senior level:

- (i) While IFA has always encouraged family involvement in the Association, in the past year a new initiative has been taken to boost the involvement of additional family members, in particular spouses, sons and daughters. So far the response to this initiative has been encouraging, leading to increased direct membership and deeper involvement by farm women in the Association "from the ground up".
- (ii) At County Executive Committee level, at present the position of County Secretary is held by women in 9 out of 29 County Executives. The normal progression is that County secretaries, having served in that position for up to four years, would aspire to either the position of County Chairman or National Council Representative.

The National Honorary Returning Officer of IFA has written to all County Executives, in advance of forthcoming elections, pointing out:

- (1) that County Secretaries who are women should be given all reasonable opportunity and support in order to progress to the office of County Chairman or National Council Representative, and
 - (2) that in counties where none of the three senior elected offices (County Chairman, Secretary and National Council Representative) are held by women, County Executive Committees should be reminded of this omission and encouraged to actively address the situation at Branch and County Level.
- (iii) Since the mid-1970's, IFA has sought to recognise the unique role of farm women within the Association, through the National Farm Family Committee and the corresponding County Farm Family Committees. This structure provides for active participation by women from all 880 Branches of the Association in the 29 County Executives. The National Farm Family Committee meets regularly and has direct responsibility for formulating policies in a range of areas, including education, health and farm safety. The Chairperson of the National Farm Family Committee is a woman who, by office, is also a member of the National Council and the National Executive. This process was brought a stage further at the IFA 1993 AGM when, on the recommendation of the President, the Farm Family Committee was given direct representation as of right on all National Committees of the Association. The Farm Family Committee is the only such National Committee of IFA to have this reserved representation. The President's stated objective was to ensure that the viewpoint of farm women is fully recognised in IFA's decision-making process in every area of the Association's activity.
 - (iv) In 1994, for the first time a woman was elected to one of the four Regional Vice Presidents' positions within IFA. This, in turn, entitles the office holder to sit on the small National Honorary Officers Committee, which is the highest advisory Committee to the President. At present, women hold three positions on the National Council which is the governing body of the Association and two on the National Executive.
 - (v) As regards Executive staff members, in the past the nature of the work, including travel to mainly night-time country meetings, tended to attract men to work in the IFA. However, this pattern has also changed and the two recent executive appointments have been women, as Executive Secretaries to the high-profile National Dairy and National Liquid Milk Committees and the Sugar Beet and Forestry Sections.

- (vi) Finally over the past two years IFA has taken an important initiative in providing training and educational seminars for farm women in each county, organised by the County Farm Family Committees. A new initiative is being launched this autumn, again specifically aimed at farm women, focusing on farm and family financial management.

Recommendation 7.3.2

The Commission recommends that the Government and all political parties in the Oireachtas should eliminate the practice of dual mandate, i.e. simultaneous representation in Oireachtas and County Council or in Oireachtas and European Parliament. This should come into force at the next election.

This recommendation was brought to the attention of political parties and the following comments were received:

In relation to the dual mandate, Fianna Fáil does not prevent members of the Oireachtas from exercising a dual mandate as a member of the local authority except where they are appointed Ministers and Ministers of State. In relation to the dual mandate where members of the Oireachtas become members of the European Parliament, successful candidates at the Euro-Elections will be eligible to seek Dáil or Seanad seats at the next General Election on condition that, if successful, they shall resign their seat in the European Parliament forthwith.

Fine Gael supports the Commission's recommendations that the Government and all political parties in the Oireachtas should eliminate the practice of the dual mandate in Oireachtas and in the European Parliament. No decision has yet been taken in relation to simultaneous representation in the Oireachtas and on local authorities.

The Labour Party considers that simultaneous holding of a Dáil seat and a European Parliament seat is undesirable. In relation to simultaneous membership of the Dáil and of a local authority the Labour Party considers that this does not inhibit the performance of the office holders. The Party considers that in many ways the positions are complementary and it is felt that local government would be poorer if Oireachtas members were excluded.

The Green Party supports the Commission's recommendation.

Recommendation 7.3.10

The Commission recommends that all political parties should immediately adopt a positive action programme to encourage increased participation generally by women in politics and increased representation by women. The positive action programme should include the following elements:

- (a) *minimum party quotas for women candidates;*
- (b) *a strategy promoting non-sexist language and behaviour among party members and representatives;*
- (c) *reserved seats for women on National Executives/Executive Committees of political parties;*

- (d) making political party practices more accepting of family responsibilities of both women and men through such practices as revising sitting hours of Dáil and Seanad, and providing crèche facilities at meetings;
- (e) office posts in party branches and higher tiers should be elected on the basis of a minimum 40% representation of either sex;
- (f) selecting women candidates considerably in advance of elections to allow them develop profiles as serious candidates.

The Commission also recommends the part-funding by the exchequer of a Women's Officer for each Dáil political party having reached the threshold of seven seats (on same basis as Exchequer currently part funds Youth Officers i.e. £7,000 per youth officer per year).

The Electoral Bill, 1994, (Section 17(1)), provides for a new system of payments to political parties to replace the existing system of direct payments. As a condition of the receipt of the new payments a party must furnish an audited statement on a yearly basis stating, inter alia, the amounts of the payments applied to the promotion of the participation, respectively, by women and young persons, in political activity. The Bill envisages payments being made in the year in which it comes into operation and it is expected that the Bill will become law in early 1996.

This recommendation was brought to the attention of political parties, and the following observations were received:

Fianna Fáil states it has a positive action programme designed to promote and encourage the increased participation of women in political life and particularly as public representatives.

Ógra Fianna Fáil expressed the view that equal opportunity programmes are unnecessary in its case as the present structures have proved sufficient in ensuring that women members can, and do, obtain leadership positions at all levels. Currently, women hold 45% of offices at constituency level. Ógra Fianna Fáil would welcome and encourage specific training for female voluntary youth leaders.

Fine Gael has no policy on minimum party quotas for women candidates. Fine Gael states that it totally supports a positive action programme to encourage increased participation by women in politics and also promotes non-sexist language and behaviour among party members and representatives. As yet, no seats are reserved for women on the National Executive, but, it is stated, there is a healthy balance on such committees within the party.

The Labour Party operates a gender quota system. It considers that a quota should start at a minimum of 20% and work towards 40%. The Party opposes the concept of reserved seats for women as the experience is that women contest the reserved seats against other women, leaving the other seats to men. If the quota is not achieved with women contesting on the same basis as men it should be met by co-options among the contestants. The procedure of selecting candidates considerably in advance of elections has been followed for many years for both men and women.

The Labour Party supports the recommendation to make practices and structures in parties more accepting of family responsibilities. The Labour Party also supports the proposal regarding the appointment of Women's Officers but considers that the £7,000 per annum would not be sufficient for this position and suggests that it be at least doubled.

The Green Party accepts the recommendation. The Party's Constitution provides that the Executive (Co-ordinating) Committee consists of two panels; only women can be nominated to one of them. In 1993 the Executive of eleven members consisted of eight women and three men. The Party agrees with the proposal for the appointment of Women's Officers, but considers that the measure should apply to all parties represented in the Oireachtas.

The Democratic Left Constitution provides for a 40% gender quota on the National Executive and 30% of the candidates in the 1992 General Election were women. In relation to the appointment of Women's Officers the Party does not support the seven-seat threshold.

Recommendation 7.3.11

The Commission recommends that the Government implement a proposal¹ to bring about equal representation by women and men in Seanad Éireann. The Commission also recommends that all the political parties in the Oireachtas should support the proposal and accordingly nominate equal numbers of women and men candidates for the panel seats.

This recommendation was brought to the attention of political parties and the following comments were received:

Fianna Fáil Women's Committee and the National Executive have rejected the idea of quotas, believing that candidates should be selected and elected on merit. It is recognised that there is a need for positive action programmes.

The Labour Party considers that the proposal needs more careful thought and analysis. The suggestion that each party nominate equal numbers of men and women is pointless as it does not guarantee the election of an equal number. Rather, they would suggest the implementation of a gender quota on a phased and progressive basis.

The Green Party supports the Commission's recommendation.

No decision or discussion has taken place within the Fine Gael Party in relation to this recommendation.

Recommendation 7.3.12

The Commission recommends that the Minister for Women's Affairs should keep the level of representation by women in Dáil Éireann under review so that if, ten years after publication of the

¹ The changed format which the Commission recommends is that the Government should replace the existing sub-panels by a "Women's sub-panel" (comprised entirely of women) and a "Men's sub-panel" (comprised entirely of men). The quota of candidates to be elected from each sub-panel would remain unchanged, i.e., sixteen from each sub-panel. The existing bodies with nominating rights could retain them, as would the Oireachtas, and the electorate would remain unchanged.

(continued on bottom of following page)

Commission's Report there is still not a sufficient number of women TDs, the Minister can bring forward legislative proposals for gender quotas.

This will be kept under review by the Minister for Equality and Law Reform.

Recommendation 7.4.1

The Commission recommends that the Government should require nominating bodies to practise a gender balance policy similar to that applied by the Government. In cases where nominating bodies only nominate one individual they could alternate terms of service between men and women.

Nominating bodies have been asked to comply with the Government's target of a minimum representation of 40% of men and women on State boards. In many cases that level of compliance has not been achieved. Pressure is being brought to bear and appointing bodies are being told when making nominations, particularly when more than one appointment is concerned, that they should comply with the standards set by the Government themselves.

The commitment of the Department of Education to the implementation of this recommendation was shown by the Regional Technical Colleges/Dublin Institute of Technology Amendment Acts which impose a statutory obligation on VECs to ensure a gender balance in their nominations for membership of the Governing Bodies of Regional Technical Colleges and the Dublin Institute of Technology. The original legislation imposed an obligation on the Minister for Education to have a gender balance but did not provide the necessary legislative authority for the means of achieving this. The Acts now brought into effect have resolved the situation. Two recent High Court rulings have confirmed that the Minister does have the authority described in the Acts.

The White Paper on Education sets out the overall approach to the establishment of Regional Education Boards, and states that the precise numbers on the boards will be set out in legislation, which will also provide for an appropriate gender balance on all boards, in accordance with Government policy. (p. 169)

Following the Government decision of 30 March 1993 regarding appointments to State Boards, those organisations who nominate persons for appointment to An Bord Pleanála, An Chomhairle Leabharlanna and the Environmental Protection Agency Advisory Committee were informed by the Department of the Environment of the Government's objective of achieving a minimum of 40% of both men and women on the Boards of State bodies and were requested to ensure that the Government decision is taken into account when considering the question of nominations. The Government decision was also brought to the specific attention of local authorities in view of their nominating rights to a range of State and other boards.

With regard to the six University members, the Constitution was changed in 1979 to allow for the inclusion among this electorate of graduates from other Institutions of Higher Education. In introducing legislation to give this force, the Government could establish sub-panels to bring about the election of three women and three men. Finally, the Taoiseach's eleven nominees could be comprised of men and women in proportions opposite to those of the eleven ex-quota candidates elected on the panel seats.

It should be noted that the existing statutory selection procedures for some boards, e.g. An Bord Pleanála, the Environmental Protection Agency, the Local Government Staff Negotiations Board and the Local Government Computer Services Board are such that it is difficult to achieve the desired gender balance, particularly where nominating bodies are already largely male (e.g. all City and County Managers are currently male and have been appointed by open competition and would not be in a position to put forward a female nominee).

As a result of the Government decision in relation to the achievement of a 40% gender balance, the Department of Health, when writing to individual nominating organisations, has asked that the Government policy be borne in mind when nominations for appointments to State boards were being made. The Department of Agriculture, Food and Forestry will be writing inviting various organisations to nominate representatives for:

- (a) LEADER II Advisory Committee
- (b) Rural Development Policy Forum

and nominations will be invited on the basis of the principle outlined in Recommendation 7.4.1.

The following extract from the Operating Rules of LEADER II sets out the efforts which are being made to involve women at Board level in LEADER groups:

5.4 Appointment of Directors

The arrangement for the appointment of Directors should provide for the rotation of membership, with Directors whose term of office expires on a rotational basis not being eligible for re-appointment for at least a term. The Groups should have a target of at least 40% female Directors by the conclusion of the programme. The target should be achieved in stages over the life of the programme.

ICTU supports this recommendation and has put in place a mechanism to ensure a gender balance in nominations to outside bodies. In its current equality programme, entitled 'Mainstreaming Equality', affiliated unions are required to ensure a gender balance in their nomination of members for consideration by Congress to outside bodies. In the event of a gender imbalance in nominations received by Congress from affiliated unions, Congress will request either the *ICTU* Women's Committee or the Equality Network (as appropriate) to nominate.

It is *IBEC's* policy that as far as possible it seeks to nominate a balanced panel of representation on the various bodies to which it has nominating rights. However, this can be particularly difficult where existing nominees wish to continue to be involved and where suitable nominees of either sex are quite limited. *IBEC* continues to keep the matter under review.

In regard to recommendation 7.4.1 and 7.4.3 *ICMSA* say that there can be practical difficulties in putting these into effect, particularly for an organisation such as theirs. *ICMSA* are doing their best to comply where they can but the nature of their business makes it extremely difficult and not possible in all cases. *ICMSA* considers that where the balance of 40% has to be achieved within a sector, e.g., between the farm organisations and the representative of Co-ops, it interferes with the independence of each body as a social partner, and with the democratic procedure of selection of representatives.

ICMSA has nominations to NESC and Teagasc. Of their two nominations to NESC they have nominated one woman. The nominee (a man) to Teagasc is currently serving out his term of office.

Recommendation 7.4.3

The Commission recommends that women should be recognised as a factor in the social partner equation. In particular, we recommend that women's interests should be represented on the NESC and that there should be 40% representation of women on Bord Pleanála and on the boards of bodies with responsibility for education and training, such as VECs, EOLAS, TEAGASC, FÁS and CERT.

NESC has been reconstituted and in formulating its terms of reference specific account was taken of this recommendation.

Five of the nine persons nominated by the Government to NESC are women. In addition the recommendation that women's interests should be represented was enforced upon the social partners, and as a result, a significant number of women are included on the Council.

The National Economic and Social Forum (NESF) was established by the Government in 1993. During its First Term of Office (June 1993 - June 1995) the Forum had 49 members of which 21, or 43%, were women.

In June 1995, the Government renewed the Forum's mandate covering the period up to end-December, 1997. Nominations were received from the various participating bodies and organisations, and of the 49 members, women now account for 25, or 51%, of the total.

In terms of the Government's own nominations to the NESF, the previous balance of 4 women and 2 men has been maintained for the Forum's second term of office.

All nominating bodies/organisations had been asked to bear in mind the Government decision on gender equality on State boards.

IFA is a nominating body in relation to the two broadly based consultative bodies, NESC and NESF. Recently the IFA President stepped down from his position as one of IFA's two representatives on the NESC and was replaced by a woman. IFA have one position on the NESF, which is currently held by the Deputy President with the female Vice President acting as an alternate member.

In regard to education and training bodies, the Association's male Deputy President holds their only position on the board of Teagasc, which also deals with agricultural research and the farm advisory service. In other areas related to education and training, IFA is represented by women. For example, IFA women hold seats on the Steering Committee on Higher Education, and the boards of governors of Waterford RTC and Meath Colleges of Further Education.

The manner of appointment of the Chair and members of An Bord Pleanála is governed by the Local Government (Planning and Development) Act, 1983.

The Board consists of the Chairman and five ordinary members, all of whom are appointed in a whole-time capacity and may not engage in any other employment. Under the relevant

legislative provisions, the Chairman of the Board is appointed by the Government from a list of three candidates (selected by a committee consisting of office holders specified in the Act) after a selection process involving public advertisement and interview; in the case of the five ordinary members, one is required to be an established civil servant from the Department of the Environment and the other four are appointed by four separate independent nominating panels comprising a wide number of prescribed bodies, representing professional, environmental, developmental and general interests. The Department of the Environment drew the attention of the nominating bodies to An Bord Pleanála to the Government's objective of achieving a minimum of 40% of both men and women among the membership of boards of State sponsored bodies. Nominating bodies were requested to take this objective into account when making their selection.

The existing Board of 6 persons now includes 2 women, appointed on 20 March, 1994 and 25 January, 1995 respectively. This represents 33% of the total membership and includes the post of Deputy Chair and an established civil servant from the Department of the Environment. No vacancy is due to arise until 2 November, 1996. The Minister will, however, be keeping the Government's objective in mind when making any future appointments to An Bord Pleanála.

Teagasc has an eleven member Board consisting of a Chairperson and 10 ordinary members. There are two women on the Board at present, both of whom are Ministerial nominees. Five of the ordinary members are nominated by agricultural bodies (IFA, ICMSA, ICOS, Macra na Feirme and Teagasc trade unions). When seeking nominations from these bodies to fill vacancies, the Minister for Agriculture, Food and Forestry advises them of the Government's gender balance policy and requests them to follow a similar practice, and asks that, where bodies only nominate one individual, they would alternate terms of service between men and women.

Local authorities have been asked to ensure that the views of women are fully represented in their consultation procedures for drafting and reviewing of local development plans.

ICTU supports this recommendation also, and comments at 7.4.1 above apply. IBEC comments at 7.4.1 above also apply.

Recommendation 7.4.4

In relation to women on the social partner agenda the Commission recommends that the following strategy should be set in place:

(a) Pre-Programme Consultation

A consultation process should be carried out by the Programme secretariat and management team on a systematic and planned basis to assist in formulating the programme agenda (a certain amount of such consultation already took place in drawing up the PESP). The purpose of this consultation process is to provide a focus and context which complements the negotiations of the social partners.

For women's interests, we believe that the appropriate body to fill this consultative role is the Council for the Status of Women.

(b) *Advisory Committee*

The second stage of the process should be that an Advisory Committee drawn from consultative groups such as the Council for the Status of Women should link in to the Programme's Central Review Committee via the programme secretariat and management team in order to monitor progress of the programme. One of the main functions of this committee would be to keep items of concern active on the Programme agenda.

- (a) The Government requested the National Economic and Social Forum on which women's organisations are represented to submit proposals on issues to be taken into consideration in negotiating the Programme for Competitiveness and Work and full account was taken of the views of the Forum in the preparation of the Programme.
- (b) The Central Review Committee in deciding on its work programme envisaged that the Secretariats of both NESC and NESF would be requested on occasion for position papers which outline work in progress or completed which is relevant. Presentations by either body can be made to the Central Review Committee, as appropriate. The 'First Progress Report on the Implementation of the Second Commission on the Status of Women' was circulated to the members of the CRC, and the issue of work sharing has been extensively discussed.

The Central Review Committee Secretariat are available at all times to meet consultative groups such as the National Women's Council of Ireland to monitor progress under the Programme for Competitiveness and Work.

Recommendation 7.4.5

The Commission recommends that the annual grant to the Council for the Status of Women should be doubled at least.

The grant for the National Women's Council (formerly the Council for the Status of Women) increased from £114,000 in 1992 to £140,000 in 1994 and 1995, and 170,000 in 1996 for general purposes.

Recommendation 7.5.2

The Commission recommends the establishment of a Department of Women's Affairs, headed by a Minister of Cabinet rank, with its own budget, staff and policy areas.

The Department of Equality and Law Reform was established in January 1993, headed by a Minister of Cabinet rank. It has responsibility, inter alia, for women's affairs.

See also Recommendation 7.5.3.

Recommendation 7.5.3

The Commission recommends the following as constituting the main responsibilities of the Department of Women's Affairs within the overall policy aims set out at paragraph 7.5.2:

- monitoring implementation of the recommendations of the Commission;
- the development of policy initiatives;
- serving as national focal point for periodic national reports required under United Nations Convention on the Elimination of all Forms of Discrimination Against Women;
- participating in appropriate forums of EC, OECD, Council of Europe, etc., with regard to policy-making on issues of concern to women;
- monitoring, taking into account the role of the Equality Commission, equal opportunities in areas to be covered by proposed equality legislation e.g., education, non-discriminatory access to credit;
- location of proposed Women's Business Bureau (see Chapter 3, Women and Work);
- providing grant for Council for the Status of Women activities;
- operating grants scheme for local women's organisations.

This list is not intended to be definitive.

The Department of Equality and Law Reform has responsibility for promoting and implementing, through institutional, administrative and legal reform, equality of treatment for persons experiencing disability, disadvantage or discrimination. The Department is charged with the preparation of equal status and employment equality legislation which will prohibit discrimination on a range of grounds and which will render discrimination unlawful not only in the workplace, but also in education, in the provision of goods, facilities and services and in the disposal of accommodation or other premises.

In addition, the Department of Equality and Law Reform is pursuing a major programme for reform of family law and the rights of women. The Department has responsibility for administering a system of civil legal aid to ensure equal access to the law, regardless of income. The functions of the Department of Equality and Law Reform correspond to and include a number of the areas identified in the recommendation, including:

- monitoring implementation of the Commission's recommendations;
- the drafting of policy initiatives;
- preparing Ireland's reports under CEDAW;
- participating in forums such as the EU, Council of Europe and UN with regard to areas of responsibility of the Department;
- administering the grant for the National Women's Council of Ireland.

With regard to the proposed Women's Business Bureau, see under Recommendation 3.8.6(c).

Recommendation 7.6.1

The Commission recommends that the Minister for Social Welfare should review the theory and practice of existing guidelines for her/his Department in order to achieve equal treatment of women and men. This policy should be monitored on an on-going basis.

Monitoring and review of social welfare guidelines takes place on an on-going basis.

Recommendation 7.6.2

The Commission recommends that:

- (a) all Government Departments should revise the application forms they send out to the public to ensure that sexist wording is eliminated from them;
 - (b) Government Ministers and Departments should routinely use "Ms." as the form of address when corresponding with women, unless requested otherwise.
- (a) **Any forms used by Government departments are regularly reviewed to eliminate any wording which could be interpreted as sexist.**
- (b) **The use of "Ms" is standard practice within the public sector.**

Recommendation 7.6.3

The Commission recommends that all public sector bodies should specify in job advertisements that they are "an equal opportunities employer".

This is already the practice within the public sector.

Culture and Sport

Recommendation 8.2.1

The Commission recommends that the Government should direct the Minister of State with responsibility for the arts to draw up a women's arts policy geared to greater participation and recognition of women in the arts. The Arts Council should be charged with the task of developing specific programmes and projects in order to put policy into practice.

and

Recommendation 8.2.2

The Commission recommends that a women's arts policy for implementation by the Arts Council should have the following elements:

- (a) a gender breakdown of grants and expenditure, in so far as this is possible. The gender breakdown should be routinely incorporated in the Arts Council's annual reports. The gender breakdown would be the mechanism for monitoring Exchequer and Lottery funding of the Arts and ensuring that a fair proportion of support could be directed towards women artists and women-led projects;*
- (b) gender balance of the Arts Council sub-committees in line with the 40%/60% recommendation in the First Statement of the Commission;*
- (c) annual prizes for women in, for example, sculpting, short story writing, playwriting, etc. The significance of a prize or competition scheme is to serve as encouragement to women in the arts and to increase their visibility to the general audience;*
- (d) appointment of a women's arts officer, at the same grade as other arts officers, specifically to promote artistic endeavours by women.*

and

Recommendation 8.2.3

The Commission recommends that women authors and other women of achievement should be featured in significant numbers in the post-primary school curricula, with regular reviews to keep their representation up to date.

The Arts Council has a policy of ensuring equal representation for men and women in the organisations over which it has direct control. This policy is rigorously implemented. The Council ensures, in so far as is possible, that all panels which assess bursaries and other awards have a good gender balance. Boards appointed by the Council are also, in so far as possible, formed with a good gender balance.

As regards the question of the preparation of a women's arts policy and of gender breakdowns of both grants and expenditure, the Arts Council have been asked by the Minister for Arts, Culture and the Gaeltacht to prepare a three-year co-ordinated plan and this mech-

anism is seen as a useful forum to explore and respond to the Commission's recommendations over time.

The make-up of sub-committees of the Council is determined by the gender balance of the Council itself. The new Council appointed in 1993 is made up of eight women and nine men.

The Department of Arts, Culture and the Gaeltacht agrees with and fully supports recommendation 8.2.3.

An Comhairle Ealaíon (The Arts Council) agrees with the thrust of the Commission's Report on recognition of women's cultural contribution. A key feature of all of the direct (touring exhibitions/writers in schools etc) and indirect services to schools (theatre in education etc) is that women and women's experience are equally represented. A majority of the reading done in schools under the Writers In Schools Scheme are by contemporary women writers and the latest exhibition for schools, *Inside Out*, dealt specifically with issues relating to gender. Of 18 artists in residence in schools projects recently approved, 10 involve women artists.

These projects are adjudicated on the basis of the combined artistic and educational merit of the project and issues of genre, geography and gender (whilst considered) are regarded as secondary but not insignificant or irrelevant.

In promoting excellence in the arts in Ireland, it has to be argued that the only criterion for recognition of this quality that can be applied is the excellence of the work in question. To introduce segregated recognition procedures runs the risk of devaluing the very recognition that is being bestowed by introducing (accidentally or otherwise) the notion of 'special case' pleading. The record of Arts Council awards to individual artists shows that women artists are far from invisible, that their cultural contribution is recognised in full and the view has been expressed that to introduce a "women's" award system, whilst of symbolic importance maybe, is not necessary and in the opinion of the Arts Council could be potentially damaging to the status of the award and contrary to the principle of excellence.

A point worth noting in connection with the role of women in the arts is that 8 full-time posts in the area of the arts and education in arts organisations supported by the Arts Council have all been filled by women (following appropriate interview and selection procedures of course).

Positive discrimination measures in the area of the arts are complicated by issues of recognition of excellence.

In its review of syllabi such as English and Irish at Leaving Certificate, the NCCA has incorporated into the terms of reference of the appropriate committees that gender equality be a criterion in the selection of prescribed texts.

In the Junior Certificate Geography syllabus the role of women is a recurring theme.

Recommendation 8.3.2

The Commission recommends that:

- (a) *the National Council for Curriculum and Assessment should prioritise the inclusion of women in history when drawing up the new history curriculum and teaching materials at Primary school level;*

(b) *the History Course Committees for the Junior and Leaving Certificates should review the treatment of women in the courses on offer and the texts being studied;*

(c) *the History Departments in Third Level Colleges should undertake a similar review in order to redress the exclusion of women in history studies.*

- (a) **Following further work on the development of a draft curricular statement in history for the primary school, the aims of history have been amended to include:**

“to make pupils aware of the lives of women, men and children in the past and how people and events have impacted upon each other”.

Rubrics have been included stressing the importance of “the need to have gender, culture, ethnic and religious balance in the range of historical characters”.

In the draft programme recommended for fifth and sixth classes the “role of women in 19th and 20th centuries” is suggested as a unit within the section “Eras of conflict and change”.

- (b) **The review of the Junior Certificate History syllabus has adjusted the section on Social History; “Changing Life-styles in Ireland from circa 1900” is now studied under four specific headings, one of which is “The Role of Women”.**

In relation to the Leaving Certificate History syllabus, the new course committee has recently held its inaugural meeting and the “treatment of women” in the new course(s) is included in the committee’s terms of reference.

- (c) **The universities have full autonomy in relation to the courses they provide, and the Department of Education has no function in the design of these courses.**

Recommendation 8.3.3

Molann an Coimisiún go ndéanfadh an Roinn Oideachais agus Roinn na Gaeltachta soláthar do choimisiúnú agus do dháileadh áiseanna closamhairc chun cabhrú le tuismitheoirí, máthreacha go háirithe, i dtíolacadh agus i gcothú na Gaeilge agus an chultúir.

The Commission recommends that the Department of Education and the Department of the Gaeltacht allow for the commissioning and the distribution of aural and visual aids to help parents, and mothers in particular, in bestowing and nurturing the Irish language and the Irish culture.

The Department of Arts, Culture and the Gaeltacht aids organisations which support parents who wish to nurture and cultivate the Irish language and culture in the next generation. Among these organisations are an Comhchoiste Réamhscolaíochta, Eagraíocht na Scoileanna Gaeltachta, and Gaelscoileanna.

AN RÉAMHSCOLAÍOCHTA

£20,000 was granted from National Lottery funds to this group, to provide facilities for 3-7 year olds, as well as equipment such as cassettes and videos, for use by pre-school groups and by the general public.

EAGRAÍOCHT NA SCOILEANNA GAELTACHTA

£30,000 per annum, provided from the National Lottery funds is divided between three regional committees within this organisation. They work as support groups for parents and teachers in Gaeltacht areas. Parents play a central role in these committees.

GAELSCOILEANNA

Although provision for Gaelscoileanna strictly comes under the auspices of the Department of Education, the Department of Arts, Culture and the Gaeltacht has grant aided this organisation with £40,000 per annum, for a period of two years, from National Lottery funds, to carry out a development programme.

Aras Mháirtín Uí Chadhain was given a once-off grant of £60,000 to facilitate a broad range of activities associated with the perpetuation of Irish in the home and in the community. Many women are involved in these events.

BORD NA GAEILGE

As regards specific recommendations made with reference to Irish language and our national heritage, the Áis (Áisínteachta Dáiliúcháin Leabhar) Section of Bord na Gaeilge functions as a book distributor. Among the 2,000 titles in distribution, there is a wide range of books, posters and learning aids directed at children, mothers and parents in general. For example, the Áis distributes "Bun Ghaeilge do Thuismitheoirí/Basic Irish for Parents" (supplied by an Comhchoiste Réamhscolaíochta) with cassette tapes in all dialects.

From time to time, Bord na Gaeilge arranges the commissioning/manufacturing of aural and visual goods aimed at nurturing the use and the perpetuation of the Irish language.

On 9 November, 1993 the Minister for State at the Department of Arts, Culture and the Gaeltacht launched a video produced by Bord na Gaeilge, called "Tá sé ina Lá". This video is directed specifically at parents and students, and is being distributed free of charge by Bord na Gaeilge to all post primary schools.

Recommendation 8.4.4

The Commission recommends that:

- (a) *all churches in Ireland should make a formal statement on the equality of women and men, particularly in the context of marriage and relationships;*
- (b) *all churches should treat and refer to women as individuals, not just as wives and mothers;*
- (c) *all churches should move towards the increased appointment of women to decision-making positions;*
- (d) *all church texts, statements and religious services should be reviewed to ensure that, wherever possible, language which is inclusive of women is used;*

- (e) *all the churches should set up a structure to facilitate regular dialogue between the representatives of womens' groups and the respective church authorities;*
- (f) *in colleges and seminaries where persons preparing for religious life are trained, women should be accepted as professors, lecturers and students.*

The recommendation was drawn to the attention of the various church bodies and the following comments were received:

ROMAN CATHOLIC CHURCH

The role of women in the Catholic Church is a matter of increasing interest and concern to a growing constituency within the Church, including grassroots groups, theologians, religious and clergy.

In 1989 the Irish Commission for Justice and Peace, a Commission of the Irish Catholic Bishops' Conference, set up a Working Group on Women in the Church (WGWC). This initiated a process of exploration and dialogue which has become increasingly broad in scope. In October, 1993 the Irish Catholic Bishops' Conference encouraged the Commission to carry on this process and to continue to make suggestions and proposals to it on the role of women in the Church.

The Working Group made the following observations on the Commission's recommendations:

- (a) At the level of the Catholic Church world-wide the equality of men and women has been formally stated in conciliar and papal documents. In an Irish context the theological and sociological implications of the equality of women and men were explored at a Study Day on "Women in the Church in Ireland" organised by the WGWC in October, 1993;
- (b) The position of women as individuals, not just as wives and mothers, is implicit in Catholic statements of the equality of men and women; the WGWC is concerned to ensure that it is fully recognised in practice;
- (c) The increased appointment of women to decision making positions is being followed up by the WGWC in discussion with the Bishops' Conference and its various commissions;
- (d) The International Catholic body for English in the Liturgy (ICEL) has had a policy of promoting inclusive language since 1975. The Irish bishops are submitting proposals on a new translation of the Missal into English to ICEL and these include recommendations on the use of inclusive language. In 1993, the WGWC produced an information note on the current situation in regard to inclusive language in the liturgy;
- (e) The WGWC facilitates dialogue;
- (f) A survey by WGWC of the current position in regard to resourcing of women preparing for religious life in terms of training, education and formation is under way in consultation with the Pastoral Commission of the Bishops' Conference.

CHURCH OF IRELAND

The recommendations of the Commission on the Status of Women with regard to the churches in Ireland accord in spirit with the policy at present being implemented by the Church of Ireland.

- (a) The equality of women is recognised at each level of Church life. Recent revision of the liturgy for Marriage has presented marriage as a relationship between equal partners.
- (b) The treatment of women as individuals within the Church is enshrined within doctrine. Women are ordained as priests and deacons. Women may be elected as bishops. Recently passed church legislation (1990) with regard to the ordination of women rules out any discrimination against women in the ordained ministry.
- (c) Women are now active in the highest decision making bodies of the Church of Ireland - the General Synod and the Representative Body of the Church of Ireland. On the international Anglican Consultative Council, the Church of Ireland has two representatives, one of whom is a woman. Whenever a delegation is formed to represent the Church of Ireland, a fair balance is sought between clergy and lay, men and women, young and old, Northern Ireland and the Republic, urban and rural etc.
- (d) In January, 1993, the House of Bishops approved a series of alterations to the Liturgy incorporating inclusive language. In 1992, the House of Bishops approved for use in public worship a version of the Bible (New Revised, Standard Version) which incorporates inclusive language throughout. Those preparing reports for the Church take care to avoid "sexist" language.
- (e) There has been a policy of facilitating dialogue with women's groups, and the appointment of a liaison bishop where appropriate.
- (f) The Church of Ireland has only one Theological College (Seminary) and for the last five years there has been a woman (now a priest) on the full-time teaching staff.

The Standing Committee of the General Synod of the Church of Ireland reported that, in 1990, 80 women were elected members of the General Synod out of a total lay representation of 432 (18.5%). For electoral purposes there are 21 dioceses, and women are included among the representatives elected for every one of them. The Standing Committee represents the General Synod when it is not in session. It has 30 lay members, 8 of whom are women. In Church of Ireland primary schools 93% of principal teachers are women, and in most instances they are also secretaries of boards of management.

Emoluments in the Church of Ireland are attached to the office which is held, not to the individual who happens to hold it. Hence, they are identical whether the office is held by a man or a woman. Women who have been ordained are enrolled as members of the Pensions Fund on terms identical with those applicable to male clergy.

There is no constitutional ban to the holding by a woman of any office, clerical or lay, in the Church of Ireland.

RELIGIOUS SOCIETY OF FRIENDS IN IRELAND (QUAKERS)

- (a) The Society does not consider it appropriate or necessary to make a formal statement on equality of women and men. Since the establishment of the Religious Society of Friends, in 1652, the Society has regarded it as natural, right and proper that both women and men should have equal opportunities and equal responsibilities in every facet of life.
- (b) While the Society is opposed to referring to women, or to men, in terms that would demean them, it could not subscribe to a directive that forbids a simple description e.g. fireman, father, mother, husband, wife.
- (c) Gender is irrelevant to the appointment of women and men to decision making positions.
- (d) The Society does not subscribe to rewriting the Bible and considers that the usage of e.g. "man" and "mankind" in scriptural and church writings has no gender connotation. Where there is new writing, or complete revision of existing writing, the Society agrees that, where wording clearly indicates unfairness towards, or lack of respect for, either men or women, that wording should be adjusted so as to cause no offence.
- (e) The Society does not have separate women's groups. All committees and groups are equally open to women and men.
- (f) The Society believes that both men and women should be accepted as professors, lecturers and students in colleges and seminaries; selection should be on the basis of suitability.

The Society wholeheartedly agrees with what is implicit in the Commission's recommendations - namely that there are far too many instances in life generally, and in the churches in particular, where women have patently not been given the same opportunities as men. It makes a strong plea however for the use of common sense and balanced judgements in dealing with the problem.

PRESBYTERIAN CHURCH OF IRELAND

The Presbytery of Dublin and Munster finds nothing in the recommendations that they are not already committed to in their life and work.

Women have been eligible for election and ordination to the ruling eldership since 1926, on the same conditions as men. They have also been eligible for nomination as students for the ministry and for ordination since 1973. All positions within the Church are open to women and men. In a church structure in which all men and women vote, and in which congregations elect their own ruling elders and call their own minister not all change can be imposed from the top. However, women continue to be called as teaching and ruling elders in steadily increasing numbers.

The response of the Presbytery of Dublin and Munster does not purport to reflect the view of the Synod of Dublin or the General Assembly.

THE LUTHERAN CHURCH IN IRELAND

Female pastors have been ordained in the Lutheran Church since 1926; 25% of theological students are female. The first woman bishop was consecrated in Hamburg in 1993. The Lutheran Church in Ireland has a long list of female pastors and assistant pastors this century. The Church Council views the ordination of women as the significant question and feels that if this is positively resolved the rest of the Commission's concerns will be tackled or resolved.

THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI (IRELAND)

Equality between men and women is an integral part of the teachings of the Baha'u'llah and is an article of faith for all members. The Baha'i faith does not regard itself as a "church" and would recommend that the term "church" should be replaced with "faith" or "religious" as "church" is not inclusive.

The Baha'i Faith is that of unity in diversity.

THE METHODIST CHURCH IN IRELAND

The Methodist Church is in full agreement with recommendation 8.4.4. Women have equal standing with men in all the Courts of the Church. A number of women are fully ordained into the Ministry and women hold responsible positions in practically all Committees. The Manual of Laws is being revised and will use inclusive language.

THE SALVATION ARMY

Since its formation in 1865 the Salvation Army has accorded women equal opportunities, with every rank and service open to both men and women. The world leader of the Salvation Army is a woman.

The Salvation Army fully supports the recommendations of the Commission.

Recommendation 8.5.1

The Commission recommends that the Minister for Communications should set in train the following strategies for implementation by both RTE and independent radio stations:

- (a) monitoring on a regular basis the presence of women in all job types, especially management and technical jobs, until women are equitably represented;*
- (b) policies to ensure that women are visible on television as senior authority figures;*
- (c) reporting on an annual basis of the results of the monitoring and policies outlined in (a) and (b) above;*
- (d) training strategies to develop the management and technical potential of women and to develop an awareness among male decision-makers of sexism and sex-stereotyping within the organisation and in terms of programme-making and programme content;*

(e) RTE and the Independent Radio and Television Commission (IRTC) should also be encouraged by the Minister for Communications to set up annual awards similar to the Commission of the European Communities' NIKE prize for programmes which contribute to the better image of women in television.

- (a)-(c) RTE operates an Equal Opportunity Policy and states that there is no discrimination in favour of men or women in the selection of programme presenters or reporters. RTE states that there is strong representation of women among the on-air programme presenters and women are involved in the presentation of sports programmes.

The IRTC has undertaken to monitor on a regular basis the presence of women in all job types, including management and technical jobs and would be happy to report on the results of monitoring on an annual basis. The IRTC has no independent television programme service at present and, therefore, this recommendation is not applicable to the Commission.

- (d) RTE has been engaged in training programmes aimed at developing higher management and technical skills among women. The IRTC is prepared to examine this area in the context of a wider training initiative being planned for the independent radio sector.
- (e) RTE would be prepared to examine this suggestion. RTE co-sponsored, with An Post, the Action for Equality Awards organised by the Department of Equality and Law Reform. RTE commissioned a series of TV programmes on the awards, and will co-sponsor the next awards.

Because the IRTC has no independent television programme service, the awards, as recommended by the Commission, are not directly relevant at present. However, in the context of any radio awards which may be introduced by the IRTC, it is prepared to look at specific awards which would encourage the involvement of women in production and presentation, as well as other areas of broadcasting.

Recommendation 8.5.2

The Commission recommends that:

- (a) there should be responsible implementation by editors and journalists of the NUJ Code of Professional Conduct and guidelines relating to sexism;
- (b) an equal opportunities policy intended to ensure the advancement of women and the active involvement of women in all aspects of planning should be developed, implemented and monitored by individual managements in the print media;
- (c) the NUJ should circularise its members drawing attention to continued breaches of Clause 10 of the Code of Professional Conduct and, if feasible, re-issue the booklet "Images of Women - Guidelines for Promoting Equality".

The print media indicate that the NUJ Code of Professional Conduct is operated fully within the industry.

Recommendation 8.5.3

The Commission recommends that all newspapers should make provision for a certain number of job-sharing posts in journalism.

The print media in general indicate that they are not opposed to job-sharing.

Recommendation 8.5.4

The Commission recommends that the organisers of all media awards should ensure that the jury or critics deciding on the awards should comprise both women and men and that both women and men have an input into drawing up the criteria used to decide awards.

This is a matter for all media award organisers individually and has been brought to the attention of RTE, the IRTC and national newspapers.

Recommendation 8.5.5

The Commission recommends that RTE should examine its practices with a view to ensuring that, in their own productions and in those of independent producers, women are not expected to comply with much more stringent visual images of themselves than men are. Factors such as age should not be used to exclude women from positions as television presenters.

RTE states that all staff are treated equally in relation to visual images and there are no discriminatory practices in operation.

Recommendation 8.5.6

The Commission recommends that specific non-sexist criteria should be incorporated in the proposed guidelines to be drawn up under the Broadcasting Act. The Commission further recommends that the implementation of equal opportunity, non-sexist, non sex-stereotyped and non-discriminatory on the basis of sexual orientation policies should be performance criteria in determining licence renewal for independent radio stations.

The codes prepared under the Broadcasting Act, 1990 relate to standards, practice and prohibitions in advertising, sponsorship or other forms of commercial promotion in broadcasting services. They draw in particular on EC Directive 89/552 which provides, inter alia, that television advertising shall "not include any discrimination on grounds of race, sex or nationality". These codes were published on 21 September, 1995, and may be purchased from the Government Publications Sales Officer, Sun Alliance House, Molesworth Street, Dublin 1.

With regard to the recommendation that the implementation of equal opportunity, non-sexist, non-sex stereotyped and non-discriminatory on the basis of sexual orientation policies should be performance criteria in determining licence-renewal for independent radio stations, the IRTC points out that it has not, as yet, renewed any licence for an individual station. This process will commence during 1996 and onwards. The criteria to be used in determining licence renewal will cover a very broad range of issues. However, the IRTC would be happy to include the track-record of stations in this area; a consideration in determining their company's licence renewal with the IRTC.

At present the IRTC is undertaking the licensing of community and community of interest stations throughout the country, as an 18-month pilot project. One of the criteria for the award of licences was that a fair gender-balance be achieved in the ownership and management structures of the stations. The criteria set down by the Commission required, as a minimum, a 60%-40% or a 40%-60% balance of males and females in the management structures.

The IRTC is part of a consortium which has had a project approved for funding under the NOW (New Opportunities for Women) Programme, an EU initiative administered by the Department of Enterprise and Employment through the offices of the National Women's Council. The principal aim of this project is to examine the reasons why women are under-represented in management positions within the independent radio sector, with a view to promoting and accelerating the integration of women into all sectors of independent broadcasting in Ireland.

The key features of the project will be:

- (a) to undertake research into the subject and
- (b) to conduct significant training initiatives which would help to redress the imbalance.

Recommendation 8.5.7

The Commission recommends that RTE, independent radio and the print media should set themselves targets for the increased featuring of women's sports. We would suggest a five year policy, during which coverage of women's sports would be increased in each year. At the end of the five year period, policy should be reviewed; another aspect of this policy should be a commitment on the part of RTE, independent radio and the print media to feature more women sports commentators and journalists.

RTE is giving increased coverage to women's sports and women are involved in the presentation of sports programmes. RTE have indicated that the number of hours devoted to purely women's sports in its television service is as follows:

Year	Number of Hours	% of total sports output
1992	270	28
1993	185	23
1994	180	19

RTE say that it is not possible to draw any significant conclusions from these figures as many sports events in which women participate are included in what they categorise as gender equality coverage. Included in this gender equality coverage are events such as showjumping, hockey, equestrianism, swimming, athletics, gymnastics and tennis. Furthermore coverage of major international events such as the Olympics (1992) and the World Cup (1994) have to be taken into account in comparing the figures from year to year.

RTE report that the research which would be required to give a comprehensive analysis of television coverage of women's sports events within its overall sports schedule would be excessively costly.

The IRTC is willing to examine the current provision and to discuss, if considered necessary, with stations the possibility of improving the coverage situation, perhaps with the guidance of targets. The process of consultation with stations could commence during 1995.

Recommendation 8.6.2

The Commission recommends that:

- (a) *the principles underlying Addendum No. II of the Advertising Standards Authority for Ireland (ASAI) Code - procedure relating to complaints concerning sexism, taste and decency - should be incorporated into the ASAI General Rules to ensure that issues of sexism and sex-stereotyping are automatically considered when an advertising campaign is being planned;*
- (b) *the Independent Radio and Television Commission should instruct independent radio to establish internal guidelines for the scrutiny of advertising copy;*
- (c) *the ASAI should establish a system of substantial financial sanctions for gratuitously offensive advertisements;*
- (d) *the ASAI should maintain and monitor statistics on complaints received in relation to sexist advertising;*
- (e) *the ASAI should carry out a review of the effectiveness of their code based on these statistics; if after a five year period the review shows that the industry's regulations have not proved effective, statutory controls should be imposed;*
- (f) *the Minister for Women's Affairs should monitor trends in advertising to determine if statutory controls are necessary.*

(a), (c) (d)&(e)

The Advertising Standards Authority for Ireland (ASAI) has completed a review of the Code of Advertising Standards. This review involved consultation with over 70 organisations representing commercial and business interests, consumer organisations, representatives of women's interests, professional and trade organisations, regulatory agencies and Government Departments. On the basis of this review and the extensive consultation undertaken, ASAI is satisfied about the effectiveness of the self-regulatory system in advertising and sales promotion, including the record of acceptance of ASAI adjudications by the advertising industry.

In updating the Code, ASAI has given effect to the recommendation of the Commission on the Status of Women (8.6.2(a)) that the principles underlying Addendum No II concerning sexism, taste and decency should be incorporated into the General Rules of the Code. ASAI states that the rules about taste and decency have been broadened to discourage advertisements that may offend under a range of headings including considerations of age, disability, gender, race, religion, sex or sexual orientation.

Increased emphasis is placed on the principle of equality of men and women and the avoidance of sexism and stereotyping. The Codes also require particular care in relation to persons who are vulnerable by way of disability, age or other condition or circumstance.

Overall, ASAI states that it has been able to give effect to most of the suggestions received through the consultation process, including those contained in the Report of the Second Commission on the Status of Women.

The revised Code was publicly launched on 14 June 1995 by Mr Pat Rabbitte, Minister of State for Commerce, Science and Technology.

- (b) The IRTC considers that guidelines for the scrutiny of advertising copy would best be addressed as part of an overall code for the broadcasting industry.

Recommendation 8.6.3

The Commission recommends that the Broadcasting Guidelines currently being drawn up by the Department of Communications should specify that women and men be portrayed as equals in advertisements.

The codes of standards, practice and prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services are now available and prohibit any discrimination on grounds of sex.

Decisions on the use of voice-overs in advertisements are largely matters for advertising agencies and their clients although they do have to comply with the codes in operation by the broadcaster.

Recommendation 8.7.1

The Commission recommends that the Minister for Justice should monitor the Video Recordings Act, 1989 with regard to its effectiveness in preventing the dissemination of pornographic videos.

The Video Recordings Act, 1989 which provides for the control and regulation of the supply and importation of video recordings was enacted on 27 December, 1989. Basically, the Act aims at three levels of control. Firstly, it provides for the licensing of wholesale and retail video outlets. Secondly, it provides that the Film Censor may, on grounds specified in the Act, prohibit the supply of video films which he considers unsuitable for viewing. Thirdly, it provides for the classification of video films in terms of their suitability for viewing by different age groups.

The first level of control (licensing) was brought into operation with effect from 1 May, 1991. The second level (prohibition) commenced with effect from 26 July, 1991.

The third and final phase (certification and classification, including associated offence provisions) was introduced on 12 May, 1994.

The effect of the prohibition orders together with the other levels of control in the Video Recordings Act will be monitored with regard to their effectiveness in preventing the dissemination of pornographic videos.

Recommendation 8.8.2

The Commission recommends that the Minister for Sport should have her/his Department draw up a code of conduct for equal opportunities in sport which sports organisations would be invited to adopt. The Commission makes a further recommendation in Chapter 1, aimed at encouraging private clubs to cease their current practice of discrimination.

See response to Recommendation 8.8.3.

Recommendation 8.8.3

The Commission endorses the Cospóir Awards Scheme and recommends that the Sport for All policy should be pursued in a much more proactive way. In particular we recommend that it should be amplified into a national sports policy which would include the objectives of:

- increasing involvement of women at all levels of sports organisations;
- guaranteeing equal access for women and men to sports facilities;
- raising the participation rate of women taking part in sports activities;
- tackling, in line with the Council of Europe recommendation cited at 8.8.2, sex discrimination and stereotyped thinking in organisational structures;
- equitably funding women's sports organisations and activities, including facilities and services such as childcare;
- ensuring that all sports stadia should have adequate toilet facilities for women and men.

The Department of Education is setting up a committee on Women in Sport, which will seek to implement this Recommendation. The Committee should be established early in 1996.

A Working Party recently reported on the subject of safety at sports grounds, and included recommendations on the provision of sanitary facilities for women and men.

Recommendation 8.8.4

The Commission recommends that:

- (a) Cospóir be reconstituted as a matter of urgency;
- (b) it be given the task of implementing the National Sports Policy outlined in paragraph 8.8.3 above;

(c) its membership should be selected in line with the 40%/60% gender balance set out in our First Statement to Government.

Cospóir was re-constituted with effect from 9 December, 1992. There are five women on the twenty-four member council, which represents 21% of the membership.

Recommendation 8.8.5

The Commission recommends that adoption and implementation of a proposed Code of Conduct for equal opportunities in sport should be a criterion for deciding on eligibility for National Lottery and other public funding.

This recommendation has been adopted.

Houses of the Oireachtas

Education

Recommendation 9.1.2

The Commission recommends that:

- (a) legislation be enacted to provide for equality of opportunity between girls and boys in terms of access and subject choice;*
- (b) a gender equity provision should be incorporated in the proposed Education Act;*
- (c) the Minister for Women's Affairs together with the Equality Commission, as proposed by this Commission, should have a monitoring function in the implementation of equality policy in education.*

The White Paper on Education re-affirms that one of the underlying principles which underpins its policy is that of equality. It states that the principle of equality is a cornerstone of national educational policy. Where participation and achievement in the education system are impeded by physical, health, intellectual, gender, economic or social factors, the system must act at every level to eliminate or compensate for the sources and consequences of educational disadvantage.

This principle will be taken into account in the drafting of the forthcoming education legislation.

The Department of Education will continually evaluate the operation of the education system to ensure that equality is being promoted. In addition, the Department will develop and support initiatives addressed specifically towards assisting those who would otherwise be prevented from participating in full in the education system.

It is intended that the anti-discrimination legislation which the Minister for Equality and Law Reform proposes to introduce will cover the education sector.

Recommendation 9.1.3

The Commission recommends that:

- (a) a designated officer at Assistant Secretary level in the Department of Education should be assigned responsibility for the promotion and implementation of gender equity policy in all areas of the education system; the promotion and implementation of this policy should not await the formal enactment of legislation providing for equality in education as recommended in 9.1.2.*
- (b) under the supervision of the designated officer, responsibility for the promotion and implementation of gender equity policy in all areas of the education system should be the sole concern of a full-time Principal Officer, or equivalent, with an appropriate support staff.*

The Department of Education has designated responsibility for the promotion of gender equality policy in all areas of the education system to an Assistant Secretary.

A Departmental Equality Committee, chaired by the Assistant Secretary, and representative of key sections of the Department, meets regularly to monitor progress towards equality. It has an annual budget which is used to support specific projects on gender equality.

Recommendation 9.1.4

The Commission recommends that in co-educational schools proper monitoring and review procedures be put in place at individual school and departmental level, accompanied by sympathetic policies to ensure that girls in co-educational schools are not disadvantaged academically or socially vis-a-vis boys.

In the light of research findings which suggest that girls achieve better academically in single sex groups, the Department of Education has commissioned national research to establish current practices in both single sex and co-educational schools, and to determine the nature and extent of intervention which may be necessary to ensure that both boys and girls can develop a wide range of abilities and interests.

The Educational Research Centre, Saint Patrick's College, Dublin, has completed the research at primary level. The ESRI has been commissioned to undertake the research at post-primary level. The field work is complete and analysis of the data gathered is continuing. The report is expected to be presented to the Department by early 1996 and will inform policy decisions on co-education.

Recommendation 9.1.5

The Commission recommends the development by the Department of Education of an equality policy to be implemented by all co-educational schools. Implementation should be reviewed and monitored by the Department of Education. This policy should have the following key features:

- (a) equal access to all subjects for both genders;
- (b) advice on timetabling to ensure that when choices are provided "girls' subjects" are not set directly against "boys' subjects" with an attendant pre-programmed choice;
- (c) in-service training for teachers to develop an awareness of sexism, with particular emphasis on the teacher's own attitudes, on classroom management, and on peer-group pressures on pupils;
- (d) the selection of non-sexist teaching materials;
- (e) as an interim measure, it may be helpful to use single sex groupings in some subject options, particularly in non-traditional subject areas for girls, as a method of developing the self confidence of girls;
- (f) positive interventions to influence the attitudes of students and parents; in particular, to make the connection for students and parents of the significance of subject choice for eventual career and earning power;

(g) *integrating both genders in the management structures and organisation of the school; men should be included in caring roles and women should be assigned positions of authority.*

- (a) The White Paper on Education states that Junior Cycle education, involving co-operation and not competition among schools, will be open to all on the basis of equal opportunity and equality for those with special needs. Responsibility for the realisation of this objective will be assigned on a statutory basis to the education boards.

The NCCA supports this recommendation. It has carried out and published a number of studies on data arising from the Junior and Leaving Certificate examinations which highlight, amongst other issues, student uptake of subjects by gender. In the revision of subjects, to date, in the Leaving Certificate subjects such as Agricultural Science, Music, Physics, and Home Economics which are taken predominantly by either boys or girls the Course Committees, in their terms of reference, have been asked to ensure that the content is suitable to the needs of ALL students.

When seeking nominations to Course Committees the NCCA ask the representative bodies to be mindful of the gender balance. Particular emphasis was attached to this positive action in the case of Technology at Junior Certificate level.

- (b) All in-service courses on gender equality deal with the topic of timetabling and subject availability. The key principles of the curriculum, as set out in the White Paper, outline that breadth, balance and coherence will underpin curricular development at second level. The curricular framework, aims and principles are comprehensively detailed in the White Paper (Chapter 3).
- (c) Course modules on gender equality will be an important feature in all in-career development programmes. Specific emphasis will be placed on combating sexual stereotyping and ensuring that the manner in which programmes are taught does not unwittingly reinforce gender bias.
- (d) Guidelines on the selection of non-sexist teaching materials were issued in early 1994 to all primary schools as part of the Resource Pack on Gender Equality.
- (e) See response to 9.1.4
- (f) The National Guidance Resource Centre, supported by PETRA, (EU Action Programme for the Vocational Training of young people and their preparation for work and adult life) has organised a pilot project for first-year pupils and their parents to explore educational options.
- (g) Because of its concern that few women are putting themselves forward for positions of authority, the Department of Education has commissioned research to establish why this is so. Preliminary results will be available in mid-1996.

Recommendation 9.1.6

The Commission recommends that:

- (a) *the Department of Education should actively promote co-education, particularly in primary schools, and should introduce an incentive scheme to encourage the amalgamation of single-sex schools;*

(b) with the exception of points 9.1.5(b) and 9.1.5(c) all the other features outlined in 9.1.5 above should be implemented in single sex schools.

(a) See response to 9.1.4

(b) The Department of Education considers that Recommendations 9.1.5(b) and 9.1.5(c) should be implemented in single sex schools. The Department and ASTI are co-operating in the provision of in-service modules for the teaching staffs of single sex schools.

Recommendation 9.1.7

The Commission recommends that:

(a) the Department of Education should review the recruitment, deployment, and working procedures of primary and post-primary school inspectors with the aim of increasing the number of women inspectors;

(b) when the Department next advertises for inspectors, it should emphasise that it is an equal opportunities employer and encourage women to apply for posts; and

(c) all school inspectors, those already serving and those to be appointed in the future, should participate in in-service training on gender equity issues.

(a) An internal committee of the Department of Education, chaired by the Chief Inspector, is implementing this recommendation.

(b) Advertisements for the Inspectorate are placed by the Civil Service Commission and are in line with Government policy on gender equality.

(c) In 1990, a special Summer course was organised for Primary School inspectors on gender equality issues. In the following years, modules on gender equality were presented at professional development courses for inspectors. Following this, the primary inspectors prepared Guidelines on Gender Equity in Schools as well as Guidelines for directors of Summer courses for teachers. A small number of Post-Primary inspectors have been involved in projects relating to gender equality issues. However, no training in gender equality has been given to the majority of this group. This Department's Psychological Service, which forms part of the Inspectorate, is also involved in the area of gender equality. It has recently carried out the field work on ability and attainment for the ESRI research on the effects of co-education. The Psychological Service has taken gender equality and related issues into account in the Substance Abuse Prevention Project for second-level schools and in the Health-Promoting School Project. It is considered that the members of the Primary Inspectorate have had adequate training and future entrants to the service will receive similar training. Further training would, however, be appropriate for Post-Primary Inspectors who have not had such training.

Recommendation 9.1.8

The Commission recommends that:

(a) the Department of Education should initiate a programme of in-service training designed to raise teachers' awareness of gender equity issues;

- (b) *there should be a target of having all existing teachers complete such training within a five year period with priority being given to teachers in schools which are going co-educational as a result of amalgamation;*
- (c) *such in-service courses should be of at least one day's duration;*
- (d) *the best format for these courses be researched, drawing inter alia on the experience of teachers;*
- (e) *gender equity should be a module in all in-service courses, i.e. in specific subjects. This module should take account of any specific research emerging on the Irish experience of education;*
- (f) *all incoming teachers should be educated in gender equity issues as part of their training whether in teacher training colleges or the Education Departments of Universities;*
- (g) *with regard to Primary Schools, the gender module in pre-service education should be revised to ensure that the role of teachers in promoting equal opportunity in the classroom is highlighted, as recommended by the Working Group on the Elimination of Sexism and Sex-stereotyping in Textbooks and Teaching Materials in National Schools.*

(a)-(f) See response to Recommendation 9.1.5(c).

- (g) The White Paper states that the professional preparation of second-level teachers must include the development of a good understanding of adolescent development and behaviour and of the social context of the schooling of adolescents, including an understanding of gender equality.**

Recommendation 9.1.9

The Commission recommends that:

- (a) *the recommendations in the report of the Working Group on the Elimination of Sexism and Sex-stereotyping in Textbooks and Teaching Materials in National Schools be implemented;*
- (b) *the Working Party on the Elimination of Sexism in Textbooks, Teaching Materials and Curricula in post primary schools be re-established with a definite timescale to complete its work and report to the Department of Education; the Department of Education should implement the recommendations of the Post Primary Working Party once it has finished its task;*
- (c) *the Department of Education should direct the National Council for Curriculum and Assessment to draw up lists of gender-fair reading books and reading material for use in the different subjects; and to increase the representation of women in the various syllabi. The NCCA should in due course take account of any proposals emerging from the Post Primary Working Party referred to at (b) above;*
- (d) *Department aided or approved curriculum development projects should require that the texts and materials produced are free from stereotypes and have a positive approach to promoting gender equity;*

- (e) *the Department of Education should ensure that examination questions are free of sexism.*

The Department of Education's policy is that approved texts and teaching materials must not include stereotyping of any kind. The Working Party on the Elimination of Sex-stereotyping and Sexism in National Schools has reported to the Department. Its report has been disseminated to all primary schools as part of the Resource Pack on Equality.

The Working Party on sexism in text-books at post-primary level is expected to report by the end of 1995.

The NCCA will take on board any recommendations to emanate from the Department of Education's Working Party referred to above. With regard to the representation of women authors in various syllabi see Recommendation 8.2.3.

Recommendation 9.1.10

The Commission recommends that:

- (a) *guidelines for teachers for non-sexist behaviour in the classroom be established by the Department of Education in consultation with the teachers' unions and the Employment Equality Agency;*
- (b) *these guidelines should be linked into the proposed in-service training module for existing teachers and into the proposed gender equity module for trainee teachers.*

The EU Handbook on gender equality in education has been circulated to all primary and post-primary schools. It is also distributed at in-service training courses on gender equality.

In March, 1994 a Resource Pack for Teachers on equal opportunities was issued to all primary schools. See Recommendation 9.1.5 also.

All in-service training in the Irish Educational System is now co-ordinated by the In-Career Education Unit of the Department of Education. This Unit is currently preparing its framework for policy, which will incorporate the principles of gender equality.

During the school year 1994/95, the Primary Inspectorate of the Department of Education trained twenty-five primary teachers from all regions of the country as trainers in gender equality. Two of these trainers were seconded for six months from March 1995 to be able to work full time on the development of in-career development modules to be used in single sex schools. They are also working with the In-Career Development Unit on the development of new gender equality modules and of appropriate monitoring procedures to measure their effectiveness.

Recommendation 9.1.11

The Commission recommends that:

- (a) *schools should examine their organisation, practices, policies and allocation of resources to ensure that a gender equity policy and programme of action to redress imbalances can be put in place;*

- (b) *if necessary, school boards of management should be required to adopt a gender equity policy and action programme for day-to-day implementation by the school principal and staff;*
- (c) *the gender equity action programme should be composed of 3 elements designed to ensure equality (i) for pupils, (ii) for staff and (iii) in administrative practices.*

The White Paper on Education states that each school will be expected to develop and publish a school plan. Programmes of in-career development will be provided to assist schools in this process. The issue of gender equality will be addressed in all such programmes.

Recommendation 9.1.12

The Commission recommends that:

- (a) *the Minister for Education should develop a policy to enable parents to take a greater role in the education of their children;*
- (b) *accordingly, the Minister for Education should allocate resources to the National Parents' Councils (Primary and Post Primary) in order to facilitate the establishment of Parents' Committees as an organised representative structure to liaise with School Boards of Management;*
- (c) *information be targeted at parents on how Boards of Management are organised and what their respective rights and duties are;*
- (d) *school managements should have an onus to advise parents on the importance of the rationale for gender equity policies;*
- (e) *the Department of Education should prepare a leaflet for parents on the implications of subject choice for long-term career prospects;*
- (f) *school administration and organisation should take account of the time commitments of both parents and their need to plan ahead e.g. through providing parents at the beginning of each term with a list of days when the school will be closed.*

- (a) This is Department of Education policy and is stated in detail in Chapter 9 of the White Paper on Education. This formal recognition will be given statutory confirmation.**

Parents are already being empowered to be involved in the education of their children in the Early Start and Home-School-community links programme.

- (b) A statutory duty will be placed on boards of management to promote the setting up by parents of a parents' association in every school in receipt of exchequer funding (White Paper p. 140). Increased funding has been allocated to the National Parents' Council (Primary and Post-primary) for administration and parent training for participation in Boards of Management.**
- (c) The In-career Development Unit of the Department of Education, with the support of the European Social Fund, is funding a continuing programme of training in the workings of Boards of Management which is being organised by the National Parents' Council.**

- (d) The White Paper on Education states that "course modules on gender equality will be an important feature in all in-career development programmes". Promotion of gender equality is also a condition of financial support for in-career development programmes from the Human Resources Operational Programme of the Community Support Framework of the European Union. The In-Career Development Unit of the Department of Education has embarked on a review of the existing provision of gender equality modules. It has given financial support to the training of trainers in gender equality and has commissioned the development of specific modules for delivery during training programmes. The ICDU will continue to ensure that the issue is addressed in the most effective way possible in all training programmes which it supports.
- (e) A booklet and videotape have been prepared to explain the new Senior Cycle programmes to pupils and parents. As well as being issued to all post-primary schools, they may be borrowed free of charge from public libraries and from a national chain of video rental shops. During the school year 1995/96, a series of seminars in various locations around the country, will inform representatives of parents' organisations of latest developments in the Senior Cycle programmes.
- (f) The White Paper states that the Board of Management of each school, primary and post-primary, should give parents a calendar of events in the school, including closures, at the beginning of each year.

Recommendation 9.1.13

The Commission recommends that:

- (a) *appointments to the interview board for the position of school principal should be made from a panel whose members have attended a training course on selection and appointment procedures and criteria;*
- (b) *these courses should include sensitivity to and awareness of gender equity issues;*
- (c) *the Department of Education should introduce attendance at such courses and placement on these panels as a requirement for eligibility to serve on an interview board;*
- (d) *persons serving on interview boards should as a matter of routine, be provided with a copy of the EEA's Code of Practice on Interviews.*

This recommendation has been referred to the Department of Education for consideration.

Recommendation 9.1.14

The Commission recommends that:

- (a) *the Stay Safe Child Abuse Prevention Programme should be implemented nationwide during the academic year 1993/4;*
- (b) *an appropriate programme on sexual abuse for Post-primary schools should be devised and implemented with a view to extending it nationwide by the academic year 1995/6;*

- (c) *for the purpose of training teachers on the implementation of the programme, the Department of Education should grant a special training day to all schools;*
- (d) *sufficient funds should be provided by the Health Promotion Unit and/or National Lottery to fund the implementation of the programme (teaching materials, office facilities, training etc);*
- (e) *all schools and their teachers should be required to participate in the programme and to organise parent meetings to facilitate greater awareness of child sexual abuse and ways of dealing with it.*

(a)&(b) The White Paper on Education commits the Department of Education to the continuing development of the Stay Safe programme and its extension to all schools.

Interim draft guidelines have been prepared by the NCCA on Relationships and Sexuality Education for first and second level education. Issues addressed in these Guidelines include sexual abuse and equality issues. The Minister for Education has issued these Guidelines to schools and in her accompanying letter to Principals of schools in June 1995 she noted that these draft guidelines would be of assistance to schools and parents in the process of policy formulation and programme preparation in the coming school year. NCCA proposes to develop the draft guidelines further in the light of feedback which has been sought. The Guidelines will also be used for in-career programmes.

See also response to Recommendation 9.1.15.

The In-Career Development Unit of the Department of Education is currently surveying training programmes which are already being provided for teachers in the area of personal, social and health education in both primary and post-primary schools. This survey will include programmes aimed at the prevention of child abuse. On completion of the survey, the ICDU will identify remaining needs for the relevant training, and will liaise with the Health Promotion Unit of the Department of Health on the future provision of relevant teacher training.

- (c)&(d) Almost all schools have had a training day (99.7%) on the Stay Safe Child Abuse Prevention Programme. The materials for the Programme were funded by the Health Promotion Unit of the Department of Health. The Programme is now in longer term maintenance mode. From an original 11, a network of approximately 40 teachers has been trained and these teachers will in turn continue to train colleagues and parents. Initial funding was provided for this purpose from this Department of Education's In-Career Development Unit. That Department is also supporting the programme by providing one teacher as a full-time national co-ordinator.
- (e) A handbook has been published and circulated to all primary and post-primary teachers which outlines the procedures involved for the reporting of abuse cases. The White Paper calls on Boards of Management of schools to review the degree to which teaching staff are encouraged to identify students at risk of abuse in any form and to ensure that the necessary follow-up action is taken.

Recommendation 9.1.15

The Commission recommends:

- (a) *education for life, relationships and parenting should be introduced at primary school level and taught as a core subject right through post-primary level;*
- (b) *a module on the importance of equality in the lives of women and men and the injustice of inequality be included in all "education for life" programmes;*
- (c) *the subject of education for life, relationships and parenting should incorporate a module on prejudice against travellers and persons who experience discrimination due to race or religious belief; the module should, at post primary level, also deal with homophobia;*
- (d) *a sex education programme should be developed by the Department of Education which will give young people, male and female, a sense of personal autonomy and responsibility in relationships; it should be introduced in primary schools and continued in all second-level schools at a level appropriate to each age group.*

See response to recommendation 9.1.14 above.

The new primary History curriculum currently being drafted has as one of its broad objectives the need to "develop tolerance towards minorities in society and appreciate the contributions of various ethnic, cultural, religious and social groups to the evolution of modern Ireland".

In addition the new Civic, Social and Political Education programme referred to in 7.2.3 above deals with many of the issues outlined in (a) to (d). The new Junior Certificate Home Economics syllabus currently being implemented and the new Leaving Certificate Home Economics syllabus being drafted address many of these issues.

The new Leaving Certificate Applied, described under Recommendation 9.4.7 below, has addressed many of the issues outlined in (a) to (d) above.

Human Sexuality is a core theme within the Department of Education's proposed programme of Relationships and Sexuality Education. The programme is being developed on a continuum from primary through post-primary levels. Objectives under this theme for primary school pupils will seek to develop a positive self-image of themselves and their bodies, to enable them to understand the meaning of sexuality, to develop an understanding of their own uniqueness, to raise awareness of how sexuality is represented in the media and wider world and to assist pupils in exploring issues of equality. Junior and Senior Cycle programmes will develop these objectives further and will specifically include the objectives of appreciating equality and difference, becoming informed and sensitive to sexual orientation and developing an awareness of discrimination.

Recommendation 9.1.16

The Commission recommends that:

- (a) *the development and implementation of a national policy for school sport; a basic requirement of this policy should be the provision of sports facilities for all schools and of trained physical education teachers for Post-primary schools. Smaller schools could share teachers and facilities;*

- (b) *that a key objective in the development of a national school sports policy should be the equitable treatment of boys and girls with regard to the allocation of facilities, transport, time and expertise, particularly in the context of team sports;*
- (c) *that when community sports facilities are being developed, they should be built where they are accessible to schools;*
- (d) *that teaching approaches should reflect an acceptance of all body types in the context of physical activity and that physical education generally should promote more positive body images in all pupils and among girls in particular;*
- (e) *that as physical education programmes are drawn up by the Department of Education and at individual school level, they should reflect the desirability of providing opportunities for both boys and girls to participate in a range of activities, including those which have traditionally been strongly identified with one sex, e.g. football, dancing as well as those which are gender neutral, e.g. swimming;*
- (f) *that the practice of having same-sex physical education teachers and pupils should be examined in the context of the development of a school sports policy as it reinforces the segregation of boys and girls;*
- (g) *that as part of their training all physical education teachers should be taught to be aware of, and avoid, sex-stereotyping in carrying out their work.*

This Recommendation has been referred to the Department of Education for attention.

- (e) **The NCCA is currently revising and updating the curriculum for Physical Education at first level - as part of its revision of the primary curriculum - and also at second level. The issue of gender equality is prioritised in this work. The recommendations of the Commission have been brought to the attention of the relevant Committees.**

Recommendation 9.1.17

The Commission recommends that:

- (a) *youth organisations should develop equal opportunity programmes with specific targets;*
- (b) *grants should be provided by the Department of Education to youth service providers which operate equal opportunity programmes;*
- (c) *mixed units should be introduced in hitherto single sex youth organisations;*
- (d) *more female voluntary youth leaders should be encouraged through the provision of specific training.*

This recommendation has been referred to the Department of Education for follow-up.

Recommendation 9.1.18

The Commission recommends that the Minister for Education should have her/his Department implement a policy on statistics, whereby a range of information broken down on a gender basis would be collected and made available routinely in order to monitor effectively the implementation of equality policy.

This is the policy of the Minister for Education and is being implemented.

Recommendation 9.2.1

The Commission recommends that:

- (a) community-based pre-school education be adopted by the Government as a policy aim;*
- (b) the Departments of Health, Education and the Environment should work together to draw up a plan of implementation with children coming from situations of disadvantage getting immediate priority;*
- (c) a regional childcare co-ordinator should be appointed in each Health Board area;*
- (d) as a first step, the waiting list for places for disadvantaged children should be eliminated.*

(a)&(b) The Early Start programme, a pre-school educational programme which began in seven designated disadvantaged schools in September 1994, is one element of an integrated approach to education, training and employment initiatives for the entire community. (White Paper on Education p. 17) Priority is given in the selection of pupils to those who are considered to be at risk of educational failure, including pupils with disabilities. A further 25 schools will be added to the programme during the school year 1995/96. Under the Operational Programme for Local Urban and Rural Development, Partnerships must encompass in their Local Development Plans the provision of additional supports to facilitate participation in and benefit from education, including at primary level, for those at risk of early school leaving and under-achievement, leading to exclusion. Of the funding available under the Sub-Programme for Integrated Development of Designated Disadvantaged and Other Areas 10% is reserved for preventive measures within the education sector. These may include a range of initiatives providing an integrated strategy linking home, school and the wider community.

The Department of Health, through the health boards, is involved in supporting pre-school services to assist children in disadvantaged circumstances. The availability of these services is regarded as an important element in the overall range of child care and family support services required under the Child Care Act to help families in difficulty, prevent family breakdown and avoid having to take children into care.

Priority is given to pre-school services catering for children whose parents are experiencing difficulty in caring for them or who are unable to cope because of medical or social problems. Provision is also made for children of single parent families where the parent is working. There are two main types of provision:—

- (i) Day Nurseries where children are looked after for most of the day and provided with a mid-day meal. (For historical reasons these facilities are based mainly in the Dublin area.)
- (ii) Playgroups where children attend for a number of hours a day on one or more occasions a week.

In 1992 the health boards made grants totalling £1.6m available to some 330 centres catering for almost 9,000 children. This does not represent the total expenditure on such services as a number of health boards pay block grants to voluntary bodies such as Barnardos and the ISPCC to provide family resource services, which may include a pre-school element. The total annual expenditure by health boards on pre-school services is estimated to be in the region of £2m.

- (c) As indicated above, health board support for pre-school services is linked to the implementation of the Child Care Act. Health Boards have appointed Development Officers to drive the implementation of the Act in their areas, however their responsibilities relate to all aspects of child care services and not just to the pre-school area.
- (d) Over the last three years, £30 million extra has been invested in the child care services in preparation for the full implementation of the Child Care Act. An element of this funding has been used to increase the availability of health board supported pre-school services.

Part VII of the Child Care Act provides for a new system of inspection and supervision by health boards of pre-school services throughout the country. New regulations giving effect to these provisions are scheduled to come into force in 1996.

Recommendation 9.2.2

The Commission recommends that the Government should implement immediately the section of the Childcare Act dealing with regulations for the purpose of health, safety, welfare, and development of children attending pre-school services.

Part VII of the Childcare Act, 1991, empowers the Minister for Health, after consultation with the Minister for Education and the Minister for the Environment to make regulations governing the provision of pre-school services. Part VII of the Act will be implemented in accordance with the schedule set out in the response to Recommendation 4.3.5.

Recommendation 9.2.3

The Commission recommends that the Department of Education should develop guidelines on the recommended activities and aims of pre-school education. These aims and activities should incorporate a positive gender equality dimension.

One of the aims of the Early Start Project (see response to 9.2.1) is the development of an appropriate pre-school curriculum. An expert monitoring committee has been established to oversee the implementation of the project, and its purpose is to evaluate the effectiveness of the curriculum adopted and to advise the Minister for Education on the most appro-

appropriate way forward. In addition the project is being independently evaluated by the Educational Research Centre, Drumcondra, with particular emphasis on the effectiveness of the curricular methodology, aims and objectives. (White Paper p. 17)

Recommendation 9.2.4

The Commission recommends that the Department of Education should establish a common, recognised standard or range of standards for pre-school teachers and assistants, having regard to the nature of the work involved and the existing range of qualifications.

Various international researches have shown that one of the elements which contribute to the success of pre-school compensatory programmes is the level of qualification of the teachers concerned. The Department of Education has therefore decided to employ qualified primary teachers in its pre-school programme and to provide them with extra modules of professional development. The child care assistants employed in Early Start have all followed an appropriate course in child care.

Recommendation 9.3.1

The Commission recommends that the NCCA should prioritise the elimination of sex stereotyping and promote equality for boys and girls when drawing up all aspects of the Primary School Curriculum, i.e., when developing a statement of philosophy, teacher guidelines, curriculum handbooks, teaching materials and textbooks, and new science and technology subjects.

The overall work of the primary committees of the NCCA includes at every stage and at each level a recognition of issues related to equality, gender, disadvantage, disability and inter-cultural education. It is a fundamental aim of primary education to provide an opportunity for all to develop their educational potential to the full.

Recommendation 9.3.2

The Commission recommends that:

- (a) the Department of Education should revise the Rules of Boards of Management of Primary Schools so that the Chairperson is elected by all the members of the Board of Management instead of being appointed by the patron;*
 - (b) the Minister should require 50% - or as near as possible to that percentage - of the patron's nominees to the Board of Management to be women.*
- (a) The White Paper on Education lays down the future structure of Boards of Managements of primary schools. The issue of the appointment of the chairperson will be included in a general formal review, in relation to the governance of primary schools, after an agreed period.**
 - (b) A Core Board of six members will propose two additional members of the Board, drawn from the wider community. These members will be in possession of skills complementary to the Board's responsibilities, will have a commitment to education and its promotion and will contribute to the gender balance on the Board. The patron will be responsible for ensuring a gender balance on the board.**

Recommendation 9.4.1

The Commission recommends that:

- (a) *first-year pupils in post-primary education should be allowed sample a wide range of subjects so they can make the choice of a course of study and of eventual career based on their aptitudes;*
- (b) *the widest possible curriculum should be available in all schools;*
- (c) *to help facilitate this policy, gender equity issues should be taken into account when schools are amalgamated, to ensure that the accommodation and facilities can meet this need;*
- (d) *the result of the pilot projects should be made public so that the efficacy of such initiatives can be established. If positive conclusions have been drawn from these pilot projects, these can then inform policy making for equality.*

(a)&(d) **See response from Department of Education at 9.4.2 and 9.4.3 below.**

- (b) **The NCCA supports this recommendation and in its response to the Government's Green Paper on education proposed that a Curriculum Framework be introduced into the all second level schools for Junior Cycle. This framework sets out the eight areas of educational experience which should be available to ALL pupils to provide them with curricular breadth and balance in terms of range of experience and of minimum time allocation. The White Paper on Education endorses the concept of the Framework.**
- (c) **This recommendation has been referred to the Department of Education for attention.**

Recommendation 9.4.2

The Commission recommends that:

- (a) *in providing technology on the school curriculum, schools should ensure that girls as well as boys have equal access to the full range of technology subjects to Leaving Certificate level;*
 - (b) *sampling/taster opportunities in non-traditional and new technology areas should be provided for pupils throughout second level education.*
- (a) **The White Paper notes that the programme for all students at Junior Cycle “will include a core of Irish, English, Mathematics, a science or a technological subject, and at least three further subjects from a wide range of full courses and short courses”.**

In the development of technological subjects for Leaving Certificate which have to date been studied predominantly by boys the Course Committee will be required to ensure that the subject content in the revised syllabi is relevant to both sexes.

- (b) **See recommendation 9.4.3. below.**

Recommendation 9.4.3

The Commission recommends that:

- (a) *the Department of Education should set in train a positive action programme designed to promote the choice of non-traditional subjects by girls, in view of the fact that subject choice has such an impact on careers; key elements of this programme would include:*
 - *increased provision of career guidance and counselling at junior and senior cycles for all pupils;*
 - *the agreement of targets between the Department of Education, school management and teacher unions for the provision of choice in non-traditional subjects in a fixed number of schools by a particular date with a view to introducing them into all schools within an agreed timetable.*
- (b) *the Department of Education should prepare a leaflet for parents on the implications of subjects choice for long-term career options; this could be complemented by seminars held by second-level schools for parents of incoming pupils.*
- (c) *At individual school level the school Board of Management should work closely with the school career guidance counsellor to ensure that there is actually a strategy on subject and career choice in place in each school.*

Subject choice has been the focus of many interventions by the Department of Education, such as the preparation of career pamphlets, posters and policy documents, with the aim of encouraging young people to think of non-traditional subjects and careers. These are normally channelled to the schools through the guidance counsellors, who have been given priority in all the relevant programmes of in-service training. Resources have been provided to improve career guidance counselling in second level schools.

A National Guidance Resource Centre has been established and is located in Leargas, the Youth Exchange Bureau.

The Girls into Technology/FUTURES project, co-funded by the Department and the EU, has the specific aim of widening subject choice during Junior Cycle. The project, which includes a pack of teaching materials for different subjects, was first disseminated at the European Conference "Gender across the Curriculum" in 1992, and has been further promoted through a series of regional seminars for post-primary teachers throughout the country. All schools have access to the FUTURES materials and training for the teachers involved in their use is available through the network of teachers who have already been trained.

Two FÁS centres have held "taster" courses for Junior Cycle pupils in nearby schools. These were successful and FÁS may extend the scheme.

Phase 3 of the Intervention Project in Physics and Chemistry has begun. Six modules of the project materials are at second draft stage. The first Science Resource Centre has opened in a convent secondary school in Co Kildare. This may be used by teachers in the surrounding area, and a second such centre is proposed for the Cork area. This project has been identified by the OECD as being of international interest, and is currently being evaluated by the University of Limerick, with assistance from the EU.

The Department of Education grant aided publication of a teachers' manual to accompany the video "Exploring Sex Stereotyping" launched by the Employment Equality Agency in September, 1994. The Department of Education circulated the video and teachers' manual to all second level schools during the 1994/95 academic year.

Recommendation 9.4.4

The Commission recommends that:

- (a) *pupils who wish to undertake the Leaving Certificate Vocational Programme should be allowed to choose from a wider range of subjects and that the list of approved subjects should be broadened to include, for example, the subjects of home economics, art and agricultural science;*
 - (b) *in the medium term, the Department of Education should ensure that non-traditional subjects which are to be added to the approved list are actually made available to all pupils who choose them;*
 - (c) *there should be close liaison between State training agencies and the Department of Education in relation to subject choice, training and career opportunities for young women.*
- (a) **It should be noted that the content in the Commission's Report relates to the old LCVP and does not take on board recent changes related to the programme. The Department of Education's booklet outlining the revised LCVP clarifies action taken in response to many of the recommendations which the Commission has made.**
 - (b) **The Department of Education endorses the aim of this recommendation and will continue to encourage girls and boys to participate in non-traditional subject areas. However, for practical and financial reasons, it will not be possible to ensure the availability of all subjects approved for the post-primary school curricula in each school.**
 - (c) **FÁS and the Department of Education meet regularly to co-operate on guidance related initiatives. In addition, there is contact between FÁS and the Department of Education in the context of the EU Human Resources Operational Programme through which assistance under the European Social Fund is being directed towards actions to promote equal opportunities as part of mainstream education and training provision.**

The new range of Senior Cycle courses being offered in schools from September, 1995 will incorporate guidance programmes which will have, among other aims, that of eliminating stereotyping in relation to subject choice.

Recommendation 9.4.5

The Commission recommends that:

- (a) *there should be at least 40% representation of either sex on post-primary school Boards of Management and that the Chairperson of the Board should be elected by members of the Board;*

- (b) *training should be provided for Board members in relation to their responsibilities as Board members, and particularly with regard to gender equality.*
- (a) Discussions are continuing between the Department of Education and partners in the post-primary sector with a view to securing agreement on the structures for boards of management. The discussions will be based on the considerations outlined in the White Paper on Education.
- (b) It is an objective of the Department of Education that all boards of management will have access to relevant development programmes, taking account, as appropriate, of the unique features of schools as learning environments and drawing upon best management practice generally.

Recommendation 9.4.6

The Commission recommends that:

- (a) *boards charged with the recruitment of teachers be required by the Department of Education to adopt a Code of Practice based on that of the Employment Equality Agency to ensure gender equity in appointment and promotion procedures;*
- (b) *the Green Paper proposal with regard to a minimum representation of both sexes on selection committees be included in the Education Act;*
- (c) *selection committees should receive training on the avoidance of discrimination based on sex and marital status;*
- (d) *the Department of Education should draw up a recruitment guide which sets out gender-fair procedures for recruitment, including shortlisting.*

Boards of management will be responsible for the appointment of all teaching staff in schools, in accordance with selection procedures sanctioned by the Department of Education. These will be in line with Government policy on gender equality.

Recommendation 9.4.7

The Commission recommends that more resources should be made available in the Department of Education budget for compensatory programmes and home liaison schemes for schools in disadvantaged areas.

Specific initiatives are outlined in the White Paper on Education to tackle education disadvantage throughout a child's schooling. These include initiatives such as pre-school intervention, special support for schools in disadvantaged areas, the restructuring of the senior cycle, providing, where feasible, a comprehensive curriculum for all second-level schools and the removal of selective academic entry tests of schools.

Another important element is the provision of alternative ladders of progression for students through, for example, the certification of vocational education and training programmes, ranging from Youthreach to post-Leaving-Certificate courses.

The Minister for Education intends to continue and further develop the Home-School Links programme in areas of disadvantage, as resources permit. The programme approaches the prevention of educational disadvantage and parent-school collaboration through a range of initiatives including local co-ordinators, home visits, additional school facilities, parents' education through courses and classes, and teacher education in relation to partnership. The programme was recently evaluated and will be further developed following consideration of the evaluation report.

Since the Commission reported the NCCA has developed for the approval of the Minister a Junior Cycle Schools Programme which caters for the needs of the disadvantaged. The programme is aimed at the objective "equality of participation" and will emphasise the essential skills of numeracy and literacy as well as personal and social needs. Students will be encouraged and facilitated to take Junior Certificate syllabi where appropriate. This new programme was scheduled for introduction on a phased basis from September 1995.

At Senior Cycle the new Leaving Certificate programme is offered in three forms, one which is the Leaving Certificate Applied (LCA). The LCA is a discrete two year programme, designed for those students who do not wish to proceed directly to third level education or for those whose needs, aspirations and aptitudes are not adequately catered for by the other two Leaving Certificate programmes. The LCA is characterised by educational experiences of an active, practical and student centred nature.

Students who do not wish to stay on in second level have the educational opportunities offered by the Youthreach programme. Basic skills training, practical work training and general education are major features of this programme.

Recommendation 9.5.2

The Commission recommends that positive intervention measures to encourage more women to take up non-traditional courses of study at third level should be implemented in order to overcome the cultural bias which militates against women making an informed choice based on their own aptitudes. Such measures should include:

- *active encouragement of young women into non-traditional areas, e.g. technology and agricultural science. The promotional literature produced by colleges should convey positive images of women and overt encouragement into new and non-traditional subjects;*
- *open days to be held by third level colleges specifically for girls' schools at which the advantages of choosing a non-traditional subject and the career options it would open up could be stressed. The best stage for reaching girls would be at junior cycle, second-level, so that they are then in a position to choose the right mix of subjects in their Leaving Certificate;*
- *the making and distribution of videos by colleges as aids to recruitment. Colleges could make videos which show women successful in a range of traditional and non-traditional courses of study;*
- *development and expansion of the FÁS series of leaflets on different career options and the education and abilities required in each case. FÁS's career vision series which sets out career options on video could be expanded to reinforce the "normality" of women and men pursuing non-traditional occupations. These leaflets and videos should be distributed routinely to schools for use by parents;*

- *the revision of textbooks which are sex-stereotyped, and textbooks which may not feature girls and women at all. This requires specific initiatives led by the Department of Education implemented at college level, and underwritten by funding;*
- *the positive use of role models. A policy needs to be developed whereby young women who are successful in non-traditional disciplines and careers could visit schools to encourage more girls to choose beyond the stereotypes.*

The Higher Education Authority is to be reconstituted with a wider remit. Among other things, it will be responsible for monitoring gender equality policies in third-level institutions and for providing appropriate support at national level.

All the institutions under its aegis will be asked to develop and publish policies to promote gender equality. These will include:

- policies for the promotion of equal opportunities and associated action programmes, including procedures for preventing the sexual harassment of students and employees
- strategies to encourage increased participation by women students in faculties and courses of study in which they have been traditionally under-represented, including liaison with second-level schools and the preparation and distribution of suitable promotional materials
- appropriate gender balance on all staff selection boards
- encouraging and facilitating women to apply for senior academic and administrative positions
- the putting in place of arrangements to assist students with young children.

The Higher Education Authority, with the co-operation of UCC, is funding the post of Organiser for the National Forum on Equality of Opportunity at Third-Level. The tasks of the post holder will include the establishment of a national network between the institutions for sharing information and ideas on equality-related issues and the development of a data base in this area.

Eighty of the most common career leaflets have recently been updated by FÁS and amended to reflect equality issues. In addition, FÁS assisted with recent videos which were made on the role of women in the construction industry. FÁS will continue to endeavour to ensure that these leaflets and videos are distributed as widely as possible and will continue to examine the operation of dissemination of career information to establish and follow best practice in this area.

Women in Technology and Science (WITS) provides a role model scheme for second level schools. The Department of Education provided a grant to WITS for the production and publication of a booklet "Suitable Jobs for a Woman". The Department of Education circulated the booklet to all second level schools in 1994.

Recommendation 9.5.3

The Commission recommends that:

- (a) all third level colleges should be required to develop and implement equal opportunities policies and action programmes and a policy on sexual harassment for students and employees;
- (b) there should be transparency in the appointment and promotions procedures in colleges with the inclusion of women on all interview boards in line with the Employment Equality Agency's Code of Practice on Equality of Opportunity in Employment;
- (c) staff recruitment policy should also consider the importance of recruiting women to areas where they are under-represented, and in all colleges where there is serious under-representation of women, e.g. specific Departments in the University of Limerick, Dublin Institute of Technology, and most Regional Technical Colleges;
- (d) Equal Opportunities Officers should be budgeted for in each third level college.

See response to 9.5.2.

Recommendation 9.5.4

The Commission recommends that:

- (a) access by adult women to the general third-level grants scheme should be monitored to see if additional measures are required;
- (b) the eligibility of older women for ESF-funded courses should be publicised;
- (c) for adults over 25 years of age, it should be possible to aggregate the grades from Leaving Certificate subjects obtained over a number of years in order to qualify for a grant under the existing grants scheme;
- (d) for adults seeking entry to third-level education, a system of credits, which can be built up in modular form in order to reach the appropriate education standard for colleges, should be developed;
- (e) as an alternative to (d) above, colleges should open up a proportion of places to older students who may lack the qualifications criteria required. Entry to these places - a small proportion of the overall places available - should be decided by interview or on the basis of performance in a foundation course;
- (f) more evening courses should be provided.

The responsibilities of the new Higher Education Authority will include ensuring that all higher education institutions put into effect policies which promote equality of access, participation and benefit for students and, as appropriate, the wider community. The existing Higher Education Authority, in co-operation with the third-level institutions under its aegis, is already promoting the co-ordinated development of a system of modular course structures and related credit transfer arrangements. This work will continue.

Recommendation 9.5.5

The Commission recommends that women students and staff have access to childcare facilities.

See response to 9.5.2.

Recommendation 9.5.6

The Commission recommends that:

- (a) the Minister for Education should direct the HEA to adopt and implement the recommendations in the report of the Committee on the Position of Women Academics in Third Level Education (1987) forthwith;*
- (b) the Minister should direct the NCEA to adopt a similar set of recommendations for the colleges under its aegis.*

(a) See response to 9.5.2.

(b) The Government has approved the establishment of TEASTAS, - the Irish National Certification Authority, under the aegis of the Department of Education. The Authority will be responsible for the plans, programmes and budgets for all non-university third-level programmes, and all further and continuation education programmes. The NCEA and NCVA will be reconstituted as sub-boards of TEASTAS. The necessary legislation is still pending, but will take account of government policy on equality of access.

Recommendation 9.6.2

The Commission recommends that the Government should develop a coherent strategy of adult education that responds to the actual and diverse needs of adult women returning to education, i.e. by providing opportunities for self development, preparing women for returning to or establishing a career, and enabling women to assist in their children's education.

and

Recommendation 9.6.3

The Commission recommends that:

- (a) adequate financial provision be made to realise the adult education strategy proposed in paragraph 9.6.2;*
- (b) specifically, the self-financing principle for adult education courses provided under the aegis of the VECs should be ended or restricted to recreational activities;*
- (c) that the provision of daytime adult education courses should be increased and extended to rural areas.*

and

Recommendation 9.6.4

The Commission recommends that:

- (a) funding should be made available to self-help adult education groups on the basis of clear criteria as part of an overall adult education policy;
- (b) the Department of Education should require VECs to furnish public information, via local press etc, on the size of each VECs Adult Education and Community Literacy Budgets in order that women's self-help groups can seek financial support on an informed basis;
- (c) in order for self-help women's groups to prosper it is also essential that there should be:
 - (i) a supportive adult education officer in each region;
 - (ii) guaranteed premises; and
 - (iii) childcare facilities during teaching hours.
- (d) the Department of Education should carry out a feasibility study into the development of an additional short-stay, State-funded or part State-funded residential college providing adult education and self-development courses.

and

Recommendation 9.6.5

The Commission recommends that regional women's education officers should be appointed to act as facilitators for women's self-help education groups and to respond to their needs. These officers might come under the aegis of AONTAS, VECs or the Department of Education, as the Minister deems most appropriate and effective.

and

Recommendation 9.6.6

The Commission recommends that action on the proposed initiatives on adult education as set out in Section IV paragraph 69(o) of the PESF be implemented and, in particular, that local women's self-help groups should be represented on the proposed consultative group to advise on development needs in adult training and education.

A Further Education Authority is to be established to provide a coherent national developmental framework appropriate to the importance of vocational education and training outside the third-level sector and adult and continuing education. One of its principal functions will be to ensure a balance of level, type, and variety of programmes to meet student and community needs, including the appropriate location of courses.

Recommendation 9.6.7

The Commission recommends that an adult education strategy should be linked in to training opportunities in order that women (and men) can build on skills they may have acquired and aptitudes developed.

FÁS Return to Work training enables women (and men) to build on existing skills and aptitudes.

Under Community Employment, FÁS offers structured training and development opportunities for workers and workers receive an average of 25 days training and development support throughout the year.

Houses of the Oireachtas

Training and Labour Market Initiatives

Recommendation 10.2.1

The Commission, in line with recommendations set out in Chapter 9, recommends that:

- (a) first year pupils in post-primary schools should be allowed sample a wide range of subjects so they can make the choice of a course of study and of eventual career based on their aptitudes;*
- (b) sampling/taster opportunities in non-traditional and new technology areas should be provided for pupils throughout second-level education;*
- (c) the widest possible curriculum should be available in all schools;*
- (d) to help facilitate this policy, gender equity issues should be taken into account when schools are amalgamated, to ensure that accommodation and facilities can meet this need;*
- (e) the results of all pilot projects should be made public so that their efficacy can be assessed, and the conclusions drawn can inform policy making;*
- (f) in providing technology on the school curriculum, schools should ensure that girls as well as boys have equal access to the full range of technology subjects;*
- (g) the Department of Education should set in train a positive action programme designed to promote the choice of non-traditional subjects by girls, in view of the fact that subject choice has such an impact on careers. Key elements of this programme would include;*
 - increased provision of career guidance and counselling at junior and senior cycles;*
 - the agreement of targets between the Department of Education, school managements and teacher unions for the provision of choice in non-traditional subjects in a fixed number of schools by a particular date with a view to introducing them into all schools within an agreed timetable;*
- (h) the Department of Education prepare a leaflet for parents on the implications of subject choice for long-term career prospects. This could be complemented by seminars held by second-level schools for parents of incoming pupils;*
- (i) the school Board of Management should work closely with the school career guidance counsellors to ensure that there is actually a strategy set in place in each school;*

- (j) *pupils who wish to undertake the Leaving Certificate Vocational Programme should be allowed to choose from a wider range of subjects, with the list of approved subjects being broadened to include, for example, Home Economics, Art and Agricultural Science; in the medium term, the Department of Education should ensure that non-traditional subjects which are to be added to the approved list are actually made available to all pupils who wish to choose them;*
 - (k) *there should be close liaison between State training agencies and the Department of Education in relation to subject choices, training and career opportunities for young women.*
- (a) **See response to Recommendation 9.4.2.**
 - (b) **See response to Recommendation 9.4.2.**
 - (c) **See response to Recommendation 9.4.4.**
 - (d) **This is existing policy.**
 - (e) **This has been referred to the Department of Education for attention.**
 - (f) **See response to Recommendation 9.4.2.**
 - (g) **See response to Recommendation 9.4.3 and 9.4.4.**
 - (h) **In 1989 a brochure entitled "OPTIONS" was produced and sent to all second level schools in the country. This brochure provided statistics on the take-up by girls of higher level mathematics/science subjects at both intermediate and leaving certificate levels, as well as the take-up of non-traditional courses in higher education. It provided information on trends in the labour market and encouraged girls to choose their subject/training/career options very carefully in the light of current trends and to consider a wider range of options both at second-level school and in higher education.**
 - (i) **This has been referred to the Department of Education for attention.**
 - (j) **See response to Recommendation 9.4.4.**
 - (k) **There is ongoing liaison between the Department of Education and state training agencies.**

Recommendation 10.2.2

The Commission recommends that:

- (a) *the establishment of local networks between the social partners, FÁS personnel, career guidance counsellors and other teachers to develop locally based initiatives such as the School/Industry Links Schemes aimed at increasing awareness of non-traditional career opportunities;*
- (b) *that a number of skills sampling courses along the lines of the Limerick scheme should be initiated by such groups with FÁS or Department of Education funding as appropriate in conjunction with VECs, RTCs, Universities etc on a pilot basis, with a view to extending such schemes nationwide;*

(c) *a mobile teaching/exhibition centre, if possible with industry sponsorship, should be established on a pilot basis by FÁS in association with the Department of Education in order to provide skills sampling courses and awareness of non-traditional careers in schools, community training workshops, etc;*

(d) *the above courses should ideally be made available to pupils during the Transition Year in those post-primary schools which have a Transition Year, and that other schools should make alternative arrangements for providing those opportunities.*

(a) **The Schools/Industry Links Scheme on the lines indicated in the Commission's recommendation already exists in Finglas, Athlone, North Mayo and Galway, and FÁS is prepared to work with the Department of Education and the social partners to further develop these initiatives. In addition, some PESP partnership companies are examining a number of models such as mini companies and enterprise competitions with a view to developing links with schools.**

(b) **Under the NOW initiative, skills sampling courses have been offered by a number of RTCs and universities, normally to pupils in Transition Year. The expansion of such projects is being actively encouraged by the Department of Education.**

(c)&(d) **FÁS has discussed with the Department of Education methods by which skills sampling training opportunities can be delivered in a flexible and creative manner. FÁS already works with schools locally to provide skills sampling opportunities to school-girls.**

Recommendation 10.3.4

The Commission recommends that:

(a) *the relevant Ministers should direct all State training agencies, educational establishments which provide vocational training, and other training bodies which receive public funding, to develop and implement, before the end of 1993 a Positive Action Programme for women on a similar basis to FÁS;*

(b) *the achievement of targets in relation to women's participation on all State and EC funded programmes should be monitored by the Department of Women's Affairs. There should be a bi-annual review of women's access to participation in programmes to ensure that all barriers are removed and that programmes are meeting the needs of women with regard to labour market requirements.*

(a) **FÁS launched its first Positive Action Programme for women in 1990 and each year has built on the success of the previous years. The objectives of the programme are:**

- **to promote actively the breaking down of traditional patterns of occupational segregation by encouraging increased female participation in sectors of the labour market traditionally dominated by men;**
- **to promote actively the participation of women at all levels in growing future-oriented sectors of the labour market including technical and managerial occupations in order to achieve better use of human resources;**
- **to promote actively the upgrading of existing skills levels among women.**

Under its Positive Action Programme FÁS monitors the participation level of women on all FÁS courses. Annual targets are set in order to increase the rate of participation of women on employment schemes where their representation on such schemes is below that of their representation on the Live Register.

CERT, the State Tourism Training Agency, implements a policy to ensure equality of access to all tourism training schemes. All CERT literature and application forms contain a positive statement on equal opportunity.

CERT's training programme for the tourism industry attracts between 50-60% female participation rates annually, depending on the particular programme. CERT strives to maintain a balance in the male/female ratios of trainees on its courses. On Unemployment Programmes the average male/female ratio is 42% male and 58% female, on Initial Training - 38% male and 62% female and on Continuing Training - 55% male and 45% female. The only exception is the Bar course which is populated predominantly by males (approx. 80%) and the accommodation course which attracts a very high percentage of females (approx. 100%).

The output levels on CERT's training programmes very closely reflect the employment opportunities within tourism, as evidenced in the 1992 CERT Manpower Survey which showed the male/female ratio in employment to be 42% male to 58% female.

Under the "NOW" Community Initiative, CERT has developed a programme dealing with women returning to or joining the workforce. This programme will be available to Community groups in 1996, following further refinements to the programme.

Teagasc, the agricultural training agency, operated a "NOW" programme geared to providing support and training for women, which also involved a study to determine how participation by women in Teagasc could be improved. Teagasc is now developing a further programme under new Community Initiative Employment - NOW - to implement the findings of the study, by developing equality proofing systems with its training and outreach programmes, and to address recruitment and training procedures in this context.

- (b) The Department of Equality and Law Reform takes part in Monitoring Committees which review the effectiveness of operational programmes in achieving their objectives, including the provision of breakdowns of participation by gender and promoting the objective of equal opportunities.

Recommendation 10.3.6

The Commission recommends that the Minister for Labour instruct FÁS to examine the area of designated trades with a view to extending the range of occupations involved to take account of skilled occupations which are predominantly female as well as future oriented occupations.

The National Apprenticeship Advisory Committee is currently considering the extension of the range of designated trades to further occupations, a number of which have a high proportion of women workers. The Commission's recommendations will be taken into account by the NAAC in its deliberations.

A section was included in the Industrial Training (Apprenticeship Levy) Act, 1994, (which provides for the payment of an apprenticeship training levy by designated sectors of industry) which provides that before any sector is designated, the Minister should consider, inter alia, the potential for recruitment of men and women in the sector.

Recommendation 10.3.13

The Commission recommends that:

- (a) *an information and awareness campaign be targeted at employers in non-traditional (for women) sectors by all State training agencies which provide apprenticeships, or other non-traditional training in order to encourage employers in non-traditional sectors to employ and sponsor women;*
 - (b) *State training agencies continue to provide bursaries as an additional financial incentive to employers to take on women in apprenticeships;*
 - (c) *in implementing the new apprenticeship system, FÁS should take particular measures to ensure that existing incentives to employers to sponsor women as apprentices are protected;*
 - (d) *the suggested target of 10% of all apprenticeships to be taken up by women should be met within a specific timescale and the target should be up-dated annually with a parallel target of increasing women's participation in the wider range of apprenticeships proposed at 10.3.5 above;*
 - (e) *in conjunction with State training agencies employers should be encouraged to utilise section 15 of the Employment Equality Act, 1977 which allows for single-sex training and work experience in areas where a sex has been under-represented;*
 - (f) *employer bodies become active in promoting the recruitment of women into apprenticeship and other forms of non-traditional training;*
 - (g) *State and semi-State agencies who recruit apprentices should be required to set and meet specified targets for intake of female apprentices (e.g. Health Boards, local authorities, ESB);*
 - (h) *approved centres for registered craft apprenticeship training should provide preparatory training places and should set targets for female intake;*
 - (i) *in-service training modules on equal opportunities should be provided for instructors and other staff of all State training agencies and VEC's; particular provision should be made for instructors on apprenticeship, preparatory training and non-traditional courses in order to equip instructors with the skills to deal with difficulties women on such courses may encounter;*
 - (j) *an equal opportunities module be introduced onto all training courses;*
 - (k) *support networks for women in apprenticeship and on non-traditional training courses be facilitated, with the involvement of the appropriate unions.*
- (a) **The Minister of State for Labour Affairs and FÁS are promoting the new Apprenticeship System and, in so doing, have taken the Commission's recommendations into account.**

(b)&(c) Arising from the Commission's recommendations, a new bursary scheme devised by FÁS was formally launched in July, 1993. The bursary scheme is part of a range of special measures initiated by FÁS to assist women wishing to take up apprenticeship, in recognition of the fact that the absence of FÁS sponsored places under the new Apprenticeship System may increase the difficulties for women in entering into apprenticeship training. A special brochure promoting the Bursary has been widely circulated to employers.

(d) The National Apprenticeship Advisory Committee discussed the issue of target setting for the intake of women apprentices. Since employers recruit apprentices directly into the Standards-Based Apprenticeship System the Committee decided that it would be inappropriate for FÁS to set targets. FÁS's role is to act as a catalyst and FÁS involvement is to:

- (i) provide preparatory training to encourage and assist women to become apprentices,
- (ii) to provide incentives to employers (i.e. Bursary),
- (iii) to encourage and promote the recruitment of apprentices,
- (iv) to maintain the progress of women into apprenticeship training.

(e) In conjunction with the Social Partners FÁS has prepared a Code of Practice - "Equity in Recruitment of Apprentices". FÁS specifically utilises Section 15 of the Employment Equality Act in the implementation of its Annual Action Programme for Women - Women in Focus.

It also promotes the use of this provision by employers under the Training Support Scheme by making specific reference to this provision in promotional literature.

(f) IBEC supports the recruitment of women into apprenticeships and other forms of non-traditional training. Wherever possible IBEC will support any campaigns in this area undertaken by State training agencies.

(g) The recruitment of apprentices by local authorities is a matter for each individual local authority having regard to its work requirements and budgetary situation. The employment of apprentices by local authorities would be slight, however, having regard to the small amount of direct labour carried out by them.

(h) FÁS is developing a pre-training programme for educationally disadvantaged persons. Its aim will be to provide real second chance education and training to persons not qualified for entry to FÁS mainline SST courses or for entry to apprenticeship due to lack of opportunity as a result of age, gender or lack of maturity or support while in education. It will address the typical gaps in education experienced by individuals, including women, such as in general science, drawing, maths and exposure to craft-type skills. The design of the pre-training programme is currently being finalised.

Recruitment of individuals as apprentices is the responsibility of employers and FÁS can only act as a catalyst in the matter of the recruitment of female apprentices. It does this by providing an incentive to employers to recruit female apprentices (e.g. the apprenticeship bursary) and will help to remove barriers to female apprentice recruitment with the introduction of the pre-training programme referred to above.

- (i) As part of its Positive Action Programme, FÁS is organising in-service workshops for instructors training in non-traditional areas in each training centre. In addition, the FÁS/UCG Certification in Training and Education will continue to be offered to FÁS staff.
- (j) The Construction Industry Training Committee of FÁS has developed and launched the "Women into Construction" project which includes a video and teaching materials for use by students/trainees. While set in a construction industry context, the materials have general application on the issue of equal opportunities and will be disseminated through a specific pilot involving Community Training Workshops, VEC Youthreach, transition year classes and other appropriate courses. At the end of the pilot, the further extension of the model/materials in a structured way to other courses will be considered.
- (k) Support mechanisms for women in apprenticeship and other non-traditional training courses are provided not only through the on-the-job monitoring process operated by FÁS Services to Industry, in respect of the Standards-Based Apprenticeship, but also by way of the FÁS action programme for women, "Women in Focus", which is reviewed and re-structured annually.

Recommendation 10.4.5

The Commission recommends that:

- (a) FÁS and CERT should ensure that their local personnel make it clear to training course applicants that training courses do not carry an absolute Live Register requirement;
 - (b) FÁS and CERT should produce and distribute information aimed at women, clarifying the requirements for training programmes, and promote this through women's groups;
 - (c) the agreement in the PESP (section V, paragraph 124) should be implemented;
 - (d) the "Live Register" requirement should specifically be relaxed for SES, VTOS and the Employment Subsidy Scheme so that persons receiving the Lone Parents Allowance are, in principle, eligible for such schemes;
 - (e) lone parents on SES, VTOS and Employment Subsidy Schemes should continue to receive the Child Dependant portion of the Lone Parents Allowance;
 - (f) places on employment and training programmes should be targeted at applicants with the greatest need for training and work experience in order to get back into the labour market.
- (a) **This is FÁS and CERT policy.**
 - (b) **FÁS is working actively with a number of locally-based women's groups to ensure that information on FÁS Programmes is widely disseminated. FÁS has prepared promotional materials for dissemination to women in 1996.**
 - (c) **There is no Live Register requirement for participation in FÁS Return to Work training courses for women.**

- (d) Lone parents in receipt of Lone Parent's Allowance are eligible to participate on Community Employment and 10% of places on VTOS are reserved for those in receipt of Lone Parents Allowance or disability payments.
- (e) The Employment Subsidy Scheme has ceased to operate. Lone Parents participating on Community Employment are entitled to retain their Lone Parent's Allowance (LPA) comprising of the personal and Child Dependent Allowance (CDA) rates. The income from Community Employment is assessed when calculating the level of LPA. In addition to the first £6 of means, a lone parent can earn £24 a week which is not counted as means. Child minding and travelling expenses are also disregarded. Only half of any earnings in excess of the combined disregards are then counted as means.
- The effect of the favourable means assessment is that the total LPA payment, which the Community Employment participant receives is in excess of the CDA portion of their payment. Therefore, the proposal that LPA recipients on Community Employment retain their CDA portion would be less favourable than the existing assessment applied.
- (f) This policy already operates in FÁS and CERT.

Recommendation 10.4.6

The Commission recommends that more training courses should be run as part-time courses.

FÁS operates the bulk of Return to Work courses on a part-time basis and has operated enterprise training for women on a similar basis. Flexibility will continue to be FÁS policy in the area.

Recommendation 10.4.7

The Commission recommends that:

- (a) childcare facilities for trainees should be made available;*
- (b) the PESP commitment to providing crèche facilities at training centres should be implemented having regard to our overall approach to childcare including the option of partnership arrangements at local level;*
- (c) in areas targeted by the Local Area Based Response to Unemployment, the proposed and existing community based crèches should be available to trainees.*

See response to Recommendation 4.3.5(ii).

FÁS supports the development of a partnership approach to childcare provision as a viable method of providing childcare to parents who are at work, in training or in education. Childcare facilities, based solely on trainee usage, are not sustainable in terms of demand and require to be developed as part of broader provision.

FÁS is working closely with Area Development Management Limited in the implementation of the Department of Equality and Law Reform's Pilot Childcare Initiative. Where projects

are being supported under this initiative, FÁS is endeavouring to support them through providing, or facilitating, the provision of childcare training for existing, or new, childcare workers.

FÁS currently supports the direct provision of childcare facilities under Community Employment. Within this programme, participants can explore the potential for establishing their own childcare business, thus increasing the number of childcare facilities available.

Recommendation 10.5.3

The Commission recommends that:

- (a) funding and resources be provided in order to expand the number of places on Return to Work and similar courses;*
- (b) persons who have completed Return to Work and similar courses should be considered as satisfying the Live Register requirements so that they are eligible for the SES, VTOS and Employment Subsidy schemes;*
- (c) women who have completed such courses should be encouraged by FÁS to take up skills training opportunities.*

- (a) Through a special initiative - Local Action for Women, FÁS is developing methods for new and flexible approaches to the delivery of locally based training for women. This project is being undertaken in partnership with locally-based women's groups.**
- (b) Community Employment (which has replaced the Social Employment Scheme) is primarily directed at persons who are long-term unemployed and in receipt of unemployment compensation payments. Other categories such as persons in receipt of Lone Parent's Allowance and persons referred by the National Rehabilitation Board are also eligible to participate. It is not proposed to amend the conditions to allow persons completing Return to Work and similar courses, who do not satisfy the prescribed conditions, access to the programme.**
- (c) This recommendation has been implemented by FÁS.**

Recommendation 10.6.2

The Commission recommends that:

- (a) the providers of training, i.e. FÁS, CERT, Eolas, the IMI, etc., should work with employers in Ireland, individually or in groups, to undertake special training initiatives aimed at providing skills training with recognised qualifications for their women employees, with a view to achieving a balanced representation of women and men in the workforce;*
- (b) FÁS should ensure that training grants to companies are used to promote the training of female as well as male employees.*

The Training Support Scheme (TSS) is the main FÁS vehicle for training grants to companies. The TSS currently supports equal opportunities training initiatives under the heading of development of human resources. In 1994, women represented 31% of employees whose training was grant-aided; 27% of those attending management training and 34% of those on operatives training were women. FÁS has worked with local employers to develop special training initiatives to improve the skill level of female employees. Employers will be encouraged to make greater use of the TSS to provide equal opportunity focused training for female employees.

Equal access to training is reflected in CERT's policy in relation to all in-company training carried out in the tourism industry by CERT.

Recommendation 10.7.1

The Commission recommends that the IMI should launch a Women in Business Award designed to reward the companies which do most to develop women managers.

In March, 1994 the IMI inaugurated the Women in Business Award in partnership with two of its member companies, Aer Rianta and Bank of Ireland. The aim of the award is to focus on the companies and organisations which take advantage of the skills and expertise which women bring to the workplace and which do most to enable their women managers to develop their full potential. All companies and organisations operating in the Republic of Ireland and Northern Ireland, whether in the industrial, commercial or services sector, private or public are eligible for the Award (with exception of the sponsoring organisations).

Companies and organisations entering for the award need to show that they have taken initiatives which nurture and support an organisational climate of equal opportunity and which show commitment to the removal of barriers to women's advancement and promotion.

They are required to illustrate clear senior management commitment to equal opportunities for its workforce, and a monitoring process which underpins progress on initiatives and policies.

Recommendation 10.8.1

The Commission recommends that at national level women's organisations, insofar as possible, should be involved in the delivery of any future community initiatives dealing with the employment, training or labour market participation of women.

Women's organisations are actively involved in the EU NOW Programme. Through its grants scheme for locally-based women's groups, the Department of Social Welfare already enables women's organisations to participate in community initiatives such as those outlined in this recommendation. In 1994 four women's programmes established under the NOW initiative received £105,000 in financial support from the Department of Social Welfare and £75,000 was allocated in 1995 to three groups.

Health

Recommendation 11.2.2

The Commission recommends that:

- (a) *the Department of Health should review the present health services and their delivery to examine how they can best meet the needs of women. This review should be carried out in consultation with women's groups, health boards, medical representatives and social partners. The review should be carried out by end-1993 and its findings should be incorporated into a national plan for women's health which is then brought to Government for decision and implementation;*
 - (b) *the differential effects of policy decisions on women and men should be assessed by the Department of Health when policy changes are being proposed, with a routine Ministerial requirement that all health proposals are examined for their gender related implications.*
- (a) **In June 1995 the Minister for Health published *Developing a Policy for Women's Health - A Discussion Document*. The discussion document reviews the health status of Irish women and examines how the health services could better meet the needs of women. An extensive process of consultation with women's organisations and bodies responsible for the health of women has begun on the Document. The National Women's Council of Ireland has accepted the Minister's invitation to assist with the co-ordination of the consultative process. It is the Minister's intention to prepare a plan for women's health based on the results of the consultative process and to obtain Government agreement to the implementation of the plan over the next few years.**
- (b) **The Department of Health assesses the differential effects of policy decisions on women and men when policy changes are proposed.**

Recommendation 11.2.3

The Commission recommends that appropriate legislation be enacted to establish the right of access by individuals to all their hospital records.

In accordance with the provisions of the Charter of Rights for Hospital Patients, patients have the right to request a hospital to make details of their medical records available to them. As a general rule a hospital or health board will meet patients' wishes in this regard. It is felt by the Department of Health that this meets the substantive issue raised by the Commission.

The Office of the Tánaiste is currently preparing legislative proposals on Freedom of Information.

The General Scheme of a Freedom of Information Bill was approved by Government in early December, 1995. One of the key features of the proposed legislation is a right to access

personal information, relating to oneself, held by public bodies. This includes a right to access medical information. Special protection would be provided for sensitive medical information where disclosure may be prejudicial to the health or well-being of the person concerned. In these circumstances the information may instead be given to a qualified medical practitioner.

It is proposed that the legislation now being prepared would apply initially to central Government and would be extended by Regulations to the health boards with the agreement of the relevant Minister.

Recommendation 11.2.4

The Commission recommends that:

- (a) the Department of Health, Health Boards and hospitals should be obliged to adopt equal opportunity programmes with specific targets and strategies;*
- (b) Health Boards and hospitals should be required by the Department of Health to provide a certain number of job-sharing posts, to include training posts;*
- (c) Health Boards and hospitals should also be required by the Department of Health to pursue a more flexible approach to part-time work to facilitate the management of domestic and occupational commitments;*
- (d) women should constitute at least 40% of interview boards for medical and nursing posts;*
- (e) professional bodies should promote similar equal opportunity policies for their members.*

Personnel policy for the health service places emphasis on the necessity for each health agency to observe the principle of equality in its employment and personnel practices so as to ensure that all staff, irrespective of gender, have an equal opportunity to develop their potential and to advance on the basis of merit.

A number of positive initiatives have been introduced in the health service to date. These include improvements in recruitment practice and the provision of flexible working arrangements and career breaks. Reference is now made to the employer's commitment to equal opportunities when advertising health service posts.

However, further change will need to take place in a number of areas. The recent report *Barriers to Women's Promotion in the Midland and Mid-Western Health Boards* offers a perspective from the viewpoint of female employees which suggests that the main obstacles relate to organisational procedures (training, interviews and promotional paths) and organisational culture. The report suggests that the particular issues raised are not peculiar to the Midland and Mid-Western Health Boards and provides a valuable input to the review of policy and procedures in all health agencies.

With a view to developing a broadly based approach in the health service to the achievement of equality of opportunity in employment practices, health agencies are currently in the process of reviewing their personnel practices. When completed, the Department of

Health and agencies will consider the overall position to see what further action may be required to complement measures already adopted by employers.

Recommendation 11.2.5

In conjunction with the equal opportunities strategies outlined at paragraph 11.2.4, the Commission recommends that the Department of Health, Health Boards, hospitals and professional bodies should review within one year:

- (a) the present system of short-term contracts for non-consultant hospital doctors;*
 - (b) the exceptionally long working hours frequently required of junior hospital doctors.*
- (a) The length of contract (normally six months) is set by the higher training bodies and reflects the need to gain experience in a wide range of areas.
- (b) A reduced working week from 70 to 65 hours was introduced following a Labour Court Recommendation made in 1988. The recent Report of the Joint Pilot Study on Unrostered Hours of Non-Consultant Hospital Doctors confirmed the existence of the problem of unrostered hours. Negotiations were held with the Irish Medical Organisation and agreement was reached on an effective mechanism to be instituted at hospital level to deal with the matter. Stage 1 of the mechanism was put in place with effect from 1st July, 1995. It was also agreed that the mechanism, in its entirety, will only be implemented in the context of overall agreement on the other issues concerning NCHDs which are being dealt with in the context of Clause 2(iii) of Annex 1 of the PCW Pay Agreement.

Recommendation 11.2.6

The Commission recommends that:

- (a) a patients' charter should be drawn up by the Department of Health which deals specifically with women's health issues, particularly with the right to gynaecological services and female sterilisation. One approach worth considering would be to broaden the scope of the proposed Charter for expectant mothers to deal with all women's health issues;*
 - (b) an amplified charter of patients' rights setting out clearly defined conditions regarding eligibility for community health services should be drawn up and clearly displayed in GP and hospital waiting rooms.*
- (a) The objective of this recommendation has been met by the publication by the Minister for Health of 'Developing a Policy for Women's Health - A Discussion Document' and by the circulation to health boards of the Family Planning Guidelines. (See also Recommendation 11.2.2 and 11.8.7.) Women's health needs will be addressed in the plan for women's health to be drafted after a process of consultation on the discussion document.
- (b) There is a commitment in the Health Strategy to review the criteria for eligibility for community health services.

Recommendation 11.3.4

The Commission recommends that:

- (a) *the carer's allowance should not be means tested on the income of the carer;*
- (b) *if the carer's allowance has to be means tested, it should be means tested on the means of the person being cared for;*
- (c) *medical eligibility for care should be decided on the basis of diagnosis by the Director of Community Care, Area Medical Officer, consultant geriatrician or other appropriate consultant specialist.*

The implementation of this recommendation will have to be examined in the context of the significant cost implications. Implementation would also require legislative changes.

The 1994 budget introduced a new earnings disregard of £100 in cases where the spouse of the carer is in employment. This was further increased to £150 in 1995 and will apply to other income. An increased initial earnings disregard from £2 to £6 was also introduced in the 1994 budget.

Carers Allowance was extended to cover pensioners over age 66, other than those in receipt of a social welfare pension, e.g. those getting an occupational pension, in the 1995 budget.

In addition, a Free Travel Companion Pass was given to existing passholders who are being cared for by a recipient of the Carer's Allowance from July 1995.

Recommendation 11.3.5

The Commission recommends that:

- (a) *a network of registered and trained carers be established and employed by the local health authorities under the community care system, or provided by voluntary bodies in association with these authorities;*
- (b) *as a first step towards achieving a comprehensive network, a number of pilot projects should be initiated in 1993/4 with a view to developing an effective policy in this area;*
- (c) *entitlement to the services of community carers should be determined on the basis of an assessment of the means and needs of persons requesting the service, who have already been diagnosed by a consultant geriatrician or other appropriate consultant specialist.*

Under the recently published *Health Strategy, 'Shaping a Healthier Future'*, one of the priorities in relation to the elderly will be to strengthen the role of the general practitioner, the public health nurse, the home help and other primary care professionals in supporting older people and their carers who live at home. The target will be to ensure that not less than 90 per cent of those over 75 years of age continue to live at home.

The Department has also circulated copies of the Charter for Carers prepared by the Soroptimists to each health board asking them to take it into account in preparing their plans to fully implement the recommendations of 'The Years Ahead - A Policy for the Elderly'. Health boards are developing their services for the elderly with teams established under the control of co-ordinators or district liaison nurses whose main task is to ensure that the elderly in need are identified. Several hundred extra staff have been recruited including nurses, home helps and home care attendants.

Each health board employs or funds the employment of home helps who have been trained to assist dependent people or families under stress. The need for home help is assessed by a home help organiser or a public health nurse, at the request of the family or a general practitioner.

Recommendation 11.3.6

The Commission recommends that a system of back-up services for carers in the home, including respite care, advisory services and day-care centres should be established in each Health Board area as an integral part of community care policy.

It is the policy of all health boards to provide back-up support and advice to family carers, including respite facilities and day-care centres. These services are being expanded as resources permit.

Recommendation 11.3.7

The Commission recommends that:

- (a) in order to implement a policy of community care/home help, the categories of people eligible to receive the service should be extended to take account of the needs of groups such as mothers with handicapped children or other disadvantaged categories;*
- (b) Health Boards should be obliged as well as empowered to provide a comprehensive home help service;*
- (c) policy on the categories to be assisted under the home help scheme should be decided at national level by the Minister for Health and implemented by each Health Board;*
- (d) costs of provision of the service should incorporate an element of means-testing so that a fee would be charged, according to means, to non medical card holders. This would open up access to the scheme to a wider group of people in need of such service;*
- (e) information on the scheme should be freely available from, and actively promoted by, the Department of Health.*

The National Council for the Elderly recently published a Report entitled Home Help Services for Elderly People in Ireland. Following on from this report, the Minister for Health will be examining the future role and development of the home help services in Ireland.

Recommendation 11.3.8

The Commission recommends that all home helps be paid a national realistic hourly rate.

The issue of payment for part-time home helps has been raised on a number of occasions in the recent past. The Chief Executive Officers of the health boards have been asked by the Department to review the issue of the differences in the rates of pay to home helps between boards and the diversity of arrangements for providing the service.

Recommendation 11.3.9

The Commission recommends that, as a priority, residential and day places should be provided for mentally handicapped people who need them, but who currently have to be cared for at home.

In recognition of the need to expand facilities and services for people with a mental handicap and their families, a total of £42m has been made available since 1990 for the development of services. From this £35.5m has been used to develop new services and £6.5m to meet identified needs within existing services.

This funding has provided the following services:

- 969 additional residential and respite places;
- 2,068 additional day places;
- the provision of home support services for thousands of families caring for a person with a mental handicap;
- improvement of services for persons with a mental handicap who are also behaviourally disturbed;
- implementation of the Department of Health policy document on services for persons with autism;
- continuation of the programme to transfer persons with a mental handicap from Psychiatric Hospitals and other unsuitable placements to more appropriate care settings.

In addition capital of £6.78m has been provided from the EU Structural Fund Programme 1994 - 1999 for the development of training centres for people with disabilities including mental handicap.

Recommendation 11.3.10

The Commission recommends that provision for the elderly within the community care system should take the form of locally-based sheltered housing providing low-level care.

See response to Recommendation 5.3.6.

Recommendation 11.3.11

The Commission recommends that:

- (a) existing rape crisis centres be given secure multi-annual funding on a contractual basis such as health boards already provide to voluntary bodies for some community and family planning functions;*
 - (b) where a regional rape crisis centre does not exist, the Health Boards in question should establish one, staffed by persons with appropriate expertise;*
 - (c) all rape crisis centres and Health Boards should maintain regular close liaison with a view to implementing the most appropriate and sympathetic policies for the victims of sexual assault; it is also important that rape crisis centres should network with each other.*
- (a) Following a Government decision in July, 1991 funding for rape crisis centres was channelled through the health boards from the Department of Health's National Lottery allocation. This funding is in addition to that being provided directly by health boards to the centres. Total funding from the health boards to rape crisis centres and services in 1995 amounted to £907,000. Funding for rape crisis centres has now been made as secure as the annual budgetary cycle of Government permits.**
- (b) In 1995 special funding was made available to the two health boards in which no rape crisis centres operate to develop counselling services for victims of rape and sexual abuse.**
- (c) Close liaison between the rape crisis centres and the health boards has developed in recent years, to the benefit of victims of sexual assault. A Federation of Rape Crisis Centres has been established to encourage networking of the centres around the country.**

Recommendation 11.3.12

The Commission recommends that:

- (a) where a regional domestic violence shelter does not exist, the Health Boards in question should establish one, or should support women's groups already active in the field; such refuges should be staffed by persons with appropriate expertise;*
- (b) where there are existing shelters which are functioning effectively, they should be given secure multi annual funding on a contractual basis such as Health Boards already provide to voluntary bodies for some community and family planning functions;*
- (c) all domestic violence shelters and Health Boards should maintain a regular close liaison;*
- (d) each Health Board should maintain a list of confidential addresses for women in emergency domestic violence situations;*

- (e) *an emergency 24 hour telephone service should be established in each Health Board Area for victims of domestic abuse occurring at weekends and holiday periods.*

A portion of the £15m allocated for the development of child care services in 1994 was allocated to improve the availability of refuge places and to improve services for victims of domestic violence. The following initiatives are underway:

- Increased financial support for women's refuges in the Eastern Health Board region;
- Provision of counselling services to victims of family violence at shelters in Athlone and Tullamore;
- Development of services for victims of domestic violence at Dundalk;
- Additional funding for Women's Aid, Letterkenny to develop services for victims of domestic violence;
- Increased financial support to Adapt Refuge, Limerick to employ a child care worker;
- Increased funding for Oasis Hostel in Waterford and the development of additional refuge places in South-Eastern Health Board region;
- Increased support for Adapt Women's Refuge, Tralee and for Cuanlee Refuge in Cork.

In 1995 the following additional developments were undertaken:

- Payments of grants of £55,000 towards the running of the Women's Aid Freephone National Helpline Service and £20,000 to the National Federation of Abused Women and their Children to support their co-ordinating activities;
- Approval of a capital grant of £100,000 for the provision of a Women's Refuge in Dundalk;
- Provision of increased financial support for voluntary groups providing services for victims of domestic violence in the South Eastern Health Board area, the Southern Health Board area and in the Western Health Board area.

Recommendation 11.3.13

The Commission recommends that drop in family centres should be established in each Health Board area for stressed parents, mothers in particular.

Under Section 3 of the Childcare Act, 1991, each health board is required to develop a network of childcare and family support services. The provision of family centres is being actively pursued by the boards in the context of this statutory provision and the special funding set aside by the Government for the development of services and supports to assist children and families in need.

See also Recommendation 6.5.2.

Recommendation 11.3.15

The Commission recommends that the Department of Health should set in train a study on the long-term implications for the well-being of women who have had abortions, with a view to drawing up a public health policy within the constraints of the law which would try to meet the needs to be determined.

The Minister for Health has commissioned a major research study which will examine a wide range of issues relating to crisis pregnancy and abortion. The Minister has also provided financial support for post-abortion counselling.

The Discussion Document on Women's Health includes a commitment that the Department will investigate the feasibility of carrying out research on the long-term implications for the well-being of women who have had abortions and if it is found to be feasible, will commission the necessary research.

Recommendation 11.4.1

The Commission recommends that the Department of Health should put in place a mechanism for monitoring hospital practices in relation to outpatient appointments to ensure that the Patients' Charter commitment is realised and that outpatients do, in practice, receive individual appointment times.

The Department of Health is reviewing the operation of the Patients' Charter so as to make any necessary improvements and to ensure that it provides a properly structured system of patients' rights, including the right to have individual appointment times.

Recommendation 11.4.2

The Commission recommends that hospitals should make provision for overnight accommodation and facilities for parents of children in hospital, especially those parents who must commute long distances.

All hospitals facilitate parents who wish to remain overnight with their children. The three children's hospitals, Temple Street, Harcourt Street and Our Lady's Hospital in Crumlin provide overnight accommodation facilities for parents for which a charge of approximately £5 per night is payable. The parental facilities at Our Lady's in Crumlin are of a particularly high standard and include shower facilities and access to washing machine facilities. However, in relation to Temple Street Hospital, the demand for parental accommodation usually exceeds the supply and so a first come first served system is in operation.

Recommendation 11.4.3

In order to counteract the deficit of women at decision making level, and specifically to represent the women consumers who fund and use hospital services, the Commission recommends that:

- (a) *as a priority the Minister for Health in making appointments to Health Boards should establish gender balance and that at least 40% of the members of all Hospital Boards appointed by the Minister for Health should be women;*

(b) *the professional bodies which elect members of Health Boards should achieve gender balance in their nominations, if necessary by rotation;*

(c) *that as a condition of funding the Minister for Health should have the right to appoint at least two women to the Boards of all publicly funded voluntary hospitals to represent women users of the service.*

- (a) The democratic nature of the appointment of the majority of health board members means that it may not always be possible to implement a gender balance policy. The Health Act, 1970, provides that membership of a Health Board consists of persons appointed by the relevant local authorities, persons appointed by election by registered practitioners and persons appointed by election by members of certain ancillary professions as well as persons nominated by the Minister. The number of representatives in each category varies in each Health Board.

This composition, to a large extent, renders the attainment of adequate representation of women beyond the Minister's control. The Minister's own nominations have complied with current Government policy and will continue to do so.

In relation to the boards of bodies established by the Minister for Health, a certain number of appointments are made on the basis of nominations from other agencies. In line with a recent Government decision, the Minister is in a position to reject nominees from such agencies if gender balance has not been observed, and will do so provided that he is satisfied that there is a female candidate for the appointment who will, through her qualifications and commitment, enable the Board to satisfactorily fulfil its functions.

- (b) It is open to all persons who are registered in the register of medical practitioners, or in the registers of the ancillary professions who are entitled to elect members to the health board, to put themselves forward for election. The Minister for Health has no power or function in this matter.
- (c) It would not be appropriate to make the Ministerial appointment of two women to represent the interests of women users a condition of funding voluntary hospitals. Voluntary hospitals are independently owned and managed and entitled to appoint the members of their boards of management.

Recommendation 11.4.4

The Commission recommends that all hospitals should seek to establish consultative links with women's groups concerned with health issues in order to inform their policies and the delivery of their services to women.

The recently published Discussion Document on Women's Health endorses the Commission's recommendation that maternity hospitals should establish closer links with women who avail of their services.

The Health Promotion Unit consults with and supports a wide range of women's groups in providing services and creating a greater awareness of health issues to their members and the general public. Associations supported included the Irish Countrywomen's

Association, the Council for the Status of Women, the Miscarriage Association, the Association for Improvements in Maternity Services, La Leche League and the Federation of Services for Unmarried Parents and their Children.

Recommendation 11.5.1

The Commission recommends that the Health Promotion Unit should launch a publicity campaign to encourage eligible spouses of PRSI workers to avail of their entitlement to low cost dental treatment.

During 1993 the Department of Social Welfare issued notices on Dental Benefit for display in all dental surgeries and in local Social Welfare offices around the country.

Recommendation 11.5.2

The Commission recommends that more funds should be made available for public dental treatment services.

The Government provided an additional £2m in 1993 to further improve the dental services in accordance with the Programme for Partnership Government. As part of the Health Strategy the Government has announced a Dental Health Action Plan which will result in the further development of the health board dental services for eligible persons over the next four years. In 1994 an additional £5.65m was allocated to health boards for the initial phase of the Plan. Further additional funding was provided in 1995 for the second phase developments. A capital sum of £3m has been allocated to health boards in 1995 for infra-structural and other developments associated with the Plan.

Recommendation 11.6.1

The Commission recommends that legislation be enacted which ensures that pregnant women have the right to prompt and appropriate medical intervention including palliative care in the case of life-threatening conditions.

See response to Recommendation 1.2.8.

Recommendation 11.6.2

The Commission recommends that:

- (a) all maternity hospitals and units should provide single delivery units, and should be responsive to the needs of mothers with regard to birthing positions;*
- (b) women should be allowed to choose any companion or none, as they wish, to stay with them during delivery;*
- (c) the attendance of student doctors and midwives at gynaecological examination or birth should be a matter for the woman concerned and her permission should be specifically requested;*

- (d) epidurals should be available on the basis of choice by the woman, following consultation with her gynaecologist, and all maternity hospitals and units should provide an adequate epidural service;
- (e) maternity hospitals and units should adopt a flexible approach to visiting times, especially for immediate family members including children, within reasonable limits;
- (f) maternity hospitals and units should ensure that their practices do not militate against the wishes of women who wish to breastfeed their babies. Information and advice on breastfeeding should be provided by trained staff to women who choose to breastfeed. The hospitals might co-operate with La Leche League to devise a suitable supportive programme for breastfeeding mothers;
- (g) maternity hospitals and units should establish consultative links with groups such as the Association for the Improvement of Maternity Services and La Leche League in order that the experiences of women can be taken account of in organising and developing maternity hospital practices and mothers can avail of peer group support and advice;
- (h) the Department of Health should put in place a mechanism to monitor the implementation of recommendation (a) - (g).

(a)-(e) (g)&(h)

These recommendations of the Commission have been addressed in the recently published 'Discussion Document on Women's Health' and will be discussed during the consultative process on the discussion document. Improvements in the maternity services as suggested by the Commission were identified in the Discussion Document as a priority for inclusion in the proposed plan for women's health.

- (f) The National Committee to Promote Breastfeeding published a report entitled 'A National Breastfeeding Policy for Ireland' in July, 1994. The Committee consisted of representatives from maternity hospitals, Department of Health, La Leche League, Council for the Status of Women, Irish Childbirth Trust and Institute of Community Health Nursing.

The objectives of the policy are:

- (i) to increase the percentage of mothers in all socio-economic groups who breastfeed;
- (ii) to increase the number of mothers who practise exclusive breastfeeding for at least four months and thereafter with appropriate weaning foods.

The Committee recommends that "every maternity hospital and unit should have a clear written policy promoting and supporting breastfeeding" and that "hospital personnel, particularly midwives, should have skills to give accurate up-to-date advice to mothers". The policy also states that "all existing nursing and midwifery and medical personnel caring for pregnant women, mothers and infants in maternity hospitals and units and in the community should receive training in the skills necessary to promote and facilitate breastfeeding".

The Committee also recommends the following:

- a breastfeeding clinic to which mothers can come with their babies should be held weekly in each health centre. The existence of such a clinic should be made known to women both ante-natally and post-natally;
- each Health Board should have a written breastfeeding policy which should be communicated to public health nurses, public health doctors, general practitioners and relevant voluntary groups.

Recommendation 11.6.3

The Commission recommends that:

- (a) *separate accommodation should be provided in maternity hospitals for women who have had miscarriages or stillbirths;*
 - (b) *appropriate follow-up counselling for the woman and her partner should be offered;*
 - (c) *the Births and Deaths Registration Act, 1863 should be amended in order to set up a separate State register for stillbirths and to issue certificates to the parents of stillborn children;*
 - (d) *until this State register is established, maternity hospitals should set up and maintain their own register of stillborn children in order that parents are given recognition of the stillbirth of their child.*
- (a) In general where women have miscarriages or stillbirths, maternity hospitals have reported that every effort is made to ensure that separate accommodation is provided for these patients for the duration of their stay in hospital. The accommodation provided ranges from a specific ward provided for this purpose to the placing of patients in gynaecology or ante-natal wards which are, of course, separate from post-natal wards with mothers and babies. Single room accommodation may also be provided, where possible.
- (b) In general, where women have miscarriages or stillbirths, maternity hospitals offer counselling services as a matter of course. Follow up counselling, after the discharge of the patient from hospital, is also arranged where necessary.
- (c) The Stillbirths Registration Act, 1994, provides for the compulsory registration of stillbirths which occur on or after 1 January, 1995. Stillbirths which occurred before this date may also be registered, if either parent so requests. Stillbirth certificates will be available to bereaved parents.
- (d) See (c) above.

Recommendation 11.6.4

The Commission recommends that routine medical maternity expenses should be allowable against income tax, as is currently the situation with all other routine medical expenses.

All medical treatment regarding pregnancy is free. Expenses are incurred only by those opting for private care.

Medical expenses income tax relief is intended to alleviate the hardship caused to taxpayers by non-routine unreimbursed expenditure arising from disability or illness. The legislation governing tax relief therefore excludes not only routine maternity care but also routine dental treatment as well as the first £200 per family of admissible health expenses. Relief is allowed for what may be regarded as abnormal expenditure in connection with a pregnancy, namely expenditure in respect of days as a patient in excess of fourteen days. Any change in this position would give rise to additional costs and cannot be supported.

Recommendation 11.6.5

Since the Minister for Health is the sole shareholder in Voluntary Health Insurance Board, the Commission recommends that the Minister for Health should direct the VHI to change the policy of excluding sterilisation from reimbursement.

The level and type of cover provided by the VHI is a matter essentially for the VHI Board. At present VHI cover is not available in respect of contraceptive measures or their reversal (VHI Rule 6.12) as the Board considers that available resources should be directed towards the provision of insurance cover for high and unforeseeable costs of conventional medicine used in the treatment of acute illnesses. Any extension of VHI cover would have implications for the financing of the Board, including the level of premium payments required from members.

Pursuant to the Health Insurance Act, 1994, insurers will be required to offer a minimum level of benefits in all hospital in-patient schemes. This is designed to ensure that subscribers do not underinsure and to underpin the requirement for community rating. (An insurer must charge the same premium for the same benefit level irrespective of age, sex or health status.) It is essential for community rating that younger, low-risk lives buy a sufficient level of cover to provide adequate support for older, high-risk lives.

Insurers will not be required to cover treatments directly or indirectly arising from, or required, in connection with male or female birth control, infertility and any form of assisted reproduction.

The minimum benefit requirement must be sufficient to meet the objectives stated above but must not be seen as so onerous as to act as a barrier to trade. Most insurers do not cover male or female birth control treatments because of the element of 'self-selection'. (A subscriber can choose whether or not to avail of the treatment.) This makes such a provision open to potentially substantial claims which cannot be actuarially predicted. It is hoped that insurers may provide such a benefit as a means of attracting members despite the claims risk. However, it is not considered necessary to meet the objectives for minimum benefit to require insurers to provide such cover and would be seen as a possible barrier to the development of competition. A barrier to trade would be seen by the European Commission as not acceptable within the context of the Single Market.

Recommendation 11.7.1

The Commission recommends that all maternity hospitals and units should organise and publicise programmes to teach practical aspects of parenting and baby care to first-time parents.

All public maternity hospitals and units provide ante natal classes for first time mothers to prepare them for the responsibilities of parenthood.

Recommendation 11.8.7

The Commission recommends that:

- (a) the Department of Health should ensure that there is public access to all legal forms of family planning, and that sufficient funds be provided to ensure such access is effective in practice;
- (b) medical card holders should be offered a full range of family planning services;
- (c) where family planning agencies are in receipt of public funds, these agencies should be required to provide information and services on all legal forms of family planning;
- (d) the Department of Health and its Health Promotion Unit should be responsible for producing and widely disseminating leaflets, videos, etc on all legal methods of family planning, either through their own structures or by contracting this responsibility out to approved family planning agencies;
- (e) the family planning services on offer in each area should be comprehensive, including:
 - information on all legal forms of family planning, medical and non-medical;
 - advice on appropriate forms of family planning for the individual concerned;
 - prescription, fitting, or sale of family planning devices and measures;
 - information on male vasectomy and female sterilisation (tubal ligation);
 - counselling, where an individual is interested in vasectomy or tubal ligation;
 - vasectomies and tubal ligation;
- (f) maternity hospitals, as a condition of public funding, should incorporate a family planning service advising on all legal methods of family planning as part of post maternity care;
- (g) general practitioners should display a notice in their surgeries that they offer information on family planning.

Under the guidelines issued to health boards by the Department of Health on the development of comprehensive family planning services in March 1995, the following must be provided:

- education, counselling and advice on all legal methods of contraception;
- natural methods of family planning;
- medical contraceptives, such as the pill and spermicides;
- non-medical contraceptives, such as condoms, IUDs and diaphragms;
- male and female sterilisation services i.e. vasectomies and tubal ligations.

These must be accessible and available on an equitable basis. The Minister for Health allocated £730,000 to the health boards for the development of these services in 1995.

In addition, the General Medical Services Scheme has been extended to include, in addition to the contraceptive pill, the following services without charge for women with medical cards:

- intra uterine contraceptive devices;
- contraceptive caps;
- contraceptive diaphragms;
- spermicidal contraceptives and lubricating jelly where used in association with contraceptive devices.

Recommendation 11.8.8

The Commission recommends that:

- (a) *publicly-funded hospitals should as a condition of funding, provide sterilisation in line with expressed demand; a decision on sterilisation should be made by the woman in consultation with her doctor;*
 - (b) *the woman's partner should be routinely consulted about the operation, but that his consent should not be necessary for an operation to proceed;*
 - (c) *advice on sterilisation and appropriate counselling should be provided in the context of the family planning services recommended in paragraph 11.8.7.*
- (a) While such an approach is appropriate to publicly owned and managed hospitals, in a pluralist society the ethical views of the proprietors of voluntary hospitals should also be respected. The health boards have, however, a responsibility to ensure that a lawful service such as sterilisation is available as part of a comprehensive family planning service.
- (b) The issue of consent to an operation such as sterilisation is primarily a matter for the patient and her medical practitioners. If a patient considers that a medical practitioner is making unreasonable demands in relation to consent, she is entitled to be referred to another medical practitioner.
- (c) Under the guidelines on family planning issued by the Department of Health to the health boards in March 1995, health boards are obliged to make facilities for female sterilisation available on an accessible and equitable basis. Health boards are in the process of making arrangements to ensure that this service is available.

Recommendation 11.8.9

The Commission recommends that:

- (a) *current practice on vasectomies should continue; as with female sterilisation, appropriate counselling for the operation should be provided; the man's partner should be consulted, but that her consent to the operation should not be essential;*

- (b) *the Health Promotion Unit of the Department of Health should prepare and widely disseminate information on vasectomy as a fertility control option.*
- (a) **In general, prior to a vasectomy counselling takes place with the partner and a doctor. In the majority of cases the situation has been fully discussed by both parties before they arrive at a clinic for the counselling session and the decision has already been reached. In very few cases the partner is not aware that the male is seeking sterilisation. In such cases a clinic usually insists on the two parties attending for counselling.**
- (b) **Information on vasectomy as a fertility control option is now widely disseminated nationally in all publications on the issue of family planning. These publications are "Family Planning and Contraception" developed by the Health Promotion Unit, "Contraception" developed by the Dublin Well Woman Centre with the support of the Health Promotion Unit and "Your Guide to Contraception" developed by the Irish Family Planning Association with the support of the Health Promotion Unit.**

Recommendation 11.8.10

The Commission recommends that:

- (a) *a sex education programme should be developed by the Department of Education which will give young people, male and female, a sense of personal autonomy and responsibility in relationships. The programme should be introduced in primary schools and continued in all second-level schools at a level appropriate to each age group (see Chapter 9, Education);*
- (b) *in a targeted Health Promotion Unit campaign girls should be given an appreciation of the opportunities foregone through early unplanned pregnancy, and boys should be informed of the responsibilities of parenthood and the need to share responsibility for contraception.*
- (a) **See response to Recommendation 9.1.15.**
- (b) **There are a number of programmes supported by the Health Promotion Unit of the Department of Health which address relationships and sexuality education in the context of a broad health education programme. These programmes seek to promote responsibility in the area of sexual health.**

The Unit has supported the Eastern Health Board in a pilot programme aimed specifically at reducing teenage pregnancies. The Unit is also working with the Department of Education with a view to further development and dissemination of good practice in relationships and sexuality education in the school setting. In this context the Department of Health is represented on the Interdepartmental and Implementation Groups which are currently considering relationships and sexuality education.

Recommendation 11.8.11

The Commission recommends that:

- (a) *the Health Boards in association with the Health Promotion Unit should develop strategies through their community care programmes designed to contact and provide early school leavers with support and advice on sex education, relationships and parenting;*

(b) *training and resources should be provided for community care workers working in this area;*

(c) *the community care system should assist support groups for young mothers with babies, and facilitate young mothers to obtain advice on family planning methods.*

(a)&(b) See response to Recommendation 11.8.10 above.

(c) The Community Mothers Programme operates a comprehensive support and advice service for young mothers with babies in the Eastern Health Board area. A number of Public Health Nurses are seconded to this programme on a full-time basis.

It is the practice that all mothers and new babies are visited by the Public Health Nurse within a short period after discharge from the maternity hospital/unit. These visits continue up to three years of age. Where a family is considered to be vulnerable the visits are more intensive.

The *National Health Strategy* recommends that every mother and baby be visited by a Public Health Nurse ideally within 24 hours after discharge from the maternity hospital/unit and that they have two designated visits to the general practitioner, one at two weeks and the other at six weeks after birth.

Recommendation 11.9.1

The Commission recommends that, as a general policy, Health Boards and authorities should enter into funding arrangements with voluntary organisations for the provision of agreed services on a multi-annual basis; with accepted standards of accountability applying, e.g. annual reports, audited accounts etc.

The health boards follow the principles recommended by the Commission in funding voluntary organisations, within the constraints of the Government's annual budgetary cycle.

Recommendation 11.10.2

The Commission recommends that the Minister for Health should adopt and implement a specific mental health strategy geared to the monitoring, prevention and treatment of mental health problems as they affect women. The strategy should be implemented within the overall context of psychiatric policies and services. The first phase of this strategy should entail an appropriate research project to be carried out within an urgent time limit.

The recently published Discussion Document on Women's Health examines the question of women's health and gives a commitment to the commissioning of the research recommended by the Commission.

Funding was provided in 1995 towards a study to be undertaken by the Order of St John of God to examine maternal/baby bonding in women who suffer from post natal depression compared to those who do not.

Recommendation 11.11.1

The Commission recommends a health education programme which disseminates information on a targeted basis as well as raising awareness generally. We believe this strategy should be integrated, with its message and objectives being driven home in the community, in schools and in the workplace.

The White Paper on Education outlines, in Chapter 13, the role of each school in promoting good health and well-being in its pupils. This will include involvement of parents in the development of school policy for health promotion, co-operation with statutory and voluntary agencies which are concerned with health, safety and the environment, and the development of educational programmes which combat abuse of all kinds and which promote a healthy lifestyle.

In June 1995, the Department of Health launched a Health Promotion Strategy which set explicit goals and targets and a plan of action for the improvement of people's health and quality of life. In working towards the implementation of the Strategy targets, the Health Promotion Unit will continue to give priority to the promotion of health at local level, in settings such as the workplace, school, health facility and the community.

Recommendation 11.11.2

The Commission recommends that:

- (a) Health Promotion Unit publications and videos should be widely available for use by schools, employers, voluntary organisations, local groups, etc;*
 - (b) lists of publications and videos should be widely publicised; the lists should be regularly updated and made available, in particular, to all schools;*
 - (c) there should be regular formal liaison between the Health Promotion Unit and the Directors of Community Care in each health board in order to devise strategies and campaigns for preventive health programmes at local/regional level, with particular reference to disadvantaged groups.*
- (a) The Health Promotion Unit makes available all its literature and its videos on request to schools, youth groups, public health nurses and other interested groups. Although the Unit is constantly adding new titles to its video catalogue there are insufficient stocks available to lend to commercial companies.**
- (b) The list of the Unit's publications and videos is constantly being updated and is available on request from its main office.**
- (c) In formulating and implementing its public health campaigns, the Health Promotion Unit liaises closely with the Directors of Community Care or the Health Education Officers in the eight health boards.**

Recommendation 11.11.3(i)

The Commission recommends that:

- (a) there should be a national campaign to publicise the importance and availability of cervical smear tests;*

- (b) *cervical smear tests should be available for screening as well as diagnostic purposes to medical card holders under the General Medical Services Scheme;*
- (c) *the interval between the taking of a smear test and the issue of a result should not exceed one month; women whose smear tests have been found to be abnormal should be entitled to a second test to confirm/refute the findings of the first test.*

The report of the review of all aspects of the cervical screening service is currently being finalised. "Shaping A Healthier Future" indicates that the service will be reorganised taking account of the group's recommendations.

Recommendation 11.11.3(ii)

The Commission recommends that the health services should immediately build up diagnostic services for breast cancer screening; in the medium term there should be a national breast cancer screening programme aimed at enabling women in the high risk group to have access to mammography for screening purposes.

Mammography in Ireland is used largely as a diagnostic tool for symptomatic or worried women and, in some cases, for "at risk" women. This diagnostic service is available to women on a doctor referral basis. There are currently 18 diagnostic mammography units in the country and expertise has been growing in all aspects of the early detection of breast cancer and its treatment. The Department of Health has supported and continues to support many initiatives in these areas.

The Department of Health supported a major mammographic breast screening programme at the Mater Foundation. This programme, the Eccles Breast Screening Programme, was part of a network of pilot schemes on breast cancer screening underway within the European Union. The study was carried out in a defined catchment area, i.e. North Dublin and Cavan/Monaghan, representing both urban and rural populations. All women in the catchment areas aged 50-64 were eligible to attend. Younger women have not been shown to benefit from mammography screening programmes. The objectives of the Eccles Breast Screening Programme were:

- to evaluate the impact of mammographic screening on mortality from breast cancer among Irish women;
- to document compliance with a breast screening programme in Irish women;
- to compare the specificity, sensitivity and predictive value of the mammography screening programme with that reported internationally.

The Eccles Breast Screening Programme was the first study of this kind undertaken in this country. A report on its findings was submitted to the Department of Health in January 1995. This report has been independently assessed and subjected to detailed evaluation on behalf of the Department. In October 1995 the Minister announced proposals for a phased expansion of the programme.

Phase I will cover the Eastern, North-Eastern and Midland Health Board areas. It will target 120,000 women in the age cohort 50-64, which represents 50% of the national target population.

The decision to proceed on a phased basis is guided by the need for:

- the achievement of acceptable compliance levels among the target population;
- ongoing evaluation of the programme from a quality assurance perspective; and
- availability of the necessary clinical expertise to conduct the programme.

It is intended that the phased introduction of the Breast Screening Programme will take cognisance of these critical success factors.

The effectiveness of a national breast screening programme in terms of reducing mortality will take many years to establish, in that follow-up must be continued over long periods to compare realistically outcomes in screened and unscreened groups and those of other international studies.

Recommendation 11.11.4

The Commission recommends that a national genetic counselling service should be developed in particular so that it is available in a general hospital and is not subject to an Ethics Committee. It is essential that such counselling be given before any decision is made to become pregnant so that an informed decision can be made.

A decision to establish a new medical genetic service was made in 1992 and funds of £250,000 were allocated. Funds totalling £647,000 were provided in 1993 and 1994 to Our Lady's Hospital, Crumlin towards the development of the service. Further funding was allocated in 1995 for this service.

The service provides non-directive counselling. Decisions are made by the patient in consultation with the counsellor having regard to the facts and treatment options available. The service is supported by a medical genetic laboratory which will be able to test for all medical genetic conditions.

A consultant medical geneticist and professor of human genetics took up duty on 1 July, 1994.

As soon as the detailed arrangements for the national centre have been finalised, the Minister for Health will be considering how best the service might be organised on a regional basis.

Recommendation 11.12.9

The Commission recommends:

- (a) *the formulation and implementation of a preventative health policy on the HIV virus and AIDS specifically targeted at women, explicitly drawing attention to the particular risks they face; such a health policy could either be run directly by the Health Promotion Unit of the Department of Health or could be contracted out to a suitable organisation or group;*

- (b) *that in schools, an age-appropriate education strategy for AIDS prevention should be taught, set within a programme of sex and relationship education;*
- (c) *amendment of Family Planning legislation to provide for the sale of condoms through vending machines;*
- (d) *the development of strategies to assist and support the children of HIV-positive mothers, including fostering and adoption;*
- (e) *that the Health Promotion Unit of the Department of Health should prepare and widely disseminate a leaflet on sexually-transmitted diseases other than HIV/AIDS and how they affect women.*

The Health Promotion Unit is a member of the Education/Prevention Sub-Committee of the National AIDS Co-ordinating Committee.

- (a) **The Unit's Convenience Advertising Initiative involves the placement of female-specific AIDS/HIV education messages in the washroom areas in women's health clinics. Other messages, which are also relevant to women, are in place in third-level colleges and selected entertainment venues.**

Women are also involved in the delivery of HIV/AIDS information in the Unit's HIV/AIDS prevention radio and television campaign.

- (b) **In 1990 AIDS education resource materials were disseminated to all second-level schools for use within the wider context of the school's sex and relationship education programme. In-service training was offered to two teachers from each school to assist in the delivery of the programme.**
- (c) **The family planning legislation has been amended to remove the restrictions on the purchasing of condoms.**
- (d) **The Health Promotion Unit, in association with the Irish Association of Social Workers, developed a booklet for use by parents of children with HIV.**
- (e) **The Health Promotion Unit has widely disseminated a leaflet on STDs which includes information for women on the cause, symptoms and the treatment of various STDs.**

COMPLETE LIST OF COMMISSION'S RECOMMENDATIONS

The numbering system followed in the Progress Report is that used in the Complete list of Recommendations appended to the original Second Commission's Report at Page 453.

No. Implementation and Monitoring of Commission's Report

- 1 Monitoring Implementation of Commission's Recommendations - (Para. 0.7.2.)

Constitutional and Legal Issues

- 2 Equality rights amendment to Constitution - (Para. 1.2.6.)
- 3 Divorce referendum - (Para. 1.2.7.)
- 4 Abortion legislation - (Para. 1.2.8.)
- 5 Enactment of equal status legislation - (Para. 1.3.8.)
- 6 Establishment of Equality Commission - (Para. 1.4.5.)
- 7 Community property regime - (Para. 1.5.6.)
- 8 Automatic enforcement of maintenance orders - (Para. 1.5.7.)
- 9 Expansion of mediation service - (Para. 1.5.8.)
- 10 Raising marriage age - (Para. 1.5.9.)
- 11 Attendance of civil registrar at all marriages - (Para. 1.5.10.)
- 12 Domestic violence issues - (Para. 1.6.4.)
- 13 Counselling for victims and offenders in domestic violence cases - (Para. 1.6.5.)
- 14 Treatment of complainant in rape trials - (Para. 1.6.6.)
- 15 Sentencing in rape trials - (Para. 1.6.7.)
- 16 Child sexual abuse - (Para. 1.6.8.)
- 17 Civil legal aid scheme - (Para. 1.7.3.)
- 18 Prostitution - (Para. 1.8.1.)
- 19 Legal status of co-habitees - (Para. 1.9.1.)
- 20 Amendment of Interpretation Act - (Para. 1.10.1.)
- 21 Registration of births - (Para. 1.10.2.)

Women in the Home

- 22 Community property regime - (Para. 2.3.1.)
- 23 Child tax allowances for low income families - (Para. 2.4.2.)
- 24 Review of income tax code - (Para. 2.4.4.)
- 25 Treatment of married women by Revenue Commissioners - (Para. 2.4.5.)
- 26 More gradual cut-off limits for welfare recipients - (Para. 2.5.2.)
- 27 Separate social welfare payments to spouses - (Para. 2.5.3.)
- 28 Family Income Supplement - (Para. 2.5.4.)
- 29 Younger lone parents - (Para. 2.5.5.)
- 30 Personal entitlements to pension/benefits - (Para. 2.5.6.)
- 31 Scheme to facilitate budgeting for social welfare recipients - (Para. 2.5.7.)

- 32 Increased annual funding to local women's groups - (Para. 2.6.3.)
- 33 Extension of scheme of funding for local women's groups to include disadvantaged men - (Para. 2.6.4.)
- 34 Built environment - (Para. 2.7.5.)

Women and Work

- 35 Women and job creation - (Para. 3.2.1.)
- 36 Employment policy for women - (Para. 3.2.2.)
- 37 Labour force statistics - (Para. 3.2.3.)
- 38 Employment strategy for women - (Para. 3.2.4.)
- 39 National minimum wage - (Para. 3.3.4.)
- 40 Atypical work - (Para. 3.4.5.)
- 41 Review of employment equality legislation - (Para. 3.5.7.)
- 42 Equal opportunity initiatives - (Para. 3.6.3.)
- 43 Sexual harassment - (Para. 3.6.4.)
- 44 Combining work and family responsibilities - (3.7.16.)
- 45 Public transport - (Para. 3.7.17.)
- 46 Women entrepreneurs - (Para. 3.8.6.)

Women and Childcare

- 47 Principles underlying childcare - (Para. 4.1.8.)
- 48 Establishment of childcare policy unit - (Para. 4.3.1.)
- 49 Childcare development plan - (Para. 4.3.2.)
- 50 Funding of childcare policy unit - (Para. 4.3.3.)
- 51 Appointment of regional childcare co-ordinators - (Para. 4.3.4.)
- 52 Implementation of Part VII of Childcare Act, 1991 - (Para. 4.3.5.(i))
- 53 Education and training of childcare workers - (Para. 4.3.5.(ii))
- 54 Training and regulation of childminders - (Para. 4.3.5.(iii))
- 55 After school and holiday care - (Para. 4.3.6.)
- 56 Development of workplace childcare facilities - (Para. 4.4.3.)
- 57 Funding of childcare - (Para. 4.5.2.)
- 58 Structural fund support for childcare - (Para. 4.5.3.)
- 59 Tax treatment of childcare facilities - (Para. 4.5.4.)

Women in Situations of Disadvantage

- 60 Poverty - (Para. 5.2.5.)
- 61 Older women - (Para. 5.3.6.)
- 62 Young single mothers - (Para. 5.4.4.)
- 63 Women with disabilities - (Para. 5.5.3.)
- 64 Lesbian women - (Para. 5.6.5.)
- 65 Traveller women - (Para. 5.7.4.)
- 66 Women prisoners - (Para. 5.8.6.)
- 67 Victim support - (Para. 5.8.7.)
- 68 Prostitutes - (Para. 5.9.3.)

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- 79 Helper spouses other than farm wives - (Para. 6.4.1.)
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- 83 Role of women's organisations - (Para. 7.2.4.)
- 84 Senior level of responsibility in social partner organisations - (Para. 7.2.5.)
- 85 Abolition of dual mandate - (Para. 7.3.2.)
- 86 Increased participation by women in politics - (Para. 7.3.10.)
- 87 Equal representation by women in Seanad Éireann (Para. 7.3.11.)
- 88 Review of number of women in Dáil Éireann - (Para. 7.3.12.)
- 89 Nomination of women to state boards - (Para. 7.4.1.)
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- 92 Increased funding for Council for the Status of Women - (Para. 7.4.5.)
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- 94 Department of Women's Affairs - Policy functions - (Para. 7.5.3.)
- 95 Elimination of Sexism from administrative practice - (Para. 7.6.1.)
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- 100 Featuring of women authors/achievers on school curriculum - (Para. 8.2.3.)
- 101 Inclusion of women in history in school curriculum - (Para. 8.3.2.)
- 102 Promotion of Irish language/culture through audio visual aids - (Para. 8.3.3.)
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- 137 Guideline for pre-school education - (Para. 9.2.3.)
- 138 Recognised standards for teachers and pre-school assistants - (Para. 9.2.4.)
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- 160 Links between schools and training agencies - (Para. 10.2.2.)
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- 172 Access to medical records - (Para. 11.2.3.)
- 173 Representation of women in senior medical posts - (Para. 11.2.4.)
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- 191 Dental benefit scheme - (Para. 11.5.1.)
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- 193 Legislation re treatment of life-threatening conditions during pregnancy - (Para. 11.6.1.)
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- 195 Miscarriage and still birth - (Para. 11.6.3.)
- 196 Allowable medical expenses for maternity - (Para. 11.6.4.)
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- 200 Female sterilisation - (Para. 11.8.8.)
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- 202 Education for life, relationships and parenting - (Para. 11.8.10.)
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204	Role of voluntary organisations - (Para. 11.9.1.)	100
205	Mental health strategy - (Para. 11.10.2.)	100
206	Preventive health - (Para. 11.11.1.)	100
207	Role of Health Promotion Unit - (Para.11.11.2.)	100
208	Cervical cancer screening - (Para.11.11.3(i))	100
209	Breast cancer screening - (Para. 11.11.3(ii))	100
210	Genetic counselling - (Para. 11.11.4.)	100
211	HIV/AIDS and other STDs - (Para. 11.12.9.)	100

Houses of the Oireachtas

Summary of legislation enacted since publication of the Report of the Second Commission on the Status of Women which implements recommendations made by the Commission

Recommendation 5.6.5(b)

Unfair Dismissals (Amendment) Act 1993

This Act implemented a range of technical and administrative amendments to the Unfair Dismissals Act, 1977. The amended Act includes sexual orientation in the list of reasons for dismissal which are deemed to be automatically unfair.

Recommendation 1.8.1 and 5.6.5(a)

Criminal Law (Sexual Offences) Act, 1993

The main purpose of this Act was to decriminalise homosexual acts between consenting adults. However, it also extended the law on soliciting in public, which previously applied only to prostitutes, to include clients of prostitutes and any third parties, such as pimps. The Act also strengthened the law on the protection of prostitutes from exploitation by introducing new offences aimed at the organisation and control of prostitution.

Recommendation 1.6.7

Criminal Justice Act, 1993

This Act enables unduly lenient sentences to be appealed and places an obligation on Courts, when determining sentences for sexual and violent offences, to take into account the effect on the victim. It also empowers the Court to order a convicted person to pay compensation to the victim.

Recommendation 1.5.7(b)

Jurisdiction of Courts and Enforcement of Judgements Act, 1993

This Act enabled Ireland to ratify the Lugano Convention which is intended to provide a similar arrangement between EU and EFTA States.

Recommendation 1.10.1(b)

Interpretation (Amendment) Act, 1993

This Act provides that in the interpretation of legislation generally, unless the contrary intention appears, an expression in the feminine gender shall be construed as importing also the masculine gender. This means that the use of the feminine gender in legislation will no longer be confined to measures directed exclusively to women.

Recommendation 11.6.3(c)

Stillbirths Registration Act, 1994

This Act provides for the registration of stillbirths. The Act came into force on 1 January, 1995.

Recommendation 1.5.7(b)

Maintenance Act, 1994

This Act enables Ireland to ratify two international conventions (the Rome Convention and the New York Convention), both of which provide administrative assistance to maintenance creditors (usually women) who wish to recover maintenance from maintenance debtors who reside abroad.

Recommendation 1.6.8

Criminal Law (Incest Proceedings) Act, 1995

This Act provides that while members of the public shall be excluded from incest proceedings the press shall be entitled to attend and to report on such proceedings subject to a requirement that no information must be published which would enable an incest victim to be identified. In addition, the Act increased to life imprisonment the maximum penalty to which a person convicted of incest can be sentenced.

Recommendation 1.5.7

Family Law Act, 1995

This Act enables the court to make maintenance, pension, property and other ancillary orders in cases where foreign decrees of divorce and legal separation are entitled to recognition in the State; it repeals and re-enacts with amendments the powers of the courts to make orders in support of spouses and children in separation proceedings; it empowers the court to make declarations in relation to the status of a person's marriage; it raises the minimum age for marriage from 16 years to 18 years and provides for three months notice of marriage; it gives a statutory role to welfare services in family law cases; it strengthens the enforcement powers of the court in relation to maintenance and also widens the court's powers to order lump sum payments in addition to or in substitution for periodic payments (not just in separation proceedings as heretofore).

Recommendation 5.2.5(a)

Social Welfare (No 2) Act, 1995

This Act ensures that divorced people will not be disadvantaged in terms of their social welfare entitlements.

Recommendation 1.7.3

Civil Legal Aid Act, 1995

This Act puts the civil legal aid service on a statutory basis.

Recommendation 7.4.1

Regional Technical Colleges/Dublin Institute of Technology Amendment Acts, 1995

These Acts impose a statutory obligation on VECs to ensure a gender balance in their nominations for membership of the Governing Bodies of Regional Technical Colleges and the Dublin Institute of Technology.

Recommendation 1.6.4 and 5.2.5(k)

Domestic Violence Act, 1996

This Act amends and extends the civil law on domestic violence and strengthens Garda powers of arrest in relation to domestic violence.

Houses of the Oireachtas

Membership of the Monitoring Committee

	Member	Representing
Chairperson:	Bernard McDonagh	Department of Equality and Law Reform
	Ruth Barrington	Department of Health
	Seamus Feely	Office of the Tánaiste
	Peter Flood	Irish Business and Employers' Confederation
	Carmel Foley	Employment Equality Agency
	Deirdre Hogan	Department of Social Welfare
	Lee MacCurtain	Department of Education
	Joy McCormick	Irish Countrywomen's Association
	Margo Monaghan	Department of Enterprise and Employment
	Anne Kinsella	Department of Equality and Law Reform
	Margaret Nolan	Irish Congress of Trade Unions
	Philip Ryan	Department of Finance
	Kathleen O'Sullivan	National Women's Council of Ireland
	Donagh Morgan	Department of the Taoiseach
	Rosemarie Smith	Irish Farmers' Association
Secretary:	Frances Comerford	Department of Equality and Law Reform

Houses of the Oireachtas

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