

ACCS/ASTI Code on Promotion of Equal Treatment for Gay and Lesbian Teachers' in the Workplace

Foreword

ICTU has won improvements to employment and other anti-discrimination legislation to make discrimination against lesbian, gay and bisexual people unlawful. The extent of equality and anti-discrimination legislation demonstrates that there is a growing climate of equality and support for anti-discrimination action. All political parties and the social partners have supported powerful anti-discrimination legislation such as the Employment Equality Acts, 1998-2004.

The Employment Equality Act, 1998 prohibits discrimination against an employee across nine grounds including that of sexual orientation in relation to:

- selection criteria
- recruitment
- terms and conditions of employment
- in-career training and professional development opportunities
- work assignments
- access to promotional posts
- dismissal

The Employment Equality Act, 1998 likewise prohibits:

- Harassment and/or bullying or victimisation on the grounds of sexual orientation in relation to the above matters.

When do the protections deriving from the act, 'kick in' for teachers?

Immediately; there is no qualifying period.

(Named School) will:

- Work to ensure that teachers are treated no less favourably merely because of their sexual orientation.
- Not permit provisions, criteria or practices which overwhelmingly disadvantage people of a particular sexual orientation, which are of no value to the school, nor a proportionate means of achieving a legitimate aim of the school.
- Confront harassment – unwanted conduct that violates people's dignity or creates an intimidating, hostile, demeaning, humiliating or offensive environment.
- Combat victimisation.
- Provide equal access to facilities and social events – irrespective of sexual orientation.
- Provide a reference, as per normal practice, which disregards one's sexual orientation.

Why is this a Workplace Issue?

ACCS and ASTI believe in equal rights for all employees. ACCS and ASTI is committed to promoting equal treatment and combating all forms of discrimination. This includes acknowledging and representing the interests of their lesbian, gay and bisexual members. Despite being unlawful, discrimination on grounds of sexuality can still

happen in the workplace.

Discrimination can lead to isolation, abuse and the victimisation of lesbian, gay and bisexual workers. Schools and the ASTI will negotiate procedures that counteract remaining discrimination and prejudice in all its forms against lesbian, gay and bisexual workers. The objective of such policies and procedures is to create a workplace environment where lesbian women, gay men and bisexual men and women experience equality and are free of harassment or discrimination from colleagues or management.

Why an Agreement for Schools?

It is still a fact that at work lesbians, gays and bisexuals are often afraid of opinions of colleagues. Teachers may be afraid that if their sexuality becomes known they will be isolated at work. Because of these fears and the continuing discrimination many lesbians, gays and bisexuals hide their identities at work.

Promoting Equal Treatment in Schools

Despite being unlawful, discrimination may be still experienced by some lesbian, gay and bisexual teachers. Discrimination means treating workers less favourably because of their sexuality or because other people have prejudices about that sexuality. In the workplace it can be direct, subtle, conscious or unwitting. It can come from management and also from other members of the workforce. Discrimination against lesbians, gays and bisexuals in the workplace can manifest itself in a wide range of ways including being overlooked for promotion; denied training; denied particular assignment; being called names; being the butt of jokes; innuendo; verbal harassment or sustained unfriendly contact or exclusion. Such behaviour will not be accepted in schools.

The Equal Opportunities Policy

Equal Opportunities policies are now commonplace in both the public and private sectors. An important first step is to ensure that this policy explicitly covers lesbian, gay and bisexual workers. Sometimes even to win a mention for lesbian, gay and bisexual workers in a list of those covered by an equal opportunities policy can be a battle but in the process of arguing for it, discriminatory practices can be identified and dealt with.

Having the explicit inclusion of lesbian, gay and bisexual workers in a policy statement is important. It will help to enhance the culture of equality in the school and will encourage lesbian, gay and bisexual workers to have confidence to raise issues. Its omission or its replacement by a bland general statement has the opposite effect. Schools should examine the workplace processes and procedures in respect of all aspects of employment including social and family events to establish if any of the provisions discriminate against lesbian, gay and bisexual workers.

Ensuring Equal Treatment for Lesbian Gay and Bisexual Workers

In addition to ensuring against unlawful discrimination in pay, conditions of employment, training and promotion, even if there are no lesbian, gay and bisexual workers "out" in the school, clear policies recognizing the rights of lesbian, gay and bisexual workers

can operate as a signal that the school is open to diversity.

Where to go for More Information

If you are experiencing discrimination at work, remember it is against the law and does not have to be suffered in silence. More information may be obtained by contacting ASTI at (01) 6040175 or ACCS at (01) 4601150 as appropriate.