

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

IRELAND



Population: 5 million



Stonewall Global Diversity Champions: 65



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Ireland is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 40.6.1 and 40.6.2 of the Irish Constitution protect the rights to **freedom of expression, assembly, and association** subject to public order and morality.

There are **no LGBT-specific additions or restrictions** to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **legal** under Section 2 of the Criminal Law (Sexual Offences) Act, 1993.

There is an **equal age of consent of 17 years** for sexual acts regardless of gender under Section 17 of the Criminal Law (Sexual Offences) Act 2017.

Same-sex marriage is legal under Article 41(4) of the Constitution of Ireland.

Same-sex couples have **equal rights to joint adoption and second-parent adoption** under Section 16 of the Adoption (Amendment) Act 2017.

Same-sex couples **cannot currently both register their names on a child's birth certificate**. However, under the Civil Registration Bill 2019, which is expected to be enacted in 2019, registration will be allowed by 'parent' as opposed to strictly one 'mother' and 'father'.

EQUALITY AND EMPLOYMENT

Employment discrimination based on **sexual orientation** is **prohibited** under Section 6(2)(d) of the Employment Equality Act.

There is **no specific legal prohibition of discrimination in employment based on gender identity**.

However, **discrimination against trans people** has been interpreted as being **prohibited** under gender and disability discrimination provisions (Hannon v. First Direct Logistics Limited (2011), Deirdre O'Byrne v. AIB (2014)).

Discrimination based on sexual orientation is prohibited in the **disposal of goods and services** and in the **provision of services, education and accommodation** to the public under Sections 5, 6 and 7 of the Equal Status Acts 2000 and 2015.

All citizens are **equal before the law** under Article 40.1 of the Constitution. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on **sexual orientation and gender identity** are **not considered an aggravating circumstance** in sentencing.

However, **hate speech** on the basis of **sexual orientation** is **prohibited** under the Prohibition of Incitement to Hatred Act 1989.

GENDER IDENTITY

Trans people **can change their legal gender** by applying for a gender recognition certificate under Sections 8, 12, 18 and 27 of the Gender Recognition Act 2015. Under the Act, a new birth certificate reflecting this change can be acquired.

Legal gender can **only be changed to male or female**. There is no option for a third gender under Section 18 of the Gender Recognition Act 2015.

Legal gender change for those **aged 18 and over** is subject to **self-declaration**. For trans people **aged 16 – 18**, **legal gender change** is subject to a **court order, parental consent** and **certificates** from a medical practitioner and an endocrinologist or psychiatrist under Sections 9, 10 and 12 of the Gender Recognition Act 2015.

Trans people of any age can **change their legal name on all identity documents**, except for their birth certificate, by deed poll. For **those aged 14 – 18**, **parental consent is required** to execute the deed poll. For **those under the age of 14** the deed poll must be **executed by a parent on the child's behalf** with the consent of the other parent (guardians may execute the deed poll if applicable).

IMMIGRATION

Same-sex partners of EU citizens in Ireland **can apply for visas** based on marriage, civil partnerships or de facto partnerships based on cohabitation under S.I. No. 548/2015 – European Communities (Free Movement of Persons) Regulations 2015.

Those who cannot return to their home country for fear of persecution because of their **sexual orientation can seek asylum** on these grounds under Section 8 of the International Protection Act, 2015. A person's **gender identity** may also be **considered when seeking asylum** under the same Act.

A VIEW FROM IRELAND

Stonewall spoke to **Oisín O'Reilly**, Head of Operations and Fundraising for **BeLonG To Youth Services**. BeLonG To works with LGBTI+ young people in Ireland to create a world where they are equal, safe, and valued through the provision of youth groups and specialised support services. It also advocates and campaigns on behalf of young LGBTI+ people to ensure their rights are respected.



Everyday life

Oisín: "Since same-sex sexual activity was decriminalised in 1993, there has been a big improvement in the lives of many LGBTI+ people in Ireland. While many people who used to need support no longer do, there are now other groups accessing our services, such as trans people, people with disabilities, and those struggling with their mental health.

A range of factors shape LGBTI+ people's experiences. These can include their location, their gender, whether they are from migrant communities, class, and disabilities. For instance, LGBTI+ people living in rural communities can find it more challenging to live openly despite the successful national vote in favour of same-sex marriage in 2015. Two-thirds of service users are trans, and trans people face unique challenges including mental health issues, family problems, and struggles related to transitioning.

Mental health is also an ongoing struggle for LGBTI+ young people. Research BeLonG To conducted last year showed us that 90 per cent of LGBTI+ young people have an ongoing struggle with their mental health. Nearly half of the LGBTI+ youth surveyed felt reluctant to open up about their mental health due to the perceived expectations that they should feel happy following the successful marriage referendum in Ireland. The research also found that LGBTI+ youth fear talking about mental health challenges they experience after coming out. 56 per cent of respondents didn't want to worry their parents or friends about their mental health issues and felt pressure to appear content after coming out as LGBTI+."

LGBT groups

Oisín: "Legally, LGBTI+ groups can organise freely in Ireland. However, we have seen a rise in hate speech and discrimination here: organisations have been forced to redirect their efforts to counter this, in addition to it negatively impacting on LGBTI+ people's wellbeing.

Despite this, there is a flourishing range of LGBTI+ organisations in Ireland. These vary from national lobbying and campaigning organisations to smaller social organisations such as sports groups. The areas of focus for LGBTI+ organisations are wide-ranging. Issues being focused on include workplace culture, bullying in schools and inclusive healthcare. The latter is particularly important because of the huge lack of funding for LGBTI+-specific health services and the lack of mental health provisions generally. "

Visibility

Oisín: "LGBTI+ people are visible in everyday life, but the level of visibility varies depending on your identity and location. We have several gay politicians and our prime minister is openly gay. However, bi people are generally invisible in Ireland and when bi identities are publicised it is usually

accompanied by negative stereotypes. Trans people are visible in the media and everyday life but it is a different type of visibility, with the focus being on debates around trans identities instead of trans people themselves. Sometimes, this can lead to problematic or extreme views in the media which unfortunately can act as members of the public's single source of information on gender identity."

Workplaces

Oisín: "In more traditional workplaces, coming out can be one of the biggest challenges. Most people in Ireland work for small- and medium-sized enterprises (SMEs), meaning they are likely to be the only openly LGBTI+ person in their office. This can make asking their employers to be understanding difficult. Large multinationals in Ireland are engaging in ongoing work to create LGBTI+ inclusive workplaces but very little is done by smaller employers, likely due to a lack of HR teams or Diversity and Inclusion programmes within SMEs.

BeLonG To is excited to launch an online training programme for SMEs in 2019 to help overcome this challenge, which is one way that employers in Ireland can support their LGBTI+ staff. Professional associations also have a role to play through the provision of inclusive training. It's important that management understand the impact of inclusive workplaces, otherwise they won't be able to retain employees: a younger workforce is coming in with a better understanding of these issues.

It is always helpful for businesses to engage in advocacy for the wider LGBTI+ community. Advocacy on issues such as homelessness in the LGBTI+ community and access to healthcare for the trans community would be really helpful coming from employers. However, when engaging in advocacy, businesses should not simply get involved for PR purposes. Irish people and LGBTI+ groups will call them out. Businesses should make sure that they collaborate with local LGBTI+ groups and uplift the voices of the community, not just their own. True diversity and inclusion means supporting LGBTI+ equality for everyone, not just staff, and this should guide businesses' approach to their customers, advocacy, and their wider human rights responsibilities beyond the LGBTI+ community."

Healthcare

Oisín: "In Ireland, there is a two-tier healthcare system that can have a big impact on LGBTI+ people's experiences. If someone has private health insurance, it's much easier for them to access good, inclusive healthcare. Those using public healthcare can face several barriers, such as very long waiting times and clinicians with poor training. This has a particular impact on trans people, who can have very traumatic experiences trying to access healthcare in Ireland."

LGBT INCLUSION IN THE WORKPLACE

Stonewall's **Global Workplace Equality Index** is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Ireland, employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Ireland with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Bank of America Merrill Lynch

Bank of America Merrill Lynch (BAML) has a strong policy in place that explicitly bans discrimination and harassment based on sexual orientation, gender identity and gender expression. BAML also has an LGBT+ network and an allies programme in Ireland, both of which are flourishing. The LGBT+ network and allies programme receive a high number of sign-ups and new staff are encouraged to join as part of their induction. Allies are engaged through an online portal, allowing them to gain bronze, silver, gold or platinum status based on the completion of various activities, which range from displaying ally stickers to holding breakfast sessions on what being a good ally means. The ally programme also offers specific training and engagement focusing on bi and trans inclusion. The LGBT+ network in Ireland regularly holds awareness-raising events, such as panel discussions with live and online audiences. Other events have included a movie night for staff, as well as a bingo night where all money raised was donated to the local LGBT+ group Gay Switchboard. BAML also participates in the annual Pride parade in Dublin, with 49 members of staff walking in the parade in 2019. Additionally, the Bank has inclusive policies and benefits are gender neutral and offered equally to those in same- or different-sex relationships.

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly covered in Citi's anti-discrimination and bullying and harassment policies. Partners of employees are also able to access equal benefits, regardless of gender. Citi's tendering processes for procurement include a supplier diversity and inclusion assessment that covers sexual orientation, gender identity and gender expression. In Dublin, Citi has an active Pride network with over 100 members, including 15 committee members and two senior sponsors. The network carries out a range of initiatives to promote LGBT inclusion. These include monthly social events, senior leader panel discussions, an interactive training experience to build awareness on LGBT issues in the workplace and participation in the annual Dublin Pride parade. Citi has also carried out LGBT-inclusive diversity training in Ireland. Employees are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities. Citi Dublin is a founding member of FuSloN (the Financial Services Inclusion Network) and partners with 11 other financial institutions across Ireland to coordinate and implement LGBT-inclusive practices and collaborate on events and community service to drive positive change in the workplace and beyond.

Fidelity International

To enable all staff to engage with LGBT inclusion at work, Fidelity has an Allies programme, with 40 per cent of employees in Ireland signed up as LGBT allies. Voluntary local 'LGBT Ally' training is also run twice a year in the Dublin office, with over 50 staff in attendance at the previous session. Additionally, Fidelity has an intersectional employee network that has carried out a range of activities. These include sessions during Pride month to educate and inform all staff about LGBT issues, as well as participation in the annual Pride parade.

LGBT culture and history are celebrated: Fidelity provides information on, and facilitates access to, events such as Dublin GAZE LGBT Film Festival, the International Dublin Gay Theatre Festival, as well as screening LGBT-themed films in the office. Finally, Fidelity has partnered with other organisations in Ireland to advance wider LGBT equality. Fidelity is a member of FuSloN (the Financial Services Inclusion Network) and it also partners with local LGBT organisation BeLonG To. In addition to having BeLonG To speak at the Dublin office, Fidelity shares volunteering opportunities with staff and publishes blog posts about BeLonG To's work.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – International Dublin Gay Theatre Festival www.gaytheatre.ie

June – Dublin LGBTQ Pride www.dublinpride.ie

Check the events websites for the most up-to-date information on dates.

July / August – GAZE International Film Festival www.gaze.ie

September – Lisdoonvarna LGBT Matchmaking Festival www.theouting.ie



FIND LGBT GROUPS AND COMMUNITIES

LGBT Ireland – an organisation providing support and information services, with a helpline, peer support service, awareness training and conducting advocacy and campaigning. www.lgbt.ie

Transgender Equality Network Ireland – a national network seeking to improve conditions for and advance the rights of trans people and their families. www.teni.ie

National LGBT Federation – an organisation campaigning for equal rights of and an end to discrimination against LGBT people in Ireland and internationally. www.nxf.ie

BeLonG To – an LGBT youth organisation supporting young people aged between 14 and 23. www.belongto.org



GET LOCAL LGBT NEWS

Gay Community News (GCN) – an online LGBT news publication with a magazine, television channel and podcast. www.gcn.ie

EILE Magazine – an online LGBT magazine. www.eile.ie



NATIONAL HUMAN RIGHTS INSTITUTION

Irish Human Rights and Equality Commission – www.ihrec.ie

The Irish Human Rights and Equality Commission is the Irish National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 65 ORGANISATIONS OPERATING IN IRELAND.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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