



Submission to:

**Equality Authority**

on the

**Amendment to Section 37, Employment Equality Act**

**BeLonG To Youth Services**

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## Introduction

**BeLonG To Youth Services** is the national youth organization for Lesbian, Gay, Bisexual and Trans (LGBT) young people in Ireland. BeLonG To was established in 2003 and envisions a future in which LGBT young people are safe and supported in their families, schools and communities, and all young people are equally cared for, valued, and respected.

BeLonG To is largely funded by the Department of Children and Youth Affairs (DCYA), the Department of Education and Skills (DES), and the HSE's National Office for Suicide Prevention. Our youth workers provide direct youth services to LGBT young people in Dublin, and we support a national network of LGBT youth groups around Ireland. We are also engaged in the development of national policy, training and awareness-raising. BeLonG To was appointed as a member of the Anti-Bullying Working Group to the Minister for Education and Skills, and we advise the Minister for Children and Youth Affairs through our membership of the National Youth Work Advisory Committee. As part of its recently launched *Action Plan on Bullying*, the DES funds BeLonG To's awareness week, *Stand Up! Don't Stand for Homophobic or Transphobic Bullying*, which tackles bullying in second-level schools around Ireland.

BeLonG To appreciates this opportunity to provide input on Section 37.1 of the Employment Equality Act.

## Homophobia and Transphobia in Irish Schools

BeLonG To approaches the topic of Section 37 through our experience and our responsibilities regarding LGBT young people who are students in schools across Ireland.

The vast majority of schools in Ireland are under religious management, and therefore come within the ambit of S. 37, and affect the lives of thousands of LGBT students. In our professional experience over the past ten years, many schools are very negative environments for LGBT pupils and students. Irish research studies have concurred. Homophobic bullying has been found to be one of the most widespread forms of bullying in Irish schools<sup>1</sup>. TCD's Anti-Bullying Centre found that 16% of all Irish second-level students were the targets of bullying<sup>2</sup>. Much higher rates of bullying were documented in *Supporting LGBT Lives*, a large study funded by the HSE's National Office for Suicide Prevention. This research study found that among LGBT people:

- 50% experienced verbal homophobic bullying.
- 40% were verbally threatened by fellow students.
- 25% were physically threatened by their peers.
- 34% heard homophobic comments from their teachers.<sup>3</sup>

Irish teachers have also reported witnessing very high levels of homophobic bullying. Research funded by the DES and carried out by DCU found that 79% of teachers were aware of

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<sup>1</sup> Lynch, K. and Lodge, A. (2002) *Equality and Power in Schools*. London: Routledge Falmer.

<sup>2</sup> M. Moore (1997) <http://abc.tcd.ie/school.html>

<sup>3</sup> Mayock, P.; Bryan, A.; Carr, N. & Kitching, K. (2009) *Supporting LGBT Lives: A Study of the Mental Health and Well-Being of Lesbian, Gay, Bisexual and Transgender People* Dublin: [www.belongto.org](http://www.belongto.org), [www.glen.ie](http://www.glen.ie)

homophobic bullying in their schools<sup>4</sup>. The same study reported that 41% of teachers found it more difficult to deal with homophobic bullying than other forms of bullying.

### **Impact on Young People's Mental Health**

*Supporting LGBT Lives*, which was funded by the HSE, found that:

- 27% of LGBT people have self-harmed.
- 50% of LGBT people under 25 have seriously thought of ending their lives.
- 20% of LGBT people under 25 have attempted suicide.<sup>5</sup>

Isolation: *Supporting LGBT Lives* found that 12 is the most common age for a young person to become aware of their LGBT identity, yet 17 is the most frequent age for them to tell someone. This five year period can be a very vulnerable time for an LGBT young person as they are often exposed to negative attitudes and language when they are also quite isolated. Consequently there is a high risk of self harm and suicide during this time, which corresponds with most of the years of second level education. The research also found that 1 in 5 young people avoided school due to fear of bullying and harassment and 5% left school early for the same reason.

*Supporting LGBT Lives* documented a direct correlation between bullying and suicidal behaviour amongst LGBT young people, i.e., young people who experience homophobic or transphobic bullying are more likely to attempt suicide.

### **LGBT Young People and School Staff**

The LGBT young people who participate in BeLonG To's services report to us that they do not see their teachers or principals as a source of support in tackling or preventing bullying, which sometimes takes place on a daily basis. Research has also shown that only 1 in 5 LGBT young people who are experiencing homophobic bullying seek any support from their school or teachers.<sup>6</sup> Sixty percent of those who participated in the *Supporting LGBT Lives* research said that there was no teacher or adult in the school who they could talk to.

LGBT young people report to BeLonG To that they have fears about attempting to seek support from school staff. And they believe that teachers seem to be afraid to tackle the bullying they witness. LGBT students also sense that some of their teachers are LGB or T themselves; they gather that those teachers are afraid to be open about their sexual orientation or gender identity. Insightfully, LGBT young people have told us that they think teachers are afraid of losing their jobs.

This negative and fearful atmosphere has a huge impact on LGBT students. It renders LGBT people invisible within the school. It sends them a message that LGBT identities are unwelcome and even taboo. This means that LGBT students are largely left alone in dealing with the homophobic and transphobic bullying they experience and witness. In sum, Section 37.1 contributes to the invisibility, bullying, and mental health difficulties experienced by LGBT students and as such urgently needs to be removed. The removal of Section 37 would allow

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<sup>4</sup> Norman, J. & Galvin, M. (2006) *"Straight Talk: An Investigation of Attitudes and Experiences of Homophobic Bullying in Second-Level Schools"* Dublin City University: Centre for Educational Evaluation, p.10.

<sup>5</sup> Mayock, P.; Bryan, A.; Carr, N. & Kitching, K. (2009) *"Supporting LGBT Lives: A Study of the Mental Health and Well-Being of Lesbian, Gay, Bisexual and Transgender People"* Dublin: [www.belongto.org](http://www.belongto.org), [www.glen.ie](http://www.glen.ie)

<sup>6</sup> Minton, S, J., Dahl, T., O' Moore, A, M., & Tuck, D. (2006). *A report on an exploratory survey of the experiences of homophobic bullying amongst lesbian, gay, bisexual, and transgendered young people in the Republic of Ireland*. Dublin: Anti-Bullying Centre, TCD.

LGBT teachers to be open about their identities and would make possible for them to be role models for LGBT students, in the same way other teachers can be role models.

### **DES Action Plan and Procedures on Bullying**

Section 37.1 is also at odds with two important policy documents recently released by the Department of Education and Skills: the *Action Plan on Bullying*<sup>7</sup> and the *Anti-Bullying Procedures for Primary and Post-Primary Schools*<sup>8</sup>.

The *Action Plan on Bullying* identified the serious harms that result from identity-based bullying, such as homophobic and transphobic bullying (pp. 21-25.) The *Action Plan* notes that schools have legal responsibilities in relation to bullying, regardless of a school's religious ethos (p. 53.). The *Action Plan* also recommends that all schools promote a school culture and climate that is welcoming of diversity (p.108.)

The *Anti-Bullying Procedures* require that each school develop new anti-bullying policies early in 2014. Regarding school ethos, the *Anti-Bullying Procedures* state that: 'Principals and other leaders in the school, including all teachers, should strive to engender an ethos under which bullying is unacceptable.' (p.23.) The document also states that prevention should be integrated in school anti-bullying policies and specifically notes that this includes homophobic and transphobic bullying. The DES states that the new policies should aim to create a school climate that is positive, respectful and welcoming of diversity.

The *Anti-Bullying Procedures* focus at length on positive school climates (pp. 21 – 27). The document recommends a variety of measures, for example, 'open dialogue' across school communities, awareness-raising, the acknowledgement of "the right of each member of the school community to enjoy school in a secure environment" (p.22), and 'specific statements of welcome and respect for LGBT members of the school community' (p. 26).

It would seem very difficult for a school to, on the one hand, meet the requirements of the *Anti-Bullying Procedures*, while at the same time using Section 37 to discriminate against certain members of staff or potential staff.

As a result of these recent developments in DES policies and procedures, Section 37 is now quite out of date. It no longer represents best practice in relation to equality in schooling in Ireland.

**Recommendation:** BeLonG To Youth Services recommends that Section 37.1 **be removed** from the Employment Equality Act in order to:

- ✓ Meet the urgent needs of vulnerable LGBT students.
- ✓ Remove barriers to schools meeting DES anti-bullying requirements.

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<sup>7</sup> DES, *Action Plan on Bullying. Report of the Anti-Bullying Working Group to the Minister for Education & Skills* (2013). <http://www.education.ie/en/Publications/Education-Reports/Action-Plan-On-Bullying-2013.pdf>

<sup>8</sup> DES, *Anti-Bullying Procedures for Primary and Post-Primary Schools* (2013). <http://www.education.ie/en/Publications/Policy-Reports/Anti-Bullying-Procedures-for-Primary-and-Post-Primary-Schools.pdf>