

Introduction

The Society of St Vincent de Paul (SVP) welcomes the opportunity to make a submission on the Review of Equality Acts. As the largest charity of social concern in Ireland we work to provide practical assistance to those experiencing financial hardship and work to address the root causes of poverty through our policy and advocacy work.

SVP welcomed the inclusion in the Programme for Government to “examine the introduction of a new ground of discrimination, based on socioeconomic disadvantaged status to the Employment Equality and Equal Status Acts.”¹ In this submission we focus on the links between poverty and discrimination, the need to add socioeconomic status as a protected ground under equality law, the experiences of SVP supporting people in poverty and experiencing discrimination and recommendations for improvements to Ireland’s equality legislation.

Rationale for a New Ground

Links between poverty, socioeconomic status and discrimination

The links between poverty and discrimination are well established.² Poverty can be both a cause and consequence of discrimination. Experiences of discrimination limits a person’s ability to secure quality education and healthcare, employment, or adequate housing and it often results in a disadvantaged social and economic situation and status. At the same time, disadvantaged socioeconomic status dramatically increases the chances of being discriminated against in employment, access to services and everyday life.³

¹ Government of Ireland (2020) Our Shared Future – Programme for Government <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>

² Equinnet (2010) Addressing poverty and discrimination: two sides of the one coin https://www.archive.equineteurope.org/IMG/pdf/poverty_opinion_2010_english.pdf

³ Equinnet (2010) Addressing poverty and discrimination: two sides of the one coin https://www.archive.equineteurope.org/IMG/pdf/poverty_opinion_2010_english.pdf

The UN notes that persons experiencing poverty live in a vicious cycle of powerlessness, stigmatisation, discrimination, exclusion and material deprivation, which all mutually reinforce one another.⁴ Those living in poverty can be subject to discriminatory attitudes and stigmatisation in their daily lives because of their economic status and background.⁵ Furthermore, poverty and social exclusion contribute to the under-reporting of discrimination and acts as a barrier to people coming forward with claims of discrimination on other protected grounds.⁶

Human rights approach to tackling poverty

The links between poverty and discrimination is recognised within key international human rights frameworks of which Ireland is a signatory. The International Covenant on Economic, Social and Cultural Rights prohibited grounds for discrimination include “social origin”. The Committee on Economic, Social and Cultural Rights has reiterated that people “must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society”.⁷ It outlines that such grounds should be included in the anti-discrimination framework adopted by the States parties to the Covenant.⁸ Most recently, the UN Special Rapporteur on Extreme Poverty stated that “the various measures to break the cycles of poverty should be underpinned by the overarching objective of combating discrimination on the grounds of socioeconomic disadvantage”.⁹

⁴ Olivier De Schutter, Special Rapporteur on extreme poverty and human rights (2021) Report on ending the vicious cycles of poverty <https://www.ohchr.org/EN/Issues/Poverty/Pages/Report-on-ending-the-vicious-cycles-of-poverty.aspx>

⁵ Olivier De Schutter, Special Rapporteur on extreme poverty and human rights (2021) Report on ending the vicious cycles of poverty <https://www.ohchr.org/EN/Issues/Poverty/Pages/Report-on-ending-the-vicious-cycles-of-poverty.aspx>

⁶ Equinnet (2010) Addressing poverty and discrimination: two sides of the one coin https://www.archive.equineteurope.org/IMG/pdf/poverty_opinion_2010_english.pdf

⁷ General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/20, 2 July 2009), para. 35.

⁸ See, for example, Concluding observations on the sixth periodic report of Canada (E/C.12/CAN/CO/6, 23 March 2016, para. 17) (referring to “social condition” as a prohibited ground of discrimination).

⁹ Olivier De Schutter, Special Rapporteur on extreme poverty and human rights (2021) Report on ending the vicious cycles of poverty <https://www.ohchr.org/EN/Issues/Poverty/Pages/Report-on-ending-the-vicious-cycles-of-poverty.aspx>

Research by Tamas Kádár also clearly sets out how and why discrimination on the basis of socioeconomic status should be prohibited in Irish law.¹⁰ Furthermore, the European Network of Legal Experts of the European Commission identified in 2015 that equality legislation includes a socioeconomic status ground in 20 of the 35 European countries they cover.¹¹

The Government has committed to reducing the number of people living in consistent poverty to 2% or less through the implementation of the Roadmap for Social Inclusion 2020-2025. In order for this to be successful, there must be coherence between social policy and equal treatment legislation.¹² A socioeconomic status ground in equality legislation supports and enables a more holistic response to socioeconomic disadvantage and poverty reduction, placing it firmly within a human rights and equality framework.¹³

Public support for a new ground

Importantly, the need to include socioeconomic status in our existing equality laws also has strong public support with research from the Irish Human Rights and Equality Commission indicating that 79% of people support the inclusion of a new ground in Ireland's equality law to protect people against discrimination due to their social status.¹⁴

¹⁰ Kádár, T. (2016), *An analysis of the introduction of socioeconomic status as a discrimination ground*, available at: <https://equineteurope.org/wp-content/uploads/2020/07/Analysis-of-socioeconomic-status-as-discrimination-final.pdf>

¹¹ Crowley, N (2019) Seeking the SocioEconomic Status Ground https://equineteurope.org/wp-content/uploads/2018/03/crowley_-_socioeconomic_ground-1.pdf

¹² Crowley, N (2019) Seeking the SocioEconomic Status Ground https://equineteurope.org/wp-content/uploads/2018/03/crowley_-_socioeconomic_ground-1.pdf

¹³ Kádár, T. (2016), *An analysis of the introduction of socioeconomic status as a discrimination ground*, available at: <https://equineteurope.org/wp-content/uploads/2020/07/Analysis-of-socioeconomic-status-as-discrimination-final.pdf>

¹⁴ Irish Human Rights and Equality Commission (2020) IHREC Poll on Human Rights in Ireland 2020 carried out by Amarach Research <https://www.ihrec.ie/app/uploads/2020/12/EMBARGO-10-Dec-Human-Rights-Day-Amarach-Research-Results-2020-002.pdf>

Experiences of Poverty and Discrimination in Ireland

Data on poverty and discrimination

Based on data from the Survey of Income and Living Conditions it is estimated that in 2019, 630,000 people including 190,000 children were living below the poverty line.¹⁵

Discrimination against people on the grounds of their poverty or socioeconomic status is a common but relatively unacknowledged feature of life in Ireland.

Data from the Central Statistics Office shows that in 2019, nearly 18% (17.7%) of persons aged 18 years or over said that they experienced discrimination in the two years prior to interview.¹⁶ Experiences of discrimination by Principal Economic Status, shows that unemployed people had the highest rate of reported discrimination at 30.2%. Over one in ten (10.8%) of unemployed persons experienced both discrimination in the workplace and accessing services. This compares to a rate of 3.5% for the entire population. While there may be intersectional dimensions of discrimination at play (i.e. a person who is unemployed and a member of an ethnic minority), this data indicates that there is a significant proportion of the population who are experiencing discrimination but not necessarily covered by our equality legislation.

The Oxford University and ATD International report on “The Hidden Dimensions of Poverty”, published in 2019, provides a holistic understanding the importance of recognising discrimination on socioeconomic grounds.¹⁷ The report describes how perception of people from disadvantaged backgrounds is generally based on stereotypes which create stigma. Negative attitudes towards people who experience poverty can take many forms, including stigmatisation, prejudice and discrimination.¹⁸

¹⁵ CSO (2020) Survey of Income and Living Conditions 2019

<https://www.cso.ie/en/releasesandpublications/ep/p-silc/surveyonincomeandlivingconditionssilc2019/>

¹⁶ CSO (2019) Equality and Discrimination Quarter 1 2019

<https://www.cso.ie/en/releasesandpublications/er/ed/equalityanddiscrimination2019/>

¹⁷ Bray et al (2019) The Hidden Dimensions of Poverty, International Movement ATD Fourth World, Pierrelaye https://www.atd-fourthworld.org/wp-content/uploads/sites/5/2019/05/Dim_Pauvr_eng_FINAL_July.pdf

¹⁸ Kileen, D (2008) Is poverty in the UK a denial of people's human rights? <https://www.jrf.org.uk/report/poverty-uk-denial-peoples-human-rights>

There is often a dominant narrative that seeks to blame people for their circumstances; seeing it as a result of poor choices. Research on attitudes to poverty and wealth shows that an individualist view of poverty is prevalent in Ireland.¹⁹ This can result in a dominant public and media narrative that focuses on perceived individual failures rather than the structures and policies that create and perpetuate poverty, which in turn can increase the risk of discrimination based on socioeconomic status.²⁰

SVP's experience of supporting people in poverty

Last year SVP received just over 170,000 requests for assistance. Based on our work in communities we see how the lives of hundreds of thousands of people in Ireland are affected by low income and the effects of debt, unemployment, educational disadvantage, poor health, relationship breakdown, bereavement, addiction, violence, loneliness, disabilities, overwhelming caring responsibilities and other challenges.

Those experiencing poverty typically experience multiple forms of exclusion and discrimination which can compound existing barriers to accessing goods, services, and employment. Poverty is a multifaceted and interconnected issue and inequalities and discrimination related to gender, ethnicity, race, and disability etc. can perpetuate poverty and social exclusion. With higher rates of poverty among protected groups including lone parents, members of ethnic minority groups, and people with disabilities are frequently among those who seek our help.

The discrimination people in poverty experience can range from subtle differences in treatment by service providers and the public, to the failure to provide basic necessities, such as adequate income and housing. Indirect forms of exclusion, discrimination and unfair treatment in accessing services due to socioeconomic

¹⁹ Hardiman et al (2004) Understanding Irish Attitudes to Poverty and Wealth. ISSC Discussion Paper Series; WP2004/09 <https://researchrepository.ucd.ie/bitstream/10197/1888/1/ISSCW200409.pdf>

²⁰ McKendrick et. al. (2008) The media, poverty and public opinion in the UK <https://www.jrf.org.uk/report/media-poverty-and-public-opinion-uk>

status are commonplace in the lives of the people SVP assist. In some cases, this can lead to them feeling shame and guilt for seeking help. Experiences of “postcode discrimination or lottery”, is also common among the people we assist. This could mean not being able to access a public service or employment due to your geographical location, or being refused services, such as insurance because of living in a poorer neighbourhood. Services can also indirectly treat people on low income unfairly through a “poverty premium” whereby they end up paying more for goods and services because of their poverty status (i.e. extra costs of not being able to pay by direct debit with energy suppliers).

The way supports and services are provided can reflect, amplify and shape discriminatory attitudes towards people living in poverty. For example, schools with complex entry requirements that favour insider parents with knowledge, high voluntary contributions, costly uniforms, and in-school activities result in the exclusion of children from lower income families. While instances are relatively low, SVP members unfortunately sometimes hear of cases where children have been “poverty shamed” in front of their classmates. Some examples include the removal of books during class for non payment of rental fee, exclusion from school trips due to lack of money, sending students home due to uniform breaches that are linked to poverty, and not providing a locker to students who have not paid a contribution.

There is also still a view amongst the public about the ‘deserving’ and the ‘undeserving’ poor in Ireland, which can stigmatise accessing social welfare entitlements.²¹ This can be particularly problematic in the discretionary parts of the social protection system where decisions can easily become or be perceived as being discrimination. In such circumstances and without a protected ground, it can be difficult for people to make a complaint for perceived unfair treatment or discrimination for fear of being cut off from their only income source.

²¹ Whelan, J (2020) “Work and thrive or claim and skive: Experiencing the ‘toxic symbiosis’ of worklessness and welfare reciprocity in Ireland”, *Irish Journal of Sociology* 2021, Vol. 29(1) 3–31

In terms of access to adequate housing, unfair treatment or refusal of accommodation based employment status or being in receipt of a social welfare payment is common.²² This is evidenced by the fact that the second highest number of queries to the Irish Human Rights and Equality Commission regarding the Equal Status Act relate to the Housing Assistance ground.²³ In 2019, 17% of all calls related to the Housing Assistance Ground, this was the second highest number of calls after the Disability Ground. Low-income private rented tenants, especially those with past experiences homelessness, can also be reluctant to raise issues in terms of the standard of their properties for fear of eviction. This results in tenants being forced to put up with sub-standard accommodation.

Conclusion and Recommendations

SVP strongly recommends that a new ground based on socioeconomic status is introduced under the Equality Acts. The definition should be developed by listing key practical and identifiable features of difference across social classes related to source of income, geographical location, family background, housing tenure, education background and principal economic status.²⁴ As highlighted by Kádár “providing this protection exclusively to persons in a disadvantaged socioeconomic situation appears to be a necessary and reasonable limitation as persons enjoying a privileged socioeconomic status would rarely need specific protection against discrimination on this ground.”²⁵ While SVP acknowledge that agreeing a definition will be challenging, it should not act as a barrier to action. Similar challenges in relation to the definition of disability arise but this has not precluded developments in anti-discrimination law in this area.

²² Threshold and SVP (2019) Housing Assistance Payment: Making the Right Impact https://issuu.com/svp15/docs/hap_survey_report_2019/1?e=25010855/73017298

²³ Irish Human Rights and Equality Commission (2020) *Annual Report 2019* <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Annual-Report-2019-English-version.pdf>

²⁴ Irish Human Rights and Equality Commission (2017) Observation of the Equality (Miscellaneous Provisions) Bill 2017 <https://www.ihrec.ie/app/uploads/2018/01/Observations-on-Equality-Miscellaneous-Provisions-Bill-2017.pdf>

²⁵ Kádár, T. (2016), *An analysis of the introduction of socioeconomic status as a discrimination ground*, available at: <https://equineteurope.org/wp-content/uploads/2020/07/Analysis-of-socioeconomic-status-as-discrimination-final.pdf>

As already outlined, socioeconomic status is often combined with other grounds of discrimination, such as race and ethnic origin, disability, or age. This multiple discrimination aggravates the situation of certain groups, and it means that certain situations and disadvantages are difficult to fully understand and respond to without taking socioeconomic status into account. SVP are therefore recommend amending the Equality Acts to provide for intersectional discrimination.

Finally, we recommend that data collected by the CSO as part of the equality modules includes direct and indirect experiences of discrimination by socioeconomic status.

