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Equal Opportunities Within An Garda Siochana, The Royal Ulster Constabulary, the International Military and the Irish Public Service

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CHAPTER NINE
Equality of opportunity: An Garda Siochana, the Royal Ulster Constabulary, the international military and the Irish public service

This chapter will consider the lot of female employees in other uniformed organisations at home and abroad and in other sectors of the public service. It will consider the question of proactive and affirmative action policies in the light of those PDF policies highlighted in chapters five to eight. I will consider equality of opportunity policy and practice within the Garda Síochána, the RUC, the international military and throughout the public service. I will also deal with issues of representation in this area from the point of view of the Irish Congress of Trade Unions, RACO and PDFORRA. The examination in this chapter, of policies and practices in the area of equality of opportunity as they apply in other organisations and institutions at home and abroad, situates the study within a wider context. The practices and policies as promulgated by the PDF can be considered in comparison to those that apply elsewhere.

9.1 An Garda Síochána

I decided to examine the status and roles assigned women in an Garda Síochána for a number of reasons. To begin with, it is, like the army, a uniformed branch of the Public Service. It is an organisation which came into being at roughly the same time as the army. (An Garda Síochána celebrated their 75th anniversary in 1998). It is an organisation that interfaces with the general population on many levels, and particularly (like the army) in time of crisis with issues of public order and the use of force. It is an organisation, which was perceived as being, until recently, an all-male environment.

Initially, women were a minority grouping within the Garda Síochána. Like the proposed Women's Service Corps mentioned in chapter five, they played a separate and different role within the force. Prior to the enactment of the anti Discrimination (Pay) Act of 1974, female Gardaí found themselves often in lower paid and less powerful work situations than their male colleagues.

After the 1974 Act, female Gardaí were integrated into mainstream policing. All "women only" units were disbanded. An Garda Síochána was brought under the ambit of the Employment Equality Act of 1977 by the E.C. Directive, S.I. 331 of 1985. Since then, the number of female Gardaí has doubled.

Women now comprise 8% of the force with eight hundred and fifty three members serving. (Source, "B" Branch, Garda Headquarters, Restricted). This compares with 12% in the RUC, 12.2% in the [illegible] serve in every Branch and Unit, from the Emergency Response Unit, to VIP Protection, Serious Crime, Fraud, Rape, Criminal Assets and Drugs to regular street and community police-work. Unlike the army, women participate in all areas of Garda activity, both at home and abroad.

Not only is this integration extant, it is encouraged in a number of ways. To begin with, the Gardaí have an explicit commitment to equality of opportunity in the form of an "Equality Statement".

> **<u>An Garda Síochána Equality Statement:</u>**
>
> An Garda Síochána is committed to and supports equality of opportunity in employment regardless of gender, creed, colour or marital status. It is the policy of the Commissioner that the principles and practices of equality of opportunity should apply to the recruitment, placement, selection, career development and all other conditions of service of members of An Garda Síochána, and to ensure that no member of An Garda Síochána or job applicant receives less favourable treatment on the ground of gender, creed, colour or marital status.

(‘B’ Branch, Garda HQ, 1998)

The Defence Forces have no such equality statement. Indeed the "principles and practices of equality of opportunity" as applied to recruitment for the army could on the evidence gathered in this study be called into question. The army discriminates against female applicants by imposing quotas and ceilings on the numbers accepted. Recruitment to An Garda Síochána is conducted by the Civil Service Commission. At present approximately 25% of all recruits are female. This compares to a total of 16% female for army recruits during 1994-1996. As recruitment to the army is run internally and conducted by the various Command Manpower Officers, confidentially and access become issues in scrutinising their fairness. This contrasts with the situation for An Garda Síochána who emphasise the importance of transparency and perceptions of fairness:

> Where there is equality of opportunity in the workplace there is an improved quality of life for all the workers. Everybody is valued despite their differences. Morale is high: systems and procedures are transparent and objective; everybody has a sense of fairness. People give of their best and are recognised, praised and rewarded for their efforts.
> (Garda Policy Statement, "Developing an Equality Culture", 1997: 3)

Given the lack of transparency and the reduced percentage of successful female candidates, the military authorities could be accused of developing an “inequality” culture. This would seem to be the perception of female PDF personnel. Of the 60 women interviewed, 53 felt they were discriminated against in terms of promotion, 47 out of 60 felt discriminated against in terms of deployment at home, 59 out of 60 in terms of appointments overseas. These attitudes as expressed at interview hardly represent a sense of fairness, or high morale. As has been stated earlier, female soldiers are generally retained at a lower rank than their male colleagues, are employed in situations that attract lower rates of pay and have their promotion prospects severely retarded. As evidenced by recruitment, training and deployment policies, army "systems and procedures" are far from "transparent and objective". They are veiled in secrecy and executed along subjective and biased criteria. The correspondence that exists between female officers and the Adjutant General's office is certainly not evidence of a "sense of fairness". Female Gardaí, unlike their army counterparts, have been promoted to Senior Garda rank. At present there are two female superintendents and five inspectors with a further fifty five sergeants. Given that female Gardaí comprise only 8% of the force, their representation at 0.5% of senior Garda rank compares favourably with 2.5% for their male colleagues. (Source: "B" Branch, Personnel Section, Garda Headquarters, 1998)

Female Gardaí therefore have greater visibility in terms of their numbers and relative power within the Garda Síochána than do their female army colleagues. They have better promotion prospects and are paid more than their army colleagues. Female Gardaí are also far better protected than army personnel in terms of explicit policy guidelines.

The Garda Síochána code, unlike Defence Force regulations, contains a comprehensive set of rules and guidelines designed to protect female employees and guarantee equality of opportunity. An Garda Síochána Code contains such headings as:

CHAPTER 6 DISCIPLINE AND APPEALS

6.39 to 6.47	Sexual Harassment
6.48	Equal Opportunities
6.49 to 6.58	Grievance Procedures
6.59 to 6.60	Link between Grievance Procedure and Discipline
6.61	Role of Equality Officer
6.62	Role of Contact Person
6.63	Guidelines for Safety and Health of Pregnant Members
6.6	Recommendations of Second Commission on the Status of Women

CHAPTER 8 - ABSENCE AND ILLNESS

8.23	Maternity Leave

The Garda Síochána Code allows for the appointment of an Equality Officer, with the rank of Chief Superintendent at Garda Headquarters charged with monitoring equality issues within the force. The Equality Officer also deals with specific cases referred through "Contact Persons" at local or unit level. The provision within the Garda Code for contact persons and an equality

officer is complemented by a range of Garda Headquarters Circulars and Memoranda. These include:

3/93	Equal Opportunities in the Garda Síochána
102/93	Guidelines in relation to the Safety and Health of Pregnant Members of The Garda Síochána.
103/93	Equal Opportunities in The Garda Síochána
142/93	Freedom from Sexual Harassment - Guidelines for An Garda Síochána
177/94	Re: Appointments of Female "Contact Persons" in An Garda Síochána
56/96	Re: NOW (New Opportunities for Women)

The Garda Equality Statement, the Provisions of the Garda Code, and the various GHQ circulars are further complemented by Garda participation in the NOW programme. The NOW programme is the EU sponsored "New Opportunities for Women" Programme designed to raise the awareness of equality of opportunity in organisations throughout the EU. The Gardaí with the assistance of the Department of Enterprise and Employment have been participants in the NOW programme since 1995. To quote the Garda Commissioner:

> Amongst the objectives of the Garda Síochána's NOW programme is the raising of awareness of equal opportunities throughout the organisation impacting on both the formal and informal cultures. This objective is being achieved through a series of seminars for Garda Management and Garda Trainers on equal opportunities issues which are a core part of the project. In the achievement of this and other objectives we can expect that all our personnel both women and men, will be fully integrated and utilised in all areas and all aspects of policing.
>
> (Garda Policy Statement, "Developing an Equality Culture", 1997: 2)

The army could be accused, by virtue of the absence of such initiatives, of lacking in its commitment to equality of opportunity. The Gardaí are affiliated to the European Network of Policewomen. They have codified their commitment to equality of opportunity through the Garda Code, and GHQ circulars, and their equality policies copperfasten this commitment. Their participation in the NOW programme demonstrates their good faith in this matter and their vision for the future.

The PDF on the other hand has not placed on the record any mention of its vision for the future for women. In 1997, the Department of Defence and the Defence Forces in the form of the "Strategic Management Committee", (SMC) published its Strategy Statements for 1997-1999. These statements comprise the Defence Forces' aspirations as we enter the 21st century. Despite the publication in 1996 of a consultative document by the Human Resources Development Group, not one mention is made of gender equality or a commitment to equality of opportunity. The Defence Forces Strategy Statement 1997-1999, takes no cognisance of the role of women within the organisation, and does not consider the issue of equality for the next century. Ironically, the Department of Defence, in the same document does list its aspirations for equality, but only as they apply to civilians.

9.2 Equality of opportunity policies within the RUC

Women are represented at 10% of the regular RUC force, and 11.8% of the overall strength. This compares favourably with the figure of 8% for representation within the Garda Síochána force. It also compares well with the figure of 3.1% of total strength of the PDF for women. Table (xx) shows the breakdown of male and female constables within the RUC. The table is useful for a comparison with PDF figures for male and female participation rates. The table consists of six columns and five rows. The first column on the left lists the various components, full and part time that make up the RUC. The columns to the right list respectively the numbers and percentages of male and female constables that comprise these elements of the RUC. The bottom row gives the overall totals of male and female constables within the RUC.

Table (xx): Male and Female Constables, RUC, 1998.

Force	Total	Total Male	% Male	Total Female	% Female
Regular	9424	8489	90%	935	10%
Reserve	3224	2952	91.6%	272	8.4%
Part Time	1246	811	65%	435	35%
Total	13894	12252	88.2%	1642	11.8%

Source, RUC Headquarters, 1998.

The table indicates that women comprise 10% of the regular RUC force. The RUC, as is the case with An Garda Síochána, have a comprehensive range of equality policies in place with equality officers, and training programmes in progress. The Chief Constable has an equality mission

statement, with a full code of equality provisions as promulgated under the Police Act (Northern Ireland) 1970. An extract from the Chief Constable's equality statement reads as follows:

> The RUC is committed to a policy of equality of opportunity for all members and applicants. The emphasis is on the fair treatment of all members, applicants (actual or potential) and the community we serve.
> (Chief Constable's Report, RUC, 1998: 62)

This commitment is reflected perhaps in the numbers of women serving in the RUC. Allied to this is the fact that all branches and units of the RUC are open to both male and female personnel of the force on an "equality of opportunity" basis. In 1997, the RUC introduced part-time working and job sharing as an option for regular members. According to the RUC:

> The aim of the initiative is to enable both male and female police officers who are unable to work on a full-time basis to continue with their careers. In return, the Force may retain experienced, highly trained personnel who might otherwise have no alternative but to leave the service.
>
> (Ibid.: 62)

The RUC have a full time Equal Opportunities Unit based at RUC Headquarters in Belfast. The unit monitors policy and practice in the force and audits recruitment, training, deployment, and promotion procedures from an equality perspective.

In 1997, the Equal Opportunities Unit processed a total of eighty-eight equality grievances as follows:

Sex Discrimination	20
Religious Discrimination	19
Sex and Religious Discrimination	1
Sexual Harassment	10
Bullying	9
Victimisation	4
Others	25
Total	88

(Equal Opportunities Unit, RUC Headquarters, 1998)

The Equal Opportunities Unit also runs the RUC Equal Opportunities Training Programme within the Force. This programme is aimed at raising levels of awareness in relation to equality issues within the force.

An equal opportunities training programme of lectures and role-play, facilitated by outside management consultants is delivered to all Personnel Liaison Officers. Divisional, Command and Senior Management teams also receive instruction and guidance in equal opportunities in an ongoing effort at raising awareness of topical issues. Our goal is to ensure that the organisation's managers are adequately informed and aware of their responsibility to safeguard for all, a working environment which is free from discrimination and harassment.
(Chief Constable's Report, RUC, 1998: 62)

In addition to these provisions, measures, training programmes, and in addition to personnel charged with equality briefs and a dedicated Equal Opportunities Unit, the RUC's Recruiting Branch is also taking the initiative in the area of equality of opportunity. In 1997 a special working group consisting of the RUC, the police authority for Northern Ireland, and community leaders conducted a study group into the RUC's recruitment patterns:

> Their remit was to review the representation of Roman Catholics, women and ethnic minorities within the RUC and to assess the reason for any under-representation and to make recommendations as to how suitable applicants from all communities can be encouraged to apply and to examine selection procedures and satisfy themselves that they ensure equality of opportunity.
>
> (Ibid., 1998: 62)

The working party considered that at 10% of regular strength, women were under-represented in the RUC. Their recommendations in this area, submitted in January 1998, are being considered by the Chief Constable. A copy of their report also lies with the Patton Commission of Enquiry into Policing in Northern Ireland, (1999).

The RUC has been charged publicly by the media, and members of the Nationalist Community, and by members of the SDLP and Sinn Féin as a partisan and sectarian force. In terms of the criteria laid down in the equality of opportunity literature, (i.e.: Equality Statements, Policy, Personnel, Audits etc), as indicators of an "equality culture", the RUC could be postulated to be more equality conscious than the PDF. Based on these criteria, the RUC has shown more of a commitment in terms of equality policy and training to an equality environment than the PDF. It is interesting to note, that with 10% of its strength female, the RUC consider this to be a figure so low as to suggest women are under-represented within the force. To this end they have carried out a study of the issue and have hinted they will take action. The PDF, with a mere 3% of

strength female, has stated in its board reports that this figure is satisfactory and in its strategy and statements for 1999/2000 makes no mention of the issue.

Again the PDF by comparison, leaves itself open to the accusation of being an ‘equality-unfriendly’ work environment.

9.3 The International Military

The absence of an Equality Statement or a series of measures and policies to promote equality issues within the PDF is at variance with international military practice. The British Army has an explicitly stated Equality 'Mission' with an Equal Opportunities Directive published in December 1995. This document outlines the rights and responsibilities of army personnel in this area including arrangements for making complaints under the Sex Discrimination Act 1975 and the Race Relations Act 1976.

> The Directive introduces Equal Opportunities Advisers at unit level, to provide equal opportunities guidance to Commanding Officers and to advise individuals on their rights and responsibilities under the Directive. The Directive is also supported by a leaflet on Equal Opportunities which has been distributed to all army personnel. The Royal Navy and Royal Air Force are also preparing similar documents.
>
> (Statement on the Defence Estimates, 1996, HMSO: 78)

In addition to these measures, the British Armed Forces come under the scrutiny of an Equality Ombudsman in the form of "An Independent Consultant, the Office for Public Management, (OPM)". (Ibid, 1996, HMSO: 78, Para 516) The OPM is responsible for reviewing existing service employment initiatives and examining recruiting procedures, equal opportunity training syllabi and practices and policy statements. The British Army’s Equality Statement begins as follows:

> The Armed Forces are wholly committed to being an equal opportunities employer ensuring that progression through the service is based solely on merit and ability and maximising opportunities for women.
> Men and women are recruited, interviewed and trained using the same procedures; we are determined to recruit the brightest and the best irrespective of gender, ethnic origin or religious beliefs.
>
> (Equal Opportunities, Women and the Armed Forces, MOD, Whitehall, HMSO, 1999: 1)

As of 1 January 1999, there were 16,119 women in the British Armed forces. This represents 8% of strength. According to the Ministry of Defence in Whitehall, in the recruiting year 1997/1998, women made up 14% of all recruits, (21% of all officers and 13% of all other ranks). (MOD, DINFOD, Whitehall, 3/3/99)

The British armed forces report a "surge" in the numbers of women recruited to all three services in recent years:

> In the last year, women have accounted for over a fifth (21%) of all new officer recruits (…) - ten years ago this figure was 13%. We have seen a marked surge in female officer recruitment, over 50% over the last five years – from two hundred and fifty in 1994/1995 to three hundred and seventy in 1998/1999.
>
> (Equal Opportunities, Women and the Armed Forces, MOD, HMSO, 1999: 3)

The British military authorities include in their explanation for this surge their recent policies of targeting women and ethnic minorities as potential recruits (see "Modernising Employment Practices", Ibid.: 3). The British point to a working environment which they claim to be "free from sexism or harassment" as key to this success. (Ibid.: 3). They claim to monitor this environment through an "equality Audit", or "Monitoring programme" (Ibid.: 3).

In addition to an equality statement, equality policies, unit, command, brigade and divisional equality officers, the British military authorities have established a dedicated equal opportunities training unit called the "Tri Service Equal Opportunities Training Centre". This unit, known as the TSEOTC is based at the Royal Military College of Science at Shrivenham. Its stated aim is to "encourage a top-down, bottom-up approach to equal opportunities issues". (TSEOTC, Briefing Notes, HMSO, MOD, 1999: 1)

The TSEOTC supports dedicated equal opportunities 'advisers' located throughout all services of the Armed Forces and provides mandatory EO training courses for all senior officers. The TSEOTC was formally opened by the British Minister for Defence in September 1998 with the stated aim of ensuring the "successful implementation of the Armed Forces Equal Opportunities Policies".

Amongst the functions of the TSEOTC are to ensure service wide appreciation of:

- Armed Forces Equal Opportunities Policies.
- Key features of anti-discrimination law, key definitions and codes of practice.
- Equal opportunities responsibilities of MOD employees.
- Equal opportunities complaints mechanism.
- Equal opportunities training programmes.

(TSEOTC, Briefing Notes, MOD, HMSO, 1999: 2)

The British armed forces also liaise with outside agencies such as British Gas, the B.B.C., the Judicial Review Board and Financial/Manufacturing industry "with a demonstrable track record in this area", (Ibid: 2-3).

The British armed forces in addition to these measures also operate a confidential free phone help-line on equality issues for service personnel. They also audit the equality of opportunity environment of the forces through MOD "continuous attitude surveys" which publish annual reports under the auspices of the Armed Forces Focus Group on Equality of Opportunity.

The British military authorities are also keen to promote women to senior rank as role models for female personnel and in the spirit of equality of opportunity. At present there are women of general rank (Brigadier) in the British army, one Captain in the Royal Navy, and one Air Commodore in the Royal Air Force.

In contrast with the British armed forces, the PDF has no equality of opportunity policies, no equality statement, no monitoring of the EO environment, no EO personnel and certainly no contact with outside agencies with a view to reviewing the situation. By these criteria, the PDF leaves itself vulnerable to accusations of lacking in commitment to equality of opportunity for its personnel. Furthermore, as of 5th November 1999, the British Armed Forces are implementing job-sharing schemes for service personnel of all services.

The British Army has been forced to react to wider social change and equality legislation. It has also reacted to the reality of the necessity to mobilise women for combat assignments. The British Army of the 1960s was reminiscent of the PDF today, "still a self contained society, virtually impervious to fads and political fashions in the outside world". (Beevor, 1993: 14)

Any institution which delays reform will ultimately face traumatic change. The prospect of traumatic change tends to make institutions obsessively introspective and defensive. This would

appear to be the case with the PDF. The Board Report on the Deployment of Female Personnel failed to take cognisance of international military trends, equality legislation or developments throughout the remainder of the public sector. There is evidence to suggest that the recruitment, training and deployment policies employed by the military authorities are regressive, not progressive and seriously out of step with current military and societal development. This is a dangerous position.

> The essential point is that in a democratic society, a volunteer army which needs to attract recruits and obtain the public support of the nation is taking a big risk if it obstinately takes a contrary course.
>
> (Beevor, 1993: 18)

The Defence Forces must plan for, and implement change in a structured way. To this end, the military authorities must, like the Garda Síochána, RUC or British military authorities, be proactive. Constructive policy statements and equality initiatives are required to facilitate change and survival in a fast changing environment. As stated in the literature:

> Thinking on your feet is no longer good enough (...) the army cannot merely play a defensive game. In certain circumstances, it must go beyond reacting to events in order to control the flow of their consequences. (…) (T)he army must not only inform its own personnel of the implications of change (…) in a much franker fashion than has been the custom in the past, it must also make sure that the nation as a whole is also aware of them.
> (Beevor, 1993: 22)

Beevor calls for a form of 'Glasnost' and 'Perestroika' in a restructuring and review of policies accompanied by an openness and public commitment to change. It would be a recommendation of this study that the PDF adopt a similar approach as a beginning to tackling the issue of equality of opportunity. The US military are progressive in this regard. The U.S. Military employ a plethora of initiatives and policies, which in an explicit and public way are aimed at equality of opportunity. Women are represented amongst the highest ranks of the U.S. military, including secretary of the Air Force providing highly visible role models for female personnel. As mentioned previously, all combat and overseas appointments are open to women. A system of Equality Officers and Unit Liaison Officers similar to the Garda, RUC and British Army models also exist. The U.S. Military have an explicit Equality Statement as part of their overall mission statement.

In addition, the interests of female personnel are represented in Congress by the Defence Advisory Committee on Women in the Services (DACOWITS). This committee formally recommended on 24 April 1991 that all combat exclusion laws for women be repealed. No such committee or advisory group exists either with the Defence Forces, the Department of Defence or Dáil.

U.S. Military personnel are well informed through support groups, and information programmes on Race and Equality issues. Service telephone 'Hotlines' are also provided for instant assistance. The ongoing battle against "deeply entrenched cultural patterns" within the U.S. Military is considered a leadership issue by the U.S. secretary of the army Togo West (Newsweek, 1997, Feb 17: 41; Brooke J., New York Times, 1997, March 03: 10).

The United States' most conservative and notorious military institution, "The Citadel" or the South Carolina Corps of Cadets, remained obstinately closed to female personnel until 1996, along with the Virginia Military Institute (VMI). These conservative last bastions of an all male ethos in military training adopted a proactive and positive plan for the assimilation of female cadets. There is evidence here of some measure of forethought and preparation for the integration of female personnel which is sadly not evident in the Military College or Brigade Training Depots.

The "Citadel Approved Plan for the Assimilation of Female Cadets", (Lt Gen, C.E. Watts, Citadel board of Visitors, 30 July 1996) addresses amongst other things the following issues:

Para 1: 1
The number of women in management positions within the staff to serve as role models for female cadets
Para 2: 1-2
The Adequacy of Female Role Models in leadership positions within the Commandants Department
Para 3: 2
The need for additional training in the areas of sexual harassment and sensitivity for the Human Affairs Officers, Cadre, Tactical Officers, Faculty and Staff
Para 4: 3

To encourage the Corps of Cadets to support a co-educational system at the Citadel (Peer group education - also present in Sandhurst)

Para 5: 3

A Women's Issues Advisory Board

Para 7: 4

Adopting a mechanism for discussing lessons learned and collecting feedback from female cadets

Para 8: 5

To ensure facilities other than barracks adequate to accommodate female cadets, short term and long term

Para 39: 16

Amend standing orders or 'Blue Book' to reflect Citadel policy in relation to:

1. The prohibition of Discrimination or Harassment
2. Complaints procedures
3. Full list of Equality officers
5. Confidentiality

(The Citadel approved plan for the Assimilation of Female Cadets, James E. Jones, Lt. Gen. C.E. Watts, the Citadel Board of Visitors, 30 July 1996)

The PDF lacks any in-depth consideration of equality and integration issues. Apart from a paragraph in the newly drafted DFR A1 entitled, "Interpersonal Relationships", scant regard is paid to the potential for gender related conflicts.

109 **POLICY:**
Relationships between members of the Defence Forces of different rank which involve partiality, preferential treatment or the improper use of rank or position are prejudicial to good order, discipline and morale. Such relationships will be avoided. This policy is not intended to preclude participation in sporting and social events involving personnel of different rank which enhance morale, or personal relationships which are consistent with this policy. In all such relationships the exercise of sound judgement, particularly by the superior, is a necessary prerequisite.

110: **Unacceptable Relationships**.
Some examples of relationships which are considered to be unprofessional and those that involve:

(a) Commercial and/or financial activities, which adversely affect or are likely to adversely affect the performance of duty
(b) Borrowing or lending money, for profit or benefit

(c) The excessive or frequent consumption of alcohol in the company of subordinates
(d) Favouritism between family members or relatives
(e) Playing games of chance or cards for other than nominal stakes

(Draft, Administrative Instruction, A7, 02 Feb 1996, Para 109, 110) RESTRICTED

There are large gaps in PDF policy as it relates to the integration of male and female personnel. Apart from a stated aspiration, there are no guidelines for the integration of personnel, in terms of recruitment or training.

An awareness of these issues is evident in the British and US armies in their policies and practices in these areas. This is also the case for the Australian Defence Forces. Current policy and practice within the Australian Defence Forces on the matter of gender integration and equality of opportunity, emphasises the link between modern military practices, wider societal norms and an introspective defence force:

> There is a clear parallel between the current sexist attitudes and gender awareness relating to the employment of females in combat related roles within the ADF. Changes in civilian practices have altered the position of women in terms of both their jobs and the amount of authority they now have.
> In order that a 'generation gap' not be established between the ADF and the civil sector, a number of changes must occur within the ADF. Abolishing the stereotype about "real combat soldiers" and clearly defining what constitutes combat is necessary preliminary action, but more importantly, the deeply embedded structural inequalities have to be challenged if the individuals who perform a combat role are to be chosen for suitability and not as a result of gender.
>
> (Weatherill, J.A., 1996: 47)

9.4 Equality of opportunity policies throughout the public service

Unlike their fellow workers in the PDF, the interests of employees throughout the State are represented by a number of bodies and institutions with an equality agenda. The Department of Equality and Law Reform, the Irish Congress of Trade Unions, the Irish Business and Employers Confederation, the Council for the Status of Women, (now the National Women's Council of Ireland) are among many bodies whose activities are co-ordinated by the Employment Equality Agency, (E.E.A.).

The E.E.A. functions include:

1. Working to eliminate discrimination in employment and vocational training which is based on sex or marital status.
2 Promoting equal opportunity between men and women in employment and vocational training.
3. Reviewing the Anti-Discrimination (Pay) Act 1974 and the Employment Equality Act, 1977.

(E.E.A., 1995 Annual Report: 9)

The E.E.A., working to these objectives, addresses many of the issues raised by the examination of PDF policies and practices. The concerns addressed in their 1995 report include the question of Access to Work and Training, Promotion, Equal Opportunities, Policies and Positive Action. It is within the spirit of the guidelines laid down by the E.E.A. that the public service aspires to operate. The public service also operates within the guidelines of and under the auspices of a number of other agencies within the state.

The Equal Opportunities Policy and Guidelines for the Civil service were published in July 1986. They were drafted in order to provide a framework within which an evolving equality policy could be based. The Equality Section of the Department of Finance is a designated dedicated office of the Public Service tasked with the monitoring of the implementation of Equality Policy. This section liases with the personnel officers of each Government department and designated equality officers to monitor equality issues.

In addition to the above, a subcommittee of the Central Conciliation Council for the Civil Service evaluates the general implementation of equality policy.

The tasks of the subcommittee are together with the Equality Section of the Department of Finance:

- To monitor the overall implementation of the policy and guidelines in departments and offices,
- To identify priority areas requiring attention,
- To devise strategies to meet the needs in these areas,
- To implement arrangements to give effect to those strategies,
- To monitor the effectiveness of those arrangements and
- To publish an annual report detailing developments concerning equal opportunities in the civil service for circulation to all staff.

(8th Annual Report on the Implementation of the Equal Opportunity Policy and Guidelines for the Civil Service, Department of Finance, March 1997: 5)

This subcommittee, which meets roughly once a month, is comprised of both union and management members. The majority of public servants therefore enjoy an equality-driven work

regime, which is constantly monitored and reviewed by a dedicated office of the service. Amongst those issues monitored and reported on are the following:

1. The Composition of the Civil Service:

The subcommittee examine the participation rates of women within the Civil Service (48%) and examine their representation in the various grades within the service. These rates and grade representations are published annually in their Annual Report.

2. Recruitment and Promotion Competitions

Analyses from statistical information on departmental, interdepartmental and open recruitment competitions obtained from the Civil Service Commission are published annually.

The Top Level Appointments Committee (TLAC) show a proportionally equal candidature and success rates for posts at Assistant Secretary level and higher for both men and women in 1995, (5%).

All competitions are analysed from the point of view of gender balance in terms of candidature and appointment. The figures are compared with previous years and overall trends of integration to identify patterns of representation. Promotion and recruitment competitions, the composition of interview boards and criteria for success are reviewed within the light of evident developments and the aspiration of equality of opportunity and a fully integrated workforce.

3. Training and Development

The importance of training for all personnel in order to enhance the work environment, and predispose all personnel to an integrated ethic, is stressed by the sub committee.

> Training has an important role to play in the development of equal opportunities both in training women to maximise their participation in the workforce at entry level and to help create an environment that promotes attitudinal change to facilitate that aim. (Ibid.: 24)

The subcommittee also deals on an ongoing basis with the combination of work and family issues, (job sharing, crèche facilities etc.), General equality issues, and any council claims or matters dealt with by the subcommittee in conjunction with the equality office. The Equality Office also visits each department conducting seminars and training days dealing with issues of equality and representation. These seminars are complemented by the Civil Service Training Centre (CSTC) Management Development Programme.

The Public Service have evidently adopted a proactive stance in the area of equality of opportunity. Information would appear to be the key to openness and a sense of fairness. This information is made available through Annual Reports, access to Equality Officers, access to information in the form of policy documents and statistical information. An atmosphere has been

created which encourages the free exchange of ideas and views. All aspects of Public Service career structuring, from recruitment to deployment and promotion are open to scrutiny and assessment. The Public Service's aspirations, policies and practices are overt and explicit.

This is in stark contrast to the activities of the architects of the Defence Forces' Policy. The military authorities have adopted a reactive approach to equality issues with no clear policy or guidelines. Recruitment, deployment and promotion activities are cloaked in secrecy. The chain of command and the routine invocation of administrative confidentiality render access and scrutiny almost impossible. The introspective and secretive machinations of confidential boards and report makers translate into a set of covert policies and practices resulting in an implicit gender division of labour.

There is no evidence within the PDF setting of positive action, in informing through policy and procedures, employee and management behaviour and attitudes (E.E.A., Positive Action Guidelines, 1995). The General Staff have failed also to take the initiative in the area of equality of opportunity in training (E.E.A., Vocational Training Guidelines, 1996) and are also in violation of recruitment and interview procedure guidelines (E.E.A. Guidelines, 1995).

The PDF fall far short of the practices and aspirations adopted by the remainder of the public service and state agencies. According to the Employment Equality Agency, in its annual report for 1996, human resource managers in both the public and private sector are actively pursuing proactive equality policies:

> Personnel practitioners co-operated extensively with us throughout the year in the interests of introducing best equality practices into their companies. There has been a marked increase in the number of organisations which have incorporated specific equality policies into their management procedures.
> (E.E.A., Annual Report, 1996: 9)

The military authorities have not grasped this opportunity and continue to operate a personnel management system, which is perceived by many to be inimical to the interests of female employees by virtue of its criteria.

9.5 Representation and equality issues

The Trade Union Movement in partnership with the Irish Business and Employers Confederation (IBEC) have combined the interests of both public and private sector employees through the auspices of the Employment Equality Agency and the Irish Congress of Trade Unions.

The ICTU, the umbrella organisation for both private and public sector workers, has taken a proactive lead in the area of equality of opportunity. A comprehensive women's charter has been issued by the ICTU, (see below). In addition to the women's charter is the provision for an annual Women's Conference to assess ICTU's "Programme for Progress". This conference evaluates the Programme, and the effect of the women's charter under the headings of:

1. Workplace issues:
   - i Low pay.
   - ii Equal pay.
   - iii Equal opportunities.
   - iv Training.
   - v Maternity, Paternity, Parental and Family leave.
   - vi Childcare.
   - vii Flexitime/Job Sharing.
   - viii Part-Time Temporary and Contract Workers.

   (ICTU, Women's Conference Report, 1992: 2)

The conference also examines issues of women's representation within trade unions and adopts a proactive agenda in terms of (i) recruitment and organisation; (ii) education and training; (iii) participation in decision making and (iv) special structures.
(Ibid.: 2)

The deliberations and decisions reached by the Women's Conference are assimilated into general ICTU council policy and published in their annual Executive Council report. (See appendix 7) The 1993/1995 report included resolutions on Equal Pay, Equality Legislation, Equal Status Legislation, the Maternity Protection Act 1994, the Adoptive Leave Act 1995, Women in Non Traditional Employments, Childcare services, Sexual Harassment, Second Commission on the

Status of Women Report findings, the Employment Equality Agency, Women's participation in Trade Union Movement and Equality Networking. One of the outcomes of ICTU Executive Council Action on these issues is the adoption of a "Third Equality Programme", called "Mainstreaming Equality 1993-1998".

> The main aims of the Third Equality Programme are:
> 1. To integrate equality issues within the trade union agenda at national, regional and local level.
> 2. To ensure that trade unions at national, regional and local level examine their policies, practices and agreements to ensure that the needs of women workers are included and that women workers are not disadvantaged by them.
> 3. To further develop strategies to promote equality in the workplace.
> 4. To remove the barriers that hinder women's participation at all levels of the trade union movement.
> 5. To develop a monitoring mechanism within individual unions to evaluate progress.
>
> (ICTU, Mainstreaming Equality, 1993-1998: 1)

The policies and programmes pursued by ICTU are complemented by liaison with Women's Groups, Colleges and Universities, the E.E.A. and the Council for the Status of Women. Information books and leaflets are issued to the affiliated membership on equality issues addressed by congress, information on European directives and a comprehensive review of European Equality case law.

One such case outlined in "European Case Law and Equality, a Guide for Negotiators" refers to an RUC constable denied the right to carry arms on the basis of her sex. The Chief Constable's argument of there being an exemption to equality legislation on the basis of 'National Security' was overturned in the European Courts as being in breach of Article 6, of Directive 76/207. (Case (222/84) Johnston v Chief Constable of the RUC, EC Ruling 1651). The implications of this "direct effect" ruling have obvious implications for members of the PDF frustrated by Department of Defence claims of exemption from equality legislation. Overall, ICTU could be said to be reasonably proactive in the area of equality of opportunity.

9.6 Representation and equality issues: RACO and PDFORRA

The PDF Representative Associations between them are intended to reflect the views of all ranks of the Defence Forces up to and including the rank of Colonel. Established in 1991 as a result of

a recommendation of the Gleeson Commission, the Representative Associations are still in their infancy. Prior to the advent of representation, the coming together of service personnel to discuss the terms and conditions of their employment was defined as mutiny under DFR's, an offence punishable by death under martial law, ("or any lesser award (sic) deemed appropriate by the relevant authority").

I contacted the offices of RACO in September 1997 for clarification of their policy on Equality Issues. As yet, there is no Equality Statement issuing from RACO, there are no Equality officers and no policy statements in this area. The Assistant General Secretary intimated to me that the area of equality of opportunity did not at this time have any pressing precedence and equality issues would be dealt with "as they arise" and on the basis of "complaints from members". As of October 1999, there is no change in this area.

I contacted the office of PDFORRA and was informed that a General Statement on Equality had been drafted. PDFORRA has no Equality Officers, and no policy documents in this area. PDFORRA did however provide me with a copy of a National Executive Motion dealing with the issues of Discrimination and Positive Action. The Motion, passed in 1992 has unfortunately gathered dust in respect to many of its demands.

MOTION 12:

That this Conference adopts the following policy on discrimination:

Part 1: General Statement:

> "That this Association condemns discrimination in all its many and varied forms: in particular, discrimination against any member because of race, religion, gender, age or disability".
>
> "The Association supports the elimination of all or any discrimination which would deprive or tend to deprive any member of opportunities or which would adversely affect a member's status".

Part 2: Specific Statement:

a. <u>Direct Discrimination:</u>
No person will be treated less favourably than a person of the other sex or of a different marital status.

b. <u>Indirect Discrimination:</u>
No person will be obliged to comply with a condition of service which is not essential to the job but for which a substantially greater proportion of persons of the other sex or of a different marital status is able to comply.

c. Qualifications and Requirements:
The prescribing of unwarranted qualifications should not be a requirement. Qualifications and requirements should only be necessary and relevant to the appointment and without discrimination against either sex, marital status or on any other ground.

d. Advertising:
All appointments, courses or other beneficial changes in conditions of service should be advertised within Units of Formations. Personnel serving overseas or on leave, particularly extended leave, should be a consideration prior to advertising. A positive approach should be indicated by the inclusion in advertisements of the words "Applications are invited from both males and females".

e. Dealing with Applications:
The criteria applied and arrangements made in the handling of applications must be non-discriminatory.

f. Interview Procedure:
Interview procedures should not be conducted so as to favour one sex over the other except by negotiated settlement with PDFORRA. Exceptions should, in general, be as provided for within Equality Legislation.

g. Code of Practice:
To pursue a negotiated Practice within the Defence Forces of quality of opportunity designed to facilitate good recruitment and employment practice.

h. Legislation:
To pursue by all legitimate means the inclusion of Defence Force personnel in any existing or future National or European Union Equality legislation.

(PDFORRA ADC, 1992, Motion 12)

Neither PDFORRA or RACO have women representatives on their National Executives. I attended the 1994 RACO ADC and was a Curragh Command Delegate from 1993-1994. At no time did I ever encounter a female delegate or Executive Member. At no time were equality issues discussed. This is particularly ironic when one considers that both RACO and PDFORRA owe their very existence to the actions of women and NASA (National army Spouses Association), soldiers' wives who contested a by-election in the eighties thereby embarrassing the then Government into establishing the Gleeson Commission, resulting in the advent of representation.

The Representative Associations in terms of an equality of opportunity agenda are out of step with other unions in the public service. The military authorities in terms of their equality of opportunity agenda appear equally out of step with trends in the international military, other uniformed organisations on the island and indeed Irish society's stated aspirations in this area. It is curious to note the manner in which the representative associations mirror the PDF in terms of their attitudes to equality of opportunity issues. As is the case with the official side, they appear 'inward looking' and out of step with the aspirations, policies and practices of wider society.

9.7 Chapter summary

Section one dealt with the range of policies, practices and conditions of service in force for female personnel in an Garda Siochana. In terms of numbers, there are approximately 900 female gardai at 8% of garda strength. There are no restrictive policies in terms of the deployment of female gardai and they serve in every unit and area of garda activity both at home and abroad. An Garda Siochana has an explicit equality statement and an explicit equality policy aimed at "Developing an Equality Culture" (Garda policy statement, 1997:3) Female gardai enjoy greater visibility in terms of numbers within the organisation than is the case for female soldiers in the PDF. They also have a greater representation (0.5%) at senior garda rank than would be the case for senior officers and NCOs in the Defence Forces. An Garda Siochana has a full and comprehensive body of policy documents, statements, memoranda and aspirations for equality as listed in section one of the chapter.

Section 2 deals with the Royal Ulster Constabulary in Northern Ireland. The RUC mirrors to some extent an Garda Siochana with a comprehensive range of equality policies, statements and stated aspirations in place. In terms of numbers, female constables comprise 10% of the regular force of the RUC. In common with an Garda Siochana, the RUC have invested in equality structures and have appointed equality officers in each district and division of the force. In addition, the RUC have an equal opportunities unit based in RUC Headquarters in Belfast. This unit also runs the RUC Equal Opportunities Training Programme within the force. The RUC study group formed in 1997 to investigate RUC recruitment practices submitted a report to the Patton Commission of Enquiry into Policing in Northern Ireland amongst whose findings was included the conclusion that at 10% of strength, women were underrepresented within the force.

The equivalent figure of 3% for female personnel in the Defence Forces compares poorly with the Garda Siochana (8%), the RUC (10%), and Nato averages (15%).

Section 3 focuses on the international military in general and the British and US military in particular in relation to equality policies, practices and statements. The British Army show a commitment to equality of opportunity in terms of investment, (financial provision for EO initiatives in the Defence Estimates) policy, practice and staff training. The British armed forces have an explicitly stated equality mission and a broad range of equality policies, initiatives and practices. These policies and practices are supported by the investment mentioned in the Defence Estimates and by education and training measures as evidenced in the Tri Service Equal Opportunities Training Centre. In terms of numbers, women comprise 8% of British military strength and are represented at the highest ranks within all three services of the armed forces. The British armed forces conduct an ongoing audit or monitoring of the equality environment and liase with external agencies such as British Gas, the B.B.C. and the Judicial Review Board to ensure they are in step with best practice in relation to equality provisions.

The situation for the US military is very similar with an explicit equality mission statement, equality policies, practices and education programmes within the setting. In addition, the interests of female personnel are represented in Congress by the 'Defence Advisory Committee on women in the Services'. In common with the British Armed forces, the RUC and the Garda Siochana, the US military have also introduced new workplace practices such as job sharing and part time working in order to enhance flexibility and equality of opportunity within the workplace.

Section four outlines those equality policies, practices and conditions of service which apply to workers throughout the public service. Section four lists the Employment Equality Agency (now the Equality Authority), the Department of Finance Equality Training Section, the Central Conciliation Council of the Civil Service and numerous committees and implementation boards as combining to monitor and enforce equality of opportunity throughout the public service. Section four outlines the public service commitment to equality in terms of recruitment, training, work experience and promotion.

The equality agenda of the main employees' representative groups is examined in section five with a brief outline of the Irish Congress of Trade Unions aspirations in the area of equality. The

‘Programme for Progress’ and the ‘Women’s Conference’ aspirations for equality are incorporated into ICTU policy with proactive measures for equality to be pursued in the areas of recruitment and organisation, education and training, participation in decision making and special structures within the movement. The employees’ representative groups have an explicitly stated commitment to equality of opportunity with a range of mission statements, policies, and monitoring processes in place to give effect to this agenda.

Section six concludes the chapter with an examination of the equality agenda of the representation associations for soldiers within the Defence Forces. There is some evidence of a commitment to equality of opportunity within the Permanent Defence Forces (Other Ranks) Representative Association PDFORRA with a general statement on equality issues encapsulated in a motion passed in their 1992 Annual Delegate Conference. No such statement is to be found within RACO (Representative Association for Commissioned Officers) policies. Neither PDFORRA or RACO have equality officers, an equality monitoring process, nor do they advocate proactive measures or positive action in the area of equality of opportunity.

CHAPTER NINE 214
Equality of opportunity: An Garda Siochana, the RUC, the international military and the public service 214
9.1 An Garda Síochána 214
9.2 Equality of opportunity policies within the RUC 219
Regular 219
Sex Discrimination 20 220
9.3 The International Military 222
9.4 Equality of opportunity policies throughout the public service 228
9.6 Representation and equality issues 233
9.7 Representation and equality issues: RACO and PDFORRA 234