

# Employment Equality Agency, Sylvia Meehan and the evolution of equality legislation

Kieran Rose  
February 2020

"At the EEA, for example, she took a strong stance in favour of LGBT rights at a time when it was not popular to do so. .... Sylvia was very clear that true equality could not be one-dimensional.

General secretary of the ICTU Patricia King<sup>1</sup>

In October 1986 the Employment Equality Agency and its chair Sylvia Meehan recommended to Government that the Employment Equality Act 1977 be amended to include sexual orientation, this was a major breakthrough for a State agency to come out unequivocally in favour of equality for lesbians and gay men, at a time when the Right were in the ascendant and vindictive, and progressives were in retreat.

'By the mid -1980s the litany of defeats for the left and liberals was alarming, and included the abortion and divorce referendums, the repressive Criminal Justice Bill, the banning of abortion information and the victimisation of women in many high profile cases as well as soaring unemployment and emigration'<sup>2</sup>.

The lesbian and gay movement was in retreat, the conferences and pride marches ceased, the Dublin Lesbian and Gay Collective stopped meeting. The Supreme Court had decided that it was not unconstitutional for gay men to be criminalised. The HIV/AIDS crisis rightly took up what scarce activist resources there were to fill the gap created by State neglect. 'These were not times for militant activism on the streets but for small task-orientated groups dealing with specific issues, trying to rebuild confidence and laying the foundations for future progress'. One of the key issues was employment equality and one of these groups was 'Lesbian and Gay Rights at Work', an informal group of lesbian and gay trade union activists and others, and later GLEN. It was a remarkably successful campaign in a relatively short period of time, described by Leo Flynn as 'little short of phenomenal' (see Appendix).

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<sup>1</sup> <https://www.ictu.ie/press/2018/09/06/the-general-secretary-of-the-ictu-patricia-king-ha>

<sup>2</sup> 'Diverse Communities; The Evolution of Lesbian and Gay Politics in Ireland' Kieran Rose, see section 'Mid-Eighties and the Decline of Activism'.



The support of Sylvia and the EEA is one of a number of crucial moments in relation to equality for lesbians and gay men in the hostile 1980s, others were the ICTU and LGPSU resolutions of 1982, the ICTU lesbian and gay rights seminar of 1985, the ICTU 5 point programme of 1986, the Employment Equality Agency in 1986 supporting sexual orientation to be included in its legislation, the publication of ICTU policy 'Lesbian and Gay Rights in the Workplace: Guidelines for Negotiators' in 1987, the Civil Service anti-discrimination policy of 1988, all contributing significantly to later progress such as; Labour Party Equal Status Bill 1990 includes sexual orientation, the ICCL policy document of 1990, the equality-based gay law reform in 1993, the inclusion of sexual orientation in the Unfair Dismissals Act 1993, and later Equality legislation etc.

On behalf of the 'Lesbian and Gay Rights at Work' group I wrote to Sylvia Meehan Chair of the Employment Equality Agency on 27th July 1986. Sylvia replied on 5th August 1986 saying she would be 'very interested' to meet and that it would be 'very helpful' if she could receive copies of the recommendations of the ICTU 1985 seminar on lesbian and gay rights. On 16th August I send Sylvia a copy of the 1985 ICTU seminar and the one of the Northern Ireland Committee of ICTU held in June 1986. We met Sylvia on 9th September 1986. (see separate article).

**Employment Equality Agency**  
**Gníomhaireacht um Chomhionannas Fostaíochta**

36 Upper Mount Street, Dublin 2. Telephone (01) 605966  
36 Sráid an Mhóta Uacht, Baile Átha Cliath 2. Teileafón (01)605966



Chairperson  
Cathaoirleach: Sylvia Meehan

Mr. Kieron Rose,  
Trasmere,  
9 Greenfield Road,  
Button,  
Dublin 13.

Our Ref/Ár dTag:

Your Ref/Bhur dTag:

Date/Dáta: 05/08/1986

Dear Mr. Rose,

Your letter arrived just as I was going on annual leave.

I should be very interested to meet you in September and it would be very helpful if prior to that meeting, you would let us have a copy of the recommendations, particularly those relating to the EEA, which were drawn up at the ICTU November Conference.

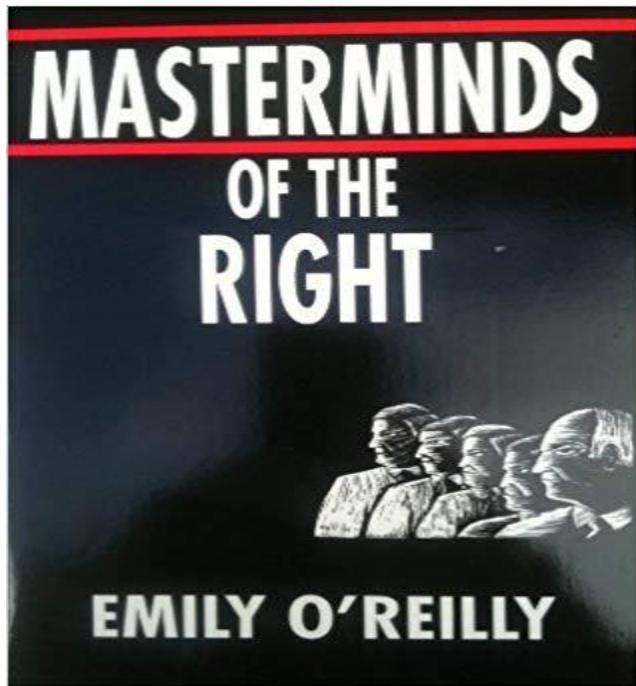
I shall be away during August but will be happy to arrange the meeting in early September. Perhaps you would ring me then.

Yours sincerely,

*Sylvia Meehan* pp.  
Sylvia Meehan  
Chairperson

In 'Masterminds of the Right' (1992) Emily O'Reilly documents the huge power of the Right in Ireland in the 1980s and how they often choose to exercise this power secretly, behind closed doors, to stymie progress including for lesbians and gay men. The minutes of one section of a

Knights meeting in Dublin in 1982 reads; 'Concern was expressed at the increase in the activities of homosexuals and it was suggested that perhaps the industrial, commercial and professional panel might look into the matter'. Magill (1983, see Appendix) documents how they targeted peoples employment such as Sally Keogh in her capacity as Information Officer of the National Social Service Council (NSSC) because of her public support for contraception. It would be interesting to know if Sylvia was put under similar pressure by the Right.



Writing a memoir for Sylvia in GCN (October 2018) I said that she was 'a courageous champion of equality for all', how her 'brave' and unequivocal support for us was such an important breakthrough for us at a time when we had few supporters and many powerful enemies.

On 11th September 1986 John Mitchell General Secretary of IDATU writes to the Minister for Labour Ruairi Quinn saying that he would like to 'add my voice for change to the Employment Equality Act to outlaw discrimination on the basis of sexual orientation.' On 6th October 1986 Ruairi Quinn responds stating that he has asked his Department to consider the feasibility of incorporating such a provision in employment law. On 22 September Lesbian and Gay Rights at Work, an informal group of lesbian and gay trade unionists and others, writes to Ruairi Quinn Minister for Labour calling for inclusion of sexual orientation in the Employment Equality Act, and enclosing a copy of the report of the 1985 ICTU seminar.

On 3rd and 19th of November 1986 the EEA wrote to me stating that; 'the Board agreed .. [that] .. a provision outlawing discrimination in employment on the basis of sexual orientation .. should be included as an amendment to the Employment Equality Act 1977 and accordingly the Agency made such a recommendation to the Minister in early October'.



Irish Congress of Trade Unions

19 Raglan Road, Dublin 4

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Ms. Ellen Breen  
Higher Executive Officer  
Department of Labour  
Mespil Road  
Dublin 4

26 November 1986

Dear Ms. Breen

Your letter of 28 October to the General Secretary on the question of making discrimination on grounds of sexual orientation unlawful under the Employment Equality Act, 1977 has been referred to me for reply.

Congress policy on this question arises from the following resolution which was adopted in 1982 by our Annual Delegate Conference:

"Conference supports the decriminalisation of homosexual behaviour between consenting male adults in private and as a consequence of such support urges affiliated unions to resist any attempt to discriminate against their members in their employment on the basis of their sexual orientation".

Further to the adoption of this resolution, Congress sought amendments to both the Unfair Dismissals Act, 1977 and the Employment Equality Act, 1977 to cover discrimination on grounds of sexual orientation. Furthermore, the Women's Charter adopted by Congress in 1985 to mark the end of the U.N. Decade for Women includes the following statement:

"The Irish Congress of Trade Unions recognises and demands the right of everyone, irrespective of race, ethnic origin, creed, political opinion, age, sex, marital status or sexual orientation to have the means to pursue their economic independence and to full participation in the social, cultural and political life of the community in conditions of freedom, dignity and equal opportunity".

Clearly, in view of these policies and statements, Congress fully supports the position of the Employment Equality Agency on this. As I have pointed out, Congress itself already has sought such an amendment to the Act.

Yours sincerely

Patricia O'Donovan  
Legislation and Equality Officer

pod/lg

General Secretary: Donal Nevin

Telephone 680641

Meanwhile a similar process was underway in ICTU and in May 1987 ICTU published '**Lesbian and Gay Rights in the Workplace: Guidelines for Negotiators**', a very strong and radical policy. The 1987 Guidelines were influenced by the EEA policy, were another building block for future progress and were used extensively by GLEN in our campaign for an equality based gay law reform, for equality legislation, and job protection. They heavily influenced the Civil Service policy circular (12/88) of June 1988 which states: 'discrimination on the basis of sexual orientation or medical condition will not be tolerated in the civil service'. Christopher Robson and myself were on the working group.



## **Irish Congress of Trade Unions**

## Lesbian and Gay Rights in the Workplace Guidelines for Negotiators

The 1982 Annual Delegate Conference of the Irish Congress of Trade Unions adopted a resolution urging affiliated unions to take all possible steps to combat discrimination against their members in their employment on the basis of their sexual preference. The ICTU has consistently supported the introduction of legislation to combat discrimination on the basis of sexual preference to pursue their economic independence and to fully participate in the social, cultural and political life of the state. Congress has sought amendments to employment and anti-discrimination legislation to make discrimination against lesbians and gay men in the workplace illegal. The struggle for Discrimination on grounds of sexuality leads to isolation, abuse and victimization of lesbians and gay men in the workplace, and gay workers. The objective of such policies and practices which countenance discrimination and prejudice in all its forms against lesbians and gay workers. The objective of such policies and practices is to create an atmosphere of discrimination and possible reprisals from other workers or management.

### lesbians and gays in

**Ireland.** Women and gay men are women and men whose most important relationships, emotional and sexual, are with other women and other men. All the things that are said about them are untrue. There are lesbians and gays in all social classes, in all age groups, in all areas of the country. They are rarely immediately identifiable. If people do not, or cannot, talk about their lives, then few other people become aware that those lives are different.

It is a common mistake to believe that these people are few, and that is true; therefore that lesbian and gay rights many years ago showed that one person in ten, predominantly lesbian or gay, and predominantly female, in the United States have confirmed that basic figure. This figure, however, has increased in amount to over 300,000 men and women in the largest metropolitan country in the workforce of Canada, some ten people may be represented. This group will probably have at least one person in ten, and this will not cause surprise, but it is very easy to hide or deny an identity even to oneself.

One reason is the law which in the Republic of Ireland treats all sexual acts between men as criminal and only partly decriminalised. Homosexuals in Northern Ireland, Lesbians are not directly subject to these laws, but they are still affected by them and they are still discriminated against with perhaps even greater prejudice. Lesbian mothers also have to contend with prejudice from the

judicial system in relation to custody of their children. The law creates a number of legal restrictions on the publication of advertisements for political, gay, organisations or publications are often issued in cases of criminal violence. Often in cases of homicide, physical violence (committed against the attacked person are

finances is difficult to obtain for people of the same sex. This is due to the general lack of women's rights, lifetime of low pay, poor career opportunities and unemployment. Many lesbians and gays are denied the basic right to work as they are often discriminated against on grounds of sexuality. In the workplace, lesbians and gays are often afraid of the opinions of their superiors who are afraid that if their sexuality becomes known they will lose the chance of promotion and maybe all job opportunities that they have. The enforced secrecy about sexuality's involvement in the continuous necessity to pretend or lie about one's sexual orientation creates alcholic problems. Discrimination also occurs in relation to conditions of employment. Trade Unions are aid for but cannot be passed on to gay people. There is also no recognition in relation to sickness or disability. Underpinning all discrimination is the usually unquestioned consensus that lesbian, gay and bisexual communities are less than or inferior to heterosexuality. This is a deeply conservative perspective but is also open to challenge. Trade

Unions must take up that challenge on behalf of all their members.

## discrimination in the workplace — what trade unions can do?

Discrimination here means treating workers less favourably because of their sexuality or because other people may have prejudices about that sexuality. Management can discriminate in hiring, in wages, in training, and remunerating and in other areas.

training and promotion and in onerous work tasks. Lesbian and gay workers are often subjected to harassment from management and other workers. Harassment can be broadly described as any behaviour which is intended to humiliate a person. This may be verbal such as unwanted sexual comments and remarks, offensive jokes, innuendo and name-calling. It may also be that a worker may be isolated or frozen out by co-workers. In extreme cases a worker may be physically attacked. The Labour Court has stated that "anyone who is not discriminated against on the basis of sex is entitled to a condition of work which an employee of either sex is entitled to expect. Any violation of this condition constitutes discrimination and there is a responsibility on the employer to see that such harassment is stopped effectively".

Lesbian and gay workers are also indirectly discriminated against in

relation to conditions of employment. This arises mainly in relation to pension schemes and arrangements relating to compassionate leave or annual leave.

Anti-Lesbian and gay prejudice often focuses on certain work areas.

The EEA policy and the ICTU Guidelines fed into the ground-breaking **Labour Party Equal Status Bill of 1990**, the precursor of our current Equality legislation. This Bill (which included employment issues) was a model for the subsequent equality legislation introduced by Minister for Equality and Law Reform Mervyn Taylor.

Sponsoring the Private Members Bill in 1992, Dick Spring Leader of the Labour Party said in the Dail: "This legislation sets out wider areas of discrimination than any legislation previously brought before the House. It sets out to prohibit discrimination on the grounds of sex, marital or parental status, sexual orientation, religion, age, handicap, race, colour, nationality or national or ethnic origin, including membership of the travelling community. It is only right that these provisions should be very wide. It is extremely important to ensure that this Bill is totally inclusive and that there are no exclusions. The second object of the Bill is to make discrimination unlawful not only in the workplace but also in education, in the provision of goods, facilities and services, including recreational, banking and other financial services, ntertainment, accommodation, transport and the services of any trade or profession and in the disposal or management of premises."

Michael D Higgins also spoke supporting the Bill  
<https://www.oireachtas.ie/en/bills/bill/1990/14/?tab=debates>

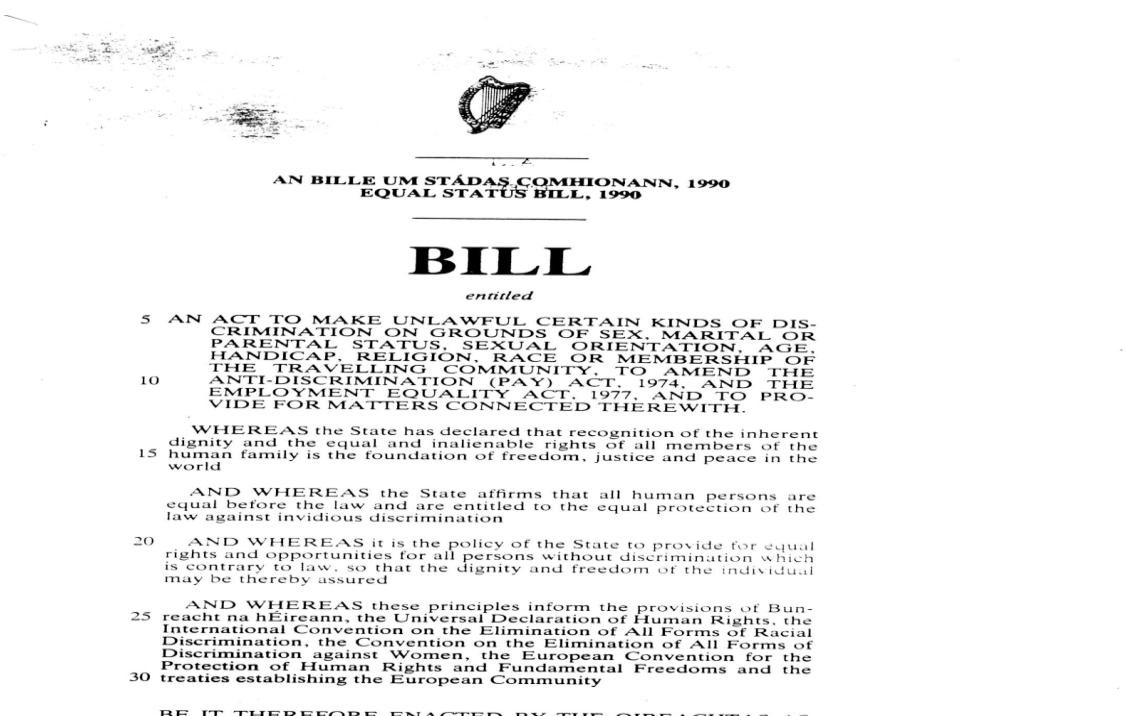
The Equal Status Bill was narrowly defeated in the Dail in 1992 by 63 votes to 67. The 1990 Equal Status Bill is on the Oireachtas website.

With Labour in a coalition government, **The Employment Equality Bill 1996, and the Equal Status Bill 1997** were introduced by Mervyn Taylor, Minister for Equality and Law Reform and

passed in 1997. "They were central to the Rainbow Coalition's raft of anti-discrimination legislation and sought to eliminate discrimination on nine grounds including gender, race, religion, disability and membership of the Travelling community in employment and in the provision of services. They were referred to the Supreme Court ([by President Mary Robinson], where both were found to be unconstitutional on three grounds.

<https://www.irishtimes.com/news/president-has-sole-discretion-to-decide-on-supreme-court-referral-1.287977>

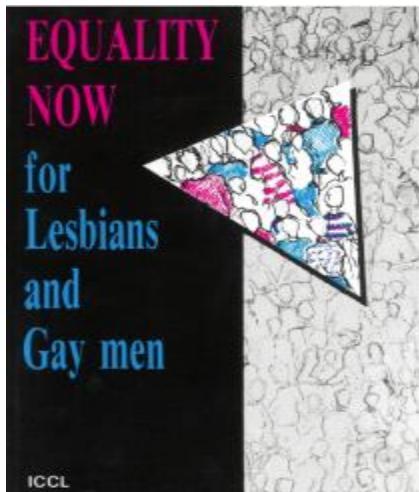
Amended equality legislation was subsequently enacted during the following Dáil term, i.e. the Employment Equality Act, 1998 and the Equal Status Act, 2000. The Equality Authority was set up under the Employment Equality Act 1998 and was established in October 1999. The Equality Authority replaced the Employment Equality Agency with a significantly expanded role and functions. In November 2014, the Equality Authority was merged with the Irish Human Rights and Equality Commission to form **the Irish Human Rights and Equality Commission**



35 1.—(1) In this Act— Interpretation.  
"the Act of 1946" means the Industrial Relations Act, 1946;

The EEA policy also fed into the influential **Irish Council for Civil Liberties 1990 report 'EQUALITY NOW for Lesbians and Gay Men'**. It proposed a Human Rights Commission,

similar to the EEA but with a broader remit. It noted that, 'Although the Agency in October 1986 recommended to the Minister for Labour that a provision outlawing employment discrimination on grounds of sexual orientation should be included in amendments to the 1977 Act, no legislative action in this direction has materialised.' The report also set out a model Equality Bill. Christopher Robson and myself were on the working group. Tom Cooney was chair of the ICCL and of the working group, he was later advisor to Alan Shatter when he was Minister for Justice and Equality, and helped guide through the Irish Human Rights and Equality Act 2014 (inter alia merging the Equality Authority and the Irish Human Rights Commission). Tom and myself were on the 'Working Group on the new Human Rights and Equality Commission' that reported in April 2012, one of its recommendations was that there should be a statutory duty on public bodies to have regard to human rights and equality in the carrying out of their functions (<http://www.justice.ie/en/JELR/Pages/PB12000112>). The working group recommended that the new Commission should be able to consider emerging human rights issues, to deal with the problem that the previous IHRC did not feel able to support civil marriage for lesbians and gay men<sup>3</sup>, while the Equality Authority had a strong policy of opening out civil marriage. A broad definition of human rights was provided for in the 2014 Act, and this allowed the new body to state strongly and simply that: 'The Irish Human Rights and Equality Commission believes that the opening out of civil marriage to two persons, without distinction as to their sex, is a matter of equality and human rights.' (see detailed report here <https://www.ihrc.ie/documents/ihrc-policy-statement-on-access-to-civil-marriage-febr/>



<https://www.iccl.ie/archive/equality-now-for-lesbians-and-gay-men/>

See also [www.LGBTDisregard.ie](http://www.LGBTDisregard.ie)

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<sup>3</sup> Apparently some human rights experts do not believe that civil marriage is a human right as it has not been established in human rights conventions or by decisions of human rights courts such as the ECHR.

**The Campaign for Equality, a GLEN initiative,** was launched in October 1991 in the European Communities offices with speakers including; Monica Barnes, Chair Joint Oireachtas Committee on Women's Rights; Patricia O'Donovan, Assistant Secretary General ICTU; **Sylvia Meehan, Chief Executive, Employment Equality Agency;** and representatives from GLEN, the Dublin Travellers Education and Development Group; Forum of People with Disabilities; Council for the Status of Women and others. GLEN was instrumental in setting up the Campaign for Equality which was an alliance of all groups vulnerable to discrimination including womens groups, people with disabilities, Travellers, to campaign for broad-ranging equality legislation and for an equality-based gay law reform. Eventually more than 40 organisations had signed up to the campaign including the four main political parties. The day after the gay law reform was passed a Technical Workshop on equal status legislation was held by the campaign.

Christopher Robson has a very interesting article, 'Anatomy of a Campaign', where he analyses GLENS campaign for equality and gay law reform, and how each area of progress provided another building block for more progress. 'Right up to the end of the campaign all these documents, and many more, have worked as interconnecting elements in a comprehensive platform'. (See 'Lesbian and Gay Visions of Ireland: Towards the 21st Century' 1995, Ide O'Carroll, Eoin Collins (eds))

Grasmere  
19, Greenfield Road  
Sutton  
Dublin 13

Barbara Cashen  
Chief Officer  
E.E.A.

14. 11. 82

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Dear Barbara,

Thank you for your letter of 3.II.86. We are happy to hear that the E.E.A. has recommended to the Minister that lesbian and gay workers should be protected under an amended Employment Equality Act.

We agree that general civil rights legislation is needed but specific employment equality measures would still be essential to protect and improve the working conditions of lesbians and gay men, who constitute 10% of the labour force.

The documentation of cases in this area presents special problems. We are aware of many cases of discrimination on the grounds of sexual orientation and enclose a typical case history. We have already forwarded to you a summary of cases in Britain and the recommendations made by the European Parliament are in themselves evidence that discrimination against lesbian and gay workers is a serious problem. However, to our knowledge no such case has as yet been processed under existing labour legislation here. This situation is closely analogous to that of sexual harassment where it proved almost impossible to verify the scale of the problem until positive protection was seen to be available.

The problems that arise for lesbian and gay workers are diverse and may involve adverse treatment by both management and co-workers. In our experience workers are unlikely to challenge such discrimination because:

- they have no clear legal protection
- they risk future employment possibilities if they pursue a grievance and fail
- they may lack confidence in a positive response from their union representative.

Frequently when a grievance is pursued, the underlying issue is ignored and the discussion is in terms of consequential matters such as "personality clashes". This means that one has to "read between the lines" when, for example, examining cases coming before the Employment Appeals Tribunal.

In conclusion we would stress that the lack of well-known and documented cases of discrimination is evidence of the lack of any means of redress and is proof of the need for employment protection legislation for lesbian and gay workers.

Yours faithfully

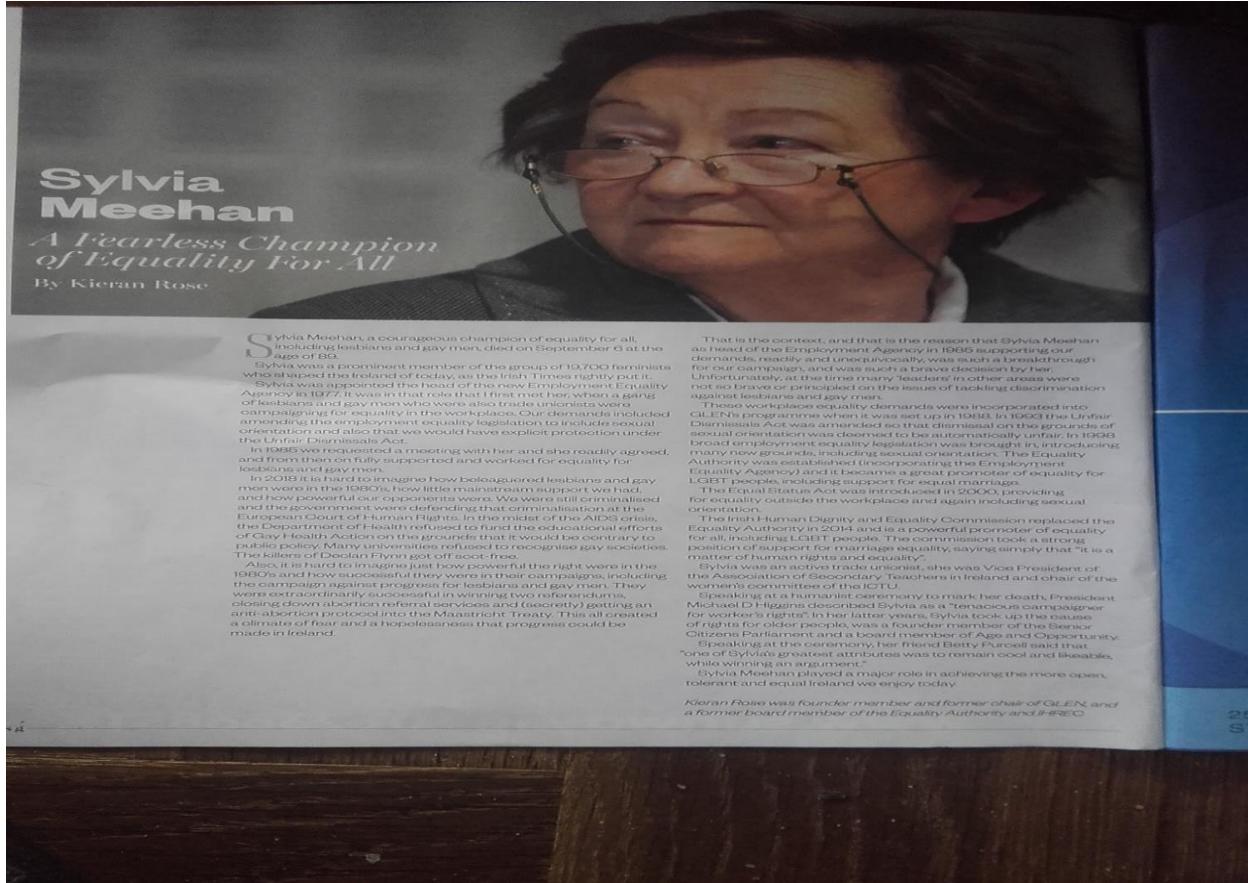
*Maura McEvoy* *Kieran Rose*

on behalf of Lesbian and Gay Rights at Work

A letter of 26th January 1987 from the Dept of Labour to what is now Gay Switchboard Dublin states; 'The Minister is concerned about any form of discrimination which deters people from taking up employment opportunities or puts barriers in the way of their advancement and is prepared to consider whatever steps are necessary to protect individuals from such discrimination'

In a report of 1992, GLEN stated that; 'The Employment Equality Agency now welcomes cases of discrimination on the grounds of sexual orientation and this is a very practical support'. In another 1992 GLEN report it refers to a EEA Model Equal Opportunities policy that states; 'It should also cover such aspects as sexual orientation'

## Appendix



### Sylvia Meehan

*A Fearless Champion of Equality For All*

By Kieran Rose

**S**ylvia Meehan, a courageous champion of equality for all, including lesbians and gay men, died on September 6 at the age of 83.

Sylvia was a prominent member of the group of 70 NGOs who founded the Ireland 2000 campaign, as the *Irish Times* rightly put it.

Sylvia was appointed the head of the new Employment Equality Agency in 1977. It was in that role that I first met her, when a gang of us from GLEN (Gay Lesbian Equality Network) were campaigning for equality in the workplace. Our demands included amending the employment equality legislation to include sexual orientation as a protected ground, as we would have explicit protection under the Unfair Dismissals Act.

In 1985 we requested a meeting with her and she readily agreed, and we were welcomed and listened to and valued for equality for lesbians and gay men.

In 2003 it is hard to imagine how little mainstream support we had and how powerful our opponents were. We were still criminalised and the government were defending that criminalisation at the European Parliament. In 2004, the Minister for Health, Dr. Tony O'Brien, the Department of Health refused to fund the educational efforts of Gay Health Education on these grounds that it would be contrary to public health. Many countries now recognise gay societies. The killers of Declan Flynn got off scot-free.

Also, it is hard to imagine just how powerful the right were in the 1980s and how determined they were to thwart progress, including the campaign against progress for lesbians and gay men. They were remarkably successful in winning two referendums, one on abortion and one on referendums and (secretly) getting an anti-abortion protocol into the Marriage Act. This created a climate of fear and a hopelessness that progress could be made in Ireland.

This is the context, and that is the reason that Sylvia Meehan as head of the Employment Agency in 1986 supporting our demands, readily and unequivocally, was such a breakthrough for our campaign, and was such a brave decision by her. Up until that point, the 'mainly leaders' in other areas were not so brave or principled on the issue of tackling discrimination against lesbians and gay men.

The first major step was when it was enacted in 1986 that the Unfair Dismissals Act was amended so that dismissal on the grounds of sexual orientation would be automatically unfair. In 1998 broad employment equality legislation was brought in, including many new grounds, including sexual orientation. The Equality Act was introduced in 2004 (renaming the Employment Equality Agency) and it became a general principle of equality for LGBT people, including support for equal marriage.

The Equal Status Act was introduced in 2000, providing for equality outside the workplace and again including sexual orientation.

The former Human Rights and Equality Commission replaced the Equality Authority in 2009 and it now promotes equality for all, including LGBT people. The commission took a strong position in support for marriage equality, saying simply that "it is a matter of human rights."

Sylvia was an active trade unionist, she was Vice President of the Association of Secondary Teachers in Ireland and chair of the women's committee.

Speaking at a humanist ceremony to mark her death, President Michael D Higgins described Sylvia as a "brave campaigner for equality."

Sylvia, who was a founder member of the Senior Citizens' Parliament and a board member of Age and Opportunity,

opposed at the time by her friend Betty Purcell said that,

"one of Sylvia's greatest attributes was to remain cool and likeable, while winning an argument."

Sylvia Meehan played a major role in achieving the more open, tolerant and equal Ireland we enjoy today.

Kieran Rose was founder member and former chair of GLEN, and a former board member of the Equality Authority and IRECO.

<https://www.rte.ie/news/ireland/2018/0906/992038-sylvia-meehan-death/>

<https://www.thejournal.ie/sylvia-meehan-death-4222839-Sep2018/>

[https://en.wikipedia.org/wiki/Sylvia\\_Meehan](https://en.wikipedia.org/wiki/Sylvia_Meehan)

Mr. Ruairi Quinn, T.D.,  
Minister for Labour,  
Office of the Minister,  
Mesnil Road,  
DUBLIN 4.

11 September 1986

Dear Minister,

I write to add my voice for change in the Employment Equality Act to outlaw discrimination on the basis of sexual orientation.

Yours sincerely,

General Secretary.

JPM/FD:

c.c. John Daly  
Donal Sheehan

Lesbian and Gay Rights at Work,  
P.O.Box 1890,  
Sheriff Street,  
Dublin 1.

Mr. Ruari Quinn,  
Minister for Labour,  
Dept. of Labour,  
Mespil Rd,  
Dublin 4.

22/9/'86

Dear Minister,

Lesbian and Gay Rights at Work is a network of trade unionists working in our various unions on the issue of discrimination in employment on the grounds of sexual orientation.

We are writing in connection with the current review of the Employment Equality Act. We believe that all employment legislation should specifically ban discrimination on the grounds of sexual orientation to ensure that lesbian and gay workers have the same protection for their rights at work as all other workers. In particular we would like to see an extension of the Employment Equality Act to cover this area by the inclusion of the words 'sexual orientation' where relevant.

The legal and social environment for lesbian and gay workers in Ireland is extremely repressive. Most people cannot be open about their sexuality and when it becomes known that an individual is lesbian or gay considerable hostility can result from management

# Union supports change in law on homosexuality

OVERWHELMING support for the repeal of laws criminalising homosexual acts between consenting men was expressed yesterday at the annual conference of the 17,000 member Local Government and Public Services Union in Tralee.

After a contentious 20-minute debate, the vast majority of the delegates raised their hands to back a Cork motion calling for changes in the laws.

One opposing delegate, Mr. Tom Henn, Limerick, described the motion as "nauseating", but no more than six people in the conference hall at the Mount Brandon Hotel, went against it.

Another speaker described Mr. Henn's contribution as "bigoted rubbish" and Union president Mr. Tom Bogue, Cork, said that the executive was strongly urging the conference to adopt the motion.

Also passed was a Cork addition to the motion seeking an amendment of the Unfair Dismissals Act, the Employment Equality Act and legislation dealing with the employment of civil servants, the armed forces, gardai and public servants to prevent discrimination on the basis of sexual orientation. This motion is now to be referred to the Irish Congress of Trade Unions.

Moving the motion, Mr. John Murphy, Cork, referred to a recent statement by Mr. Jack Marrinan, Secretary of the Cork Representative Body, criticising the fact that a well known homosexual was recently allowed to address a national youth conference.

Mr. Murphy said that such a statement was grossly unfair. He (Mr. Murphy) knew of one homosexual member of the union who would be regarded as a criminal under the present law.

Mr. Murphy told the conference that there were no

## Call to repeal legislation on homosexual acts

A MOTION calling for the repeal of laws criminalising homosexual acts between consenting men was passed overwhelmingly at the annual conference of the Local Government and Public Services Union (LGPSU) in Tralee yesterday, writes John Maddock.

The motion, put forward by the Cork branch, asked that the Irish Congress of Trade Unions work for the repeal of the laws — Sections 31 and 52 of the Offences Against the Persons Act 1861 and Section Two of the Criminal Law Amendment Act 1885.

As well, it seeks the amendment of the Unfair Dismissals Act 1977, the Employment Equality Act 1977 and the legislation dealing with the employment of civil servants — the

spoken, Mr. Tom Bogue, the Union's President said the executive board was supporting the resolution and urged its adoption. It referred to a subject which affected some of the Union's members because a proportion of the population were homosexuals and he had no reason to believe that that proportion was not reflected among the Union's members.

Since the motion had been put forward, there had been too many aside remarks about it. The Union was committed to preventing its members from being discriminated against and the present legislation could affect their job prospects and job security.

Mr. Tom Henn (Limerick) said he was surprised to see a

statistics to prove that homosexuals were involved in more criminal acts than heterosexual people.

"If one is engaged in homosexual acts, a criminal prosecution could follow which means that people like civil servants, teachers and gardai are open to losing their job", he went on.

Mr. Henn, speaking against the motion, said he was proud to be a member of LGPSU all his life. He had a "love affair" with the union for 35 years, but, in view of the motion, he was now inclined to call it off.

"I am very surprised to see this motion in the name of the Cork branch. I am nauseated to see it in the name of the branch during the presidency of Tom Bogue", he declared. "If Cork have problems with homosexuality then let them go away and solve them quietly without publicity".

Entering the debate, Mr. Bogue recommended the adoption of the motion. He regretted a trend which polarised people into groups. A significant proportion of the entire population was homosexual and members of the union were no different.

"We have a repressed minority. They are repressed by laws and attitudes which are widely held throughout the community", he stated.

Replying to the debate, Mr. Murphy referred to statements about the Kincora House scandal, Belfast. Minors, he maintained, were just as likely to be assaulted by heterosexuals as by homosexuals.

THE IRISH TIMES, FRIDAY, MAY 14, 1982

## Union backs rights of gays

By Peter Murtagh

HOMOSEXUAL acts should not be illegal, according to the second largest trade union representing public employees. The Government should introduce laws banning discrimination against people because of their sexual orientation, the union also decided yesterday.

A motion seeking these changes was passed almost unanimously at the annual conference in Tralee,

The motion, from the Cork branch, called on the Government to repeal sections of the Offences Against the Persons Act, 1861, and the Criminal Law Amendment Act, 1885, which make homosexual acts illegal and punishable by life imprisonment.

The motion also called for amendment to the Unfair Dismissals Act, the Employment Equality Act and legislation dealing with employment in the civil service, the armed forces and the gardai "to prevent discrimination on the basis of sexual orientation."

The union represents health board workers, local authority employees and psychiatric nurses and it is believed to be the first time that a union affiliated to the Irish Congress of Trade Unions

FURTHER INFORMATION FROM CORK SAY CONCERN



Paddy Cardiff: paving the way for union mergers.

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# ICTU backs gay rights and divorce

## ICTU annual conference

Reports from Belfast by VIVION KILFEATHER

did occur and divorce should be allowed as a civil right.

The conference also passed a motion calling for a ban on plastic bullets in the North and another which called for the support of Congress for trade union rights in Poland.

The Congress president, Mr. Paddy Cardiff, expressed the wish that some progress would be made in the year ahead on the rationalisation of the movement.

Congress now has 92 unions affiliated to it, and efforts are expected to be made shortly to bring about an amalgamation of some of them.

Mr. Cardiff, who is general secretary of the country's second biggest union, the F.W.U.I. said that Congress would be looking at ways of simplifying the rationalisation procedure and he hoped that a package would emerge which would make it more attractive for unions to amalgamate.

On the motion dealing with divorce, proposed by Josephine Walsh, of the F.W.U.I. it was pointed out that the irretrievable breakdown of marriages

ment in the year ahead would be unemployment, he added.

Mr. Matt Merrigan, branch secretary of the ATGWU, said that the trade union movement and long illness could lead to it. It is understood that part of the commission's proposal will make an expenditure tax ranging between 35 and 65 per cent on almost all purchases above £15,000 a year, excluding cars, houses and clothing.

Leaders of the IT&GWU and the FWU were not prepared to accept the report today until they were satisfied that the details leaked to one Dublin newspaper were officially announced.

Mr. John F. Carroll, president, said that international tension in recent years had brought the awesome threat of nuclear war ever closer.

He said that as the worldwide recession deepened there had been a growing

benefits were inflation-proof it could mean that in a matter of years a massive reduction in real terms of social welfare benefits in situations of unemployment and long illness could occur. It is understood that part of the commission's proposal will make an expenditure tax ranging between 35 and 65 per cent on almost all purchases above £15,000 a year, excluding cars, houses and clothing.

Leaders of the IT&GWU and the FWU were not prepared to accept the report today until they were satisfied that the details leaked to one Dublin newspaper were officially announced.

Unless social welfare be-

temptation for governments to view the opportunity for a Foreign Ministry adventure in order to distract public attention from political and economic problems at home. It was curious, said Mr. Carroll, how money which was unavailable to run the dole queues suddenly flew in abundance to finance wars abroad.

In view of the growing pressure towards war, people were faced with two basic choices. Either they accepted the inevitability of war, and prepared for one or other of the main protagonists, or they renounced war utterly and came together in a search for peace and disarmament.

The greatest threat to our neutrality had come from the prospect of an economic war as a result of our participation in the Common Market, Mr. Carroll said. Since the members of the European Economic Community had adopted a policy of

their foreign policies, Ireland as a single non-aligned state in the EEC had been drawn more and more into an unwritten policy as well as economic alliance with the other nine who were all members of NATO.

Defence of the neutrality of Ireland was not, rather than a bogus neutral policy by the Irish Government, was of interest to all the people of this island North and South.

Disarmament was therefore one of the most urgent demands to be made upon the international community and each government should play a stronger part in lessening international tensions so that the present criminal expenditure on weapons of destruction could be channelled into peace and creative works.

"It is an intolerable crime against humanity that at a time when the vast majority of people in the world live in abject poverty, so much of the world's precious resources were devoted to the cause of wars and destruction" said Mr. Carroll.

The conference is continuing.

# IRISH CONGRESS OF TRADE UNIONS

19 Raglan Road, Dublin 4

9 May 1985

Mr. Phil Flynn,  
General Secretary,  
Local Government and Public Services Union,  
9 Gardiner Place,  
DUBLIN 1.

Dear Colleague,

Re your letter of 2 May, the Motion adopted by the 1982 Annual Delegate Conference regarding job discrimination on sexual grounds urged affiliated Unions to resist any attempt to discriminate against their members in their employment on the basis of their sexual orientation. This Motion was circulated to affiliated organisations following the Conference but we have no information as to what action, if any, Unions took on the matter.

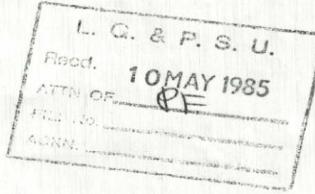
Regarding your suggestion that there should be a Seminar/Workshop arranged by Congress on the problems of discrimination against Trade Unionists on the basis of their sexual orientation, I see no reason why our Trade Union Education and Training Committee should not arrange, say, a half-day workshop on the subject. I have forwarded your request to the Acting Education and Training Officer who will take the matter up with the Committee.

Yours sincerely,

*Donal Nevin*

Donal Nevin  
General Secretary

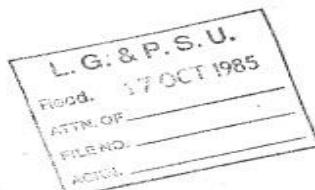
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IRIS CONGRESS OF TRADE UNIONS

Education and Training Service

Mr. Kevin O'Driscoll,  
National Officer,  
L.G.P.S.U.,  
9, Gardiner Place,  
Dublin, 1.



31 Parnell Square, Dublin 1  
Telephone: 748221

16th October 1985

Dear Colleague,

As you are aware I have sent out a preliminary notice for the Workshop on "Discrimination in Employment based on a Person's Sexual Orientation" and at the meeting of the Education and Training Committee on Monday 14th October, the format was approved as follows:

1. 2.00-3.00 The Social and Legal Position in Ireland.
2. 3.00-4.00 Practical Experience of Discrimination in Employment.
3. 4.15-5.00 Work in Groups.
4. 5.00-6.00 Reports and Points for Further Action.

The purpose of this workshop is to enable Trade Union Representatives to examine the policy adopted by Congress on this type of sexual discrimination and to enable them to discuss how unions might take a positive initiative to implementing the policy.

The format suggested in the memo sent to you is unsuitable for a Trade Union seminar. Such a seminar might best be organised by an affiliated union and the desirability of organising such seminars can be discussed at the Workshop.

Yours sincerely,

Michael O'Halloran,  
Education and Training Officer.

MOH/sk

Head Office: 19 Raglan Road, Dublin 4

General Secretary: Donal Nevin

I.C.T.U. SEMINAR ON DISCRIMINATION IN EMPLOYMENT  
in relation to  
SEXUAL ORIENTATION (NOV.'85)

Report from Workshop No. 3 on "The Role of Trade Unions".

In this workshop participants identified the role of Trade Unions under two headings:

- (a) Their role in the education and training of full - time and lay officials, shop stewards and members on Discrimination in Employment in relation to Sexual Orientation.
- (b) Their broader role in dealing with attitudinal prejudice in Irish society.

The following recommendations and proposals were made:

(1) Seminar on Dealing with Discrimination at Workplace Level:

In the workshop it was recognised that at present in Irish workplaces gay and lesbian workers often find it extremely difficult to raise issues concerning them with shop stewards or Union Officials for fear of an unsympathetic, hearing the attitudinal prejudice, ignorance, etc. The workshop recommended that the I.C.T.U. organise a one day Workshop/Seminar on Gay and Lesbian Workers to discuss this problem, with a view to making suggestions as to how best it might be dealt with, within the present trade union structure. It was recommended that this Workshop/Seminar be organised on a Saturday so that the vast majority of intending participants would not have to seek release from work, and also consideration be given to allowing participants to attend without nomination from their Union as some participants had found difficulty in obtaining nominations to attend this Seminar.

(2) Further Seminars on Discrimination in Employment in Relation to Sexual Orientation

Given the level of ignorance, misinformation, prejudice etc. prevalent on this issue within the Trade Union Movement. The workshop recommended further Seminars on this subject, and also that it be incorporated in the form of "Case Studies" etc. on Shop Stewards and other Congress Courses.

Working Party on Discrimination in Employment in relation to Sexual Orientation

The workshop recommended that following the Seminar a recommendation be submitted to the I.C.T.U. Executive Council for the establishment of a "Working Party on Discrimination in Employment in Relation to Sexual Orientation" and its work would comprise the following:

- (a) The preparation of information leaflets, booklets etc. for distribution to Shop Stewards, members, Trade Union Officials etc. (It was noted that the E.S.B.O.A. already had a number of Publications).
- (b) Drawing up of Guidelines for Negotiators on discrimination in employment in relation to sexual orientation.
- (c) Monitoring of incidences of discrimination in all workplaces including workplaces which are prohibited by their contract of service from joining a union such as Garda, Defence forces etc.

.../cont.



General Secretary  
Phil Flynn

LOCAL GOVERNMENT  
AND  
PUBLIC SERVICES UNION

Eamonn Ceannt House,  
9 Gardiner Place, Dublin 1.  
Telephone: 01-728899

(In Federation with the Irish Municipal Employees' Trade Union & the Psychiatric Nurses Association)

AONTAS RIALTAIS ÁITIÚL  
AGUS  
SERBHÍSÍ POIBLÍ

Teach Eamonn Ceannt,  
9 Plás Gardiner, Baile Átha Cliath 1.  
Teileáin: 01-728899

PERSONAL & CONFIDENTIAL

24th September, 1986

Mr. Kieran Rose,  
c/o Dublin County Council,  
Planning Dept.,  
Irish Life Centre,  
Lower Abbey St.,  
Dublin 1.

Dear Kieran,

Arising from the Seminar on Discrimination in Employment due to sexual orientation held in November, 1985, the General Purposes Committee of Congress has recommended the following programme of action to the next meeting of the Executive Committee :

- (a) A seminar should be organised on the subject, particularly the problem of raising issues concerning such discrimination within the Trade Union Movement;
- (b) The motion adopted by the 1982 Conference should be re-circulated to Unions;
- (c) That the Health Education Bureau be requested to arrange a joint ICTU / HEB Seminar on Aids as a workplace issue;
- (d) That the Congress Trade Union Education and Training programme should cover the issue of discrimination on the basis of sexual orientation;
- (e) That guidelines to assist trade union negotiators should be prepared.

Yours sincerely,  
PHIL FLYNN  
GENERAL SECRETARY

PF/VW

## Protect gays, ICTU urges

By KATHERINE  
DONNELLY  
Industrial Staff

TRADE unions have been urged to draw up workplace agreements to protect lesbians and gay workers.

The Irish Congress of Trade Unions claims there is widespread discrimination against homosexuals at work and has sent out anti-discriminatory guidelines to member unions.

"The objective of these guidelines is to create a work place environment where lesbian and gay workers can have equality of opportunity and be free of harassment or possible reprisals from other workers or management," the ICTU stated.

According to Congress, they are discriminated

against when it comes to hiring, firing, training, promotion, harassment and discipline.

And partners in a homosexual relationship do not receive the same rights as their heterosexual colleagues when it comes to pensions or other compassionate or family reasons.

"Pensions and benefits are paid for you cannot be passed on to partners. Partners are given no recognition in relation to sick pay or other benefits," the ICTU guidelines add.

The Congress document quoted research which shows that one person in 10 is predominantly gay or lesbian statistic which, when applied to Ireland, could amount to over 300,000 men or women.

Irish Independent  
28. 5. 87.

## ICTU move on gay rights

The Irish Congress of Trade Unions yesterday issued guidelines on discrimination at work against lesbian and gay workers.

The guidelines form part of overall trade union policy and strategy to protect workers' rights.

According to an ICTU statement, the object of the procedure is to create a workplace environment where gay and lesbian workers can have equality of opportunity and be free of harassment or possible reprisals from other workers or management.

28. 5. 87.

## ICTU issues guidelines to protect gay workers

THE IRISH Congress of Trade Unions has issued a set of guidelines to combat discrimination in the workplace against gay workers. According to the ICTU, such discrimination occurs in relation to hiring, firing, training, promotion, harassment, discipline and compensation.

Congress recommends that equality clauses in union agreements be amended to include opposition to discrimination on grounds of sexuality. There is widespread prejudice against gay men and women in society, it says, and this prejudice affects their work in the workplace.

Congress is also urging its affiliated unions to create procedures for handling complaints of discrimination on grounds of sexuality. Conditions of agreements and conditions of employment should be examined for direct or indirect discrimination in relation to pensions, access to leave or other fringe benefits, it says.

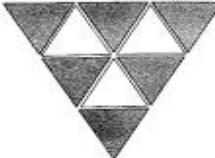
Gay workers are often harassed by management or fellow-workers, the guidelines state. This can be verbal, such as unwanted personal questions and remarks, offensive jokes, innuendos and malicious gossip. In extreme cases, a person could be physically attacked.

At work, many people were often afraid of the opinions of their colleagues, the document states. They are afraid that if their sexuality becomes known, they will lose any chance of promotion and above all, they are afraid of losing their jobs.

Congress says that unions should ensure that this discrimination is a trade union issue affecting thousands of workers and requiring a serious anti-discriminatory policy. Workers may approach their union representative to raise any complaint with their union representative and expect it to be dealt with in a positive and supportive manner.

15. 5. 87.

GAY & LESBIAN  
EQUALITY NETWORK



GAY & LESBIAN RIGHTS  
ARE HUMAN RIGHTS

GLEN,  
HIRSCHFELD CENTRE,  
10 FOWNES STREET,  
DUBLIN 2, IRELAND.

TEL: (01) 710939 [10-5 p.m.]

Brian Fitzpatrick,  
Principal,  
Employment Equality Section,  
Dept. of Equality and Law Reform,  
65a Adelaide Road,  
Dublin 2.

6th April, 1993

Dear Mr. Fitzpatrick,

Thank you for your letter of 24th of February inviting our views on employment equality issues. It would be difficult to overestimate our welcome for the proposal to include sexual orientation and other categories in amended employment equality legislation and indeed for the consultation process itself. Discrimination in the labour market is the most critical issue facing our community. We attach a research proposal commissioned by the Combat Poverty Agency which sets out these issues in greater detail.

We strongly welcome the proposed extension of the legislation to include a wide range of other disadvantaged categories not least because many lesbian and gay workers are also discriminated against on other grounds such as gender, parental status, disability, ethnic origins etc. Equally important is the encouragement of a 'culture of equality' which would regard any form of discrimination or harassment in the workplace as unacceptable and detrimental to the interests of employer and employee alike. We attach a policy document from one employer, Software 2000 Limerick, in this regard.

The Employment Equality Agency has had an important role in encouraging such a 'climate of equality' within the constraints of its statutory functions and available resources. With the expansion of its statutory role and greater resources, the Agency could have a far more decisive role in the creation of an environment where 'equal opportunity' would be regarded as the norm in terms of the workplace. The pro-active role of the Agency would (as with the unfair dismissals legislation) reduce the potential for conflict and recourse to legal/disputes procedures. The proposed broader based representation on the Board of the Agency would be vital in ensuring a realistic consensus on these matters.

As you know, the Board of the Employment Equality Agency as far back as 1986 recommended to the Minister such an inclusion and there is now a consensus amongst the social partners and others on the matter. We attach our resource document on unfair dismissals, a draft report to the E.C. and other material in this regard.

Discrimination in the labour market is a complex process and a very difficult issue to tackle and we welcome the various measures proposed

A MEMBER OF THE INTERNATIONAL LESBIAN AND GAY ASSOCIATION (ILGA)

Codes of Practice, Improving access to information and the extension of the legislation to include contract workers and members of the Defence Forces.

As our research proposal to the Combat Poverty Agency outlines, discrimination in the labour market often begins in the educational, youth services and job training systems and we would hope that these agencies, especially FAS, would develop more effective programmes to facilitate equality of opportunity.

It is our experience that harassment on the basis of sexual orientation is a key mode of discrimination in the workplace and the proposals made in relation to sexual harassment are most welcome. We suggest that codes of practice to combat harassment on any basis (i.e. age, membership of the Travelling community etc.) should be developed.

We would like to reiterate our strong welcome for the proposed changes to the legislation and for the consultation process itself. If you would like any further information or clarification please do not hesitate to contact myself (tel. 724755 work or 372995 home) or Chris Robson (tel. 789011 x3320 work or 963762 home).

Yours sincerely,

  
\_\_\_\_\_  
Kieran Rose

## The Struggle for LGBT Workers' Rights Ireland

This is a very good summary article of 2019 by Orla Egan

<https://orlaegan.wordpress.com/2019/11/05/the-struggle-for-lgbt-workers-rights-ireland-orla-egan/>

See my linkedin slideshare for various documents

E.g., <https://www.slideshare.net/kieranrose/trade-unions-lesbians-and-gay-men-glen>

## **Sally Keogh**

'On May 12 1980 the Irish Times printed a letter signed by Sally Keogh in her capacity as Information Officer of the National Social Service Council (NSSC). This was noted by the Council of Social Concern, a constituent part of PLAC and an organisation linked to the Knights. On June 6 John O'Reilly of COSC wrote a confidential letter to the Director of NSSC pointing out that a Sally Keogh had been secretary of the Irish Family Planning Association in 1978 and another Sally Keogh had been involved in the Contraception Action Programme.

"These latter two Sally Keoghs have their ideological colours nailed firmly to the mast", wrote O'Reilly. They and the NSSC Sally Keogh might be one and the same person. "This is disturbing and I would be very grateful if you would confirm if it is true or assure us that it is false." O'Reilly added: "One could not help but worry that the post of Information Officer in your organisation afforded some good opportunity for the promotion of what we may call the ideology of the contraceptive clinics."

'The Moral Civil War' 31 August 1983, Magill magazine, Gene Kerrigan

<https://magill.ie/archive/moral-civil-war>

'The Employment Equality Agency (EEA) is a statutory body set up under section 35 of the Employment Equality Act 1977 , whose role it is to "work towards the elimination of discrimination in relation to employment", to "promote equality of opportunity between men and women in relation to employment" and "to review the workings of the equal pay and equal opportunity legislation and make proposals for their amendment" (Employment Equality Act, section 35).

An important aspect of the Agency's role is its contribution to policy-making at both national and E.U. level. With regard to the latter, the Agency is represented on the European Commission Advisory Committee on Equal Opportunities for Women and Men, set up in 1982 to assist the European Commission in devising policy to promote equal opportunities.'

<https://www.eurofound.europa.eu/efemiredictionary/employment-equality-agency>

### **'little short of phenomenal'**

'Can the Transition to Individual Protection be Extended to Recognition of Relationships?: Same-Sex Couples and the Irish Experience of Sexual Orientation Law Reform Leo Flynn (c2000), Legal Secretary, Court of Justice of the European Communities

'Without being wildly optimistic, it is clear that the legal situation of same-sex couples in Ireland is on the cusp of major change' writes Leo Flynn in a paper c2000 referring to the establishment of the Equality Authority in 1999, the Unfair Dismissals Amendment Act etc. 'Yet less than a decade ago sexual activity between males was still criminalised ....' There has been a 'rolling programme of legislative and policy reform'. The recent developments in Irish law are 'extraordinary'.

Regarding the equality-based gay law reform he writes: 'It is arguable that in the ultimate decision to repeal the legislation the Convention played a relatively minor role' as by 1993 'legislative measures had already been adopted which made sexual orientation a protected status in several fields including that of dismissal' (p5). He goes on to refer to the work of GLEN with the trade unions and other groups. He quotes Christopher Robson to the effect that 'the move to equal protection in labour law was a more important development [than gay law reform] would have been the first choice of GLEN, if a choice had to be made'. He refers to a number of articles he wrote on such as 'Discrimination on grounds of sexual orientation' Employment Law Reports (1993).

'During the periods it has held the Presidency Ireland has pushed forward important advances in making sexual orientation a Community issue'. 'Ireland held the Presidency in 1990 when the Council of Ministers adopted a Resolution on the Dignity of Women and Men at work which recognised that sexual orientation-based harassment at work might violate Community law' (p16). Article 13 of the Amsterdam Treaty was 'achieved during the Irish Presidency'

He concludes 'The developments in the Irish legal system in relation to sexual orientation in decade are little short of phenomenal' (p17). Regarding the legal recognition of same-sex couples: 'It is hard to escape the feeling that such recognition will come in the Irish legal system in the medium term' and 'Equally, on past record, it is just as likely that the impetus will be domestic"

Sylvia was interviewed for Out magazine Aug/Sept 1985. I wrote an obituary for Sylvia published in October 2018 issue of GCN.

- For other relevant GLEN reports see [www.eoin-collins.ie](http://www.eoin-collins.ie)
- For my trade union related photos see [www.corklgbtarchive.com](http://www.corklgbtarchive.com)
- For other LGBT material see [www.LGBTDisregard.ie](http://www.LGBTDisregard.ie)