

Introduction: Making Equality Count

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In spite of legislation outlawing discrimination across the EU, inequalities between groups appear to be an enduring feature of Irish and European societies. To what extent inequality is due to discrimination is a matter of continuing debate and controversy. Accurately measuring discrimination is therefore a crucial task, that is nonetheless very challenging. This has been a central task of a research programme on equality and discrimination carried out by the Economic and Social Research Institute and the Equality Authority, and was the theme of the conference ‘Making Equality Count’ held in Dublin in June 2010.

The conference presented findings from the Irish research programme and on international studies on equality and discrimination. The conference papers published in this volume, and the larger studies from which they are drawn, showcase exciting new research on inequality, and on discrimination as a contributor to that inequality. The chapters highlight the advances that have been made in the measurement of discrimination, as well as the depth of evidence that has been accumulated on this topic in recent decades. Together the chapters provide a nuanced and multi-dimensional picture of this complex process.

This introduction sets the scene for the chapters that follow. It reviews the legislative and policy context of equality in Ireland and Europe, It discusses a variety of methods used to measure inequality and discrimination, and the challenge of collecting appropriate data, before considering the themes of individual chapters.

Equality and Discrimination: The Changing Legislative Context

Prior to the 1970s, unequal treatment on the basis of gender and family status was enshrined in Irish legislation and policy. For example, the marriage bar which until 1973 required women to leave employment on marriage in certain sectors of the economy. Gender inequalities in pay were sanctioned by trade unions and employers in wage agreements. Accession to the EEC in 1973 was one of the key factors prompting legislative change in equality legislation in Ireland.

The Treaty of Rome required member states to provide for equal pay between men and women and in 1975 the Council adopted a directive on equal pay.¹ In the following year a directive on equal treatment in other aspects of employment was adopted which required that there should be no discrimination on the grounds of sex, either directly or indirectly by reference to marital or family status.² In Ireland, the 1972 White Paper on accession acknowledged that membership required the implementation of equal pay legislation, which had already been recommended by the Commission on the Status of Women (Mangan, 1993). The Anti Discrimination (Equal Pay) Act was passed in 1974 and this was followed by the 1977 Employment Equality Act, which implemented the Equal Treatment Directive. In later

¹ Council Directive 75/117/EEC of 10 February 1975.

² Council Directive 76/207/EEC of 9 February 1976.

years the legislative framework for gender equality has been enhanced through further Council directives – and consequent Irish legislation – on specific issues including social security matters, self-employment, pregnant workers, working time, parental leave, and part-time workers (McCrudden, 2003).

Internationally, demands for women's equality emerged alongside the broad post-war movement to combat racial and ethnic discrimination. Subsequently, the demand for equality and legal protection from discrimination was taken up by many other groups, including the lesbian and gay movement, people with disabilities and older people. The need for wider equality legislation was pressed in Irish public debate throughout the 1980s. This first bore fruit in 1989 when the Oireachtas passed an Act³ outlawing incitement to hatred against a group of people on account of 'their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation'. Then in 1993 the Programme for Government agreed by Fianna Fail and the Labour Party included a commitment to introduce legislation to prohibit discrimination on a wide range of grounds. This legislation was finally enacted as the Employment Equality Act 1998 and the Equal Status Act 2000 (Crowley, 2006; Equality Authority, 2006).

Ireland's equality legislation prohibits discrimination on nine grounds: gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Irish Traveller community. The Employment Equality Acts 1998-2008 cover all aspects of the employment relationship including advertising, access to employment, terms and conditions, equal pay, promotion, dismissal, training or work experience. The Equal Status Acts 2000-2008 prohibit discrimination in the provision of goods and services, accommodation and education.

³ Incitement to Hatred Act (1989)

Initially, the EU did not have competence to legislate against discrimination on grounds not related to equality between men and women. This changed with the adoption of the Amsterdam Treaty, specifically Article 13, which stated that the Council acting unanimously ‘may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual origin’. In 2000, the EU adopted two new Equality Directives which prohibit discrimination in employment on all of these grounds as well as discrimination in other aspects of daily life on the ground of racial or ethnic origin.⁴ In 2002 an Amended Gender Equal Treatment Directive was adopted and a 2006 Directive recast existing European law on gender equality in employment.⁵ A further new directive on equal treatment – prohibiting discrimination on grounds of age, disability, sexual orientation and religion or belief outside the employment sphere – is currently being negotiated.

From the outset – and still today – measurement issues have been central to debates on equal pay and labour market equality between men and women (Gregory, this volume; McGuinness et al., 2009). The extension of equality legislation to other grounds and to non-employment domains poses new measurement challenges. It is important to recognise that Irish and European equality legislation prohibits direct and indirect discrimination. Direct discrimination occurs where a person is treated less favourably than another person in a comparable situation on the basis of any of the discriminatory grounds. Indirect discrimination occurs where an apparently neutral provision puts a person under one of the nine grounds at a particular disadvantage com-

⁴ Council Directive 2000/43/EC of 29 June 2000 (the ‘Race Directive’) and Council directive 2000/78/EC of 27 November 2000 (the ‘Framework Employment Directive’).

⁵ Directive 2002/73/EC of 23 September 2002 and Directive 2006/54/EC of 5 July 2006.

pared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. From a measurement perspective, identifying indirect discrimination starts with the comparison of relevant outcomes across the grounds:

In Europe, legal definitions of indirect discrimination assume, at least to some extent, that unequal outcomes, if persistently patterned along the lines of social traits, are prima facie evidence that the processes leading to those outcomes contain some kind of less favourable treatment of people with those traits (McLaughlin, 2007, p. 113).

Thus the first broad measurement challenge is to collect and analyse data on the economic and social position of the groups identified in equality legislation on a comparable basis. The second broad challenge is to develop robust measurement approaches and analytic techniques to capture the nature and extent of inequality and discrimination across the grounds. This indeed is the primary motivation for the collection of papers in this volume, and the conference from which they are drawn.

Measuring Equality and Discrimination

Inequality and discrimination can be investigated in a variety of different ways using a range of different methodologies each of which have different strengths and weaknesses, described briefly here.

In self-reports of discrimination, survey respondents are asked directly about their experience. This method has played an important role in tracking change (and stability) in the experience of discrimination over time. The analysis of self-reports can consider experiences of discrimination across the whole population and not just a specific minority group and can also investigate and compare self-reported discrimination across a variety of situations. However self-reports are subjective, de-

pending on respondents' perception of their treatment by others. On the basis of assessment of objective indicators, some groups appear to under-report discrimination, while others appear to over-report. Good survey design can help minimise these weaknesses but they cannot be eliminated.

A second technique to investigate discrimination is through the statistical analysis of differential outcomes. This is probably the most common method used to measure discrimination in the social sciences (see Altonji and Blank, 1999; Quillan, 2006; Pager and Shepherd, 2008) The method compares measures of outcomes across groups and statistically adjusts for non-discriminatory sources of difference, e.g. education, skills, experience etc. Residual differences that remain after these factors are controlled are commonly attributed to discrimination. There have been important developments in this methodology over recent years, such as quantile regression techniques, propensity score matching and other selection correction techniques, as well as the development of new datasets (e.g. within-organisation data, longitudinal data on work careers and earnings). These advances significantly enhance estimates of the element of inequality that cannot be explained by individuals characteristics or previous selection processes. However, it remains difficult to prove conclusively that this residual is due to discrimination.

The third methodology commonly used to measure discrimination are surveys of the general population, or subgroups, e.g. employers (Young and Morrell, 2005) which investigate attitudes and beliefs about the 'out-group'. Surveys of this type can also investigate in-group biases in the form of more favourable attitudes towards the majority group. While these types of studies can be informative, they, like the other methods, have limitations. Such attitude reports are subject to 'social desirability' biases, whereby respondents are reluctant to express attitudes or opinions that are contrary to the prevailing ideology of equality Best practice in these surveys can reduce but not entirely eliminate such biases.

Furthermore, discriminatory behaviour cannot simply be deduced from attitudes although there is a significant correlation. Therefore additional techniques have been developed to measure implicit attitudes or to bypass attitudes and measure discriminatory behaviour directly through field experiments.

Field studies can provide direct evidence on discrimination which is difficult to challenge. Instead of measuring attitudes, these studies measure the actual response of employers or service providers to carefully matched candidates who differ only in respect to the characteristic on which discrimination is thought to occur – gender, race, nationality, age etc. These experiments occur in real-life situations, for example applications are sent in response to actual job vacancies, and the responses are observed. These studies show consistent evidence of discrimination against the out-group in a wide variety of situations. While these methodologies can provide powerful evidence on discrimination, field studies can only be carried out within certain situations (e.g. applications for housing, job applications, accessing services/products, grading) at the initial point of contact, and cannot be used to detect discrimination in other processes, e.g. promotions. Furthermore, such studies focus on individual discriminatory decisions and cannot investigate the wider structural influences or psychological antecedents.

The psychological processes involved in discrimination have been investigated using a variety of laboratory techniques, including Implicit Association Tests. These test the time taken by respondents/subjects to make a link between different groups and stereotypical adjectives, and generally find that it takes subjects longer to associate the ‘out-group’ with a positive characteristic than with a negative characteristic.⁶ However, there is

⁶ The test subjects are generally from the dominant group. The results on the implicit attitudes of subordinate groups are more mixed, although there is some evidence of biases against the out-group even amongst its members.

continuing debate on the relationship between implicit prejudice (measured using such tests) and explicit attitudes, and the extent to which they influence behaviour (Quillan, 2006, pp. 317-19; Al Ramiah et al., this volume).

All the above methods are considered in later chapters. Other methods not included in this volume which nevertheless provide important insights into discrimination include analysis of legal cases (e.g. Banks and Russell, forthcoming), and qualitative studies which investigate the nature of discrimination and unequal treatment (for example, Davis et al., 2005; MRCI, 2004; MacLachlan and O'Connell, 2000), or case-studies of employers and organisations (e.g. Collinson et al., 1990; O'Connor, 1996). These studies can provide very detailed evidence on subtle and multi-dimensional processes involved in discrimination.

Each of these methods have strengths and weaknesses, which mean building a comprehensive picture and deeper understanding of discrimination and inequality requires a triangulation of results across different methods.

Equality Data Collection

While collection of age and gender data is now fairly standard in official and related social statistics – whether survey-based or drawn from administrative sources – this is far from the case in regard to other grounds such as disability, race and ethnicity, sexual orientation or religion (NSB, 2003). That said, over the last decade the Central Statistics Office in Ireland (CSO) has made real progress in the collection of equality data. The inclusion of equality variables is most advanced in the Census (see CSO, 2007), which includes classificatory variables for all grounds except sexual orientation,⁷ although the collection of

⁷ On sexual orientation, household relationship questions in the Census do currently allow for the identification of same- sex couples living together

equality data is less developed in the key social surveys.⁸ Self-reported discrimination is a social indicator that is of particular relevance to equality. In 2004, the CSO included a module on equality within the Quarterly National Household Survey which provided the first nationally representative estimates of the experience of discrimination across a range of life domains (see Russell et al., this volume).

There are particular challenges in collecting representative data on minority groups that constitute a small proportion of the population or are hard-to-reach, for example members of the Traveller community or small religious minority groups. Household surveys of a general population are unlikely to pick up sufficient numbers of these groups. Cultural factors, fear of disclosure, health problems and language/literacy issues can also pose barriers to participation in surveys for certain individuals and groups. These barriers also lead to under-representation of some groups, particularly the most disadvantaged, from the surveys that form the basis of much of the research on inequalities in the public sphere in Ireland.

In some cases these non-response biases can be corrected through weighting. In other cases even the Census figures are believed to be under-reported⁹ and there have been intense efforts to include hard-to-reach groups. For example, the All-

⁸ The Quarterly National Household Survey (QNHS) includes questions on age, sex, marital status, nationality and family composition. Additional equality variables are periodically collected with the QNHS Social Modules. The survey of Income and Living Conditions (EU-SILC) collects data on gender, age, marital status, family status, nationality and on chronic illness. In the National Employment Survey (NES) Employees' age, gender and nationality is collected but not other equality variables.

⁹ For example, nationality/ethnicity survey figures are routinely weighted back to the Census figures although rapid changes in migration meant that even these figures are likely to be increasingly inaccurate. While Kobayashi (2005) argues that the number of members of the Traveller community are underreported in the Census.

Ireland Study on Traveller Health trained 400 Traveller Peer Researchers to carry out a Census among members of the Travelling Community. Data on sexual orientation is rarely collected in Irish quantitative surveys and therefore a significant data gap remains on this issue and restricts the research that can be conducted on inequality and discrimination on this important ground.

The continued investment in collecting high quality survey and administrative data across the range of grounds covered by equality legislation is therefore a prerequisite for continued advances in research and to enhance policy-making to reduce inequality and discrimination.

Overview of the Chapters

This volume draws on Irish and international research on inequality that adopts a range of different methods to address the key questions about the incidence, distribution and effects of discrimination and inequality, as well as considering some of its antecedents. Overall, a range of grounds are included: particular papers focus on gender, disability and ethnicity/nationality; one paper focuses on the intersection between two grounds; still others consider a range of grounds. Some papers report single studies or projects; some present an overview of research in the area. Four papers focus on Ireland; others report research from the US, the UK or a range of other Western countries. What the papers share is an overall concern with measuring equality and discrimination. The first four papers focus on explicitly measuring and describing the extent of discrimination; the latter four focus primarily on equality, though reflect on discrimination.

In the first paper in the volume, Russell and her colleagues present self-reported discrimination in Ireland for a range of domains using high-quality survey data representing the whole population. While self-reports are subjective, and in essence re-

flect an individual's experience of discrimination, this survey followed best practice to minimise bias: questions were limited to specific domains and referred to a particular time period. Respondents were asked about their experience of discrimination in the workplace; in looking for work; in shops, pubs, restaurants; using financial services (banks etc); in relation to education; obtaining housing' accessing health services; using transport services; and accessing other public services.

The highest reported discrimination was in recruitment (5.8 per cent of those who had been seeking work); then discrimination in the workplace (5 per cent). In the services, the highest reported discrimination was in accessing accommodation (4 per cent) and financial services (3.7 per cent). The authors note that people with disabilities and non-Irish nationals experience discrimination in a wide variety of domains. For other groups, discrimination is more context-specific. Another salient finding is that only 40 per cent of those experiencing discrimination reported this to anyone and the social groups with the highest rates of discrimination are the least likely to take action.

Given the limitations of self-report data, the authors are careful to compare their findings to those from different sources in their conclusion. In general, the findings on self-reported discrimination are consistent with those from other studies of objective outcomes in Ireland – for gender, non-Irish nationals and people with disabilities. However, the comparison suggests that older people and those with low education are likely to under-report discrimination – an issue the authors reflect on in their conclusion. The results of the survey reported in this paper, and in the accompanying report (Russell et al., 2008), provide an important benchmark for examining changes in the nature of discrimination experience in the future. The survey is being repeated in late 2010.

The next two papers show how field experiments may overcome some of the difficulties with measuring discrimination by

comparing outcomes. Judith Rich presents an interesting overview of the field experiment method, and what experiments in the last 50 years have to tell us about discriminatory behaviour in markets. In field experiments two individuals who are identical on all characteristics other than the potential for discrimination (race, ethnicity, sex, age, sexual orientation or disability) apply for the same job, housing or product. Responses are recorded and discrimination measured as the extent to which one individual is successful relative to the other. The tests can be conducted by personal approaches or by phone (audits), or by using written applications (correspondence tests). Matching the applicants carefully is crucial, whether the test is a personal or a written application.

Rich reports that results from the first wave of experiments (1966 to 2000) in a range of Western countries found that overwhelmingly for minorities and women, access to jobs was restricted, access to housing was restricted and they paid more for products. These findings are broadly consistent with the findings of research on differential outcomes, for example in employment. More recent studies, conducted between 2000 and 2010, found access to jobs was restricted for racial minorities, women, older and obese individuals; access to housing was restricted for racial minorities and homosexuals; and that racial minorities, women and older individuals pay more for products.

Rich concludes that it is alarming that the more recent tests report similar findings to earlier studies, given public concern about discrimination and legislative developments in the area. As it is often very difficult for an individual to know they have been discriminated against, particularly given concealment by employers, this raises the issue of whether measures to deal with discrimination in legislation and in practice are adequate.

In the first experiment of its kind in Ireland, McGinnity and her colleagues test for discrimination in recruitment against minority groups. Ireland is an interesting case, as the recent eco-

conomic boom was accompanied by rapid immigration of a nationally diverse population into a country overwhelmingly White and Irish. The researchers sent out almost 500 equivalent CVs in response to advertised vacancies for jobs in administration, finance and retail sales in the greater Dublin area.

They find that candidates with Irish names are over twice as likely to be asked to attend an interview as are candidates with an African, Asian or German name. The discrimination rate is relatively high by international standards, and does not vary across occupation. Interestingly, they find no difference in the degree of discrimination between minority candidates, and argue that this may be linked to the recent nature of immigration in Ireland and the lack of established minority groups.

The paper by Al Ramiah and colleagues adds insights from social psychology to our understanding of discrimination. Their comprehensive overview covers definitions of discrimination, psychological theories, measurement issues and consequences of discrimination. Social psychologists are careful to distinguish prejudice (an attitude) from stereotype (a belief) and discrimination (a behaviour). Influential theories of discrimination include the social identity perspective (the drive for positive social identity can result in discrimination against the outgroup); the social justification perspective (groups adopt a social identity commensurate with their position in society); aversive racism (upholding egalitarian norms while maintaining subtle prejudice); and BIAS maps (the status and competitiveness of the group predicts stereotypes of warmth and competence, which influences affect and thus action).

The paper discusses ways in which these concepts have been operationalised/measured. Measures include explicit measures of prejudice, which are self-reports of attitudes constructed in a way to reduce socially desired responding. Implicit tests, like the Implicit Association Test, tap the possibly unconscious and unintentional parts of a person's prejudice. The authors' review of

laboratory and field experiments reveals that explicit prejudice predicted verbal behaviour while implicit prejudice predicted non-verbal friendliness. In experiments on helping behaviour, the evidence supports the predictions of aversive racism theory.

Overall, the correlation between both explicit and implicit prejudice and discrimination is modest, and significantly not all individuals who hold negative attitudes go on to discriminate. What is clear though is that discrimination may have serious consequences in terms of mental and physical health, self-esteem and underperformance for the minority group, and the disadvantage experienced by any one group may translate into intergenerational disadvantage. Measuring the extent of discrimination, a key focus of this volume, is therefore an extremely valuable exercise.

In his paper on racial inequality, William Darity describes the widespread perception that the US is a 'post-racial' society, and illustrates this cogently for the general population using survey data. He argues that this perception also permeates much of conventional economics. It does so in two major ways. First, the individual is at the core of economic thinking. The individual is the decision maker, the focus of attention, the unit of analysis – not a racial or ethnic group, or a social class. Second, conventional economic theory argues that market competition drives out discriminatory practice: profits and prejudice are mutually exclusive.

Darity's 'stratification economics' research programme was developed in response to deficiencies identified in conventional economic approaches to discrimination. In stratification economics the centrality of the group as a source of identity belonging and resources is key. So also is the question of how group membership is determined, whether by self-classification or social classification. Streams of research in this programme use a range of methods and include investigating wealth inequality; examining differential outcomes in attainment in schooling and

segregation patterns within and between schools; racial disparities in self-employment patterns; and the effect of skin shade on outcomes in labour and marriage markets. One set of studies compares self-reports of wage discrimination with independent estimates of discriminatory differences in wages. Evidence from this body of research strongly refutes the idea that the US has become a post-racial society. In conclusion, Darity argues that a post-racial society is not the ideal, and he calls instead for a 'race fair', not a 'race blind', society.

The final three papers in this volume present empirical evidence on differential outcomes across groups, focusing on gender inequality (Gregory), disability (Gannon and Nolan) and the intersection between gender and disability (Watson and Lunn). In her searching review of the gender pay gap, Gregory considers recent evidence, from the UK and other European countries, given methodological advances and new sources of data. Where is the pay gap greatest and what are the mechanisms underlying it? Recent research using quantile regression clearly shows that the pay gap is greatest at the upper end of the earnings distribution, supporting the idea of a 'glass ceiling' on women's earnings. A study using personnel records from a US grocery store finds that men are much more likely to be promoted than women, suggesting that part of the earnings gap is due to differential rates of promotion. Occupational downgrading, often associated with a shift to part-time work following childbirth, also plays an important role in understanding the gender pay penalty in the UK. An earnings gap remains even after return to full-time work with the occupational downgrading reversed.

The family pay penalty is an important component of the gender pay gap: research in Germany finds a significant wage drop following maternity leave; this diminishes with time back in work, although a penalty for work experience foregone remains. In Denmark, on the other hand, the only effect of children on mother's earnings is through lost work experience. Gregory con-

cludes that in a social climate supportive of working mothers, as in the Scandinavian countries, the pay penalty to maternity leave can be minimal. In looking to the future, Gregory is optimistic, arguing that the ‘quiet revolution’ in the status of women is set to continue, given the rapid rise in educational qualifications of women and technological advances favouring women’s employment

Gannon and Nolan summarise a number of research studies in Ireland concerned with how the experience of people with a long-term disability or illness differs from that of other people. The paper reviews evidence from a range of life domains: education, earnings, poverty and social participation. They draw a crucial distinction between those who had an illness or disability that limits everyday activities and those whose disability does not. Using econometric models, the authors found that, after accounting for age and gender, those with a chronic illness or disability that hampered everyday activities were much more likely to have low educational qualifications than those with no illness or disability. They are much less likely to be in employment and also more likely to be in poverty than those with no disability. Once the individuals have a job, the impact of disability on wages is less marked than for education and employment. Disability also limited social participation (club membership, contact with neighbours and friends/relatives, nights out, voting behaviour), particularly for those with a severely hampering illness or disability.

Using the panel element of the data, the authors demonstrate how not just the fact of being disabled but the *onset* of disability is associated with negative outcomes like employment loss. In their conclusion, the authors note that the nature of this disadvantage and the factors underlying it are complex. The role of discrimination as opposed to other factors is difficult to isolate. Designing policies to combat this disadvantage is also challenging, particularly in the current economic climate. Yet the

experience in other countries has shown that, given adequate social investment and attitudinal changes, the disadvantage associated with disability can be greatly reduced.

In policy debates on discrimination and disadvantage, the notion of multiple disadvantage has gained considerable appeal, though is rarely tested empirically across a range of outcomes. In their paper using 2006 Irish Census data, Watson and Lunn operationalise some of these ideas. Does membership of two disadvantaged groups increase the risk of a negative outcome, and if so, is this increase in risk additive or exponential? They test this, examining differences by gender and disability status for four outcomes: risk of low education, labour market participation, unemployment and being in low skilled employment.

They find that the most common pattern was that of 'non-additive' disadvantage: membership in both groups is associated with less disadvantage than the sum of risks associated with membership in each separately. There were also examples of additive disadvantage, where membership in both groups is associated with a level of disadvantage approximately equal to the sum of the two risks. There was only one weak example of exponential disadvantage, where members of both groups are even more disadvantaged than one would expect from combining the effects of membership in each group. Watson and Lunn conclude that it is difficult to generalise about multiple disadvantage, as patterns of disadvantage vary substantially across outcomes. And while disadvantage may not be additive, any one group may experience high levels of disadvantage on one ground alone. Indeed, an interesting lesson from their paper is that the notion of multiple disadvantage may be simple but its application to real-life data is complex. Exploring multiple disadvantage can draw attention to the fact that the interaction of education, labour market and life-cycle processes may result in unexpected outcomes.

In summary, this book contributes to the literature on equality and discrimination in a number of ways. Firstly, it demon-

strates the different approaches to measurement, and highlights their strengths and weaknesses. Secondly, it reviews a wide body of evidence on equality and discrimination. Thirdly, it demonstrates how important the collection of adequate data is for the whole project. Fourthly, it draws policy implications of the findings. Policy on equality and discrimination needs to be informed by convincing evidence, and innovative research can provide that evidence.

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