

Different People Make Our World

Thursday 12 November 2009 – Caleta Hotel, Gibraltar

This Conference hosted by Citizens Advice Bureau Gibraltar took place in the Alice Conference Room, Caleta Hotel, Catalan Bay, Gibraltar on Thursday 12 November 2009.

The Conference was sponsored by the Government of Gibraltar, Isolas, Michael Ford Consultants and Gibtelecom.

There were around than one hundred and eighty attendees including Citizens Advice International members. As well as attending the Conference, the attendees had the opportunity to network and share knowledge and experience.

The focus of the Conference was on Discrimination. There were various presentations including some interactive to highlight that discrimination results in disadvantages and lack of opportunities.

Message from Pilar Rodriguez, Chair, CAI

The Chair of CAI welcomed everyone to the Conference.



Citizens Advice Bureau Gibraltar

GCAB recognizes that many people face discrimination in society. Their aim is to work together to eliminate discrimination by providing information and advice to citizens and promote equal opportunities.

Introduction

The Honorable Jaime Netto Minister for Family Youth and Community Affairs

The Minister welcomed the delegates who represented cross sections from different organisations as it showed a need for this Conference. He referred to the impressive service and high quality of advice provided by bureaux. He added that bureaux were totally dedicated to their clients as well as being confidential.

He said that the Conference would reflect the advice and equality issues brought to the CAB network from the heart of their community. Discrimination was the 8th highest problem to be dealt with Gibraltar CAB.

The Conference was also a little step to raise awareness which was a step in the right direction.



Presentation One

David Crome, Unite the Union



David introduced the DVD Film – Blue Eyes/Brown Eyes

The DVD was centred on when Jane Elliott carried out an experiment with the pupils in her third grade class. This came about following the assassination of Martin Luther King. This caused her to recall that during World War 11 the Nazis had used eye colour to separate prisoners and using that criterion choose who would live or die. The preference was those with blue eyes lived.

The exercise carried out by Jane Elliott was she decided to make the blue-eyed children superior by giving them extra privileges like second helpings at lunch, access to the new jungle gym and five minutes extra at breaktimes. She also would not allow blue-eyed and brown-eyed children to drink from the same water fountain. She would offer the blue-eyed children praise for being hard-working and intelligent.

On the other hand the “brown eyed” children were disparaged. She even made the brown-eyed children wear ribbons around their neck.

At first, there was resistance to the idea that brown-eyed children were not the equals of blue-eyed children.

To counter this, she used a pseudo-scientific explanation for her actions by stating that the [melanin](#) responsible for making blue-eyed children... also was linked to intelligence and ability, therefore the “brownies”

pigmentation would result in lack of these qualities. Shortly thereafter, this initial resistance fell away.

Over a very short time those who were deemed "superior" became arrogant, bossy and otherwise unpleasant to their "inferior" classmates. Their grades also improved, doing mathematical and reading tasks that seemed outside their ability before. The "inferior" classmates also transformed – into timid and subservient children, including those who had previously been dominant in the class. These children's academic performance suffered, even with tasks that had been simple before.

The following day, the exercise was reversed the exercise, making the brown-eyed children superior. While the brown-eyed children did taunt the blue-eyed in ways similar to what had occurred the previous day, Jane Elliott reported it was much less intense. At 2:30 on that Wednesday, Jane Elliott told the blue-eyed children to take off their collars and the children cried and hugged each other.

This exercise changed her life, both as a teacher and personally. Her reflections on what she had witnessed would influence how she would approach race relations and teaching. Because she believed so strongly in the value of this exercise, Jane Elliott continued it every year, whether her students asked for it or not until 1984 when she quit teaching

As much as Jane Elliott believed in her exercise, she always advised caution and restraint in implementing it

David concluded the presentation by saying that there was passive racism in Gibraltar and the people should start thinking about it.

Presentation 2: Equal Opportunities Presentation

**Lourdes Borea, FCIPD – Human Resources Manager,
Bassadone Group**

**Lesley Louise, MCIPD, Human Resources Manager,
Gibtelecom**

**Sarah Gomersall, ACPD, Human Resources Consultant,
Proven Solutions.**



This session was on an employers guide to Equal Opportunities.

Organisations have policies in place which are designed to prevent discrimination and it was important that matching legislation was in place in order to stay within the law and attract the best employees.

The presentation gave an Overview of:

- The Law
- Issues for Employers
- Future Developments
- Resources to Help

The Law consisted of Gibraltar Law, Equal Opportunities Act, Gibraltar within the EU. Under European Law there were issues for employers i.e. Prohibition of Discrimination; What grounds of discrimination are covered? What is Discrimination? Is discrimination ever permitted?

Under Prohibition of Discrimination – this covered access to employment, working conditions and pay, vocational guidance and training, memberships of organisations. Everyone to have the same right of access.

Under What Grounds of Discrimination – sex; racial and ethnic origin; marital status; pregnancy or maternity leave; age; disability; victimisation; harassment including sexual harassment; sexual orientation; gender.

New to Gibraltar was age i.e. can't dismiss someone if older than 60.

Under What is discrimination – This covered:-

- Direct – where a person is treated less favourably than another person in a comparable situation. Examples would be if someone had four children, man going for receptionist position, 59 being told too old.
- Indirect – where an apparently neutral provision, criterion or practice would disadvantage certain groups of people. Examples – firefighters with a height restriction.
- Harassment – racist language, detorory remarks in the workplace.
- Victimisation – it is important that a complaint is listened to.

It was important that Employers inform employees about the Equal Opportunities Act.

Appeals – you can appeal and claim changes from:

- The Industrial Tribunal
- The Supreme Court – Gibraltar
- The European Court

You can also go outside Gibraltar as this falls under European Law.

Gibraltar legislation can be found at: <http://www/gibraltarlaws.gov.gi>.

Presentation 3 - Equally Advised –by Representatives of Citizens Advice International



**Keith Gilbey, Director of Strategic Development, Citizens Advice (England and Wales
Jana Spanikova and Martina Moyzesová from Bratislava, Slovakia
Mary Keane and Deirdre Casey from CIS, Ireland - CAI representatives did presentations.**

Keith spoke about: raising the quality of advice in discrimination and have a common understanding; second tier support e.g. legal support for caseworks; improving gateway on how advisers recognise discrimination; develop decision trees/tools to ensure all areas covered; need to identify those in the greatest need who do not yet come to bureaux and identify the groups we are not reaching. Keith concluded about discussing a recent vacancy when the process involved removing all identifying questions from application forms so that the candidate can only be identified by their initials – thereby only reviewing the competences and skills to shortlist. An interesting way to recruit but the quality of the candidates had been excellent.

Jana and Martina spoke about the protection against discrimination within Slovan legislation which was regulated by several acts primarily by the Slovan Constitution. They stated that at the present time Bratislava CAB did not currently deal much with the problem of discrimination as their clients came with a different set of problems. The main area was on the

grounds of pregnancy and maternity. The Labour Code in Slovakia bans the termination of employment by an employer during employee's pregnancy or maternity leave but employers do not respect this ban in the majority of cases. Another problem is the difference in wages for men and women who do the same job. They concluded by saying that they do not have much dealings with discrimination of the Slovakian people regarding discrimination but as the number of migrants gradually increase this situation could change.

Mary who is the Manager of County Waterford Citizens Information Service spoke about respecting differences and the legislation in Ireland regarding the right to complain and how to complain. The main discrimination cases are employment, then working conditions and finally access to employment. Grounds of complaints are mainly to do with age. Despite robust law there exists a strong need for support, advice and advocacy.

Deirdre who is the Development Manager in Dublin City Centre Citizens Information Service then spoke about the history of migration and the huge need for advice, advocacy and support.

Most common problem in Dublin is again employment

- non payment of wages, annual leave, public holidays,
- non payment of minimum notice or redundancy payments,
- payment below minimum wages and
- unfair dismissal.

She said that they promote self advocacy and empowerment; mediate and negotiate with employers; assist clients with making claims to statutory dispute resolution agencies such as Rights Commission Service and Employment Appeals Tribunal. However resources were insufficient to meet the current demand. Deirdre then highlighted a case study to the meeting. She concluded by saying that the people discriminated against are the people least likely to seek help or report their case.

Coffee Break

Presentation 4 – Diversity and Inclusion Nicole Stevens – Shell.

Nicole gave a broad overview of Shell. She then went on to say that Peter Voser, their Chief Executive had embedded Diversity and Inclusion in the structure, people, processes and culture. She then displayed the Iceberg of Difference – giving details of gender; race; age; physical aspect; religion; nationality; language; value; heritage; function; life difference; thought processes; sexual orientation; family stakes; talents and beliefs.

In Shell – Diversity means all the ways we differ.

- Inclusion means a workplace where differences are value

She then went on to describe the Business Case for Diversity and Inclusion by attracting and retaining top talent; improving productivity; work climate and licence to operate and grow. She concluded by highlighting that from 2000-2008 they have increased the number of women in senior leadership from 4% to 13%. The target is 20%. A survey is undertaken annually to understand different types of experiences and identify gap and see if they are achieving to implement Diversity and Inclusion. The work is not completed and there are a lot of challenges to face but hopeful there will be success stories.

Presentation 5 – Dispute Resolution Gillian Guzman – Hassans



Gillian Guzman from Hassans which is an International Law Firm then spoke about Dispute Resolution and what can you do when things go wrong.

Everyone has a legal right to work in a safe environment. Freedom from discrimination, bullying and victimisation. A Fair Wage and no fear of unlawful dismissal.

Employers should take protective measures – these are detailed in staff handbooks which detail the rules for employees.

Gillian then highlighted which could be done if a relationship deteriorated – it should be dealt with at the first possible opportunity as possible effects were:-

- Loss of Productivity
- Affecting Morale
- Cost to Time and Money
- Could cause stress and lead to depression
- Emotional dimension

There was need for effective communication or constructive discussion. She emphasised that Industrial Tribunal was AN option but not the only Option. Another solution which was the best way forward was Meditation. This was under exploited in Gibraltar but the potential was huge as it was cost effective and less antagonistic.

Mediation can be undertaken in a private and confidential setting and can be:-

- An opportunity to settle a dispute earlier
- Has a success rate dependent on variants
- There are no winners or losers

But it means that:-

- Employee still works for employer

- Private or sensitive matter settled
- Benefits are:-
 - Avoids expenses and delays
 - Problem solving
 - Flexibility of solutions
 - Helps maintain/repairs relationship
 - Provides parties opportunity to vent
 - Allows parties to learn from and correct mistakes (face-saving)
 - Confidential and behind closed doors
 - Parties have more control.
- Considerations are that parties and representatives must act in good faith.
- Disadvantages are they can delay, used for the wrong purpose or difficulty of convincing one of the parties to mediate.

Gillian concluded that saying the litigation should be the avenue of a last resort.

Presentation 6 - In Search of the Perfect Employee Christian M Rocca – Isolas



Christian presented this interactive session by going through 3 Case Studies and then inviting the attendees to participate by displaying the relevant coloured card – red, yellow and green.

This was followed by a question and answer session to all the speakers from the morning session.



Presentation 7 – Adversity in Diversity Paul Peralta – Legislation Support Unit



Paul who works for the Legislation Support Unit for the Government of Gibraltar presented the fictitious case of Benjolina Button.

The case went through the different stages of Benjolina's life from when his parents met, (different nationalities) through his early childhood (coming to terms with the differences with his parents) school life and its problems (bullying and harassment), his gender change (wanting to become a woman instead of a man) employment – (his gender change and other problems) disability (problems with carrying out his normal job tasks – employer's views etc) until finally retirement.

During the presentation Paul undertook an interactive session with the attendees to discuss why if there was a discrimination issue, and if there was to obtain the views of the attendees and the way they would deal with the issue and the correct way to deal with it.

Presentation 8 – Regeneration of the Core – A Pathway to Recovery Mark Montovio – Counsellor

Mark who undertakes Counselling highlighted a specific case of one of his clients who had with her resilience really made an impression on his views and his life. He detailed all the problems which she had experienced with discrimination and how he met her and how she is now dealing with what had happened to her in order to get her life back on a proper course.

Mark then highlighted the problems which he had experienced with his young son and people's different reactions e.g. when most people see a man travelling with a young child – they automatically look for the mother or ask about the mother. On one occasion he took his young son on a short holiday as his wife was unable to get away. At the hotel he was asked "Is Mrs Montovio joining you later?" At the restaurant again he was asked "Is your wife coming along".

He concluded by saying that hopefully people would eventually change their attitudes and accept people and circumstances for what they are.

The Conference continued with a presentation from one of the Volunteers from Gibraltar CAB.

She said that she was delighted to have the opportunity to have attended the Conference and wished to say a few words about the work being undertaken in Gibraltar especially within the CAB with regard to Discrimination.



Closing Section

Kaliani Lyle, Chief Executive Officer, Citizens Advice Scotland & Vice Chair of Citizens Advice International

Kaliani Lyle said that she was delighted to have attended such an informative and interesting Conference. It had presented a lot of different views on discrimination as well as highlighting some of the practices taken to ensure that the way of handling discrimination was efficient and effective.

She said that whilst work on discrimination was ongoing it was good that the problems which arose were being recognized and this showed at today's Conference.

She concluded by referring to a former slave Sojourner Truth. In 1851 at the women's convention in Akron, Ohio. As a former slave and the only black delegate she had to make it clear that it was not up to those present to pick and choose whom they understood to be woman. In her now famous speech –she said ' I have borne 13 children and seen them most sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me. And Ain't I a woman.'

Sojourner Truth has become a symbol of all those people who are disadvantaged, discriminated and socially excluded; people who are poor, disabled, old, and black. And her question 'Ain't I a woman' is a universal one.