

5 years ago...

Dr Declan Fahie, *School of Education, University College Dublin (UCD), Ireland.*

On May 22nd, 2015, Ireland voted overwhelmingly (62% of voters on a turnout of 61%) to amend the Irish constitution and allow marriage between same-sex couples. This was the first time that a nation state legalised gay marriage following a popular vote. As we approach the fifth anniversary of this concrete manifestation of the seismic shift in societal attitudes toward gay rights in Ireland, it would be easy to overlook another piece of legislation that was passed in the same year - one which has had a considerable impact on the lived experiences of LGBT+ teachers in Ireland.

The vast majority of Irish primary schools, and almost half of Irish second-level institutions, have a denominational ethos i.e. their formal organisational culture is (in)formed by a set of overarching principles which are underpinned explicitly by the norms and values of religious bodies. In practice, this means that such schools engage in formal religious instruction, employ religious iconography throughout and are instrumental in preparing their pupils for sacraments/religious celebrations such as Holy Communion and Confirmation. While there is a growing impetus towards multi-denominational education at both primary and second level in Ireland, church bodies, particular the Roman Catholic church, retain considerable influence over schools and schooling. Unsurprisingly, many LGBTI+ teachers who work in these schools experience a type of *psychic dissonance* given the attitude of the Roman Catholic church towards members of the gay community (Fahie, 2017).

Irish workers enjoy comparatively robust legislative protections under the seminal *Employment Equality Act 1998* which prohibited discrimination and harassment in the workplace across nine named grounds, including sexual orientation. However, the act contained an opt-out clause, Section 37(1), whereby a religious institution/place of work (most schools and many hospitals, for example) would not be taken to have discriminated against an employee or prospective employee if the action was undertaken in order to maintain or protect their religious character. Any denominational body was permitted to “*take action which is reasonably necessary to prevent an employee or prospective employee from undermining the religious ethos of the institution*”. The nebulous nature of such prohibitions (how precisely an individual undermines an ethos) was, it could be argued, a significant contributor to an insidious sense of fear and foreboding experienced by many LGBTI+ teachers, In essence they were frightened that their personal sexual identities would be revealed and their career trajectories undermined irrevocably (Fahie, 2016).

Previous research (see Fahie *et al.*, 2019, for example) indicated that LGBTI+ teachers experienced real fear, particularly those who were in precarious work situations and/or on

temporary contracts. Teachers detailed how they were fearful that they would lose their jobs, be passed over for promotion, lose the respect of parents/guardians and undermine their authority within the classroom. In order to prevent this, they engaged in a variety of masking strategies. While many acknowledged the unlikelihood that such concerns would be realised, the derogation embedded within the original legislation made them feel vulnerable and exposed.

In 2015 the *Employment Equality (Miscellaneous) Act* was published, following considerable pressure from the primary teachers' union in particular, which obliged religious bodies to prove that any action taken to safeguard their ethos was proportionate and “*rationally and strictly related to the institutions ethos*”. Critically, any action could not be related solely to, for example, their membership of the LGBTI+ community. In other words, the religious institution (school or hospital) could not terminate the employment or treat an employee/prospective employee differently/unfavourably just because they were gay. *Being* gay was not, in itself, an undermining state of being which could subvert the religious ethos of the school.

Since 2015, there has been increased visibility of LGBTI+ teachers nationally. “Out” teachers are regular contributors to media reports, academic studies and policy fora. There is increasing recognition of the broader contribution such teachers can make to a wider, cross-curricular EDI agenda. Some years ago, a gay primary school principal gave me an example of why such visibility matters. *Liam* (not his real name), a pupil in her school had been in trouble regularly. One day he spent some time in her office following an incident in the school yard. The following morning, his mother approached the principal and thanked her, saying “*You know, he said that he likes to talk to you because you’re a lesbian. He said, ‘Your life must have been hard when you were young, so you understand how it is for him when he tries to be good in school’*”. Visibility matters because Liam matters.

References

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