



Community
Law & Mediation

Guide to taking an Employment Equality Case



Coimisiún na hÉireann
um Chosrta an Duine
agus Comhionannas
Irish Human Rights and
Equality Commission

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About the Guide

This guide is for advocates and members of the public who are taking a case to the Workplace Relations Commission (WRC) or the Circuit Court under the Employment Equality Acts. At the back of the guide you will find some sample documents and website addresses of organisations which might be able to assist you further.

About the Authors

Community Law & Mediation (CLM) is a community based, independent law centre and charity operating in two locations: Dublin and Limerick. It was founded in 1975 and assists more than 3,000 people annually through its services, which include free legal advice and representation; information and education; and mediation and conflict coaching. CLM also campaigns for law reform, and for the safeguarding of rights already enshrined in law.

Acknowledgements

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Legal Aid

The civil legal aid scheme does not currently cover cases taken to the WRC. However, it is open to you to make an application. The Legal Aid Board considers applications for legal aid on a case-by-case basis. You are allowed to represent yourself if you do not have an advocate to represent you. It is preferable to instruct a solicitor to represent you, if you are in a position to pay legal costs.

Disclaimer

The information in this document is not intended to provide, and does not constitute, legal or any other advice on any particular matter, and is provided for general information purposes only. The authors give no guarantees or warranties concerning the accuracy, completeness or up-to-date nature of the information provided in this guide and do not accept any liability arising from any errors or omissions. The information is correct as of March 2021.

THE EMPLOYMENT EQUALITY ACTS

The Employment Equality Acts 1998 – 2015 (the **EE Acts**) is the main piece of legislation covering employment equality in Ireland. The aim of the EE Acts is to promote equality in the workplace and to provide protection against discrimination, harassment and victimisation. A consolidated version of the Act is available at www.lawreform.ie. This booklet only gives information – it is not a legal document and is not intended as a substitute for legal advice.

The EE Acts deal with discrimination in employment and do not cover discrimination against people trying to access goods and services. This is covered by the Equal Status Acts and a separate information booklet covering discrimination in access to goods and services is available at www.communitylawandmediation.ie.



WHO IS COVERED BY THE EMPLOYMENT EQUALITY ACTS?

The following types of workers/employees are covered by the EE Acts:

- Public and private sector employees
- Full-time employees
- Part-time employees
- Agency workers (in certain circumstances)
- Self-employed contractors (in certain circumstances)
- Apprentices

No minimum period of service is required.

Protection is also available in the context of collective agreements, which discriminate or provide for different rates of pay in respect of similar work based on any of the nine discriminatory grounds.

The EE Acts also apply to dealings between an employment agency and an agency worker. Bodies offering vocational training and certain other bodies are also covered, such as worker or trade organisations and partnerships.

Competence and Qualification

An employer can legitimately take into account an employee's qualifications and competence and decide to employ them and promote them on that basis.

Employment in the Home

In relation to access to employment only, an individual who applies for work in the home of another person in relation to personal service is not protected under the EE Acts from discrimination.

Positive Action

The EE Acts allow employers to put measures in place which promote equality in the workplace. Such measures are designed to eliminate, reduce or compensate for existing or historic inequality.



WHAT IS PROHIBITED UNDER THE EE ACTS?

An employer cannot discriminate against an employee, prospective employee or former employee in relation to the following:

- access to employment
- conditions of employment
- pay
- training or experience for or in relation to employment
- promotion or re-grading
- classification of posts
- dismissal
- advertising

The EE Acts protect against **discrimination** in employment as well as in applying for employment (for example, discrimination during an interview process). They also protect against discrimination in the termination of employment and in the treatment of former employees.

The EE Acts protect against **victimisation** of anyone who makes a complaint under the Acts, witnesses or people who assisted others in their claims. The EE Acts also give specific protection in relation to **harassment** and **sexual harassment**.

The EE Acts prohibit discrimination based on nine grounds (subject to some exceptions):

- 1. The Gender Ground**
- 2. The Civil Status Ground**
- 3. The Family Status Ground**
- 4. The Sexual Orientation Ground**
- 5. The Religion Ground**
- 6. The Age Ground**
- 7. The Disability Ground**
- 8. The Race Ground**
- 9. The Traveller Community Ground**



DISCRIMINATION

Discrimination happens when one person is treated less favourably than another is, has been or would be treated, on any of the nine discriminatory grounds.

Where an employee is treated less favourably, this is known as **direct discrimination** and cannot be justified by the employer (see below regarding the **age ground**).

An employee will need to demonstrate that they have been treated less favourably than a comparator.

The EE Acts also prohibit **indirect discrimination**. This occurs where an apparently neutral provision has a discriminatory effect (disadvantages workers who are members of one of the nine protected groups set out above).

An employer can rely on an **objective justification** to indirect discrimination. The employer will need to show that it was pursuing a legitimate aim in a proportionate manner and that their actions are necessary and appropriate.

→ **EXAMPLE:**

A fire service requires applicants to pass a number of physical tests which may be more difficult for older people. This would initially be indirect discrimination. However there is a clear safety reason that all applicants must pass the test and therefore the discrimination is objectively justified.

Discrimination by association occurs where a person is treated less favourably because of their connection, relationship or association with another person who falls within the discriminatory grounds.

→ **EXAMPLE:**

A complainant successfully claimed that she was harassed and discriminated against on the disability ground for seeking flexible working arrangements to allow her to care for her son, who was disabled, even though she herself was not disabled.

Discrimination by imputation occurs where the worker is discriminated against because they are imputed (incorrectly assumed) to be a member of one of the nine protected groups.

→ **EXAMPLE:**

Imputed discrimination occurs if an employer made a mistake as to a person's family status, having seen them in public with children, and then act in a discriminatory manner towards that person on the wrongful assumption that they have children. The discriminatory treatment is unlawful regardless of whether or not the assumption is true.



HARASSMENT AND SEXUAL HARASSMENT

EE Acts prohibit any form of unwanted conduct related to any of the discriminatory grounds. This is known as **harassment**.

The EE Acts protect individuals from **sexual harassment**. This is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature.

Harassment or sexual harassment can consist of acts, requests, spoken word or gestures or the production, display or circulation of written words, pictures or other material.

An employer can defend against a claim of harassment or sexual harassment by showing that it has taken reasonable steps to prevent the conduct complained of, for example providing training to staff.





THE DISCRIMINATORY GROUNDS

There are nine protected grounds or groups under the EE Acts. These are:

▶ **The Gender Ground**

The EE Acts protect you from discrimination on the basis of your gender. For example, paying a female employee a lower wage for the same work than that of a male employee is not allowed. The Gender Ground also covers pregnancy discrimination and transgender discrimination. This ground often overlaps with other discriminatory grounds such as the family status ground and the civil status ground.

There are limited exceptions to the gender ground where gender is a bona fide requirement of the position and in employments such as An Garda Síochána and the Prison Service.

▶ **The Civil Status Ground**

An employer cannot discriminate on the grounds of your civil status i.e. whether you are single, married, separated, divorced, widowed, in a civil partnership or have been in a civil partnership that has been dissolved or ended by death.

▶ **The Family Status Ground**

Your employer cannot discriminate against you on the basis of your family status. Family status refers to a person who has responsibility for children as a parent or a person acting in the place of a parent, or as a carer for a person with a disability.

▶ **The Sexual Orientation Ground**

Less favourable treatment on the basis of one's sexual orientation is not permitted under the EE Acts.

▶ **The Religion Ground**

The EE Acts prohibit discrimination on the grounds of religious belief (including lack of religious belief).

The EE Acts provide an exemption to certain religious, educational or medical institutions to take limited measures in order to maintain the ethos of the institution.

▶ **The Age Ground**

In general, an employer is not allowed to discriminate against an employee on the basis of their age. However, this general position is subject to a number of exceptions and, unlike the other discriminatory grounds, direct discrimination on the basis of an individual's age may be allowed.

There are four main exceptions provided under the EE Acts in relation to the Age Ground:

- 1.** Employers may be allowed to fix different ages for admissions to occupational benefit schemes and use age-related criteria
- 2.** Employers may be allowed to fix mandatory retirement ages where they are objectively justified.
- 3.** Employers may be allowed to fix maximum age of recruitment where it would not be efficient for an older person to be taken into employment due to training and that there is insufficient time to recoup the costs of training before the person retires

4. Employers may be allowed to treat employees differently in relation to a collective agreement which provides for seniority/length of service.

▶ **The Disability Ground**

Discrimination on the grounds of disability is prohibited by the EE Acts. Disability has a broad definition under the EE Acts.

An employer is, however, permitted to pay an employee with disabilities a particular rate of pay where the employee is unable to do the same amount of work as an employee without a disability.

Reasonable Accommodation

The EE Acts do not require an employer to employ a person who is unable to perform the tasks required as part of their employment. However, an employer is required to provide reasonable accommodation to enable a person with a disability to perform the required tasks. An employer is not expected to assume an unreasonable burden.

→ **EXAMPLE:**

An employee has been working as a secretary for 15 years and she is involved in a car crash, which has led to a back injury. She would be able to return to her job but only if she was provided with a lower desk and a chair with lumbar support. The desk and chair are the appropriate measures which, if put in place, would allow the employee to return to work.

▶ **The Race Ground**

Discrimination on the grounds of race, skin colour, nationality or ethnic/national origins is prohibited by the EE Acts.

However, it is not discriminatory for an employer to take action in order to comply with legal obligations such as those governing work permits.

Employers may require valid requirements of residency and/or citizenship in the context of an employee who holds an office in the service of the State e.g. Gardaí. Language requirements for certain forms of employment are also permitted.

▶ **The Traveller Community Ground**

It is not permissible to discriminate against an employee based on their membership of the Traveller community.



EQUAL PAY

The EE Acts provide for equal pay for like work. Where work is the same, similar or work of an equal value, employees should be paid a similar rate of pay. The EE Acts prohibit the payment of different rates of pay on the basis of any of the nine protected grounds.

The EE Acts imply a term into every contract of employment that there is an entitlement to equal pay between men and women.

The definition of pay is quite broad and includes sick pay, travel concessions, redundancy payments and bonus pay.



VICTIMISATION

Victimisation takes place where an employee is dismissed or suffers adverse treatment by their employer as a reaction to:

1. Making a complaint of discrimination.
2. Being involved in a claim under the EE Acts.
3. Representing or supporting a complainant.
4. The work of an employee having been compared with that of another employee for any of the purposes of the EE Acts (i.e the employee who was the comparator).
5. Acting as a witness in any proceedings under the EE Acts or Equal Status Acts.
6. Opposing by lawful means an act which is unlawful under the EE Acts.
7. Having given notice of an intention to take any of the actions mentioned above .

Victimisation can take place after a worker has left their employment. For example, a poor reference is given to possible employers and indicates that you previously made an employment equality complaint.

→ **EXAMPLE:**

After making a complaint of harassment to their manager, an employee is switched to the company's unpopular night shift.



VICARIOUS LIABILITY

Under the EE Acts, your employer can be liable for the actions of its employees, whether or not the act was done with the employer's knowledge, so long as the act was done during the course of employment. An employer can avoid vicarious liability where it can prove that it took **reasonably practicable steps** to prevent the employee from doing the act.

→ **EXAMPLE:**

An employee discriminates against a fellow employee of the company, who is not Irish, calling him names and referring to his country of origin. Whether this incident happened in the workplace or in a work related function outside the workplace, the employer can be found liable. In defending a claim under the EE Acts, the employer might show evidence that all employees had previously been given racism awareness and diversity training and/or whether the employee notified the employer of the discriminatory treatment.

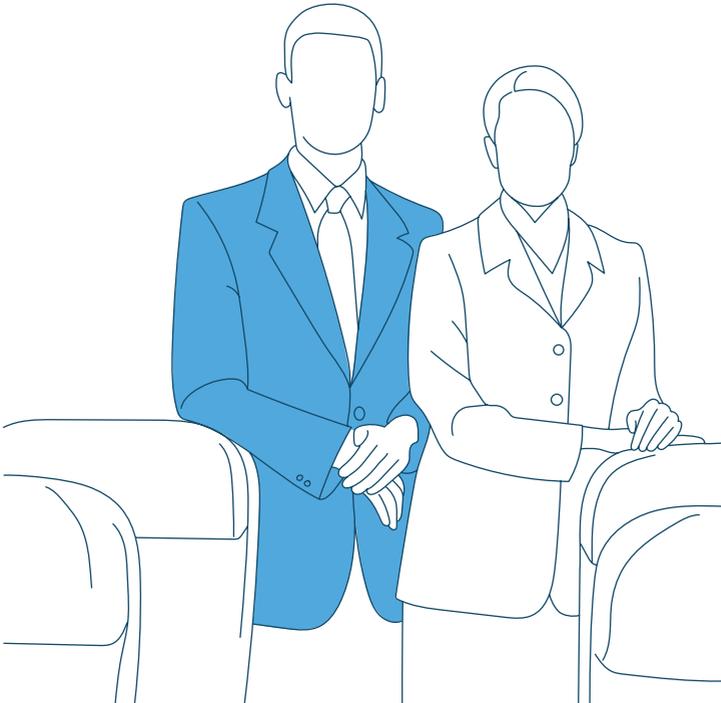


ADVERTISEMENTS

The EE Acts prohibit the publishing or displaying of an advertisement which relates to employment and which indicates an intention to discriminate or could be understood as indicating such an intention.

→ **EXAMPLE:**

An airline placed an advertisement in a national newspaper seeking “a young and dynamic professional” and stating that the ideal candidate will be “young and dynamic”. This advertisement was found to be discriminatory on the basis of the age ground.



MAKING A CLAIM



WORKPLACE RELATIONS COMMISSION

If you believe your rights have been infringed on under the EE Acts, you can make a complaint to the Workplace Relations Commission (WRC), with a general right of appeal to the Labour Court. In order to make a complaint, you will have to submit a complaint form to the WRC in writing. This can be done online by using the online Complaint Form available on the ‘Refer a Dispute/Make a Complaint’ page of the WRC’s website (www.workplacerelations.ie).

It is important when submitting your complaint form that you insert the correct name of your employer. This information can be found in your contract of employment (if you have received one), your payslip (if you have received one) or on any headed paper you have received in connection with your employment. If you have not received any paperwork from your employer, then you should include what you believe to be the correct name of your employer.

It is important when submitting your complaint form that you insert the correct legal name of the company. You can find this on the Companies Registration Office website (www.cro.ie). All information provided in the complaint form should be accurate to the best of your knowledge.

When submitting a complaint under the EE Acts, you must set out a clear statement giving details of the complaint. It is important to be as precise as possible about dates. If the incidents of discrimination are continuing, you can refer to these as ongoing discrimination. In this statement, you must set out the facts, the links between the discriminatory grounds and the alleged discrimination and any other relevant information. If you do not provide this statement, your claim may be struck out by the Director General of the WRC.

The WRC and the Labour Court have the power to strike out your claim without any prior notice to you if it has not been pursued.

Your claim can be dismissed if the WRC considers it frivolous or vexatious. The decision to dismiss a claim on this basis can be appealed to the Labour Court. Any information received by the WRC or the Labour Court from either party will be copied to the other.

If you have questions about the process, you can phone the WRC. Staff at the WRC will not however provide legal advice.

▶ Time limits

A complaint must be filed with the WRC within six months (except in the case of equal pay claim) of the date of the breach of the EE Acts.

This six-month time limit can run from either:

1. The most recent date of the offending conduct;
2. The ending of a discriminatory regime or practice; or
3. In the case of an isolated incident, simply six months from the date of the incident.

If your complaint has not been made within the six-month time period, it is possible for the WRC to extend the period of time to a maximum of twelve months, where you can show reasonable cause for such an extension.

▶ Pre-claim steps

The EE2 Form

The EE Acts provide a right to information to a potential claimant. The right to information is aimed at assisting an individual in deciding whether or not to bring a claim. It is possible to ask your employer for information in relation to:

1. Their reasons for doing or omitting to do any relevant act and any practices or procedures around the act
2. Pay or treatment of other people in the same or a similar position as the person seeking the information (other than confidential information)
3. Other information that is not confidential information or information about the scale or financial resources of the employer's business and which, in the circumstances of the case in question, it is reasonable for the person seeking the information to require.

There are statutory forms for seeking this information and replying to a request. These are known as the EE2 form and the EE3 form. These are available on **www.workplacerelations.ie**. The information gathered from any response given may assist an employee in deciding whether or not they have a case.

The employer can respond to the EE2 form using the EE3 form. If there is no reply or if the replies are false or misleading, this may be taken into account in deciding the case.

Data Access Request

Under the Data Protection Act, you have the right, subject to certain restrictions, to data held about you by an organisation or person. In order to get this information, you must write to your employer/prospective employer (sample letter can be found at Appendix 1). For more information on this and what to do if your data access request is not complied with, see **www.dataprotection.ie**.

Freedom of Information Request

The Freedom of Information Act grants an individual the right, subject to certain restrictions, to access information held by Government departments, agencies or other designated bodies in receipt of state funding. In order to access such information, you can write a letter seeking access or complete a 'request for access to records' form.

For further information on this and what to do if your request is not complied with, see **www.foi.gov.ie**

► Preparation for your case

Ensure that you have obtained a copy of all documentation that will support your claim (emails, texts, wage slips etc). Also, keep records of any attempt to secure employment following dismissal. Bring three copies of all relevant documentation to the hearing. You should send these documents to the Adjudicator in advance of the hearing.

You should also consider if there are any witnesses that you may need at the hearing who would be able to corroborate your claim and approach these individuals to see if they will agree to attend at the hearing of your case. An Adjudication Officer or the Labour Court can, in certain circumstances, require the attendance of a witness or the production of a document.

You will find previous decisions at **www.workplacerelations.ie** under Decisions & Determinations. It may be useful to rely on previous similar decisions in arguing your case before the Adjudicator.

▶ Process of bringing a claim



Step 1:

Once your complaint has been submitted, the WRC may refer your matter to mediation if both parties agree. The mediation officer is a neutral person whose job it is to work with both parties to reach an agreement and settle the claim. If a settlement is reached through mediation, the terms of the settlement are confidential and legally binding. Settlement agreements can be enforced through the Courts.

In the event your case is not resolved or referred to mediation, the matter will be referred for investigation to an Adjudication Officer who will deal with your case.



Step 2:

When the matter has been listed for hearing before the Adjudication Officer, you will receive a letter telling you the time and location of the hearing. It is important to attend on the date for the hearing. If you do not attend, the matter may be struck out in your absence. If you are unable to attend on the hearing date, you should contact the Adjudication Officer assigned to your case to request that the matter be adjourned. In certain cases the hearing date can be adjourned (e.g. medical treatment). You should forward any supporting documentation which will support your application for an adjournment. If the matter is adjourned, both sides will be informed of the new date.

If you and the respondent negotiate a settlement before the hearing, the terms of the settlement should be written down and signed by both parties.

The hearing before the Adjudication Officer is in private and therefore members of the public or press cannot attend.



Step 3:

The Adjudication Officer will control the hearing and will decide how it proceeds. You should refer to the Adjudication Officer as “Chair”. Once the hearing is concluded, the Adjudication Officer’s written decision will issue in a number of weeks.

The WRC may decide that a particular case is suitable for decision without an oral hearing. Where this is proposed, the WRC will write to both parties and if either party objects to this within the time period allowed, the case will proceed to an oral hearing. If no objection is received, the case will be decided without an oral hearing.

► Burden of Proof

In cases under the EE Acts, the claimant is required to establish facts from which discrimination can be inferred.

Once this is done, the burden shifts to the respondent to show that no unlawful discrimination took place.

→ EXAMPLE

A claimant could put forward a case that they were dismissed on an afternoon, having discussed their religion informally with management at lunchtime. Then, the burden would shift onto the respondent to establish that some other factor gave rise to the dismissal and not the revelation of the employee's religious beliefs.

► Appeals

Either party is entitled to appeal the WRC decision to the **Labour Court**. If you appeal to the Labour Court, the case is heard again from the beginning.

In order to appeal the decision of an Adjudication Officer, you need to fill out an appeal form (available on **www.workplacerelations.ie**) and you must submit the form within a period of **42 days** of the date of the communication of the decision. You should also attach a copy of the Adjudication Officer's decision to the appeal form.

The hearing before the Labour Court on appeal is different from that of the Adjudication Officer. The hearing is more formal and the Labour Court sits with three members rather than one. Evidence is heard on oath and members of the public and the press may attend.

You must lodge **written submissions** to the Court within a period of 3 weeks of lodging the appeal. These written submissions give the Labour Court an outline of the factual background of the case, the matters in dispute, the position of the appellant, any legal issues and summarise the appellant's position.

The appellant's submissions will be sent to the respondent and the respondent's submissions will be required within a further 3 weeks. Once written submissions are received from both sides, the matter will be listed for hearing.

► **Labour Court**

The Labour Court will contact you with details of the time, date and venue for the hearing of the matter. Adjournments are rarely given in the Labour Court. When making a request for an adjournment, you should forward any supporting documentation which will support your application.

During the hearing you should refer to the Chair as "Chairperson" and the other two members of the Court as Mr A or Ms A. You should stand when the Court enters and leaves the room. Both parties will be entitled to give evidence and call witnesses. Anyone who gives evidence can be subjected to cross-examination by the opposing side and the Court members may also ask questions of the parties and witnesses.

Following the hearing, the written decision of the Labour Court will be issued to the parties and will be published online.

The Labour Court may decide that your case could be suitable to be decided without an oral hearing. Prior to this, the Labour Court will write to the parties indicating its intention to do so. If either party objects, within the permitted time, the case will proceed to a hearing.

► Appeal of Labour Court Decision

It is only possible to appeal a decision of the Labour Court to the High Court on a point of law. The appeal must be based on a legal point and the High Court will not hear the whole case again.

All proceedings before the WRC i.e. hearings before an Adjudication Officer and Labour Court can be the subject of a Judicial Review application brought in the High Court, where either party can challenge the procedural fairness of the hearing.

► Remedies

Under the EE Acts, the maximum compensation which can be awarded by either an Adjudication Officer or the Labour Court on appeal is as follows: -

- a. In relation to **an equal pay claim**, an order that you receive equal pay from the date on which the complaint was made and a maximum of three years pay arrears.
- b. In relation to **discrimination claim** or **victimisation claim** where you were an employee when the claim was referred to the WRC you can be awarded compensation for the effects of discrimination

or victimisation up to a maximum of two years pay or €40,000, whichever is the greater.

- c.** If you are not an employee (i.e. you are applying for a job) you can be awarded a maximum of €13,000.
- d.** An order for equal treatment.
- e.** An order that a person or persons specified in the order take a specified course of action.
- f.** An order for re-instatement or re-engagement, with or without an order for compensation.

▶ Legal costs

You will not be awarded the costs of your legal representation in the WRC or Labour Court. You will also not have to pay the legal costs of the respondent even in the event that you lose in the WRC or Labour Court. In claims or appeals brought in the Circuit Court or High Court, the losing party is usually held liable for the legal costs of both parties.

▶ Enforcement

If your employer fails to comply with the decision, you can enforce a decision of an Adjudication Officer or of the Labour Court by making an application to the District Court. The application for enforcement is made by notice of application (see sample notices at Appendix 2 and Appendix 3). The application must be made to the District Court in which the employer resides (i.e. your employer's registered address) or carries on any profession, business or occupation. Before making an application in connection with a decision of an Adjudication Officer, a period of **56 days** must elapse from the date that the decision was issued to the parties. Before making an

application in connection with a decision of the Labour Court, a period of **42 days** must elapse from the date that the decision was issued to the parties.

The employer will have to be served with the notice of application and you will be required to complete a declaration of service (available on **www.courts.ie**).

The District Court has the power to enforce and/or vary the award of the WRC or Labour Court and has the power to award you the costs of seeking enforcement.

In certain cases, the WRC can, on request by you, enforce the decision in the District Court on your behalf.





CIRCUIT COURT CLAIMS

A claim for discrimination on the grounds of gender can be brought to the WRC or, alternatively, to the Circuit Court.

▶ Time limits

The same time limits apply to proceedings brought before the Circuit Court as for the WRC.

▶ Pre-claim steps

It is open to an individual to seek information from their employer in the same manner as that of a WRC claim.

▶ Process of bringing a claim

In order to commence proceedings for gender discrimination in the Circuit Court, you must issue an Employment Law Civil Bill (see sample civil bill at Appendix 4). You are required to give details of your complaint in this document and your civil bill should be issued in the Circuit Court Office where the employer resides (i.e. your employer's registered address) or carries on any profession, business or occupation.

It is possible to seek documentation in the Circuit Court from the employer by means of an application known as discovery.

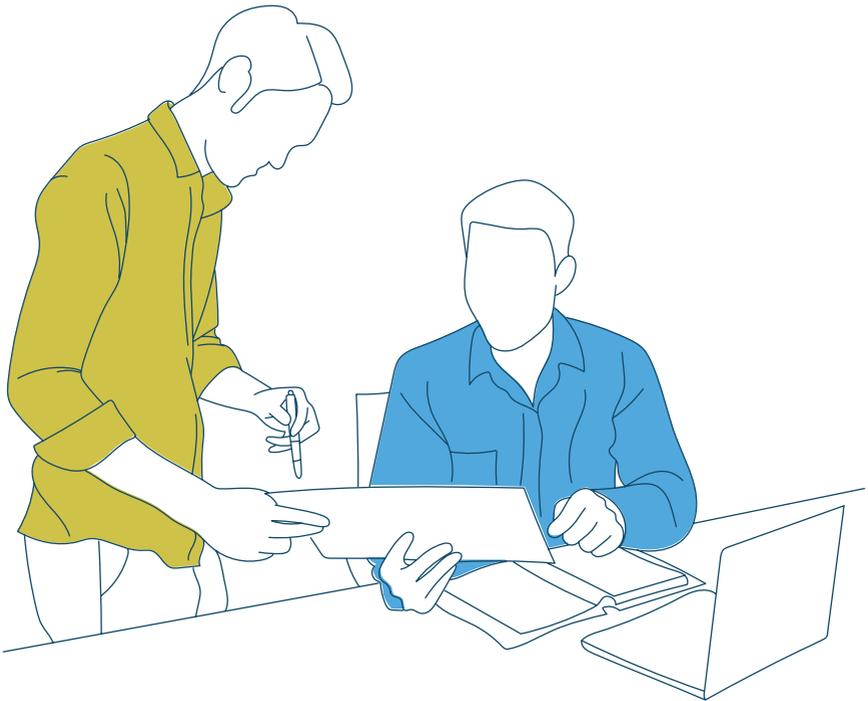
All Circuit Court claims will be heard in public and the case will be heard by way of oral evidence subject to cross-examination.

▶ Remedies

The Circuit Court is entitled to order any of the forms of redress provided under the EE Acts (discussed above). The Circuit Court can award backdated arrears of remuneration for 6 years.

▶ Appeal to High Court

The decision of the Circuit Court can be appealed to the High Court.



APPENDICES



APPENDIX 1

Data Protection Acts - Subject Access Request

[INSERT YOUR ADDRESS]

[INSERT EMPLOYERS ADDRESS]

[INSERT DATE]

Re: Subject Access Request

To Whom It May Concern,

I wish to make an access request under Section 91 of the Data Protection Act 2018 for a copy of any information you keep about me, on computer or in manual form in relation to

Details which may be of assistance:

- My PPS number is [INSERT];
- My Staff number is [INSERT];
- I was employed during the period of XX to XX [INSERT];

I look forward to hearing from you.

Kind Regards,

[INSERT NAME]

Email: [INSERT]



APPENDIX 2

Sample Enforcement Application for the District Court in relation to a decision of an Adjudication Officer

40C.01

Notice of Statutory Application

AN CHÚIRT DÚICHE

THE DISTRICT COURT

District Court Area of Dublin

District No 1

Record number:

IN THE MATTER OF SECTION 43 OF THE WORKPLACE RELATIONS ACT 2015
ON THE APPLICATION OF [INSERT CLAIMANT'S NAME]

Between:

[INSERT EMPLOYEES NAME]

Claimant

-and-

[INSERT EMPLOYERS NAME]

Respondent

NOTICE OF APPLICATION

TAKE NOTICE that the above-named claimant will apply to the District Court sitting at on the __ day of __ 20__ at a.m./p.m. (the “return date”) for:

1. An order directing the Respondent to carry out the decision of the adjudication officer made in favour of the Claimant dated the [INSERT DATE] and bearing Adjudication Reference number [INSERT] in the sum of €[INSERT AMOUNT];
2. An Order directing the Respondent to discharge to the Claimant interest on the compensation at the rate referred to in section 22 of the Act of 1981, in respect

of the whole award of the period beginning 56 after the date on which the decision of the adjudication officer was communicated to the parties being the ___ day of ___201_ [INSERT ADDRESS] and ending on the date of the order.

3. Such further or other relief and or consequential direction as this Court deem fit and meet;

4. An Order providing for the costs of and ancillary to these proceedings.

B. The grounds for the application are as follows:

The Claimant brings this application for relief in circumstances where the Claimant has received a decision of the adjudication officer dated the [INSERT DATE] and bearing Adjudication Reference [INSERT] in which he/she [DELETE INAPPLICABLE] was awarded the sum of €[INSERT AMOUNT]. The award provided by the decision of the adjudication officer remains outstanding. The Claimant will rely on the proceedings herein, the decision of the adjudication officer dated the [INSERT DATE] bearing Adjudication Reference [INSERT] and the nature of the case and the reasons offered. Submissions will be made to the Court to the effect that the Respondent has failed to comply with the decision of the adjudication officer and will seek orders from this Honourable Court pursuant to section 43 of the Workplace Relations Act 2015.

C. The Applicant herein will rely on the jurisdiction conferred on the District Court by the Workplace Relations Act 2015.

LIST OF DOCUMENTS ON WHICH THE CLAIMANT WILL RELY AND COPIES
OF WHICH ARE ATTACHED

Document:

Date:

Description:

1. Adjudication Officer decision [DELETE THE INAPPLICABLE]
__ day of __ 20__ bearing Adjudication Reference [INSERT]
2. Insert any other relevant document
Etc

Signed: _____

Claimant or Solicitor for the claimant: _____

To: District Court Clerk at [INSERT ADDRESS]

And To: [Respondent or Solicitor for the Respondent]

This notice of the application has been filed with the District Court Clerk at
..... and issued to the above return date on the __ day of __ 20__.



APPENDIX 3

Sample Enforcement Application for the District Court in relation to a Labour Court Decision

40C.01

Notice of Statutory Application

AN CHÚIRT DÚICHE

THE DISTRICT COURT

District Court Area of Dublin

District No 1

Record number:

IN THE MATTER OF SECTION 45 OF THE WORKPLACE RELATIONS ACT 2015
ON THE APPLICATION OF [INSERT CLAIMANT'S NAME]

Between:

[INSERT EMPLOYEES NAME]

Claimant

-and-

[INSERT EMPLOYERS NAME]

Respondent

NOTICE OF APPLICATION

TAKE NOTICE that the above-named claimant will apply to the District Court sitting at on the __ day of __ 20__ at a.m./p.m. (the “return date”) for:

5. An order directing the Respondent to carry out the Labour Court decision made in favour of the Claimant dated the [INSERT DATE] and bearing determination number [INSERT] in the sum of €[INSERT AMOUNT];
6. An Order directing the Respondent to discharge to the Claimant interest on the compensation at the rate referred to in section 22 of the Act of 1981, in respect

of the whole award of the period beginning 42 after the date on which the decision of the Labour Court was communicated to the parties being the ___ day of ___201_ [INSERT ADDRESS] and ending on the date of the order.

7. Such further or other relief and or consequential direction as this Court deem fit and meet;
8. An Order providing for the costs of and ancillary to these proceedings.

B. The grounds for the application are as follows:

The Claimant brings this application for relief in circumstances where the Claimant has received a decision of the Labour Court dated the [INSERT DATE] and bearing determination number [INSERT] in which he/she was awarded the sum of €[INSERT AMOUNT]. The award provided by the decision of the Labour Court remains outstanding.

The Claimant will rely on the proceedings herein, the decision of the Labour Court dated the [INSERT DATE] bearing determination number [INSERT NUMBER] and the nature of the case and the reasons offered. Submissions will be made to the Court to the effect that the Respondent has failed to comply with the Labour Court decision and will seek orders from this Honourable Court pursuant to section 45 of the Workplace Relations Act 2015.

- C. The Applicant herein will rely on the jurisdiction conferred on the District Court by the Workplace Relations Act 2015.

LIST OF DOCUMENTS ON WHICH THE CLAIMANT WILL RELY AND COPIES OF WHICH ARE ATTACHED

Document:

Date:

Description:

1. Labour Court decision [DELETE THE INAPPLICABLE]
__ day of __ 20__ bearing Adjudication Reference [INSERT]

2. Insert any other relevant document
Etc

Signed: _____

Claimant or Solicitor for the claimant: _____

To: District Court Clerk at [INSERT ADDRESS]

And To: [Respondent or Solicitor for the Respondent]

This notice of the application has been filed with the District Court Clerk at
..... and issued to the above return date on the __ day of __ 20__.



APPENDIX 4

Sample Circuit Court Civil Bill

AN CHUIRT CHUARDA

THE CIRCUIT COURT

Record No:

DUBLIN CIRCUIT

COUNTY OF THE CITY OF DUBLIN

IN THE MATTER OF SECTION 77(3) OF THE EMPLOYMENT EQUALITY ACT,
1998 AS AMENDED

Between:

[INSERT EMPLOYEE'S NAME]

Plaintiff

-and-

[INSERT EMPLOYER'S NAME]

Defendant

EMPLOYMENT LAW CIVIL BILL

You are hereby required within ten days after the service of this Civil Bill upon you to enter or cause to be entered with the County Registrar at his/ her Office at, an Appearance to answer the claim of of, the Plaintiff herein.

AND TAKE NOTICE that unless you do enter an Appearance you will be held to have admitted the said claim and application may be made to the Court in your absence for the orders sought herein.

AND FURTHER TAKE NOTICE that, if you intend to defend the proceeding on any grounds, you must not only enter an Appearance, but also, within ten days after Appearance, deliver a statement in writing showing the nature and grounds of your Defence.

The Appearance may be entered by posting same to the said Office and by giving copies thereof to the Plaintiff or his Solicitor by post and the Defence may be delivered by posting same to the Plaintiff or his Solicitor.

Dated the day of

Signed: _____

Plaintiff/Solicitors for the Plaintiff

To:

Defendant/Solicitors for the Defendant

And

To: The County Registrar

INDORSEMENT OF CLAIM

[Insert details of the Plaintiff's claim including the basis upon which jurisdiction is claimed]

THE PLAINTIFF CLAIMS:

[Insert details of reliefs sought by the Plaintiff]

Plaintiff /Solicitors for the Plaintiff



USEFUL WEBSITES

Community Law & Mediation

www.communitylawandmediation.ie

Northside Centre for the Unemployed

www.ncutraining.ie

Workplace Relations Commission

www.workplacerelations.ie

Courts Service of Ireland

www.courts.ie

Irish Human Rights and Equality Commission

www.ihrec.ie

Citizens Information

www.citizensinformation.ie

Irish Statute Book

www.irishstatutebook.ie

Law Reform Commission

www.lawreform.ie

Data Protection Commissioner

www.dataprotection.ie

Freedom of Information

www.foi.gov.ie

Northside Civic Centre, Bunratty Road, Coolock, Dublin 17, Ireland

Tel: (01) 847 7804, E: info@communitylawandmediation.ie

Limerick Social Service Centre, Henry Street, Limerick, Ireland

Tel: (061) 536 100, E: limerick@communitylawandmediation.ie

www.communitylawandmediation.ie