



Coiste Gairmoideachais
Thiobraid Árann Thuaidh

North Tipperary
Vocational Education Committee

Section 5: EQUALITY AND DIVERSITY

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5.1 Introduction

The development of North Tipperary VEC's Equality policies and procedures takes account of equality legislation and other relevant legislation including:

- Employment Equality Acts, 1998-2007
- Equal Status Acts, 2000-2004
- Education Welfare Act, 2000
- Disability Act, 2005
- Protection of Employees (Part-time) Work Act, 2001
- Protection of Employees (Fixed Term) Work Act, 2003
- Safety, Health and Welfare at Work Act, 2005.
- Vocational Education (Amendment) Act, 2001
- Youth Work Act, 2001
- Public Service Management (Recruitment and Appointments) Act, 2004
- Maternity Protection Acts, 1994-2004
Circular Letters CL 21/97; PPT 3/01 and PPT 8/01)

The Committee is committed to effectively integrate the principle of equality into all its activities and will take full account of equality in future developments.

As an education organisation we will work to eliminate unfair discrimination, redress imbalances and foster an ethos of equality and will continue to develop guidelines and codes of practice which will underline our commitment to the principle of equality.

It is the responsibility of all Senior Managers in the service of the Committee to practice, support and communicate equal opportunity practices throughout the organisation. All employees in turn must accept their personal obligations and duties in this regard.

Aims and Objectives

The aim of the following policies and procedures is to promote equality of opportunity and to accept and celebrate diversity among staff students and other service users. Specifically, the objectives of the policy are:

- To ensure that all staff are aware of their obligations and duties as Teachers, Officers, Managers, Directors, employees and representatives of the Committee under the provisions of national legislation and the policies of the Committee
- To ensure that the Committee affords all students an equal opportunity to develop their full potential; the policies, procedures and practices of the Committee in relation to teaching, learning and examining will seek to ensure equality of opportunity for all students and, as far as is practicable, practices will conform with the published procedures of the Committee
- To ensure that applicants for admission as students of Committee's Schools/Colleges/Centres are treated fairly and in accordance with published policies and procedures - (particularly admissions policies)
- To promote a harmonious working environment for staff and students based on mutual respect within which staff and students are encouraged to develop their full potential in

the interests of the individual and the Committee - (particularly student behaviour policies)

- To ensure that all employees of the Committee are supported, appraised, given access to relevant work experience, promoted and otherwise treated on the basis of their relevant merits, qualifications, abilities and experience
- To ensure that all applicants for employment in the Committee are treated fairly on the basis of their merits, abilities, qualifications and suitability for appointment and that appointment procedures do not discriminate on the basis of criteria which cannot be justified by the demands of the post
- To monitor and review employment policies and practices to ensure that they do not, directly or indirectly, discriminate unfairly against individual members of staff or particular groups of staff
- To ensure that all employees with similar job descriptions, or performing similar functions/roles within this Committee will be treated equally with regard to all aspects of their terms of employment, i.e. working conditions, selection for short term working, transfers, procedures for disciplinary measures and termination of employment.

Implementation of Equality Practices

North Tipperary VEC makes the following commitments to ensure effective implementation of these policies.

1. To ensure that this policy is made known to all employees
2. To provide information and support to enable staff to understand their responsibilities as set out in this policy, and as required by national legislation, and to provide support and guidance to enable staff to discharge these responsibilities
3. To consult with staff and the Trade Unions representing staff, where appropriate and practicable, on issues relating to equal opportunities and to encourage the involvement and commitment of all parties to the promotion of equal opportunities
4. To identify, develop and support positive action measures to ensure that all members of staff have an equal opportunity, and, where appropriate, encouragement to obtain employment, promotion and further education for personal and career development
5. To review employment procedures and practices regularly to ensure that they continue to reflect and promote the Committee's policy and identify areas for action
6. To establish appropriate mechanisms whereby staff or job applicants who feel that they have been unfairly treated can have their complaints investigated.

Supporting Employment Equality

When recruiting, full job specifications will be prepared, outlining requirements that are absolutely essential for the job in question. Non-essential qualifications/qualities will be described as "desirable"

The Committee will ensure that all employees involved in making employment related decisions will be provided with training and guidance to ensure that they understand their position, the Committee's policy and legal requirements. Members of interview panels will be provided with guidance and instruction as required in relation to good interview practices and in the prevention of discrimination

Employees involved in making employment related decisions will not make assumptions about future career intentions or domestic responsibilities of employees which would adversely

influence decisions about training and development

Employees involved in making employment related decisions will afford all employees equal and full opportunities for continuing professional development

The Committee will take appropriate disciplinary action towards an employee who fails to follow the Committee's Equal Opportunities Policy

Any employee who feels that he/she has been treated unfairly in terms of access to employment, conditions of employment, training, work experience or promotion, regarding or reclassification of posts should follow and apply the Committee's appropriate Grievance Procedure.

5.2 Charter for Dignity at Work

The charter below will be display in all Centres throughout North Tipperary VEC.

Charter for Dignity at Work

We at North Tipperary VEC commit ourselves to working together to maintain workplace environments that encourage and support the right to dignity at work.

All who work for North Tipperary VEC are expected to respect the right of each individual to dignity in their working life.

All will be treated and respected for their individuality and diversity.

Bullying in any form is not accepted by us and will not be accepted.

All North Tipperary VEC policies and procedures will reflect and support the principles and objectives of this charter.

All employees of North Tipperary VEC are obliged to uphold this dignity at work charter.

5.3 Equality Policy

1. Introduction

This policy is situated within the context of North Tipperary VEC 's five-year education plan, the chief aim of which is to actively contribute to the development of an inclusive and accepting democratic society. This Equality Policy provides the framework by which we will promote, in an active and positive manner, equality across the organisation. The purpose, therefore, of this policy is to ensure that staff and service users in North Tipperary VEC are aware of equality issues and have the capacity to promote equality and combat discrimination ethically and in accordance with the Equal Status Acts 2000 and 2004. In promoting equality throughout North Tipperary VEC we will prohibit discrimination across the nine grounds identifies by the Equality Authority as well as sexual harassment and harassment in general, and victimisation. We will provide information on the elements associated with equality and detail the exemptions and an appeals process. This policy applies to all staff, service users, and those who provide a service to North Tipperary VEC.

2. Context

This Policy undertakes to address discrimination on the following nine grounds:

1. Gender: A man, a woman or a transsexual person
2. Marital status: Single, married, separated, divorced or widowed
3. Family status: Pregnant, a parent of a person under 18 years or the resident primary carer or parent of a person with a disability
4. Sexual orientation: Gay, lesbian, bisexual or heterosexual
5. Religion: Different religious belief, background, outlook or none
6. Age : This only applies to people over 18 except for the provision of car insurance to licensed drivers under that age
7. Disability: This is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
8. Race: A particular race, skin colour, nationality or ethnic origin
9. Traveller community: People who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

3. Elements associated with Equality

- Elements associated with equality include:
- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Disability
- Sexual harassment and harassment
- Victimization
- Employer's duties.

North Tipperary VEC understands these elements, as outlined below, and will endeavour to ensure that practice throughout the organisation will address these challenges on an ongoing basis.

3.1 Direct discrimination has a specific meaning in the Acts and is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds.

3.2 Indirect Discrimination happens where there is less favourable treatment as a result of our actions, policies or procedures. It occurs where people are, for example, refused a service not explicitly on account of a discriminatory reason but because of a provision, practice or requirement which we may find hard to satisfy.

3.3 Discrimination by Association happens where a person associated with another person (belonging to the discriminatory grounds) is treated less favourably because of that association.

3.4 As an educational service we will do all that is reasonable to accommodate the needs of people with a disability. This involves providing special treatment or facilities in circumstances where, without these, it would be impossible or unduly difficult to avail of our services. However, while we are not obliged to provide special facilities or treatment when this costs more than what is called a nominal cost, we will systematically seek State provided grants or aids to assist us in providing special treatment or facilities.

3.5 Sexual harassment is any form of unwanted verbal, nonverbal or physical conduct of a sexual nature. Harassment is any form of unwanted conduct related to any of the

discriminatory grounds. In both cases it is conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

3.6 Victimisation occurs where adverse treatment is made as a reaction to a complaint of discrimination.

3.7 As an employer North Tipperary VEC will communicate this policy throughout the organisation and will provide support, as is practicable, to ensure that all elements associated with equality are addressed. We will continually monitor and evaluate practice and will ensure that all policies, procedures, strategy documents, etc, are developed with reference to equality issues. We understand that under the Equality Acts we may be liable for discriminatory acts of an employee in the course of his or her employment, unless it is demonstrated that we have taken reasonably practicable steps to prevent the conduct. As an educational organisation we shall not publish or display, or cause to be published or displayed, an advertisement which indicates an intention to discriminate, harass, sexually harass, or might reasonably be understood as indicating such an intention.

Exemptions

1. General Exemptions

It is the intention of North Tipperary VEC to implement this policy with openness and generosity of spirit however a number of exemptions need to be clarified regarding equality across the organisation. The broadest general exemption is that anything mandated by the Oireachtas or EU law is allowed and we will allow preferential treatment or the taking of positive measures which are bona fida intended to:

- Promote equality of opportunity for disadvantaged persons
- Cater for the special needs of persons, or a category of persons who because of their circumstances, may require facilities, arrangements, services or assistance.

North Tipperary VEC shall not discriminate in relation to:

- The admission or the terms or conditions of admission
- The access of any student to any course, facility or benefit
- Any other term or condition of participation
- The expulsion of a student or other sanction.

However the Acts allow us to provide different treatment in the allocation of places to mature students and to offer assistance to particular categories of students by way of sponsorships, scholarships, bursaries or other awards but only if these are justified by historical or traditional considerations.

2 Specific exemptions

2.1 Gender: the Acts allow people to be treated differently on the gender ground in relation to:

- Cosmetic services -covering cosmetic, aesthetic or similar services which involve physical contact (e.g. hairdressing)
- Privacy/Embarrassment - where embarrassment or breach of privacy could reasonably be expected to happen on account of the presence of a person of another gender.

2.2 Religion: the Acts allow people to be treated differently on the religion ground in relation to religious goods and services, where the goods and services are provided for religious purposes.

2.3. Gender, age, disability and/or race/nationality: the Acts allow people to be treated differently on the basis of their gender, age, disability or nationality in relation to providing or organising sporting facilities or events but only if the differences are reasonably necessary and are relevant and in relation to dramatic performance or other entertainment but only if the differences are reasonably required for reasons of authenticity, aesthetics, tradition or custom.

3 Exemptions on all grounds

3.1 Special Needs: where services are provided which can reasonably be regarded as being suitable only to the needs of certain people

3.2 Membership of the Traveller community: the Minister may provide different treatment on these grounds and also on the gender and nationality ground.

4 Specific Exemptions for North Tipperary VEC

4.1 Risk of criminal or disorderly conduct

North Tipperary VEC can refuse service to a person if a reasonable individual, having the knowledge and experience of the provider, would form the belief that the provision of service to the person would produce a substantial risk of criminal or disorderly conduct or behaviour, or damage to property in or around the area where the service is provided. That said we will also employ the following exemptions in a reasonable manner:

4.2 Allocating places for exchange students

Treating nationals of an EU member state differently to those who are not, in relation to fees for admission or attendance, making grants, and the allocation of places

Providing different treatment on the gender, age or disability grounds in relation to the provision or organisation of sporting events or facilities but only to the extent that the differences are necessary having regard to the nature of the facilities or events

Treating students with disabilities differently (apart from making reasonable accommodation subject to nominal cost exemption) only if the disability is making the provisions of educational services impossible to other students or having a seriously detrimental effect on that provision.

5 Clubs within North Tipperary VEC

The specific provisions relating to clubs refer to bodies that have applied for or hold a certificate of registration under the Registration of Clubs Act, 1904 - 1999. Clubs within North Tipperary VEC will not:

5.1 Have a rule, policy or practice which discriminates against a member or applicant or

5.2 Have a person involved in its management who discriminates against a member or applicant in relation to the affairs of the club.

A club will not be considered to be a discriminating club if:

- o The principal purpose of the club is to cater only for the needs of persons of a particular gender, marital status, family status, sexual orientation, religious belief or none, age, disability, nationality or ethnic or national origin or members of the Traveller community.

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- It confines benefits or privileges to particular categories of age or gender where it is not practicable for those outside the category to enjoy the benefit or privilege at the same time as members within the category. The clubs must make arrangements to offer the same or a reasonably equivalent benefit or privilege to those members outside the category
 - It has different types of membership, access to which is not based on any discriminatory ground
 - It seeks to eliminate past discrimination by offering particular fee rates or membership arrangement to persons of a particular gender, by reserving places on the management board etc. or takes other steps for the principal purpose of obtaining a more equal involvement in club matters of persons who are members of a particular category
 - It provides reasonably necessary different treatment to members of a particular gender, age, disability, nationality or national origin as regards sporting facilities or events.

Appeals Procedure

1. Introduction

North Tipperary VEC's Appeals Procedure has both an Informal and a Formal element. The Informal process will normally be employed to see if a complaint can be addressed and resolved in this manner. However, if the informal process is not deemed to be satisfactory the complainant has access to our Formal appeals process.

2. The Informal Process

This informal appeals process will be followed as a result of a complaint on any of the nine grounds detailed in the Equality Acts, as well as sexual harassment, harassment, or victimisation.

2.1 Stage 1

A staff member who feels that s/he has been discriminated against, harassed or victimised should immediately ask the person harassing them to stop. It may be possible and sufficient for the, student, staff member, or other member of the public, to explain clearly to the person/s engaging in the unprovoked conduct that the behaviour concerned is unwelcome, that it offends them, or makes them uncomfortable and that it interferes with their work. A person who wishes to make a complaint should make an appointment to discuss the matter with the subject of the complaint with a view to resolving the complaint.

2.2 Stage 2

If the complainant feels that s/he cannot directly address the subject/s of the complaint engaging in the unprovoked conduct, s/he should ask a Designated Person (these names are available from the Principal/Manager) to do so on their behalf. In each school/centre/office all staff, acting jointly for this purpose, shall elect two Designated Persons (male and female) for a period of two years. The names of the nominees shall be forwarded to North Tipperary VEC for ratification. If the subject of the complaint does not stop, or if, in the first instance, it is of such a nature that the complainant (normally after a discussion with a Designated Person) considers that it should be reported, the matter should proceed to stage 3. The procedure at stage 1 should normally be concluded within 5 working days of the reporting of the matter to the Designated Person

2.3 Stage 3

If the matter is unresolved at stage 2 the complainant should approach the Officer of First Resource (normally understood to be a Deputy Principal in a school or in other contexts a member of senior management) who would endeavour to resolve the complaint through an informal process as in stage 2. If the Officer of First Instance is a party to the complaint, another agreed person shall be appointed to this position.

If at the end of this three-stage informal process, which should normally be concluded within 10 working days, the complainant is not satisfied then s/he should move to the formal complaints process as set out below.

3. The Formal Process

The Equality Tribunal, District Court and Circuit Court have roles in relation to complaints/claims under the Equal Status Acts, 2000 to 2004. All complaints/claims (except for complaints/claims in relation to discriminating clubs) under the Equal Status Acts 2000 to 2004 are brought to the Equality Tribunal which is the quasi-judicial body established to investigate, hear and decide complaints/claims under the Equal Status Acts.

3.1 Step 1: Written notification

Anybody wishing to make a complaint of discrimination must notify the person against whom the complaint is being made, in writing, within two months of the date of the most recent occurrence of the discrimination. This written notification can be done by acquiring and filling out form EE1. This notice must identify the nature of the complaint and the intent to seek redress. The complainant who wishes to obtain information must do so in the written notification. If this written notification is not sent, a complaint/claim cannot be pursued.

People with intellectual or psychological difficulties

A parent, guardian or other person acting in place of a parent can be the complainant where a person is unable by reason of an intellectual or psychological disability to pursue a complaint effectively.

3.2 Step 2: Pursuing a complaint

If there is no reply or if the reply is unsatisfactory the complaint should be referred to the Equality Tribunal within six months of the discrimination. This written notification can be done by acquiring and filling out form EE2 & EE3. The Director of the Equality Tribunal for reasonable cause can:

Extend the period of written notification from two to four months

Extend the 6 month time limit to 12 months. (in exceptional circumstances the Director may waive some or all of the written notification requirements).

3.3 Step 3: At the Equality Tribunal

Mediation

The Director of the Equality Tribunal can at any stage with the consent of both parties, appoint a mediation officer. If the mediation reaches a settlement between both parties then the terms are legally enforceable.

Investigation

If the case is not dealt with by mediation or the mediation fails, the complaint then proceeds to be investigated and the Director of the Equality Tribunal appoints an Equality Officer to investigate, hear and decide the complaint. Investigations are held in private. The Equality officer will issue a determination.

Representation and costs

A complainant may represent themselves or be represented by a lawyer, trade union, community group or other representative. In general, costs are not awarded. Costs in respect of travelling and other expenses (except expenses of representative) can be awarded where a person obstructs or impedes the investigation or appeal.

Remedies

If there is a finding in favour of the person making a complaint, compensation of up to €6,350 in total can be ordered. The Equality Officer can also order persons to take specified courses of action.

Strike out of complaint/claim

The Director of the Equality Tribunal can dismiss a complaint/claim if she/he is of the opinion that it has been made in bad faith, or is frivolous, vexatious or misconceived or relates to a trivial matter or after a year it appears that the complainant has not pursued the complaint.

Appeals

All decisions (including decisions on time limits and striking out of the complaint/claim) may be appealed to the Circuit Court not later than 42 days from the date of the decision. There is no further right of appeal except to the High Court on a point of law.

Enforcement

A decision of the Director or a mediation settlement which has not been complied with may be enforced through the Circuit Court.

5.4 Employment Equality Policy

Introduction

The Employment Equality Acts 1998 and 2004:

- Promote Equality
- Prohibit discrimination (with some exemptions) across nine grounds
- Prohibit sexual harassment and harassment
- Prohibit victimisation
- Require appropriate measures for people with disabilities in relation to access, participation and training in employment
- Allow positive action measures to ensure full equality in practice across the nine grounds.

Scope

Aspects of employment that are covered include:

- Advertising
- Equal pay
- Access to employment
- Vocational training and work experience
- Terms and conditions of employment
- Promotion or re-grading
- Classification of posts
- Dismissal
- Collective agreements.

The Acts apply to:

- Full-time, part-time and temporary employees
- Public and private sector employment

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- Vocational training bodies
 - Employment agencies
 - Trade unions, professional and trade bodies.

The Acts also extend to:

- The self-employed
- Partnerships
- People employed in another person's home.

The legislation prohibits discrimination and on the nine grounds as defined in our Equality Policy above.

Advertising

It is prohibited to publish, display or cause to be published or displayed an advertisement which relates to employment which indicates an intention to discriminate or might be reasonably understood to indicate such an intention.

Equal Pay

The Act provides for equal pay for like work. Like work is defined as work that is the same, similar or work of equal value.

It is a term of everyone's contract of employment that there is an entitlement to equal pay. Equal pay claims can be taken on any of the nine discriminatory grounds.

Sexual Harassment

Sexual harassment and harassment are defined above in our Equality Policy.

Sexual harassment and harassment of an employee (including agency workers or vocational workers) is prohibited in the workplace or in the course of employment by:

- a) Another employee
- b) The employer
- c) Clients, customers or other business contacts of an employer including any other person with whom the employer might reasonably expect the victim to come into contact and the circumstances of the harassment are such that the employer ought reasonably to have taken steps to control it.

The Acts prohibit the victim being treated differently by reason of rejecting or accepting the harassment (or it could reasonably be anticipated that he or she would be so treated).

Disability - Reasonable Accommodation

An employer is obliged to take appropriate measures to enable a person who has a disability -

- to have access to employment
- to participate or advance in employment
- to undertake training

unless the measures would impose a disproportionate burden on the employer.

What are appropriate measures?

They are effective and practical measures to adapt the employer's place of business including:

- the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training or integration resources.

The employer is not obliged to provide any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself.

What is disproportionate burden?

In determining whether the measures would impose a disproportionate burden, account is taken of:

- the financial and other costs entailed
- the scale and financial resources of the employer's business, and
- the possibility of obtaining public funding or other assistance.

Victimisation

It is unlawful for an employer to penalise an employee for taking action around the enforcement of the Employment Equality Acts 1998 - 2004 and the Equal Status Acts 2000 - 2004.

Victimisation occurs where the dismissal or other adverse treatment of an employee is a reaction by the employer to:

- a complaint of discrimination made by the employee to the employer,
- any proceedings by a complainant,
- an employee having represented or otherwise supported a complainant,
- the work of an employee having been compared with that of another employee for any of the purposes of these Acts or any enactment repealed by these Acts,
- an employee having been witness in any proceedings under these Acts or any such repealed enactment
- an employee having opposed by lawful means an act which is unlawful under these Acts or any such repealed enactment, or
- an employee having given notice or an intention to take any of the actions mentioned in the preceding paragraphs.

Vicarious Liability

Employers are liable for anything done by an employee in the course of his or her employment, unless the employer can prove that he or she took reasonably practicable steps to prevent the discrimination.

General Exemptions

The prohibition on discrimination is subject to a number of general and specific exemptions. Some of the exemptions apply to particular types of employment, some apply to all kinds of employment, some apply to particular grounds and some apply to provisions in other legislation.

Exemptions in relation to all types of employment

- Capacity and competence - an employer is not required to employ someone who will not undertake the duties or is not fully competent or capable of doing the job. However, a person with a disability is fully competent and capable of undertaking any duties if the person would be so fully competent and capable on reasonable accommodation being provided by the employer
- Educational, technical or professional qualifications - the Act allows requirements in relation to the holding of specified educational, technical or professional qualifications which are generally accepted qualifications in the State for the post in question. - The Act allows requirements in relation to the production and evaluation of information about any qualification other than such a specified qualification
- Benefits in respect of an employee's family - the Act allows employers to provide certain benefits in respect of employee's families and family events and in relation to the provision of childcare or other care provision.

Exemptions in relation to occupational requirements

- In relation to officers or servants of the State (including the Garda Síochána and the Defence Forces) and officers or servants of a local authority, a harbour authority, a

health service executive area or a Vocational Education Committee - the application of any provision in relation to residence, citizenship and/or proficiency in the Irish language is allowed

- In relation to teachers in primary and post primary schools - the application of any provision in relation to proficiency in the Irish language is allowed
- In relation to the Defence Forces - there is an exemption on the age and disability grounds
- In relation to employment in another person's home for the provision of personal services - there is an exemption in relation to access to such employment (this exemption does not extend to other areas such as conditions of employment etc.)
- In relation to employment in the Garda Síochána or the Prison Service - there is an exemption on the gender ground in relation to the assignment to a particular post based on issues of privacy or decency, the control of violent individuals or crowds and the rescue of hostages
- There are exemptions in relation to the application of height criteria for men and women and to the maintenance of a sufficient number of either men or women in the Garda Síochána or Prison Service.

The main exemptions applying to particular grounds

In relation to all grounds

- Occupational requirement - difference in treatment is allowed which is based on a characteristic related to any of the nine grounds in respect of access to employment but only to the extent that the characteristic constitutes a genuine and determining occupational requirement and the objective is legitimate and the requirement proportionate.

In relation to the gender and marital status grounds

- Pregnancy, maternity & breastfeeding - treatment which confers benefits on women in connection with pregnancy and maternity including breastfeeding is allowed - anything done in compliance with any provisions of the maternity protection and adoptive leave legislation is not discrimination on the marital status ground

In relation to the age ground

- An employer may set a minimum age not exceeding eighteen years in recruitment and may offer a fixed term contract to a person over the compulsory retirement age - exemptions are provided in relation to age based criteria for occupational benefits schemes and entitlement to benefits and severance pay provided it does not constitute discrimination on the gender ground
- Exemptions are provided in relation to terms in collective agreements to the effect that where length of service would otherwise be regarded as equal, seniority may be determined by reference to relative ages of employees
- An employer can set different ages for the retirement of employees
- Anything done in compliance with the Protection of Young Persons (Employment) Act 1996, the National Minimum Wage Act 2000 or section 3 of the Redundancy Payments Act 1971 as amended by section 5 of the Redundancy Payments Act 1979 is not discrimination on the age ground. A number of other sections of various Acts are also exempted.

In relation to the age and race grounds

- Different treatment is allowed by vocational/training bodies in relation to fees and the allocation of places to people who are nationals of an EU member State
- Different treatment is allowed by vocational training bodies in relation to assistance to particular categories of persons by way of sponsorships, scholarships, bursaries but only to the extent that the assistance is reasonably justified having regard to traditional and historical considerations
- Different treatment is allowed by universities or other third level institutions in relation to allocation of places for mature students.

In relation to the religion ground

Certain religious, educational and medical institutions may give more favourable treatment on the religion ground to an employee or prospective employee where

- It is reasonable to do so in order to maintain the religious ethos of the institution
- Certain religious, educational and medical institutions may take action which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution
- Certain religious, educational and medical institutions may reserve places on specified vocational training courses and schools of nursing in such numbers (as seem necessary to the relevant Minister) to ensure the availability of nurses and primary teachers.

In relation to nationality

- There is an exemption for any action taken in accordance with the Employment Permits Act 2003

In relation to the disability ground

- There is an exemption in relation to the provision of a particular rate of remuneration for work of a particular description where, due to disability, the amount of work done during a particular period is less than the amount of similar work done or which could reasonably be expected to be done over that period by an employee without a disability.

Making a Claim

The process is similar to that presented in our Equality and Diversity Policy above with a number of distinctions detailed here.

The Equality Tribunal, the Labour Court and the Circuit Court all have roles in relation to claims of discrimination. All claims (except for gender discrimination claims) must be referred in the first instance to the Equality Tribunal (Gender discrimination claims have the option of going to the Circuit Court). The Equality Tribunal is the quasi judicial body established to investigate, hear and decide on claims for discrimination.

Right to Look for Information

Any person who believes that they may have experienced discrimination may write to the person who may have discriminated against them asking for certain information which will assist in deciding whether to refer a claim.

Employers are not obliged to reply but an Equality Officer may draw such inferences as seem appropriate from an employer failing to reply or supplying false, misleading or inadequate information. An employer is not obliged to disclose confidential information. Information should be requested using a standard form of questionnaire and reply (form E.E. 2 and E.E. 3 available from the Equality Tribunal, 3 Clonmel Street, Dublin 2 Tel: 01 477 4100 or www.equalitytribunal.ie).

Remedies

Where the Equality Officer finds in favour of the complainant, the following orders can be made:

- In equal pay claims an order for equal pay and arrears in respect of a period not exceeding three years
- In other cases an order for equal treatment and compensation for the effects of discrimination of up to a maximum of 2 years pay or €12,700 where the person was not an employee (the maximum compensation applies notwithstanding there was discrimination on more than one ground)
- An order for reinstatement or re-engagement with or without an order for compensation
- An order that a named person or persons take a course of action which is set out.

In gender discrimination claims which are initiated in the Circuit Court, the Circuit Court in equal pay claims may order arrears of pay in respect of 6 years before the date of referral.

There is no limit to the amount of compensation that may be ordered by the Circuit Court.

There are specific provisions in relation to claims of discrimination by the Civil Service Commissioners, the Local Appointments Commissioners, the Minister for Defence and the Commissioner of the Garda Síochána.

Appeals

All decisions (including decisions on time limits and striking out of the claim) may be appealed to the Labour Court not later than 42 days from the date of a decision.

Enforcement

A final decision of the Director or the Labour Court may be enforced through the Circuit Court.

Appeal to the High Court on a point of Law

Where a determination is made by the Labour Court on an appeal, either party may appeal to the High Court on a point of law.