

Employment Equality Acts 1998 - 2011

Section 78(5)

Mediation Agreement

between

Complainant

Respondent

Case Ref. No :

Terms of Settlement

1. Background

A. The complainant referred a case to the Equality Tribunal in accordance with Section 77(1)(a) of the Employment Equality Act 1998 alleging discriminatory treatment in relation to employment, on the ground.

B. Section 78 of the Act states that "if at any time after a case has been referred it appears that the case is one which could be resolved by mediation the Director shall refer the case for mediation to an Equality Mediation Officer ".

C. The parties involved in this case agreed to participate in the process of mediation. The case was referred by the Director to _____, Equality Mediation Officer, for mediation under Section 78(1) of the Act. The parties had a joint mediation session with the mediator on _____ and reached agreement on the terms of a settlement. In accordance with Section 78(5) of the Act this document (agreement) forms the written record of the terms of settlement agreed by the parties to this case and has been prepared by _____, Equality Mediation Officer, on the basis of the discussions between the parties at mediation.

2. Confidentiality

Mediation is conducted in private and the terms of any settlement are not published. Information furnished at mediation may not be published or disclosed except on the order of the High Court or Circuit Court or with the consent of the person furnishing the information and of any other person to whom the information may relate. Any person who discloses

information in contravention of the Act is guilty of an offence (Section 97(2) of the Employment Equality Act, 1998).

3. Terms of Settlement

A. It is a term of this agreement that the terms of settlement, the names of the parties and information furnished at mediation will not be disclosed by either party except in accordance with Section 97 of the Act. (Note: In the interests of promoting mediation as an alternative dispute resolution process the Equality Tribunal reserves the right to publish, in a manner which does not identify the parties involved, information on the number of cases resolved at mediation along with sample extracts from agreements.)

B. As a gesture of goodwill but without any admission of liability, the Respondent agrees to pay the Complainant the sum of € within 14 days of the signing of this Agreement, in full and final settlement of the complaint at 1A above.

C. The complainant accepts that the terms of this Agreement are confidential and are in full and final settlement of the complaint at 1A above.

4. Enforcement by Circuit Court

Section 91(2) of the Employment Equality Acts 1998 – 2011 provides that "if an employer or the person who is party to a settlement to which Section 78(5) applies fails to give effect, in whole or in part, to the terms of the settlement, then, on an application under this section, the Circuit Court may make an order directing that person to carry out those terms but the Circuit Court shall not, by virtue of this subsection, direct any person to pay any sum or do any other thing which (had the matter been dealt with otherwise than by mediation) could not have been provided for by way of redress under Section 82

An application under Section 91 may be made by the complainant or by his/her representative, with the consent of the complainant, after 42 days from the date of the written record of the settlement. These rights are without prejudice to any additional rights which may be available to either party under contract law, consistent with the Act.

As parties to this Mediation Agreement, both sides accept that any elements of the aforementioned terms of settlement which may not be specifically covered by the provisions of Section 91 may be enforceable under contract law in the event of non-implementation.

5. The parties have read and understand the contents of this agreement which they confirm is a true and accurate record of the terms of settlement agreed between the parties.

Signature of Complainant:	Signature of Respondent:
Signature of Witness:	Signature of Witness:
Position:	Position:
Date:	Date: