

The Equality Tribunal

Annual Report 2008

**Presented in accordance with section 75(8) of
the Employment Equality Acts 1998 to 2008
to the Minister for Justice, Equality and
Law Reform, Mr. Dermot Ahern, T.D.**

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Our Mission

To contribute to a fairer society through providing a fair, accessible and impartial forum to remedy unlawful discrimination

Our Mandate

The Employment Equality Act 1998, which established the Equality Tribunal, provides a statutory framework whereby we mediate and/or investigate claims of unlawful discrimination in accordance with the provisions of the Act. Various legislative changes have occurred since our establishment and we now have a unique responsibility for mediating and investigating complaints of unlawful discrimination under the following legislation:

- Employment Equality Acts 1998 - 2008
- Equal Status Acts 2000 -2008
- Pensions Acts 1990-2008.

Our Values

Since its establishment, the Tribunal has sought to reflect a series of core values that support the implementation of its Mission Statement and underpin the manner in which the Tribunal would like to see its services operate. We will continue to be guided by the fundamental service principles set out in our first two Statements. These include:

For Service

- Professionalism
- Impartiality
- Accessibility
- Timeliness

For Staff

- Optimum training and development
- Collaborative working

For Government

- Cost effectiveness and value for money
- Impartial resolution of discrimination disputes

Director's Report

In 2008 the Equality Tribunal received almost a thousand complaints of unlawful discrimination, the highest level of claims on record. Early indications are that the level of case referrals will be similar in 2009. The pattern of claims is shifting, with a substantial increase in claims about employment, especially discriminatory dismissal, and a drop in claims about access to goods and services. Employment-related claims in 2008 accounted for about eighty five percent of the Tribunal's caseload; most of these were brought against private sector organisations. Conversely, more than half of the equal status cases complained of discrimination in the provision of public sector services.

The Tribunal was established nearly 10 years ago to provide an impartial forum for redress for unlawful discrimination. As people become more aware of their rights and how to seek redress, the number of cases of alleged discrimination referred annually has risen 900% from 102 in 2000 to 998 in 2008. Over those nine years, claims to the Tribunal have been brought by or on behalf of some 22,000 people and have covered virtually every area of work and daily life. Overall the Tribunal's work has made a significant contribution to the development of equality law and its practical application.

In dealing with claims, the Tribunal has developed an effective and popular mediation service, which helps parties to reach a solution which suits both sides. The agreements reached are confidential to the parties but feedback has been very positive. Indeed, Tribunal mediators are playing an active part in the development of mediation generally in Ireland.

Apart from mediation, the Tribunal deals with claims through a more formal decision-making process. This involves an oral hearing and the issue of a legally binding written decision. Where claims are upheld, the Tribunal decision provides redress for an individual but it also can be important in ending systemic discrimination. Most claims are unsuccessful but even there the decisions help to give essential clarification to both parties on discrimination law.

Under the Acts, we must publish all our decisions. Our website contains a database of all published decisions since 1996. The website is much used as an important information resource for people both in Ireland and abroad.

In the Tribunal we are very aware of the need to deliver the best possible service to parties in cases before us. In 2008, despite the challenges of decentralisation and the resultant need to devote time and resources to training and organisational change, we achieved record numbers of case completions and made strong progress in reducing waiting lists. Further innovation and adjustment in the way we deliver our services will be necessary but we will continue to be guided by our core values of impartiality and professionalism, accessibility and timeliness. In particular we will continue to implement our commitments to maintain quality while delivering more timely outcomes.

I would like to acknowledge the support of the Minister and Secretary-General and the Department over the year. The Tribunal receives practical support from the Department, particularly for finance, human resources and ICT, and liaises in administrative matters closely with the Diversity & Equality Law Division.

Finally, I would like to express my appreciation to each member of staff in the Tribunal for his or her hard work, openness, flexibility and willingness to learn and contribute. This was particularly important in 2008 when unusually large staff changes and new work patterns were necessitated by the interim part-decentralisation to Portlaoise. The commitment of staff will be equally vital in 2009 because of the rising case load, a high level of vacancies and the need to control and manage our budget very tightly. I would like to give special acknowledgement to the efforts and achievement of staff in the academic sphere, with 16% of staff at all levels successfully completing or pursuing academic qualifications in 2008. I am confident that the staff will continue to show the same spirit and dedication when carrying out their increasingly busy role in 2009.

Melanie Pine, Director

March 2009

Developments in 2008

Decentralisation

The Tribunal's contribution to the Government decentralisation programme took a major step forward in 2008 with the opening of a new interim office in Portlaoise. 10 full time equivalent jobs were transferred to this location. Corporate Resources Unit had a significant part to play in the success of this move by organising the fit out of the office in conjunction with the OPW and procuring the IT and telephony infrastructure for the new building in Portlaoise. The ultimate planned move to Portarlington has been deferred subject to review in 2011 as part of the Government decision of 14 October 2008 regarding the overall decentralisation programme.

The Tribunal reviewed its business processes and structures and realigned them to take account of opportunities for business change identified by decentralising areas during the course of 2008.

Legal Developments

In July 2008 the Civil Law (Miscellaneous Provisions) Act 2008 amended the Equal Status Act 2000 for the purpose of giving effect to council directive 2004/113/ec of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Staff

By 31 December 2008, 37 staff members (34.2 whole time equivalent) were serving in the Equality Tribunal (for details see Appendix 4), out of an approved complement of 42. During the year 10 staff members left the office: John Hurley (Head of Equal Status), Gerardine Coyle, Dolores Kavanagh, Mary O'Callaghan, Mary Rogerson and Raymund Walsh (Equality Officers), Alan McDonnell (Secretariat Manager), Deirdre Gallagher and Shane Lyster (Legal Research Assistants), Siobhan Lynch (Secretariat Support Officer) and Avril Graham (Corporate Resources Support Officer). We thank them all for their hard work and wish them well in their future careers.

In 2008, we welcomed Elaine Cassidy (Head of Equal Status), Orla Jones, James Kelly and Valerie Murtagh (Equality Officers), Catherine Jestin (Registrar), Barry Quinn (Secretariat Office Manager), Martin Kehoe (Corporate Resources and ICT Manager), Shane Lyster (Legal Research Assistant), Mary Daly (Corporate Resources Executive Officer), Damien Byrne (Secretariat Support Officer) and Stephen Laffan (Corporate Resources Support Officer).

Services of the Tribunal in 2008

Note: All statistical information contained in tables and charts in this chapter is given as grouped cases rather than individual claims. Each case therefore may have more than one complainant.

Overview

As a statutory, independent, quasi-judicial body, the Equality Tribunal's primary goal is to provide a straightforward mechanism to remedy discrimination. Where discrimination is found, redress is provided which compensates for the discrimination and has a deterrent effect. The Tribunal continues to fulfil this in two ways by providing effective investigation and mediation services.

Referrals

Overall more than 1,300 individuals made complaints to the Tribunal in 2008. The number of claims referred to the Tribunal in 2008 rose by 17% compared to 2007. The rise was particularly striking for Employment Equality.

Referrals to the Tribunal 2007 and 2008

Referrals	2007	2008	
Employment Equality Acts	659	831	+26%
• Collective Agreements	1	9	+800%
Pensions Acts	7	2	-71%
Equal Status Acts	185	154	-17%
Overall referrals	852	996	+17%

Outcomes

In 2008 the Tribunal issued 199 Decisions (16% increase on 2007) and 67 cases were resolved at Mediation. A total of 858 cases were closed by the Tribunal in 2008 (607 in 2007) which is an increase of 41% compared to 2007.

Outcomes 2007 and 2008

Outcomes	2007	2008	
Employment Equality Acts	351	507	+44%
• Decisions	77	73	-5%
• Mediated agreements	45	44	-2%
• Otherwise closed	229	390	+70%
Pensions Acts	8	6	+25%
• Decisions	0	3	+300%
• Mediated agreements	0	0	0%
• Otherwise closed	8	3	-62%
Equal Status Acts	248	345	+39%
• Decisions	94	123	+31%
• Mediated agreements	20	24	+15%
• Otherwise closed	134	199	+49%
Overall outcomes	607	858	+41%

Employment Equality Unit

Role

In 2007 Equality Officers in the Employment Equality Unit continued to deliver an expert and effective investigation process in line with the Tribunal's core values of impartiality, professionalism, accessibility and timeliness.

The continuing challenge facing the Unit in 2007 was to ensure that it increased its throughput while maintaining the Tribunal's core values.

Staffing as at 31 December 2008

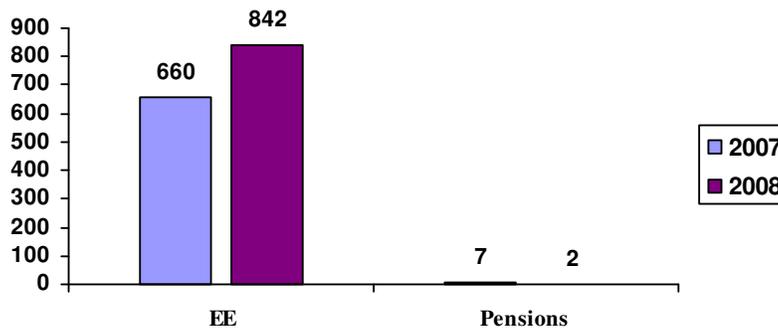
Head of Unit	Deirdre Sweeney
Equality Officers	Stephen Bonnländer, Vivian Jackson , Orla Jones, Hugh Lonsdale, Orlaith Mannion, Valerie Murtagh, Conor Stokes, Bernadette Treanor

Overview of Unit's Activities in 2008

Referrals

There was an increase of 26% in employment cases referred to the Tribunal over 2007. A total of 842 claims (covering 1087 complainants) were referred in 2008. Two (2) referrals were received in 2008 (7 in 2007) where a claim under the Pensions Acts was cited.

Referrals to the Tribunal (EE and Pensions) 2007 and 2008



Grounds

Race continued to be the most frequently cited ground for claim in relation to Employment Equality. As in 2007 race was the main ground for referral in 2008. There was an increase of 17% in the number of race claims and a 91% increase in the number of age claims.

Grounds for referral (EE and Pensions) 2007 and 2008

Breakdown By Ground	2007	2008	
Age	43	82	+91%
Disability	89	97	+9%
Family Status	10	6	-40%
Gender	79	79	0%
Marital Status	1	3	+200%
Race	307	359	+17%
Religion	5	2	-60%
Sexual Orientation	4	5	+25%
Traveller Community	3	1	-67%
Multiple Grounds *	113	199	+76%
No Grounds Listed	13	9	-62%
Total	667	842	+26%

** Where a claim is made under more than one ground it is not counted in each of the grounds on which the claim is based but only in the "Multiple Grounds" category..*

Outcomes

Notwithstanding the heavier demand, the commitment of Equality Officers to providing an expert and effective investigations remained high. The hard work and commitment of Equality Officers in the Unit coupled with an overlap of 2 new Equality Officer appointees is evidenced by a 46% increase in cases closed in 2008. There was a minimal decrease in decisions on claims of discrimination in employment in 2008 with 76 decisions issued (covering 93 individual complaints) compared to 77 decisions issued in 2007. Equality Officers found in favour of the complainant in approximately 36% of decisions.

In addition to these findings, 393 other cases were closed in 2008 (229 in 2007) (see table of outcomes below). Many of these cases involved significant work for Tribunal staff at all levels prior to their closure.

Three (3) decisions issued in 2008 under the Pensions Acts. Three (3) other Pensions cases were closed in 2008 by being found to be inadmissible or by being withdrawn during the course of the investigation.

44 Employment Equality cases reached agreement by the Mediation Service in 2008, and 24 further cases were closed at Mediation.

Outcomes (EE and Pensions) for 2007 and 2008

Employment Equality and Pensions Cases	2007	2008	
Decisions Issued	77	76	-1%
• For Complainant	32	27	
• For Respondent	43	47	
• Preliminary	1	0	
• Split Decision	0	0	
• No Jurisdiction	1	2	
Mediation agreements	45	44	+6%
Other outcomes	229	393	+72%
• Inadmissible	20	5	
• Out of time	6	13	
• Dismissal	12	67	
• Withdrawn	171	265	
• Not pursued	3	19	
• Closed at mediation	17	24	
• Otherwise closed	0	0	
Total	351	517	+47%

Awards and Directions

Amounts totalling €858,116 (excluding equal pay and pay arrears etc.) were awarded in compensation where discrimination was found. The average award was €11,755 compared to €10,216 in 2007. The highest award was €60,000.

Redress for discrimination can be:

- equal pay, from the date of the referral of the claim
- arrears of the shortfall necessary to make up equal pay, for up to a maximum of three years before that date;
- compensation for the effects of acts of discrimination or victimisation which occurred during the 6 years before the date of referral of the claim (subject to maximum limits)
- an order for equal treatment in whatever respect is relevant to the case
- an order that a person or persons take a specified course of action
- an order for re-instatement or re-engagement (in dismissal cases), with or without an order for compensation

Awards for a person employed by the respondent can be up to two years' pay, or equal pay and arrears where appropriate. The maximum award for someone who is not an employee of the respondent is €12,697.

In a number of cases Equality Officers used their power to direct action that would help to prevent future discrimination. **An overview of outcomes and redress in all decided cases can be found in the Tribunal's Legal Review 2008.**

Equal Status Unit

Role

The Equality Officers in the Equal Status Unit have continued to operate on the basis of the Equality Tribunal's core values of impartiality, professionalism, accessibility and timeliness. The Equal Status Unit's aim is that of the Tribunal as a whole, namely the issue of legally sound, effective and clear decisions in as timely a manner as possible and in accordance with the principles of natural justice.

Staffing

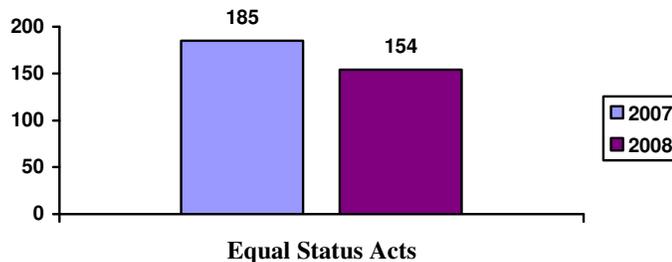
Head Of Unit	Elaine Cassidy
Equality Officers	Tara Coogan, Marian Duffy, James Kelly, Enda Murphy, Gary O'Doherty, Brian O'Byrne

Overview of Unit's Activities in 2008

Referrals

There was a decrease of 17% in equal status cases referred to the Tribunal over 2007. A total of 154 claims (covering 241 complainants) were referred in 2008.

Referrals to the Tribunal (ES) 2007 and 2008



Grounds

As in 2007, disability continued to be the most frequently cited ground for claim in relation to Equal Status in 2008. However, the number of claims on the disability ground fell from 86 to 46, accounting for the overall fall in claims referred.

Grounds for referral (ES) 2007 and 2008

Breakdown By Ground	2007	2008	
Age	8	7	-12%
Disability	86	46	-46%
Family Status	4	4	0%
Gender	6	4	-33%
Marital Status	1	4	+300%
Race	10	18	+80%
Religion	1	1	0%
Sexual Orientation	0	1	+100%
Traveller Community	17	23	+35%
Multiple Grounds*	47	38	-19%
No Grounds Listed	5	8	+60%
Total	185	154	-17%

**Where a claim is made under more than one ground it is not counted in each of the grounds on which the claim is based but only in the "Multiple Grounds" category.*

Outcomes

A total of 123 decisions were issued in 2008 (covering 243 individual complaints). Equality Officers found in favour of the complainant in approximately 23% of decisions. In addition to these findings, 199 other cases were closed in 2008 (see table of outcomes below). Many of these cases involved significant work for Tribunal staff at all levels prior to their closure.

24 Equal Status cases reached agreement by the Mediation Service in 2008, and a further 5 cases were closed at mediation.

Outcomes (ES) for 2007 and 2008

Equal Status Cases	2007	2008	
Decisions Issued	94	123	+31%
• For Complainant	27	28	
• For Respondent	64	94	
• Preliminary	3	0	
• Split Decision	0	0	
• No Jurisdiction	0	1	
Mediation Agreements	20	23	+20%
Other outcomes	134	199	+49%
• Inadmissible	16	12	
• Out of time	6	9	
• Dismissal	0	22	
• Withdrawn	61	61	
• Not pursued	38	88	
• Otherwise closed	3	2	
• Closed at mediation	10	5	
Total	248	345	+40%

Awards and Directions

The maximum award under the Equal Status Acts is €6,348.69. In 2008 amounts totalling €46,599 were awarded in compensation where discrimination was found (compared to €74,300 in 2007). The average award was €1,664, down on 2007 (€2,751).

In a number of cases Equality Officers used their power to direct action that would help to prevent future discrimination. **An overview of outcomes and redress in all decided cases can be found in the Tribunal's Legal Review 2008.**

Mediation Service

Role

The Employment Equality Act 1998 (Section 78) provides for the establishment of a mediation service, staffed by Equality Mediation Officers. A similar approach to mediation is also found in the Equal Status Act 2000 (Section 24) and the Pensions Act 2004. Equality Mediation Officers are recruited from the ranks of Equality Officers and are given specialised training for mediation resulting in professional accreditation.

The Mediation Service continues to operate under its Code of Ethics as set out in its Principles of Mediation.

Staffing as at 31 December 2008

Acting Head Of Service	Brian O'Byrne
Mediation Officers (these officers also act as Equality Officers)	Marian Duffy, Vivian Jackson, Hugh Lonsdale, Fiona Lafferty, Orlaith Mannion, Enda Murphy, Gary O'Doherty, Conor Stokes, Bernadette Treanor, Tara Coogan

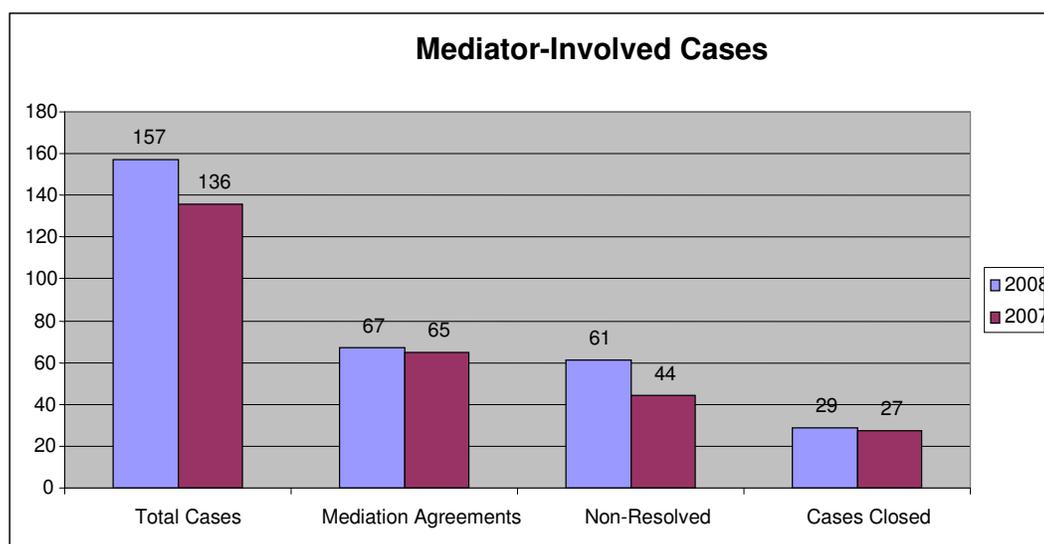
Mediation at the Equality Tribunal completed its eighth year of operation in 2008. This was a year that saw a major turnover of staff in the Mediation Service with five experienced Mediation Practitioners departing the Tribunal and being replaced by six new Mediation Trainees.

On foot of a tendering process, trainers were recruited in 2008 to provide MII Part 1 Accredited Training for the new mediation trainees, as a result of which the Tribunal succeeded in obtaining Certified Member Status for six new mediators from the Mediators Institute of Ireland (MII). During the year, all mediators continued to enhance their knowledge of mediation practice and theory by undergoing additional mediation training, attending mediation conferences and engaging in peer group meetings.

Overview of the Mediation Service's Activities in 2008

Referrals

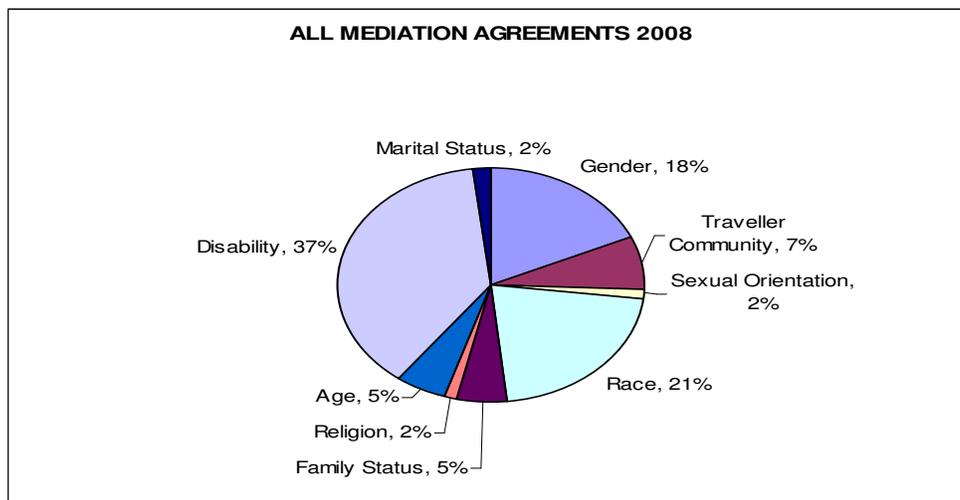
In 2008, the Equality Tribunal experienced a **33%** increase in the number of cases being referred to its Mediation Service (**251** compared to **189** in 2007). The Mediation Service dealt with **184** cases in 2008 with **27** of them either being withdrawn or settled between the parties before a mediation session was convened. The other **157** cases were assigned to mediators for attention during the year representing an increase of **15%** over 2007 (**157 cases** compared to **136** in 2007).



Outcomes

The Mediation Service conducted a total of **128** mediation sessions in 2008 of which **52%** (67) were resolved compared to **60%** in 2007. Resolution rates are expected to increase as newer mediators become more practiced at mediation.

Overall, **68%** of cases handled by the Mediation Service did not require subsequent investigation. In calculating this **68%**, account was taken of successful mediation outcomes and also of mediation cases where the complaint was not pursued following engagement with the Mediation Service.



- Over a third of cases resolved at mediation are on the Disability ground
- Settlements under the Gender and Race grounds also figure strongly

Mediation Outcomes for 2007 and 2008

Mediation Sessions	2007	2008	
Cases Resolved			
• Employment Equality Acts	45	44	
• Pensions Acts	0	0	
• Equal Status Acts	20	23	
Cases not resolved			
• Employment Equality Acts	38	47	
• Pensions Acts	1	0	
• Equal Status Acts	5	14	
Cases closed			
• Employment Equality Acts	17	24	
• Pensions Acts	0	0	
• Equal Status Acts	10	5	
Total	136	157	+15%

A detailed analysis of the operations of the Mediation Service can be found in the Tribunal's Mediation Review 2008 which also outlines sample outcomes.

Support Services in 2008

Support Services to the Tribunal comprise three units:

- Secretariat Unit
- Legal Unit
- Corporate Resources Unit

Secretariat Unit

Role

The Secretariat Unit of the Equality Tribunal provides a unified approach to addressing preliminary issues associated with claims under the equality legislation. This includes the registering of new cases, the carrying out of preliminary admissibility checks and queries and the offer of mediation initially to the parties to a claim. The Secretariat Unit also answers general queries from parties to claims before the Tribunal and provides administrative support to the Director, to the Heads of the Employment Equality, Equal Status and Mediation Units of the Tribunal and to Equality Officers.

Staffing

Head Of Unit	Sile Larkin
Registrar	Catherine Jestin
Secretariat Manager	Brenda Ward
Deputy Registrar/ Secretariat Office Manager	Barry Quinn
Executive Officers	Mary Daly, Brian Farrell
Support Officers	Damien Byrne, Roisin Cahill, Amanda Cullen, Noelle Doody, Susan Fetton, Finbarr O'Mahoney

Overview of Unit's Activities in 2008

Case Management

The Secretariat Unit registered the 995 Employment Equality and Equal Status cases referred to the Tribunal in 2008 and performed preliminary checks and queries (where required) in relation to these. In addition to that 251 cases were registered and prepared for the Mediation Service.

Legal Unit

Role

The role of the Legal Unit is to resource and support the legal quality of the Equality Tribunal's work, contributing to Tribunal's twin objectives of expert, effective investigation of cases referred to the Tribunal and of developing a balanced, fair and sustainable body of equality caselaw.

The core activities of the Unit are:

- Providing legal advice to the Director and to Equality Officers on the exercise of their functions.
- Analysis of overall legal issues arising from the Tribunal's work..
- Providing and facilitating ongoing in-house legal training, coaching, and skills development.
- Establishing and developing the Tribunal's library.
- Designing, and keeping under review, accessible and legally sound procedures.
- Contributing to the overall strategic direction of the Tribunal.

Staffing

Legal Advisor	Sile Larkin
Legal Research Assistant	Vacancy
Support Officer	Deirdre McCormack

Overview of Unit's Activities in 2008

Training

The Unit continued its training programme, designed to facilitate pooling the expertise and enhancing the quasi-judicial, analytical and legal skills of Equality Officers. During 2008 the Unit held internal workshops continuing a programme on

different aspects of equality law and on related areas of Irish and European Community law.

Library

The Tribunal's library provides a comprehensive reference and resource centre for equality officers, both on Irish and European Community equality law, and on developments in discrimination law across a wider field. The library was further expanded in 2008. Equality Officers also have immediate access to new equality caselaw as it develops, through online legal databases which provide full-text and search facilities across the Irish, European Community, UK, US, and Commonwealth caselaw.

Legal Review

As part of our overall policy of transparency and accessibility, the Tribunal publishes a Legal Review each year which aims to give a convenient and informative overview of the wide range of legal issues considered by the Tribunal in its decisions. The Review seeks to give an overview of the more important issues relating to each of the nine protected grounds, to the fundamental concepts of equality law, to goods and service provision, and to employment. A Legal Review of decisions issued in 2007 was published in August 2008 and a similar Review of decisions issued in 2008 is published with this Report.

Corporate Resources Unit

Role

The role of the Corporate Resources Unit is to provide front-line support services to the Director and the other units in the office to enable them carry out their functions efficiently and effectively. The Unit looks after the day-to-day operations of the office in respect of accommodation, finances, customer services and the provision of goods and services. It has responsibility for the physical environment within the Tribunal and for health and safety and accessibility matters. It is also responsible for organising non-legal training and for the preparation and publication of leaflets, forms and other

corporate documents and provides the support services necessary to facilitate the work of the office and website maintenance and development.

Staffing as at 31 December 2008

Head of Unit	Fiona Lafferty
ICT Manager	Martin Kehoe
Office Manager	Frank Bergin
Corporate Resources Support Officers	Stephen Laffan, Noel Kelly
Services Officers	John Fitzgerald, Joe Pettigrew

Overview of Unit's Activities in 2008

Financial Management

The Equality Tribunal is funded by the Exchequer, through the Department of Justice, Equality and Law Reform. Expenditure totalling € 2.94m was incurred by the Tribunal during 2008. This comprised € 2.25m in respect of pay and €0.69m in respect of non-pay. The Corporate Resources Unit is the Tribunal's processing and financial management centre. Its work includes tendering exercises to ensure that the Tribunal received value for money for the goods and services it procured. As well as arranging its own tenders the Tribunal also availed of drawdown from DJELR in such areas as training, office supplies and equipment. Expenditure is monitored constantly and is reviewed on a monthly basis by an internal Budget Committee, chaired by the Director.

For details see Appendix 1: Financial Report for 2008.

Customer Service

The Tribunal's Customer Service Charter outlines our commitment to providing a quality customer service, based on the principles of quality customer service for the

Public Service and the Civil Service Code of Standards and Behaviour endorsed by the Government. The Tribunal considers that it met the commitments undertaken in the Customer Service Charter. The Tribunal continued to operate its complaints procedures. In 2008 there was one complaint to the Tribunal's Customer Services Manager under the formal complaints procedure. This complaint was successfully resolved.

As part of the Unit's day to day work it is responsible for the management of the Tribunal's reception and telephony service and provides a support function for the arrangement of accommodation for Tribunal hearings and mediations.

Training and Development

The Unit's goal is to support the work of the Equality Tribunal through providing a high quality working environment for staff and through optimising staff performance and development. The Equality Tribunal is very supportive of individuals seeking to gain relevant additional academic qualifications. In addition to pursuing or completing formal qualifications, Tribunal Equality Officers also pursued a continuing programme of in-house training. In-house, commissioned or specialist training was given to staff during 2008 in Quasi-Judicial Training, Mediation Training, Management Skills and Personal Development.

Support staff underwent wide-ranging training to enable them deliver a professional administrative service to internal and external customers. With the range of enquiries that the Tribunal deal with on a daily basis it is essential that support staff have a good general knowledge of the working of the Acts and are aware of the issues and concerns that encompass the equality area as well as having a professional approach to administration, communication and customer service matters. Training for support staff therefore includes an introduction to the legislation, Customer Service Skills, Communication Skills as well as necessary IT Skills, Health and Safety and Awareness Training.

The Corporate Learning Unit of the Department of Justice, Equality and Law Reform continued to provide support to the Tribunal's staff in generic Civil Service training and development identified through the operation of PMDS.

Direct training expenditure alone amounted to €71,000 in 2008 which represents 3.1% of direct payroll costs. This excludes expenditure by our parent Department and generic civil service training.

Health and Safety

The Tribunal has responsibilities as the main tenant of the offices in Clonmel Street. These include the structural safety of the whole building. In 2008 Corporate Resources Unit continued to manage the health and safety policy for the Tribunal. A number of health and safety issues identified during a health and safety audit were identified and measures were taken to address those issues.

Accessibility

In 2008 the Tribunal continued to ensure optimum accessibility in the office premises at Clonmel Street, Dublin 2. The Tribunal's services are free of charge. Parties to a dispute do not need to be legally represented to avail of the services.

The Tribunal provides modern and accessible offices and meeting rooms that fully meet with occupational, health and safety standards. The Equality Tribunal has a range of technology, which improves accessibility and assists in delivering quality service and facilities to our staff and customers, including documents in Braille and audio format, full wheelchair access and sign language and other language interpretation when sought, and hearing rooms which are air-conditioned and equipped with "deaftech" for hearing-impaired clients. For customers outside Dublin, during 2008 Equality Officers and Mediators travelled to hearings in numerous different locations to suit complainants and respondents

The Tribunal maintains an accessible, informative and updated website at

www.equalitytribunal.ie.

Publications

During 2008 the Tribunal published the following documents –

- ✓ Annual Report 2007
- ✓ Legal Review 2007 (in CD format)
- ✓ Mediation Review 2007
- ✓ Strategy Statement 2008-2010
- ✓ Revised information leaflets

The Tribunal works closely with the National Adult Literacy Agency (NALA) in the revision of its leaflets and with their help the leaflets have gained the NALA Plain English Quality Mark.

Copies of information leaflets are available in large print, Braille or audio tape on request and in Irish, French, Russian, Polish and Chinese at reception, by post and on the website.

All publications can be downloaded from the Tribunal's website

www.equalitytribunal.ie.

Communications

As required by the legislation, the Tribunal published all Decisions issued during the year, both in the media and on the website. The Tribunal also published in August 2008 its Annual Report for 2007, its Legal Review of decisions issued in 2007, its Mediation Review of agreements signed in 2007 and its Strategy Statement 2008-2010, all of which can be viewed and downloaded from the website.

The Director, the Legal Advisor and the Heads of Unit made presentations on the functions and case law of the Tribunal to a number of organisations within Ireland and international fora during 2008 on the Tribunal's caselaw and functions. These included:

Consultative Forum

The Consultative Forum comprises representatives from the Tribunal's prime customer groups. Its primary focus is to give interested parties a mechanism whereby their views can make a real contribution to the procedures for examining claims of unlawful discrimination. It provides a forum for discussion and resolution of issues relating to accessibility and customer service. It also provides valuable feedback on the operations of the Tribunal and the effectiveness of our customer service. The quasi-judicial functions of the office are excluded from discussion, due to the statutorily independent role of the Director and the Equality Officers. The Forum met on 2 occasions during 2008 and discussed a wide variety of topics including the revision of Strategy Statement, the impact of decentralisation, the workload at the Tribunal and the proposed rationalisation of government agencies. The organisations represented at end 2008 on the Consultative Forum are listed in Appendix 3.

Towards 2016

In 2008 the Tribunal continued to have regard to the national social partnership agreement *Towards 2016* and to implement action planned under this agreement.

Performance Management and Development System (PMDS)

In 2008 staff underwent training on the Performance Management and Development System (PMDS) and its integration with other human resource processes. Staff attended information sessions to raise awareness of the new rating system and the link to HR policies and procedures including increments, probation and promotion. Role profile forms and reviews of performance were completed for all staff as part of PMDS during the year. The system provides clarity of staff roles and responsibilities and the management of performance in a structured way. It also provides a valuable forum for identifying training requirements.

Website

The Tribunal's website www.equalitytribunal.ie continues to be used as an important resource for both Tribunal staff and customers alike. The website contains information on employment equality, equal status and mediation procedures. Its information leaflets are available in English, Irish, Polish, Russian and French. The

decision database contains all decisions of the Tribunal and the search function allows users to identify specific decisions under a variety of search criteria. The website also contains Equality legislation. The Tribunal uploads decisions to the website on the third Monday of every month following issue of the decision to the parties.

The Tribunal's website continues to be used as an important service delivery tool, and greater attention to accessibility auditing under National Disability Authority guidelines has been given with a view to undertaking extensive accessibility audits in 2009.

The average monthly hit rate for the website in 2008 was 102,000.

ICT

In 2008, as part of its preparation for decentralisation, the Tribunal successfully migrated its Information Technology structure to the Citrix Environment. In this the Tribunal was supported by the IT Division of the Department of Justice, Equality and Law Reform.

Citrix is an integrated enterprise system whereby all the Tribunal's IT functions and applications will be centralised. This enabled the smooth delivery of network services to our decentralised offices. It will also facilitate staff members who require e-working facilities or need to access Tribunal data during Hearings around the country.

The Tribunal also upgraded its existing telecommunications system.

Energy Efficiency

In 2008 Corporate Resources Unit co-ordinated the Tribunal's participation in an OPW led Energy Awareness Initiative. The Tribunal management and staff embraced the challenge to reduce the office's energy consumption and significant savings were made in energy consumption in 2008.

Appendix 1: Financial Report for 2008

	€
Pay:	2.25m
Non-pay:	0.69m
TOTAL	2.94m

The main areas of non-pay expenditure were as follows:

	€
Accommodation	120,000
Communications & Promotion	16,000
Design & Printing	42,000
Information Technology	70,000
Legal	78,000
Library	28,000
Office Equipment	59,000
Telephone & Postage	61,000
Training	77,000

Expenditure on casework which required hearings to be conducted in locations outside the Equality Tribunal's headquarters gave rise to expenditure of €79,000.

Energy usage and Recycling

In accordance with Government Decision S180/20/10/0269 on Energy Efficiency in Public Sector Buildings, the Equality Tribunal takes steps to reduce energy usage,

including participating in the ESB's Winter Demand Reduction Incentive and recycling arrangements for paper and glass, printer and copier toner cartridges.

Prompt payments

The Equality Tribunal continued to comply with the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 2002.

Appendix 2: Consultative Forum as at end 2008

Bar Council

Health Service Employers' Agency

Incorporated Law Society

Irish Business and Employers' Confederation

Irish Congress of Trade Unions

Irish Insurance Federation

Irish Traveller Movement

National Consultative Committee on Racism and Interculturalism

National Gay and Lesbian Federation

National Women's Council of Ireland

People with Disabilities in Ireland Ltd

Appendix 3: Organisation Chart of the Equality Tribunal

(as at 31 December 2008)

Director		
Melanie Pine		
Employment Equality	Equal Status	Mediation
Deirdre Sweeney Head of Employment Equality	Elaine Cassidy Head of Equal Status	
Stephen Bonnländer Vivian Jackson Orla Jones Hugh Lonsdale Orlaith Mannion Valerie Murtagh Conor Stokes Bernadette Treanor Equality Officers	Tara Coogan Marian Duffy James Kelly Enda Murphy Gary O'Doherty Brian O'Byrne Equality Officers	Brian O'Byrne * Acting Head of Mediation Marian Duffy * Vivian Jackson* Hugh Lonsdale* Orlaith Mannion* Enda Murphy* Gary O'Doherty * Conor Stokes* Bernadette Treanor* * Mediation Officers
Resource Management		
Legal Management	Corporate Resources	Secretariat
Sile Larkin Legal Advisor	Fiona Lafferty Head of Corporate Resources	Sile Larkin* Head of Secretariat
		Catherine Jestin Registrar Brenda Ward Secretariat Manager
	Martin Kehoe ICT Manager	Barry Quinn Deputy Registrar/

		Secretariat Unit Manager
Vacancy Legal Research Assistant	Frank Bergin Acting Office Manager Mary Daly Executive Officer	Brian Farrell Executive Offices
Deirdre McCormack Legal Unit Support Officer	Noelle Doody Noel Kelly Stephen Laffan Support Officers	Roisin Cahill Damien Byrne Amanda Cullen Susan Fetton Finbarr O'Mahony Support Officers
	John Fitzgerald Joe Pettigrew Services Officers	

- *These staff members have dual roles. Nine Equality Officers also act as Equality Mediation Officers (mediators) and the Legal advisor also acts as Head of Secretariat.*