

Employment Equality Act, 1998 (as amended)

Section 76: “Right to information” Complainant’s request for information from the respondent

Explanatory note:

The Employment Equality Act 1998 (as amended) provides at section 76 that:

- where a person thinks they may have been discriminated against, or treated in any other way which is unlawful under the Employment Equality Act,
- that person (the “complainant”) may, if they so wish,
- write to the person or organisation whom they think may have treated them unlawfully, (the “respondent”)
- asking for relevant information to help them in deciding whether they should refer a case to the Workplace Relations Commission or to help them in formulating and presenting their case.

This Form EE.2 contains the form prescribed by law¹ for a complainant to use in asking for this information.

Some types of information are excluded. According to Section 76, information is “relevant” if it is:

- information about the respondent’s reasons for doing, or omitting to do, anything relevant
- information about any relevant practices or procedures of the respondent
- information (other than confidential information, or information about the scale or financial resources of the employer’s business) about the remuneration or treatment of other persons who are in a comparable position to the complainant,
- any other information which is not confidential, and which it is reasonable for the complainant to ask for in the circumstances.

Confidential information means “any information which relates to a particular individual, which can be identified as so relating, and to the disclosure of which that individual does not agree.”

The respondent can reply using Form EE.3, which is prescribed by law for this purpose. (The respondent is not obliged to reply. Section 81 of the Acts provides that

¹ See *Employment Equality Act 1998 (Section 76 – Right to Information) Regulations, 1999*, Statutory Instrument no 321 of 1999. Character references are excluded, and special provisions apply to requests for information about interviews by: the holder of a recruitment licence under the Public Service Management (Recruitment and Appointments) Act 2004; the Defence Forces; or An Garda Síochána: see section 76 (as amended).

Form EE.2

if they do not reply, or if their replies are false or misleading, this may be taken into account in deciding the case.)

Employment Equality Acts 1998 (as amended), section 76
Questionnaire of the Complainant

Name and address of person to be questioned (the Respondent):	To..... of.....
Name and address of Complainant:	1. I..... of.....
Delete the circumstances which do not apply to your complaint.	consider that you may have: (a) discriminated against me; (b) dismissed or otherwise penalised me in circumstances amounting to victimisation; (c) failed to provide equal remuneration to me as required by an equal remuneration term; (d) failed to provide equal treatment to me as required by an equality clause under my contract of employment;
	contrary to the provisions of the Employment Equality Acts, 1998 to 2004.
Indicate the discriminatory ground(s) which you consider to apply to your complaint. (Tick where appropriate).	2. Gender (<input type="checkbox"/>) Marital Status (<input type="checkbox"/>) Family Status (<input type="checkbox"/>) Sexual Orientation (<input type="checkbox"/>) Religion (<input type="checkbox"/>) Age (<input type="checkbox"/>) Disability (<input type="checkbox"/>) Race (<input type="checkbox"/>) Traveller Community Ground (<input type="checkbox"/>).

<p>Outline the circumstances of your complaint including:</p> <p>(a) in the case of treatment, dates, times and a factual description of the treatment received and of the circumstances leading up to the treatment, or</p> <p>(b) in the case of remuneration, the name(s), job title(s), etc., of person(s) with whom you consider you perform like work (i.e. the same work, similar work or work of equal value).</p> <p>Complete if you wish to give reasons, otherwise delete the word “because”.</p> <p>This is the first of your questions to the Respondent.</p>	<p>3.</p> <p>4. I believe that the treatment/circumstances outlined at paragraph 3 of this Questionnaire may have been unlawful because...</p> <p>5. Do you agree that the circumstances outlined at paragraph 3 of this Questionnaire are accurate? If not, in what respect do you disagree, or what is your version of the situation?</p>
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This is the second of your questions to the Respondent.	6. Do you accept that your treatment of me, or the rate of remuneration afforded to me, was unlawful, contrary to the provisions of the Employment Equality Acts, 1998 to 2004? If not: (a) Why not? (b) For what reason did I receive the treatment/remuneration which is the subject of my complaint?
Enter here any other questions you wish to ask including any request for other non-confidential material information in respect of other persons who are in a comparable position to you or information which it is reasonable for you to require in the context of your case.	7.
Address to which reply should be sent, if not the same as that at paragraph 1 of this Questionnaire.	8. Signature of Complainant Date.....

Note

If there is not sufficient space to request information, please use additional page(s) and sign and date each of them.