

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.3 contains the form prescribed by law¹ for a respondent to use when replying to a request by a complainant for material information in the Form EE.2.

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).

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 Act 1998 (as amended), section 76
Reply by the Respondent

Name and address of Complainant:	To..... of.....
Name and address of Respondent:	1. I..... of..... hereby acknowledge receipt of the Questionnaire signed by you and dated
Delete sentence at (a) or (b) as appropriate and, if (a) is deleted, complete (b).	2. (a) I agree that the statement/circumstances outlined in paragraph 3 of the Questionnaire is/are accurate. (b) I disagree with the statement/circumstances outlined in paragraph 3 of the Questionnaire in that
Delete sentence at (a) or (b) as appropriate and, if (a) is deleted, complete one or more of the sentences at (b)(i) or (b)(ii).	3. (a) I accept that my treatment of you, or the rate of remuneration afforded to you, was unlawful, contrary to the provisions of the Employment Equality Act, 1998. (b) I dispute that my treatment of you, or the rate of remuneration afforded to you, was unlawful, contrary to the provisions of the Employment Equality Act, 1998: (i) My reasons for disputing are (ii) The reasons why you received the treatment accorded to you or the rate of remuneration afforded to you are as follows

<p>Replies to the questions in paragraph 7 of the Questionnaire should be entered here.</p> <p>Delete this entire sentence if you have answered all of the questions in the Questionnaire.</p>	<p>4.</p> <p>5. I have deleted (in whole or in part) the paragraph(s) numbered above, because I am unable/unwilling (delete as appropriate) to reply to those questions for the following reasons—</p> <p>Signature of Respondent</p> <p>.....</p> <p>Date</p>
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Note

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