

# **The Equality Tribunal**

## **Annual Report 2014**

**Presented, in accordance with section 75(8) of  
the Employment Equality Acts 1998 to 2011,  
to the Minister for Jobs, Enterprise and Innovation,  
Mr. Richard Bruton, 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 - 2011
- Equal Status Acts 2000 -2012
- Pensions Acts 1990-2013.

## 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 July 2011, the Minister for Jobs, Enterprise and Innovation, Mr. Richard Bruton, TD, announced a programme to radically reform the State's workplace relations/employment rights and industrial relations structures and frameworks.

The Programme will provide for a two tier Workplace Relations structure by merging the activities of the Equality Tribunal, the National Employment Rights Authority, the Labour Relations Commission, and the first instance functions of the Labour Court and the Employment Appeals Tribunal into a new Body of First Instance - the Workplace Relations Commission (WRC). The appellate functions of the Employment Appeals Tribunal will be incorporated into an expanded Labour Court.

The reforms are driven by the need to improve customer service, in light of the acknowledged complexity, backlogs and delays in the resolution of grievances and disputes, provide greater value for taxpayers' money, in light of current fiscal constraints and rationalise institutions in light of the Government's public service reform agenda.

During 2014, significant progress on implementing the Minister's plans was made.

Síle Larkin,  
Director  
July 2015.

## Services of the Tribunal in 2014

*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 and/or respondent. Many cases have also involved a number of claims e.g. equal pay, dismissal, harassment.*

### Complaints throughput in 2014

Complaints	Employment Equality & Pensions	Equal Status	Total
On hand 31/12/2013	<b>936</b>	<b>240</b>	<b>1,176</b>
Referrals made in 2014	<b>607</b>	<b>158</b>	<b>765</b>
Complaints closed in 2014	<b>441</b>	<b>74</b>	<b>515</b>
<b>On hand 31/12/2014</b>	<b>1102</b>	<b>324</b>	<b>1426</b>

- 5% increase in the number of Employment complaints on hand at the end of 2014 compared to 2013
- Overall increase of 5% in the total number of complaints on hand at the end of 2014

### Referrals to the Tribunal 2013 and 2014

Referrals	2013	2014
Employment Equality & Pensions Acts	<b>570</b>	<b>607</b>
Equal Status Acts	<b>124</b>	<b>158</b>
<b>Overall referrals</b>	<b>694</b>	<b>765</b>

- 908 individuals made complaints to the Tribunal in 2014
- 10 complaints were made in 2014 under the Pensions Acts (10 in 2013)

#### Outcomes 2013 and 2014

Outcomes	2013	2014
<b>Employment Equality &amp; Pensions Acts</b>	<b>620</b>	<b>441</b>
• Decisions	203	102
• Mediated agreements	45	64
• Otherwise closed	372	275
<b>Equal Status Acts</b>	<b>65</b>	<b>74</b>
• Decisions	19	29
• Mediated agreements	11	7
• Otherwise closed	35	38
<b>Overall outcomes</b>	<b>685</b>	<b>515</b>

- 2 Decisions issued in 2014 for complaints referred under the Pensions Acts

## Employment Equality (EE)

### Grounds for referral (EE and Pensions) 2013 and 2014

Breakdown By Ground	2013	2014
Age	52	62
Disability	114	116
Family Status	16	32
Gender	77	52
Civil Status	2	7
Race	102	86
Religion	1	5
Sexual Orientation	5	5
Traveller Community	0	2
Multiple Grounds *	148	213
No Grounds Listed	53	27
<b>Total</b>	<b>570**</b>	<b>607**</b>

\* 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.

- Disability exceeded Race as the most frequently cited single ground.

\*\*lead cases which may have several parties attached; a total of 612 individuals referred employment complaints to the Tribunal in 2014.

## Outcomes (EE and Pensions) for 2013 and 2014

Employment Equality and Pensions Cases	2013	2014
<b>Decisions Issued</b>	<b>203</b>	<b>102</b>
• For Complainant	52	32
• For Respondent	149	64
• Preliminary*	1	0
• No Jurisdiction	2	6
<b>Mediation agreements</b>	<b>45</b>	<b>64</b>
<b>Other outcomes</b>	<b>372</b>	<b>275</b>
• Inadmissible	1	1
• Out of time	11	7
• Dismissal	27	23
• Withdrawn	307	213
• Not pursued	9	5
• Closed at mediation	17	26
<b>Total</b>	<b>620</b>	<b>441</b>

\* Preliminary decisions are not included in totals to avoid double-counting.

- 64 Employment Equality cases reached agreement by the Mediation Service in 2014, and 26 further cases were closed at Mediation



- In 2014 the average time taken for a Decision to be issued from the date that a hearing was held was 100 days for an Employment complaint.

### **Awards and Directions**

- Amounts totalling €723,660 (excluding equal pay and pay arrears etc.) were awarded in compensation where discrimination was found.
- The average award was €22,614 compared to €18,363 in 2013.
- Awards ranged from €1,400 to €81,000
- In a number of cases Equality Officers used their power to direct action that would help to prevent future discrimination.

## Equal Status (ES)

### Grounds for referral (ES) 2013 and 2014

Breakdown By Ground	2013	2014
Age	5	8
Disability	27	37
Family Status	1	3
Gender	9	4
Civil Status	2	3
Race	17	22
Religion	3	13
Sexual Orientation	2	1
Traveller Community	17	22
Multiple Grounds*	41	36
No Grounds Listed	0	9
<b>Total</b>	<b>124**</b>	<b>158**</b>

*\*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.*

- 27% increase in referrals in 2014
- Disability, Traveller Community and Race were the most frequently cited grounds

\*\*lead cases which may have several parties attached; a total of 296 individuals referred Equal Status complaints to the Tribunal in 2014.

## Outcomes (ES) for 2013 and 2014

Equal Status Cases	2013	2014
<b>Decisions Issued</b>	<b>19</b>	<b>29</b>
• For Complainant	8	10
• For Respondent	10	19
• Preliminary	0	0
• No Jurisdiction	1	0
<b>Mediation Agreements</b>	<b>11</b>	<b>7</b>
<b>Other outcomes</b>	<b>35</b>	<b>38</b>
• Inadmissible	9	5
• Out of time	4	1
• Dismissal	1	1
• Withdrawn	20	28
• Not pursued	1	2
• Closed at mediation	0	1
<b>Total</b>	<b>65</b>	<b>74</b>

- 7 Equal Status cases reached agreement by the Mediation Service in 2014
- In 2014 the average time taken for a Decision to be issued from the date that a hearing was held was 110 days for an Equal Status complaint.

## **Awards and Directions**

The maximum award under the Equal Status Acts is €15,000.

Amounts totalling €23,734 were awarded in compensation where discrimination was found.

- The average award was €2,158 compared to €3,237 in 2013
- Awards ranged from €300 to €6,384 per person.
- In a number of cases Equality Officers used their power to direct action that would help to prevent future discrimination.

## Mediation Service

### Mediation Outcomes for 2013 and 2014

Mediation Sessions	2013	2014
Cases closed by way of Mediation agreements	56	71
Cases closed otherwise during Mediation process	34	27
Cases closed as a result of Mediation cases not proceeding to investigation	10	7
Cases not resolved at Mediation and returned to investigation	77	73
<b>Total</b>	<b>177</b>	<b>178</b>

Of 178 cases which completed the mediation process in 2014, 105 were closed.

## Appendix 1: Financial Report for 2014

€	
Pay:	1,309,539.69
Non-pay:	84,812.51
TOTAL	1,394,352.20

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

	€
Translation/Interpretation	9,593.14
Library	20,817.19
Telephones	6,540.14
Training	16,993.01

## Appendix 2: Organisation Chart of the Equality Tribunal

(as at 31 December 2014)

<i><b>Director</b></i> <i>Niall McCutcheon</i>	
<b>Employment Equality/Equal Status</b>	<b>Legal Management/ Secretariat</b>
<b>Head of Equality Investigations</b> Deirdre Sweeney	<b>Legal Advisor/Head of Secretariat /Head of Mediation</b> <i>Sile Larkin *</i>
<b>Equality Officers**</b> Stephen Bonnlander * Vivian Jackson * Orla Jones * Orlaith Mannion * Gary Dixon * Valerie Murtagh * Marian Duffy * Peter Healy * Hugh Lonsdale *	<b>Registrar/ Secretariat Manager</b> <i>Hugh Lonsdale</i>
	<b>Deputy Registrar/ Secretariat Unit Manager</b> <i>Marcus Maginnis</i>
	<b>Executive Officer</b>  <i>Diarmuid O Gruagain</i>
	<b>Support Officers</b> <i>Roisin Cahill Amanda Cullen Susan Fetton Noel Kelly Gary Revins</i>  <b>Legal Unit</b> <b>Support Officer</b> <i>Deirdre McCormack</i>

\* *These staff members have dual roles. Nine people act as Equality Mediation Officers (mediators).*

\*\* *All Equality Officers investigate both Employment and Equal Status Cases.*

The following staff left the Tribunal in 2014:

- *Anthony Mulhaire*
- *Grainne Sullivan*
- *Audrey Bradshaw*
- *Nigel Hickey*