



BLUEPRINT TO DELIVER A WORLD- CLASS WORKPLACE RELATIONS SERVICE: **Congress response on Equality related issues:**

On the issue of **fees**, Congress is of the view that the EU anti-discrimination Directives guarantee easy access to redress. The Equality Tribunal structure is compatible with the Directives in that it is a free service. Congress recommends strongly that this principle of free access to justice be maintained.

Cross pollination of skills: Public servants who have gained experience as Equality Officers have a key role to play in helping to roll out the skills necessary to identify and hear equality and discrimination cases across all adjudicating and mediating officers of the WRS.

Importance of **separating adjudication and mediation** process, as is currently the process at the Equality Tribunal.

Provision of Information: It is essential that there is separation between the provision of information services and subsequently resolution and/or adjudication. The provision of information by equality experts on the Employment Equality Acts and the Equal Status Acts, as required by EU directives, will remain under the remit of the proposed Human Rights and Equality Commission. Congress recommends that the Family Leave Acts (Maternity, Parental and Adoptive Leave), information function should now be transferred from the Equality Authority to the WRS.

Under equality legislation, the Equality Authority provides information and advice on the Employment Equality and Equal Status Acts. As the WRC is prohibited from offering advice, a mechanism must be found to ensure that people in need of advice are not in any way discouraged by contacting an information only service. Clearly people with equality queries may be given initial non directive information, but must be referred onto the Equality Authority or their trade union for advice and support.

Equal Status cases: A significant gap in the Blueprint is the absence of any mention of what is proposed regarding the equal status function of the Equality Tribunal. This lack of clarity as to where Equal Status Act

complaints will be heard is a serious cause for concern. Congress is of the view that all equality claims both employment Equality and Equal Status should be dealt with through this new forum. The moving away from the Equality Tribunal of discrimination cases involving licensed premises has undermined the effectiveness of this protection.

It is our view that Employment and Equal status cases are integrally related and so very difficult to separate. They are all based on EU anti-discrimination directives and so the skills built up apply equally to both areas. The learning and expertise developed by the Equality Tribunal in adjudicating and mediating Equal Status Act cases must not be lost in the changeover to a new employment rights focussed body.

Possible breach of EU anti-discrimination Directives and the EU Charter of Fundamental Rights:

There appears to be no guarantee of an independent hearing of a claim at the first tier. The Blueprint allows the state to decide through legislation the most appropriate method of resolving disputes. The proposals regarding the striking out of claims without a hearing and the need for claimants to send written submissions setting out why their claim should not be struck off, do not appear to take account of issues of accessibility for groups under equality legislation. Congress fears that some vulnerable groups such as migrants and those with literacy difficulties may have problems submitting and interpreting documents and indeed deciding what piece of legislation their case may best matched e.g. Maternity protection or an Equality case? Additionally, not every potential claimant will have the resources to access legal advice for this purpose. The current investigative model of the Equality Tribunal is of assistance in this regard.