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NEWS REPORT

Country:	Ireland
Title:	Publication of decisions with the names of the parties
Date:	14 August 2017
Expert:	Frances Meenan
<u>Context</u>	
Issue at stake:	Publication of decisions with names of the parties
Ground of discrimination:	Gender
Source:	Irish Human Rights and Equality Commission
Field:	Employment
Applicable law:	Employment Equality Act 1998 (as amended); Equal Status Act 2000 (as amended); Irish Human Rights and Equality Commission Act 2014 and the Workplace Relations Act 2015.

Content

Prior to the commencement of the Workplace Relations Act 2015, the Equality Tribunal issued the names of the parties to decisions under the Employment Equality Acts 1998 (as amended), the Equal Status Act 2000 (as amended) and the Pensions Act 1990 (as amended) unless there were matters of a personal nature contained therein (e.g. sexual harassment).

The Irish Human Rights and Equality Commission ("the IHREC") has published a useful Information Note on the operation of the Workplace Relations Act 2015. Rule 7 of the Procedures of the WRC states 'After the completion of the investigation, a written decision will issue within 28 working days or as soon as is practicable. All parties and witnesses will be anonymised and all decisions will be published on the website www.workplacerelations.ie.' The IHREC states that this rule is not applicable to the claims under the Employment Equality Acts and the Equal Status Acts.

Key points of analysis: The Workplace Relations Act 2015 is complicated legislation and it amends all employment legislation concerning practice and procedure. There is a general provision in section 41(14) that decisions shall be published on the internet and that the names of the parties should not be identified. Claims for statutory unfair dismissal etc. would fall within the scope of this section. However, proceedings under the Employment Equality Acts and the Equal Status Acts do not fall within the scope of this subsection. Therefore, this part of Rule 7 in the Procedures is incorrect. However, there remains a discretion with the adjudicator as to whether the names of the parties will be stated. Therefore, the parties to a claim can make application to the adjudicator as regards the anonymisation of the names of the parties. Prior to the Act of 2015, the names of the parties were published except in cases concerning sexual harassment, for

example. Therefore, the original system effectively remains. The Note states that an adjudication officer has discretion concerning the publication of the names of the parties and must take into account the requirements of constitutional justice and that remedies for breaches of these Acts are effective, dissuasive and proportionate.

Whilst not mentioned in the Note, it would appear that claims in respect of a pensions equality claim under the Pensions Acts should also fall within the exception as set out in the Note, i.e. that s. 41(14) does not apply.

There has been considerable criticism of the Act of 2015 in that *inter alia* the decisions of the WRC do not contain the names of the parties and thus there is no dissuasive effect in relation to discriminatory matters.

Internet link source:

<https://www.ihrec.ie/blanket-anonymity-rules-not-apply-discrimination-decisions-irish-human-rights-equality-commission/>

http://www.lrc.ie/en/Publications_Forms/

<http://www.irishstatutebook.ie/>

All links accessed 14 August 2017.