



The accessible and impartial forum to remedy unlawful discrimination

Complaint of discrimination in relation to the provision of goods, services, disposal of property and education as defined under the Equal Status Act, 2000

(please see Explanatory Notes attached)

Section 1

Complainant's Name	Contact Phone No.	For ODEI use only
		Comp Ref.
Contact Address	Fax No. / E-mail (if available)	ODEI Date Stamp

Section 2

Grounds under which discrimination is claimed Please Tick Box(es) as appropriate	Description of Claim Please Tick Box(es) as appropriate
<input type="checkbox"/> gender (male or female) <input type="checkbox"/> marital status (single, married, separated, divorced or widowed) <input type="checkbox"/> family status (parent/pregnant/person in loco parentis of children or parent /resident primary carer of person needing care) <input type="checkbox"/> Sexual orientation (heterosexual, homosexual or bisexual orientation) <input type="checkbox"/> religion (religious belief / background or lack of belief) <input type="checkbox"/> age (18 years of age and over, see note attached) <input type="checkbox"/> disability (see explanatory notes attached) <input type="checkbox"/> race (colour, nationality, ethnic or national origins) <input type="checkbox"/> membership of the Traveller community	<input type="checkbox"/> discriminatory treatment <input type="checkbox"/> harassment (other than sexual harassment) <input type="checkbox"/> sexual harassment <input type="checkbox"/> victimisation <input type="checkbox"/> discriminatory advertising

Section 3

Complainant Representation (if relevant): Provide details of the representative (e.g. Equality Authority, Trade Union, Solicitor, Support Group etc.)

Representative:	Tel. No.
Address:	Fax No. / E-mail

Section 4

Who is your complaint against? ("the respondent" - see note below):

Name:	Phone No.
Address:	Fax / E-mail

Respondent is the person, organisation, company, educational establishment, service provider etc. against whom you are alleging discrimination.

Section 5

Notification of complaint to respondent

Very Important Notice

Please note, before referring a complaint to the Director, **you must**, under **Section 21 2(a)** of the Act, notify the respondent in writing of the nature of your complaint within **2 months** after the prohibited conduct is alleged to have occurred, (or, in the case of repeated conduct, last occurred). (The time limit may be extended by the Director to **4 months** in **exceptional** circumstances). This notification **must do all of the following:**

- (i) be in writing,
- (ii) give details of the nature of the complaint,
- (iii) state the complainant's intention of referring a case to the Director of Equality Investigations if there is no satisfactory response.

If this written notification is not sent to the respondent within the specified time limit, the Act automatically disqualifies the complainant from taking a case.

Section 21 2(b) of the Act states that you may also, **in that notification**, ask whatever questions and seek whatever information you require to assist with your case. In cases where the complainant requests information and it is not provided, the Equality Officer is entitled to draw inferences from the failure by the respondent to provide the information, provided it is requested in **the notification**.

You may write directly to the respondent giving the details and asking appropriate questions as described above or you may use a standard letter (form **ODEI 5**) which is available from the Office. You should **keep** a copy of the notification and get a certificate of posting from the Post Office (no charge).

It is strongly recommended that you use form ODEI 5 as the above procedures are complex.

Have you notified the respondent of your complaint:

- (i) in writing: • Yes • No
- (ii) stating the nature of your complaint • Yes • No
- (iii) stating your intention to refer your complaint to the Director if dissatisfied with response? • Yes • No

If "Yes", please state the date on which the notification was sent to the respondent?

(please attach copy of notification)

Have you received a response? • Yes • No

Date of response
(please attach a copy of response)

Section 6

Complaint

Date of first occurrence of discriminatory act:
Date of most recent occurrence of discriminatory act:
Place where discriminatory act occurred:

Outline of Complaint, you may expand/refer to your statement in the notification and add any other relevant information:

Section 7

Signature of Complainant or Representative

Date_____

Completed Forms should be returned within 6 months of the act of discrimination to:

**The Office of the Director
of Equality Investigations
3 Clonmel Street
Dublin 2**

**Fax: 01 - 417 3399
Tel: 01 - 417 3300 LoCall No: 1890 34 44 24**

Explanatory Notes - Please read carefully

1. Confidentiality

Please note that once a complaint has been accepted for investigation, the complaint form and other information received by an Equality Officer in the course of an investigation is copied to the other party. This is done in order to ensure that each party is fully informed of the case made by the other, in accordance with natural justice. Decisions, including relevant details of the evidence presented, are also published. Otherwise, the details held by the Office on individual cases are treated as confidential to the parties concerned. In cases raising particular sensitivities, such as sexual harassment cases, the decision is published in a form which does not identify the individuals concerned.

2. Accessibility and special needs

If you have any particular difficulty in completing the form (for example due to disability or language or writing difficulties), please contact the Office. We will try to help in making alternative arrangements as appropriate.

3. The definition of certain terms in the Act:

"family status" means being pregnant or having responsibility—

- (a) as a parent or as a person in loco parentis in relation to a person who has not attained the age of 18 years, or
 - (b) as a parent or the resident primary carer in relation to a person of or over that age with a disability which is of such a nature as to give rise to the need for care or support on a continuing, regular or frequent basis,
- and, for the purposes of paragraph (b), a primary carer is a resident primary carer in relation to a person with a disability if the primary carer resides with the person with the disability;

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"disability" means—

- (a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,
 - (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
 - (c) the malfunction, malformation or disfigurement of a part of a person's body,
 - (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
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(e) a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour;

"marital status" means single, married, separated, divorced or widowed;

"religious belief" includes religious background or outlook;

"sexual orientation" means heterosexual, homosexual or bisexual orientation;

"Traveller community" means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.

"victimisation" that one—

(i) has in good faith applied for any determination or redress provided for in Part II or III,

(ii) has attended as a witness before the Authority, the Director or a court in connection with any inquiry or proceedings under this Act,

(iii) given evidence in any criminal or other proceedings under this Act

(iv) has opposed by lawful means an act which is unlawful under this Act, or

(v) given notice of an intention to take any of the actions specified in *subparagraphs* (i) to (iv),

and the other has not (the "victimisation ground")

"service" means a service or facility of any nature which is available to the public generally or a section of the public, and, without prejudice to the generality of the foregoing, includes—

(a) access to and the use of any place,

(b) facilities for—

(i) banking, insurance, grants, loans, credit or financing

(ii) entertainment, recreation or refreshment,

(iii) cultural activities, or

(iv) transport or travel

(c) a service or facility provided by a club (whether or not it is a club holding a certificate of registration under the Registration of Clubs Acts, 1904 to 1999) which is available to the public generally or a section of the public, whether on payment or without payment, and

(d) a professional or trade service,

“goods” means article of movable property.

“educational establishment” means a pre-school service within the meaning of Part VII of the Childcare Act, 1991, a primary or post primary school, an institution providing adult, continuing or further education, or a university or any other third-level or higher-level institution, whether or not supported by public funds.

“Age Ground” It is not discrimination on the age ground to treat a person under 18 years old more or less favourably than another person. This allows differences in the treatment of persons under 18 in respect of age only, those under 18 are still protected by the Act on all the other grounds.

Discrimination General: The Act covers various forms of discrimination including direct discrimination, discrimination by association, and indirect discrimination.

Direct discrimination: occurs where a person, on any of the grounds, is treated less favourably than another person is, has or would be treated. Grounds includes those which exist at present, previously existed but no longer exist or which may exist in the future. It also includes grounds which is imputed to a person.

Indirect discrimination: occurs where a person in the protected category:

- (i) is obliged by the respondent to comply with a condition or practice, but cannot do so, and
- (ii) substantially more people outside the category can comply with the condition imposed by the respondent, and
- (iii) the obligation to comply with the condition cannot be justified as reasonable in all the circumstances.

Discrimination by association: occurs where a person, who associates with a person in the protected category, is treated less favourably than another person who is not so associated and where similar treatment of the person in the protected category would amount to direct discrimination under the Act.