



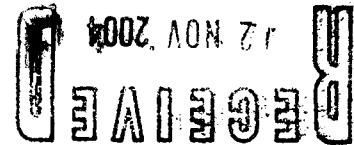
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FEDERATION OF THE RETAIL LICENSED TRADE NI
 91 University Street, Belfast BT7 1HP
 Telephone/Fax (028) 9032 7578
 www.ulsterpubs.com

BY FAX

Single Equality Bill Team
 Office of the First Minister and Deputy First Minister
 Room E3.18
 Belfast BT4 3BR

12 November 2004



Dear Sirs

A Single Equality Bill for Northern Ireland

Please accept my apologies for the last minute submission of this short response. I have faxed only those pages which are relevant (everything else not included was ticked "no view"). I have posted them also.

The Federation of the Retail Licensed Trade NI (FRLT) is the only recognised voice of the licensed trade in Northern Ireland. The Federation represents around 1,200 licensees (around 75% of the trade) and, although the majority of members are pubs and bars, off-licences, restaurants and hotels are also members. The Federation is thus in a unique position to comment on the issues raised in the consultation as they affect the licensed trade.

The main points that we would like to make in the response are –

1. The need for the inclusion of a "publican's defence". (see below)
2. We believe that some form of arbitration/conciliation service for complaints about the provision of goods, facilities and services should be introduced, rather than costly court action being the only option.
3. We firmly believe that, when a complaint is financially supported by the Equality Commission and taken to court, the successful defendant must have the right to claim back reasonable costs from ECNI. We know of many instances where our members have been thousands of pounds out of pocket through being taken to court; often, the case was simply thrown out on the day on the grounds that it had no merit, or the complainant didn't bother showing up. However, the defendant gets no costs back for the months of solicitors' work, barristers' costs etc. We believe that this is grossly unfair and inequitable.

Publicans' Defence

Under the Licensing (Northern Ireland) Order 1996, a licensee has a statutory duty to preserve order on his premises (Articles 61-65). There is also a common law right to refuse service and entry to premises. Historically, this absolute "right to refuse" has been manifest by signage stating that the publican has the right to refuse service to anyone. However, with the passing of the various pieces of anti-discrimination legislation, the Federation now advises its members to exercise care when refusing service and, over the last few years, the Federation has issued much guidance to its members on discrimination generally, most recently culminating in advice, information and a self-audit to complete to comply with the requirements of the Disability Discrimination Order. Discrimination training is also featured in our training programmes for Door Supervisors and Bar Staff (this latter course, the "Sensible Serve", will be launched in the New Year). We have also drawn up global "House Rules", stating that service should **never** be refused on the grounds of a person's religion, sex, political opinion, race, disability etc, and that a standard admissions policy should be drawn up and applied fairly across the board. The "House Rules" are one example of a standard policy. A copy is enclosed for information.

Despite this, the situation in the past has been different. There has been real scope for individuals to use the anti-discrimination legislation as a no-risk way to claim compensation for spurious complaints and, a few years ago, many publicans had actions brought against them by complainants alleging that they had been refused service on, for example, the grounds of their race when, in fact, they had been refused for reasons of preservation of order on the premises. Although the volume of cases being taken on this ground has fallen, that is not to say that the complaints will not start again, and we believe that it is vital that safeguards are built into the new Bill, especially if the grounds are to be widened.

We believe that it is important, therefore, that the licensee's statutory duty to preserve order is recognised in the Single Equality Bill and as an issue to be considered for the new Single Equality Bill, the Federation asks that a clause similar to that already contained in the ROI's Equal Status Act 2000 be included. The specific section from the Equal Status Act is as follows –

15. – (2) Action taken in good faith by or on behalf of the holder of a licence or other authorisation which permits the sale of intoxicating liquor, for the sole purpose of ensuring compliance with the provisions of the Licensing Acts, 1833 to 1997, shall not constitute discrimination.


However, this has recently been strengthened again as a result of the review of the Intoxicating Liquor Acts. Fuller details are available should you want them (the whole aspect of the refusal of service and discrimination was investigated in their recent review of licensing, but it is too detailed to go into here. Please let me know if you would like further details).

So, a provision within the SEB similar to that in the South would provide an obvious linkage to the duty to keep order which is already enshrined in existing legislation. For the licensee, it would also restate his rights under Protocol 12 of the European Convention on Human Rights – *enjoyment of any right set forth by law*. It would therefore reinforce the existing legal position within the equality framework. What it would not do would be to give publicans an excuse or the right to discriminate and, judging by the operation of the Equal Status Act in ROI, it is clear that such a provision would not act as a *carte blanche*, but would merely articulate an important legal right.

We would be grateful if these points could be taken into consideration during the next stage of the consultation. We are, of course, happy to elaborate further on any of the points raised in this submission.

Again, apologies for the final hour submission!

Yours sincerely



Nicola Jamison
Chief Executive

ADMISSIONS POLICY & HOUSE RULES

For the safety and security of our customers and staff, and in accordance with our legal obligations and rights, the following admissions standards and house rules will apply –

1. Intoxicated persons will not be served on these premises.
2. Excessive purchasing of alcohol or binge drinking will not be permitted.
3. You may be required to produce evidence of your age. Only passports, electoral identity cards and driving licences will be accepted.
4. We have the right to refuse admission and service to people who have caused trouble previously.
5. We reserve the right to refuse to admit any group of 5 or more who are not regulars and are not known to bar staff. Groups of 5 or more that form within the premises can be required without explanation to break up or leave the premises.
6. Neat or appropriate dress and personal hygiene is essential at all times. Sports strips or colours are not permitted, except at specified sporting occasions. Visible tattoos are not permitted.
7. Use of non prescribed drugs or being under the influence of same on these premises is strictly prohibited.
8. Anti-social or threatening behaviour will not be tolerated, including intimidation, arguing, pushing, screaming, shouting, swearing, spilling drinks, causing a nuisance or annoyance to others or being drunk and disorderly.
9. Immoral or indecent conduct or behaviour will not be permitted.
10. Aggressive or rude behaviour is strictly prohibited.
11. Dancing is not permitted unless there is a designated space for this to occur. Where dancing is permitted, drinking and smoking are not allowed on the dance floor.
12. Proper footwear must be worn at all times and in all parts of the premises.
13. Persons under 18, when admitted, must be accompanied by and kept under the strict supervision of a responsible adult at all times.
14. Staff instructions must be adhered to.
15. Customers must vacate the premises after closing time when asked to do so by the staff.

This licensed premises supports the principles of equality and the above rules will be exercised in a non-discriminatory manner. Following a caution, failure to comply with any of the above criteria could result in offender being requested to leave, removed and/or barred from the premises. The police may be called to assist.

Introduction

The response booklet is available on the OMFEM website at www.omfemni.gov.uk/equality.

If you wish to provide a written contribution for all or part of your response, it would be helpful if this could reflect the structure of the response booklet with cross-referencing to the sections as appropriate. This will greatly assist in the analysis of the information you provide.

Please take time to consider the issues raised in the consultation document. We look forward to receiving your response.

The consultation closes on 12 November 2004

Where to send your completed response booklet

Once you have completed the response booklet it should be returned to the FREEPOST address below:

**Single Equality Bill Team
Office of the First Minister and Deputy First Minister,
Room E3.18
FREEPOST NAT17679
Belfast
BT4 3BR**

A self-addressed envelope is enclosed in the consultation pack for this purpose.

Introduction

Your details:

Name: **Nicola Jamison**

Title: **Chief Executive**

Organization: **Federation of the Retail Licensed Trade NI**

Address: **91 University Street
Belfast**

Postcode: **BT7 1HP**

Availability of Responses

Under the Code of Practice on Open Government, any response will be made available to the public on request.

You or Your Organisation

The questions in this first section will help us to have a better understanding of who has responded to the consultation.

1. In what capacity are you responding?

On behalf of your organisation (please go to Q2)

As an individual (please go to Q5)

2. Is your organisation?

(please tick the box that applies to your organisation)

A college of further education

A company

A Governmental Department or Agency

(please give full details in the box at the end of this section)

An organisation representing employers

An organisation representing service providers

A professional association

A statutory body

A trade union/staff association

A university

A voluntary organisation

You or Your Organisation

Other (please give full details in the box at the end of this section)

Health and social work

Legal services

Leisure - Cinemas, theatres, museums

Leisure - hotels, restaurants, pubs

Public administration

Religious organisation

Wholesale and retail trade

Other (please tick box and specify)

Trade Association - information, advice, lobbying, training provider

3. If you are replying on behalf of your organisation, how many people does your organisation employ?

- Between 1 and 10 employees
- Between 11 and 49 employees
- Between 50 and 249 employees
- 250 employees or more

4. Please indicate which sector best describes you?

- Advice and/or information services
- Charity/voluntary work
- Communications
- Construction and/or building design
- Distribution/transport
- Education/training
- Electricity, gas and water supply
- Financial and/or business services

5. Please indicate whether your prime interest is in respect of (please tick all that apply)

- All aspects of equality
- Age
- Disability
- Gender
- Gender Reassignment

You or Your Organisation

- Married Persons
- Political Opinion
- Racial Grounds
- Religious Belief
- Sexual Orientation
- Other (please specify in the box below)

Introduction

1.1 Have you any comments on the overall approach set out in this Chapter?

The Federation is supportive of the general thrust of the document and the desire to make the understanding and impact of equality legislation more streamlined across the board.

1.2 What balance do you consider needs to be struck in the Bill between the prohibiting discrimination and promoting equality of opportunity approaches (paragraphs 15 to 21 refer). Please explain the reasons for your answer.

Purpose and Principles

2.1 Have you any comments on the Purpose and Principles set out in this chapter?



Agree with the general thrust, and especially with the principal of easier and more straightforward dispute resolution/redress. However, this should not just be in relation to employment disputes - should be easier and fairer for all parties, especially those defending themselves against an allegation of discrimination.

Also agree strongly with the need to balance equality principals with other broader social interests. We go into this in more depth in other areas of the response, but we are concerned mainly with the ability of licensees to refuse service on their premises, within the law, in order to run an orderly house, whilst at the same time being protected from spurious complaints of discrimination.

Grounds

3.4 If "Yes", should such a ground:

Reflect the definition as included in the Republic of Ireland's Employment Equality Act - Option (b)

or

Be much broader to include cohabiting couples and all dependants? - Option (a)

3.5 If you chose option (a), would including cohabiting couples within such a ground cause any difficulties for pensions or other benefits?

YES NO NO VIEW

3.6 If you answered "Yes" to Question 3.5, what are the difficulties and have you any suggestions on how they could be overcome?

The inclusion of this in the ROI's equality legislation in relation to goods and services (under "right to family life") led to a significant amount of litigation and publicity when a man used it to claim that he was unfairly discriminated against when he was prevented from entering a pub with his small child after 10 o'clock at night. The equality investigator initially upheld his complaint, and this caused public outrage due to the implications for the wider social fabric. I understand that the decision was eventually overturned - perhaps even legislation was required, but we would certainly not want to fall into the same trap here in NI.

Grounds

3.7 Please explain the reasons for your answer:



3.8 Which specific new ground or grounds do you consider should or should not be included in the Bill?

Should be included:

Should not be included:

Grounds

3.9 If you listed a ground or grounds please explain why you consider this ground or grounds should or should not be included in the Bill

Grounds

3.12 If you answered "Yes", please state which ground or grounds should be excluded and why you consider this is necessary?

I don't believe this would be possible if we are including "age" - it would have to be abundantly clear that experience was paramount, rather than age.

3.10 Please state why you consider that other legislation and/or other mechanisms that currently exist offer inadequate protection for any new ground or grounds that you feel should be covered in the Bill?

3.13 Should we repeal the Equal Pay Act (NI) 1970 and re-enact the provisions in this Bill?

YES NO NOVEM

3.14 Have you any other comments on this Chapter?

It would probably be more straightforward to have everything in the same piece of legislation - but no real strong feelings on this issue.

Equal Pay (paragraphs 34 to 36)

3.11 Should we extend the existing provisions on equal pay (currently restricted to men and women) to another ground or grounds in the Bill?

YES NO NOVEM

Scope

4.1 Which option should be used in determining the scope of the Bill?

Limited to the scope of the EU Directives and existing NI anti-discrimination legislation - Option (a)

Set at the same level for all grounds to be included in the Bill - Option (b)

Extended beyond employment for new grounds only in certain circumstances with a delay in implementation - Option (c)

4.2 Please explain the reasons and outline any possible implications (advantages and disadvantages) for your choice

No real concerns with much of this, except in relation to introducing age to goods and services. As set out in the consultation, there are many good legal and social reasons why a business needs to "discriminate" against young people especially. For example, it is a good thing and something that should be encouraged if a bar wanted to restrict entry to the over-21s - it is vital that they be able to continue implementing such policies.

Employment concepts

4.3 Should the Bill define "employment", "self-employment" and "occupation"?

YES NO NO VIEW

4.4 If you answered "YES" should "employment" be defined using the definition in current legislation, namely "employment under a contract of service or apprenticeship or a contract personally to do any work"? - Option (b)

YES NO NO VIEW

Scope

Private Clubs/Voluntary Associations

- 4.23 Should the Bill continue to restrict coverage to the race ground only - Option (a)
 YES NO NOVIEW
- 4.24 Should the Bill include provisions similar to those of the race and disability grounds to cover some or all of the other grounds? - Option (b)
 YES NO NOVIEW
- 4.25 If so, which grounds and what exceptions do you consider would be needed?
 YES NO NOVIEW

More and more private clubs are opening their doors to the public and providing food and function services. They should therefore be subject to the same requirements as other providers of goods and services.

Please explain the reasons for your answer. We would also welcome your views on any other way of dealing with this issue.

Scope

Please explain the reasons for your answer. We would also welcome your views on any other way of dealing with this issue.

Coverage of public functions

- 4.21 Should the coverage of public functions be extended to a similar extent as in the GB Race Relations (Amendment) Act 2000? - Option (a)
 YES NO NOVIEW
- Should the extension of coverage of public functions be limited to that already in place for Race, this would include procurement? - Option (b)
 YES NO NOVIEW

Please explain the reasons for your answer. We would also welcome your views on any other way of dealing with this issue.

Exceptions

Compulsory Grounds (including age)

6.1 Which of the following options should be adopted in dealing with exceptions?

Remove all the existing exceptions in NI legislation and replace them with Generic Occupational Requirements/General Service Requirements (GOR/GSR) except where the exceptions are the responsibility of the Westminster parliament - Option (e)

Retain some or all of the exceptions with the option of an additional GSR exception - Option (b)

Limit exceptions to those specifically referred to in the EU Framework Directive and include a GSR exception to cover other areas - Option (c)



6.2 Please explain the reasons for your choice. If you chose Option (b) please list the exceptions that should be retained and explain why?

Exceptions

6.5 If you chose Option (f) please list the exceptions that should be covered:

We believe that a "public's defence" should be included, ie along the lines of what is included within the Equal Status Act in the ROI. Under the Licensing (NI) Order 1996 a licensee has a statutory duty to preserve order on his premises (Arts 61-65) and also a common law right to refuse. We have given guidance that refusal should be based on a standard admissions policy that is drawn up and applied fairly and without discrimination across the board. Despite this, there is and has been scope for individuals to use anti-discrimination legislation as a no-risk way to claim compensation.

6

General

6.6 If you consider that some or all of the exceptions should be listed, how should these be dealt with i.e. through inclusion in primary legislation, subordinate legislation or codes of practice? Please explain your preference, highlighting any advantages and disadvantages?

Exceptions

Possible New Grounds

6.3 Which of the following options should be adopted in dealing with exceptions?

- Rely solely on GCR and GSR exceptions - Option (e)
- List all the exceptions to be covered - Option (e)
- Include a limited number of specific exceptions and GCR and GSR exceptions - Option (f)

6.4 If you chose Option (e) please give examples of the exceptions that should be covered?

Goods, Facilities and Services (GFS)

Definition

73 In considering the need for a definition for GFS, which option should be used?

Leave GFS undefined as at present, but giving guidance by way of examples with the courts left to define in specific cases – Option (a)

Provide a comprehensive definition of GFS – Option (b)

Leave GFS undefined but give guidance by way of examples.

Could state that there was a presumption that an activity

constituted the provision of GFS unless otherwise demonstrated –

Option (c)

72 Please explain the reasons for your choice if you chose Option (b) can you suggest a definition?

Exceptions

67 Do you have any other comments on exceptions?

Continuing from above, many licensees have had spurious complaints brought against them by individuals claiming discrimination when service has been refused on the grounds that they were drunk, disorderly etc. The licensee's statutory duty to preserve order must be resisted and recognised in the SEB, as it is in RO1.

Goods, Facilities and Services (GFS)

78 Are you aware of any possible implications with your chosen option?

Protection Provided by GFS Policy

79 Are there any determining factors that need to be considered in clarifying who should be protected? (paragraphs 35-38)

Confidentiality Considerations

710 Are there any considerations around confidentiality and sensitivities in relation to GFS comments?

Goods, Facilities and Services (GFS)

Should there be different exceptions for different strands such as age, disability, gender and sexual orientation?

Option (c)

A combination of Options (a) and (b), which would provide scope for recognising/providing a general service requirement whilst also including a list of specific exceptions.



Please explain why you have chosen this option

For certainty - would cover everything but also give scope in case something is missed or circumstances change. See previous comments re: need for a publican's defence and comments on the need to be able to refuse on the grounds of age.

Equality Commission for Northern Ireland - Functions and Powers

Or do you consider that the subject matter in the codes of practice should remain as at present?

YES NO NO VIEW

9.9 Should the "Aristotle in evidence" provisions be retained in the Bill and extended to all other grounds?

YES NO NO VIEW

Powers to Support Complainants and Other Organisations (paragraphs 10-12)

9.10 Should the existing offering provisions in the current legislation in the areas highlighted in paragraph 11 remain as they are?

YES NO NO VIEW

9.11 Should time limits apply to all the grounds in the Bill as they apply currently in the race legislation?

YES NO NO VIEW

9.12 Should the Commission be able to provide advice on prospective proceedings across all grounds?

YES NO NO VIEW

9.13 Should the Commission be able to authorise any employee to exercise its functions in relation to providing assistance?

YES NO NO VIEW

9.14 Should the recovery of expense provisions by the Commission be extended to far employment and sexual orientation legislation related matters?

YES NO NO VIEW

Equality Commission for Northern Ireland - Codes of Practice (paragraphs 6-8)

Codes of Practice (paragraphs 6-8)

9.5 Should the extent of the subject matter which can be legally covered by ECNI codes of practice be made consistent with the scope of each ground in the Bill?

YES NO NO VIEW

9.6 At present, under the disability legislation, the Commission can prepare a code of practice dealing with matters specified by OFMDFM. Should this be extended to far employment, race, sex and other grounds to be included in the Bill?

YES NO NO VIEW

9.7 Should the additional provisions in the race and sex codes of practice be included in all the codes of practice?

YES NO NO VIEW

9.8 Please explain the reasons for your answer

we have concerns with how this has been implemented on race relations. we would have grave concerns about widening the powers of the ECNI.

9

Equality Commission for Northern Ireland - Functions and Powers

9.19 Should the limitations which confine FETO investigations to employment or training be removed by the Bill and brought into line with the broader remit enjoyed by the Commission under the disability, sex and race legislation - by using the same provisions in FETO as the other legislation?

YES NO NO VIEW

9.20 If Yes, why should this be done and what are the benefits?

9

Equality Commission for Northern Ireland - Functions and Powers

9.15 Should the provision in the race legislation, which allows the Commission to provide financial or other assistance to organisations which appear to the Commission to be concerned with the promotion of equality of opportunity and good relations be extended to other grounds (paragraph 12)?

YES NO NO VIEW

9.16 If you answer Yes, please state which grounds and explain your reasons for such an extension

Given that ECNI financially supports complainants in taking civil action against businesses in the county court, we firmly believe that those defendants, if successful, should be able to claim their costs back from ECNI. It is grossly unfair that a business has to be thousands of £s out of pocket.

Investigations (paragraphs 13-19)

FETO approach

9.17 Should the Fair Employment legislation "no fault" concept be extended to all grounds?

YES NO NO VIEW

9.18 If you answer Yes, please state your reasons for such an extension.

Investigations into religious belief composition

9.21 Should the Commission be legally required to conduct an investigation when instructed to do so by the Department in FETO?

YES NO NO VIEW

The conduct of investigations

9.22 Should the detailed provisions in the disability, sex and race legislation concerning, in particular the terms of reference of investigations, be applied by the Bill to the FETO issues?

YES NO NO VIEW

Equality Commission for Northern Ireland - Functions and Powers

928 If "Yes", should the provision be extended to all of the other grounds?

YES NO NO VIEW

929 Do you have any other comments to make on investigations?

Equality Commission for Northern Ireland - Functions and Powers

Or are the religious composition issues sufficiently different to justify separate provisions in relation to the conduct of investigations?

YES NO NO VIEW

Investigations in private

923 Should the FETO provision, which requires investigations to be conducted in private be retained in the Bill?

YES NO NO VIEW

924 Should the private investigation procedure be extended to all of the other grounds?

YES NO NO VIEW

Stopping or suspending investigations

925 Should the provision in the disability legislation which requires the Commission to stop or to suspend the conduct of an investigation be retained?

YES NO NO VIEW

926 Should the provision be extended to all of the other grounds?

YES NO NO VIEW

Written reasons for refusing oral representations

927 Should the disability provision, which requires the Commission to give reasons in writing for refusing to receive oral representations from a person it objects to be retained?

YES NO NO VIEW

Powers to Obtain Information and Penalties (paragraphs 20-22)

930 Should the Bill adopt the more general approach as set out in FETO concerning the obtaining of information except that relating to employers duties?

YES NO NO VIEW

Or should the Bill follow the more precise route of the Disability Legislation and to a lesser extent the race and sex legislation?

YES NO NO VIEW

931 Should the option of a prison sentence for failure to comply remain available to the court under the Bill?

YES NO NO VIEW

Or should the penalty be limited to a fine as provided for in the disability legislation?

YES NO NO VIEW

5

Equality Commission for Northern Ireland - Functions and Powers

9.52 Please use the following section to record any other comments you have on the issues raised in this chapter

As mentioned above, recovery of expenses in defending an action supported by the ECNI should be included - we have many members who have had to spend upwards of ES-£10k in defending spurious actions (less than 20% of actions brought by the ECNI) were successful against pubs). We would be against any move to widen the powers of the ECNI. We would favour, however, the introduction of some type of conciliation process for GFS which meant that complainants didn't go straight to court, but had the facility to be well tested and hopefully solved before incurring a costly court process.

5

Equality Commission for Northern Ireland - Functions and Powers

Enforcement in relation to discriminatory advertisements, pressure to discriminate and instructions to discriminate (paragraphs 42-46)

Discriminatory Advertisements

9.48 Are you content for the current legislative position to be carried forward into the Bill whereby discriminatory advertisements are made explicitly unlawful? YES NO NO VIEW

Instructions and Pressure to Discriminate

9.49 Which of the following options should be used in the Bill in dealing with this issue?

Extend the FETO model whereby instructions to discriminate and pressure to discriminate result in both the persuader and perpetrator liable to the unlawful act to other grounds

Harmonise the sex, race and disability provisions and leave FETO provisions as they are at present

Preliminary action in Employment cases (paragraphs 47-48)

9.50 The provisions providing for preliminary action for race and sex are not replicated for disability. Do you consider that they are necessary? YES NO NO VIEW

Conciliation (paragraph 49)

9.51 Should the Bill make conciliation services for GFS complainants available for all grounds? YES NO NO VIEW

Tribunals and Courts

Option (b)

Establish a separate employment appeal tribunal to hear appeals against employment decisions. GFS appeals would continue to be heard by the Court of Appeal.

Option (c)

Establish a separate equality appeals tribunal to hear appeals against tribunal decisions on both employment and GFS.

Option (d)

Make provision for County Courts to hear appeals from employment tribunals with GFS appeals continuing to be heard by the Court of Appeal.

Option (e)

Make provision for County Courts to hear appeals from equality tribunals on both employment and GFS cases.

105 Please explain why you have chosen a particular option

Tribunals and Courts

102 Please explain why you have chosen a particular option

We would probably favour (b), although with caveats as it certainly had a lot of teething difficulties in ROI. The court system is good but as a last resort. We feel that there should be the facility for arbitration/mediation before the court stage, but that this need not necessarily take the form of formal tribunals.

103 Is there an alternative option that you feel is worthy of consideration? If so, please explain how you see this option working?

See above

Appeals

104 The options for an appeals structure will be dependent upon the options chosen for the initial hearing. Which of the options outlined in paragraph 57 should be used in dealing with appeals?

Option (a)

Continue with the current arrangements in that the Court of Appeal hears appeals from both tribunals and county courts.

Tribunals and Courts

10.10 Should the Bill allow for class/group actions?

YES NO NO VIEW

10.11 If "Yes", how do you think such a provision should be defined?

10.12 If "Yes", how do you see class/group actions working in practice and should such a provision be for named and/or unnamed individuals?

10.13 Are there any alternatives or additional provisions in relation to these areas that should be considered in the Bill?

YES NO NO VIEW

Tribunals and Courts

10.6 Is there an alternative option that you feel is worthy of consideration? If so, please explain how you see this option working?

Other Issues in relation to Tribunals and Courts

10.7 Should the Bill allow for a representative claim?

YES NO NO VIEW

10.8 If "Yes", how do you think such a provision should be defined?

10.9 If "Yes", how do you see representative claims working in practice and should such a provision be for named and/or unnamed individuals?

Tribunals and Courts

10.16 Have you any views on the issue of legal aid?

10.17 Do you think that the additional remedy of reinstatement or re-engagement should be available in cases involving discrimination?

YES

NO

NO VIEW

10.18 If "Yes" or "No", please explain the reasons for your answer. If "Yes", do you think that such a remedy should be conditional on the agreement of the complainant?

Tribunals and Courts

10.14 If "Yes", what should these be, how should they be defined and how do you see them working?

10.15 What organisations do you think should be allowed to engage either in support of, or on behalf of, a complainant?

Tribunals and Courts

10.23 Do you consider that the current remedies, including damages, are adequate?

YES NO NO VIEW

10.24 If "Yes" or "No", please explain the reasons for your answer.

Tribunals and Courts

10.19 Do you think that remedies available to the Industrial Tribunal in cases of employment discrimination should be harmonised with those available to the Fair Employment Tribunal under Article 39 of FETO?

YES NO NO VIEW

10.20 If "Yes" or "No", please explain the reasons for your answer.

10.21 Do you think that the Fair Employment Tribunal and Industrial Tribunal should have scope to award compensation for unintentional indirect discrimination on all grounds (where the concept of indirect discrimination applies)?

YES NO NO VIEW

10.22 If "Yes" or "No", please explain the reasons for your answer.

10.25 Should exemplary damages be available as a remedy?

YES NO NO VIEW

10.26 If so why? If not, what changes would you recommend?

Alternative Dispute Resolution (ADR)

11.1 Do you consider that the development of ADR for discrimination disputes in Northern Ireland is a useful and necessary development?

YES NO NO VIEW

11.2 If "Yes" or "No", please explain the reasons for your answer.

Must be better than courts and tribunals!

11.3 If "Yes", should the arbitration arrangements to be put in place by the Labour Relations Agency for religious belief and political opinion complaints be extended to cover the other grounds to be included in the Bill?

YES NO NO VIEW

11.4 If "Yes" or "No", please explain the reasons for your answer.

Tribunals and Courts

10.27 Please use the following section to record any other comments you have on the issues raised in this chapter

Alternative Dispute Resolution (ADR)

115 Should any of the other ADR options currently not in use be used in seeking a resolution to a discrimination complaint?

YES NO NO VIEW

116 If "Yes", what option should be used, how would you see it operating and which organisation would be responsible for its development and taking the initiative forward?

Any of them would be preferable to the current situation of court or nothing for GFS

117 Please use the following section to record any other comments you have on the issues raised in this chapter

Other Comments

Please use the following section to record any other comments you have on the issues and options raised in the consultation document