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— & —
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S O L I C I T O R S

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V. Alan Hewitt
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Your ref: Adam.brett@lestrangeandbrett.com

09 November 2005

Our ref:

The Age Team
Equality and Rights Division
Office of the First Minister & Deputy First Minister
Castle Buildings
Stormont
Belfast BT4 3SR

By Post

Dear Sirs

I write on behalf of the Employment Lawyers Group in Northern Ireland, of which I am immediate past Chairman.

The Group has just under 100 members who are barristers or solicitors in Northern Ireland who practise or have an interest in employment and discrimination law. The membership covers a wide range of interest involving advice to both individuals and employer.

I write in respect of one point dealing with Article 49 providing for a questionnaire and the form of the questionnaire and the reply set out in schedules 2 and 3 to the draft Regulations.

The Employment Lawyers Group is delighted that following representations from a range of sources the Office of the First Minister and Deputy First Minister and the Department for Employment and Learning have proposed an amendment allowing for the amalgamation of the claim and response forms for Industrial Tribunals and for the Fair Employment Tribunals. We believe that this move to one form will make it easier for Claimants to understand and complete the necessary paperwork, and easier for Respondents and for the Tribunal itself to process cases, while cutting down on the amount of paperwork.

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The Employment Lawyers Group agrees that there should be a process as identified in Article 49 of the Employment Equality (Age) Regulations (Northern Ireland) 2006 for a questionnaire in respect of discrimination on the grounds of age. However, the Employment Lawyers Group is concerned that the increased range of questionnaires under different headings of discrimination is creating both confusion and duplication, involving substantial expense. It is increasingly common for employers to receive from an aggrieved employee or claimant not one questionnaire but a series of questionnaires covering a range of possible elements of discrimination, whether on the basis of sex, sexual orientation, equal pay, race, disability, religious belief or political opinion.

Claimants have to complete a separate questionnaire under each heading. We find that often claimants adjust not only the initial questions set out in the various particular sets of regulations, but also the supplementary questions included at paragraph 4 of the questionnaire. The fact that the form or reply by the Respondent is also set out in the various sets of Regulations, such as in schedule 3 of the Employment Equality (Age) Regulations (Northern Ireland) 2006 means that employers and their representatives feel compelled to provide separate replies to the different questionnaires. This does create a substantial amount of extra work and can add greatly to the cost of responding.

We think that discrimination on grounds of age will often be interrelated with other forms of discrimination, especially but not only sex discrimination and equal pay. The Employment Lawyers Group is concerned that the current format in respect of questionnaires in respect of age, as also the other forms of questionnaire means that the problems of duplication will be substantially increased.

In the context of the consultation of the Employment Equality (Age) Regulations (Northern Ireland) 2006 and also in the context of possible single equality legislation we would like to see provisions which allow consolidated questionnaires covering more than one possible ground of discrimination and also a specific provision inserted into Article 49 of the Employment

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Equality (Age) Regulations (Northern Ireland) 2006 providing that a Respondent may produce a consolidated reply covering a number of grounds of discrimination.

Yours sincerely

Adam Brett

A handwritten signature in black ink, appearing to read 'Adam Brett', written in a cursive style.