



NEWS REPORT

Date:	16 November 2010
Expert:	Orlagh O'Farrell
Title:	Equality Tribunal awards €5000 compensation for discrimination on grounds of disability in access to employment and failure to provide reasonable accommodation
Country:	Ireland
<u>Context</u>	
Issue at stake:	Employee -v- An Employer – discrimination on grounds of disability, reasonable accommodation
Ground of discrimination:	Disability
Source:	National equality body DEC-E2010-130
Field:	Employment
Legislative provisions:	Section 16 Employment Equality Act 1998-2008

Content

Case: The complainant, who is deaf, stated that he applied for the position of Book-keeper with the respondent in early March, 2007 which was advertised by the Irish National Training and Employment Authority (FÁS). He added that he subsequently received an e-mail from the respondent asking him to get in contact to arrange an interview. He stated that the interview was arranged for Monday 5 March, 2007 but when the respondent became aware he was deaf it withdrew the interview offer. He submitted that this alleged treatment constituted unlawful discrimination of him on the ground of disability contrary to the Acts. The complainant further submitted that the respondent failed to provide him with reasonable accommodation in terms of section 16 of the Acts.

The respondent denied the allegations and withdrawing the offer of an interview. He said he had told the complainant's friend, who had phoned about an interpreter for the interview, that there would be a lot of telephone work involved and when the complainant did not attend for interview on 5 March 2007 he presumed that the complainant, having heard the amount of telephone work involved, had simply decided the job did not suit and did not



pursue his application.

Decision of the Court: The Equality Officer found that the respondent discriminated against the complainant on the ground of disability, in terms of section 6(2) of the Employment Equality Acts, 1998 -2007 and contrary to section 8 of those Acts in respect of the interview process for the position of Book-keeping Assistant in February/March, 2007

(ii) the respondent did not comply with the positive duty imposed on it under section 16(3)(b) of the Employment Equality Acts, 1998-2007 and he awarded €5,000 in compensation.

Internet link source and additional information: (no newspaper links)

<http://www.equalitytribunal.ie/index.asp?locID=181&docID=2388>