To: INSERT NAME OF STORE

Date: INSERT DATE

**By email only**

Dear Sirs,

I wish to make an official complaint regarding a very shocking and stressful experience I encountered while attending at [INSERT NAME OF STORE] located at [INSERT ADDRESS OF STORE] (the “**Premises**”) at approximately [INSERT TIME] on [INSERT DATE].

As you will be aware on 10 August 2020 Statutory Instrument number 296 of 2020 came into operation (the "**Statutory Instrument**"). This Statutory Instrument makes it a criminal offence to enter or remain in a relevant premises without wearing a face covering unless the person concerned has a "*reasonable excuse*" as defined in the Statutory Instrument at paragraph 5.

[INSERT CIRCUMSTANCES SURROUNDING REFUSAL TO ENTER STORE / OR REFUSAL OF SERVICE]

Firstly, I understand that under the Statutory Instrument the only persons who may converse with customers in this regard is the owner, manager or person in charge of the Premises - there is no right to delegate this authority, under the Statutory Instrument, to another person.

You might please advise whether the person conversing with me on this occasion meets the definition for a “*responsible person”* under the Statutory Instrument.

To say this was an embarrassing and humiliating experience does not do justice to the effects I have suffered as a result of this incident, not least given that the whole ordeal was played out in front of many other customers.

Given the stress and anxiety of this experience, I have since sought legal advice and wish to advise you of the following:

1) Under paragraph 4.4 of the Statutory Instrument only a Responsible Person (who is defined as the occupier, owner or person in charge) may engage with persons as to the requirement to wear a face covering in a relevant premises.

2) At paragraph 4.1 the requirement to wear a face covering shall not apply to a person who has a "reasonable excuse".

3) There is no requirement or authority under the Statutory Instrument to enquire into or request proof of a person’s reasonable excuse.

4) While a private business is free to enact its own rules, which may be in excess of the Statutory Instrument, those rules may not be in breach the law. In this regard, in particular, I am referring to the Equal Status Acts, which outlaw discrimination in the provision of goods and services to members of the public on the basis of the 9 protected grounds, which includes disability.

Under the Equal Status Acts disability includes:

*“(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*

*(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.”*

I confirm that my condition falls under the definition for disability under the Equal Status Acts and therefore any refusal to allow me to shop in your store without wearing a face covering is considered illegal under the law.

The purpose of this correspondence is to seek an apology and your assurance that I shall not encounter a similar experience should I decide to attend at your Premises in future.

Please be advised that failing an adequate response I intend to make an official complaint to the Workplace Relations Commission who hears complaints in relation to breaches of the Equal Status Acts. You may find more on this issue at the below link:

<https://www.workplacerelations.ie/en/what_you_should_know/equal-status-and-employment-equality/equal-status/>

I would be grateful to hear from you by return.

Yours sincerely,

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