

Where can I get more information on challenging discrimination?

If you do wish to challenge an act of discrimination - you may find the following information flyers helpful in deciding whether you have a case, where to submit it to and how to do this:

The following are all available on our website <https://www.ucc.ie/en/tejp/>

- "Challenging discrimination: Taking a Case to the District Court"
- "Challenging Discrimination: Taking a Case to the Workplace Relations Commission."
- "Know Your Rights: Discrimination in Accessing Goods & Services" provides more in-depth detail about the specifics of discrimination law and Travellers.

They also available throughout Traveller projects in Cork & Kerry, including:

- Kerry Traveller Community Health and Development Project.
- Travellers of North Cork
- West Cork Travellers
- East Cork Travellers
- Cork Traveller Women's Network
- Traveller Visibility Group.

About the TEJP:

The Traveller Equality & Justice Project (TEJP) is an innovative collaborative project between UCC School of Law and the Free Legal Advice Centre (FLAC) based within UCC School of Law.

The TEJP has established Munster's first Traveller-specific legal clinic, providing access to justice for Travellers who have experienced discrimination and have been refused access to goods and services. The 'Know Your Rights' Guide series is intended to explain the process of taking a discrimination case.

If you have experienced discrimination and wish to take a case, contact us for information about your options and how we can support you.

CONTACT US:

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'Know Your Rights:' Discrimination in Accessing Goods and Services

What is discrimination?

Discrimination occurs when you are treated less favourably than another person, because of who you are.

There are different kinds of discrimination, but they all involve comparison with how other people are treated.

Human rights laws, both internationally and in Ireland prohibit such discrimination on the grounds of equality.

The most important Laws domestically which prohibit discrimination are the *Employment Equality Acts 1998-2015 (EEA)* and the *Equal Status Acts 2000-2015 (ESA)*.

Being a Traveller is a specific ground under both of these Acts. Therefore, as a Traveller, you have a right to not be discriminated against or treated less favourably than a settled person in accessing goods and services, and in getting a job.

Despite this, the Irish Traveller Community faces 'exceptionally strong levels of prejudice and face widespread and systemic prejudice in accessing services and Travellers are 22 times more likely than White Irish to experience discrimination in accessing private services.'



Types of Discrimination:

Direct discrimination:

Occurs when someone treats someone less favourably because they are a Traveller. To establish direct discrimination, a direct comparison must be made which shows that you were treated in a lesser manner than a settled person in the same situation would be.

Example-A barman refusing to serve a Traveller, yet serving other customers in the bar.

Indirect discrimination:

Occurs where a condition of service or sale would put a person at a particular disadvantage for being a Traveller.

Example - Requiring a permanent address which is not a halting site address to hire a sander is indirect discrimination against Travellers. *McDonagh v Navan Hire Ltd. DEC-S2004-017.*

What can you do if you feel that you have been discriminated against?

This depends on where the discrimination took place. If you were discriminated against in work or in seeking employment or in accessing goods and services e.g. in a shop, you will be bringing your case to the Workplace Relation Commission under either the Employment Equality Acts and Equal Status Acts Any claim against a place that **serves alcohol however** must be heard in the **District Court under s.19 Intoxicating Liquor Act 2003.**

If you wish to challenge discrimination which you have experienced in trying to access services you will need to remember to note very carefully: **where, what, how, when:**

Where? Where did the discrimination take place? Is alcohol served there? This is important as this decides where you will direct your complaint.

What? What exactly happened, be careful to only state the facts. Do you have witnesses who can support your claim?

How? How where you discriminated against and treated less favourably than a non-Traveller?

When? When did this act of discrimination occur? Be very careful to note exact times as best you can.

Note: In deciding whether you have been discriminated against, your rights will be weighed against those of the service provider. In doing so, possible reasons for the discrimination will be considered objectively, as sometimes, a service provider may say that it was justified by a legitimate aim, and is appropriate and necessary e.g. to prevent fights in a bar.