

Some practical advice:

- Ensure (with reference to this pamphlet and the "Know Your Rights: Responding to Discrimination in Accessing Goods & Services Guide") that you are lodging a complaint with the correct body. E.g. if alcohol is served, then a claim must be taken to the District Court not the WRC.
- Make notes of what exactly took place at the time of the incident(s) and be sure to note the times, dates and exactly what happened stating only facts.
- Be careful to note as much as possible of what was said to you, as details like this are very important for making a claim. Be factual and concise.
- Seek evidence that will support your complaint. Also seek witnesses who might have seen the incident and if possible, ask for their contact details.
- Keep careful records of your complaint, including any correspondence and copies of completed forms.
- Make sure that you have completed all the relevant forms needed for submitting a claim at the District Court and ensure that you fill them out carefully, as any mistakes will lead to your complaint being dismissed.
- Ensure that your complaint is made in time, do not delay as there are strict guidelines in place. Note that at the District Court you have to submit your claims notice within 6 months and pay stamp duty which must be paid when the claims notice is stamped in the District Court Office.

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.

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'Know Your Rights:'
Taking a discrimination
case to
the
District Court.



When to take a discrimination claim to the District Court:

Discrimination is when you are treated less favourably or differently to another person based on your personal characteristics.

Discrimination is prohibited under the Equal Status Acts 2000-2018. This means that you cannot be discriminated against in the supply of goods and services including social welfare, housing and other forms of social provision. The Act lists ten separate grounds, one of which is 'Membership of Traveller Community.' This means that treating a Traveller different to a settled person is prohibited.

Discrimination experienced in a licensed premises amounts to 'prohibited conduct' under s.19 Intoxicating Liquor Act 2003.

The 2003 Act requires all claims of discrimination regarding places which serve alcohol and are 'licensed premises' such as pubs and hotels will now be heard in the District Court.

You must be refused when you enter the premises or when you ask for the service to come within this section. You may represent yourself in the District Court, it is important to note that a Traveller rights group cannot represent you at the District Court.

If you decide to challenge an act of discrimination in a licensed premises you should carefully follow the required steps in this leaflet. You may also find it helpful to read the 'Know Your Rights Guide: Responding to Discrimination in Accessing Goods & Services,' which is available at <https://www.ucc.ie/en/tejp/>

How to take a case to the District Court

Step 1: Send a letter to the person who caused the discrimination (defendant) setting out what happened, asking them for a reason why they treated you less favourably and ask them what they are prepared to do to address the problem. Also ask for any record they have regarding the incident of discrimination such as a log book of incidents and for a copy of their equality policy. You may wish to also submit a Data Access Request for CCTV etc.

Step 2: If you do not receive a satisfactory response you can instruct a solicitor to act on your behalf. This will involve costs. You may also choose to represent yourself.

Note: If you choose to represent yourself, you should go to the District Court Office (Licensing Office) and prepare and file a notice of application under section 19 of the *Intoxicating Liquor Act 2003* (District Court form 80.5, available on www.courts.ie). This should be done within six months of the discrimination occurring.

The statement of claim must include the following:

- the appropriate District Court area in which the claim is being brought (this is usually where the business is based).
- the full name, address, occupation, solicitor's details and address for service of documents for the claimant and for the respondent (where possible).

- A statement of the claim set out in numbered paragraphs which clearly set out the alleged discriminatory conduct.
- The notice must explain what steps the respondent must take if they wish to dispute the claim and must be signed by you or your solicitor.

Note: This claim notice/civil summons must be stamped in the Courts office which costs €150.

Step 3: The civil summons must be served on the defendant. This can be done in person or via registered prepaid post to the Defendant's last known residence or place of business.

If you do not receive a response to this within 28 days, you may apply to the District Court for a 'judgment in default.'

Step 4:

- At the hearing of the case you can put your case forward and the defendant will defend their case.
- The judge will give their decision once all the evidence is heard. Either party can ask for a written decision.

Step 5:

- If you are unsuccessful in your case at the District Court, or successful but nothing has changed, you can challenge the licence of the pub owner.
- Every September there is a licencing court which issues pub licences. You can prepare a case in August and make the argument as to why their licence should not be renewed. Applications to challenge cost €35. Further information about how to do this is available in the 'Know Your Rights Guide.'