

## After the Decision:

If you are successful in your claim and the Adjudication Officer finds in your favour you **may** be awarded compensation of up to a total of €15,000.

Where the Adjudication Officer feels it necessary, they may also order the other party to take specific steps such as providing detailed discrimination training to staff. If you are unsuccessful in your claim, and the Adjudication Officer finds that you have not been discriminated against then they will dismiss your claim. An Adjudication Officer may also dismiss your claim if they feel that you have taken the claim purely to be a nuisance to someone or if you drop your claim.

**Appealing a WRC Decision:** If you have been unsuccessful or you are dissatisfied with the outcome of your complaint to the WRC you may appeal your decision to the Circuit Court. At this point you must seek legal representation as you may not represent yourself. Unlike the WRC, costs may be awarded against you in the Circuit Court so it is important that you seek legal representation.

In order to appeal the decision of an Adjudication Officer you need to fill out an appeal form (available on [www.courts.ie](http://www.courts.ie) or from the Circuit Court Office) and the form needs to be submitted within a period of 42 days - you should also attach a copy of the Adjudication Officer's decision to the appeal form.

More detailed information is available at [https://www.workplacerelations.ie/en/complaints\\_disputes/refer\\_a\\_dispute\\_make\\_a\\_complaint/](https://www.workplacerelations.ie/en/complaints_disputes/refer_a_dispute_make_a_complaint/)

## 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:'  
Taking a Discrimination  
Case to the Workplace  
Relations Commission**

## About the Workplace Relations Commission:

This is an impartial body set up by law to investigate or mediate complaints under Equality legislation.

A person claiming discrimination under *the Employment Equality Acts 1998-2015 (EEA)* and *the Equal Status Acts 2000-2015 (ESA)* must lodge a complaint with the WRC within six months of the occurrence of the act of discrimination.

Compensation up to a maximum of €15,000 can be awarded and/or the losing party can be required to take a particular course of action. Decisions may be appealed to the Circuit Court within 42 days from the date of the decision at the WRC. **There is no fee to bring a case to the WRC.**

Cases can either be referred on the consent of both parties for mediation, or heard by an Adjudication Officer. Mediation is an attempt to reach agreement between the people involved. At the end of mediation both sides sign an agreement which is legally binding. If you decide that you do not wish to engage in mediation then the claim goes to a hearing.

## How to take a case to the Workplace Relations Commission:

**Step 1:** To make a complaint to the WRC you must first send a Notification in writing to the respondent (person/company against whom you are considering the complaint). This is known as an ES1.

**Note:** This ES1 notification must contain detailed information concerning the alleged discrimination, outlining what occurred. You must send this to the respondent within 2 months of the discrimination or last instance of discrimination where more than one has taken place.

**Nb:** The ES1 form should be sent directly to the respondent, and not to the WRC. You should send this using registered post to ensure proof of delivery. The Respondent is not obliged to respond to this notification, but may use Form ES2 to do so, if they wish. They must reply within one month.

Where the respondent does not reply, or if they provide false or misleading information, an Adjudication Officer may, if appropriate, take account of this when he or she is deciding your case.

If you have not received a reply or if you are not satisfied with a reply, you can make a complaint to the WRC using the online Complaint Form available on the 'Refer a Dispute/Make a Complaint' page of their website. A copy of the notification and response should be submitted with the complaint form to the WRC.

**Note:** the time limit for making a complaint is within 6 months of the incident. This may be extended in certain circumstances, but you must apply specially for such an extension and this is only recommended in extreme cases e.g. a close family member passing or in instances of severe illness.

**Step 2:** On receipt of a valid complaint, the WRC will forward a copy to the respondent (e.g. the person whom you are alleged has treated you in a discriminatory fashion).

Your case file will then be given to an Adjudication Officer, and an Adjudication Hearing will be arranged; the time, date and venue of which will be notified to the parties involved in writing.

**Step 3:** The Adjudication Officer will write out to both parties offering mediation and seeking further information. If mediation is not pursued, a hearing date will be set.

The Officer will inquire into the complaint and will provide the parties with an opportunity to be heard by him/her, and to present any relevant evidence at this hearing. In advance of the hearing, you will be asked for a submission/statement. It is important to prepare this well and be very careful you are providing the correct times, dates and have set out your complaint clearly.

**Step 4:** The hearings are informal and a person can represent themselves but can have a legal representative or other person with them to assist - this can be a member of the CTWN or other relevant organisation.

At the hearing the responsibility is on you, the person taking the case (known as the claimant) to establish that an act of discrimination has occurred and shows how you were treated less favourably than a settled person would have been.

If you can prove this then the responsibility shifts to the service provider (respondent) to show they did not discriminate. You are entitled to call witnesses to support your case.

**Step 5:** The other side will present their evidence and the Adjudication Officer will ask questions. A written decision will be given on the case and the Officer will advise as to when you can expect this, usually within 4-6 weeks.