

# Mercy Law Resource Centre

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## Solicitors:

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## **Submission to Minister Bruton on “Blueprint to Deliver a World-Class Workplace Relations Service” on behalf of Mercy Law Resource Centre (MLRC).**

MLRC is an independent law centre established in 2009 to provide free legal advice and representation, in an accessible way, to people who are homeless or at risk of homelessness in the areas of Social Housing and Social Welfare Law ([www.mercylaw.ie](http://www.mercylaw.ie)). To date MLRC has provided free legal advice, assistance and befriending to almost 1,000 clients.

MLRC welcomes the opportunity to have its views and those of its clients considered by Minister Bruton. This is particularly so in the circumstances where the clients of the law centre are amongst the most vulnerable sections of society and therefore most in need of effective and accessible dispute resolution services.

MLRC endorses and adopts in full the submission made by the Equal Rights Alliance (ERA) of which it is a member. We do not propose to repeat those submissions here but wish to highlight the particular needs of homeless people and the danger of further marginalising them if the new dispute resolution structures are not accessible to them.

The Equal Status Acts 2000-2011 prohibit discrimination in the provision of goods and services including housing. Many homeless people who are assisted by MLRC have characteristics which bring them within the scope of those Acts. This would include disability issues, both physical and mental, as well as language, ethnicity and family and civil status. The Equality Tribunal has heretofore been an accessible forum for mediating and adjudicating on disputes between homeless people and providers of housing and other services. It is therefore of great concern to MLRC that there is no reference in the Blueprint to an equivalent accessible forum for resolution of those disputes in the proposed structure.

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We are very concerned that claims under the Acts could be transferred to the District Court as occurred previously in respect of licensing matters. Research has shown that the change in jurisdiction of complaints under the Intoxicating Liquor Acts in 2003 from the Equality Tribunal to the District Court resulted in a very significant reduction in the number of complaints referred. The procedures and rules of the District Court are a barrier to access for vulnerable people who experience discrimination. The standard of proof applied is different and the rules of evidence and procedures more formal than in the Equality Tribunal. Legal representation is effectively necessary and there is exposure to costs awards against unsuccessful litigants. The District Court does not provide a mediation service, which would often be the most effective and efficient method of resolving disputes, nor does the District Court furnish detailed reasons for its decisions which can be recorded and published.

The Equality Authority is shortly to be merged with the Human Rights Commission and it is uncertain what degree of representation will be available to complainants in individual cases. The majority of complainants under in equality cases will not have access to representation from any other source and a voluntary law centre such as MLRC with only one employed solicitor can only skim the surface of the need. It is vital therefore that the forum hearing the complaints employs procedures that safeguard the rights of individuals, including a full mediation service and inquisitorial rather than adversarial hearings. The EU equality directives require member states to establish and maintain bodies to provide “independent assistance to victims of discrimination in pursuing their complaints about discrimination”. (see e.g. Article 13 Directive 2000/43EC).

## Mercy Law Resource Centre

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