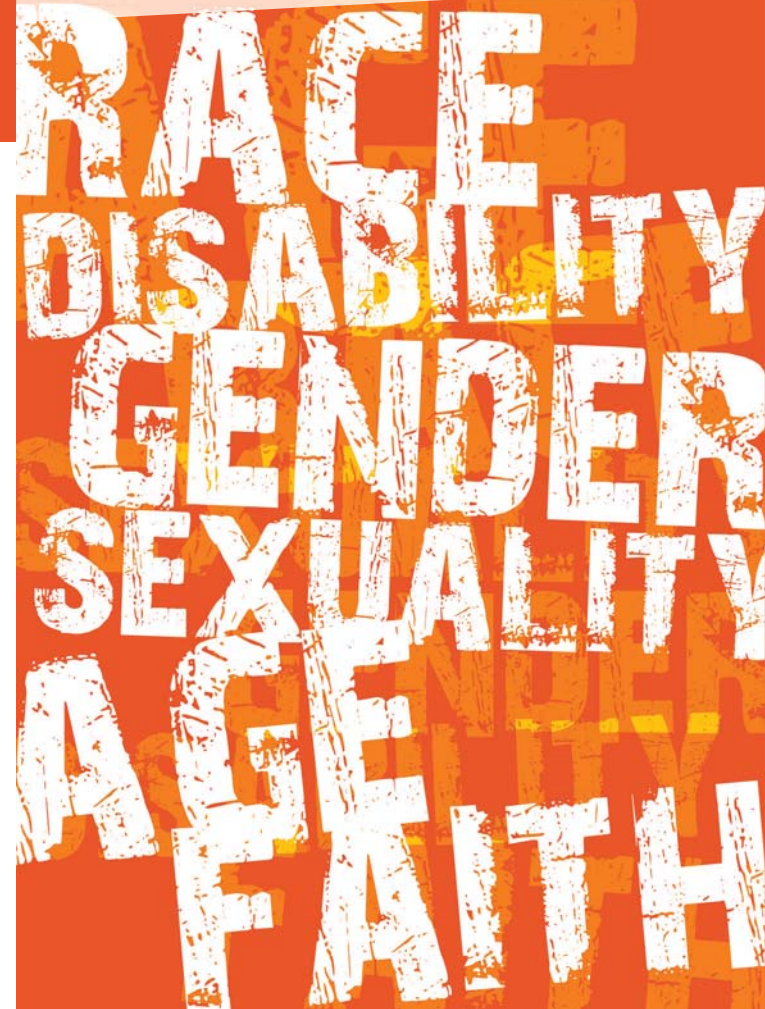




DISCRIMINATION CASEWORK SERVICE



TYPES OF CASES THAT WE'VE DEALT WITH:

- Settled case for £1000 for a Traveller who was refused entry to a public house
- Secured compensation of £116,500 for an Iraqi man who was dismissed from his job on the basis of race and disability
- Secured a settlement of £4000 for a Black African nurse who was suffered harassment
- Won a race discrimination case on behalf of a Polish migrant worker who was paid less than his British counterparts

Information on the law and our casework service is also available on the website:

www.chawrec.org.uk



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This leaflet is also available in large print and other formats and languages on request.



Discrimination Casework Service



We offer a free, independent and completely confidential discrimination casework service, which includes representation at tribunal or court. If you think you have been discriminated against because of your race, age, religion or belief, gender, disability, sexuality or transgender status then we can advise you on the best course of action and your chances of success.

Q What sort of cases do you deal with?

A We have been working for many years supporting people with cases under the Race Relations Act. Now we have expanded our services to offer a full discrimination casework service. That means that we will deal with any complaint under the equality legislation – that is discrimination based on race, disability, gender, age, sexuality, religion or belief or transgender status.

We can only work within the law and that generally protects individuals from discrimination in employment, education, goods facilities and services, housing and public services. This may be restricted depending on the claim you are making, for example there is currently no protection from age discrimination in goods facilities and services, but we will advise you on this further.

We can only deal with discrimination specific cases, that means although we can take a case with more than one claim, eg unfair dismissal and disability discrimination, one of the claims must be discrimination under a protected equality strand.

Q What do you mean by discrimination?

A We are talking about being treated unfairly because of something to do with the person's race, disability, gender, age, sexuality, religion or belief or transgender status. There are different types of discrimination which are legally defined and vary slightly according to the legislation. So for example if you are disabled your employer would be acting unlawfully if they discriminated against you because of the disability, but he is also under a positive duty to make reasonable adjustments to enable you to continue working.

People can also make a claim if they have been victimised because they made a claim (or threatened to make a claim) or supported someone else who did.

Q What is indirect discrimination?

A Lots of people think that this is another word for subtle or underhand discrimination, but it's not. This is a specific legal definition, which is when a rule or condition is in place that applies to everyone but acts as a barrier for people from particular groups, for example a rule that employees or pupils must not wear headgear could exclude Sikh men and boys who wear a turban, or Jewish men or boys who wear a yarmulka, in accordance with practice within their racial group.

Q Will my case go to tribunal or court?

A If your case is an employment matter it will be heard by an employment tribunal. Claims to employment tribunal are free of charge and we will be able to represent you at hearings there.

All other types of cases are heard by the county court. Unless you are on a low income, you will have to pay to make a claim to the county court. You should note that we can only represent on cases that are heard through the small claims procedure. The types of cases heard through the small claims tend to be straight forward cases like refusal of entry, rather than complicated education or housing claims.

However, not all cases get as far as tribunal or court. If the case isn't very strong we will advise you not to take the case forward as you could end up paying the costs of the other party. Sometimes we can resolve the case with a meeting or two, or sometimes the case settles for a financial sum before the case is heard.

Q What will the caseworker do for me?

A We employ two full time caseworkers and utilise the skills of trained volunteers to support this service. You may be given advice via telephone or e-mail, and then if the case is to go further you will be asked to come in for an appointment and bring with you some key documents that we will copy and keep in your file.

Usually in discrimination cases the next steps will be to serve a questionnaire on the person or company you are complaining about to try and secure evidence to support your claim. If we think that there is a reasonable chance of success we will submit a claim to tribunal or court on your behalf.

If we agree to assist you further, we will take responsibility for your case. That means if we think your case has merit we will act as your representative, writing all your letters, talking to the representatives on the other side and advocating for you at hearings. However, you also have certain responsibilities, like responding to requests for information, attending at appointments and accepting the advice provided.

Q Are there time limits?

A There are short time limits on discrimination cases which range between 3 and 6 months depending on the circumstances, so it is important that you come for advice as soon as possible.

Q Will I have to pay anything?

A The casework service we provide is completely free. However there may be charges related to your claim that you will have to pay for, such as a medical report, or court fees to lodge your claim, but we will tell you about any possible costs when we first advise you. If you win your case or we secure you a financial settlement we will ask you for a donation towards the REC to help us help other people like you, but you will not be forced to make a contribution – it's your choice.

Q When is the casework service available?

A The office is always open between 10-12pm and 2-4pm Monday-Friday, but there are appointments available outside of those times and we also offer surgeries across the area. For up to date details of surgeries check our website www.chawrec.org.uk We can also offer home (or close to home) visits for those who are unable to attend at our office.