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**Equal Status Act 2000**

**Equality Officer Decision  
DEC-S2002-010 / 011**

**Mr. Brian Maughan**

**Mrs. Eileen Maughan**

**(Represented by Mr. Stephen McCullagh B.L.  
instructed by O'Reilly Doherty & Co. Solicitors)**

**V**

**Dolly Heffernan's Public House  
(Represented by Mr. James Reid)**

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**Summary of Decision DEC-S2002-010 / 011**

**Mr. Brian Maughan & Mrs. Eileen Maughan**

**(represented by Mr. Stephen McCullagh B.L. instructed by  
O'Reilly Doherty & Co., Solicitors)**

**V.**

**The Proprietor, Dolly Heffernan's Public House**

**(represented by Mr. James Reid)**

**Key words**

Equal Status Act, 2000 - Direct discrimination, section 3(1) - Membership of the Traveller community, section 3(2)(i) - Supply of goods and services, section 5(1) - service in pubs - failure to reply to notification, inference under section 26 - non-co-operation with the investigation, section 37

**Background**

This dispute concerns a complaint by Mr. Brian Maughan and Mrs. Eileen Maughan that they were discriminated against by the Proprietor, Dolly Heffernan's Public House. They alleged that they were discriminated against by the respondent on the Traveller community ground in terms of sections 3(1) and 3(2)(i) of the Equal Status Act, 2000 in that they were not provided with a service which is generally available to the public contrary to Section 5(1) of the Act.

The complainants said that they were refused service in the respondent's bar on 30 December, 2000, and contend this occurred because they are members of the Traveller

community. The respondents case is that Mr. Brian Maughan caused trouble in the pub on a previous occasion when he refused to leave at closing time and as a result he was refused service when he next visited the pub on 30 December, 2000.

### **Conclusions of the Equality Officer**

The Equality Officer found that the complainants did establish a prima facie case of discrimination, and that there was no evidence provided by the respondent to substantiate the claim that he was entitled to refuse service on the grounds that Mr. Maughan had caused trouble in the bar on a previous occasion. The Equality Officer found that the respondent did not succeed in rebutting the prima facie case raised by the complainants and concluded, having taken an inference under section 26 of the Act, that he did unlawfully discriminate against them on the grounds that they are members of the Traveller community.

### **Decision**

The Equality Officer concluded that the complainants were unlawfully discriminated against and awarded them compensation in the amount of €1,500 each for the distress and embarrassment suffered as well as the loss of amenity to them. The Equality Officer also ordered the respondent to put in place a code of practice which should include the rules applying to all customers seeking service, the code of behaviour expected from customers and the sanctions which may apply in the event of a breach of the code.

## **1 Dispute**

- 1.1** This dispute concerns a claim by Mr. Brian Maughan and Mrs. Eileen Maughan that they were discriminated against by the Proprietor of Dolly Heffernan's Public House contrary to the Equal Status Act, 2000, on the grounds that they are members of the Traveller community. The complainants alleges that the respondent discriminated against them in terms of Section 3(1)(a), and 3(2)(i) of the Equal Status Act, 2000.

## **2 Background**

- 2.1** The complainants alleges that they were discriminated against by the respondent contrary to the Equal Status Act, 2000 when they were refused service in the respondent's bar on 30 December, 2000. The complainants contend this occurred because they are members of the Traveller community. The respondents case is that Mr. Brian Maughan caused trouble in the pub on a previous occasion when he refused to leave at closing time and as a result he was refused service when he next visited the pub on 30 December, 2000.

## **3 Summary of the Complainants case**

- 3.1** The complainants stated that they are Travellers living on a permanent site in two caravans with their family for nearly 7 years. They stated the following in evidence to support their case:

- Mr Brian and Mrs. Eileen Maughan were regulars in the pub 8 or 9 years ago but hadn't been there for a number of years, or since it was taken over by the current owner, as Mr. Maughan had had been off drink for a number of years for personal reasons.
- Mr. Maughan owns a pick up truck and does a lot of business with non-Traveller customers in the garage trade mostly.
- The respondent's pub was recommended to him by his business friends and he and his wife went to there about 28 December, 2000. Mr. Maughan met his brother, who is a regular in the pub, and he introduced him to the barmen Christy and Gerry. They had an enjoyable night and Mr. Maughan played a number of games of pool.
- On 30 December they decided that they would go to the respondent's premises again instead of going to Baliggan as they had arranged. They arranged to meet Mr. Maughan's brother and wife.
- They arrived at the pub at 8pm and got a drink each. Mr. Maughan met a person who owns a garage and they arranged to do some business. He ordered a drink from a waiter who was passing the table where he was seated with his business acquaintance, the waiter went to the bar and returned and told him he would not be served.
- The barman called Gerry gave the instructions not to serve him. Mr. Maughan said that he could not understand why he would not be served. Mr. Maughan was embarrassed by the refusal of service and excused himself from the table where he was seated. Mr. Maughan then told Mrs. Maughan that he had been refused service.
- He queried the reason for the refusal of service with Gerry but Gerry at first denied that he had refused him service. Mr. Maughan then asked would he be served. Gerry told him that it was the bosses orders not to serve him and that only regular customers would be served. Mr. Maughan told Gerry, the barman, that he believed he was refused service and discriminated against because both he and his wife are member of the Traveller community.
- Mr. Maughan asked Gerry to call the Gardaí which he did. They waited about half an hour but the Gardaí were very busy and did not come to the premises. Mr. Maughan also asked to speak to the boss, but he was not on the premises and Gerry advised him to go to his home which Mr. Maughan refused to do.
- Mr. Maughan's brother arrived in the pub but he did not tell him what had happened as he did not want to cause trouble for him. His brother is well known businessman in

the community, has many non-Traveller friends and has been a well established customer of the pub. Mr. Maughan believes his brother, unlike him, would not have been recognised as a Traveller as he is very well dressed.

- On leaving the pub Mr. Maughan spoke to both barmen again and told them that he was going to report the incident. The barmen told him it was a dirty job they had to do and promised they would have a pint with him if the matter was sorted out.
- Mr. and Mrs. Maughan reported the matter to the Gardaí on the way home and were advised that it was not a matter for the Gardaí as it was a civil matter.
- They believe they were refused service because they are Travellers.

**3.2** Having heard the respondent's response to their complaint of discrimination at the hearing, the complainants stated the following;

- Mr. Maughan stated that he left the pub on 28 December when he was told by the barman it was closing time.
  - He said he was not abusive to staff nor did he cause any disturbance.
  - He said that the barman played a game of pool with him prior to closing time. The barman then advised him it was closing time
  - He finished his drink left with his brother.
  - He said that they were very well treated on the night and this was the reason they wished to return.
  - Mrs. Eileen Maughan said that she did not hear loud voices or violence on 28 December. They all left the pub together and everything was nice and quiet.
  - In response to Mr. Reid's query concerning the Traveller status of the complainants, Mr. Maughan submitted that he is a settled Traveller and will always considers himself to be a Traveller.

**3.3** The complainants' representative submitted that no direct evidence was presented by the respondent and that neither of the respondent's representatives were present on the night of 28 December when Mr. Maughan allegedly created a problem. He submitted that the only evidence given by the respondent was hearsay. The only direct evidence available to the Equality Officer was that presented by the complainants and that this evidence stands uncontradicted.

#### **4 Summary of the Respondent's case**

**4.1** The Proprietor of Dolly Heffernan's Lounge Bar, Mr. John Crowe, did not respond to the complaints in writing, as requested by me. He contacted me a number of times by telephone and said that he does not discriminate against Travellers. I informed him I could not discuss the case with him and requested his response in writing. It is the practice of the Office to request both parties to put their case in writing for hearing before an Equality Officer. This is to ensure that each party is fully informed of the case being made by the other, in accordance with natural justice. A hearing of the case was arranged for 15 May, 2001 and on 8 May Mr. Crowe left a message on my voice mail that he would not be turning up.

**4.2** Mr. James Reid, who is a manager in a company owned by the respondent called Puresafe Ltd., attended the hearing on behalf of Mr. John Crowe. Mr. Robert Kane, Manager of Dolly Heffernan's also attended. Neither Mr. Reid or Mr. Kane were present in the respondent's bar on 28 December or 30 December, the dates relevant to the case.

Mr. Reid stated the following:

- He disputes the complainants' Traveller status because they stated that they were living in settled accommodation and Mr. Maughan did not prove during his evidence that the staff knew they were Travellers.
- He disputes that the complainants were discriminated against on the grounds they are Travellers.
- He had carried out an investigation into the complaints and he spoke to Christopher, the bar manager, and Gerry, the barman who were both on duty on 28 and 30 December, 2000.
- Christopher told him that Mr. Maughan was in the pub around 28 December, 2000 and at closing time Mr. Maughan delayed leaving the pub, words were exchanged with Christopher and he eventually left.
- When Mr. Maughan visited the pub again on 30 December he was refused service because of his misbehaviour on his previous visit on the 28 December.
- Mr Reid stated that the pub has no policy of refusing Travellers and if it did the complainants brother would not be served.



- Neither has the pub a policy of serving regular customers only. Sometimes in a difficult situation it is easier to tell customers that the pub operates a regulars only policy.

**4.3** Mr. Kane stated that he is a Manager with overall responsibility for pub. He was not present in the bar on either 28 December or the 30 December, but Christopher who was manager on both nights told him the following:

- that Mr. Maughan wanted to play more pool at closing time and words were exchanged with Christopher, the manager, and Mr. Maughan's brother had to coax him out of the pub.
- The rules of the pub are that if a customer misbehaves they are not served again. Mr. Kane told Christopher, the barman, to enforce this rule and this was the reason Mr. Maughan was refused service on 30 December, 2000.

## **5 Conclusions of Equality Officer**

**5.1** The matter referred for investigation turns upon whether or not the complainants were directly discriminated against contrary to Section 3(1)(a) and 3(2)(i) of the Equal Status Act, 2000 and in terms of Section 5 (1) of that Act. In reaching my decision I have taken into account all the submissions, both oral and written, made to me by the parties in the course of my investigation into the complaint.

Section 3(1)(a) provides, inter alia, that discrimination shall be taken to occur where: *On any of the grounds specified... (in this case the Traveller community ground).... A person is treated less favourably than another person is, has been or would be treated.* Section 3(2)(i) provides that: *As between any two persons, the discriminatory grounds ... are ... that one is a member of the Traveller community and the other is not.*

Section 5(1) of the Act provides that:

*“A person shall not discriminate in disposing of goods to the public generally or a section of the public or in providing a service, whether the disposal or provision is for consideration or otherwise and whether the service provided can be availed of only by a section of the public.”*

## Prima Facie Case

5.2 A person making an allegation of discrimination under the Equal Status Act, 2000 must first demonstrate that a *prima facie* case of discrimination exists. I have identified the three key elements the complainants must show in order to establish a prima facie case:

**- are the complainants covered by the ground? ( in this case are they members of the Traveller community?)**

**-in what circumstances were the complainants refused service by the respondent on 30 December, 2000.**

**-evidence that the treatment received by the complainants was less favourable than the treatment someone, not covered by that ground, would have received in similar circumstances.**

If and when those elements are established, the burden of proof shifts, meaning that the difference in treatment is assumed to be discriminatory on the relevant ground. In such cases the claimant does not need to prove that there is a link between the difference and the membership of the ground, instead the respondent has to prove that there is not. If they succeed in establishing prima facie evidence, the burden of proof then shifts to the respondent to rebut the inference of discrimination.

Essentially this is the approach provided for in the Burden of Proof Directive (Council Directive 97/80/EC). In adopting this approach I am conscious that the Directive is not directly applicable to the complaint in hand under the Equal Status Act, 2000, but I consider that the Directive has persuasive effect in discrimination law. It is notable that the Labour Court and Equality Officers applied the practice of shifting the burden of proof in discrimination cases long before any European Community caselaw required them to do so (as far back as 1983 (*Bailieborough Community School v Carroll*, DEE 4/1983 Labour Court) and 1986 (Equality Officer: *Gibney*), and that this was a consistent practice across a spectrum of cases<sup>1</sup>. European Court of Justice caselaw did not address the issue of the shift in the burden of proof for the first time until the *Danfoss*<sup>2</sup> and *Enderby*<sup>3</sup> cases so this was not done purely in implementation

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<sup>1</sup> *Curtin, Deirdre, Irish Employment Equality Law, 1989, P. 222 et seq.*

<sup>2</sup> *Danfoss Case no. C-109/88*

<sup>3</sup> *Enderby v Frenchay Health Authority and Secretary of State for Health C-127/92*

of Community law. It seems to represent an indigenous development in Irish discrimination law, which was in advance of Community law. There is no reason why it should be limited to employment discrimination or to the gender ground.

The practice of shifting the burden of proof in discrimination cases was also applied in very clear terms by the Supreme Court in *Nathan v Bailey Gibson*<sup>4</sup> and referred to by the High Court in *Conlon v University of Limerick*.<sup>5</sup> In *Nathan v Bailey Gibson* the Supreme Court stated:

*“In such a case the worker is not required, in the first instance, to prove a causal connection between the practice complained of and the sex of the complainant. It is sufficient for him or her to show that the practice complained of bears significantly more heavily on members of the complainant's sex than on members of the other sex. At that stage the complainant has established a prima facie case of discrimination and the onus of proof shifts to the employer to show that the practice complained of is based on objectively verifiable factors which have no relation to the complainant's sex.”*

While these were both indirect discrimination cases, it seems that the principle should by logical extension apply to direct discrimination cases if it applies to indirect discrimination cases.

In considering what constitutes a prima facie case, I have examined definitions from other sources. In *Dublin Corporation v Gibney (EE5/1986)* prima facie evidence is defined as: *“evidence which in the absence of any credible contradictory evidence by the employer would lead any reasonable person to conclude that discrimination had occurred.”*

The Northern Ireland Court of Appeal, in an employment discrimination case, stated that:

*“Once the evidential burden has shifted ....., the question then is whether there is any evidence to justify the conclusion that the evidential burden has been discharged by the respondent.”*<sup>6</sup>

In article 4 of the *EC Burden of Proof Directive (Council Directive 97/80/EC)* the

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<sup>4</sup> *Nathan v. Bailey Gibson* [1998] 2 I.R. 162

<sup>5</sup> *Conlon v. University of Limerick* [1999] ILRM 131

<sup>6</sup> *Wallace v. South Eastern Education and Library Board (NI Court of Appeal)* 1980 IRLR 193

following definition appears: *"when persons who consider themselves wronged..... establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination"*.

In *Teresa Mitchell v Southern Health Board*, (DEE011, 15.02.01), the Labour Court interpreted article 4 of the EC Burden of Proof Directive as follows: *" This indicates that a claimant must prove, on the balance of probabilities, the primary facts on which they rely in seeking to raise a presumption of unlawful discrimination. It is only if those primary facts are established to the satisfaction of the Court , and they are regarded by the Court as being of sufficient significance to raise a presumption of discrimination, that the onus shifts to the respondent to prove that there was no infringement of the principle of equal treatment. Applied to the present case, this approach means that the appellant must first prove as fact one or more of the assertions on which her complaint of discrimination is based. "*

I am now going to examine the issues I have identified above and consider whether the complainants have established a *prima facie* case.

### **5.3 Issue of Traveller Identity**

In the Equal Status Act, 2000 the Traveller community ground is defined as follows:

*"means the community of people who are commonly called Travellers and who are identified (both by themselves and others ) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland"*.

Mr. Reid raised an issue concerning the complainants Traveller identity. He submitted because the complainants are living on a permanent site they are no longer Travellers. The complainants state they are Travellers living in two caravans on a permanent site. They consider themselves settled Travellers as they no longer travel from county to county. It is my view from the statutory definition above, that for someone to be considered as a member of the Traveller community, they do not have to be at present actively leading a nomadic way of life. I am satisfied that the complainants are Travellers as defined by the Act.

### **Circumstances of Refusal of Service**

**5.5** The next issue for decision is, in what circumstances were the complainants refused service? It was agreed by both parties that the complainants were refused service on 30 December, 2000 but the reason for the refusal is in dispute. The complainants' case is that they were refused service for no good reason and they believe this occurred because they are members of the Traveller community. Mr. Maughan said that he was given no satisfactory explanation on the 30 December why service was being refused, other than it was the bosses orders and that regulars only were served. The respondent submitted that it was the Manager's decision that Mr. Maughan would not to be served but that the pub did not operate a policy of serving regulars only. I note from the evidence that Mr. Maughan stated that the barmen on duty expressed regret at having to ask them to leave and told them they hoped they could have a drink with them another time. I am satisfied from the evidence presented by the complainants that they were refused service and that the reason for the refusal of service was connected to the fact that they are members of the Travellers community. The complainants were in the company of non- Traveller customers when service was refused and their evidence is that none of these customers were refused service or asked to leave. I am therefore satisfied, on the evidence before me, that the complainants were treated less favourably than non-Traveller customers in similar circumstances, on the night of 30 December, 2000. For the foregoing reasons I find that the complainants have established a *prima facie* case of discrimination.

#### **Rebuttal of Prima Facie Case**

**5.6** As I have stated above once a *prima facie* case has been established the burden of proof falls to the respondent to rebut the presumption of discrimination. Mr. Reid on behalf of the respondent stated that:

- 1) Mr. Maughan had misbehaved in the pub circa 28 December, 2000.
- 2) The complainants were not recognised as Travellers by the staff.
- 3) there could be no discrimination on the Traveller community ground as Mr. Maughan's brother and other Travellers were served.

**5.7** Mr. Reid stated that Mr. Maughan had caused trouble in the pub at closing time on the 28 December, and it is the policy of the pub to refuse service to anyone who causes trouble. Mr. Maughan denied he caused any trouble at closing time on 28 December.

In response to questions from me at the hearing, Mrs. Maughan who was also in the pub on 28 December, stated that she was not aware of any trouble on that night of and she didn't hear any raised voices. Mr. Reid stated that it was not necessary to hear loud voices or have punches thrown for service to be refused. In this case he submitted the reason the complainant were refused on 30 December was because of Mr Maughan's aggressive attitude towards the barman on 28 December when he continued to play pool after closing time. However Mr. Kane stated that it was reported to him by Christopher, the manager, that words were exchanged between him and Mr. Maughan and this was the reason he instructed Christopher not to serve Mr. Maughan again.

**5.8** I note that the only evidence provided by the respondent in relation to the events on the 28 December, 2000 is hearsay. During the hearing the respondent did not provide any hard evidence such as witnesses or witness statements to support his case that Mr. Maughan had misbehaved on the premises. Mr. Reid stated that the reason he did not bring Christopher, the bar manager on duty on both the 28 December and 30 December, to the hearing, was because he no longer works for the respondent and that he would be intimidated by giving evidence in such circumstances. He also stated that Gerry, barman on duty on both dates, had very little involvement in what happened and there was no reason to bring him to the hearing. It is a matter for the parties to a hearing to provide the necessary hard evidence to support their case and in this case the respondent choose to provide only hearsay evidence. In the circumstances I find that the respondent has provided no satisfactory evidence to support his contention that Mr. Maughan misbehaved in the respondent's pub and as a consequence he was entitled to refuse service to both of the complainants.

**5.9** Mr. Reid disputed that the complainants were identified as Travellers by the staff of the respondent pub when service was refused. The respondent provided no direct evidence to support this contention, the only evidence provided was hearsay. The complainants believe the staff of the respondent's premises identified them as Travellers. I am satisfied on the evidence available to me that the complainants' Traveller identity would have been known to the staff of the respondent premises.

**5.10** Mr. Reid submitted on behalf of the respondent that the complainants could not have

been discriminated against on the Traveller community ground because Mr Maughan's brother who is also a Traveller and other Travellers are served. Mr Maughan's evidence was that his brother would not be recognised as a Traveller because he is well dressed and his identity as a Traveller would only have been known to the respondent after Mr. and Mrs. Maughan visited the pub. Mr Reid refused to answer questions or to allow Mr. Kane to answer questions in relation to the pub's policy concerning Travellers. I find therefore that the respondent has not disproved the complainants' contention that the respondent operates a discriminatory policy in relation to serving Travellers.

**5.11** The proprietor of Dolly Heffernan's, Mr. John Crowe did not attend the hearing but provided a Statutory Declaration concerning another Licensed Premises he owns stating that he has been in the licensed trade for 25 years and has never discriminates against Travellers. In circumstances where such a Statutory Declaration is unsupported by oral evidence such a document has very little probative value.

**5.12** I find that the respondent has provided no satisfactory evidence to support his contention that he was entitled to refuse service to the complainants because of Mr. Maughan's previous conduct. I find therefore, that the respondent has failed to rebut the prima facie case of discrimination raised by the complainants and that he did unlawfully discriminate against them on 30 December, 2000, when they were refused service and asked to leave the pub.

## **6 Issues Concerning the Investigation**

**6.1** I note the respondent failed to co-operate in any meaningful way with the investigation of this complaint. The following are examples of the non-co-operation:

The complainants' representative notified the respondent of the complaint in accordance

with Section 21 of the Equal Status Act by letter dated 16 January, 2001, but received no response.

I invited the respondent to respond to the complaint by letter dated 28 February and again received no response.

I also invited Mr. John Crowe, Proprietor of Dolly Heffernan's during a number of telephone calls to respond in writing to the complaints but he did not do so.

During the course of the hearing Mr. Reid refused to answer or to allow Mr Kane to answer a number of questions put to both of them, claiming that the questions were irrelevant. For example, the type of questions I asked concerned the number of customers barred and the reasons for the barring, the number of Traveller customers and if any were barred. It should be noted that it is a matter for the Equality Officer investigating a complaint under the Equal Status Act, 2000 to decide what questions are relevant. This further instance of non-co-operation by the respondent was less than helpful to their argument.

It should also be noted that it is a statutory offence under Section 37 of the Act not to comply with a requirement of an Equality Officer or to obstruct her in the exercise quasi-judicial powers. The penalties provided by the Act are as follows:

- on summary conviction, a fine of up to £1,500 or imprisonment for up to one year or both,
- on conviction on indictment, a fine up to £25,000 or imprisonment for up to 2 years or both

Where the offence continues after conviction, a further fine up to £250 per day on summary conviction and up to £1,500 per day on conviction on indictment.

The non-co-operative conduct adopted by the respondent in relation to the investigation has raised a question in my mind concerning the reasons for acting in such a manner. In my opinion I believe I can draw an inference from this conduct. I have concluded that the most appropriate one to draw is that the respondent operates a discriminatory policy in relation to serving Travellers and this was the reason for refusing to serve the complainants.

**6.2** As I have mentioned above the respondent did not reply to the notification of the complaints sent to him by the complainants Solicitor in accordance with Section 21(2)(a) of the Equal Status Act, 2000. Section 26 of the Act provides:

*“If in the course of an investigation under Section 25, it appears to the Director-*



*(a) that the respondent did not reply to a notification under section 21(2)(a) or to any question asked by a complainant under section 21(2)(b),*  
*(b) that the information supplied by the respondent in response to the notification or any such question was false or misleading, or*  
*(c) that the information supplied in response to any such question was not such as would assist the complainant in deciding whether to refer the case to the Director,*

*The Director may draw such inferences, if any, as seem appropriate from the failure to reply or, as the case may be, the supply of information as mentioned in paragraph (b) or (c).”*

In the circumstance I have decided to draw an inference from the fact the respondent failed to comply with Section 26. The most appropriate inference to draw in the light of the conduct of the case by the respondent, in my opinion, is that the decision taken by the respondent to refuse service to the complainants was based solely on the fact they are members of the Traveller community.

## **7 Matters Arising After the Hearing**

**7.1** After the hearing was completed a solicitor made contact with the Equality Officer to indicate they were now acting on behalf of the respondent and to ask if they could lodge a submission on his behalf. I did not consider that it would be compatible with natural justice or fair to the other party to accede to this request, given that the respondent was given ample opportunity to provide a response before the hearing, was provided with the procedures of the Office, the solicitors were on notice concerning the date of the hearing, and that considerable time had now elapsed since the completion of the hearing.

## **8 Decision**

**8.1** I find for the foregoing reasons that the complainants were unlawfully discriminated against contrary to the provisions of Section 3(1) and 3(2)(i) of the Equal Status Act, 2000 and in terms of section 5(1) of that Act.

**8.2** Under section 27(1) of the Equal Status Act, 2000 redress may be ordered where a

finding is in favour of the complainant. Section 27(1) provides that:

*“the types of redress for which a decision of the Director under section 25 may provide are either or both of the following as may be appropriate in the circumstances:*

*(a) an order for compensation for the effects of the discrimination;*

*or*

*(b) an order that a person or persons specified in the order take a course of action which is so specified.”*

Under the above Section the maximum amount of compensation I can award is €6,349 . I order Mr. John Crowe, The Proprietor, Dolly Heffernan’s Pub and Restaurant, to pay to the complainants, Mr. Brian Maughan and Mrs. Eileen Maughan, the sum of €1500 each to compensate them for the distress and embarrassment suffered as well as the loss of the amenity to them on the night.

I also order the respondent to put in place, within 2 months of the date of this decision, a clear and transparent code of practice which should apply to the service of all customers. The code should include the rules which apply to all customers seeking service, the code of behaviour expected from customers and the sanctions which may apply in the event of a breach of the code. All the staff and customers should be informed in an appropriate manner of the contents of the code.

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Marian Duffy  
Equality Officer  
March, 2002