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PRESS RELEASE

Court rules refusal of man wearing poppy is discrimination

The Equality Commission has welcomed the decision by Belfast County Court that a man who was turned away from licensed premises in Belfast city centre because he and his family were wearing poppies, suffered unlawful discrimination on grounds of religious belief or political opinion.

Ted Cooke from Templepatrick, with the assistance of the Equality Commission, had taken the case under the Fair Employment and Treatment Order 1998 against Botanic Inns, the then owners of the Northern Whig bar.

The case against Botanic Inns was undefended.

The Recorder for Belfast, Judge David McFarlane, stated that the case for indirect discrimination “is based on the assertion that the poppy is an emblem worn predominantly by those of the Unionist or Protestant tradition in Northern Ireland. This would not be the wish of the Royal British Legion and indeed it could not be said that the poppy is worn exclusively by people from that tradition. However, the court accepts that a significant proportion of people in Northern Ireland displaying the poppy would come from that tradition. It therefore follows that by denying services (i.e. entry and a meal) the defendant company was indirectly discriminating against the plaintiff.”

Mr. Cooke had indicated to the court that he was not seeking compensation but a declaration that what happened was unlawful discrimination. The Recorder accordingly awarded him one pound and costs. The defendant company is in administration.

The Recorder gave a declaration that “the defendant company committed an unlawful act by virtue of the indirect discrimination against him on the grounds of his religious belief and political opinion.”

“I was angered and embarrassed by the incident,” Ted Cooke said. “I was going in with my wife and daughter to have lunch on a Saturday afternoon shopping trip. The doorman told us we could not go in as we were wearing poppies and we were so shocked we just turned and went out. I took this case to challenge the idea that the poppy should be treated as a sectarian symbol.”

Eileen Lavery, Head of Advice and Compliance at the Equality Commission said that the Commission had assisted Mr. Cooke in challenging this because it believed that debarring him from the premises in these circumstances was unlawful discrimination on grounds of religious belief or political opinion. “The poppy, although not directly linked to a specific religious belief or political opinion, would historically have been associated to a greater extent with the Protestant or Unionist community in Northern Ireland,” she said. “In our guidance to employers, the Commission makes it clear that the wearing of poppies, in a respectful manner and within the appropriate period, should not be regarded as something which would cause offence. It would be unacceptable if any person was made to feel uncomfortable because they were, or were not, wearing a poppy.”

“The wearing of emblems or displays of symbols can become an issue for employers, who have a duty to maintain a good and harmonious working environment for their staff; and for service providers such as publicans who need to avoid an atmosphere which could be intimidating or cause disorder.” Eileen Lavery said. “The Equality Commission has provided guidance to help people faced with making such decisions decide which symbols have the potential to disrupt a good and harmonious environment and which are not likely to do so.”

Our guidance for employers is available [online](#) (pdf, 288kb)

Read the full [County Court decision](#) (pdf, 77kb)

