

Kathleen Maguire, Teresa Maguire, James Maguire & Charlie McDonald v Dermot O'Kane trading as Hillside Filling Station & Donna O'Kane trading as IKON Hair Boutique

Race discrimination proceedings brought in the County Court which settled on 26 February 2016.

The Plaintiffs were referred to the Commission by John J McNally & Co Solicitors.

Summary

The Plaintiffs are Kathleen Maguire and her brother and sister, James and Teresa, and Charlie McDonald who is Teresa's husband. They are all Travellers.

The Defendants are Donna and Dermot O'Kane who run the Hillside garage, shop, hairdressing and beauty salon which are all in the same complex in Bellaghy.

On 11th September 2014 Kathleen and her brother James drove to the garage. Kathleen went into the shop. She alleged that she was informed by a person working in the shop that "there's no more Maguires allowed to be served from tomorrow onwards". Kathleen thought it was a joke or mistake, paid her money and left.

About one hour later she returned to the garage to get fuel. James was at the pump with the petrol can. Kathleen went towards the shop to pay. Kathleen alleged that Donna O'Kane came out of the hairdressers and barred her way to the shop and shouted there was a new policy "no Maguires". Kathleen asked her what the problem was and claims that she was told that her sister owed the hair salon quite a lot of money dating back to a wedding in 2013. Kathleen claims that she asked Donna "do I owe you any money?" and alleged that Donna answered "No, but it doesn't matter, you're all the same and until she pays, none of you lot are getting in". Kathleen alleged that Donna said it was "our business" and was a policy that was being implemented by her husband who owned the garage. James attempted to put petrol in the can but they refused to put the pump on so they were unable to get any fuel.

The following morning 12 September 2014 Teresa went to the garage with her husband Charlie McDonald. She alleged that her access to the shop was barred by one of the shop assistants who said "Teresa you have no business coming in here as you're all barred". Teresa tried to explain to her that the bill was nothing to do with her. Teresa alleged that she was told "I can't serve no Maguires". Teresa's partner Charlie said "I am not a Maguire, can I get served?" He alleged that the shop assistant said "I'm just not letting you in".

Approximately two weeks later Kathleen's husband had run out of petrol. As he was near the garage he free wheeled the car into the forecourt and parked. He went to the shop and told the shop assistant he was completely out of petrol. She said she couldn't serve him. He told her that he would have to leave the car there if she didn't give him

fuel. She said she would but asked him not to tell anyone. He alleged that beside the till there was sign for the staff which read “NO MAGUIRES #”.

The Travellers felt that this was extremely humiliating and unacceptable. They believe that the symbol # was used as it is on twitter to start a trend to get others to follow their lead. They believed that the Defendants would not have entirely barred any other non Traveller family simply because one member of the family had not paid a bill.

The Defendants agreed to pay each of the four Plaintiffs £750 each (total compensation £3,000). The Defendants regretted any injury to feelings, hurt or distress occasioned to the Plaintiffs arising from the circumstances of the incidents complained of and apologised to each of them. The Defendants affirmed their commitment to the principle of equality of opportunity in the provision of goods, facilities and services and to ensuring that their practices and procedures comply in all respects with their obligations under current national and European Equality law and the relevant Codes of Practice, in particular Race Relations (NI) Order 1997 and the Race Relations Code of Practice. The Defendants agreed to liaise with the Equality Commission to draft a policy and procedure to ensure equality of opportunity in the provision of goods, facilities and services for all customers and to ensure that any policy complies with European equality law and the relevant Codes of Practice, in particular the Race Relations (NI) Order 1997 and the Race Relations Code of Practice. The Defendant agreed to train management and staff in relation to the implementation of the policy and procedure to ensure that they apply the policy in accordance with the principles of equal opportunities.