

27 May 2015

### **Equality Commission comment on Newry & Mourne District Council Report into the naming of McCreesh Park**

In April 2014, the Equality Commission found that Newry and Mourne District Council failed to comply with its Equality Scheme when deciding to retain the name “The Raymond McCreesh Park” for a Council-owned children’s play park in Newry.

In its Investigation Report, the Commission recommended that the Council review its decision to name the park after Raymond McCreesh in a transparent manner taking proper account of its legal obligation to have due regard to the need to promote equality of opportunity and regard to the desirability to promoting good relations.

The Equality Commission has now considered the report received from the former Newry and Mourne District Council of this review.

“While the Commission accepts the report from the Council in completion of our recommendation to review the decision, the Commission is disappointed that the opportunity was not taken to find a name for the play park that would have positive resonances with all those in the Council area and that would be more conducive to good relations between communities”, Dr. Michael Wardlow, Chief Commissioner of the Equality Commission said.

The Commission had also recommended that a similar review take place of the policy on naming Council facilities generally. “As Newry and Mourne District Council is now part of the Newry, Mourne and Down District Council, we look forward to the effective application of its equality and good relations duties by the new Council,” Dr. Wardlow said, “including the fulfilment of the second recommendation of the Commission’s Investigation Report. We will continue to advise the Council on these important duties.”

“Improving relations between communities in Northern Ireland needs strong and courageous leadership at all levels. This makes particular demands on public representatives, such as local councillors, especially when dealing with potentially contentious issues such as displays of flags and emblems or the naming of facilities. All those charged with civic leadership are required to consider whether their actions will

maintain tension or will contribute to improving those relationships by promoting greater mutual understanding and help to challenge prejudice. In short, they should avoid taking decisions which might sow the seeds of greater division in society,” Dr. Wardlow said.

Investigations of alleged breaches of Equality Schemes by the Equality Commission are governed by paragraphs 10 and 11 of Schedule 9 of the Northern Ireland Act 1998, section 75 of which introduced the equality and good relations duties on public authorities. As a result of an investigation, the Commission may recommend action by the public authority concerned, including recommending action to address any breach of Scheme.

These provisions, under the Northern Ireland Act 1998, are quite different from the laws protecting individuals against acts of discrimination, which involve different legal processes. The Commission may assist an individual to take a discrimination complaint against an employer or a provider of goods, facilities and services on grounds governed by a range of anti-discrimination statutes. These cases are heard in the fair employment/industrial tribunal or county court and in those cases the tribunal or judge determines whether discrimination has occurred and the appropriate remedy for this.