



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

July 2020



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BAI Complaints Handling Process

Under the Broadcasting Act 2009, viewers and listeners to Irish radio and television services can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. When making a complaint, the relevant programme or commercial communication should be identified, including the date of broadcast and time. The complainant should explain what it is about the broadcast that has led them to make a complaint. It is important to set out clearly the grounds of the complaint and why the programme material or commercial content does not comply with the BAI's Broadcasting Codes. A copy of the codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01-6441200.

In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner detailed in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster has available on its website. If a viewer or listener is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaint referrals, the BAI will have regard to the relevant codes and rules, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed at Executive level by the Executive Complaints Forum and/or by the Compliance Committee of the Authority. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

In total, twelve complaints were considered and rejected by the Executive Complaints Forum. The decisions of the Executive Complaints Forum were reached at meetings held on 11th and 25th May and the 22nd June 2020.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5300
Complainant	Paddy Murray
Station	RTÉ One
Programme Name	Eco Eye
Broadcast Date	25 th February 2020
Broadcast Time	19:00
Programme Description	Documentary covering environmental issues
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rule 4.2.

Complaint Summary

The programme was billed as an examination of the BusConnects proposal for Dublin.

The complainant states the content of the programme was billed as an investigation of the issues around the controversial BusConnects proposal but the broadcast itself was something entirely different. The complainant states that the programme did not represent any opposing views of the Dublin BusConnects proposal. The complainant further states that he contacted the broadcaster about this but was informed that the programme makers found it difficult to secure participants to partake in the programme and voice their opposition. However, it is the view of the complainant that there are many people opposed to this, which can be demonstrated by driving through the affected areas of Rathfarnham, Terenure, Harold's Cross, Rathgar, Shankill or Glasnevin, where hundreds of homes display banners or posters in opposition to the project. The complainant found the programme to be one-sided and unobjective, further, he believes that it was misleading as the content differed from how the programme was promoted.

Broadcaster Response Summary

The broadcaster states that the programme intended to look at the BusConnects controversy in Dublin. As sometimes happens with a documentary genre, the programme evolved into a wider examination of the national challenges with gridlock and the Dublin BusConnects issue ultimately became only a segment of the programme.

The broadcaster claims that viewers were informed of the focus of the programme from the outset. The broadcaster also states that broadcasters have editorial control over the format of programmes that they produce and a change in focus to a programme is within their remit.

The programme examined the experiences of people in Dublin, Galway and Limerick. The broadcaster states that the presenter acknowledged the opposition in Dublin to the felling of trees and the purchase of private gardens/property during the programme. Further, the broadcaster notes that the programme featured a response from the community in Inchicore in Dublin on this issue.



Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rule 4.2. The Code requires that news and current affairs content shall comply with the principles of fairness, objectivity and impartiality, accuracy and responsiveness, transparency and accountability.

The Forum had regard to the complainant's view that the programme was billed online as an examination of the BusConnects proposal but instead focused mainly on the traffic issues in Cork, Galway, Limerick and, to a lesser degree, Dublin. However, the Forum acknowledged that assessment of the complaint must be in the context of the Codes and the content of the actual broadcast. The Forum noted that elements of the complaint are outside its remit and, as such, it would not consider these elements of the complaint.

In considering this complaint, the Forum had regard to the context and format of the programme and the editorial right of the broadcaster regarding the focus of the item. The Forum noted that during the programme, the presenter offered personal views regarding traffic congestion and the use of public transport. The Forum noted this style is usual for the programme and regular audiences would expect this approach. The Code permits authored segments in programmes and, in this context, the Forum did not find that the views put forward led to the programme being unfair or partial.

The Forum noted that the latter part of the programme included reference to the Dublin BusConnects project and included reference to the opposition concerns of residents in respect of the felling of trees and loss of garden space. The Forum noted that this was a minor aspect of the programme, however, the broadcaster is not required to include every possible viewpoint or to discuss each area affected by BusConnects. The Forum was of the view that audiences were given access to a range of viewpoints and considered that the topic was discussed in a manner which was fair and impartial.

The Forum noted that the broadcaster clearly established the parameters of the programme in its introduction and, in this context, it was transparent regarding the approach it adopted. The Forum was of the view that the broadcast did not infringe the Code of Fairness, Objectivity & Impartiality in the manner outlined by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5301
Complainant	Noel McNally
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	31 st December 2019
Broadcast Time	09:00
Programme Description	Light entertainment show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to an interview with a woman who made a documentary called 'Leaving Limbo', about the experience of the interviewee and another woman, in preparing for the leaving certificate while in Direct Provision.

The complainant states that the presenter, who was standing in for the regular presenter, on several occasions referred to the interviewee as a woman of colour in reference to her African background. The complainant takes exception to the use of this term and considers that it displayed racial bias on the part of the presenter. The complainant questions whether the presenter would have referred to the interviewee in the same manner had she been Caucasian. The complainant maintains that the discussion should have focused on the views of the interviewee, rather than the interviewee's ethnic background.

Broadcaster Response Summary

The broadcaster states that the interview focussed on a young woman who created and featured in a documentary due to air on RTÉ One the day following the interview in question. The broadcaster states that the context for the interview was the documentary about the personal journey of two women, one of which was the interviewee, preparing for their Leaving Certificate while in Direct Provision.

The broadcaster states that the complainant's assertion that the presenter displayed racial prejudice by use of the phrase "woman of colour" and that the discussion was objectionable is without foundation. The broadcaster maintains that it was clear to listeners that the tone of the interview throughout was respectful, warm, life-affirming, humorous and engaging. Further, the broadcaster believes that it is evident from the broadcast that the interviewee, herself a firm advocate of human rights, had no issues with the phrase 'woman of colour' being used. This was evident throughout the entire interview.

The broadcaster contends that the ethnic background of the interviewee was central to the interview precisely because it was central to the documentary. The broadcaster states that the phrase 'women of colour' is particularly associated with Professor Loretta Ross, the African American academic, human rights campaigner and an acknowledged expert on hate groups, racism and intolerance, who



was the National Co-Director of Women of Color in the US. The broadcaster contends that the interview stood as testament to upholding the values enshrined in Principle 5 of the Code. RTÉ believes there is no basis to uphold this complaint on any of the grounds cited or under any provision of broadcasting legislation or regulatory code.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Programme Standards - Principle 5. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Forum noted that this was an interview with a woman who made a documentary about her experience undertaking the Leaving Certificate while living in Direct Provision. The Forum noted that the complainant considered that the reference by the presenter to the guest being a woman of colour was objectionable as it relied on the guest's ethnic background as the source of the discussion.

The Forum found that during the interview, the presenter did refer to the interviewee as a woman of colour. However, the term was used in the context of the discussion which focused on the bravery and determination of the interviewee in overcoming obstacles that she faced coming to Ireland as a migrant and living in Direct Provision. The ethnic background of the interviewee was central to the discussion, particularly as the interviewee described the challenges that arose due to living in a foreign country.

The Forum noted that the interviewee did not appear to object to being referred to as a woman of colour and considered that this was demonstrated when, in answering a question later in the interview, the interviewee referred to herself as a black woman. The interviewee further stated that her mother told her that she would have to work three times harder because she was neither white, nor a man.

The Forum found that the presenter was respectful and courteous at all times and that the presenter was very complimentary towards the interviewee, especially with regard to her work as a UNICEF Ambassador and for her part in the documentary.

The Forum was of the view that the broadcast did not infringe the Code of Programme Standards in the manner outlined by the complainant. As such, the complaint was rejected.



Complaint Number	Reference	C5304
Complainant	Declan McKenna	
Station	RTÉ Radio 1	
Programme Name	Liveline	
Broadcast Date	19 th March 2020	
Broadcast Time	13:45	
Programme Description	Light entertainment phone-in programme	
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs - Rule 4.1.	

Complaint Summary

The complaint refers to a discussion centred on Covid-19 and the proposed treatment of students in relation to their oral exams.

The complainant states that a caller made the point that any discussion related to Covid-19 was now just hyping the situation. The complainant believes that the presenter interrupted and stated that, “we don’t live in North Korea. We can talk about these things”. In response, the caller then said that the North Koreans have not done so badly and that the Chinese have done fairly well, at which point the presenter interjected again to say, “do you believe a word out of North Korea’s mouth? Seriously, I won’t have North Korea now thrown up as an example”. The caller stated that he had not brought North Korea into the discussion, that it was the presenter who had done so.

The complainant maintains that not only did the presenter block any attempt by the caller to develop an objective position, he introduced an issue out of context and compounded this by expressing his own views about North Korea. The complainant believes that the statement proves that the presenter’s comments were crass and prejudicial.

Broadcaster Response Summary

The broadcaster states that the decision on the cancellation of the oral exams was a government decision in the context of a national emergency. The programme aired the views of callers in respect of a decision that was not going to be reversed. The broadcaster therefore states that there was no debate about whether such a decision would be made.

Referring to the presenter expressing a view, the broadcaster states that Liveline is a well-established show and the presenter’s style and approach is a central component of the audience engagement. The audience has an expectation that the presenter is frequently challenging, provocative and robust with callers. The broadcaster states that the presenter’s comments about North Korea reflected the political nature of that State and the context in which these comments were made would be widely understood by the audience.



Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rule 4.1. The Code requires that news and current affairs content shall be presented in an objective and impartial manner. The Forum noted that the complaint related to a discussion on Covid-19 in which the presenter made a comment about North Korea.

The Forum had regard to the complainant's views but noted that the presenter's style is well known to audiences as he regularly challenges opinions put forward by callers. The Forum found that in this broadcast the presenter moderated the discussion in a robust but fair manner. The Forum had regard to the requirements of the Code and noted that authored segments are permitted under the Code. Further, the presenter's style is synonymous with the programme and listeners would expect to hear the presenter's opinions. The Forum noted that the reference to North Korea was a minor part of the discussion and was of the view that it was an off the cuff remark used to emphasise that Ireland is a democratic country. The Forum found that the topic was discussed in a manner which was fair, impartial and objective.

On this basis, the Forum did not consider that the broadcast infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5307
Complainant	Mike Garde
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	15 th March 2020
Broadcast Time	21:00
Programme Description	Evening news broadcast.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to preferential treatment, in terms of time and content, shown to the Catholic Church by the broadcaster.

The complainant claims that RTÉ grants Catholicism an unequal proportion of broadcast time and that other denominations and religions are treated as a side show. The complainant believes that broadcasts should be based on the principle that the State will not endow any religion. The complainant also maintains that the special position of the Catholic Church was removed by Referendum, therefore, the question arises as to why the content of one Church is given so much attention in this news broadcast. The complainant claims that by giving the Catholic Church 70% of the content coverage, the broadcaster is not treating all Irish citizens equally.

In relation to the broadcast on 15th March, the complainant claims that as a result of the Covid-19 crisis, the broadcast featured a Catholic bishop on an elevated pulpit and, instead of a position on a platform of equality, the bishop was standing on an elevated level wearing a mitre. The complainant maintains that this gave the impression that the Roman Catholic Church is the National Church.

The complainant adds that the broadcaster's religious presentations seem to be based on a statistical foundation which is founded on a flawed Census return that classifies different Christian denominations as separate religions. The complainant states that he has no objection to religion or atheism but merely that equality should define the policy.

Broadcaster Response Summary

The broadcaster states that its Religious Affairs provides coverage for a wide and diverse range of faiths and for those of humanist and atheist views. Over the Easter period, RTÉ broadcast a Church of Ireland Service on Good Friday on RTÉ News Now; the Jewish festival of Passover was marked with a programme on RTÉ One and also celebrated the Sikh festival of Vaisakhi, again, on RTÉ One. Each day after the daily Mass, during Covid-19 on RTÉ News Now, RTÉ also carries a five-minute slot featuring a representative of all faiths and none. The broadcaster maintains that these broadcasts demonstrate the diversity and inclusiveness of output from RTÉ's religious programming.



Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Programme Standards – Principle 5. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Forum noted that the complainant's primary point was that in his view, RTÉ grants Catholicism an unequal proportion of broadcast time and considers that broadcasts should be based on the principle that the State will not endow any religion.

The Forum found that the broadcaster has editorial control over what is and is not broadcast. The focus of the Forum's considerations is whether the broadcast infringes the Code. The Forum had regard to the complainant's belief that the broadcast infringed the section of the Code which states that broadcasters shall "show due respect for religious view, images, practices and beliefs in programme material". However, the Forum did not consider that the broadcast infringed the Code in this manner. The Forum noted that there is no requirement for an equal portion of time to be devoted to each service or to each faith, nevertheless, the broadcaster aired several services over the period of time cited by the complainant and that these represented a range of faiths. The Forum did not consider that the broadcast contained any content that infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5308
Complainant	Mike Garde
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	17 th March 2020
Broadcast Time	21:00
Programme Description	Evening news broadcast.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to preferential treatment, in terms of time and content, shown to the Catholic Church by the broadcaster.

The complainant claims that RTÉ grants Catholicism an unequal proportion of broadcast time and that other denominations and religions are treated as a side show. The complainant believes that broadcasts should be based on the principle, as the Constitution suggests, that the State will not endow any religion. The complainant also maintains that the special position of the Catholic Church was removed by referendum therefore the question arises as to why the content of one church is given so much attention in this news broadcast. The complainant claims that by giving the Catholic Church 70% of the content coverage, the broadcaster is not treating all Irish citizens equally.

The complainant claims that during the news, Catholicism was presented as the established faith and, further, is of the view that the Irish language and Irish nationalism is linked to our National Saint. The complainant claims that his overall contention is with the broadcaster's policy of assigning content based on a flawed statistical view of religion. In the reports on St. Patrick's Day, the Irish language was connected to the saint, whereas it is, in reality, advancing a certain nationalist agenda. The complainant adds that the broadcaster's religious presentations seem to be based on a statistical foundation which is founded on a flawed Census return that classifies different Christian denominations as separate religions. The complainant states that he has no objection to religion or atheism but merely that equality should define the policy.

Broadcaster Response Summary

The broadcaster states that its Religious Affairs provides coverage for a wide and diverse range of faiths and for those of humanist and atheist views. Over the Easter period, RTÉ broadcast a Church of Ireland Service on Good Friday on RTÉ News Now; the Jewish festival of Passover was marked with a programme on RTÉ One and also celebrated the Sikh festival of Vaisakhi, again, on RTÉ One. Each day after the daily Mass during Covid-19 on RTÉ News Now, RTÉ also carries a five-minute slot which features a representative of all faiths and none. These broadcasts demonstrate the diversity and inclusiveness of output from RTÉ's religious programming.



Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Programme Standards – Principle 5. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity.

The Forum noted that the complainant's primary point is that in his view, RTÉ grants Catholicism an unequal proportion of broadcast time and broadcasts should be based on the principle that the State will not endow any religion. The complainant believes that RTÉ's policy of assigning content is based on a flawed statistical view of religion.

The Forum found that the broadcaster has editorial control over what is and is not broadcast. The focus of the Forum's considerations is whether the broadcast infringes the Code. The Forum had regard to the complainant's belief that this broadcast infringed the section of the Code that states that broadcasters shall "show due respect for religious view, images, practices and beliefs in programme material". However, the Forum did not consider that the broadcast infringed the Code in this manner. The Forum noted that there is no requirement for an equal portion of time to be devoted to each service or to each faith, nevertheless, the broadcaster aired several services over the period of time cited by the complainant and that these represented a range of faiths. The Forum did not consider that the broadcast contained any content that infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5309
Complainant	Mike Garde
Station	RTÉ News Now
Programme Name	Daily Mass
Broadcast Date	19 th March 2020
Broadcast Time	10:30
Programme Description	Catholic Mass
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to preferential treatment, in terms of time and content, shown to the Catholic Church by the broadcaster.

The complainant claims that the service which was started on 19th March had Catholicism for 23 minutes and then seven minutes for other Christian denominations and religions.

The complainant claims that RTÉ grants Catholicism an unequal proportion of broadcast time and that other denominations and religions are treated as a side show. The complainant believes that broadcasts should be based on the principle that the State will not endow any religion. The complainant also maintains that the special position of the Catholic Church was removed by referendum therefore the question arises as to why the content of one church is given so much attention in this news broadcast. The complainant claims that by giving the Catholic Church 70% of the content coverage, the broadcaster is not treating all Irish citizens equally.

The complainant states that he has no objection to religion or atheism but merely that equality should define the policy.

Broadcaster Response Summary

The broadcaster states that its Religious affairs provides coverage for a wide and diverse range of faiths and also for those of humanist and atheist views. Over the Easter period RTÉ broadcast a Church of Ireland service on Good Friday on RTÉ News Now; the Jewish festival of Passover was marked with a programme on RTÉ One and also celebrated the Sikh festival of Vaisakhi, again on RTÉ One.

Each day, after the daily Mass during Covid-19 on RTÉ News Now, RTÉ also carries a five-minute slot featuring a representative of all faiths and none. These broadcasts demonstrate the diversity and inclusiveness of output from RTÉ's religious programming.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster



and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complainant's primary point is that in his view, RTÉ grants Catholicism an unequal proportion of broadcast time and broadcasts should be based on the principle that the State will not endow any religion. The complainant believes that RTÉ'S policy of assigning content is based on a flawed statistical view of religion.

The Forum found that the broadcaster has editorial control over what is and is not broadcast. The focus of the Forum's considerations is whether the broadcast infringes the Code. The Forum had regard to the complainant's belief that this broadcast infringed the section of the Code that states that broadcasters shall "show due respect for religious view, images, practices and beliefs in programme material". However, the Forum did not consider that the broadcast infringed the Code in this manner. The Forum noted that there is no requirement for an equal portion of time to be devoted to each service or to each faith, nevertheless, the broadcaster aired several services over the period of time cited by the complainant and that these represented a range of faiths. The Forum did not consider that the broadcast contained any content that infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5310
Complainant	Mike Garde
Station	RTÉ 2
Programme Name	Easter Mass
Broadcast Date	11 th April 2020
Broadcast Time	22:00
Programme Description	Catholic Mass
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to preferential treatment, in terms of time and content, shown to the Catholic Church by the broadcaster.

The complainant claims that the Easter Vigil Mass broadcast on 11th April at 22:00 displayed a position of granting the Catholic Church a special position which is not consistent with equality.

The complainant claims that RTÉ grants Catholicism an unequal proportion of broadcast time and that other denominations and religions are treated as a side show. The complainant believes that broadcasts should be based on the principle, as the Constitution suggests, that the State will not endow any religion. The complainant also maintains that the special position of the Catholic Church was removed by referendum therefore the question arises as to why the content of one church is given so much attention in this news broadcast. The complainant claims that by giving the Catholic Church 70% of the content coverage, the broadcaster is not treating all Irish citizens equally.

The complainant states that he has no objection to religion or atheism merely that equality should define the policy.

Broadcaster Response Summary

The broadcaster states that its Religious Affairs provides coverage for a wide and diverse range of faiths and for those of humanist and atheist views. Over the Easter period, RTÉ broadcast a Church of Ireland service on Good Friday on RTÉ News Now; the Jewish festival of Passover was marked with a programme on RTÉ One and also celebrated the Sikh festival of Vaisakhi, again, on RTÉ One.

Each day after the daily Mass during Covid-19 on RTÉ News Now, RTÉ also carries a five-minute which features a representative of all faiths and none. These broadcasts demonstrate the diversity and inclusiveness of output from RTÉ's religious programming.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.



The Forum noted that the complainant's primary point is that in his view, RTÉ grants Catholicism an unequal proportion of broadcast time and broadcasts should be based on the principle that the State will not endow any religion. The complainant believes that RTÉ's policy of assigning content is based on a flawed statistical view of religion.

The Forum found that the broadcaster has editorial control over what is and is not broadcast. The focus of the Forum's considerations is whether the broadcast infringes the Code. The Forum had regard to the complainant's belief that this broadcast infringed the section of the Code that states that broadcasters shall "show due respect for religious view, images, practices and beliefs in programme material". However, the Forum did not consider that the broadcast infringed the Code in this manner. The Forum noted that there is no requirement for an equal portion of time to be devoted to each service or to each faith, nevertheless, the broadcaster aired several services over the period of time cited by the complainant and that these represented a range of faiths. The Forum did not consider that the broadcast contained any content that infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5311
Complainant	Mike Garde
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	22 nd March 2020
Broadcast Time	21:00
Programme Description	Evening news broadcast.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint refers to preferential treatment, in terms of time and content, shown to the Catholic Church by the broadcaster.

The complainant claims that the report during the news provided the view that the Roman Catholic Church is the National Church. The complainant believes this is not the case and a format should have been conceived which spoke from all to all. The complainant states that his issue is with the broadcaster's policy of assigning content based on a flawed statistical view of religion.

The complainant claims that RTÉ grants Catholicism an unequal proportion of broadcast time and that other denominations and religions are treated as a side show. The complainant believes that broadcasts should be based on the principle, as the Constitution suggests, that the State will not endow any religion. The complainant also maintains that the special position of the Catholic Church was removed by Referendum, therefore, the question arises as to why the content of one Church is given so much attention in this news broadcast. The complainant claims that by giving the Catholic Church 70% of the content coverage, the broadcaster is not treating all Irish citizens equally.

The complainant states that he has no objection to religion or atheism merely that equality should define the policy.

Broadcaster Response Summary

The broadcaster states that its Religious Affairs provides coverage for a wide and diverse range of faiths and for those of humanist and atheist views. Over the Easter period, RTÉ broadcast a Church of Ireland service on Good Friday on RTÉ News Now; the Jewish festival of Passover was marked with a programme on RTÉ One and also celebrated the Sikh festival of Vaisakhi, again, on RTÉ One.

Each day after the daily Mass during COVID-19 on RTÉ News Now, RTÉ also carries a five-minute slot featuring a representative of all faiths and none. These broadcasts demonstrate the diversity and inclusiveness of output from RTÉ's religious programming.



Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complainant's primary point is that in his view, RTÉ grants Catholicism an unequal proportion of broadcast time and broadcasts should be based on the principle that the State will not endow any religion. The complainant believes that RTÉ'S policy of assigning content is based on a flawed statistical view of religion.

The Forum found that the broadcaster has editorial control over what is and is not broadcast. The focus of the Forum's considerations is whether the broadcast infringes the Code. The Forum had regard to the complainant's belief that this broadcast infringed the section of the Code that states that broadcasters shall "show due respect for religious view, images, practices and beliefs in programme material". However, the Forum did not consider that the broadcast infringed the Code in this manner. The Forum noted that there is no requirement for an equal portion of time to be devoted to each service or to each faith, nevertheless, the broadcaster aired several services over the period of time cited by the complainant and that these represented a range of faiths. The Forum did not consider that the broadcast contained any content that infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5314
Complainant	Jack Kelly
Station	RTÉ Radio 1
Programme Name	Brendan O'Connor
Broadcast Date	19 th April 2020
Broadcast Time	11:00
Programme Description	Mix of news, interviews, reports and discussion with panel of guests
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs - Rules 4.1 and 4.2

Complaint Summary

The complaint refers to a comment made by a panel member during a discussion regarding the government taking over the private hospitals during the Covid-19 pandemic.

The complainant states that a panellist commented that some consultants in full time private practice don't like public patients. The complainant finds this to be an outrageous comment which is not supported by evidence. The complainant points out that many consultants in full time private practice have treated thousands of public patients through the National Treatment Purchase Fund.

The complainant also believes that this comment amounts to incitement to hatred directed at a particular group in society and considers that the panellist deliberately aimed to offend the group by making this comment.

Broadcaster Response Summary

The broadcaster states the programme typically involves a review of topical issues and that the panellist, who is a journalist, was included in a newspaper review segment. The panellist referenced a story in the Sunday Business Post concerning the difficulties that had emerged with the new contract for consultants in the context of the government taking control of private hospitals, and the broadcaster states that it was in this context that the discussion occurred.

The broadcaster notes that the panellist in question explained that she had been speaking to contacts in government and the HSE, and the general message was that the Irish Nurses & Midwives Organisation, the Irish Medical Organisation and GPs had been magnificent in their responses, however, it seemed that the response of the Irish Hospital Consultants Association has been bad. The broadcaster states that the panellist then made the remark that "a small number of them" who did not like public patients and did not want to treat them. The broadcaster contends that the presenter interjected, saying that "We don't know that. That is one view. They are not here."

The broadcaster states that the panellist's comment explicitly referred to a small number of consultants and the presenter intervened, challenging this viewpoint and providing an alternative view. Further, the presenter drew attention to the fact that they were not present to respond.



The broadcaster maintains that the newspaper segment of the show is a live and robust discussion and the views expressed by the panellist in question were challenged by the presenter. The broadcaster is satisfied that this segment of the show was fully in keeping with all the statutory and regulatory provisions of the Broadcasting Act 2009 and the related Code of the BAI.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, Rule 4.1. The Code requires that news and current affairs content shall be presented in an objective and impartial manner.

The Forum noted that the complaint relates to the content of a newspaper review. The Forum had regard to the complainant's view that a segment of the newspaper review was derogatory towards consultants regarding public patients.

In considering this complaint, the Forum had regard to the context and format of the programme, which includes in-depth interviews, human interest stories, consumer and lifestyle news along with a lively panel discussion on issues of the week as well as newspaper reviews. The Forum noted that during a discussion on the Sunday Business Post the topic turned to the formation of a new Government, addressing issues with the health service, such as public and private patients and waiting lists. The Forum noted that one of the panellists stated their view some consultants had been unhelpful in facilitating public patients, however, this comment was not aimed at all private consultants. The Forum noted that the presenter further clarified this by stating that comment made by the panellist was one view but that there were no consultants present on the panel to defend themselves.

The Forum was of the view that given the type of programme and audience expectation, strong opinions from panellists would be expected. However, a range of viewpoints were facilitated through the comments of the presenter. The Forum did not consider that the broadcast infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5319
Complainant	Daniel Molloy
Station	Newstalk 106–108 FM
Programme Name	The Hard Shoulder
Broadcast Date	20 th April 2020
Broadcast Time	16:00
Programme Description	Current affairs and politics programme broadcast weekday evenings.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 3 and 6.

Complaint Summary

The complaint refers to remarks made by the presenter in relation to Covid-19 requirements issued by the Government and the HSE.

The complainant states that the presenter made dismissive remarks about the Government and the HSE's 'stay at home' guidance dealing with the pandemic. The complainant claims that the presenter questioned the validity of the guidance and flippantly encouraged a lack of compliance. The complainant also considers the presenter degraded the lockdown with what he deems to be Trumpian "Leo's lockdown" phraseology. The complainant found the presenter's comments lacked responsibility and recognition of the importance of these life-saving guidelines.

Broadcaster Response Summary

The broadcaster states that the presenter's tone could be perceived by some to be harsh or reckless at times. However, the broadcaster considers that the presenter has always called things as he sees it and is of the view that it would have been a disservice to all those who tune in to hear his honest and blunt take on matters of the day, to silence him at such a significant time. The broadcaster maintains that the programme features many guests who disagree entirely with the presenter's viewpoint. Listener interaction often challenges the views of the presenter, often in a robust manner, and the broadcaster states that this is a regular feature of the programme.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Programme Standards – Principles 3 and 6. The Code requires that broadcasters take due care to ensure that audiences are not exposed to harmful content and that the interests of the audience are protected.

The Forum noted that the complainant considered that the presenter's comments could encourage the audience to not comply with the Government and HSE's requirements and guidance regarding Covid-19 measures. The complainant is of the view that the presenter's comments are irresponsible



as they are dismissive of important health guidance.

The Forum noted that the format of the programme is such that the presenter provides his own view regarding issues, often in a robust manner. In this regard, the comments made by the presenter were in line with audience expectations in the context of the format of the programme. The Forum did not find that the presenter's comments would cause harm to the audience, as outlined in the complaint.

The Forum was of the view that the broadcast did not infringe the Code of Programme Standards in the manner outlined by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5321
Complainant	T. Finn
Station	RTÉ One
Programme Name	The Late Late Show
Broadcast Date	10 th April 2020
Broadcast Time	21:35
Programme Description	Light entertainment show.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality News and Current Affairs - Rules 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10, 4.11, 4.17, 4.18, 4.19, 4.20, 4.22, 4.25, 4.28 and 4.29. Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 1 , 2, 3, 4, 5 and 6.

Complaint Summary

The complaint refers to the way in which the section on domestic violence was presented.

The complainant takes issue with the content and manner in which the section of the programme was presented. It is the view of the complainant that by featuring women only in this segment, the programme gave the impression that victims of domestic abuse are exclusively female, and the perpetrators are exclusively male. The complainant claims that by its content and presentation, the programme was not balanced in that it gave a one-sided story. The complainant also believes that it was misleading in that it gave the impression that perpetrators are exclusively male and that victims are exclusively female. The complainant further states that the programme and content were intentionally presented to highlight domestic abuse as an exclusively male act against females.

Broadcaster Response Summary

The broadcaster rejects completely the complainant's claim that this part of the programme suggested that domestic abuse was an exclusively male act against females.

The broadcaster maintains that the presenter's introduction to this item was entirely gender neutral. At no point did the presenter mention women or men. The broadcaster states that the presenter spoke repeatedly about the impact of domestic abuse on people. Further, the broadcaster notes that it is a fact that domestic abuse impacts women more than men and, for that reason, it was entirely appropriate to feature a female victim and a representative from Women's Aid. However, the broadcaster cites several extracts from the programme to demonstrate that, for the most part, the discussion was gender neutral.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.



The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10, 4.11, 4.17, 4.18, 4.19, 4.20, 4.22, 4.25, 4.28 and 4.29 and the Code of Programme Standards Principles 1, 2, 3, 4, 5 and 6. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned. The Code also requires that the audience is protected from harm and that their interests are protected.

The Forum noted that this broadcast featured an interview with two contributors who discussed issues relating to domestic violence. The Forum noted that the complainant is of the view that the interview was biased as there were no male contributors.

The Forum further noted that the two interviewees were female, however, the broadcaster retains editorial freedom and may choose which contributors it features on a programme, along with the approach and format adopted for the programme. Further, the Forum noted that the discussion remained gender neutral and did not find that the programme was rendered sexist or biased due to the fact that men were not specifically mentioned or interviewed during the programme.

The Forum found that the focus of the discussion was a human-interest story and did not constitute a current affairs item. As such, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs does not apply. The Forum found that the complainant did not make a case as to how the broadcast infringed the Code of Programme Standards. The Forum found no evidence in the broadcast to support the matters raised in the complaint. As such, the complaint was rejected.



Complaint Reference Number	C5322
Complainant	T. Finn
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	21 st April 2020
Broadcast Time	21:35
Programme Description	Current affairs programme broadcast weekly.
Complaint Category	Broadcasting Act 2009 – Section 48(1)(a) fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality News and Current Affairs – Rule 4.1. Section 48(1)(b) (harm and offence); the BAI Code of Programme Standards – Principle 6.

Complaint Summary

The complainant refers to the failure of the programme to put key questions to the Taoiseach during an interview with him on Covid-19.

The complainant believes that RTÉ and the producer, director and presenter, failed to ask the Taoiseach a number of key questions and issues relating to the pandemic. The complainant outlines a number of questions that he believes should have formed part of the interview. The complainant maintains that the presenter touched on, but skirted around, a number of these questions but did not pose the critical questions to be answered.

Broadcaster Response Summary

The broadcaster refers to the BAI Guidance note regarding Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which states that “the Code is not intended to govern perceptions of ‘bias’ on the basis of topics and/or subject areas that a broadcaster has chosen not to cover. In the context of this Code, a decision not to cover a particular event or news story is not de facto evidence of a lack of fairness, objectivity and impartiality on the part of a broadcaster”.

The broadcaster states that the principle of editorial independence means that it is for the broadcaster to determine how an interview will be conducted. The broadcaster believes that the interview with the Taoiseach was fair, objective and covered all the key issues that Prime Time believed to be important at this time; it was fully compliant with all the relevant statutory and regulatory Codes.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rule 4.1 and the Code of Programme Standards - Principle



6. The Code requires that news and current affairs content shall be presented in an objective and impartial manner. The Code also requires that broadcasters protect the interests of its audience.

The Forum noted that the complainant considered that key questions were not posed to the Taoiseach during an interview regarding Covid-19.

The Forum noted that the complaint did not concern the interview questions which were broadcast, rather, the complaint seemed to focus on the omission of specific questions. The Forum noted that broadcasters have editorial freedom to choose the format that interviews take and the questions which are put to any interviewee. The Forum noted that a number of challenging questions were asked during the interview and audiences were given access to a range of views. The Forum was of the view that the complainant did not make a case for how the broadcast infringed the Codes. The Forum did not find evidence in the broadcast to support the matters raised in the complaint. As such, the complaint was rejected.