



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

July 2022



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BAI Complaints Handling Process

Viewers and listeners to Irish television and radio can complain about broadcasting content which they believe is not in keeping with the standards provided for in relevant provisions of the Broadcasting Act 2009 and/or the Broadcasting Authority of Ireland's Codes. Complaints are required to identify the relevant programme or commercial communication and the related date and time of broadcast. The complainant is asked to explain what it is about the broadcast that has led them to make a complaint and why the programme material or commercial content does not comply with the relevant legislation or BAI Codes. The Codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In general, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner set out in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster is required to have available on its website. If a complainant 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), the complaint may be referred to the BAI for consideration.

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

This document contains copies of the most recent complaints decisions made by the Compliance Committee and the Executive Complaints Forum. The decisions concern whether a programme or a commercial communication did or did not comply with the relevant legal requirements and/or Codes. The decisions do not constitute endorsement or support for the views of any party to a complaint nor do they address every aspect of a complaint submission. The BAI does not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period February to May 2022, the Compliance Committee considered and rejected thirteen (13) complaints. The Executive Complaints Forum considered and rejected sixteen (16) complaints.

The decisions of the Compliance Committee were reached at meetings held on 2nd March and 20th April 2022. The decisions of the Executive Complaints Forum were reached at meetings held on 15th February, 15th March, 29th March, 19th April and 10th May 2022.

One of the Compliance Committee's complaint decisions is not included in this document because the complaint was of a sensitive and personal nature and the Committee considered it inappropriate to publish the complaint decision, further to the provisions of section 48(10) of the Broadcasting Act 2009.



Rejected by Compliance Committee

Complaint Reference Number	C5580
Complainant	Mark Dunne
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	18 th October 2021
Broadcast Time	22:30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1. Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with journalist, Joe O'Shea about people choosing not to have a Covid-19 vaccination and possible public policy options in relation to this.

The complainant states that during the discussion, the interviewee made several statements which the complainant believes constitute hate speech, incitement to divide society and persecute and isolate people who have not had a Covid-19 vaccine. The complainant provides examples of such statements, which may be summarised as:

- Allusions to people who are not vaccinated believing social media posts with conspiracy theories about Bill Gates and Covid-19 vaccines;
- References to people who choose not to take the vaccine as “hardcore cranks”;
- Suggesting that people who choose not to take the vaccine cannot be debated with because their views on the subject are like a religious belief or a “cult-like” thing;
- Expressing his own anger with people who choose not to be vaccinated and expressing his view that there should be restrictions for those people because of the risk they pose “to our society, to our people, to our loved ones”.

The complainant also states that the interviewee's comment that there are no scientific arguments to be made for not getting vaccinated is false and misleading.

The complainant believes the interviewee is prejudiced against people who are not vaccinated, which meant the broadcast could not be presented in an objective and impartial manner. The complainant states that the interviewee's view that people who are not vaccinated should be “compelled” to stay at home and be isolated from the rest of society because they place others at risk, is based on personal bias and is not grounded in scientific evidence. The complainant believes that the broadcaster should not have broadcast such a view.



Broadcaster Response Summary

The broadcaster states the programme focused on the latest developments in relation to Covid-19 and the imminent announcement from Government on whether it intended to proceed with plans to lift remaining public health restrictions and re-open society on 22nd October 2021. In this context, the broadcaster believes the discussion on vaccination and those not availing of vaccination was editorially legitimate, particularly given the consensus of public health advice that vaccination helps reduce the severity of illness and potential mortality from Covid-19 infection. The broadcaster notes that it is an established principle that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge on issues such as this.

The broadcaster notes the interviewee was one of several contributors to the programme and that the broadcast provided a range of views on the subject from the panel and audience members.

The broadcaster is satisfied that, while the interviewee's views were robustly expressed and challenged, the content did not constitute "undue offence" or incitement to hatred or discrimination against any group.

The broadcaster believes the interviewee's view that there should be restrictions on people who are not vaccinated is an entirely legitimate view to hold, given the public health advice at the time, and notes that this view was shared by 69% of respondents to a poll referenced in the broadcast.

The broadcaster notes that the presenter challenged the interviewee's argument in favour of not "forcing" people to take vaccines but to "compel" them by imposing restrictions if they choose not to be vaccinated.

The broadcaster states that it is factually incorrect that the interviewee spoke about people not getting vaccinated because of their religious beliefs, but rather he expressed a view that some people have an almost religious belief in theories that set them against the scientific consensus. The broadcaster also states that it is incorrect that the interviewee targeted young people but rather he mentioned young people and "healthy" people as examples of groups who *may* feel it is not in their interests to get the vaccine.

The broadcaster believes the programme was fully compliant with all the statutory and regulatory provisions.

Decision of the Compliance Committee

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

The broadcast was a discussion with several interviewees and studio audience contributors on the latest developments in relation to Covid-19 and in the context of the Government's intention to lift public health restrictions on 22nd October 2021. The broadcast included some poll results on matters related to vaccinations and restrictions. The complaint is concerned mainly with the interview with journalist, Joe O'Shea.

The complaint was submitted under rules 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The Committee considered whether any of the interview with the journalist was misleading, demonstrated bias or lacked objectivity or impartiality. The Committee noted the interview was introduced by the presenter following the results of a poll showing 69% of respondents in favour of increased restrictions on people who are not vaccinated. The presenter asked the interviewee why he, like those respondents, favoured more restrictions for people who are not vaccinated. The interviewee set out his view that there are no scientific arguments for people not to be vaccinated and people should be compelled to have a Covid-19 vaccine by excluding unvaccinated people from public spaces. The presenter asked the interviewee whether he was advocating forcing people to have a vaccine and noted that people have a right to decide to take a vaccine. The interviewee said he was not in favour of forcing people to have a vaccine, but if people decided not to have a vaccine, the consequence for them ought to be exclusion from public spaces because of the risk unvaccinated people pose "to our society, to our people, to our loved ones". Later in the programme, the presenter put the interviewee's views to another contributor, a professor of immunology, to respond. She suggested addressing the reasons why people choose not to have a vaccine, listen to their concerns and find ways to encourage people to come forward to be vaccinated.

The Committee noted the Code is not intended to preclude the expression of opinion by contributors to current affairs programmes and the rules limiting the expression of opinion are confined to just the presenters of news and current affairs. The Committee was satisfied the opinions of the interviewee were clearly presented as such and the presenter appropriately challenged these views and sought the opinions of another contributor on them. The Committee did not believe the audience would have been misled about the issues under discussion and was satisfied the subject was presented in an objective and impartial manner and was fair to all interests concerned.

The complaint was submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the views and language used by the interviewee about people who choose not to have a Covid-19 vaccine infringed the above provisions of the Code of Programme Standards. The Committee noted the interviewee offered his views on the reasons why some people are choosing not to have a vaccine and he alluded to some people believing a conspiracy theory about the vaccines and Bill Gates circulating on social media. The interviewee also suggested that some people could not be persuaded to have the vaccine because of a "religious belief almost, a cult-like thing" in not accepting the evidence and advice of scientific and medical experts in relation to Covid-19 vaccines. The interviewee referred to these people as "hardcore cranks". The interviewee commented that he was not in favour of forcing people to have a vaccine, but rather the



consequence of that decision, in his view, must be the exclusion those people from public spaces because of the risk they pose “to our society, to our people, to our loved ones”.

The Committee found no basis to deem an opinion that some people choose not to have a Covid-19 vaccine because they believe in conspiracy theories as discriminatory or inciting hatred.

The Committee noted the “hardcore cranks” terms was not used to describe all unvaccinated people, but just those who do not believe in the evidence and advice of scientific and medical experts in relation to the vaccines. The Committee noted these people do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee accepted the term may have caused offence to the complainant but did not believe it caused undue offence, considering the moderate manner in which the interview was conducted and taking into account the nature of the programme and audience expectations.

The Committee considered whether the interviewee’s expressed opinion that people who are not vaccinated should face increased restrictions constituted an infringement of the Code of Programme Standards. The Committee noted that people who are not vaccinated do not constitute a group in society offered specific protection by equality legislation or the Code of Programme Standards. The Committee also noted that it had been Government policy to have different public health restrictions in place for unvaccinated people and it is editorially legitimate and serves the public interest to broadcast discussion and debate about such matters of public policy. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5604
Complainant	Maggie O'Donovan
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17 and 4.19. Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary
<p>The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.</p> <p>The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.</p> <p>The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.</p> <p>The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.</p> <p>The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.</p> <p>The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.</p>



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1, 4.2, 4.17 and 4.19 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable, and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The Committee found the complaint did not make a sufficient case that the broadcast contained any inaccuracy that would infringe rule 4.17 or that there were views or facts presented or misrepresented in such a way as to infringe rule 4.19.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.



The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5606
Complainant	Ciarán DeBrún
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary
<p>The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.</p> <p>The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.</p> <p>The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.</p> <p>The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.</p> <p>The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.</p> <p>The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.</p>



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5608
Complainant	Frank Leahy
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.28; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1 and 4.28 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. The Code also requires broadcasters and programme makers to adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister of Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The Committee found the complaint did not make a sufficient case that the broadcaster or programme makers had not adhered to legislative requirements as provided for at rule 4.28.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5609
Complainant	Rose Doherty
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary
<p>The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.</p> <p>The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.</p> <p>The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.</p> <p>The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.</p> <p>The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.</p> <p>The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.</p>



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5610
Complainant	Pawel Paszkowski
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary
<p>The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.</p> <p>The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.</p> <p>The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.</p> <p>The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.</p> <p>The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.</p> <p>The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.</p>



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5612
Complainant	Noreen O'Connell
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrate a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5613
Complainant	Bridget Leonard
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary
<p>The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.</p> <p>The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.</p> <p>The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.</p> <p>The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.</p> <p>The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.</p> <p>The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.</p>



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5616
Complainant	Anita Kelly
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17, 4.18, 4.19 and 4.20; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1, 4.2, 4.17, 4.18, 4.19 and 4.20 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner.

The Committee decided rule 4.18 was not applicable to this complaint as it did not pertain to two or more related broadcasts.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.

- Commented that “we’re being too easy” on people who choose not to get a vaccine, because they don’t believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, “why give them any quarter at all?”.

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter’s comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter’s comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster’s views, and was fair to all interests concerned.

The Committee found the complaint did not make a sufficient case that the broadcast contained any inaccuracy that would infringe rule 4.17 or that there were views or facts presented or misrepresented in such a way as to infringe rule 4.19 or that there was a significant mistake in the broadcast that would infringe rule 4.20.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter’s comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.



The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5617
Complainant	Ciaran Browne
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5625
Complainant	Michael Milmoe
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary
<p>The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.</p> <p>The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.</p> <p>The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.</p> <p>The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.</p> <p>The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.</p> <p>The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.</p>



Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about Governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rule 4.1 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?"

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that

questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Complaint Reference Number	C5636
Complainant	Theresa Tierney
Station	Newstalk 106-108FM
Programme Name	The Pat Kenny Show
Broadcast Date	28 th October 2021
Broadcast Time	09:00
Programme Description	Current affairs programme, broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1 and 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint concerns an episode of the programme which included a segment called 'Covid Roundup', containing interviews with medical and scientific academics and practitioners, and an interview with Minister for Health, Stephen Donnelly.

The complainant believes the presenter was prejudiced against people who are not vaccinated against Covid-19 and this prejudice prevented the subject matter from being presented in an objective and impartial manner.

The complainant states that a comment made by the presenter that people who are not vaccinated should stay at home because they place people who are vaccinated at risk is based on the presenter's personal bias, is not grounded in objective scientific evidence and is divisive and discriminatory.

The complainant believes the presenter's comment that society was being "too easy" on people who are choosing not to be vaccinated is inflammatory, discriminatory and potentially harmful.

The complainant is of the opinion that the presenter's comments in relation to employers needing to know whether employees are vaccinated demonstrated a lack of knowledge of discrimination in the workplace under employment equality legislation and a disregard for privacy law. The complainant believes the presenter's comments about employees are based on bias rather than on any grounding in science.

The complainant also noted the presenter's reference to children wearing masks in France was not qualified with a reference to the many European countries that do not have mask mandates in schools or the conclusions of Irish health experts that reducing the minimum age for mandatory mask wearing was not necessary, proportionate or justifiable.

Broadcaster Response Summary

The broadcaster notes that all the comments referenced in the complaint were made during the interview with Minister for Health, Stephen Donnelly, which covered a range of matters relating to the Covid-19 pandemic. The broadcaster was of the view the identified comments have been taken out of context.

The broadcaster notes that part of the role of a current affairs presenter is to ensure the audience is exposed to a wide variety of views on a subject, which includes facilitating the views of the interviewee and reflecting the views of those not contributing to the programme. The broadcaster states the presenter may robustly question an interviewee and convey a critical view, which may include challenging the approach of Government. The broadcaster believes the comments referenced in the complaint were of this nature and were not an expression of the presenter's personal views.

The broadcaster believes the presenter's comments in relation to people who are not vaccinated being told to stay at home were clearly drawing a parallel between vulnerable members of society before vaccines were introduced and those who are deemed vulnerable now, that is, people who are not vaccinated being akin to people who had to "cocoon" before vaccines were available. The broadcaster notes that restrictions for people who are not vaccinated was not novel given the use of Covid-19 vaccine certificates and these comments do not support or condone discrimination of any person or group in society.

The broadcaster makes a similar argument in relation to the presenter's comments about mask mandates for children aged 5 to 12, as a group of people who are vulnerable because they are not vaccinated.

The broadcaster states that the presenter's comments about being "too easy" on people who choose not to have a vaccine, who say "there is a chip in the vaccine that will affect my brain", were made in the course of a responsible and robust discussion with the Minister and do not constitute discrimination against a cohort of people who are not vaccinated or any groups protected under equality law. The broadcaster believes the "chip in the brain" comment is a tongue in cheek reference to a conspiracy theory about governments supporting mass chip implantation under the pretext of Covid-19 vaccinations.

In relation to the comments about employers knowing if employees are vaccinated, the broadcaster believes the presenter was conveying the views of a listener in order to question the Minister about GDPR and Covid-19 in the workplace and is comparing Ireland with other countries.

The broadcaster does not believe the presenter discriminated against any person or group in society. The broadcaster believes the broadcast was fair, objective and impartial and was not in breach of the Broadcasting Act 2009 or the relevant BAI Codes.

Decision of the Compliance Committee

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

The broadcast was an interview with Minister for Health, Stephen Donnelly, in relation to public health matters concerning Covid-19. At the end of the interview, the presenter put comments and questions from listeners to the Minister.

The complaint was submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Committee considered whether the presenter's comments and questions demonstrated bias or prejudice, such that they would constitute an infringement of the Code or relevant statutory provisions. The Committee noted the interview covered a range of matters connected to Covid-19 and the presenter's comments and questions relevant to this complaint may be summarised as:

- Questioning why it took so long to introduce antigen testing.
- Suggested comparisons with France rather than the UK would be better because of France's lower death rate from Covid-19 and commented on their use of mandatory vaccination for healthcare workers and the use of vaccine passes for many public spaces.
- Commented that he would not want to go to a hospital to be treated where staff could ask if he was vaccinated but he could not ask medical staff if they were.
- Commented that employers cannot ask if their workers are vaccinated because of data regulation but noted that other EU countries subject to same data regulation do not share this view.
- Questioned what case or hospital numbers or circumstances would prompt further actions or public health restrictions by Government.
- Commented that unvaccinated people are deemed to be vulnerable and it would be logical for Government to tell those people to stay at home. The presenter drew a comparison with how he, because of his age, had been deemed a vulnerable person at the start of the pandemic and had had to "cocoon" at home.
- Commented that school children in Ireland between the ages of 5 and 12 are not required to wear a mask as they are in France.
- Commented that "we're being too easy" on people who choose not to get a vaccine, because they don't believe in the science behind the vaccines or because they believe in conspiracy theories about the vaccine. The presenter asked, "why give them any quarter at all?".

The Committee was of the view that the type of issues raised by the presenter in these comments and questions, and in the interview as a whole, were relevant and appropriate in the context of interviewing a Government minister about his area of responsibility. The Committee was satisfied it

was editorially legitimate to draw comparisons with other countries and to question whether measures introduced in other countries would work in Ireland. The Committee also believed that questioning whether there ought to be restrictions specifically for people who are not vaccinated is editorially legitimate in the context of interviewing the Minister for Health about the public health response to a pandemic.

The Committee noted that the Code allows for current affairs presenters to robustly challenge and question interviewees in order to provide a range of opinion on a subject. The Committee was satisfied that this is the role the presenter played in this broadcast. The Committee was of the opinion that the presenter's comments and questions were in keeping with the established style of the programme and the presenter and with audience expectations of the programme. The Committee did not believe the presenter's comments and questions demonstrated any bias or prejudice. The Committee was satisfied the subject was presented in the broadcast in an objective and impartial manner, without any expression of the broadcaster's views, and was fair to all interests concerned.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which provides 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. This Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Committee considered whether the presenter's comments and questions in relation to people who are not vaccinated infringed the Code of Programme Standards or the relevant statutory provisions. The Committee noted that it had been public policy in Ireland to have different public health restrictions in place for people based on their Covid-19 vaccination status. The Committee is of the view that it is editorially legitimate to question a Government minister on its decisions and plans in relation to such public policies and such content has an important role in informing the public on matters of national policy. The Committee acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by questions as to whether such restrictions should be reintroduced, however, the Code of Programme Standards is not intended to be used to stifle expression of views and discussion on such matters of public importance.

The Committee noted that people who are not vaccinated are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code of Programme Standards. The Committee found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Committee concluded the content had not infringed the relevant provisions of the Broadcasting Act 2009, the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the BAI Code of Programme Standards. On this basis, the Committee rejected the complaint.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5577
Complainant	Bridget Leonard
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	21 st October 2021
Broadcast Time	10:00
Programme Description	Current affairs programme, with Philip Boucher Hayes
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 5.

Complaint Summary

The complaint concerns an interview with the Chief Medical Officer (CMO), on matters related to the Covid-19 pandemic, including a discussion on whether the interviewee would invite a member of his family who was not vaccinated against Covid-19 to his home for Christmas.

The complainant notes, from the discussion, that the interviewee referred to an increased risk for people who are not vaccinated of picking up the disease and transmitting it. The complainant also notes the interviewee commented on the need for people to protect themselves and loved ones against Covid-19 by receiving the vaccine. The complainant claims that later in the interview the interviewee remarked that vaccines do not halt transmission of Covid-19 and are not a 'silver bullet'.

The complainant believes the latter remarks that vaccines do not stop transmission of Covid-19 undermine the interviewee's position that people who are not vaccinated pose a greater risk to society. The complainant believes the interviewee's comments in that regard have no scientific basis.

The complainant states that neither the presenter nor the interviewee spoke of people who cannot take a Covid-19 vaccine for underlying health reasons or because of religious or cultural beliefs or for other reasons.

The complainant believes that the implication of this conversation is that people who are not vaccinated are less equal than those who are vaccinated.

The complainant maintains that views expressed in the interview were discriminatory, divisive and supported the exclusion of certain people from normal life.

Broadcaster Response Summary

The broadcaster notes the interview was a wide-ranging assessment of the current Covid-19 situation in the context of public health restrictions being lifted on 22nd October 2021.

The broadcaster states that the interviewee's comments that people who are not vaccinated pose an increased risk of picking up and transmitting Covid-19 were made in the context of the interviewee's broader comments that the nature and scale of social gatherings at Christmas were a matter for individuals to determine.

The broadcaster believes the interview was fair to all interests and was grounded in established public health and scientific/medical advice.

The broadcaster believes the programme was fully compliant with all the statutory and regulatory provisions.

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 Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast was an interview with the Chief Medical Officer (CMO), on matters related to the Covid-19 pandemic, including: the rise in the number of people in hospitals and in Intensive Care Units (ICU); pressure on General Practitioners; take-up of the vaccine programme; and, public health advice on mask wearing, hand hygiene and social interactions. The interview was conducted in the context of the Government's plan to lift some of the Covid-19 public health restrictions on 22nd October 2021.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether the interviewee's comments about the risks of social interaction with people who are not vaccinated against Covid-19 amounted to an infringement of the Code. In reviewing the broadcast, the Forum noted the interviewee spoke about the current context (at the time of broadcast) of increasing case numbers and numbers of people in hospital and in ICU with Covid-19. The interviewee noted that vaccines are effective in protecting many people from severe illness and death from Covid-19, but that vaccines alone would not be sufficient to suppress the virus and that improved "public health behaviours" would also be necessary. The Forum understood the interviewee's comment, "there is no single, silver bullet" as a reference to this point, which the interviewee made several times in the broadcast. The interviewee also offered advice for the public about the factors people ought to consider when socialising, particularly over the Christmas period. The interviewee emphasised the importance of individuals assessing the risk of social activity before engaging in it.

The Forum noted this was a wide-ranging interview with the CMO, which featured his views on the current public health measures required to address Covid-19. The Forum is of the opinion that it is editorially legitimate to hear the views of such a medical expert on this topic and the presenter

questioned and challenged the interviewee appropriately. The Forum found no evidence in the broadcast of content that would mislead the audience or of there being a lack of objectivity or impartiality in how the content was presented. The Forum found no evidence of any expression of the broadcaster's own views in relation to this topic.

The complaint was also submitted under Principle 5 of the Code of Programme Standards, which requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code of Programme Standards also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum considered whether the views expressed in relation to public health restrictions for people who are not vaccinated could have infringed on the provision of the Code of Programme Standards. The Forum noted that, at the time of broadcast, it had been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status. The interviewee expressed support for Covid-19 vaccine certificates being required to access what he described as "high risk" places of social interaction, such as pubs and nightclubs.

The Forum is of the opinion that broadcasting the views of the CMO in support of a public health policy which restricts some social interactions for people who are not vaccinated is not evidence, in and of itself, of content that supports or condones discrimination or incites hatred against unvaccinated people. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code. The Forum found no evidence in the broadcast of content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5647
Complainant	Patrick Mooney
Station	LMFM
Programme Name	The Michael Reade Show
Broadcast Date	14 th October 2021
Broadcast Time	09:15
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.3, 4.12, 4.17, 4.18, 4.19, 4.21 and 4.22; Broadcasting Act 2009 – Section 48(1)(b) (harm and offence); and BAI Code of Programme Standards - Principles 1, 3, 5 and 6.

Complaint Summary

The complaint concerns comments made by the presenter during a discussion about Covid-19 vaccinations on the programme.

The complainant believes several comments and questions made by the presenter were contrary to various broadcast standards. The sample comments and questions may be summarised as:

- Noting that vaccinated people should be able to protect themselves against people who are not vaccinated;
- Referring to people who are not vaccinated as stupid;
- Noting that people who are not vaccinated are putting people who are vaccinated at risk and “destroying” their lives; and
- Commenting that the use of vaccine passes ought to be extended and better enforced.

The complainant believes the broadcast content represented unfair bias and an expression of personal opinions by the presenter. The complainant also claims the content constituted indirect discrimination against people protected under equality law and that the presenter’s comments sowed division and incited hatred against people who are not vaccinated.

Broadcaster Response Summary

The broadcaster states that all the questions and comments referenced in the complaint were posed by the presenter in the conduct of an interview on an issue of public interest. The broadcaster notes that it is the presenter’s task to pose difficult and often controversial questions to interviewees in order to inform the public and examine and analyse issues. The broadcaster states that this does not equate to the presenter expressing his own views on the issues.

The broadcaster acknowledges the presenter suggested to his interviewee that people who are not vaccinated were stupid and accepts that some might consider this offensive. The broadcaster notes, however, that the presenter clarified shortly after the interview ended that he was not referring to people

with genuine reasons not to be vaccinated but to those who refuse vaccinations because of various conspiracy theories.

The broadcaster does not believe the broadcast constituted incitement to hatred or indirect discrimination. The broadcaster believes it is in the public interest to point out circumstances where the behaviour of a small group of people negatively affects the majority and that this takes precedence over any perceived discrimination.

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 Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast was an interview with Dr Marie Scully GP regarding the upward trajectory of infections of Covid-19, as addressed by the Taoiseach, Micheál Martin the previous day in the Dáil and to the comments made by the presenter in respect of those who refuse to receive the Covid-19 vaccination.

The complaint was submitted under rules 4.1, 4.2, 4.3, 4.12, 4.18, 4.19, 4.21 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Broadcasters shall deal fairly with contributors to current affairs content. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code provides that current affairs presenters shall not express their own views such that a partisan position is advocated.

The Forum noted that rule 4.12 pertaining to the use of secret or undisclosed recording in current affairs content is not applicable because the complaint made no case that such recordings were used in the broadcast. The Forum noted that rule 4.18, which allows for two or more broadcasts to be considered as a whole, is not applicable because this complaint pertains to one broadcast only. The Forum noted that rule 4.21 pertaining to news presenters is not applicable because the broadcast is current affairs and not news.

The Forum noted the interview with a General Practitioner was conducted in the context of the Government lifting public health restrictions at a time of increasing Covid-19 case numbers and numbers of people in hospital and ICU with Covid-19 and the disproportionate number of those made up of unvaccinated people. The Forum believes this was a robust interview to elicit the views of a medical professional working directly with the public on the public health challenges facing her and her colleagues. The Forum noted that the Code does not require an "artificial balance" of viewpoints to achieve fairness, objectivity and impartiality in the treatment of a subject, an example of which may be the inclusion of views contrary to established fact or scientific consensus. The Forum acknowledged that broadcasters can, and should, give due weight to the consensus of scientific, medical, and public knowledge. The Forum believed the discussion on vaccination and those not

availing of vaccination was editorially legitimate in the context of scientific and public health expert consensus that Covid-19 vaccines can reduce the severity of illness and potential mortality from Covid-19 infection.

The Forum noted the comments and questions from the presenter in relation to people who are not vaccinated were strongly expressed and some of the language was injudicious, at times, for example when referring to some unvaccinated people as “stupid”. The Forum understood this style and approach to be a means of adding colour and shade to the interview and to elicit the views of the interviewee. In this regard, the Forum noted, that the interviewee had ample time to respond to these questions and provided sympathetic counterpoints in the discussion. The Forum noted the Code does not preclude current affairs presenters from playing “devil’s advocate” or taking a robust line of questioning where it serves to provide the audience with a range of views on a topic. In considering this broadcast, the Forum was satisfied the audience was provided with an appropriate range of views on the chosen topic and, taking the programme in whole and in context, the presenter had not advocated a partisan position. The Forum was also satisfied the broadcast had been presented in an objective and impartial manner.

The Forum found the complaint had made no case that the broadcaster had dealt unfairly with contributors.

The Forum found insufficient grounds in the complaint of the broadcast containing any views or facts that were misrepresented or presented in such a way as to be misleading.

The complaint was also submitted under Principles 1, 3, 5 and 6 of the BAI’s Code of Programme Standards. The Code requires that programme material respect community standards, including attitudes to specific language terms and violent and sexual content. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content. Principle 5 requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society. Principle 6 provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum considered whether there was any infringement of the Code in the comments and views expressed on the risks posed by social interaction with people who are not vaccinated, the reasons why people are choosing not to be vaccinated and the public health restrictions for people who are not vaccinated. The Forum noted that it has been public policy in this country to have different public health restrictions in place for people based on their Covid-19 vaccination status because people who are not vaccinated are at greater risk of severe illness, hospitalisation, and death from Covid-19. The Forum is of the view that it is editorially legitimate to discuss and debate these matters, giving due weight to the consensus of scientific and public health information in relation to the vaccines. The Forum acknowledges the complainant may not agree with a policy of public health restrictions for people who are not vaccinated against Covid-19 and may be offended by it, but the Code of Programme Standards is not intended to limit discussion on matters of public importance because of the potential offence caused, where such discussions are editorially justified and in the

public interest. The Forum found no basis to believe any of the views and comments expressed in the broadcast were contrary to community standards or stigmatized, supported or condoned discrimination or incited hatred against any person or group in society.

The Forum then considered whether the language used in the broadcast infringed the Code of Programme Standards in the manner specified in the complaint, in particular, the reference to certain people as “stupid”. The Code of Programme Standards recognises that matters which cause offence can differ from person to person and are largely subjective in nature and, consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account the relevant contextual factors. The Forum noted the term “stupid” was not used to describe all people who are not vaccinated, but just those who choose not to have a Covid-19 vaccine because they believe conspiracy theories about the vaccines, which are circulating on social media. The Forum acknowledged that this may have offended the complainant, but the Forum did not believe the term itself, or the manner and context in which it was used, would have caused undue offence or contravened any community standards on the use of language.

The Forum noted that people who are not vaccinated, for whatever reason, are not a group in society offered specific protection in equality legislation or in the provisions of the Code. The Forum found no evidence in the broadcast of language that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Code of Programme Standards regards harm as being less subjective than offence and harmful content is that which causes, mental, psychological or physical harm. The Forum found no evidence of harmful content in the broadcast.

The Forum found there was an insufficient case made in the complaint that the broadcast had adversely affected the public interest, contrary to the provisions of Principle 6 of the Code.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. On this basis, the Forum rejected the complaint.



Complaint Reference Number	C5649
Complainant	Patrick Mooney
Station	LMFM
Programme Name	The Michael Reade Show
Broadcast Date	3 rd November 2021
Broadcast Time	09:15
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b)(harm and offence); and BAI Code of Programme Standards, Principle 5.

Complaint Summary

The complaint concerns comments made by the presenter during a discussion on Covid-19 vaccinations in an interview with Peadar Tóibín, TD.

The complainant believes comments made by the presenter constituted indirect discrimination against people protected under equality law, sowed division and incited hatred against people who are not vaccinated.

- *“Allowing children to mix with other children if one child has not been vaccinated and another one has”*
- *“Keeping children who have been vaccinated safe from those who have not been vaccinated”*
- *“People will be outraged and shocked if they think that their vaccinated children will be playing with unvaccinated children”*
- *“If you’ve ten children who are playing basketball and you have one child who’s not been vaccinated, they could play basketball on their own in a pod and the nine could play together, how would that suit you?”*

Broadcaster Response Summary

The broadcaster states that this broadcast featured an interview with local TD Peadar Tóibín, who had complained that children had been excluded from participating in certain sports and school trips because they had not been vaccinated.

The broadcaster states that all the questions and comments referenced in the complaint were posed by the presenter in the conduct of an interview on an issue of public interest. The broadcaster notes that it is the presenter’s task to pose difficult and often controversial questions to interviewees in order to inform the public and examine and analyse issues. The broadcaster states that the interviewee argued against what he described as discriminatory treatment of some children while the presenter reflected the Government perspective on the matter. The broadcaster states that the presenter was playing ‘devil’s advocate’ and presenting the audience with both sides of the debate.

The broadcaster does not believe the broadcast constituted incitement to hatred or indirect discrimination. The broadcaster believes the interview, when considered in its totality, is a discussion on topical issues of public interest which is fair and balanced to all involved.

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 reasons for the decision are set out below.

The broadcast was an interview with Peadar Tóibín TD to discuss children being prohibited from participating in organised sports if they have not been vaccinated against Covid-19.

The complaint was submitted under Principle 5 of the Code of Programme Standards which 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 Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum noted the interviewee expressed opinions that were clearly opposed to children being excluded from group sports activities based on their Covid-19 vaccination status, describing policies in this regard as discriminatory. The presenter robustly questioned and challenged the interviewee's opinions and referenced the perspective of people who would prefer their children not engage in group sports with children who are not vaccinated. The Forum noted the interviewee is an elected representative, with experience of handling robust interviews, and he had opportunity to express his views in the broadcast.

The Forum noted that part of the role of a current affairs presenter is to provide the audience with a range of views on a topic, which may be done by facilitating the expression of views from contributors to the programme or by the line of questioning taken with a single contributor. The Forum was satisfied that the comments and questions from the presenter were editorially legitimate in the context of this interview, which was broadcast at a time when there were some public health restrictions in place for people based on their Covid-19 vaccination status. The Forum noted that people who are not vaccinated, for whatever reason, are not a particular group in society that is given specific protection under equality legislation or in provisions of Principle 5 of the Code. The Forum did not believe any of the presenter's comments or questions in the broadcast constituted content that stigmatised, supported or condoned discrimination or incited hatred against any person or group in society.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5653
Complainant	Eoghan Ua Conaill
Station	RTÉ Radio 1
Programme Name	The Ronan Collins Show
Broadcast Date	8 th December 2021
Broadcast Time	12:00
Programme Description	Music driven show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 3 and 5.

Complaint Summary

The complaint concerns the broadcast of the hymn 'O Holy Night' on the programme.

The complainant believes that the broadcast of this hymn stigmatised him and other non-Christians, inappropriately and unjustifiably, on the basis of religion. The complainant is of the view that this stigmatisation prejudices respect for human dignity and is harmful to him and to others in society.

The complainant notes lyrics in the hymn referring to people as pining in sin and error. The complainant states that accusations of sin and of error are stigmas, grievous insults and egregious religious taunts that disparage persons and groups in society on the basis of religion. The complainant states that repeated playing of this hymn damages the complainant's good standing in society and condones discrimination against non-Christians.

The complainant is of the view that the hymn's lyrics which refer to a 'dear saviour' having brought a 'new and glorious morn' to some people stigmatises non-Christians.

The complainant states that the lyric 'fall on your knees' is disrespectful of human dignity because it is a posture of humiliation and to order someone to their knees is an abuse of power.

The complainant also states that the lyric 'And in His Name all oppression shall cease' is inappropriate and unjustifiable, noting examples of historical oppression carried out in the name of Christianity.

The complainant believes that the broadcaster, by repeatedly playing this hymn, is actively condoning and sponsoring the lies, false promises, stigmatisation and abuse of power contained in the lyrics.

Broadcaster Response Summary

The broadcaster does not accept that the broadcasting of 'O Holy Night' constitutes stigmatisation of non-Christians, or that it is harmful or unduly offensive.

The broadcaster states that this hymn 'O Holy Night' is well embedded in popular culture over many decades as evidenced by the many artists from diverse genres who have recorded a version of it. The broadcaster notes that this is a popular hymn among listeners of this programme and many versions of it were broadcast in the days before Christmas.

The broadcaster notes that it is mindful of its responsibility to serve the interests and concerns of a diverse audience and that Christianity is a predominant part of Irish culture. The broadcaster is of the view that this hymn is part of the likely music played on this programme during the Christmas period. The broadcaster notes that, in serving a diverse audience, there may be times when some content gives offence, but that offence is subjective and can vary from person to person.

The broadcaster does not believe playing this hymn was unduly offensive, harmful or in breach of Principle 5.

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 Codes, the Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast is a music-driven programme with listener choices of old and new favourite songs. The hymn 'O Holy Night' was played during the programme.

The complaint was submitted under a legislative provision requiring broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence. The complaint was also submitted under Principles 3 and 5 of the BAI's Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content and Principle 5 requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

In considering this complaint, the Forum had regard to the seriousness of a possible decision that the broadcast of a song or hymn may be contrary to statutory or regulatory programme standards given the constitutional right to freedom of expression and the potential for the Forum's decision to amount to an effective broadcast ban or censorship of a song or hymn.

The Forum first considered whether the broadcast of the hymn could reasonably be regarded as causing harm or offence. The Forum noted a key distinction between harm and offence in the Code is that matters which cause offence can differ from person to person and are largely subjective in nature, whereas harmful material is material that has an 'effect', which may be mental, psychological or physical harm. The Forum acknowledged the complainant found some of the lyrics insulting and offensive for non-Christians but found no basis to believe that the broadcast of this hymn would cause harm as it is characterised in the Code.

In relation to offence, the Forum noted the Code recognises that broadcasts may, at times, cause offence to some people if they are reflecting and representing the diversity of society. Consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. However, broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into



account the relevant contextual factors. The Forum noted that lyrics referring to non-Christians as “pining in sin and error” and to a Christian God as having brought “a new and glorious morn” may be offensive to some non-Christians. The Forum also considered that expressions of religious views or beliefs such as these may be more offensive to some individuals because of personal circumstances or experiences. However, the Forum also noted that ‘O Holy Night’ is a well-known Christian hymn, broadcast during the Christian celebration period of Christmas to an audience that includes many Christians. The Forum was of the opinion that the broadcast of this hymn was in keeping with a programme of this nature and with audience expectations of the programme, particularly during the Christmas period. Considering the broadcast as a whole and in context, the Forum concluded the broadcast did not cause undue offence.

The Forum then considered whether the broadcast of certain lyrics in this hymn were contrary to Principle 5 of the Code. The Forum did not agree with the complainant’s view that the lyric “fall on your knees” prejudiced respect for human dignity. The Forum noted that many different religions feature followers adopting supplicating poses, such as kneeling or bowing. As noted earlier, the Forum acknowledged that some non-Christians may be offended by the meaning of some of the hymn’s lyrics, but the Forum did not believe that any of the broadcast content could reasonably be regarded as stigmatising non-Christians or supporting or condoning discrimination against non-Christians.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5656
Complainant	Michael Walsh
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	25 th November 2021
Broadcast Time	07:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1

Complaint Summary

The complaint concerns an item on the programme about the three-year Government review of the Health (Regulation of Termination of Pregnancy) Act 2018.

The complaint notes the item included statements from three individuals, none of which represented a pro-life view of the subject matter. The complainant states that the substance of the contribution from Bríd Smith TD was the failure of the Government to have the review of the operation of the 2018 Act completed within the specified three-year period and the resulting delays imposed on women seeking termination. The second contribution, from a General Practitioner (GP), referenced the limited number of hospitals and doctors providing abortion services. The contributions from the Director of the National Women's Council of Ireland (NWCi) related to poor coverage of abortion services and the fact that some women still had to travel to Britain to access such services.

The complainant claims there was an imbalance in the three contributions in that two were made by people associated with a political party and an organisation with an unequivocal pro-choice position and the third was from a medical professional orientated towards shortcomings in the availability of legal abortion services. The complainant believes the broadcast lacked a contributor from the pro-life side of the debate and did not include any expression of the pro-life position on the forthcoming review.

The complainant is of the view that the absence of a pro-life perspective could be said to result in the lack of information on alternatives, the benefits of the three-day waiting period and the need to care for babies surviving late-term terminations.

The complainant believes that the report was not presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster states that the subject of the item was the alleged failure by Government to meet a deadline enshrined in legislation to review the working of the Health (Regulation of Termination of Pregnancy) Act 2018. The broadcaster states that the alleged delay had become the subject of political controversy, with opposition members in Dáil Éireann, among them Bríd Smith TD, having



written to the Minister for Health expressing their unhappiness with the delay. The broadcaster believes the broadcast made clear that this was the subject being covered.

The broadcaster is of the view the item was not a report on abortion *per se* or about whether abortion services should or should not be available. The broadcaster notes that the issue of whether abortion services should be available was determined in a referendum vote, which resulted in the 2018 Act.

The broadcaster states that the contributions from the GP and the Director of NWCI were their views on the practical impact of potentially delaying the review of the 2018 Act. The broadcaster believes their inclusion was editorially appropriate given the review is expected to include an examination of the views and experiences of service users and service providers. Given the subject of the report, the broadcaster believes there is no requirement to include a pro-life view.

The broadcaster believes the broadcast was fully compliant with the broadcaster's statutory and regulatory obligations.

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 reasons for the decision are set out below.

The broadcast is a report about the delay in conducting a three-year review of the Health (Regulation of Termination of Pregnancy) Act 2018 and the implications for service providers and users. The report included recorded interviews with a TD, a GP from Roscommon, and a representative of the Abortion Working Group.

The complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether the broadcast had included a sufficient range of views on the subject to meet the above requirements of the Code. The Forum noted the editorial angle on the subject was a call from opposition politicians for the Government to stop delaying the review of the legislation and to set a timeframe to conclude that review. The report also presented views from contributors on how the legislation has given effect to making abortion services available in the country. The report referenced a pro-life rally that had taken place in relation to the review and what pro-life groups were calling for in relation to the legislation. The Forum noted that the report was not a pro-life versus pro-choice debate or discussion on whether abortion services ought to be provided or not. Considering this editorial approach, the Forum was satisfied the audience was provided with a sufficient variety of views on the subject. The Forum was satisfied the broadcast was fair to all interests concerned and that it was presented in an impartial and objective manner.



The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5657
Complainant	Pat Bairead
Station	Virgin Media One
Programme Name	Ireland AM
Broadcast Date	14 th January 2022
Broadcast Time	07:00
Programme Description	News, lifestyle features, human interest and consumer affairs stories
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 5 and 6.

Complaint Summary

The complaint concerns an item in the broadcast about women's safety in public in the context of the recent killing of a woman in Tullamore.

The complainant believes the title of the item "Are Women Safe on our Streets" stigmatised men with a wholly inappropriate tone of misandry.

The complainant states that the presenter's comments in relation to women not being safe on our streets because of men were inflammatory and baseless, because the recent killing in Tullamore had no suspect and the perpetrator may not be male.

The complainant also believes the discussion displayed a clear narrative that men in general are responsible for women feeling unsafe and that women do not attack women. The complainant believes the discussion pursued a personal agenda, which was demonstrated by the presenter's tone, and was unbalanced and prejudicial.

Broadcaster Response Summary

The broadcaster notes that this segment was a discussion about violence against women, with two relevant experts, in the aftermath of the most recent killing of a woman. The broadcaster believes the discussion was timely and sensitive in this context.

The broadcaster notes that on the day prior to this broadcast the Gardaí had issued a statement that the killing had been committed by one male, who acted alone.

The broadcaster believes there is no evidence of misandry or incitement to hatred in the broadcast.

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 reasons for the decision are set out below.

The broadcast was a discussion with a representative of Women's Aid and a public health researcher about women's safety in public spaces. The context for this item was the killing of a woman in



Tullamore while she was out jogging.

The complaint was submitted under Principles 5 and 6 of the BAI's Code of Programme Standards. Principle 5 requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society. Principle 6 provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum considered whether the broadcast stigmatised men. The Forum noted the news story of the woman who was killed in Tullamore was the prompt for much wider discussion about women's safety in public. The Forum noted the item did not focus on identifying the individual perpetrator of this particular crime but looked more broadly at violence in society perpetrated generally against women and girls. The Forum was of the opinion it was editorially legitimate to use a current news story to examine the broader issues and themes of the story that affect society. The Forum was satisfied the contributors offered relevant knowledge and expertise on the topic and one contributor also spoke of her personal experience of being and feeling unsafe in public. The Forum found no evidence in the content of misandry or of men being stigmatised.

The Forum found the complaint had not made a sufficient case as to how the broadcast had adversely affected the public interest. The Forum was of the opinion that it is in the public interest for broadcasts to discuss public health issues affecting all of society and for people to be able to speak about their personal experience of such issues.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. On this basis, the Forum rejected the complaint.



Complaint Reference Number	C5658
Complainant	Bernie Linnane
Station	Ocean FM
Programme Name	North West Today
Broadcast Date	17 th January 2022
Broadcast Time	09:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principles 3 and 6.

Complaint Summary

The complaint concerns an interview with a medical doctor, and former election candidate for the Sligo-Leitrim constituency, who was speaking at a rally in Sligo town organised by a group named United Against Segregation.

The complainant believes the broadcast was harmful and irresponsible by airing this individual's views in relation to Covid-19 vaccines and the Government's response to the pandemic without sufficient or any challenge by the presenter.

The complainant provided examples of statements and claims made by the interviewee that she believes are not based in fact and were not questioned by the presenter:

- that children are being coerced, bullied, and lied to in order to accept "an experimental, injectable genetic therapy",
- that Covid-19 vaccines are "untested" and "unlicensed" and "causing immeasurable ill health and death",
- that protocols "imposed by the WHO" are "misinformation", and
- that the Government is distorting figures to suit their own agenda, lying to the public and collaborating with corporations to oppress the population.

The complainant states that public health is not a matter of opinion and where information contrary to that of public health officials is presented by someone who is introduced as a medical doctor, it can confuse people and cause harm to impressionable or vulnerable listeners, particularly if that information is not challenged in the broadcast.

Broadcaster Response Summary

The broadcaster states that the rally in question was considered a local event of public interest and, in its view, the interviewee was the most interesting speaker at it, being a well-known and outspoken GP and a former General Election candidate in the constituency.

The broadcaster states that it is required by BAI Codes to report on every issue in an objective and fair manner, without any expression of its own views, and it is bound by regulations to give both sides of every story. The broadcaster maintains that what the doctor stands for may be contrary to the

views of the majority in the medical profession, however, she, and those that support her, are entitled to their opinion.

The broadcaster refutes the complainant's claim that the presenter did not challenge the doctor's views, citing the following examples:

- the presenter refusing to remove his mask when she suggested he do so;
- asking "where is the medical coercion that you talk about - there is no mandatory vaccinations that I know about in the country....where is the coercion?" in relation to a claim that children were being coerced into vaccinations;
- challenging views and facts given in relation to the proportion of unvaccinated people in hospitals and Intensive Care Units;
- suggesting that she and her supporters could be considered as fascists in their views; and
- questioning her credibility in providing such views having been suspended as a GP in Northern Ireland, pending further investigation.

The broadcaster states that the presenter pointed out that this doctor had been suspended as a GP in her jurisdiction and this would have been clear to listeners. The broadcaster states that a temporary suspension as a GP does not amount to a ban from broadcasting.

The broadcaster is of the view that this interview should be considered in the context of the broadcaster's vaccination coverage as a whole, which it believes is up-to-date, relevant and medically responsible.

The broadcaster noted that this particular broadcast also featured texts, phone calls, emails and social media comments on the doctor's views and a large number of these were not in agreement with her and were critical of her.

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 reasons for the decision are set out below.

The broadcast was an interview with a medical doctor who spoke at a rally in Sligo organised by a group named United Against Segregation opposing public health restrictions for people who are not vaccinated against Covid-19.

The complaint was submitted under Principles 3 and 6 of the BAI's Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content and Principle 6 provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum considered whether the presentation of this doctor's opinions and the treatment of those opinions in the broadcast constituted harmful content or adversely affected the public interest. The Forum considered it editorially legitimate for the broadcaster to cover this local protest action and to



interview speakers at it. The Forum noted the story would likely be of relevance to the audience but that it was important the interview was not presented in such a way as to mislead listeners. In this regard, the Forum noted the broadcast clearly provided relevant facts in relation to the interviewee's suspended medical licence and the presenter robustly challenged the views expressed by the interviewee. The Forum was satisfied the broadcast did not support or endorse the opinions and claims made by the interviewee that could cause harm if acted upon. The Forum noted the broadcast included a recording of the presenter refusing to remove his mask when requested to by the interviewee and also included comments and texts from listeners to the programme. The Forum believed the manner in which the interview was conducted was appropriately challenging and would not have caused harm to the audience or adversely affected the public interest.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5662
Complainant	Janie Lazar, on behalf of End of Life Ireland
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	13 th December 2021
Broadcast Time	22:35
Programme Description	Current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.22.

Complaint Summary

The complaint concerns an item on voluntary assisted dying (VAD) and the Dying with Dignity Bill 2020.

The complainant believes there was an unbalanced presentation of the argument in favour of introducing VAD because four contributors opposed it and only one was allowed to speak in favour of it. The complainant notes that End of Life Ireland (EOLI) was invited to participate in the programme but was not given an opportunity to speak.

Broadcaster Response Summary

The broadcaster states that there is no statutory or regulatory obligation to provide 'balance'; the requirement is to be fair to all interests and, in the case of this programme, this meant being fair to both sides of the argument on VAD.

The broadcaster states that, in being fair to all interests, there is no requirement on broadcasters to allocate equal time or an equal number of contributors or comparable contributors to a debate. The broadcaster notes that it has editorial independence to determine how a programme is constructed, which is acknowledged in the BAI's Guidance Notes on the Code.

The broadcaster noted the item included a wide range of views on both sides, including personal stories of those advocating for the change in the Dying with Dignity Bill and those arguing against it.

The broadcaster is satisfied the item was fair to all interests.

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 reasons for the decision are set out below.

The broadcast concerns an item on voluntary assisted dying (VAD) and the Dying with Dignity Bill 2020 in which the presenter led the panel discussion, with input from various experts and people who contributed to the debate from relevant personal experiences.

The complaint was submitted under rules 4.1, 4.2 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code also provides that current affairs presenters shall ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated.

The Forum first considered whether the broadcast did not meet the requirements of fairness, objectivity and impartiality in the range of contributors and perspectives included on the subject matter. The Forum noted that the Code does not require programmes to feature all viewpoints on an issue to be fair, objective and impartial in its treatment of a subject. However, there is an expectation the presenter will ensure that discussions of news and current affairs issues are not one-sided and that alternative perspectives are presented. In this case, the Forum had regard to the complainant's concern about the number of "professional" contributors but noted the Code does not place a requirement on broadcasts to have an equal number of particular types of speakers or to give them equal airtime. The make-up of panels and speakers is an editorial decision that lies with the broadcaster and the Forum did not consider that the panel, or those who debated on either side, led to any lack of fairness, objectivity or impartiality in the broadcast.

The Forum noted the presenter dealt with the topic and the contributors sensitively and facilitated the expression of a range of views and found no evidence of the presenter expressing her own views such that a partisan position was advocated.

The Forum decided the programme had not infringed the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.



Complaint Reference Number	C5666
Complainant	Ruairí Ó Leocháin
Station	RTÉ Radio 1
Programme Name	Countrywide
Broadcast Date	29 th January 2022
Broadcast Time	20:00
Programme Description	Events and happenings, with a focus on rural and farming matters
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2.

Complaint Summary

The complaint concerns an item on the programme about a badger vaccination scheme to reduce the transmission of bovine TB.

The complainant did not agree with the broadcast's use of the term 'restraint', stating that this particular restraint is illegal in Europe and is viewed as not fit for purpose. The complainant questioned why the broadcast did not mention these matters or the injuries caused to badgers in snares.

The complainant believes the description in the broadcast of Ireland as "a global leader in badger vaccination" is disgraceful and totally unfounded. The complainant states that the Department of Agriculture has admitted that badger numbers are down at vaccination sites because of the use of snares and the lack of security and protocols at these sites. The complainant references the number of badgers killed at vaccination sites in one year and states there is a 5-year increase in TB numbers, year-on-year.

The complainant claims best practice is the use of cage traps, yet the programme advocated the use of a wire around the animal.

The complainant maintains that the programme failed to air any current public concerns about this vaccination programme.

Broadcaster Response Summary

The broadcaster states this is a long-running programme with an editorial remit focusing on rural and farming issues. The broadcaster states that it was editorially appropriate to report on the badger vaccination project being undertaken by the Department of Agriculture considering the devastating impact bovine TB can have on cattle herds.

The broadcaster notes the presenter introduced this item by pointing out the many risk factors involved in the spread of bovine TB, including transmission by badgers, and that the vaccination project was aimed at providing an alternative to culling badger populations.

The broadcaster states that the report was recorded in the presence of several experts from the Department of Agriculture and two were interviewed in the report, which also featured an interview with a farmer. The broadcaster notes that one of the interviewees made clear the vaccination project operates within the terms of the licensing system provided by the State and that, in the region they were reporting from, the project had significantly reduced the incidence of bovine TB. The broadcaster also noted the farmer expressed a view that vaccination was a better strategy than indiscriminate culling.

The broadcaster believes this report was fully compliant with all the statutory and regulatory provisions.

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 reasons for the decision are set out below.

The segment of the broadcast is about reducing the transmission of Bovine TB in Ireland's cattle herd via the Department of Agriculture's badger vaccination scheme, which provides an alternative to the culling of badgers. The report included interviews with experts from the Department of Agriculture and a local farmer.

The complaint was submitted under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum considered whether the broadcast had infringed the requirements of fairness, objectivity and impartiality in the manner in which it presented the badger vaccination programme. The Forum considered the complainant's view that the broadcast was unfair because it did not explore the use of the term 'restraints' or discuss the injuries caused by the use of snares when capturing badgers. The Forum noted the editorial angle of the broadcast was the spread of Bovine TB in cattle and the vaccination programme being conducted to provide an alternative to culling badgers and it was not about the strengths and weaknesses of the vaccination programme *per se*. The Forum is of the opinion that the substance of the complaint appears to be founded on a desire for the programme to have taken a different editorial angle on the subject. However, the Forum was satisfied the subject matter and editorial angle taken by the broadcaster was justified in the context of the type of programme this is, which is focused on issues of rural life and lifestyle. The Forum also noted that broadcasters have editorial independence and freedom to select how they wish to approach the treatment of a subject. The Code requires that such treatment is objective and impartial and fair to all interests concerned and the Forum did not believe the broadcast infringed these requirements.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5667
Complainant	Ruairí Ó Leocháin
Station	RTÉ One
Programme Name	Ear to the Ground
Broadcast Date	3 rd February 2022
Broadcast Time	19:00
Programme Description	Focus on farming issues
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.2.

Complaint Summary

The complaint concerns an item on the programme about a badger vaccination scheme to reduce the transmission of bovine TB.

The complainant is of the view the broadcast was not fair to all interests concerned because it omitted certain facts on the subject and did not include a range of views or a critical perspective on the vaccination scheme.

The complaint set out a range of matters the complainant believes ought to have been addressed in the broadcast, which may be summarised as:

- Investigations being carried out by the Gardai and the Ombudsman into security at badger setts;
- Protocols not being followed and reported breaches of license;
- The reasons why activity is down at vaccination sites, as confirmed by the Department of Agriculture;
- Collateral damage to other animals;
- The year-on-year rise in TB since 2016, despite badger vaccination and killing;
- The app used to locate setts not making clear that some badgers will be killed;
- The shooting of badgers at vaccination sites; and,
- The use of a snare which is illegal in other countries in Europe;

Broadcaster Response Summary

The broadcaster notes that fairness does not require that every view is covered.

The broadcaster states that the report focused on a specific programme run by the Department of Agriculture which is assessing whether vaccination offers a sustainable alternative to culling badgers for the prevention of bovine TB. The broadcaster believes this report is in keeping with the editorial remit and audience expectation of the programme.

The broadcaster claims the report was grounded in fact and notes that experts from the Department of Agriculture provided the facts underpinning the vaccination programme. The broadcaster also

noted the report featured interviews with farmers in the area and discussed how vaccination would make badger culling unnecessary.

The broadcaster stated that the programme took an observational approach to see first-hand how animals were caught, vaccinated, microchipped and released. The broadcaster states that it was clear to the audience that badgers were not injured or ill-treated.

The broadcaster states that this was a story about the vaccination programme versus the culling programme and how the vaccination programme, if successful, could be a game changer for farmers and the threat of bovine TB, as an alternative to regularly culling badgers.

The broadcaster is satisfied that the broadcast accurately presented what happened on the ground on the day of filming and that the report was fair and accurate. The broadcaster believes the broadcast was fully compliant with all statutory and regulatory provisions.

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 reasons for the decision are set out below.

The broadcast was an item on the badger vaccination scheme to help reduce the transmission of Bovine TB in Irish cattle. The item included an interview the head of the Wildlife Unit from the Department of Agriculture, who outlined the link between the spread of TB from badgers to cattle, following on from a study 20 years earlier proving that badgers are linked to the spread of TB, and covered the move from the badger programme based on culling badgers to restraining, vaccinating and chipping them done today.

The complaint was submitted under rules 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum considered whether the broadcast had infringed the requirements of fairness, objectivity and impartiality in the manner in which it presented the subject, having regard to the complainant's view that broadcast did not include certain facts and aspects of the topic or critical perspectives on the vaccination scheme.

The Forum noted the editorial angle of the broadcast was the spread of Bovine TB in cattle and the vaccination programme being conducted to provide an alternative to culling badgers and it was not about the strengths and weaknesses of the vaccination programme *per se*. The Forum is of the opinion that the substance of the complaint appears to be founded on a desire for the programme to have taken a different editorial angle on the subject. However, the Forum was satisfied the subject matter and editorial angle taken by the broadcaster was justified in the context of the type of programme this is, which is focused on issues of rural life and lifestyle. The Forum was also of the



opinion that the range of views and perspectives provided on the subject was appropriate in this context. The Forum noted that broadcasters have editorial independence and freedom to select how they wish to approach the treatment of a subject. The Code requires that such treatment is objective and impartial and fair to all interests concerned and the Forum did not believe the broadcast infringed these requirements.

The Forum decided the broadcast had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5669
Complainant	Anthony Halpin
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	28 th February 2022
Broadcast Time	18:00
Programme Description	Evening News
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint concerns comments made by a news correspondent during a report on the war in Ukraine.

The complainant states that the correspondent blamed the war in Ukraine on “one man’s historical fantasies in Moscow”. The complainant believes these words were irresponsible and biased and that the broadcast was reactionary and emotional.

Broadcaster Response Summary

The broadcaster states that the report highlighted the plight of those being displaced in Ukraine because of human suffering inflicted on the population by Russian military attacks. The broadcaster believes the report was accurate and impartial.

The broadcaster states that the remarks made by the correspondent reflected the factual position that the president of Russia has written and stated that he does not accept Ukraine is a sovereign, independent state.

The broadcaster believes the coverage in this report, alongside the broadcaster’s other reports, was objective and impartial.

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 reasons for the decision are set out below.

The broadcast is a news report from a train station in Lviv in Ukraine, covering the challenges and conditions faced by people trying to flee the war. Towards the end of the report, the journalist stated, *“Every day thousands more people arrive here as the cities across Ukraine empty of their populations and people try to make their way to the Polish border, to safety, all because of the historical fantasies of one man in Moscow”*.



The Forum noted the complaint was submitted under rule 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires all news broadcast to be reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Forum considered whether the use of the phrase "the historical fantasies of one man in Moscow" in the broadcast had infringed the above requirements of objectivity and impartiality. The Forum understood this phrase as referring to Vladimir Putin, the President of Russia, in the context of Russia having invaded and begun a war in Ukraine. The Forum noted the subject of the report was the impact of war on ordinary people in Ukraine and the difficulties they faced in trying to flee the war. The Forum understood the phrase as placing responsibility for the war on Putin, as leader of Russia, and suggesting that Putin believes Ukraine belongs within Russia's sphere of power, as a former part of the Soviet Union. The Forum was of the opinion that the phrase used by the reporter was a fair comment in this context. Taking the report in whole and in context, the Forum was satisfied the content was presented in a manner that was objective and impartial.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5670
Complainant	Caroline Hurley
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	27 th February 2022
Broadcast Time	21:00
Programme Description	Nightly News
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offense); and, BAI Code of Programme Standards – Principle 3

Complaint Summary

The complaint concerns a news report about Ukrainian civilians arming themselves in the war in Ukraine.

The complainant states that the report showed civilians collecting guns at a church after a wedding ceremony and a second group queuing up in a bar for Molotov cocktails being manufactured and distributed by bar staff.

The complainant objects to the tone of the report, which she found absurdly celebratory, considering weapons were being prepared to maim and kill people. The complainant also noted the report did not include any consideration of the intended use of the weapons featured.

The complainant believes the report was not fair to all interests concerned, that it could reasonably be regarded as causing harm or offence and likely to promote, or incite to crime, given the positive spin on unregulated arming of untrained citizens. The complainant also believed the segment was inappropriate, distasteful and unethical in the context of the Irish State abstaining from contributing to an EU package of lethal arms, as was noted in the report.

Broadcaster Response Summary

The broadcaster notes the report stated the sequence showing the wedding ceremony alongside the making of Molotov cocktails, demonstrated the reality of living in Ukraine where people are trying to retain some level of 'normal' life while also preparing to defend themselves from attack. The broadcaster states that news reporting of this kind reflects the reality of a war situation.

The broadcaster points out there is no requirement for fairness in news reporting as it deals with events as they are happening and unfolding.

The broadcaster believes the coverage in this report was objective and impartial and fully compliant with all statutory and regulatory provisions.

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 reasons for the decision are set out below.

The broadcast contained a news report from Lviv, in Ukraine. The report showed scenes from a Greek Catholic Church in the city, whose clergy and parishioners were sending ground sheets to the Ukrainian troops. The report showed a couple getting married and then clips of volunteers collecting clothing for refugees and of a brewery that had converted into a factory for making Molotov cocktails. The report contained clips of people making Molotov cocktails and noted such places were “*springing up all over Ukraine as part of a burgeoning grassroots resistance*”. The report concluded with scenes of the bride and groom, with the reporter saying that “*this is what living in Ukraine in 2022 feels like – fear, resistance and normal life*”.

The complaint was submitted under a legislative provision requiring broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence or as being likely to promote, or incite to, crime. The Forum noted the complaint was submitted under Principle 3 of the Code of Programme Standards, which requires broadcasters take due care to ensure audiences are not exposed to harmful content.

The Forum first considered whether the broadcast contained content likely to promote, or incite to, crime. The Forum considered it editorially legitimate and in the public interest for the broadcaster to report on what is happening in a war zone. The Forum noted the report contrasted how ordinary life was proceeding during an exceptional time of war, in which civilians were volunteering to help refugees from other parts of the country and preparing arms for themselves to resist a possible attack. The Forum noted there was no scene of people collecting guns after a wedding and that these were separate events in the report. The Forum found no evidence in the report of a celebratory tone or of any encouragement to use arms or to undertake any particular criminal action. The Forum was of the opinion the report was factual and focused on explaining what was happening on the ground in this city in Ukraine. The Forum was satisfied the broadcast did not include any content that was likely to promote or incite to crime.

The Forum then considered whether the broadcast contained harmful material. The Code recognises harmful material as material that has an “effect”, that is, content that causes, mental, psychological or physical harm. The Forum considered that reports about people making arms and preparing to fight an invading army could potentially be distressing for some, however, there is strong editorial justification from a public interest perspective in covering this story and informing the public about what is happening in a war zone. The Forum also noted that the audience would expect such content from news reports. The Forum was satisfied the content of the broadcast was in line with audience expectations and had not caused harm, as it is described in the Code.

The Forum considered whether the broadcast could reasonably be regarded as causing offence. The Forum noted the Code recognises that matters which cause offence are largely subjective and can differ from person to person. Consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. However, broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account contextual factors such as editorial



justification and public interest. As noted earlier, the Forum was satisfied there was strong editorial justification and public interest in broadcasting this news report. The Forum acknowledged aspects of the report may have caused offence to some but did not believe the broadcast cause undue offence.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5671
Complainant	Michael Smith
Station	RTÉ Radio 1
Programme Name	This Week
Broadcast Date	16 th January 2022
Broadcast Time	13:00
Programme Description	Weekly review of news
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2 and 4.17.

Complaint Summary

The complaint concerns an interview with the Tánaiste, Leo Varadkar, which included some discussion about a Garda investigation into the disclosure of a confidential Government document to a friend of the Tánaiste.

The complainant claims the broadcast lacked fairness, accuracy, and responsiveness in the questions put to the Tánaiste on the subject of the Garda investigation, specifically, in the lack of challenge by the presenter to claims made by the Tánaiste and in the lack of relevant alternative views on the subject. The complainant contends that the interview, as a pre-recorded programme, could have been edited to address these issues.

The complainant believes the presenter offered an “easy entry” on the topic by asking the Tánaiste if the delay in the Garda investigation was a source of frustration and then later asking if the Tánaiste wanted the matter dealt with promptly, if it was a distraction and if it could prevent him becoming Taoiseach. The complainant believes these questions were designed for easy answers and did not probe the substance of what the Tánaiste said about the allegations.

The complainant contends that the Tánaiste was allowed to speak about the investigation inaccurately and make false imputations and invoke straw men without being checked by the presenter.

The complainant notes the Tánaiste made comments about the people who had made the Garda complaint as being political opponents who are obsessed with him, despise his party and support another political party. The complainant believes, as one of those people referenced by the Tánaiste, that those comments were about him and that they were false and that the allegation of support for another political party is defamatory, false and unfair.

The complainant believes the broadcast was unfair and not even-handed or impartial to him because it favoured the Tánaiste’s comments and involvement in the matter of the Garda investigation over

his perspective. The complainant also believes the broadcast lacked objectivity, impartiality, even-handedness, fairness and accuracy and responsiveness more generally.

Broadcaster Response Summary

The broadcaster states that the Tánaiste was interviewed as part of a long-standing annual series of party leader interviews, which typically cover a wide range of political topics, in a well-established format that is known to the audience.

The broadcaster notes that 2 minutes and 25 seconds of the interview was devoted to the Garda investigation story out of a total interview duration of over 25 minutes.

The broadcaster states that the discussion in relation to the Garda investigation was not a detailed examination of the complaint made to the Gardaí but rather the question of how the political system had reacted to the investigation. The broadcaster believes that this is consistent with the editorial brief for the interview.

The broadcaster states the presenter posed challenging but fair questions to the Tánaiste about the impact of the controversy on him assuming the role of Taoiseach, as was planned in November 2022.

The broadcaster states that the Tánaiste made a broad and non-specific comment that some of those who have levelled accusations against him in relation to this matter were political opponents of his and of his political party. The broadcaster notes that he did not name any individuals in this comment.

The broadcaster further states it has editorial freedom to determine how it conducts an interview and it does not require that every viewpoint be explored.

The broadcaster is satisfied that that broadcast was fully compliant with all the statutory and regulatory provisions.

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 reasons for the decision are set out below.

The broadcast concerns an interview with the Tánaiste, which included a discussion about a Garda investigation into the disclosure of a confidential Government document to a friend of the Tánaiste.

The Forum noted the complaint was submitted under rules 4.1, 4.2 and 4.17 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code requires that news and current affairs is presented with due accuracy having regard to the circumstances and facts known at the



time.

The Forum noted the broadcast was an interview with the leader of Fine Gael and is one of a series of interviews with party political leaders. The Forum noted the approach to these interviews is a broad-ranging questioning about the big issues and challenges faced by the political party and its leader and the interviews do not tend to focus in-depth on any particular story or issue.

The topic of the Garda investigation into the release of a Government document was covered in less than 3 minutes during the course of a 25-minute interview. The Forum noted the interviewee's claims about people who had made this issue public and/or publicly discussed it did not reference any specific individuals, aside from one member of the opposition. The interviewer then moved the discussion on to how the investigation would impact on the interviewee's prospects of becoming Taoiseach and if was impacting on his work as Tánaiste. The Forum considered that not all aspects of this topic could be covered in the length of time given to it in the interview and the broadcaster is entitled to choose a particular editorial angle on a topic. The Forum was of the opinion that the interviewer's line of questioning was in keeping with the focus of the interview and the type of interview provided to all the political party leaders and it was in keeping with audience expectations of the programme.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5677
Complainant	Alan Smyth
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	24 th February 2022
Broadcast Time	09:00
Programme Description	Entertainment and lifestyle magazine programme
Complaint Category	Broadcasting Act 2009 – Section 48(1)(b) (Harm and Offence); and, BAI Code of Programme Standards – Principles 1, 2 and 5.

Complaint Summary

The complaint concerns comments made by the presenter in respect of the conflict in Ukraine.

The complainant believed the presenter's light-hearted tone in discussing these events was insensitive and demonstrated little empathy for the victims. The complainant noted the presenter laughed throughout his analysis of the crisis.

The complaint points in particular to the presenter's comparison of the capital city of Ukraine to a chicken kiev, which the complainant thought was an extremely misguided joke.

Broadcaster Response Summary

The broadcaster states that the programme is a magazine, entertainment show and features a regular item where the presenter reflects on topical issues covered in the news and there is a well-established audience expectation of the presenter's on-air persona.

The broadcaster believes the complainant has identified one word from this item and taken it out of context.

The broadcaster notes that there has been debate about the pronunciation and spelling of the capital of Ukraine; 'Kyiv' derives from the Ukrainian language, while 'Kiev' is from Russian. The broadcaster states that the presenter noted the example of 'chicken kiev' as the pronunciation most people are familiar with.

The broadcaster believes the entire item had a clear message about the reality of war and included an acknowledgement that Russia had invaded a sovereign country, a reference to 'body bags' and the threat of nuclear weapons. The broadcaster states that the presenter sought to relate these events to daily life and invited the audience to compare their morning routine to that of people in Ukraine and to show empathy with those people.

The broadcaster believes the item was in keeping with the presenter's style and was fully compliant with all the statutory and regulatory provisions.

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 reasons for the decision are set out below.

The broadcast is an item in which the presenter reflects on the news stories of the day, which in this case was the war in Ukraine. The presenter opened the item by saying, *"We now know for starters we don't call Kyiv 'kee-yev' anymore – I don't know what we're going to do with our chicken. The bottom line is things have kicked off enormously over in Kyiv, in Ukraine"*. The presenter then went on to consider how the war in Ukraine was affecting people living there, his surprise at how events had unfolded and his concern at how close the war is to Ireland.

The complaint was submitted under a legislative provision requiring broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence. The complaint was also submitted under Principles 1, 2 and 5 of the Code of Programme Standards. The Code requires that programme material respects community standards, including attitudes to specific language terms. The Code recognises that harm or offence may be caused solely by the programme material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. The Code also requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The Forum noted the Code recognises that matters which cause offence are largely subjective and can differ from person to person. Consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. However, broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having taken into account relevant contextual factors.

The Forum noted the presenter's mention of chicken at the beginning of the item and understood this to be a reference to the public debate about how to pronounce Kyiv, the capital of Ukraine. The Forum was of the opinion this was a somewhat "throwaway" comment at the beginning of the item and did not believe that it was mocking Ukraine or Ukrainian people or making light of war.

The Forum noted the presenter laughed at various points during the item but considered this to reflect the presenters' disbelief at the events in Ukraine and not mockery of the country or the people. In contrast, the Forum noted the presenter, at times, invited listeners to consider what it would be like to live in a war zone and to empathise with civilians in Ukraine, for example, when the presenter played an air raid siren and asked listeners to imagine what it would be like to hear that.

The Forum considered the nature of the programme and audience expectations of it. The Forum was satisfied this type of reflection by the presenter was in keeping with his well-established presenting style and in keeping with content of this type of programme and audience expectations of it. The Forum acknowledged the content may have offended the complainant but, taking the broadcast in whole and in context, the Forum was of the opinion there was no evidence of content



that was unduly offensive, or of content that infringed community standards or prejudiced respect for human dignity. The Forum found no case made in the complaint of content that stigmatised, supported or condoned discrimination or incited hatred against any persons or groups in society.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5683
Complainant	Gerald Fitzgibbon
Station	RTÉ Radio 1
Programme Name	Morning Ireland
Broadcast Date	31 st January 2022
Broadcast Time	07:00
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17 and 4.22.

Complaint Summary

The complaint concerns an interview on the programme which discussed how Spotify was handling information about Covid-19 and Covid-19 vaccines.

The complainant states that during the discussion the interviewee made a comment that US physician, Dr Robert Malone, had said that vaccines don't work. The complainant believes the statement was ill-informed and dismissive and states the doctor never said or implied that Covid-19 or any other vaccines don't work.

The complainant claims the presenter failed to offer a defence for the doctor's character or experience.

The complainant believes the interview was not presented in an objective and impartial manner.

Broadcaster Response Summary

The broadcaster states that the interviewee was on the programme, as a technology journalist, to discuss the steps taken by online platforms such as Spotify and Twitter to address alleged misinformation relating to the Covid-19 pandemic.

The broadcaster states that, during a wide-ranging interview, the journalist made a very brief reference to the stance taken by Dr. Robert Malone about vaccine effectiveness. The broadcaster claims the journalist was correct and accurate in stating that the doctor in question was "suggesting that the vaccines don't work". The broadcaster points to comments made by this doctor at a recorded public event in Washington DC on 23rd January 2022, as evidence in support of this.

The broadcaster states that, as the journalist's remarks were accurate, there was no requirement for the presenter to counter the remarks. The broadcaster also notes that there was no requirement for the presenter to discuss or open up a wider debate about the veracity of this doctor's views because this was not the subject matter of the programme.

The broadcaster believes the interview was fully compliant with all the statutory and regulatory obligations.



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 reasons for the decision are set out below.

The broadcast concerns comments made by a journalist contributor during a discussion about the approach taken by social media platforms to handling Covid-19 vaccine misinformation. During the discussion, the journalist commented that a particular US physician had said that vaccines don't work.

The Forum noted the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17 and 4.22. The Code requires current affairs items be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters shall comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code requires that current affairs is presented with due accuracy having regard to the circumstances and facts known at the time. The Code also provides that current affairs presenters shall ensure the audience has access to a wide variety of views on a subject and shall not express their own views such that a partisan position is advocated.

The Forum considered whether the content met the requirements of due accuracy and whether views in the broadcast were appropriately challenged by the presenter. The Forum noted the main focus of the discussion was two famous song writers and performers removing their music from Spotify in protest at how that platform was handling misinformation about Covid-19. The journalist's comment about a particular doctor's views on Covid-19 vaccines was provided by way of example of another platform taking a different approach to dealing with misinformation. The Forum noted the information provided in the broadcaster's submission in relation to the accuracy of the comment and was satisfied the broadcast had not infringed the requirements of due accuracy in this regard.

Having found no infringement in relation to the accuracy of the broadcast, the Forum concluded there was no obligation on the presenter to challenge the comment made by the journalist. The Forum noted the statutory and Code requirements of fairness, objectivity and impartiality do not require the presenter to explore every aspect of a topic. The Forum was of the view that, in this case, the opinions of this particular doctor were tangential to the topic discussed in the broadcast and the presenter was not required to explore this issue in order to achieve fairness, objectivity and impartiality in the broadcast.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.



Complaint Reference Number	C5685
Complainant	Ciarán Moore
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	14 th February 2022
Broadcast Time	22:30
Programme Description	Current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.4 and 4.22.

Complaint Summary

The complaint concerns an episode of Claire Byrne Live about the political party, Sinn Féin.

The complainant believes the premise of this episode of the programme, which the complainant describes as “reasons not to vote for a particular political party”, was itself contrary to the BAI Code.

The complainant states that the following specific elements demonstrate that the broadcast was not fair to all interests concerned and that it was not presented in an objective and impartial manner:

- Sinn Féin speakers were not given as much uninterrupted speaking time as other political guests;
- The presenter did not challenge a concerning, undemocratic statement by one contributor in relation to older gardaí and Defence Forces personnel seeing Sinn Féin as “the enemy”;
- The presenter focused on the one contributor’s ex-membership of Sinn Féin and did not reference other contributors’ previous political involvement; and,
- The presenter’s line of questioning about people with criminal convictions working for Sinn Féin suggested such a practice was specific to Sinn Féin or was illegal. The complainant believes these questions were put to the spokesperson of Sinn Féin without any context or advance notice and no other contributors were similarly questioned.

The complainant believes the presenter demonstrated bias against Sinn Féin, particularly in disparity of treatment of uninterrupted speaking time given to contributors.

Broadcaster Response Summary

The broadcaster believes that it was editorially appropriate to devote a full programme to Sinn Féin and its background and policies, in the context of the historically significant rise in support for Sinn Féin and it having won the largest share of first preference votes in the last General Election.

The broadcaster states there were a range of views and speakers in the broadcast and Sinn Féin was well represented, by having members of the party in the studio as well as one of its senior spokespersons as a panel member. The broadcaster believes it was also important to include the views of those who are critical of Sinn Féin. The broadcaster claims the questioning and challenging

of views and policies was fair to all and that speakers were provided with sufficient time to outline their views.

The broadcaster notes that Claire Byrne Live regularly holds ministers of the Government to account on a range of political and policy issues.

The broadcaster believes the programme was fully compliant with all the statutory and regulatory provisions.

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 reasons for the decision are set out below.

The broadcast is an episode of the programme focused on Sinn Féin, the political party, in the context of a historical rise in public support for the party.

The complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.4 and 4.22. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner, without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. The Code further requires that interviewees for news and current affairs content be made generally aware of the subject matter and the nature and format of their contribution so that their agreement to participate constitutes informed consent. The Code further requires that a presenter and/or reporter on a current affairs programme shall not express his or her own views on matters of public controversy or current public debate such that a partisan position is advocated.

The Forum considered whether the premise of the programme was contrary to the above statutory and regulatory requirements for fairness, objectivity and impartiality. The Forum was of the opinion that it is editorially justified to examine one political party, in the context of a historical shift in public support to this party and away from other political parties. The Forum noted broadcasters are editorially independent and have the freedom to choose topics to cover in current affairs programmes so long as the treatment of such topics is objective and impartial and fair to all interests concerned.

The Forum considered the range of contributors and viewpoints on the programme and the manner in which they were treated by the presenter. The Forum was satisfied the broadcast included a wide variety of views on the topic. The Forum noted the discussion on the programme was heated, at times, and people talked over one another in places, however, the Forum did not believe these interruptions demonstrated bias against a particular viewpoint or contributor. The Forum also noted the presenter challenged some contributors and interrupted some contributors, at times, but the Forum was satisfied the challenges were editorially justified and they were not directed to one specific contributor or viewpoint. The Forum noted the presenter's approach in this broadcast is in keeping with the nature of the programme, the style of the presenter and the audience expectations of the



programme. The Forum found the presenter dealt with the topic and the contributors impartially and facilitated the expression of a range of views.

The Forum also considered whether the presenter's line of questioning infringed on relevant statutory or regulatory provisions. The Forum considered that questions in relation to people with previous convictions working for political parties and questions in relation to one contributor's former membership of Sinn Féin were legitimate in the context of the subject matter discussed. The Forum noted that Sinn Féin representatives had time and opportunities in the broadcast to respond on these matters. The Forum did not believe that asking questions in relation to people with convictions working for political parties infringed on the requirement for contributors to have given informed consent. In this regard, the Forum noted such questions have been asked of Sinn Féin representatives before and the requirement for contributors to be made generally aware of the subject and format of a programme should not be taken to mean that the detail of the questions to be asked as part of the interview should be provided in advance.

The Forum decided the programme did not infringe the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.