



## NEWS REPORT

**Date:** 28 April 2009  
**Expert:** Orlagh O'Farrell  
**Title:** Eagle Star v Equality Tribunal and Hugh O'Neill and Bernadette Treanor, 18 March 2009  
**Country:** Ireland

### Context

**Issue at stake:** Jurisdiction of Equality Authority  
**Ground of discrimination:** of disability  
**Source:** National court decision  
**Field:** All fields

**Legislative provisions:** Equal Status Act 2000-2004

### Content

**Case/law/political development:** Ms Bernadette Treanor, who is an Equality Officer with the Equality Tribunal, had referred a complaint to the Tribunal against the insurance company Eagle Star Life Assurance Company in 2002 when she was already an equality officer on the basis that she was being personally discriminated against on the grounds of disability in the imposition of an increased premium payable on her income protection policy compared to that payable by her colleagues. The Equality Tribunal subsequently appointed a temporary external equality officer to hear the complaint in 2006 but Eagle Star considered that at this stage the complaint should be dismissed because it had not been pursued by Ms Treanor. (As already mentioned, the Equality Tribunal appointed a temporary external equality officer to hear her complaint.) Eagle Star also disputed the jurisdiction of the Tribunal to hear the complaint in light of the definition of disability contained in the Equal Status Act 2000, which, they contended, did not cover the complainant's circumstances. The definition did not explicitly mention obesity and they contended that it was not capable of covering it.

**Decision of the Court:** The Equality Tribunal found in favour of Ms Treanor. The respondent appealed to the High Court. The High Court held that primary responsibility for interpreting the provisions of the Equal Status Acts 2000 - 2008 rests with the Equality Officer. The High Court declined the appellant's request to quash the Equality Officer's decision on grounds of lack of jurisdiction.

**Internet link source and additional information:**



<http://www.equality.ie/index.asp?docID=786>