

## Case In Point

# A Lower Cover Charge for Women on “Ladies Night” is not Discriminatory

**Date:** May 31, 2013

In the recent decision [Maclean v. The Barking Frog](#), Mr. Maclean brought an application to the Human Rights Tribunal of Ontario in which he alleged that a bar discriminated against him by charging men a higher entry fee than women on “ladies night.”

The application was dismissed after a summary hearing on the basis that it had no reasonable prospect of success. The Tribunal rejected Mr. Maclean’s argument that by charging men more than women, the bar was perpetuating “a belief in society that men are less worthy than women.” It found that there is no such societal belief in Ontario and that the cover charge did not perpetuate prejudice or stereotyping of men. The Tribunal also rejected Mr. Maclean’s argument that the higher cover charge excluded men or made men feel unwelcome, finding that the underlying purpose of “ladies night” is to increase the attendance of men because of the presence of higher numbers of women.

The decision emphasized the principle that the *Human Rights Code* is aimed at achieving “substantive equality” and as a result, not all differential treatment is discriminatory. In order to establish discrimination under the *Human Rights Code*, a claimant must demonstrate a distinction on a prohibited ground that creates a disadvantage by perpetuating prejudice or stereotyping.