



NEWS REPORT

Date:	13 June 2010
Expert:	Dieter Schindlauer
Title:	First cases against discriminatory door policy in discos
Country:	Austria
<u>Context</u>	
Issue at stake:	Young man of Egyptian origin successfully claims compensation for immaterial damages for not being allowed to enter a discotheque in two cases – more cases are pending
Ground of discrimination:	race/ ethnic origin
Source:	national court decision
Field:	access to goods and services
Legislative provisions:	§ 31/1/4 Equal Treatment Act

Content

Case: A young man whose parents are of Egyptian origin was denied entry into a large discotheque in the provincial capital city of St. Pölten (Lower Austria) in two cases. It was quite obvious that the denial was based on his ethnic origin only as other people, including his friends, were given entrance without any problem. The young man decided to take action with the support of the Litigation Association of NGOs Against Discrimination and asked two times 720 Euros in compensation of the immaterial damage he had suffered.

Decision of the Court: Decision of the District Court St. Pölten Nr. 4 C 480 /09x-12 dating from 29.01.2010.

The decision of the court is very clear in establishing discrimination on the basis of ethnic affiliation. The plaintiff is granted the full amount claimed. Apart from finding discrimination, this decision is notable as it clearly states that liability for discriminatory acts directly committed by the door men always lies with the owner of the discotheque, i.e. with the service provider. In this case the doormen were employees of a security agency and



were not directly employed at the discotheque. The court nevertheless found that the responsibility and liability for their discriminatory behaviour rests with the owner of the discotheque.

Internet link source and additional information:

Not (yet?) available on legal databases