



NEWS REPORT

Date:	7 November 2010
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Title:	Province of Vienna amends anti-discrimination legislation
Country:	Austria
Context	
Issue at stake:	Legal amendment to the Viennese Anti-Discrimination Act
Ground of discrimination:	All grounds including disability
Source:	Viennese Law Gazette Nr. 44/2010
Field:	access to/provision of: health, education, goods and services, self-employment and occupation
Legislative provisions:	Viennese Anti-Discrimination Act

Content

The province of Vienna has enacted an important amendment to its Anti-Discrimination Act by Viennese Law Gazette Nr. 44/2010, which has entered into force on 18 September 2010. The main amendments consist of:

The horizontal approach:

1. Disability is now among the protected grounds (§ 2/1).
2. Discrimination by association: Protection (all grounds) for relatives of bearers of characteristics (§ 2/3). Relatives are defined very broadly (§ 2/4), including unmarried couples or registered partners and children living in their household.
3. Explicit expansion of the personal scope of protection to legal persons (§ 2/5).
4. By including the concept of “disproportionate burden” for all grounds (§ 3a), the law implicitly introduces the duty to reasonable accommodation for all grounds.

Procedural novelty: Conciliation procedure

The amended act now requires the compulsory attempt for settlement of discrimination cases in a conciliation procedure with the Office for the



Combat against Discrimination [Stelle zur Bekämpfung von Diskriminierungen] (§4a). The complaint can be brought to court when after a period of maximum three months an agreement or settlement could not be reached. The conciliation procedure is free of costs to both parties.



Contract compliance: In its § 9/1 the Viennese Anti-Discrimination Act now stipulates that “Procurement of subsidies and funding by the province of Vienna may only be made with natural or legal persons who observe the prohibition of discrimination and victimisation. Those applying for subsidy funds have to sign a declaration of liability in this respect.”

Internet link source and additional information: Viennese Law Gazette [German]:

http://www.ris.bka.gv.at/Dokumente/LrW/LRWI_1500_000/LRWI_1500_000.html