

NEWS REPORT

Date:	11 April 2011
Expert:	Gediminas Andriukaitis
Title:	Applicant to a position as a lecturer claims discrimination on grounds of sexual discrimination and social status
Country:	Lithuania
<u>Context</u>	
Issue at stake:	The court of first instance rules in favour of a victim in case of alleged discrimination on the ground of social status, not sexual orientation
Ground of discrimination:	Multiple discrimination - sexual orientation, other (social status)
Source:	National court decision Vilnius City 2 nd District Court, decision of the 31 st of March 2011 No.2-101-294/2011,
Field:	Employment
Legislative provisions:	Law on Equal Treatment, Labor Code

Content

Case: In June, 2009, Vilnius College held a competition for a vacant position of a sociology lecturer. The applicant (A.Z.) claimed that during the selection procedure he was discriminated against by the selection commission of the Vilnius College on grounds of sexual orientation and social status. The applicant claimed that the selection commission did not take into account his qualification, which was better than the other candidates. In addition, during the interview the applicant claimed to have experienced irrelevant comments about his personality (he did not hide his homosexual orientation) and his field on research (the applicant had a list of publications on homophobia).

Decision of the Court: The court dismissed the claim with regard to discrimination on the ground of sexual orientation, because, according to the court, there was no sufficient evidence that the commission members were aware of the applicant's sexual orientation. Belonging to a particular group does not *per se* constitute discrimination, according to the court. However,



the court stated that the applicant was discriminated against on the ground of social status, because another candidate, who also participated in the competition, was employed by the College at the moment of the competition, and also took part in the first stage of the selection procedure (recommendation of candidates) as a member of the College's Sociology and Law Department.

The court ruled that A.Z. experienced both direct and indirect discrimination on the ground of social status and ordered Vilnius College to offer the applicant LT 26 940 (EUR 7 802 EUR) as compensation for non-pecuniary damages suffered, as well as ordered the College to hold another competition for the same post, where all candidates, including A.Z., would participate on an equal basis.