



NEWS REPORT

Date:	17 June 2010
Expert:	Rikki Holtmaat
Title:	Employers are responsible for working environment free of discrimination
Country:	The Netherlands
Context	
Issue at stake:	Working conditions should be free of discrimination
Ground of discrimination:	Race/ethnicity
Source:	ETC Opinion 2010-52, 29 March 2010; District Court Haarlem 27 April 2010
Field:	Employment
Legislative provisions:	Article 5 (1) sub h, General Equal Treatment Act; Article 7:611 Civil Code (Good employership)

Content

Case law: An air stewardess of an airline complained to the management that she had been discriminated against on the grounds of race. The airline dealt with the complaint, but failed to inform the stewardess about the outcome of the procedure. In fact, it remained unclear what measures the airline had taken against the offender. The refusal of the stewardess to 'mediate' with the offender, was seen by the management as a refusal to cooperate, which subsequently threatened to lead to not extending her short time contract (this decision was later repealed). The Equal Treatment Commission saw this as a clear case of victimisation. The judge of the civil court condemned, in a later dismissal case, the practice of the airline (which it evaluated in terms of 'disturbing the good working relations') and made explicit that complaints about discriminations should be dealt with timely and transparently, and that feedback must always be given to the complainant regarding the outcome of the complaint (e.g. in terms of sanctions against the offender).

Decision of the ETC / Judge: Both the ETC and the judge came to the conclusion that the employer had failed to put in place /implement good and



transparent procedures as to how to deal with complaints about discrimination.

Internet link source and additional information:

ETC Opinion 2010-52, dd 29 March 2010. To be downloaded from:

<http://www.cgb.nl/node/15109/volledig> (Last accessed on 17 June 2010).

Judgment District Court Haarlem dd 27 April 2010, LJN: BM5906. To be downloaded from <http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BM5906> from:

(Last accessed on 17 June 2010).