



NEWS REPORT

Date:	08 June 2011
Expert:	Rikki Holtmaat
Title:	Hospital refuses an internship to a 52 year old (male) student
Country:	The Netherlands
<u>Context</u>	
Issue at stake:	Refusal to grant an internship to a 52 year old student is direct discrimination on the ground of age.
Ground of discrimination:	Age
Source:	Equal Treatment Commission opinion of 25 May 2011 (ECT 2011-83)
Field:	Education / employment
Legislative provisions:	Age Discrimination Act (AA) Art 1 and 3(a)

Content

Case Law: A male student of a medical educational institution was required to do an internship at a hospital in order to finish his education / training and get his diploma for being a doctor's assistant. He applied at a hospital in Amsterdam and although he was more or less promised a place by the coordinator for internships, he got an e-mail at the very last moment stating that he could not do this internship because of his age and his lack of experience in the care sector. Later, other arguments were also mentioned by the hospital, like the fact that the candidate did not fit in the team and that there was soon due to be a vacancy that would have to be filled by someone of a younger age (preferably a woman), because the existing team had already a number of older (than 40) doctor's assistants. Another reason to deny the internship / job to this student was that the hospital has a regulation for employees older than 55, which grants them a 100 hours extra vacation per year. The department, however, needed a full time doctor's assistant. The intern for these reasons could (later on) not fill the vacancy and it would be impossible to have two new persons in the team at the same time.

The Equal Treatment Commission (ETC) found that this was a clear case of direct discrimination on the ground of age. Although in this specific situation it perhaps was inconvenient to place this intern at this particular department, the hospital also failed to investigate whether there would be a place for him in other departments to do his obligatory internship. In principle, it is possible to bring forward objective justifications for (direct) discrimination on the ground of age. The board of the hospital consequently denied age discrimination and brought forward no arguments that could justify this. The board at some point also stated that it was not responsible for the e-mail by the coordinator, an argument that was rejected by the ECT since the employer is responsible for all the (professional) acts of people who are working for him.

Internet link source and additional information:

Reference number: ETC 2011-83

Address of the webpage: <http://www.cgb.nl/oordelen/oordeel/222017/volledig>