



NEWS REPORT

Date:	29 December 2011
Expert:	Romanița Iordache
Title:	National equality body sanctions denial of access to services on grounds of disability with unprecedented fine
Country:	Romania
<u>Context</u>	
Issue at stake:	The NCCD sanctioned denial of access to services of a bar for a person with disabilities with a fine of approximately € 1,100
Ground of discrimination:	Disability
Source:	Decision 365 from 14.09.2011 of the National Council for Combating Discrimination, NCCD and L Rausch v. S.C. Elaine S.R.L. (owner of Heaven Club from Timișoara)
Field:	Access to services
Legislative provisions:	Art. 1(2)(f), Art. 2(1), Art. 10(f) and Art. 15 of the Governmental Ordinance 137/2000

Content

Case/law/political development: Lavinia Rausch is affected by a physical disability being immobilized in a wheelchair. She was refused entry in a night club due to her disability. The club representatives justified their decision by arguing that the place is crowded and it is not accessible for a person in a wheelchair. However, the refusal was repeated in a different night when the club was almost empty. In its defence, the respondent stated that the logistical conditions at the club make it difficult for persons with disabilities to enter and that even if there is a ramp, only the prior announcement of a visit would ensure that the staff is aware and might take all measures for access into the club; that the plaintiff was invited to stay on the terrace which is physically accessible and that the bodyguard who refused Ms. Rausch is not the employee of the club but of a security company and the club is no longer working with this bodyguard. The plaintiff has never had a direct contact with an actual employee or representative of the club.



Decision: The NCCD issued four separate administrative fines for two different situations, each violating two distinct articles of the Anti-discrimination Law when it found discrimination in access to public services and discrimination affecting the right to human dignity of the person on the ground of disability. The NCCD sanctioned the company owning the bar with a total of RON5,000 (€1,100), reportedly the highest sanction issued so far.

In its decision, the NCCD clarifies the conditions for engaging responsibility of a private company for actions of its contractors (the body guard hired by the protection services) and discusses the subordination relations between the contracting party and its contractor, by stating the obligation of private companies to include in their internal regulations provisions about equality and non-discrimination and provisions referring to the management of discrimination cases.

Internet link source and additional information: Not available.
Decision in Romanian available with the national expert.