



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	The Netherlands
Title:	Employer fined for discriminatory rejection of an internship applicant
Date:	3 May 2016
Expert:	Rikki Holtmaat
Update of flash report nr:	38-NL-ND-2016
<u>Context</u>	
Issue at stake:	Discriminatory rejection of an internship applicant
Ground of discrimination:	Sexual orientation
Source:	National court decision
Field:	Employment
Applicable law:	Article 429quater Criminal Code

Content

Case:

In February, the NIHR gave a decision in the case of a student who had been rejected for an internship because of his sexual orientation. The firm's owner stated to be unable to offer him the internship, since he had seen pictures of the applicant on his Facebook profile which indicated that he was homosexual. According to the owner, this was incommensurable with his Christian belief. The applicant subsequently complained to the Dutch equality body, the Netherlands Institute for Human Rights (NIHR), and reported the case to the police.

The NIHR, in 2016-10, found that a forbidden distinction had been made on the ground of sexual orientation.¹ The Public Prosecution Service, in response to the applicant's report, announced its intention to prosecute the firm's manager for forbidden discrimination, on the basis of Article 429quater of the Dutch Criminal Code.

The district court of Noord-Nederland (cantonal section Leeuwarden) has now sentenced the owner to a EUR 1600 fine, of which EUR 800 suspended. The owner was also ordered to pay over EUR 1500 in damages to the applicant. The verdict is in line with the request of the Public Prosecution Office.

The owner of the firm has two weeks to lodge an appeal.

Key points of analysis:

Fine for discriminatory rejection of internship applicant, as well as damages.

¹ NIHR 2016-10, available at <https://mensenrechten.nl/publicaties/oordelen/2016-10> (last accessed 30 April 2016).

Internet link source:

Press release on the site of the Public Prosecution Office:

<https://www.om.nl/actueel/nieuwsberichten/@94162/geldboete-1-600/>

Last accessed 26 April 2016.