

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Austria	2023	Austria / Equal Treatment Commission (Gleichbehandlungskommission), GBK II/484/22 g.	https://www.bundeskanzleramt.gv.at/dam/jcr:81b207ae-5de9-409c-8fc5-5c6963e3f71a/gbk_II_484_22.pdf	Racial or ethnic origin	Equal Treatment Commission, Gleichbehandlungsanwaltschaft	The family of the 15-year-old applicant (Austrian citizen, born and raised in Austria in the second generation) originally comes from Turkey, which is why his migration background is evident in his name. During the application for a trial apprenticeship, he was asked about his nationality and 'whether he spoke German'. The potential apprenticeship provider informed the 15 year apprenticeship applicant that his name was not a "good one" and that he would have to come up with a name for him that was common in Austria, such as 'Thomas'. As justification for the name change he wanted, he stated that he could not remember the young person's name. In addition, the potential apprenticeship provider noted that he would not have to explain the name to the Austrian customers of his company.	The Equal Treatment Commission proposed that the defendant pay appropriate compensation (not specified, but two months' pay or 500 euros according to the law) and familiarise himself with the Equal Treatment Act. A written report on the implementation of this proposal must be submitted by the employer (in this case: the potential apprenticeship provider) to the Senate within two months of notification of the examination results.	In the opinion of the Equal Treatment Commission, the connection between the ethnicity and the behaviour of the defendant which violated the dignity of the plaintiff is obvious. The Equal Treatment Commission came to the conclusion that it was no longer reasonable to expect the plaintiff to complete a trial apprenticeship with the defendant. The defendant had therefore made it impossible for the plaintiff to complete the trial apprenticeship he had sought, which is why the Equal Treatment Commission affirmed the existence of discrimination in career counselling on the basis of ethnicity.	The intention of the perpetrator to discriminate against someone is not decisive for the realisation of the offence of discrimination	"Aufgrund des vom Antragsgegner gesetzten würdevollerletzenden Verhaltens war es aus Sicht des Senates dem Antragsteller nicht mehr zumutbar, beim Antragsgegner eine Schnupperwoche zu absolvieren. Im Hinblick auf diesen Umstand wurde daher dem Antragsteller von Seiten des Antragsgegners im Ergebnis die Absolvierung der von ihm angestrebten Schnupperwoche verunmöglicht, sodass auch das Vorliegen einer Diskriminierung bei der Berufsberatung auf Grund der ethnischen Zugehörigkeit [...] zu bejahen war." "Due to the behaviour of the respondent which violated the dignity of the applicant, it was no longer reasonable for the applicant to complete a trial week with the respondent in the opinion of the Senate. In view of this circumstance, the defendant therefore made it impossible for the applicant to complete the trial week he had sought, so that the existence of discrimination in career counselling on the basis of ethnicity [...] was also to be affirmed."

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