



Petition to extend the scope of application of the Equal Treatment Act to the access and supply of goods and services available to the public

Der The success of our companies is based on the great performances of our employees which they deliver every day. We foster our employees' well-being and success by an inclusive corporate culture so that each individual can reach their full potential. We demand of ourselves that we also communicate this inclusive culture to our clients by embracing their diversity and individuality. All of our clients should be assured that we do our best for them - regardless of their gender, nationality, ethnic, cultural or social origin, religion and belief, physical or psychological capabilities, age, sexual orientation or gender identity.

We are setting up this petition because the current Austrian legal framework falls short of this requirement: According to the current legal situation, it is permitted to discriminate against people when offering goods and services to the public. It was shown that even actively advertising (!) a discriminatory way of providing services is legally permissible.

According to the Federal Act on Equal Treatment ("Equal Treatment Act - GIBG"), discrimination on the grounds of gender and ethnic origin is prohibited in the public when offering goods and services. Discrimination on the grounds of religion or belief, age or sexual orientation, however, is permissible. (Only in the context of an employment relationship is such discrimination permitted). Accordingly, for instance, a landlord may not refuse two men a rental flat based on the prejudice that men-only households are "generally untidy". If, on the other hand it turns out that the two men are a homosexual couple, refusal of the rental agreement based on the men's sexual orientation is actually permissible.

The legitimacy of such discrimination is often justified by the principle of private autonomy. Entrepreneurs participating in general economic intercourse should be free to decide for themselves with whom they choose to do business with (or refuse to do business with). Freedom, however, is not a one-way path. It is generally understood to have its limits where it restricts the freedom of others. In this case consideration of interests must be carried out: The right to participate in public economic intercourse without being discriminated against, we believe, can only outweigh private autonomy that is unobjectively discriminatory. Should not every person who wants to participate in public economic intercourse have the right to be served in a respectful manner? In our understanding, a free economy means being able to participate in business life without being discriminated against. The admissibility of unobjective discrimination of persons in public economic intercourse in our view reduces the freedom of the economy.

We therefore call on the members of the Austrian National Council to extend the scope of application of the Equal Treatment Act with regard to the prohibition of discrimination on the grounds of religion or belief, age or sexual orientation to access to and supply of goods and services available to the public, including housing, (III part of the Equal Treatment Act).