

Shareholder's homophobic comment gave rise to a discrimination claim

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A shareholder of a Romanian football club commented to a journalist that he would prefer to close the football club

than hire a homosexual player, in response to the suggestion that a player who was due to transfer to the club was homosexual.

Despite not being the victim of the alleged discrimination, ACCEPT (an organisation which promotes and protects gay rights) complained that the club had discriminated on the grounds of sexual orientation. The claim was referred to the European Court of Justice to decide whether or not it could proceed.

The European Court held that the comments could give rise to a claim for discrimination. The shareholder gave the impression to the public and the media that he played a leading role in the club and therefore it didn't matter that he had no power to make policy or recruitment decisions. The fact that the club failed to distance itself from the comments was a factor which the European Court took into account.

Employers' should ensure that they act swiftly to distance themselves from any discriminatory comments made by individuals associated with them as well as having a well-drafted equal opportunities recruitment policy.

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