

# Loss & Litigation Report



## The New Spotlight on Employment Practices Liability in Europe

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# Introduction

Employment litigation, although often thought to be a US phenomenon, is an issue in most parts of the world as labour courts and tribunals in many countries can attest to. Europe is clearly no exception. In Germany, for example, labour courts hear over half a million cases annually<sup>1</sup> whereas in the UK the Employment Tribunals Service has averaged over 100,000 cases annually for its past three reporting years<sup>2</sup>.

In recent years EU member nations have enacted significant new legislation relating to discrimination and worker rights. Although reliable statistics are extremely difficult to come by, the adoption by most European countries of the EU anti-discrimination directives appears to have fuelled a rise in discrimination related litigation. Correspondingly, European insurers are increasingly offering insurance solutions to both large and small European corporations.

New European cases seem to appear in the press on a daily basis from all parts of the EU. To compile them all would simply be impossible. This publication contains a summary of representative employment practices claims in various European countries which our researchers were able to uncover either in the recent press or through various court related publications. We have also included cases filed in the United States against European Corporations. Generally, the claims selected were those which resulted in a lawsuit. As the cases here are essentially a sample of the types of cases seen in Europe any form of statistical analysis would be pointless.

This brochure is divided into two main sections. Part 1 provides short summaries of the cases broken down by country, whereas Part 2 attempts to provide additional detail.

<sup>1</sup> Statistisches Bundesamt VI B – Rechtspflegestatistik, <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Publikationen/Fachveroeffentlichungen/Rechtspflege/GerichteStaatsanwaltschaften,property=file.pdf>.

<sup>2</sup> Employment Tribunals Service Annual Report 2006 - 2007, [www.employmenttribunals.gov.uk/publications/publications.htm](http://www.employmenttribunals.gov.uk/publications/publications.htm).

## Table of Illustrative Cases

### Austria

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Unkown	Freight Forwarding	Discrimination (Sexual Orientation)	13 December 2006	A truck driver at a freight forwarding business was regularly discriminated against on account of his homosexuality.
Unknown	Health Care	Discrimination (Religion)	5/6/7 January 2007	The employment application of a female physician in Kärnten was rejected due to her religious affiliation.

### Belgium

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
European Commission	Public Authority	Discrimination (Age)	16 June 2004	A student from Copenhagen Business School complained that he was a victim of age discrimination after his application to a European Commission's trainee program was rejected.

### Czech Republic

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Rossmann GmbH	Retail	Discrimination (Ethnic Origin)	23 March 2005	A Czech civil rights group purposely sent a Romani woman and a non-Romani "control" to apply for the same job at a drugstore in the Czech Republic. The Romani woman was told there was no job opening. She filed a discrimination lawsuit against the German owned drugstore chain.
Scorpio Club	Retail	Discrimination (Ethnic Origin)	23 March 2005	A member of the Romani minority applied for an opening at a fashion boutique and was rejected because of her ethnic origin.

## Denmark

Company/ Institution Name	Industry Sector	Ground	Date of Verdict	Incident
Unknown	Unknown	Discrimination (Age, National Origin)	January 2006	A company sought “Danish” employees between the ages of 18 and 30 for telemarketing positions. The court fined the company DKK3,000 (approx. EUR400) for age discrimination and ethnic discrimination.
Unknown	Unknown	Discrimination (National Origin)	February 2006	Five non Danish individuals were refused access to a discotheque while at the same time five Danes were allowed. The discotheque was found to have violated anti-discrimination laws. An appeal is ongoing.

## France

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Dixon-Wilson SARL	Accounting Firm	Wrongful Dismissal	22 February 2007	An employee was allegedly dismissed from her job because of an internet blog she was maintaining.
F3S Consultants	Recruitment Agency	Discrimination (Age)	13 February 2007	The defendant recruitment agency posted a job offer in which it targeted a candidate with a certain “age limit.”
L’Oréal S.A.	Cosmetics	Discrimination (Race)	8 July 2007, 30 July 2007	A Paris court found L’Oréal guilty of racial discrimination after it came to light that women of colour were excluded from promoting its products.
Renault s.a.s.	Engineering	Discrimination (Race)	12 December 2005	Six employees sued France’s second-largest carmaker alleging racial discrimination.
Socialist Party	Political Party	Failure to comply with regulations, Wrongful Dismissal	17 February 2007	The short-term contract of an employee was renewed with no defined time limit. The employee was, however, dismissed after 15 months.
Valeo Group	Manufacturing	Wrongful Dismissal	12 September 2006	Valeo closed its cable division factory in Labastide-Saint-Pierre making 260 of the 450 employees redundant. The dismissed employees sued Valeo for wrongful dismissal.

## Germany

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Agfa-Gevaert Group	Manufacturing	Misrepresentation	14 January 2006, 23 May 2006, 16 November 2006, 17 January 2007	Former employees of the bankrupt company, AgfaPhoto GmbH, filed suit against the former Belgian parent company Agfa Gevaert. They alleged that their employment contracts were never transferred to the newly created AgfaPhoto GmbH because Agfa Gevaert failed to supply them with sufficient information about the change in ownership.
City of Berlin	Public Authority	Discrimination (Disability)	9 March 2005	An applicant was turned down for a position as a parking lot security guard because she suffers from neurodermatitis.
Lufthansa AG	Travel	Discrimination (Age)	2 November 2006	Three pilots filed a lawsuit against Lufthansa because of its policy of compulsory retirement at the age of 60 for pilots. The plaintiffs claimed that such an age limit is discriminatory as defined by the AGG, the German antidiscrimination law. The court dismissed the claim.
Lufthansa AG	Travel	Discrimination (Age)	16 June 2007	A forty-six-year old job applicant was rejected as “not acceptable” based on her age. The Frankfurt labor court found for the plaintiff and ordered Lufthansa AG to render compensation of EUR4,000.
Real GmbH	Retail	Wrongful Dismissal (Age)	3 November 2006	A 54-year-old cashier was laid off because she was significantly older than the average staff age.
Schlecker	Retail	Wrongful Dismissal	16 June 2007	An employee had championed the creation of a works council, whereupon she was dismissed. The Bremen labor court overturned the dismissal.
Süderelbe Logistik GmbH	Manufacturing	Discrimination (Sex)	6 July 2007	The employee works council of an auto parts supplier successfully filed suit in Hamburg Labour court seeking equal pay for male and female employees.

## Germany

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Technische Universität Dresden	Education	Discrimination (National Origin)	9 May 2005	A professor at the Technical University of Dresden turned down a Syrian applicant because of the “hostile attitude of her country towards western countries.”
Unknown	Unknown	Sexual Harassment	7 November 2006	A woman filed suit against her supervisor for smacking her on the behind.
Unknown	Unknown	Discrimination (Sex)	22 February 2007	A rejected job applicant filed suit alleging that she had been discriminated against on account of her pregnancy.
Unknown	Unknown	Discrimination (Disability)	28 February 2007	A severely handicapped applicant claimed compensation after his application for employment was rejected.

## Ireland

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Ryanair Ltd.	Airline	Discrimination (Age)	January 2005	Ryanair was fined by the Equality Authority for publishing a job advertisement which sought “young” professionals.

## Italy

Company/ Institution Name	Industry Sector	Ground	Date of Verdict	Incident
Banca Antoniana Popolare Veneta soc. coop. p.a.r.l.	Financial Services	Constructive Demotion	15 March 2001	The plaintiff alleged he was employed firstly as an office worker, and subsequently as vice office supervisor, office supervisor, manager and head manager. From the year 1996 onwards, his responsibilities as head manager were gradually eroded to the point that he was effectively being demoted from his true role. The court awarded the plaintiff ITL64,000,000 (approx. EUR33,000).

## Italy

Company/ Institution Name	Industry Sector	Ground	Date of Verdict	Incident
Cittadini dell'Ordine SpA – Minister of the Interior and Prefect of Milan	Public Administration	Wrongful Dismissal	1 December 2003	Following a report by the surveillance staff of stolen goods at a shopping centre, the authority stripped the plaintiff of his title (“guardia giurata”) and dismissed him with immediate effect. The security guard was subsequently cleared of any involvement in the criminal case but never reinstated. The plaintiff was awarded EUR36,422 for financial loss and an additional EUR21,609 for non-financial loss (i.e. moral damages).
Istituto Comprensivo “S.A.” di N.	Education	Bullying	2 January 2005	The plaintiff sought financial and other compensation for the persecutory treatment by the School Director towards him. The plaintiff was awarded the total of EUR18,000 for financial as well as non-financial loss.
Municipality of Loiri Porto San Paolo	Police Department	Bullying	10 July 2003	The plaintiff sought financial and other damages due to improper measures put in place by his employer. The plaintiff was awarded a total of EUR10,329 in compensation.
SDA Express Courier SpA	Import/Export	Bullying/Constructive Demotion	9 April 2003	The plaintiff sought damages for having been allocated duties inferior to his role as described in his work contract. The court awarded the plaintiff a total of EUR179,985.
Unknown	Education	Bullying	28 January 2005	The plaintiff complained of repeated and consistent harassment designed to marginalize him. The court awarded him a total of EUR38,200 in damages.
Unknown	Journalism	Constructive Demotion	14 April 2005	The plaintiff claimed progressive demotion as he was gradually assigned fewer and fewer articles to complete. The court awarded the plaintiff a total of EUR300,000.
Unknown	Travel	Discrimination (Sex)	6 July 2007	A German woman who failed the official gondolier examination for the fifth time asserted that she was being discriminated against on the grounds of her gender.

## Italy

Company/ Institution Name	Industry Sector	Ground	Date of Verdict	Incident
Unknown	Unknown	Sexual Harassment	3 October 2001	The plaintiff worked in the Pisa business unit of an unnamed corporation from 1993 to the end of 1998, and subsequently left following alleged sexual harassment from a vice-director. The plaintiff was awarded a total of ITL45,000,000 (approx. EUR23,243).
Zanon SpA	Manufacturing	Constructive Demotion	27 August 2003	The plaintiff requested damages for suffering and humiliation experienced in the workplace as a result of being allocated duties inferior to his position. The court awarded the plaintiff a total of ITL13,000,000 (approx. EUR6,700).

## Netherlands

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Unknown	Education	Discrimination (Sexual Orientation)	1998	A homosexual teacher was refused an interview at a Christian school due to his sexual orientation. The school decided that his sexual orientation was at odds with Christian doctrine.
Unknown	Agriculture	Discrimination (Sex, Nationality and Race )	2000	An agricultural company paid men, women and foreigners unequally.

## Switzerland

Company/ Institution Name	Industry Sector	Ground	Date of Verdict	Incident
Kanton Solothurn	Public Authority	Discrimination (Sex)	27 February 2007	In the Canton of Solothurn the Administrative Court dismissed salary lawsuits filed by fifty-two female specialists in medical and technical radiology (MTRA).
Unknown	Unknown	Sexual Harassment, Wrongful Dismissal	22 January 2007	A railroad station manager was repeatedly sexually harassed by his female boss. When he did not reciprocate her advances, he was fired.

## Spain

Company/ Institution Name	Industry Sector	Ground	Date of Verdict	Incident
Gruas Ibisate S.A.	Transportation	Constructive Demotion, Bullying	26 November 2004	The plaintiff was originally hired as an accountant. He was later demoted to receptionist and seated against the wall at a very small desk. He filed suit for wrongful demotion and bullying and was awarded EUR45,229 by the Supreme Court of Spain.
Informatica S.A.	Retail	Constructive Demotion	21 December 2001	The sum of EUR8,860 was awarded to an employee due to his demotion from shop manager to a lower position.
Tourism Council of the town of Ceuta	Public Administration	Bullying	17 May 2006	A waiter was awarded EUR20,000 in damages due to the fact that he was forced to perform personal errands for his boss.

## United Kingdom

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Abbey National plc	Financial Services	Discrimination (Sex)	15 October 2004	After suffering a miscarriage, a senior banker lost her job and was given bad references for future employers.
Beadles Group Ltd.	Retail	Sexual Harassment	28 June 2003	An automobile sales person in training was sexually harassed and resigned after one week on the job due to post traumatic stress disorder caused by the harassment.
BNP Paribas plc	Financial Services	Discrimination (Sex)	17 April 2007	The plaintiff is claiming GBP1,400,000 (EUR2,000,000) in compensation from BNP Paribas for sexual discrimination.
Brasserie Chez Gérard	Service Industry	Discrimination (Race)	8 September 2005	A former kitchen porter accused his colleagues and supervisors of racism.
British Airways plc	Travel	Discrimination (Sex)	22 April 2005	A female BA pilot was refused the right to work part-time. As a result, she would have had to quit her job in order to be able to look after her daughter.

## United Kingdom

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Clwyd Leisure Ltd.	Service Industry	Discrimination (Race, Disability), Wrongful Discharge (Race, Disability)	3 January 2007	An Iraqi-born leisure center worker had been assigned to carry out manual labor despite his disability.
Deca Ltd.	Financial Services	Discrimination (Sex)	4 March 2005	A female investment consultant was allegedly sexually harassed by her supervisor after she rejected his sexual advances.
Department for Work and Pensions	Public Authority	Discrimination (Sex)	19 August 2004	An employee filed a complaint claiming that his employer's "collar and tie" dress code was sexist as this requirement was imposed on male but not on female employees.
Deutsche Bank AG	Financial Services	Discrimination (Sexual Orientation)	20 February 2005	A former high-profile investment manager was allegedly harassed by colleagues and seniors because of his homosexuality.
Deutsche Bank AG	Financial Services	Harassment at Work, Sexual Harassment	1 August 2006	The plaintiff was bullied, sexually harassed and patronized by her colleagues at the Deutsche Bank in London.
Dresdner Kleinwort Wasserstein Securities LLC	Financial Services	Discrimination (Sex), Wrongful Dismissal (Sex)	13 January 2005	A former banker complained of a hostile working environment towards pregnant women and women returning from maternity leave.
EuroStar Ltd.	Travel	Discrimination (Sex)	4 November 1999, 17 November 1999	Two female security guards filed suit against their employer for sexual discrimination after being suspended for refusal to accept their employer's directive that female employees wear skirts to work.
Freshfields Bruckhaus Deringer	Law Firm	Discrimination (Age)	9 July 2007, 16 Juli 2007	A senior partner is suing his former employer, the London-based law firm Freshfields Bruckhaus Deringer for age discrimination.
Hanover Park Commercial Ltd.	Financial Services	Discrimination (Religion)	16 November 2006	The company's chief executive allegedly referred to a Muslim woman's refusal to eat non-halal meat as "pathetic."

## United Kingdom

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
HBOS plc	Financial Services	Discrimination (Sex)	16 January 2006, 22 December 2006	After being suspended, a senior manager filed a lawsuit against her employer alleging discrimination due to her sex.
HSBC plc	Financial Services	Discrimination (Race)	14 July 2006	A Maltese employee complained that her supervisor was xenophobic after allegedly overhearing her say that she supports the politician Kilroy-Silk for his anti-foreigner agenda.
ING Barings Ltd.	Financial Services	Discrimination (Race)	1 December 2006	A vice president claims that she was denied promotion because of her ethnic origin. As evidence she cites a dialogue, in which her managing director allegedly insulted an Indian colleague.
Lake House Estate	Catering	Discrimination (Sex)	9 August 2007	The plaintiff, who had been employed for eight years as a cook for the company owned by the pop singer Sting and his wife, asserted that she had been dismissed on account of her pregnancy and therefore discriminated against. The Southampton Employment Tribunal ordered the couple to pay GBP25,000 (EUR35,763). Sting and his wife have appealed.
Leeds United Association Football Club	Sports	Discrimination (Race, Sex)	6 October 2005, 15 November 2005	The assistant banqueting chief alleged that she was disadvantaged in her career because of her skin colour and sex.
Marlborough Primary School, Salford	Education	Wrongful Dismissal, Discrimination (Race)	18 August 2005	A primary school teacher was dismissed after being seen taking a driving test while on sick-leave due to stress. The teacher claims that her dismissal was unfair and motivated by her Indian origin.
Mayflowers Kebabs Ltd.	Service Industry	Wrongful Dismissal, Discrimination, Sexual Harassment	5 July 2007	A former waitress was awarded GBP17,618 (EUR25,203) for sexual harassment and unfair dismissal. She was specifically ridiculed on account of her red hair.

## United Kingdom

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Merrill Lynch & Co., Inc.	Financial Services	Wrongful Dismissal, Discrimination (Sex)	8 June 2004, 24 December 2004	A former senior banker sued Merrill Lynch after her supervisor allegedly instructed her to serve drinks to six male colleagues while on a plane during a business trip.
Merrill Lynch & Co., Inc.	Financial Services	Discrimination (Sex)	11 June 2004, 13 April 2004, 12 June 2005, 22 July 2005	A female lawyer working for Merrill Lynch was allegedly subjected to repeated comments about her breasts.
National Health Service (NHS)	Health	Wrongful Dismissal, Discrimination (Race and Sex)	31 October 2005	A consultant gynaecologist filed suit against the NHS for racial and sexual discrimination. Upon filing suit, she was dismissed from the NHS. She was awarded GBP1,000,000 (EUR1,430,513) for discrimination as well as wrongful dismissal.
Royal Mail plc	Logistics	Bullying	17 June 2004	A Pakistani postal worker was the victim of a four-year bullying campaign.
WestLB AG	Financial Services	Discrimination (Race, Sex)	8 April 2004	A female employee of Chinese origin sued West LB for racial discrimination and sexual harassment.
Worthing College	Education	Discrimination (Age)	7 June 2007	A claim for unfair dismissal filed by an eighty-four-year old janitor, who had been dismissed because of his age, was dismissed by the Employment Tribunal.
Yorkshire Rugby Football Union	Sports	Discrimination (Race)	15 April 2005	The new coach of Yorkshire RFU's rugby team allegedly refused to nominate a player of Caribbean origin for a place on the first team.

## USA

Company/ Institution Name	Industry Sector	Ground	Date of Article	Incident
Deutsche Bank AG	Financial Services	Discrimination (Sex)	28 August 2006, 29 August 2006, 24 September 2006	A former female employee of Deutsche Bank is suing the company for discrimination.
Dresdner Kleinwort Wasserstein Securities LLC	Financial Services	Discrimination (Sex)	9 January 2006	Six women are suing the investment bank claiming to have been paid less and given fewer promotion opportunities than their male counterparts.
Nestlé S.A.	Food	Discrimination (Age)	16 June 2003, 21 August 2003	A Nestlé manager in his mid-40's was repeatedly passed over for promotions and filed suit under California's Unfair Competition Law.
Novartis Group	Pharmaceutical Industry	Discrimination (Sex)	18 February 2005, 21 February 2005, 11 May 2005, 2 August 2007	Current and former female employees of the Swiss pharmaceutical firm Novartis are suing the company for discrimination in the United States.
Sodexo Alliance S.A.	Service Industry	Discrimination (Race), Wrongful Dismissal	27 April 2005	The world's second-largest caterer was accused of discriminating against black managers.
UBS Group	Financial Services	Discrimination, Wrongful Dismissal (Age, Sex)	7 April 2005	The plaintiff was called "too old and too ugly" to do her job properly by her supervisor.
Vivendi Universal S.A.	Entertainment	Discrimination (Race)	30 August 2006	The EEOC has filed suit against Vivendi Universal alleging racial discrimination.

# Case Summaries by Country

## Austria

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### Unknown

Two employees of a freight forwarding business discriminated against a homosexual truck driver whose cargo they were regularly required to load and unload. They introduced him to other employees as “the poof” and asked anyone who spoke to him if they were poofs as well. One of the employees made obscene remarks to the driver directed towards his sexual orientation. The truck driver reported the incident to his employer in May 2004. The employer instructed its employees and those of a partner company to discontinue such conduct. After a number of discussions the discrimination stopped from May 2005 onwards. The driver filed a lawsuit with Salzburg district court which ruled that the conduct of the two employees constituted harassment pursuant to § 21 General Equal Treatment Act. In the summer of 2006 it awarded the plaintiff damages (EUR400 from each of the defendants).

Sources: *monster.de*, 13 December 2006, [http://hr.monster.de/11835\\_de-at\\_p2.asp](http://hr.monster.de/11835_de-at_p2.asp), [http://hr.monster.de/11835\\_de-at\\_p3.asp](http://hr.monster.de/11835_de-at_p3.asp)

### Unknown

Two months following her graduation, a doctor applied for a post with a general practitioner in Kärnten. During the interview she was shown the clinic and introduced as a new member of staff. After the owner’s wife found out that the doctor is Muslim, she made it clear to the applicant that she did not wish to have any Muslims employed at the clinic. The wife’s reasoning was that women are oppressed under Islam. Her husband added that all those wishing to convert were killed. A debate ensued at the end of which the owner said that he would consider appointing her. The next day the applicant was rejected. She was confronted with this discrimination despite the fact that she belongs to a liberal form of Islam in which men and women are treated equally. She grew up, went to school and attended university in Austria. She does not wear a headscarf. As a result of this incident she approached the anti-racism initiative “Zara” and filed a complaint with the Equal Treatment Commission. Although she does not want any financial compensation, she does want “satisfaction” and the two doctors to admit their mistake. The proceedings are still ongoing.

Sources: *Der Standard*, 5/6/7 January 2007, <http://derstandard.at/?url=?id=2716426>

## Belgium

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### European Commission

A 40-year-old student at Copenhagen University applied to a training program of the European Commission and was rejected because of the program’s age limit of 30 years. The student complained of this age discrimination to the European Union Ombudsman, who deemed the European Commission’s justification for this age limit, namely to provide career opportunities to “young university graduates at the beginning of their careers,” invalid. As the age limit constitutes unjustified discrimination, the Ombudsman has called on the Commission to abolish it.

Sources: *European Union Ombudsman*, 16 June 2004, <http://www.euro-ombudsman.eu.int/recommen/en/022107.htm>

## Czech Republic

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### Rossmann GmbH

A number of outlets of the German drugstore chain, Rossmann, have opened in eastern Europe, including a store in the western Bohemian city of Cheb. As part of a test, a Czech civil rights group sent a Romani woman and a non-Romani “control” to apply at the same store for the same job opening within a few minutes of each other. The Romani woman was told there was no opening whereas the non-Romani woman was told that positions were still available. The store manager was unaware of the fact that the women were wearing wires. The woman who was refused employment filed suit and a city court ruled that the Romani woman was discriminated against because of her ethnic origin. The court ordered Rossmann to apologize and pay approximately EUR735 in compensation. The case came just a few days after Rossmann decided to forgo its appeal in an almost identical case where it was ordered to pay approximately EUR1,470.

Sources: *Czech Radio 7: Radio Prague*, 23 March 2005, <http://www.radio.cz/print/en/64662>

### Scorpio Club

When the Romani plaintiff applied for a position at a fashion boutique in Prague, she was told that the position had already been filled. A non-Romani “control” working for the Czech civil rights organisation, “Poradna,” applied for the same job a few minutes later. The manager told the white woman, without asking about her qualifications, that several positions were still open within the boutique’s chain of stores. Both women were “wired” and the conversations were recorded. The Prague High Court decided that the plaintiff had been a victim of racial discrimination and awarded her approximately EUR735 in compensation.

Sources: *Czech Radio 7: Radio Prague*, 23 March 2005, <http://www.radio.cz/print/en/64662>

## Denmark

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### Unknown

A company sought “Danish” employees between the ages of 18 and 30 for telemarketing positions. The court fined the company DKK3,000 (approx. EUR400) for age discrimination and ethnic discrimination.

*Source: City Court of Copenhagen, Date of verdict January 2006*

### Unknown

Five non Danish individuals were refused access to a discotheque while at the same time five Danes were allowed. The discotheque was found to have violated anti-discrimination laws. An appeal is ongoing.

*Source: City Court of Copenhagen, Date of verdict February 2006*

## France

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### Dixon-Wilson SARL

A secretary is suing her former employer in the French Labor court for wrongful dismissal. In April 2006, she received a dismissal letter from her employer without giving any reason. She later came to believe that the reason was an internet blog she had been maintaining for the two years prior to her dismissal. The blog contains stories (around 300) about her life, her daughter, relationships etc. Approximately 20 stories discuss the subject of work. She is claiming that the information posted on her website is very discreet since she did not post the name of the employer but rather only alluded to the fact that she works for an English company. Her former employer is accusing her of using the internet in an abusive fashion.

*Sources: Libération, 22 February 2007, <http://www.libe.com/vous/emploi/236304.FR.php>*

### F3S Consultants

In 2004 a recruitment agency posted a job offer for three days which sought candidates between 28 and 35 years old. The agency was found to have violated antidiscrimination laws by the court and fined EUR500. The court also assessed EUR1 in damages plus interest to the plaintiff.

*Sources: Le Figaro, 13 February 2007, [http://www.lefigaro.fr/france/20070213.WWW000000392\\_lage\\_lautre\\_discrimination\\_a\\_lembauche.html](http://www.lefigaro.fr/france/20070213.WWW000000392_lage_lautre_discrimination_a_lembauche.html)*

### L'Oréal S.A.

The French campaign group SOS Racisme had accused L'Oréal of discriminating against women of colour with regard to promotional campaigns in 2000. An internal company fax had specifically stated that the hostesses for its shampoo campaign should be “young, thin and BBR.” “BBR” stands for the French national colours “bleu, blanc, rouge,” though it is a well known code among employers for “white” French people, and it is thus intended to exclude people of North African, African and Asian backgrounds. On the basis of witnesses statements, the court ruled that a discriminatory corporate policy was in place pertaining to the characteristics sex, age, weight and skin colour. In addition to the company, a senior manager at the agency which was supposed to recruit the hostesses was also found to have violated anti-discrimination laws.

*Sources: AHN, 8 July 2007, [www.allheadlinenews.com/articles/7007852588](http://www.allheadlinenews.com/articles/7007852588)*

### Renault s.a.s.

A French tribunal has acquitted Renault of discrimination against six employees of African, Middle Eastern and Martinique decent. The tribunal acknowledged differences in pay and career development compared to other employees, but nevertheless exculpated the employer as no employee was “put in the corner” because of his or her origin. The plaintiffs’ attorneys announced that they will be appealing the ruling.

*Source: Bloomberg, 12 December 2005*

### Socialist Party

The plaintiff was employed by the French Socialist Party on a short-term contract during the 2002 presidential election to follow-up on articles published in the newspapers. His monthly salary was around EUR2,000. The plaintiff worked for 51 days without having a break and without being fully paid. His short-term contract was renewed for a third time although French labour law forbids the short-term contracts to be renewed three consecutive times. In March 2003, the Socialist Party gave the plaintiff a contract with no defined time limit. The plaintiff was, however, terminated after 15 months.

After having his case dismissed by the labour court, the plaintiff appealed the decision. The appellate court ruled against the employer with respect to the failure to comply with the weekly day-off, the unlimited nature of the short term contract and the wrongful dismissal.

*Sources: Le Figaro, 13 February 2007, [http://www.lefigaro.fr/election-presidentielle-2007/20070217.FIG000000850\\_le\\_ps\\_condamne\\_a\\_verser\\_euros\\_a\\_un\\_ancien\\_employe.html](http://www.lefigaro.fr/election-presidentielle-2007/20070217.FIG000000850_le_ps_condamne_a_verser_euros_a_un_ancien_employe.html)*

### Valeo Group

In 2003 Valeo closed its cable division factory in Labastide-Saint-Pierre making 260 of the 450 employees redundant. The dismissed employees sued Valeo for wrongful dismissal. The employees claimed that Valeo group wanted also to relocate jobs to Tunisia and Turkey. Although the labour court agreed that the redundancies were due to economic hardship given the poor financial condition of the cable division, it judged that this reason by itself cannot justify dismissals, noting that Valeo did not sufficiently communicate information to the employees about possible job alternatives.

As a result, the labour court ordered Valeo to pay EUR4,300,000 in compensation to the 260 dismissed employees.

*Sources: Le Figaro, 12 September 2006, [http://www.lefigaro.fr/eco/20060912.FIG000000184\\_valeo\\_condamne\\_pour\\_licenciements\\_abusifs.html](http://www.lefigaro.fr/eco/20060912.FIG000000184_valeo_condamne_pour_licenciements_abusifs.html)*

## Germany

### Agfa-Gevaert Group

In autumn 2004 the German based photography division of Agfa-Gevaert was sold to a private investor. The 1,800 employees were informed of the change in ownership in October 2004 and were asked to agree to having their employment contracts transferred to the newly formed AgfaPhoto GmbH, in accordance with German law (§ 613 a BGB). In May 2005 AgfaPhoto GmbH filed for bankruptcy and the employees became redundant. The former employees filed suit claiming that information provided to them regarding the change in ownership and transfer of their employment contracts had been insufficient in respect of the requirements of § 613 a (V) BGB. The employees felt pressured to agree to having their employment contracts transferred to AgfaPhoto GmbH, fearing that they would lose their jobs without severance pay and fail to qualify for unemployment benefits. Both, the trial court (ArbG Solingen) and the appellate court (LAG Düsseldorf) ruled in favor of the employees. The judges found the information given to employees about the change in ownership to be insufficient, in respect of § 613 a (V) BGB and decided that the 30 day period allowed under § 613 a (VI) BGB to object to a transfer of an employment contract had not yet begun. In addition, remuneration due to the employees was found not to be among the bankruptcy assets of the AgfaPhoto, and was therefore to be paid by Agfa-Gevaert.

Sources: *Die Welt*, 14 January 2006, <http://www.welt.de/data/2006/01/14/831130.html?prx=1>, *FinanzNachrichten*, 23 May 2006, <http://www.finanznachrichten.de/nachrichten-2006-05/artikel-6472199.asp>, *die tageszeitung*, 16 November 2006, <http://www.taz.de/pt/2006/11/16/a0019.1/textdruck>, *Kölner Stadtanzeiger*, 17 January 2007, <http://www.leverkusener-anzeiger.ksta.de/jrbo/artikel.jsp?id=1162473278760>

### City of Berlin

The applicant suffers from severe neurodermatitis, a skin disease which left her with open wounds on her legs (degree of disability: 40%). Having passed the written and oral sections of the application process, the applicant was examined by a state doctor. She then provided proof of her disability and was found to be unsuitable for the position of parking lot security guard. The job required spending long periods of time outdoors, exposure to the elements and stress caused by dealing with difficult customers at the parking lot. All of these factors tend to exacerbate neurodermatitis. The Berlin municipal court sided with the plaintiff and awarded compensation amounting to EUR12,000 plus interest on the damages. She also received an award for pain and suffering caused by the invasion of personal privacy. The appellate court, however, overturned the decision of the lower court, saying that the plaintiff could not claim remuneration for discrimination because she did not qualify as disabled under the law (§ 2 (II f) SGB IX).

Sources: *Jurion*, 9 March 2006, <http://typo3.lsvd.de/fileadmin/pics/Dokumente/Rechtsprechung/LAGBerlin060309.pdf>

### Lufthansa AG

Lufthansa policy states that pilots may fly for the airline only until they reach the age of 60. Three Lufthansa pilots filed a suit in Frankfurt labor court asserting that this is a violation of the recently enacted German antidiscrimination law (AGG). This was the first such case to be tried before the Frankfurt labor court under the AGG. The plaintiffs claimed that the age limit represents "obvious direct age discrimination" as defined by the AGG, particularly as each pilot is subject to regular medical and technical examinations. Lufthansa rejected this claim, referring to existing collective labor agreements as well as previous rulings of the German Labor Court (prior to the introduction of the AGG). The court dismissed the claim.

Sources: *Spiegel online*, 2 November 2006, <http://www.spiegel.de/wirtschaft/0,1518,446013,00.html>, *Infobrief Recht der IHK Berlin*, June 2007, [www.berlin.ihk24.de/produktmarken/recht\\_und\\_fair\\_play/anlagen/neueste/gesetzgebung/2007-06.pdf](http://www.berlin.ihk24.de/produktmarken/recht_und_fair_play/anlagen/neueste/gesetzgebung/2007-06.pdf)

### Lufthansa AG

A forty-six-year old flight attendant who was employed at Lufthansa on a fixed-term basis had applied for a permanent position and was rejected because of her age on the grounds that the economic risk of sickness-induced absences is far higher in the case of older employees, and thus unacceptable. Frankfurt/Main labour court found for the plaintiff and ordered Lufthansa AG to pay compensation in the amount of three monthly salaries (EUR4,000), ruling that the defendant's actions were in breach of the General Equal Treatment Act.

Sources: *Focus online*, 26 June 2007, [www.focus.de/jobs/berufsalntag/arbeitsrecht/lufthansa\\_aid\\_64456.html](http://www.focus.de/jobs/berufsalntag/arbeitsrecht/lufthansa_aid_64456.html)

### Real GmbH

Due to downsizing, two of the 17 cashiers in a branch of the supermarket chain Real were to be made redundant. The average age of cashiers was 43 and because the plaintiff at 54 was the oldest she was let go and offered a severance in the amount of EUR7,000. The plaintiff turned down the severance salary and filed suit in labor court. The labor court denounced Real's selection process and ruled that the employee should be reinstated.

Sources: *Westdeutsche Allgemeine Zeitung*, 10 November 2006, <http://hugo-archiv.waz.de/detail.php?query=182783&article=49895406>

### Schlecker

An employee who had been employed at the drugstore chain since 1998 had become a member of an electoral committee for the creation of a works council. Subsequently, she was dismissed. The Bremen labour court ruled that, as a member of the electoral committee, she enjoyed special protection against dismissal. The plaintiff had already won one suit against Schlecker in January 2007 after having challenged the rejection of her application for part-time work in court.

Sources: *taz.de*, 16 June 2007, [www.taz.de/index.php?id=bremen&dig=2007/06/16/a0171&id=936&cHash=8f25f6d665](http://www.taz.de/index.php?id=bremen&dig=2007/06/16/a0171&id=936&cHash=8f25f6d665)

## Süderelbe Logistik GmbH

The female warehouse employees of an auto parts supplier were subject to a lower pay scale than their male colleagues despite the fact that they performed the same jobs. The result was that the female employees earned between EUR269,35 and EUR225,25 less than their male counterparts. As a result of this inequality the employee works council filed suit in the Hamburg labour court alleging that the anti discrimination law was violated. In a partial settlement, the parties agreed on an increased wage for nine of the female employees. The wage level of five additional women is still the subject of dispute. Negotiations are scheduled for November 2007 with regard to an additional claim made by the employee works council relative to unequal pay for female part time employees.

Source: zwd-online, 6 July 2007

## Technische Universität Dresden

A Syrian economics student sent an email to a professor at the Technical University of Dresden applying for the conferral of her doctorate. The Professor responded, "... In the light of the hostile attitude of your country towards western countries (especially Israel) and western institutions, terror attacks carried out by the Syrian secret service in Lebanon and elsewhere, and your country's support of international terrorism, I refuse, in any manner, to support Syrian citizenship... It is a shame that you must suffer because of the politics of your country, but especially you – who else – are summoned to bring about change concerning these points."

The Technical University of Dresden publicly distanced itself from these statements, which infringe upon the admittance policy of the University. The University also promised the student that her application for the conferral of her doctorate would be reviewed in the same manner as that of every other foreign student.

Sources: Focus Online, 9 May 2006,  
[http://www.focus.de/wissen/bildung/diskriminierung\\_nid\\_28741.html](http://www.focus.de/wissen/bildung/diskriminierung_nid_28741.html)

## Unknown

Two months after her supervisor had smacked her on the behind, the woman concerned reported the incident. The Cologne district court ruled that a smack on a female employee's behind with the palm of the hand clearly constituted sexual harassment in the workplace. The supervisor argued that the ruling should be rescinded due to the fact that the incident had been belatedly reported. This was rejected by the court.

Sources: 3sat.online, 7 November 2006,  
<http://www.3sat.de/3sat.php?http://www.3sat.de/specials/100038/index.html>

## Unknown

A woman filed a lawsuit with Berlin district court alleging that she had been discriminated against due to the fact that she was pregnant. As evidence of her allegation she stated that a male colleague had been preferred to her. The Court ruled that this fact alone is not indicative of discrimination. In the Court's judgment pregnant applicants must, if they wish to invoke the General Equal Treatment Act, evidence discrimination on the grounds of their gender or pregnancy on the basis of facts. Mere supposition is insufficient.

Sources: web.de, 22 February 2007,  
<http://magazine.web.de/de/themen/beruf/karriere/arbeitsrecht/3659416-Schwangere-Bewerberin-muss-Benachteiligung-nachweisen.html>

## Unknown

The severely handicapped plaintiff replied to a job advertisement. After his application had been rejected, he sought compensation. He argued that the position had been advertised without noting that preference would be afforded to severely handicapped people and that his application had been rejected without adequate reason. The Mainz district court dismissed the lawsuit, noting that although procedural errors may have occurred there were no grounds for compensation since the employer had not hired anyone else. The plaintiff's reference to flawed selection is inapplicable since no selection took place. The court made it clear that severely handicapped people cannot automatically sue for compensation simply due to a flaw in the process. The prerequisite is that at least one other applicant is appointed in lieu of a handicapped person.

Sources: focus Online, 28 February 2007,  
[http://www.focus.de/jobs/karriere/diskriminierung\\_nid\\_45473.html](http://www.focus.de/jobs/karriere/diskriminierung_nid_45473.html)

## Ireland

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### Ryanair Ltd.

A newspaper advertisement for the position of Director of Regulatory Affairs at Ryanair stated that the company was looking for "young and dynamic professionals." The Equality Authority asserted that the use of the word "young" in the ad excluded applicants who were not young. Ryanair contended that the word young should be seen within the context of the entire ad and combined with "dynamic" meant that what they were really looking for was enthusiasm. Despite Ryanair's arguments, the Irish Equality Authority found the ad to be discriminatory towards "older" applicants and ordered that Ryanair pay a IEP8,000 (approx. EUR10,000) fine and take specific courses of action, including a comprehensive review of its equal opportunities policies and publishing an advertisement in the same newspapers stating that they are an equal opportunity employer.

Sources: University of Oxford, January 2005, <http://www.agepositive.gov.uk/agepartnershipgroup/pdf/International-case-law.pdf>

## Italy

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### Banca Antoniana Popolare Veneta soc. coop. p.a.r.l.

The plaintiff declared that the conduct of his employer, aimed to demote him in terms of opportunity and lack of recognition, provoked serious health problems to the point where he was diagnosed as having a depressive-anxiety syndrome. He requested compensation for damage to his professional reputation and career, damage to health and damages for loss of opportunity. The court awarded the plaintiff ITL64,000,000 (approx. EUR33,000).

*Date of Verdict: 15 March 2001; IPSOA*

### Cittadini dell'Ordine SpA – Minister of the Interior and Prefect of Milan

Following a report by surveillance staff of stolen goods at a shopping centre, the authority stripped the plaintiff of his title (“guardia giurata”) and dismissed him with immediate effect. The security guard was subsequently cleared of any involvement in the criminal case. The fact that his title was taken away meant that the plaintiff was no longer able to seek employment as a security guard. The plaintiff filed a civil action against the Prefect and Minister of the Interior for unlawful dismissal. He demanded the following damages: compensation for the period from dismissal to pension, the relevant social security contributions and pension plan as well as interest and appreciation of the sums involved. He also demanded suitable moral damages. The plaintiff was awarded EUR36,422 for financial loss and an additional EUR21,609 for non-financial loss (i.e. moral damages).

*Date of Verdict: 1 December 2003; “Danno e Responsabilità”*

### Istituto Comprensivo “S.A.” di N.

The plaintiff complained that the attitude of the School Director towards him created an atmosphere of tension and lack of trust in him from the other staff. He alleged that he was asked to carry out unnecessary duties contrary to normal regulations and that unfounded charges were made against him. Comments in bad taste were made to him, using language insulting to his role, decorum and dignity. The plaintiff could no longer carry out his job autonomously, leading to financial loss (arising both from reduced professional capacity as well as suppressed professional development), and non-financial loss (psychological-physical). The plaintiff was awarded the total of EUR18,000 for financial as well as non-financial loss.

*Date of Verdict: 2 January 2005; IPSOA*

### Municipality of Loiri Porto San Paolo

The plaintiff complained that attitudes were adopted by her employer with the aim of “ghettoising” her, both personally and professionally. She was subjected to a particularly intense and persecutory treatment, to the point that she fell into a serious depression. The plaintiff was awarded a total of EUR10,329 in compensation.

*Date of Verdict: 10 July 2003; IPSOA*

### SDA Express Courier SpA

The plaintiff alleged that he experienced serious depression resulting from his demotion forcing him to take strong prescription medication. During his illness he was dismissed from his job. He demanded compensation for unlawful dismissal and trauma suffered as a result of the employer’s actions. The court awarded the plaintiff a total of EUR179,985.

*Date of Verdict: 9 April 2003 (n. 5539); IPSOA*

### Unknown

The plaintiff alleged that his employer seriously undermined his self confidence in the workplace and damaged his professional reputation through repeated and consistent harassment designed to marginalize him. The court awarded him a total of EUR38,200 in damages.

*Date of Verdict: 28 January 2005; Publication “Danno e Responsabilità” April 2006; La resp civile; IPSOA*

### Unknown

The plaintiff, a journalist, demanded compensation for professional damages and loss of reputation, caused by his employer allocating assignments not suitable to his qualifications. The court awarded the plaintiff a total of EUR300,000.

*Date of Verdict: 14 April 2005; Publication “Responsabilità e risarcimento”, September 2005*

### Unknown

A thirty-five-year old German woman in Venice failed the official gondolier examination for the fifth time. The would-be gondolier asserts that this is not due to a lack of skill on her part, but to the fact that the examiners are sexually discriminating against her. There are only male gondoliers in Venice.

*Sources: rundschau-online, 3 July 2007, www.rundschau-online.de/jkr/artikel.jsp?id=1183435860429*

### Unknown

The plaintiff was employed in the Pisa business unit of an unnamed corporation from 1993 to the end of 1998, and subsequently left following alleged sexual harassment from a vice-director. The plaintiff filed suit pursuant to art. 2049 of the Civil Code, and requested financial, personal and moral damages, claiming to have suffered mental illness as a result of the harassment. The plaintiff was awarded a total of ITL45,000,000 (approx. EUR23,243).

*Date of Verdict: 3 October 2001; “Responsabilità civile e previdenza” February 2007; IPSOA*

### Zanon SpA

The plaintiff declared he was employed as a Grade 6 technical worker under the national contract for metal mechanics. He assumed the role of team leader for the first days of his employment. He was then assigned duties equivalent to that of a Grade 4 employee, e.g. welding. He filed suit for constructive demotion. The court awarded the plaintiff a total of ITL13,000,000 (approx. EUR6,700).

*Date of Verdict: 27 August 2003 (n. 12553); IPSOA*

## Netherlands

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### Unknown

A homosexual teacher was refused an interview at a Christian school due to his sexual orientation. The school decided that his sexual orientation was at odds with Christian doctrine.

Source: <http://www.cgb.nl/>

### Unknown

The trade union took a case to the Equal Treatment Commission on the grounds of unequal pay for the same work in the agricultural sector. The Commission found that such unequal pay had been attributable to the fact that men and women had received different employment contracts. In addition, the Commission found there had been no advancement opportunities for women in the case of manual work and Turkish employees had been paid less than Dutch employees.

Source: <http://www.cgb.nl/>

## Spain

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### Gruas Ibisate S.A.

The plaintiff was originally hired as an accountant. He was later demoted to receptionist and seated against the wall at a very small desk. He filed suit for wrongful demotion and bullying and was awarded EUR45,229 by the Supreme Court of Spain.

Source: [www.poderjudicial.es](http://www.poderjudicial.es)

### Informatica S.A.

The sum of EUR8,860 was awarded to an employee due to his demotion from shop manager to a lesser position.

Source: [www.poderjudicial.es](http://www.poderjudicial.es)

### Tourism Council of the town of Ceuta

A waiter was awarded EUR20,000 in damages due to the fact that he was forced to perform personal errands for his boss.

Source: [www.poderjudicial.es](http://www.poderjudicial.es)

## Switzerland

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### Kanton Solothurn

In 1995, within the framework of a salary review, the Canton of Solothurn had placed all its employees in a new salary group with effect from 1 January 1996. As a result a number of employees from the hospital sector sued for higher classification, invoking the Equal Treatment Act. The plaintiffs argued that employees in comparable male professions earned more. For the purpose of reaching its ruling the administrative court considered the police profession and compared it with the requirements profile for female MTRA specialists. The plaintiffs argued that they deserved more pay due to their lengthy training period, more stringent intellectual requirements and greater responsibility. The court, however, dismissed the lawsuit concluding that the physical resilience required of

police officers should clearly be rated higher. The court further ruled that the salary classification is not sexually discriminating against the forty-four female and eight male plaintiffs.

Sources: *espace*, 27 February 2007, [http://www.espace.ch/artikel\\_324423.html](http://www.espace.ch/artikel_324423.html)

### Unknown

A railroad station manager was sexually harassed by his female boss over a period of five months. She repeatedly attempted to hug him, pressed him up against the wall and made suggestive movements. He became reserved and told only very few of his co-workers about these instances, as he feared that he would be fired if he filed an official complaint. After five months of ignoring her advances, he was made redundant. The Swiss company where both worked was made to pay a fine of CHF10,000 (EUR6,060) for sexual harassment and an additional CHF77,000 (EUR46,663) for wrongful dismissal.

Sources: *Netzeitung*, 22 January 2007, <http://www.netzeitung.de/vermischtes/506791.html>, *Blick Online*, 22 January 2007, <http://www.blick.ch/news/schweiz/artikel54246?layout=popup>

## United Kingdom

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### Abbey National plc

The plaintiff worked as a senior banker for Abbey National, a subsidiary of Santander Consumer Bank. After she suffered a miscarriage, her supervisor bullied and harassed her about her pregnancy in staff meetings. Five months later she was made redundant. Her former colleagues, testifying before the employment tribunal, stated that the supervisor in question had said, "We can't have her aborting all over the place." Ten years after her dismissal, the plaintiff viewed her personnel file at her new employer and found that Abbey had additionally "destroyed" her career by giving no reference whatsoever. The tribunal inferred that Abbey had given other companies to which she had applied (Barclays and RBS) either a bad or no reference at all and awarded her GBP1,000,000 (EUR1,430,513) in compensation.

Sources: *Evening Standard*, 15 October 2004, <http://www.thisislondon.co.uk/news/article-14080815-details/%27Boss%27s+insults+after+lost+my+baby%27/article.do>

### Beadles Group

The plaintiff began working for Beadles Group as a "car sales executive" trainee. From her first day at work, she was sexually harassed by her line manager, who hugged her, slipped his hand onto her buttocks and asked to see her pubic hair to find out whether she had dyed her hair. The plaintiff endured the harassment for one week before suffering from post traumatic stress disorder and quitting. An employment tribunal in Kent awarded her GBP171,000 (EUR244,618) to be paid by the Beadles Group and GBP7,000 (EUR10,014) to be paid by her line manager in compensation.

Sources: *Guardian Unlimited*, 28 June 2003, [http://www.guardian.co.uk/uk\\_news/story/0,3604,986718,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,986718,00.html), *EmpLaw*, unknown date, <http://www.emplaw.co.uk/free/4frame/data/23jul99.htm>

### BNP Paribas plc

The plaintiff claims that she was made to feel unwelcome at BNP Paribas after returning from a year's maternity and sick leave. She alleges that the bank has a "culture of sexism" and that she endured comments from male colleagues, including speculation about how she would look in a bikini. Upon consulting a female colleague she was told: "We women have to put up with these sorts of comments in our business." She further alleges that she was told not to apply for a senior position because she was a woman and that her request to work a four-day week in order to enhance the level of care which she could provide for her daughter was refused. She is seeking GBP1,400,000 (EUR2,000,000) in compensation.

Source: *The Times*, 17 April 2007

### Brasserie Chez Gérard

The plaintiff, who originally comes from the Ivory Coast, claimed that his colleagues and supervisors insulted him in a racist way and deliberately spilt hot oil and French fries on him. The plaintiff asserted that his co-worker who spilt the oil did not apologize or even ask if he was hurt. He has referred to it as an obvious revenge attack. He also complained that the managers and chefs had swapped pornographic videos in the kitchen and falsely accused him of sexually harassing a female colleague.

Sources: *Guardian Unlimited*, 8 September 2005, <http://www.guardian.co.uk/race/story/0,11374,1564874,00.html?gusrc=rss>

### British Airways plc

The 26-year-old plaintiff works as a short-haul pilot for British Airways. After giving birth to her daughter, she filed an application to work part-time so that she could look after her baby. The application was denied for safety reasons. BA policy required that pilots having fewer than a total of 2,000 hours flying time to work at least 75% of a normal rotation. The plaintiff had completed only 1,100 hours. The employment tribunal overrode the BA policy, as it would effectively be telling female pilots that they cannot have children for five years after joining the company.

Sources: *BBC*, 22 April 2005, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/england/dorset/4471851.stm>, *thisismoney*, 22 April 2005, [http://www.thisismoney.co.uk/news/article?html?in\\_article\\_id=399940&in\\_page\\_id=2](http://www.thisismoney.co.uk/news/article?html?in_article_id=399940&in_page_id=2)

### Clwyd Leisure Ltd.

The plaintiff suffers from a hip condition, which is aggravated by walking and makes manual labor painful. He was first disciplined by his employer for not leaving the building within one minute of a fire alarm being sounded. His justification, that he was late because of his disability, was refused. In a separate incident, he was asked to carry out manual labor despite his disability. After these events, he decided to bring several complaints related to his treatment by management. He was also filmed without his knowledge by two private detectives hired by the company. He was eventually dismissed for allegedly "aggressive behavior." The tribunal found he was unfairly dismissed and awarded him GBP100,000 (EUR143,051), including loss of earnings and injury to feelings.

Sources: *Work Place Law*, 3 January 2007, [http://www.workplacelaw.net/display.php?resource\\_id=8103](http://www.workplacelaw.net/display.php?resource_id=8103)

### Deca Ltd.

After the plaintiff, a Yale graduate, turned down her supervisor's sexual advances, she allegedly became the subject of humiliation and sexual harassment.

Sources: *thisismoney*, 4 March 2005, [http://www.thisismoney.co.uk/news/article.html?in\\_article\\_id=398605&in\\_page\\_id=2](http://www.thisismoney.co.uk/news/article.html?in_article_id=398605&in_page_id=2)

### Department for Work and Pensions

The employee complained that his employer's "collar and tie" dress code, which applies only to men but not to women, was discriminatory. After 7,000 of his male colleagues also filed applications concerning this dress code, the Department of Work & Pensions backed down and allowed men to work without ties, except when in direct contact with the public.

Sources: *EmpLaw*, 19 August 2004, <http://www.emplaw.co.uk/researchfree-redirector.aspx?StartPage=data%2F00401081.htm>

### Deutsche Bank AG

The plaintiff was a high-profile futures and options business manager at Deutsche Bank in London. Beginning in 2001, he was allegedly victimized by senior managers and colleagues. He alleges that he was insulted in a racist and discriminating way. As a direct result of this abuse, he suffered a nervous breakdown and has since been suicidal. Three days after complaining about this harassment, his employer allegedly cut all funding for his treatment, resulting in his sudden discharge from the psychiatric hospital where he was receiving care. A spokeswoman for Deutsche Bank said that Deutsche Bank contests his accusation.

Sources: *Guardian Unlimited*, 20 February 2005, [http://observer.guardian.co.uk/uk\\_news/story/0,,1418551,00.html](http://observer.guardian.co.uk/uk_news/story/0,,1418551,00.html)

### Deutsche Bank AG

The plaintiff worked as a secretary at Deutsche Bank in London. She claims to have been bullied by colleagues over a number of years in what she described as a "deliberate and coordinated campaign." The plaintiff was awarded GBP800,000 (EUR1,144,410) in compensation for pain and suffering, loss of income, loss of pension rights and medical fees as her employer had neglected its obligations to remedy the situation.

Sources: *Handelsblatt*, 1 August 2006, <http://www.handelsblatt.com/news/default.aspx?p=200039&t=ft&b=1115605>

### Dresdner Kleinwort Wasserstein Securities LLC

A banker is suing her former employer, DKW, claiming she was unfairly dismissed due to her desire to have a large family. She accused colleagues and supervisors of discriminating against pregnant women, for example by stating they should not work but stay at home and "take piano lessons instead." A colleague named as a witness, the mother of a baby son who also worked for DKW, reported that she was repeatedly the victim of ribbings about how many children she was going to have. The claimant believes her dismissal to have been motivated by her family plans. She was fired for gross misconduct after allegedly disclosing inside information to her husband in an email, despite the fact that her line manager had allegedly authorized use of her husband as a sounding board.

Sources: *Evening Standard*, 13 January 2005, <http://www.thisislondon.co.uk/news/article-15899431-details/Banker+tells+of+bosses%27+nights+laping/article.do>

### EuroStar Ltd.

Two female employees were suspended from work for refusing to wear skirts while working as security guards for EuroStar, which runs services to Paris and Brussels through the Channel Tunnel. The women stated that wearing trousers was more comfortable and appropriate for their work as security guards. A survey of passengers of EuroStar confirmed that most of the passengers have no preference as to whether female staff wear skirts or trousers. After arbitration failed, the two female employees sued EuroStar for sexual discrimination.

Sources: BBC News, 4 November 1999, <http://news.bbc.co.uk/1/hi/uk/505233.stm>, BBC News, 17 November 1999, <http://news.bbc.co.uk/1/hi/uk/524820.stm>

### Freshfields Bruckhaus Deringer

A senior partner in the London-based law firm Freshfield Bruckhaus Deringer is suing his former partners for age discrimination due to changes to the company pension scheme. According to unconfirmed reports these changes are said to be discriminatory since they affect partners differently according to their age. This is one of the first cases which is being heard on the basis of the Anti-Age Discrimination Act. The accusation against the law firm levelled by the former partner is that its pension plan discriminates against partners who are not yet fifty-five years of age. The plaintiff is one of thirty partners who retired from the partnership after the new pension scheme arrangements came into force. The majority of them are now consultants for the law firm. However, the plaintiff asserts that he had not been offered this opportunity. In contrast, Freshfield maintains that the plaintiff had rejected just such an offer. The proceedings at London Central Employment Tribunal opened on 9 July 2007.

Sources: AHN, 9 July 2007, <http://business.timesonline.co.uk/tol/business/law/article2045356.ece>

### Hanover Park Commercial Ltd.

The plaintiff is a converted Muslim and refuses to eat non-halal meat (e.g. pork). She brought a claim in front of the employment tribunal after the company's chief executive officer called this behaviour "pathetic." A tribunal chairman remarked that the aforementioned executive "has a propensity to make remarks that some may find offensive" while senior colleagues added that he is considered a "handful." The tribunal ruled that the firm discriminated against her by not fully investigating her complaint in a timely manner. Her additional allegations that as a result of her complaints she had been refused a pay rise and that a company pool car had been removed, were rejected.

Sources: BBC News, 16 November 2006, [http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk\\_news/england/lincolnshire/6156402.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/england/lincolnshire/6156402.stm)

### HBOS plc

HBOS's head of asset and liability management was suspended after a conflict with a senior colleague. After this suspension, she brought a lawsuit against her employer for sexual discrimination. She was earning GBP600,000 (EUR858,308) per year and claimed GBP11,000,000 (EUR15,735,641) in compensation. The case was suddenly withdrawn in December 2006. According to HBOS, the plaintiff had accepted that her claims were unfounded and withdrew them without receiving any compensation.

Sources: Bloomberg, 16 January 2006, management-issues, 22 December 2006, <http://www.management-issues.com/2006/12/22/blog/UKP11m-sex-discrimination-claim-dropped.asp?section=blog&id=3861&reference=&specifier=&mode=print>

### HSBC plc

The plaintiff worked for HSBC in Welwyn Garden City, Herts. She overheard a conversation between her supervisor and an assistant manager about the impending general election. Her supervisor stated that she supported politician Robert Kilroy-Silk because he wanted to "get rid of the foreigners" and she went on to say "I hate foreigners." The employment tribunal found that these remarks and the support for Mr Kilroy-Silk could be construed as racist; HSBC had to pay GBP750 (EUR1,073) in compensation. This is one of the first times that a remark not directly addressed to the plaintiff was considered discriminatory.

Sources: Daily Mail, 14 July 2006, [http://www.dailymail.co.uk/pages/live/articles/news/news.html?in\\_article\\_id=395763&in\\_page\\_id=1770](http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=395763&in_page_id=1770)

### ING Barings Ltd.

The plaintiff works as vice president for ING Barings in London. She has accused her managing director of discriminating against her because of her Indian origin. One week before a new employee was to join her team, her managing director came to her desk and said "I hear you've got a Bindi Bhaji joining your team." Bindi Bahji is an Indian dish. The plaintiff felt this comment was offensive and condescending. A few weeks later, she had an appraisal with her managing director to discuss her career development. When she told him that she hoped "to go much higher in the organization," he seemed surprised and responded by asking if she was interested in doing his job. She alleges she was deliberately marked down in her appraisal in February 2005. She is claiming GBP100,000 (EUR143,051) in damages; ING denies any discrimination.

Sources: The Independent, 1 December 2006, <http://news.independent.co.uk/uk/legal/article2029266.ece>

### Lake House Estate

The plaintiff, who had been employed for eight years as a cook for the company owned by the pop singer Sting and his wife, asserted that she had been dismissed on account of her pregnancy and had thus suffered discrimination. The Southampton employment tribunal ordered the couple to pay GBP25,000 (EUR35,763). They have appealed.

Source: <http://kurier.at/freizeit/gesellschaft/89322.php>

### Leeds United Association Football Club

The plaintiff began her career at Leeds United in 1992 as a waitress. In 1997, she had an affair with her boss, the head of catering, after which she was turned down for promotion four times within three years. She cites her boss's insulting comments about his staff's origins as evidence of racist discrimination. The plaintiff has also alleged that the catering chief sexually harassed her and other female employees, e.g. by touching them inappropriately when walking past them.

Sources: *Mirror*, 6 October 2005, [http://www.mirror.co.uk/printable\\_version.cfm?objectid=16213571&siteid=94762](http://www.mirror.co.uk/printable_version.cfm?objectid=16213571&siteid=94762), *Yorkshire Post Today*, 15 November 2005, <http://www.yorkshireday.co.uk/Viewarticle2.aspx?SectionID=55&ArticleID=1253995>

### Marlborough Primary School, Salford

In June 2004 the plaintiff, a school teacher, was dismissed because she was caught taking a driving test while off sick because of stress. This was apparently not the first time she was in trouble with school officials. It was alleged that she had previously deliberately under-performed when inspectors evaluated her classes. The plaintiff denies this and claims that her dismissal was unfair and an act of racial discrimination. Shortly after the beginning of the tribunal, she broke down as a result of the stress of cross-examination and the public vilification she experienced.

Sources: *South Manchester Reporter*, 18 August 2005, [http://www.southmanchesterreporter.co.uk/news/s/203/203022\\_sacked\\_teachers\\_too\\_afraid\\_to\\_walk\\_streets.html](http://www.southmanchesterreporter.co.uk/news/s/203/203022_sacked_teachers_too_afraid_to_walk_streets.html)

### Mayflowers Kebabs Ltd.

The plaintiff worked as a waitress in Plymouth from November 2004 until October 2006. She filed suit against her employer for unfair dismissal and sexual harassment alleging that her night manager had made a series of lewd, embarrassing remarks to her, focusing on the colour of her hair. The court ruled that her dismissal had been unfair and awarded her compensation of GBP17,618 (EUR25,203).

Sources: *HR Zone News*, 5 July 2007, *Daily Mail*, 6 July 2007 [http://www.dailymail.co.uk/pages/live/articles/news/news.html?in\\_article\\_id=464301&in\\_page\\_id=1770](http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=464301&in_page_id=1770)

### Merrill Lynch & Co., Inc.

A banker claimed GBP7,500,000 (EUR10,728,846) from her former employer for sexual discrimination, unfair dismissal and unequal pay. While on a plane with colleagues, she was told by her supervisor to sit in a cabin crew seat and serve drinks to her six male colleagues like a stewardess. Her employer denies these accusations, saying that she was dismissed because of the high losses the firm was suffering due to her handling of private client business in Europe. Merrill Lynch argued that the decision to replace her was based on her performance and that it had nothing to do with her sex. As evidence Merrill Lynch pointed to the fact that the vacancy was filled by another woman. The employment tribunal accepted her claim of wrongful dismissal but denied her allegations of sexual discrimination. The maximum compensation for wrongful dismissal in the UK is GBP55,000 (EUR78,678).

Sources: *BBC News*, 8 June 2004, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/business/3785049.stm>, *die tageszeitung*, 24 December 2004, <http://www.taz.de/pt/2004/12/24/a0086.1/textdruck>

### Merrill Lynch & Co., Inc.

On 19 December 2003, the plaintiff attended a Christmas lunch with the legal department of Merrill Lynch she worked in. During that lunch, her supervisor was drunk and spilt red wine on her. He then made insulting comments about her breasts. After the out-of-court settlement amounting to GBP500,000 (EUR715,256), the employee again sued Merrill Lynch for providing her with an inadequate reference. Only a few weeks later, she withdrew her claim and agreed to pay GBP150,000 (EUR214,577) for Merrill Lynch's legal costs.

Sources: *Sydney Morning Herald*, 11 June 2004, <http://www.smh.com.au/articles/2004/07/10/1089000397285.html>, *Evening Standard*, 13 July 2004, <http://www.thisislondon.co.uk/news/article-11919926-details/£1m+for+lawyer+who+suffered+breast+jibe/article.do>, *The Age*, 12 June 2005, <http://www.theage.com.au/news/National/Cameo-for-Melanie-Howard-in-Aussie-v-Lynch/2005/06/11/1118347632551.html>, *thisismoney*, 22 July 2005, [http://www.thisismoney.co.uk/news/article.html?in\\_article\\_id=402453&in\\_page\\_id=2](http://www.thisismoney.co.uk/news/article.html?in_article_id=402453&in_page_id=2)

### National Health Service (NHS)

The plaintiff, a consultant gynaecologist, was employed by the NHS. She filed a lawsuit in 1998 against the NHS alleging that she had been sexually and racially discriminated against. Shortly after filing suit she was dismissed by the NHS. During the hearings, she testified that the former medical director told her that she could not advance in her career because she is "a woman and black." He also made it clear to her, that the respect shown to her was influenced by her race and sex. The tribunal found not only that she had been discriminated against but also that her dismissal was in retaliation for the fact that she filed a lawsuit. She was awarded GBP1,000,000 (EUR1,430,513) in compensation.

Sources: *The Independent*, 31 October 2005, <http://news.independent.co.uk/uk/legal/article323491.ece>

### Royal Mail plc

A postal worker was harassed by his white colleagues over a four year period. They called him a "Paki" and a "spear chucking rag-head," vandalized his car, and threatened him and his family, forcing him to seek a job transfer. Although the employee complained to managers as well as to Royal Mail headquarters about the abuse, Royal Mail allegedly took no effective action of any sort to intercept this vicious campaign. At the tribunal his colleagues and managers trivialized the situation by referring to the insults as "banter." The plaintiff was awarded GBP178,542 (EUR255,407) in compensation.

Sources: *independent race and refugees news network*, 17 June 2004, <http://www.irr.org.uk/2004/june/ak000010.html>

## WestLB AG

A Chinese born former employee of West LB alleged that she was repeatedly sexually and racially harassed by her supervisors. She further asserted that her application to be promoted was not accepted because she was assumed to have “communicating problems” as English is not her native language. She alleges that her standard of spoken English was good enough for the job and that her boss was stereotyping Chinese people. She further asserted that after turning down her manager’s sexual advances, she was offered GBP10,000 (EUR14,305) to quit. When she did not accept this offer, she was made redundant. She has been paid an out-of-court settlement by her former employer.

Sources: *Financial Mail*, 8 April 2004,  
<http://www.fmwf.com/newsarticle.php?id=477&cat=5>

## Worthing College

An eighty-four-year old janitor accused his former employer of age discrimination after he had been dismissed because of his age. The employment tribunal (Lloyd-Briden v Worthing College, UKEAT/0065/07/RN) did not share his view since, pursuant to the EC Directive, the provisions of the Employment Rights Act do not apply to employees over the age of sixty-five. The plaintiff had been employed at the college for nearly ten years.

Sources: *md*, 7 June 2007,  
[http://www.managingdiversity.co.uk/news\\_article.php?ID=18203420](http://www.managingdiversity.co.uk/news_article.php?ID=18203420)

## Yorkshire Rugby Football Union

The new coach of Yorkshire RFU’s rugby team allegedly told a player of Caribbean origin, that no matter how well he played, he could not compete for a place on the first team. He gave a vague explanation, stating that the player “lacked potential” and implying it was due to his age. When a white player of similar age was selected for the first team, the plaintiff complained to the management of the club. The defendant admitted at the tribunal that the resulting enquiries were poorly conducted (e.g. with short, informal discussions with players and coaches, of which no notes were taken) because the management did not take the complaints seriously. The plaintiff was awarded a five figure sum in damages, including loss of earnings and injury to feelings. Additionally, the club was ordered to reinstate him on the same terms as his last contract.

Sources: *Commission of Racial Equality*, 15 April 2005,  
[http://www.cre.gov.uk/legal/cases\\_field.html.pr](http://www.cre.gov.uk/legal/cases_field.html.pr)

## USA

### Deutsche Bank AG

An Australian securities expert was employed by Deutsche Bank on Wall Street in New York on 9 April 2001. She was responsible for servicing the Australian and Asian markets. In 2005 she filed a lawsuit after she had repeatedly complained of discrimination and, she maintains, “been forced out of her job” as a result. She accuses her former supervisor of having paid women less than men, reducing her bonus payments and depriving women of responsibility. During her time at the bank (2001 - 2004) he had not promoted or appointed any women. Other women who have likewise been employed in the Asia and Australia Department in New York apparently leveled similar accusations. A further point in the plaintiff’s lawsuit refers to visits by her ex-boss to striptease establishments with business partners and the fact that her male colleagues had utilized the services of prostitutes during breaks. It is also stated in the lawsuit that a “cult of discrimination” prevails at the bank. The plaintiff is receiving support for her lawsuit from the EEOC.

Sources: *Handelsblatt.com*, 28 August 2006,  
[http://www.handelsblatt.com/news/printpage.aspx?\\_p=200039&\\_t=ftprint&\\_b=1127337](http://www.handelsblatt.com/news/printpage.aspx?_p=200039&_t=ftprint&_b=1127337) die tageszeitung, 29.08.2006,  
<http://www.taz.de/pt/2006/08/29/a0111.1/textdruck> FAZ.NET, 24.09.2006,  
<http://www.faz.net/s/RubEC1ACFE1EE274C81BCD3621EF555C83C/Doc-EF75C9BEC200644BBBAE06651EB7F03C4-ATpl-Ecommon-Scontent.html>

### Dresdner Kleinwort Wasserstein Securities LLC

Six female plaintiffs have complained that they were paid less and promoted less often than men in similar positions. Additionally, they claim to have been denied equal terms and conditions of employment and that action was taken against women who complained about this. One of the six plaintiffs says that she was “buried” with administrative work that “prevented her from becoming a managing director.” This case has also been referred to as the “Glass Ceiling Suit,” as women allege not to be able to advance to senior levels at DKW. The case was filed at the U.S. District Court for the Southern District of New York; the amount of dispute has been estimated at USD1,400,000,000 (EUR998,630,450).

Sources: *Bloomberg*, 9 January 2006, [http://www.bloomberg.com/apps/news?pid=71000001&refer=europa&sid=avryw\\_xnxb2o](http://www.bloomberg.com/apps/news?pid=71000001&refer=europa&sid=avryw_xnxb2o)

### Nestlé S.A.

The plaintiff was a manager for Nestlé in his mid-40’s. Although he had positive performance evaluations and was qualified for several job openings, Nestlé repeatedly appointed applicants in their early 30’s, who often did not meet the jobs’ minimum requirements. A memo written by Nestlé’s former CEO was presented as evidence of a policy to “continue hiring, identifying and developing young people to have in the long term enough resources for future management.” The court found a “continuous pattern of age discrimination” at Nestlé and further found that “an employer which practices age discrimination has an unfair competitive advantage” because “older workers are frequently more highly compensated than their younger colleagues.” The trial court awarded him a total USD5,160,000 (EUR3,680,667) in compensation for loss of earnings and emotional distress. Nestlé’s appeal was

dismissed. According to the plaintiffs attorney, this case marks the first time that California's unfair Competition law was applied to workplace discrimination in a published opinion.

Sources: Law.com, 16 June 2003, <http://www.law.com/jsp/law/LawArticleFriendly.jsp?id=1055463648241>, Proskauer Rose: California Employment Law Notes August 2003, 21 August 2003, [http://www.proskauer.com/news\\_publications/newsletters/California/2003\\_08\\_00\\_A/\\_res/id=sa\\_PDF/2003\\_08\\_00\\_A.pdf](http://www.proskauer.com/news_publications/newsletters/California/2003_08_00_A/_res/id=sa_PDF/2003_08_00_A.pdf)

### Novartis Group

In the United States twelve current and former female employees are suing the US subsidiary of the Swiss pharmaceutical firm Novartis for at least USD100,000,000 (EUR71,330,746). Novartis is accused of systematic discrimination with regard to salary, basic and additional training, promotion, disciplinary practices and appraisals of female employees. The plaintiffs' lawyer states that the women were publicly scorned and subjected to sexist and racist remarks. In addition to the discrimination claim, a male supervisor is accused of breaching internal regulations by contacting female employees when they were on vacation or parental leave. The company rejects all accusations and points to its advancement programs for women. On 1 August 2007 New York District Court admitted the lawsuit, which had been filed in 2004, as a class action. Approximately 5,000 former and current employees could now become party to the suit.

Sources: Stern, 18 February 2005, <http://www.stern.de/wirtschaft/arbeit-karriere/536714.html>, Chemie.DE, 21 February 2005, <http://www.chemie.de/news/d/43592/?ps=&pw=a&t=&defop=and&wild=yes&sdate=01.01.1995&edate=27.02.2007&sort=1>, NZZ online, 11 May 2005, <http://www.nzz.ch/2005/05/11/ma/articleCS902.print.html>

### Sodexo Alliance S.A.

Ten current and former employees filed a lawsuit against Sodexo Marriott Services, a subsidiary of the French Sodexo Alliance S.A., in the U.S. District Court for the District of Columbia. The court found racial discrimination to apply to 2,600 former and current employees and ordered the case to be re-filed as a class-action suit. In April 2005, the lawsuit was settled with Sodexo paying USD80,000,000 (EUR57,064,597) in compensation to the class-action plaintiffs.

Sources: Bloomberg, 27 April 2005

### UBS Group

Europe's largest bank, UBS, was sued by the 44-year-old former director of the Asian shares sales desk. She claimed that she was told by a male executive that she was "too old and too ugly and can't do the job." She also claimed that she was belittled by her supervisor in front of colleagues and excluded from the firm's client events. She alleged that she was fired in retaliation after complaining that the firm had written off trips to strip clubs on its income taxes. UBS insisted that the plaintiff's dismissal was the result of "performance problems" and her not being a "team player." A jury decided she should receive USD9,100,000 (EUR6,491,098) in compensation and awarded a further

USD 20,200,000 (EUR14,408,811) in punitive damages. After UBS announced that they would be appealing the ruling, the parties settled on an unknown amount in October 2005.

Sources: thisismoney, 7 April 2005, [http://www.thisismoney.co.uk/news/article.html?in\\_article\\_id=399523&in\\_page\\_id=2](http://www.thisismoney.co.uk/news/article.html?in_article_id=399523&in_page_id=2), Frankfurter Allgemeine Zeitung, 7 April 2005, <http://www.faz.net/s/Rub4B891837ECD14082816D9E088A2D7CB4/Doc-E94A1FF6C44B3440CB1D007C4CFC35A50-ATpl-Ecommon-Scontent.html>

### Vivendi Universal S.A.

The plaintiff was hired to work on a movie produced by Vivendi Universal S.A. After he was dismissed, the responsible production manager began looking for his successor. During a telephone job interview with an applicant, the production manager allegedly asked the applicant, "What color are you, are you black?" The plaintiff cited this impermissible question as evidence of his own termination having been motivated by racial prejudice. The Equal Employment Opportunity Commission (EEOC) has filed a racial discrimination lawsuit on behalf of the plaintiff in U.S. District Court for the Central District of California. He is claiming USD8,000,000 (EUR5,706,460) in compensation and asking that Universal's hiring and firing practices be permanently monitored.

Source: Business Insurance, 30 August 2006

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