Complaint filed by N.H.C. against N AD N. for discrimination of refugees in area of providing services

This opinion was issued in the procedure acting upon the complaint filed by organization “N.h.c.” from Novi Sad against “N” AD N. The complaint states that D.M. who is a paralegal working for N.h.c.” organization, was travelling on 24 August 2015 by bus on Belgrade to Subotica bus route operated by “N” company. The bus departure time from Belgrade was scheduled for 8:30 p.m. While boarding the bus she overheard a ticket inspector asking a group of people “who looked like refugees” to vacate front row seats and move on to the back of the bus. The attachment to the complaint contains the statement made by D.M. In its explanation, company “N” did not deny allegations concerning ticket inspectors’ attitude towards refugees, rather it focused on a claim that the complainants have not submitted sufficient proof that the refugees had indeed been forced to move from front row seats to the back of the bus. “N” stated that the passengers had not complained of being treated differently, which in this company’s view, proves that there had been no discrimination whatsoever. The Commissioner for the Protection of Equality has ascertained that “N” company failed to substantiate the claim that all passengers had been treated equally during the bus ride events witnesses by D.M., which they were obliged to do in accordance with the rules on shifting the burden of proof . The fact that none of the affected refugees complained of the treatment does not mean that discrimination had not occurred but rather that failure to do so was probably due to their not knowing the language, a sense of destitution as a result of their unfortunate circumstances and a desire to avoid conflicts in a foreign country. The Commissioner for the Protection of Equality issued an opinion stating that by asking refugees to move from front row seats to the back of the bus irrespective of their seat numbers printed on their bus tickets, the ticket inspector working for “N” AD N. had perpetrated an act of discrimination, namely harassment and humiliating treatment, which is prohibited by Article 12 of the Law on the Prohibition of Discrimination in conjunction with Article 17 of the Law on the Prohibition of Discrimination. For this reason it was recommended that “N” AD N. should post the opinion and recommendation of the Commissioner for the Protection of Equality on company’s bulletin board or otherwise make it public on the company’s premises for all employees of “N” AD N. to see (drivers, ticket inspectors and other personnel) within a period of 15 days from the day of receipt of the opinion accompanied by recommendation. The Commissioner’s opinion and recommendation should remain posted for at least 8 days on company’s bulletin board or in other publicly available space on the company’s premises for all employees of “N” AD N. to see.