Complaint filed by M.B. against General Hospital S.V. for discrimination on grounds of age in area of work and employment

No. 07-00-403/2016-02 Date: 20/10/2016

**OPINION**

The Opinion has been issued in the proceeding acted upon the complaint filed by M. B. from S. P. against General Hospital “S. V.” in S. P., regarding the open competition for specialization. During the proceedings, it was established that the Rulebook on the Professional Development of Employees of the General Hospital “S. V.” in S. P. No. 5445, dated 30 July 2015, lists the criteria for admittance to specialization: average grade, grades in subjects – areas – branches of medicine, length of studying, length of service and professional characteristic in an institution. In addition, the Rulebook on Amendments to the Rulebook on the Professional Development of Employees of the General Hospital “S. V.” in S. P. No. 3868, dated 26 May 2016, replaces the criteria “professional characteristic in an institution” with “age”. The analysis of the given criteria shows that a candidate’s age is the only criterion not relating to candidates’ professional abilities and achievements, and the course of the proceedings established that, considering the manner of ranking, persons older than 36 were clearly placed in an unequal position compared to younger candidates. The Commissioner for the Protection of Equality issued an opinion that by applying the criterion relating to age in an open competition issued by the General Hospital “S. V.” in S. P. on 31 may 2016, M. B. and all other candidates older than 36 were being discriminated on grounds of their personal characteristic – age. Therefore, the General Hospital “S. V.” in S. P. is recommended to remove the criterion for entering the specialization program relating to the candidates’ age from the Rulebook on Amendments to the Rulebook on the Professional Development of Employees of the General Hospital “S. V.” in S. P. No. 3868, dated 26 May 2016, to place the recommendation and opinion of the Commissioner for the Protection of Equality on a notice board or a prominent place in the premises of the General Hospital, and henceforth to pay attention not to violate the provisions of the Law on the Prohibition of Discrimination when determining criteria for entering the specialization program.