

# Man Wins \$390,000 In Gender Discrimination Lawsuit After Female Colleague Gets Promotion He Was More Qualified For

---

**N** [newsweek.com/man-wins-gender-discrimination-lawsuit-after-woman-gets-promotion-he-wanted-853795](https://www.newsweek.com/man-wins-gender-discrimination-lawsuit-after-woman-gets-promotion-he-wanted-853795)

Sofia Lotto Persio

March 20, 2018

A court in Austria has ruled that transport ministry official Peter Franzmayr was discriminated against on the basis of his gender when a managerial role he applied for was given to a woman instead.

The case began in 2011, when the Austrian Minister of Transport, Innovation and Technology led by Social Democrat (SPÖ) politician Doris Bures—currently the Second President of the country's Parliament—decided to consolidate two departments and had to pick a new manager.

Three candidates came forward and were all judged to be highly-qualified for the role. Ursula Zechner, who then headed the rail regulator Schienen-Control, was ultimately offered the job over the other two male applicants. Franzmayr, whose application was rated 0.25 percent higher than Zechner's, sued for gender discrimination.

The Federal Administrative Court ruled in his favor on Monday, the [Austrian press reported](#), and instructed the State to pay him compensation worth €317,368 (nearly \$390,000)—the difference between his current salary and the one he would have earned in the role plus damages and interest.



President of the Parliament Doris Bures delivers a speech at the federal assembly in Vienna, Austria, July 8, 2016. Serving as Austrian Minister of Transport, Innovation and Technology between 2008 and 2014, Bures said she made the hiring decision based on "massive under-representation of women." Heinz-Peter Bader/Reuters

The court found a "discernible pattern, according to which [Zechner] was treated more favourably than the other candidates from the beginning," it said in the ruling, quoted in AFP.

Bures defended her decision in a statement to the press. She said the appointment was "carried out according to the procedure prescribed by law," but admitted that the "mass underrepresentation of women" played a role in the decision-making process. "I hope the current decision doesn't call into the question the principle of encouraging the promotion of women," she added.

After leaving the ministry, Franzmayr worked as a lawyer for four years before returning to the public sector as municipal director for the town of Wels in 2016. He was appointed to the supervisory board of Asfinag, Austria's publicly-owned motorway network operator, earlier this month by Transport Minister Norbert Hofer of the far-right Freedom Party (FPÖ).

Coincidentally, Zechner also began a job at Asfinag earlier this month as a managing director "responsible for commercial matters," according to the company's website.