



# REGULATION

Ref no.: Z/02/2020

Policy concerning equal treatment of  
employees in employment



## General provisions

1. Employees have equal rights due to the identical performance of the same duties; it especially refers to the equal treatment of men and women in employment. Any direct or indirect discrimination in employment due to one or more criteria indicated in par. 2 or due to other unlawful criteria, is unacceptable.
2. Employees should be equally treated in the scope of:
  - a. establishing and
  - b. terminating the employment relationship,
  - c. terms and conditions of employment,
  - d. promotion and
  - e. access to training in order to improve professional qualifications,

in particular, irrespectively of:

- gender,
- age,
- parenthood,
- disability,
- race,
- genetic features,
- philosophy of life,
- political views,
- nationality,
- citizenship,
- ethnic origin,
- union membership,
- religion,
- denomination,
- sexual orientation,
- employment for a definite or indefinite period of time,
- full-time or part-time employment,

unless it is justified with objective reasons related to the performed work or characteristics concerning the employee in person, significant from the social point of view.

3. **Equal treatment** in employment means not discriminating in any manner, directly or indirectly due to reasons stipulated in par. 2.
4. **Direct discrimination** exists when due to one or several reasons stipulated in par. 2 an employee was, is or could be treated in a comparable situation less favourably than other employees.



5. **Indirect discrimination** exists when, as a result of seemingly neutral decision, applied criterion or undertaken measures, there occur or could occur unfavourable disproportions or a particularly unfavourable situation in the scope of establishing and terminating the employment relationship, terms and conditions of employment, promotion and access to training in order to improve professional qualifications with regard to all employees or a significant number of them who belong to the group distinguished due to one or several reasons enumerated in par. 2, unless such a decision, criterion or measure is objectively justified with the purpose compliant with the law, which is to be achieved and the measures aimed at achieving such a purpose are relevant and necessary.
6. Symptoms of **discrimination** pursuant to par. 3 - 5 also include:
  - 1) activity consisting in encouraging other person to infringe the principle of equal treatment in employment or ordering him or her to infringe this principle;
  - 2) undesirable behaviour aimed at or resulting in violating employee's dignity and creating toward such a person an atmosphere of intimidation, hostility, humiliation, degradation or derogation (**harassment**).
7. Gender discrimination also refers to any undesirable behaviour of a sexual character or referring to the employee's gender aimed at or resulting in violating the employee's dignity, in particular creating an atmosphere of intimidation, hostility, humiliation, degradation or derogation; this behaviour can consist of physical, verbal or non-verbal elements (**sexual harassment**).
8. Employee's submitting to harassment or sexual harassment as well as undertaking by him or her actions opposing harassment or sexual harassment cannot result in any negative consequences for this employee.



### A catalogue of infringements

9. An infringement of the principle of equal treatment in employment with a reservation of par. 3-5 applies to the employer differentiating the situation of an employee due to one or several reasons stipulated in par. 2 resulting in, especially:
  - a. refusal to establish or terminate the employment relationship,
  - b. unfavourably shaping the remuneration or other terms and conditions of employment, or omitting such an employee in the promotion process or while awarding other work-related benefits,
  - c. omission in appointment for participation in trainings improving professional qualifications,- unless the employer proves that he had objective reasons therefor.
10. The principles of equal treatment in employment do not infringe the activity, in proportion to the achievement of the compliant with the law aim of differentiating the situation of the employee consisting in:



- a. not employing an employee due to one or several reasons stipulated in par. 2, if the type of work or conditions of performing such work cause the reason or reasons enumerated in the said provision to constitute an actual and decisive professional requirement from the employee,
- b. terminating employment with the employee in the scope of the working hours, if it is justified with reasons not attributed to employees without reference to other reason or reasons enumerated in par. 2,
- c. applying measures that differentiate the employee's legal situation due to the protection of parenthood or disability,
- d. applying the criterion of seniority while stipulating the terms and conditions of employment and dismissing employees, the terms and conditions of remuneration and promotion, as well as the access to trainings in order to improve professional qualifications, which justifies different treatment of employees due to their age.



### The right to equal remuneration

11. Employees have the right to equal remuneration for the same work or for work of the same value.
12. **The remuneration** referred to in par. 11 covers all components of the remuneration irrespectively of name and character thereof, as well as other work-related benefits awarded to employees in a monetary or non-monetary form.
13. **Works of the same value** are works performance of which requires from employees comparable professional qualifications confirmed with documents specified in separate provisions or professional experience, as well as comparable responsibility and effort.



### Exclusions

14. Activities undertaken for a specified period of time aimed at equalising chances of all or a significant number of employees distinguished due to one or several reasons stipulated in par. 2 by decreasing actual inequalities to the benefit of such employees in the scope stipulated in this provision, do not constitute an infringement of the principle of equal treatment in employment.



15. Restricting by churches and other religious associations, as well as organisations, ethics of which is based on religion, denomination or philosophy of life, the access to employment due to religion, denomination or philosophy of life, if the type or character of conducting activity by churches and other religious associations, as well as organisations causes the religion, denomination or philosophy of life to be an actual and decisive professional requirement from an employee, proportional to the achievement of the compliant with the law purpose of differentiating the situation of such a person, does not constitute an infringement of the principle of equal treatment; it also applies to the requirement from employees to act in good faith and loyally with regard to ethics of the church, other religious association and organisation, ethics of which is based on religion, denomination or philosophy of life.



### Employee's rights

16. The person against whom the employee infringed the principle of equal treatment in employment has the right to compensation in the amount not lower than the minimum wage stipulated on the grounds of separate provisions.
17. Exercising by the employee the rights vested in him or her due to the infringement of the principle of equal treatment in employment cannot constitute grounds for unfavourable treatment of the employee and cannot result in any negative consequences for this employee, it especially cannot constitute a reason justifying employer's termination of the employment relationship or termination thereof without notice.
18. Provision of par. 16 applies respectively to the employee who supported in any from the employee exercising his or her rights vested in him or her due to the infringement of the principle of equal treatment in employment.



### Duties of the employer

19. The employer is obliged to counteract infringements of the principle of equal treatment in employment.
20. The employer is obliged to apply objective and fair criteria of assessing employees and results of their work.
21. The employer shares with the employees the text of provisions concerning equal treatment in employment in the form of written information distributed in the workplace or provides the employees with access thereto in other manner adopted by the given employer.

