Internal directive
University of Ss. Cyril and Methodius
in Trnava
25/2021



Equal Treatment and Protection Directive against discrimination - gender equality

2021

First part
General provisions

§ 1
Introductory provisions

1) The Directive on Equal Treatment and Protection against Discrimination - Gender Equality (hereinafter referred to as the "Directive") is issued pursuant to § 15 par. 1 letter m) of Act no. 131/2002 Coll. on Higher Education Institutions and on Amendments to Certain Acts as Amended (hereinafter referred to as the "Higher Education Institutions Act"), § 48 par. 2 of the Statute of the University of Ss. Cyril and Methodius in Trnava and 15 par. 1 letter c) of the Organizational Rules of the University of Ss. Cyril and Methodius in Trnava

2) The Directive is issued in accordance with Directive 2006/54 / EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, Council Directive 2000/43 / EC of 29 June 2000 establishing a principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78 / EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Directive 2014/54 / EU of the European Parliament and of the Council of 16 April 2014 on measures to facilitate the exercise of rights granted to workers in relation to freedom of movement for workers and Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on Amendments to Certain Acts (Anti-Discrimination Act) as amended (hereinafter also referred to as the "Anti-Discrimination Act").

3) This Directive regulates the procedure for applying the principles of equal treatment, gender equality and protection against discrimination in the conditions of UCM as an employer, an educational institution and a legal person.

4) The Directive contains provisions for the implementation of the principle of equal treatment as regards:
a) access to employment, including progression to training,
b) working conditions, including salary,
c) occupational social security systems,

d) access to education,
e) provision of goods and services.

5) The Directive also contains prevention and control mechanisms to achieve legal protection of the principle of equal treatment under section 4 of this paragraph.

§ 2
Definitions

1) **Discrimination** is direct discrimination, indirect discrimination, harassment, sexual harassment and unjustified punishment; discrimination is also an instruction to discriminate and incitement to discrimination.

2) **Direct discrimination** is an act or omission in which a person is treated less favorably than another person in a comparable situation is, has been or could be treated.

3) **Indirect discrimination** is an externally neutral regulation, decision, instruction or practice which disadvantages or is likely to disadvantage a person compared to another person; there is no indirect discrimination if such a rule, decision, instruction or practice is objectively justified by the pursuit of a legitimate interest and is proportionate and necessary to achieve such an interest.

4) **Harassment** is conduct that results in or is likely to create an intimidating, hostile, embarrassing, degrading, humiliating, abusive or insulting environment and that intends or may result in an interference with freedom or human dignity.

5) **Sexual harassment** is verbal, non-verbal or physical conduct of a sexual nature which is intended or may be an infringement of a person's dignity and which creates an intimidating, degrading, abusive, hostile or offensive environment.

6) **An instruction to discriminate** is an act which consists in abusing a person's subordination for the purpose of discriminating against a third party.

7) **Incitement to discrimination** is the persuasion, affirmation or incitement of a person to discriminate against a third party.

8) **Unjustified sanction** is an act or omission which is unfavorable and directly related to the person concerned
a) seeking legal protection against discrimination on their own behalf or on behalf of another person, or
b) giving evidence, explanations or other involvement of that person in proceedings relating to breaches of the principle of equal treatment,
c) with a complaint alleging breach of the principle of equal treatment.

9) **For discrimination on the grounds of**
a) discrimination on the grounds of pregnancy or maternity, as well as discrimination on grounds of sexual or gender identification,
b) discrimination based on a relationship with a person of a particular racial, ethnic or ethnic origin shall also be considered as racial, ethnic or ethnic origin,
c) discrimination on the grounds of a relationship with a person of a particular religion or belief, as well as discrimination against a natural person without a religion, is also considered to be a religion or belief,
d) disability on the grounds of previous disability or discrimination against a person who, on the basis of external signs, could be presumed to be a person with a disability is also considered to be a disability.

Second part
Principles

§ 3
General principles

1) Adherence to the principle of equal treatment shall consist in the prohibition of discrimination on grounds of sex, religion or belief, race, nationality or ethnic group, disability, age, sexual orientation, marital or family status, color, language, political or other opinion, national or social origin, property, lineage or other status or because of a report of crime or other anti-social activity.

2) While respecting the principle of equal treatment, good morals must also be taken into account in order to extend protection against discrimination.

3) Adherence to the principle of equal treatment also consists in taking measures to protect against discrimination.

4) The scope of the principle of equal treatment for men and women cannot be limited to the prohibition of discrimination on grounds of the fact that a person is male or female. Given its purpose and the nature of the rights it is intended to defend, this principle also applies to discrimination on the grounds of gender reassignment.

§ 4
Principle of equal treatment in employment relationships and similar legal relationships

1) In accordance with the principle of equal treatment, discrimination against persons on grounds under § 2 par. 1 of this Directive is prohibited.

2) The principle of equal treatment applies only in connection with the rights of persons established by special laws, in particular in the areas of access to employment, occupation, other gainful activity or function (hereinafter "employment"), including recruitment requirements and conditions and methods of selection, employment and conditions of employment, including remuneration, promotion and redundancies, access to vocational training, continuing vocational training and participation in active labor market programs, including access to job selection and job counseling (hereinafter referred to as "employment"); "vocational training") or membership of and involvement in employees 'organizations, employers' organizations and organizations of persons of certain professions, including the provision of benefits which those organizations grant to their members.

3) UCM, as an employer, is obliged to treat employees in labor relations in accordance with the principle of equal treatment established for the area of labor relations by the Anti-Discrimination Act.

4) UCM applies the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation in employment relations and similar legal relations, including the principle of equal pay for equal work or work of equal value.

§ 5
The principle of equal treatment in social security, health care, provision of goods and services and in education

1) In accordance with the principle of equal treatment, in social security, health care, in the provision of goods and services and in education, discrimination of persons on the grounds under § 2 par. 1 of this directive.

2) UCM, as an educational institution, is obliged to guarantee equally to all applicants and students the rights established by the Higher Education Act in accordance with the principle of equal treatment in education. Discrimination on grounds of sex, religion or belief, race, nationality or ethnic group, disability, age, sexual orientation, marital or family status, color, language, political or other opinion, national or social origin shall be prohibited, property, gender or other status or because of a report of crime or other anti-social activity.

3) The exercise of rights and obligations arising from the Higher Education Act must be in accordance with good morals. No one may abuse these rights and obligations to the detriment of another candidate or student. An applicant or student may not be persecuted or otherwise penalized in connection with the exercise of his or her rights for bringing another applicant, student, researcher or other university staff member to bring criminal proceedings.

§ 6
Permissible difference in treatment

1) Discrimination is not such a difference in treatment which is justified by the nature of the activities carried out in the employment or the circumstances in which those activities are carried out, if that reason constitutes a genuine and decisive requirement for employment, provided that the goal is legitimate and proportionate.

2) § 8 of the Anti-Discrimination Act defines a difference in treatment that is not discriminatory.

Third part
Control mechanisms and legal protection

§ 7
Prevention

1) UCM takes the necessary measures to ensure the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of gender.

2) In prevention, the UCM may cooperate with agencies entrusted at national level with the defense of human rights or the protection of the rights of individuals.

3) UCM will provide
a) without prejudice to the rights of victims and of associations, organizations or other legal entities, the provision of independent assistance to victims of discrimination in lodging complaints concerning discrimination,
b) conducting independent surveys on discrimination,
c) publishing independent reports and making recommendations on any issue relating to such discrimination,
d) exchanging available information at the appropriate level with relevant European organizations, such as the European Institute for Gender Equality.

§ 8
Complaint

1) The job seeker, an employee, has the right to file a complaint with UCM in connection with a breach of the principle of equal treatment pursuant to § 4 of this Directive. UCM, as the employer, is obliged to respond to the employee's complaint without undue delay, to make redress, to refrain from such action and to eliminate its consequences.

2) An applicant for study, a student, has the right to file a complaint with UCM in connection with a violation of the principle of equal treatment pursuant to § 5 of this Directive. UCM, as an educational institution, is obliged to respond to the complaint of the applicant for study or the student

without undue delay, to make a correction, to refrain from such action and to eliminate its consequences.

3) A third party has the right to file a complaint with UCM in connection with a breach of the principle of equal treatment pursuant to § 3 and § 5 par. 1 of this Directive. UCM, as a legal entity, is obliged to respond to the complaint of a third party without undue delay, to make redress, to refrain from such action and to eliminate its consequences.

4) The complaint is submitted to the UCM Control Department and is governed by special regulations.[1]

§ 9
Legal protection

1) Everyone has the right to equal treatment and protection against discrimination under the Anti-Discrimination Act and this Directive.

2) Everyone can claim his or her rights in court if he or she considers that he or she is or has been affected by his or her rights, interests or freedoms by failing to respect the principle of equal treatment. In particular, it may demand that the person who has not complied with the principle of equal treatment refrain from his action, if possible, to remedy the illegal situation or to provide adequate redress.

3) If adequate redress is not sufficient, in particular if non-compliance with the principle of equal treatment has significantly reduced the dignity, social seriousness or social status of the injured party, he or she may also seek compensation for non-pecuniary damage.

4) The right to compensation for damage or the right to other compensation according to special regulations is not affected by this Act.[2]

5) Everyone has the right to protection of their rights out of court through mediation.[3]

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[1] Act no. 9/2010 Coll. on Complaints, as amended, and the UCM Complaints Handling Directive
[2] e.g. § 41 par. 9 of Act no. 311/2001 Coll. Labor Code as amended
[3] Act no. 420/2004 Coll. on Mediation and on Amendments to Certain Acts, as amended

§ 10
Control mechanisms

1) The UCM Inspection Department, always at the first meeting of the UCM Rector's Board in a calendar year, informs about received and processed complaints pursuant to § 8 of this Directive for the previous calendar year.

2) The Department of Labor Economics, always at the first meeting of the UCM Rector's Board in a calendar year, informs about the numbers of women and men employed at UCM, their percentage remuneration (eg pedagogical, non-pedagogical, etc.) for the previous calendar year.

3) The Head of the Personnel and Legal Department of UCM, always at the first meeting of the UCM Rector's Board in a calendar year, informs about court proceedings, the subject of which are labor law disputes and discrimination.

4) After discussion in the UCM Rector's Board, the Rector of the UCM proposes and adopts measures to prevent any discrimination under the Anti-Discrimination Act and this Directive.

5) The measures taken are evaluated once a year.

Part four
Final provisions
§ 11
Final provisions

1) This directive was discussed in the UCM Rector's Board on 11 May 2021.
2) This Directive enters into force on the date of signature by the Rector of UCM and takes effect on 1 June 2021.

In the university city of Trnava, on May 11, 2021

prof. Ing. Roman Boča, DrSc.
rector of UCM