

Information on the General Equal Treatment Act

Gültig ab: 31.05.2017, überarbeitet am 01.07.2024

A) What Is the Objective of the Act?

The General Equal Treatment Act (AGG) is aimed at preventing or eliminating any discrimination on the grounds of race or ethnic origin, religious denomination or philosophy, age, gender, handicap or sexual identity (Art. 1, AGG). Discrimination may be direct or indirect, harassment or sexual harassment as well as any instruction to discriminate.

- **Discrimination:** Due to his/her race or ethnic origin, religious denomination or philosophy, age, gender, handicap or sexual identity, a person is treated worse than another person in a comparable situation.
- **Race, ethnic origin:** Differences are made on the grounds of race, color of the skin, descent or nationality.
- **Religious denomination:** All acknowledged religious denominations (e.g. Christian, Jewish, Islamic, etc.)
- **Philosophy:** Comprehensive concept or idea of the relationship between man and universe. This does not cover general political opinions.
- **Age = life age,** persons are protected against unjustified treatments relating to their concrete age.
- **Gender:** This feature prohibits discrimination resulting from one or the other gender (male/female).
- **Handicap:** People are “handicapped”, if their body function, mental capacity or mental health most probably deviate from the state typical of their age for a period of more than six months and, hence, if their participation in life of society is affected adversely.
- **Sexual identity:** Heterosexual, homosexual, bisexual, and transsexual people.

Examples of Harassments:

- ⇒ Degrading and humiliating statements with respect to origin, color of skin, speech disorders, physical crippling, handicaps or the religious denomination or the carrying of religious symbols
- ⇒ Offences, bashing, threats on the grounds of origin, etc. (see above)
- ⇒ Joking and teasing on the grounds of origin, etc. (see above)
- ⇒ Degrading glances and gestures in connection with discrimination features
- ⇒ Segregation and bullying of colleagues at work on the grounds of discrimination features, e.g. by conscious information gaps, spatial isolation, ignorance or allocation of offending and degrading tasks
- ⇒ Xenophobic and racist behavior
- ⇒ Physical violence in connection with discrimination features

B) Who Is Protected against Discrimination?

Discrimination protection applies to all employees in the sense of the General Equal Treatment Act. These are:

- Employees,
- trainees,
- temporary workers,
- applicants,
- former employees,
- persons similar to employees (employees working at home).

All employees shall observe the General Equal Treatment Act!

Prohibition of discrimination according to the General Equal Treatment Act shall not only apply to the employer or the superiors, but also to the contact of colleagues with each other and their conduct to business partners and other employees of the employer's contractors (suppliers, warehousemen/-women, etc.).
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Employees shall be obliged not to discriminate, harass or sexually harass their colleagues on the grounds of a discrimination feature. In case they still do it, they violate their employment contract obligations and may be reprimanded accordingly by the employer. This also includes re-posting, warning, or even dismissal.
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C) What Are the Consequences of a Violation of This Act?

1. Violations of the Prohibition of Discrimination by Employees

In case the employee violates the prohibition of discrimination, this shall be deemed a violation of his/her contractual obligations. In this case, the employer shall be entitled to take measures to stop discrimination according to labor law. Such suitable, required, and appropriate measures in the individual case include among others

- warning,
- transfer,
- re-posting,
- dismissal.

2. Violations of the Prohibition of Discrimination by the Employer

In case of a violation of the prohibition of discrimination by the employer, the following actions may be taken by a discriminated employee according to the General Equal Treatment Act:

- Right of grievance (Art. 13, AGG),
- right of refusing service (Art. 14, AGG),
- claims for compensation and damages (Art. 15, AGG).

The claims shall be enforced within a period of two months. In the case of an application for a job or a professional career, this period shall start with the receipt of the refusal. In other cases of discrimination, the said period shall start at the time, at which the employee takes notice of the discrimination. In case the employer has to pay a compensation or damages according to Art. 15, AGG, because an employee has violated the prohibition of discrimination, the employer shall have the right of recourse.

D) What Does the Right of Grievance Mean?

Employees, who feel discriminated by their employer, superiors, other employees, or third parties in connection with their employment relationship on one of the grounds listed in Art. 1, AGG (see Section A), shall be entitled to file a grievance with the office in charge. The grievance will then be investigated. The appellant shall be informed about the result of this investigation.

E) Contact Person

If you wish to file a grievance according to Art. 13, AGG, at our Company, please contact **Mr. Anspieler**, phone 42008, E-Mail patrick.anspieler@kit.edu.

You may also contact other offices like the Medical Department (MED), the Staff Council (PR), the Gender Equality Commissioner (CHG), the Disabled Persons Representative (SBV) or the Conflict Management and Psychosocial Counseling Staff Unit (KMB).