

# Gender discrimination

Gender discrimination means someone's disadvantage on the basis of the Gender.

It's not just only discrimination based on sex - if someone is discriminated against because they are a man or a woman. As is clear from the definition of Gender, Gender discrimination may also apply to family situation – to parenthood (men, too - fathers may be exposed to the same, or even stronger, discrimination as mothers), to marriage or single life, etc. We can also talk of Gender discrimination in the labor market, in a situation where a person (or group of people) is discriminated against at work because they perform a "Gender inadequate" profession.

As with other types of discrimination, here we distinguish between direct and indirect discrimination.

- **Direct Gender discrimination** is a form of treatment or procedure, in which the individual is treated differently (inadequately or negatively) because of his/her Gender (man, woman, mother, father ...).
- **Indirect Gender discrimination** is a practice or treatment in which the individuals seem to be treated based on a united (as though neutral) criterion, but the criterion is set in such a way that from the start it disadvantages or excludes individuals or groups on the basis of sex or Gender, and due to the circumstances in which the measure is formulated, it is not relevant.
- **Instruction to discrimination or abetment to discrimination** is also considered discrimination, as well as sexual harassment and unauthorized sanction.
- **(Sexual) harassment** does not consider (just) sex - as an activity, but by the term sex, Gender is meant. It is the action or treatment of a person which such a person considers annoying or offensive and where the purpose or effect is or may be violating dignity or creating a hostile, humiliating or offensive environment. Likewise, it is disparaging, embarrassing or humiliating conduct or an environment that a person facing it must bear if he/she wants to remain at work, in their professional position or as a condition for employment and career promotion.

An example might be a situation in which, in the presence of single women co-workers people constantly tell jokes about "old maids", or if in the presence of a female- colleague, co-workers decorate the walls with photographs of naked women, if the boss always gives the unpleasant job to the same colleague with a comment on his or her substitutability, but also harassment within a sexual context: Commenting on his/her colleague's looks, the enforcement of attention as a condition of remaining in the job, in the position, or for promotion, repeated ambiguous references, etc.

- **Unauthorized sanction** is any act or non-act that, is adverse to the person to whom it applies and is directly related to seeking legal protection against discrimination - whether for him/herself or for another person – or by testifying, etc. Defining unauthorized sanction as discrimination is necessary for law enforcement in cases of discrimination. Because the situation still persists in which people, fearful of similar proceedings rather bear unfair treatment, than defend themselves against it. For similar reasons, in discrimination cases a reversal of the burden of proof is provided under which not the one who seeks protection against discrimination must prove that he/she has been discriminated against, but rather the person who is accused of discrimination, proves that discrimination has not occurred.