CASE DESCRIPTION

In what way has the principle of equal treatment been violated?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Entity or person that has committed the act of discrimination (name, address)

.....
.....
.....

What actions, if any, have been undertaken? (e.g. lawsuit, notification to the police or other bodies – please state the notified body)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

.....

date signature

OFFICE OF THE HUMAN RIGHTS DEFENDER

Aleja Solidarności 77, 00 – 090 Warsaw
tel. + 48 22 55 17 760; + 48 22 55 17 811
biurorzecznika@brpo.gov.pl
www.rpo.gov.pl

LOCAL REPRESENTATIVES OF THE HUMAN RIGHTS DEFENDER

80 – 748 **Gdańsk**, ul. Chmielna 54/57
tel.+ 48 58 76 47 302

40 – 032 **Katowice**, ul. Jagiellońska 25
tel. +48 32 72 86 800

50 – 056 **Wrocław**, ul Wierzbowa 5
tel. +48 71 34 69 115

LOCAL CONTACT POINTS

Częstochowa, ul Śląska 11/13
City Hall
Last Thursday of each month 10.00 - 15.00

Kraków, ul. Basztowa 22
Małopolski Voivodeship Office
Monday 13.00-16.00

Lublin, ul. Spokojna 4
Lubelski Voivodeship Office
Last Friday of each month 10.00 - 15.00

Olsztyn, Plac J. Bema 5
Poviat Starosty
Second Wednesday of each month 12.00 - 16.00

Wałbrzych, Al. Wyzwolenia 24
Poviat Starosty
Third Friday of each Month 10.00 - 14.00

UNEQUAL TREATMENT IS FORBIDDEN IN THE AREA OF, inter alia:

- Matters related to employment, e.g. entering into an employment relationship, unfavourable system of remuneration, ignoring a person in the process of promotion or sending employees for trainings
- Access to and conditions of using labour market instruments and services, such as employment agency, professional consultancy, support in active search for a job, financing the costs of transport to work etc.
- Undertaking vocational training
- Conditions of setting up and carrying out economic or professional activity
- Activity in trade unions, employers' organizations and professional self-governing bodies
- Social security
- Health care
- Education and higher education
- Services available to the public

WHAT DOES THE HUMAN RIGHTS DEFENDER DO?

- Examines facts described by a complainant
- Can apply to another control body for examination of the case if he/she establishes that the principle of equal treatment has been violated
- Applies to competent authorities for elimination of violation and subsequently monitors the implementation of his/her recommendations
- Can require to initiate proceedings and participate in all ongoing civil or administrative proceedings
- Can require to initiate preparatory proceedings in cases concerning offences prosecuted ex officio
- In cases where only private entities are involved, he/she can indicate legal measures to which a given person is entitled
- Does not have legislative initiative, but he/she can apply to competent authorities for undertaking a legislative initiative, issuing or amending legal acts

HUMAN RIGHTS DEFENDER

AS

AN INDEPENDENT EQUALITY BODY

- WHAT IS UNEQUAL TREATMENT?
- HOW CAN THE HUMAN RIGHTS DEFENDER HELP?

fot. Panek

Irena Lipowicz

www.rpo.gov.pl

"All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever."

Article 32 of the Constitution of the Republic of Poland

The Act of 3rd December 2010 on the implementation of certain regulations of the European Union regarding equal treatment defines the scope and methods of counteracting violations of the equal treatment principle. It also charges the Human Rights Defender with additional tasks in this area

WHAT IS UNEQUAL TREATMENT?

DIRECT DISCRIMINATION

is a situation where a given person was, is or would be treated less favourably than another person in a comparable situation would, in particular on the grounds of sex, race, ethnic origin, nationality, religion, belief, age, disability or sexual orientation

Examples: an employer refusing to employ a person due to his/her ethnic or national origin, despite the fact that he/she has equal or higher professional qualifications; refusal to admit a child with chronic diabetes to school; employing only men for managerial positions

INDIRECT DISCRIMINATION

is a situation where an apparently neutral provision, decision or criterion would make the conditions unfavourable for a given person due to the person's sex, race, ethnic origin, nationality, religion, belief, age, disability or sexual orientation

Examples: an employer publishes a job offer containing information that he/she "forms a young and energetic team," which excludes older persons who would like to apply for the given job; lack of necessary facilities for the disabled in a workplace

HARASSMENT

violation of a person's dignity or creating unfriendly or humiliating atmosphere for such person

Examples: hospital personnel addressing a patient in an offensive and abusive way because of his/her race; making jokes about people of non-Polish ethnic origin or placing such jokes on an announcement board at work

SEXUAL HARASSMENT

ENCOURAGING OR ORDERING ACTIVITIES MENTIONED ABOVE

EVERYONE CAN APPLY TO THE HUMAN RIGHTS DEFENDER FOR HELP

TO DEFEND HIS/HER RIGHTS VIOLATED BY PUBLIC AUTHORITIES

APPLICATION TO THE HUMAN RIGHTS DEFENDER IS SIMPLE AND FREE OF CHARGE

- It must contain your first and last name, your correspondence address, detailed description of the subject matter and attached documents (copies or certified copies)
- Your application can be sent by mail, filed in person to the Human Rights Defender Office in oral or written form, as well as in an electronic form through the website www.rpo.gov.pl
- An applicant can require that his/her personal data be reserved for the Defender's information only, unless their disclosure is necessary to proceed with the case

THE HUMAN RIGHTS DEFENDER

- Safeguards the observation of the equal treatment principle
- Provides support to the victims of discrimination
- Analyses, monitors and supports equal treatment of all persons
- Prepares and issues independent reports and recommendations regarding discrimination-related problems
- Cooperates with associations, civic movements and other voluntary associations and foundations in the area of equal treatment

EVERYONE AGAINST WHOM THE PRINCIPLE OF EQUAL TREATMENT HAS BEEN VIOLATED CAN CLAIM FOR COMPENSATION IN COURT

APPLICATION TO THE HUMAN RIGHTS DEFENDER

.....

.....

First and last name of the applicant

.....

.....

.....

.....

Correspondence address

.....

Number of attachments
(copies, certified copies)

PLEASE TICK THE APPROPRIATE BOX:

- ☐ I am a victim of discrimination
- ☐ I am a witness of discrimination

THE MATTER CONCERNS DISCRIMINATION ON GROUND(S) OF:

- ☐ sex
- ☐ race
- ☐ ethnic origin
- ☐ nationality
- ☐ religion, belief
- ☐ world-view
- ☐ age
- ☐ disability
- ☐ sexual orientation
- ☐ sexual identity
- ☐ other.....

.....

.....

.....