

# Discrimination



Public Defender of Rights  
OMBUDSMAN

We will explain what discrimination is, how to deal with it and how the Ombudsman may help.

You can find all of the Ombudsman's informational leaflets at [www.ochrance.cz/en](http://www.ochrance.cz/en) in the section [I am not sure how to deal with a difficult life situation](#).

## What is discrimination?

Discrimination is different treatment of people based on prohibited grounds in delimited areas of life. When different treatment is reasonably justifiable, it is not discrimination.

## What grounds of different treatment does the Antidiscrimination Act prohibit?



**race, ethnic origin or nationality**

[Discrimination on the grounds of ethnic origin \(CZ\)](#) (also in [Romani](#))



**sex, pregnancy, parenthood**

[Discrimination on the grounds of sex \(CZ\)](#) and [Work-life balance \(CZ\)](#)



**sexual orientation or gender identity**

[Discrimination on the grounds of sexual orientation and gender identity \(CZ\)](#)



**age**

[Discrimination on the grounds of age \(CZ\)](#)



**disability**

[Discrimination on the grounds of disability \(CZ\)](#)



**belief, worldview**



**citizenship**

[Citizens of the European Union \(EN\)](#)

Other laws prohibit discrimination also based on other grounds – language, social origin, affiliation with political parties or movements, marital and family status, family obligations etc.

## In what areas is discrimination prohibited?



**employment, service relationship, entrepreneurship**



**health care**



**membership of professional associations and unions**



**goods and services**



**social security**



**housing**

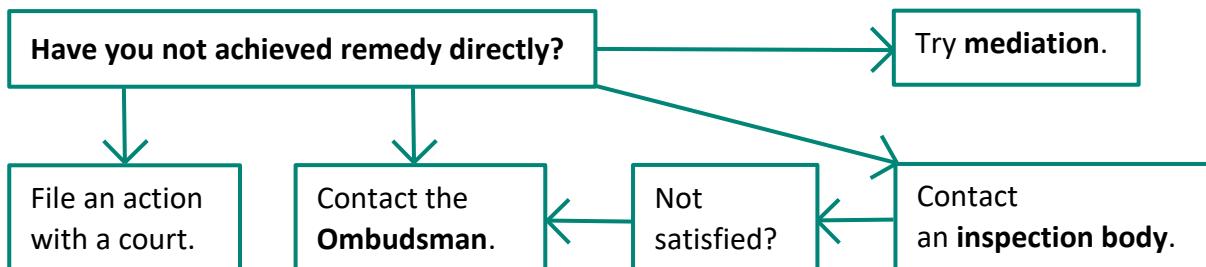


**education**

## How do I identify discrimination?

| type  | description   | example   |
|---|---|---|
|  <b>direct discrimination</b>                  | disadvantage based on a prohibited ground   | An employer does not take on a job applicant because he is Roma.                                |
|  <b>indirect discrimination</b>                | disadvantage based on a seemingly neutral criterion or practice   | Due to a no dog entry policy a blind person is not allowed to enter a shop.                     |
|  <b>not providing reasonable accommodation</b> | refusal to provide reasonable accommodation that would allow a person with disability access to employment or a service offered to public | An employer does not buy an adjustable chair to an employee with chronic back pain.             |
|  <b>harassment</b>                             | inappropriate conduct in relation with a prohibited ground that creates a humiliating or hostile environment                              | A teacher ridicules a student in front of a class because of her belief in God.                 |
|  <b>sexual harassment</b>                    | sexually motivated conduct that creates humiliating or hostile environment  | A superior demands a kiss from his subordinate every time he assigns her a new task.            |
|  <b>victimisation</b>                        | sanctioning or disadvantaging someone who defended him(her)self against discrimination  | An employer fires an employee who filed a motion with a labour inspectorate due to unequal pay. |
|  <b>instruction to discriminate</b>          | abusing one's superior position to discriminate a third person  | A manager orders an HR officer not to invite applicants aged over 50 to job interviews.         |
|  <b>inciting discrimination</b>              | convincing someone to discriminate a third person   | A lessor asks a real estate agency to refuse Roma applicants.                                   |

## How to defend yourself against discrimination?



## Which inspection body should I contact?

|                     |   |  |
|---------------------|---|--|
| work and employment | → labour inspection                                 | You will find information on how to <a href="#">file a motion</a> at <a href="http://www.sup.cz">www.sup.cz</a> in the <i>Employment relationships (Pracovněprávní vztahy)</i> section.  |
| education           | → Czech school inspectorate                         | You will find information on <a href="#">how to file a complaint</a> at <a href="http://www.csicr.cz">www.csicr.cz</a> in the <i>Essential information (Základní informace)</i> section. |
| goods and services  | → Czech trade inspection                            | You can <a href="#">file a motion</a> at <a href="http://www.coj.cz">www.coj.cz</a> in the <i>E-registry (E-podatelna)</i> section.  |
| financial services  | → Czech national bank                               | A <a href="#">motion</a> can be filed at <a href="http://www.cnb.cz">www.cnb.cz</a> in the <i>Contact us – Electronic web forms (Kontaktujte nás – Webové formuláře)</i> section.        |
| health care         | → regional authority office (or ministry of health) | First, you have to file a complaint with the hospital or independently practising doctor; find more in the <a href="#">Health care: Complaints in health care (CZ)</a> leaflet.          |

These authorities do not disclose who filed the motion or complaint if you do not provide your consent for that purpose. They can impose penalties and demand ceasing discriminatory conduct. However, they cannot arrange for an apology or compensation for non-material damage. Only courts can do that.

## What can I ask for in court?

|  |  |  |   |
|--|--|--|---|
|  | for a discriminatory conduct to be refrained from        |  | apology                                       |
|  | having consequences of discrimination remedied           |  | monetary compensation for non-material damage |
|  | having a discriminatory administrative decision annulled |  |   |

## How does the Ombudsman assist victims of discrimination?



### **He provides victims with advice on how to deal with the matter:**

He will assess whether discrimination has occurred and will inform you about your rights.

He may invite the other party to comment on the matter. However, the other party is not required to do so.

He may recommend you to forward the matter to an inspection body.

In case he finds that discrimination has occurred and recommends filing an action with a court, he may arrange for a free legal representation for you.



### **He may carry out an inquiry into the actions of administrative authorities (inspection bodies).**

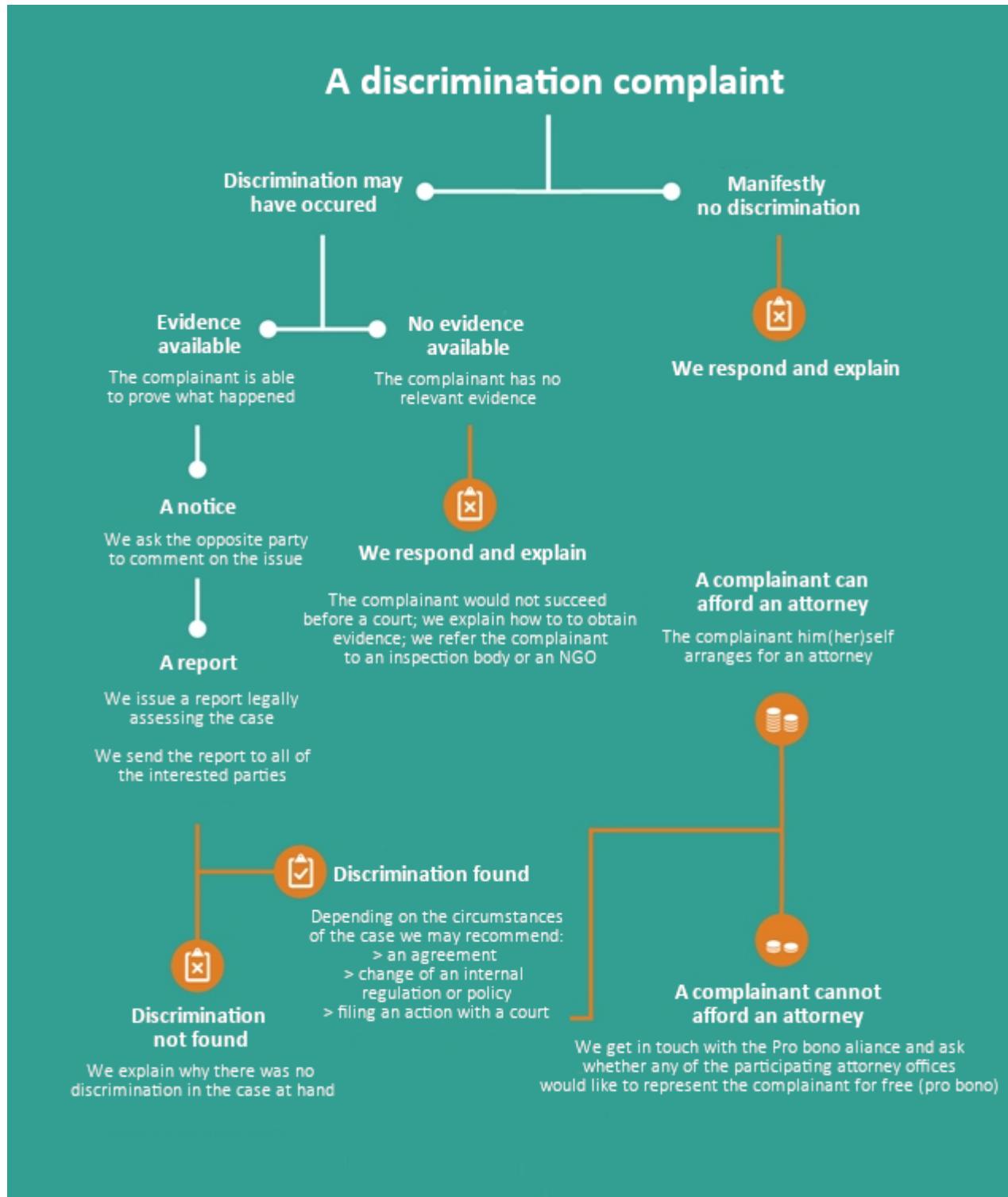
## How can I contact the Ombudsman?

You may file a motion following the steps described on our webpage [www.ochrance.cz/en](http://www.ochrance.cz/en).

**Describe in detail what happened and what conduct you consider discriminatory.**

**Make sure to secure evidence** (documents, e-mails, audio-visual records, witness testimonies of other people etc.).

## How does the ombudsman deal with discrimination complaints?



## Where can I find the ombudsman's past conclusions?

At [www.ochrance.cz/en/](http://www.ochrance.cz/en/) in the section *ESO* [[Registry of the ombudsman's opinions \(CZ\)](#)]. You may use the **full text** search, search by the **area of law** or by the **individual discrimination grounds**.

Also at [www.ochrance.cz/en](http://www.ochrance.cz/en) → About us → [Equal treatment and discrimination](#).