

EXCERPTS FROM THE LEGAL TEXTS

General Equal Treatment Act (AGG)

§ 1 Purpose of the Act

The aim of the law is to prevent or eliminate discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual identity.

§ 13 Right of Complaint

(1) Employees have the right to lodge a complaint with the competent bodies of the company, enterprise or department if they feel that they have been disadvantaged in connection with their employment relationship by their employer, superiors, other employees or third parties on one of the grounds specified in Section 1. The complaint must be investigated and the result communicated to the employee making the complaint.

(2) The rights of the employee representatives remain unaffected.

Labor Court Act (ArbGG)

§ 61b Action for discrimination

(1) An action for compensation under Section 15 of the General Equal Treatment Act must be brought within three months of the claim being asserted in writing.

(2) If several applicants claim compensation in accordance with Section 15 of the General Equal Treatment Act due to discrimination in the establishment of an employment relationship or in promotion, the labor court at which the first action is brought shall also have exclusive jurisdiction for the remaining actions at the employer's request. The legal disputes are to be referred to this labor court ex officio; the lawsuits are to be combined for simultaneous hearing and decision.

(3) At the employer's request, the oral hearing shall not take place before six months have elapsed since the first complaint was filed.



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Stabsstelle Justiziarat
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These notes, the text and much more
information can be found on the
HHU website:
▪ www.hhu.de/Antidiskriminierung

AGG Complaints Office

Information on dealing with the General
Equal Treatment Act (AGG)

for the Heinrich-Heine-University Düsseldorf

INFORMATION ON THE GENERAL EQUAL TREATMENT ACT

What is regulated by the AGG?

The **General Equal Treatment Act (AGG)**, which came into force at federal level in 2006, is intended to prevent discrimination on the basis of

- racial and ethnic origin,
- gender,
- religion and worldview,
- disability,
- age or
- sexual identity.

The legislator has also expressly stipulated the **right of employees to lodge a complaint**.

A complaint on the basis of the AGG can subsequently form the basis for measures by the employer as well as for claims by employees. Employees within the meaning of the AGG are not only employees and civil servants, but also trainees, persons similar to employees, persons working from home, persons applying for an employment relationship or whose employment relationship has ended.

The core of the law is a **prohibition of discrimination** that sanctions discrimination against people on the basis of one or more of the above criteria. Discrimination can occur directly (e.g. not being considered for a position), indirectly (e.g. through criteria for a higher grouping), through one's own actions or through instructions.

Harassment such as intimidation, hostility, humiliation, degradation or insults and sexual harassment are also considered unwanted sexually oriented behavior. Comments of a sexual nature are also considered a form of discrimination.

What needs to be done?

A **violation of the rules** of conduct prescribed by law can result in high compensation claims in the event of a complaint to the labor court.

If employees violate the AGG through discriminatory behavior, the employer is required to examine and, if necessary, apply **consequences under labor law or disciplinary measures**.

HHU welcomes the intention of the law to prevent direct and indirect discrimination in education and employment. This also corresponds to previous practice at HHU.

In addition, there are already legal regulations in the public sector on the criteria of "gender" and "disability", which have proven their worth.

Nevertheless, from HHU's point of view, it makes sense to take a closer look at the above-mentioned criteria and to deepen the necessary **sensitivity in dealing with personnel decisions**. All HHU employees are therefore called upon to familiarize themselves with the legal text for their daily work.

Employees with a supervisory function are called upon and obliged to inform their employees about the AGG and its contents. It is particularly important to comply with the existing prohibitions on discrimination when selecting personnel.

The Human Resources Department has drawn up **information for you on the legally compliant design of job advertisements and selection procedures**.

You can find this information on the HHU intranet at:

- www.mitarbeiter.hhu.de/Personalauswahl

Who can I contact?

Heinrich Heine University also **offers training courses on the application of the AGG**, which are primarily aimed at managers in academia and administration. There are also tailor-made offers for employees as part of the extensive range of further training courses.

Finally, the law provides for a **complaints office** which receives complaints from disadvantaged employees, examines them and - where necessary - recommends measures to remedy the situation.

Please submit complaints to

Heinrich-Heine-Universität Düsseldorf
Zentrale Universitätsverwaltung
Stabsstelle Justitiariat
Universitätsstraße 1, Gebäude 16.11
40225 Düsseldorf

Irrespective of this, you naturally still have the option of contacting the **Equal Opportunities Officer** or the **staff representative** responsible for you or, in the event of discrimination due to a disability, the **representative of the severely disabled**.

Information for students

Of course, the Complaints Office also advises **students** on questions, follows up on tips and accepts complaints from students about discrimination.