

EXTRACTS FROM THE LEGISLATIVE TEXTS



What does AGG regulate?

The General Equal Treatment Act (AGG or GETA), which became effective at federal level in 2006, aims to prevent or eliminate discrimination on the grounds of

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

The legislator has specifically laid down the right of employees to complain.

A complaint on the basis of the AGG can subsequently be the basis for measures taken 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 employment or whose employment relationship has ended.

Harassment such as intimidation and hostility also apply, humiliation, degradation or insult and sexual harassment as unwanted sexually explicit conduct. Also comments of a sexual nature are considered a form of discrimination.

What is to be done?

Violation of the code of conduct prescribed by law can result in high compensatory claims in the event of an investigation before the labour court.

If employees violate the AGG through discriminatory behaviour, the employer is obliged to examine and, if necessary apply the disciplinary consequences under labour law.

The HHU welcomes the intention of the law to prevent direct and indirect discrimination in education and employment.

This also corresponds to the past practice at HHU.

In addition, there are existing legal regulations in the civil service concerning the criteria "gender" and "disability", which have proven their value.

Nevertheless, the HHU believes that it is sensible to take a closer look at the above-mentioned criteria and to deepen the necessary sensitivity in dealing with personnel decisions. Therefore, all employees of the HHU are encouraged to familiarise themselves with the legal text for their daily work.

Employees with a leading position are required and obliged to inform their employees about the AGG and its contents. It is particularly important to observe the existing rules of antidiscrimination when selecting personnel.

The Personnel and Organisation Department has drawn up guidelines for the legally compliant design of job advertisements and selection procedures.

INFORMATION ABOUT THE GENERAL EQUAL TREATMENT ACT

You can find these instructions on the HHU intranet at [Personnel Selection](#).

Who can I contact?

Heinrich Heine University also offers training courses on the implementation of the AGG, which are primarily aimed at persons in leading positions in science and administration. In addition, there are customised offers for employees as part of the extensive training programme.

Finally, the law stipulates the designation of a complaints office which receives complaints from disadvantaged employees, examines them and - if necessary - recommends measures to improve the situation.

Please submit complaints to

Heinrich-Heine-Universität Düsseldorf

Zentrale Universitätsverwaltung

Stabsstelle Justitiariat

Universitätsstraße 1, Gebäude 16.11

40225 Düsseldorf

Regardless of the above, you can still contact the Equal Opportunities Officer or the staff representative responsible for you or, in the event of discrimination on the grounds of

disability, the representative of severely disabled persons.

Information for Students

Of course, the Complaints Office also advises students on questions, examines indications and receives complaints from students about discrimination.

General Equal Treatment Act (AGG)

§ Section 1 Purpose of the Act

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

§ 13 Right of Appeal

(1) Employees shall have the right to complain to the responsible office of the establishment, enterprise or department if they feel disadvantaged in regard to their employment relationship by the employer, their superiors, other employees or third parties for a reason mentioned in § 1. The complaint shall be examined and the result shall be communicated to the employee making the complaint.

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

Labour Court Act (ArbGG)

§ Section 61b Action for Discrimination

- (1) An action for compensation under Section 15 of the General Equal Treatment Act must be filed within three months after the claim has been asserted in writing.
- (2) If several applicants assert a claim for compensation under Section 15 of the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz) in court on the grounds of discrimination in the establishment of an employment relationship or promotion, the labour court before which the first action is brought shall also have exclusive jurisdiction for the remaining actions at the employer's request. Legal disputes shall be referred ex officio to this labour court; the proceedings shall be combined for simultaneous hearing and decision.
- (3) At the employer's request, the oral proceedings shall take place not be held before the expiry of six months from the date on which the first action was brought.