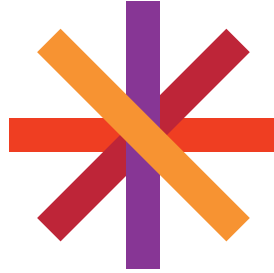




INTRODUCTION TO DIVERSITY MANAGEMENT AND EQUAL TREATMENT

Handbook for instructors



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SLOVENSKÉ NÁRODNÉ
STREDISKO
PRE ĽUDSKÉ PRÁVA



INTRODUCTION TO DIVERSITY MANAGEMENT AND EQUAL TREATMENT

Handbook for instructors

First issue, 2020.

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Initial activity



Quiz



Theory



Curiosity/
statistics



Closing
reflection

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PREFACE

Despite the growing diversity within the Slovak society, we are constantly witnessing manifestations of intolerance and prejudice, even at the workplace. According to a survey conducted by PwC Slovakia¹, up to 97% of participating companies consider diversity and inclusion to be one of their corporate values. However, do diversity and inclusion represent a stable part of the work culture in Slovakia?

Up to 44% of Slovak working population does not experience diversity in the workplace directly. According to the PayLab Diversity study², our experience with diversity in the workplace is mainly limited to experiences with mothers of young children, the elderly and foreigners. While some groups of people within our society are perceived positively at the workplace, others are not. These, in particular, include people with disabilities, members of the LGBTI community or members of specific ethnic groups.

Discrimination at Slovak workplaces is not an isolated phenomenon. This is due, among other things, to the lack of experience with diversity and its acceptance. More than a quarter of complaints submitted to the national equality body in 2019 claimed the discrimination in employment and similar relationships. Discrimination of an individual employee or group of employees is one of the most common violations of employees' rights and can have consequences not only for the work and private life of the respective employee, but also for the employer and its reputation.

In your hands you are holding a unique handbook, which is a joint work of the Slovak National Centre for Human Rights – the national equality body and the Pontis Foundation – the administrator of the Diversity Charter in Slovakia. The following six chapters will serve you as a guide through the most important aspects of diversity and non-discrimination at the workplace – from building your own work culture to promoting diversity and non-discrimination externally. In addition to traditional educational texts, this handbook also contains various interactive activities, quizzes or links to videos that you can use during the training.

This handbook is part of blended training that is implemented within the project *Promoting Diversity and Inclusion in the Workplace* funded by the European Commission. We also launched a communication campaign. We recommend to use its website www.zapeknepondelky.sk as an additional source of information.

Authors

1 bit.ly/PwC_diverzita

2 bit.ly/Paylab_diverzita



EQUAL TREATMENT, DIVERSITY AND INCLUSION IN THE WORKPLACE



Who are we and who are they?

Everyone should stand on one side of the room. If the characteristic read by the instructor applies to you, move to the other side of the room.

Note for the instructor: From the characteristics specified below, the instructor should only choose those suitable for the specific group of participants.

1. You are a parent
2. You are under 30 years old
3. You are a vegetarian
4. You like solitude
5. You are over 50 years old



6. You like dogs
7. You do not feel healthy
8. Sometimes you get angry at yourself for not doing something right
9. Sometimes you get scared
10. You have dreams you haven't had time to fulfil

After the activity, answer the following questions:

1. Why do we 'categorise' people? How does categorisation help us? *(note for the instructor – it is evolutionary so that we can detect hazards more quickly)*
2. In what way does 'categorising' cause harm? *(note for the instructor – we do not perceive the individual as a whole; the process of categorisation conceals many other traits and characteristics, can cause bias or exclusion based on sole characteristic)*
3. What helps you to think 'outside of the box'? *(note for the instructor – to search for something that connects us)*



Do you understand the meaning of diversity, inclusion and equal treatment? Test yourself!

Note for the instructor: First, the instructor goes through all the questions with the participants. They write down the correct answers on paper. Subsequently, they go through the correct answers together, analyse them thoroughly (using the text below) and then discuss them together.

1. What does diversity mean?

- A. When there are both women and men at the workplace.
- B. Diversity encompasses various factors by which groups of people or individuals may differ from each other.
- C. Synonymous term for tolerance and acceptance.

2. What does inclusion mean?

- A. When various groups of people or individuals are, based on their cultural and social background, accepted and treated equally to others.
- B. When we apply the approach of positive discrimination to a disadvantaged group.
- C. Synonymous term for tolerance and acceptance.

3. The principle of equal treatment in employment relations imply that:

- A. The employer has the obligation to take measures that prevent the occurrence of discrimination.
- B. The employer must treat all employees equally, regardless of their personal situation or needs.
- C. The employer cannot terminate the employment of a disabled employee.

4. A person who has been discriminated against by his/her employer may request that:

- A. The employer publicly apologises in front of all the employees.
- B. The employer compensates them with extra vacation days.
- C. The employer pays financial compensation for the damage caused.

5. If an employee feels discriminated against at workplace:

- A. They can submit a complaint to the employer, contact the labour inspectorate or the national antidiscrimination authority, contact a lawyer or take legal action to court.
- B. They may not take an antidiscrimination action to court until the employer has decided on the employee's complaint in the specific case.
- C. The national antidiscrimination authority may not act unless the employee has previously filed a complaint of discrimination with the employer.

(Correct answers: 1 – B; 2 – A; 3 –A; 4 – C; 5 – A)



WHAT DOES EQUAL TREATMENT, DIVERSITY AND INCLUSION LOOK LIKE IN PRACTICE

Discrimination and its forms

Following the principle of equal treatment³ consists of the protection against discrimination and also the adoption of measures that prevent the discrimination. Equal treatment of employees assumes ensuring equal opportunity. The principle of equal treatment does not involve the obligation of the employer to treat all employees equally in every situation. On the contrary, it assumes that in justified cases the employer will consider the special requirements and needs of a particular employee (e.g. adapt the workplace to the health status of the specific employee).

Discrimination is a conduct in which an individual is treated less favourably than others in a similar situation. Discrimination may manifest itself in direct actions or omissions when an individual is treated, has been treated or could have been treated less favourably compared to someone else in a comparable situation. This is **direct discrimination**.

Discrimination can also manifest itself as a neutral regulation, decision, instruction or practice on the outside, however, when applied, it causes disadvantage or could cause disadvantage to an individual in comparison with someone else. This is **indirect discrimination**.

Harassment is also a form of discrimination. It creates or may create an intimidating, hostile, embarrassing, degrading, humiliating, abusive or insulting environment and is intended or may result in or may be an interference with personal freedom or human dignity. In the workplace, **bullying** can also be considered a form of harassment, but not every form of harassment can be considered bullying. A one-time activity that does not last long ultimately does not fulfil the elements of bullying. If bullying occurs because of the personal characteristics of an employee

3 The Slovak legal system utilizes the term 'principle of similar treatment'. We believe that this is an inaccurate translation of the term 'principle of equal treatment' as the principle of similar treatment instead of equal treatment. In order to properly understand the issue of preventing and tackling discrimination in the workplace, the authors used the term 'equal treatment' throughout the text.

(e.g. because of their sexual orientation or ethnic origin), we can consider such actions as a discrimination in the form of harassment.

Sexual harassment is form of harassment of a sexual nature. This type of harassment may manifest itself verbally, non-verbally or physically and its sexual nature is intended or has the effect or consequence of violating an individual's dignity while creating an intimidating, degrading, hostile or offensive environment for the victim. Sexual harassment, especially in its verbal form, is often justified by arguing that it is just an innocent flirtation or an expression of affection. However, the fact that sexual harassment represents a behavioural pattern unwanted and undesirable by the victim, serves as a distinguishing feature. At the same time, conduct bearing the characteristics of sexual harassment may lead to the perpetration of the criminal offenses of rape, sexual violence or dangerous stalking.

Discrimination is also manifested in an act in which an employee's subordinate position is abused for the purpose of discriminating against another employee (the instruction to discriminate) or inciting, persuading or confirming an employee to discriminate against another employee (the **incitement to discriminate**).

Finally, discrimination is also an adverse act or omission against a person directly related to that person's pursuit of legal protection against discrimination (on their own behalf or for the benefit of another person), testifying, explaining or otherwise engaging in activity concerning discrimination, or lodging a complaint claiming discrimination (so-called **victimization**).

These activities constitute discrimination if they are caused by any of the following characteristics of the person concerned (the **protected grounds**⁴).

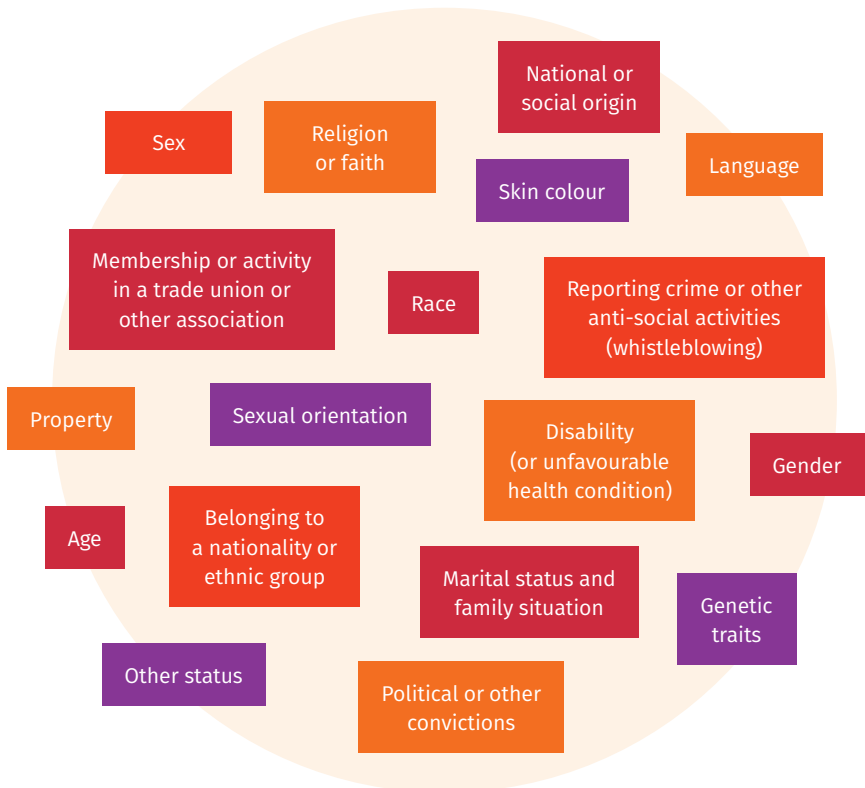
Employment relationships are one of the areas in which discrimination in the abovementioned forms and based on the listed grounds is prohibited. The employer has the obligation to prevent discrimination, address its occurrence, and provide victims of discrimination with support. The employee has the obligation to act in a way that he or she does not discriminate against other employees. The employer has the obligation to respect the prohibition of discrimination and ensure equal treatment of employees and potential employees at all stages of the employment relationship. These include advertising vacancies, recruitment process, working conditions, benefits, wages, career advancement and employee training, reassignments or termination of employment.

⁴ Based on Section 2(1) of the Anti-discrimination Act, Article 1 of the Labour Code, Section 4(3) of the Civil Service Act and Section 14(2) of the Act on Employment Services.



The employer has an obligation not to discriminate which follows directly from the law. In case of violation of this obligation, legal consequences may occur (e.g. court proceedings, sanctions imposed by the labour inspectorate). Employers, who, according to the principle of equal treatment, employ different groups of employees or individuals with different personal characteristics should respect the diversity of the workplace and manage it properly so that they create an inclusive working environment for all employees.

Protected grounds



Diversity, inclusion and the feeling that we belong here

Diversity is any dimension by which we can distinguish between groups of people and individuals as well. It is a conscious acceptance of the fact that we as people are diversified in terms of age, gender, ethnicity, religion, disability, sexual orientation, education and nationality. The differences between us are either visible or invisible. In recent years, aspects of invisible diversity have also come to the fore in an active approach to diversity and inclusion in the workplace. These include, for example, introvertedness/extrovertedness, cognitive diversity (diverse thinking), different work and life experiences or a tendency to anxiety or susceptibility to mental health problems.

Inclusion means creating a safe and respectful environment that accepts people as they are. Mutual understanding and tolerance are prerequisites for social and cultural acceptance and equal treatment. The result of a successful inclusive approach is the **sense of belonging**. It is not just a quiet tolerance of otherness, but a sense of active support that allows people to perform at their best. The inclusion process involves each individual and makes people feel as an important part of the organization. Thanks to motivated employees, this cultural shift constitutes organizations with higher performance level.

Therefore, the inclusive approach exceeds the legal obligation of equal treatment, as it concerns a culture that influences the everyday atmosphere and relationships in the workplace.

*Diversity means
having a place at the table,
inclusion means having a voice,
and 'belonging' means
that this voice will be heard.⁵*



⁵ Liz Fosslien and Mollie West Duffy: www.lizandmollie.com/workshops



WHAT DOES EQUAL TREATMENT AND RESPECT FOR DIFFERENCES OFFER EMPLOYERS

Diversity management is based on the uniqueness of every individual and purposefully creates strategies, policies and programs that create a respectful environment. Companies and organizations applying diversity management in practice go beyond compliance with antidiscrimination legislation. They value and perceive their diverse employees and develop their potential. In this way, they contribute to the better functioning of the organization as a whole and achieve better results. In what way do employers benefit from the approach based on equal treatment and the promotion of inclusion?

Sound reputation

Employers who discriminate against employees or tolerates discrimination at workplace is at risk of losing their reputation. This can damage their position in the society as well as on the market because of the loss of clients or business partners and consequently the loss of revenue. Thus, it can result in direct negative economic consequences.

Where the employer is a public body (e.g. local government, central state administration authority, state institution), compliance with the principle of equal treatment and fair approach to employees also contribute to increasing public and citizen confidence in the state and public authorities.

Motivation and productivity of employees

Employees who feel content and safe at the workplace achieve better work results, are more productive, more creative and generally have better work ethic. Victims of discrimination may feel reluctant to go to work and are more absent from the workplace. By creating a safe and pleasant working environment, the employer contributes to conflict prevention and reduces the number of complaints at the workplace. Thus, the level of stress of managers involved in solving problems at the workplace is also reduced. However, the employer must be aware of the fact that the absence of complaints of discrimination does not mean that there is no discrimination at the workplace.

'Coming out in the company was a very positive change for me. It was the last area of my life in which I was still keeping it hidden. The positive reactions of colleagues and superiors surprised me. I know that sexual orientation is not a factor when my performance is being evaluated, nor when I am thinking about my career. It provides me with extra confidence and thus I can focus on doing my job the best I can. It may be a small thing, but for me it is a huge change. At lunch, I can openly tell my colleagues that I was on a vacation with my boyfriend and I don't have to come up with alternative stories.'

— Richard, Accenture⁶

Recruiting talented people

In terms of human capital and the selection of the best talents, supporting the employment of a wide range of people is also beneficial for the employers.

*'We do not consider the **employment of marginalized Roma people** to be a specific attempt – it is a natural process that has previously worked for us. Today, the Roma employees form a stable and responsible part of our business operations, but this was preceded by considerable effort and work with them. To prepare and integrate them took us three years. On average, in half a year, we were able to train a qualified operator who can even work on several positions. Despite the concerns about the massive recruitment of these employees that our company had in 2014, today, we definitely consider the time spent in their training and retraining to be effectively spent and rewarding.'*

— Jaroslav Grygar, Whirlpool Slovakia⁷

Promotion of innovation

According to the *Diversity and Innovation: a Business Opportunity for All survey*⁸, there is a proportional relationship between diversity and innovation. Diversity contributes to innovation in several ways. Firstly, the existence of different ways of thinking support the flexibility, creativity and the ability to innovate. This means that like-minded people make similar decisions, thus limiting the extent of innovative and creative thinking. Another aspect is that effective learning occurs when

6 bit.ly/Odporucania_LGBT

7 bit.ly/Odporucania_MRK

8 bit.ly/Div-Inno



individuals/groups consider their ways of thinking, beliefs and knowledge to be threatened. This is more likely to happen in a situation, where there is a diverse mixture of participants, in an environment, where all individuals feel that their views are valued. By providing different perspectives, diversity can contribute to more effective decision-making and the ability to solve problems.

The fact that diversity and inclusion are key to innovation is also confirmed by the global survey *Getting to Equal 2019: Creating a culture that drives innovation*⁹. In societies with strong culture of equality, the innovative mindset – the willingness and ability of people to innovate, is six times higher.

Improved access to customers and clients and higher profits

Diverse employees can adapt much more easily to the growing diversity on the market or of customers and their requirements. According to the *Diversity Wins 2020* study by McKinsey & Company, companies with a high representation of women are 25% more likely to have a financial return than the average in the given sector.¹⁰ According to the *Is Gender Diversity Profitable?* study conducted in 2016 in 21,980 companies from 91 countries by the Peterson Institute for International Economics, companies with a higher proportion of women in management positions also achieve higher profits.¹¹

Reduction of fluctuation

Not only discrimination itself, but also seemingly ‘harmless’ prejudices in the workplace in the form of various remarks, allusions or ‘jokes’ can often cause the victim to decide to solve their situation by changing a job. And this happens regardless of whether they resort to resolving the situation with their employer first while not achieving the desired outcome, or whether they decide to leave in order to solve their situation. Unequal treatment of employees or tolerating of such treatment can cause the increased employee turnover and increase the employer’s costs of hiring procedures for new employees as well as their training.

One of the largest benefits of employing older people is their loyalty – according to a survey conducted by Profesia, 85% of people aged 45 – 54 do not consider changing their job¹². When looking for a new job, they are mainly afraid of instability in

9 bit.ly/Equa-Inno

10 bit.ly/McKinsey_Inclusion

11 bit.ly/Peterson_Gender

12 bit.ly/Charta_trhprace

the new job, but also of the new team and the working environment. Therefore, it is essential that these employees feel accepted and integrated at workplace.

*‘Albeit the initial investment on the employer’s side in the form of training and assistance is higher, practical experience demonstrate that **employing a person with disability** is a good investment because you get a reliable and loyal employee. Additionally, the company’s image in the eyes of the public will improve and the social competencies of other employees will also increase.’*

— Michaela Mudroňová, *Člověk v ohrožení*¹³

Cost prevention

An employer who prevents discrimination at their workplace and deals with any potential discrimination effectively and fairly through internal procedures, also prevents the emergence of additional costs. Such costs are the costs of legal representation in trial litigation and other costs of judicial proceedings.

Where and how to integrate this topic at the workplace

Everyday functioning of workplace is based on fundamental values. The values of inclusion and respect should be integrated in the core internal documents of every organization and institution – e.g. the Code of Ethics. These document define the overall culture in the company and the expected behaviour of employees (chapter **Culture and values in the workspace**). A non-discrimination and inclusive approach should be already notable during the recruitment process. The way a job advertisement is written, what the requirements for a given position are, who is present in the selection committee – these all have a significant impact on whether a person, who, based on unconscious prejudices, might not even be our first choice at all is hired (chapter **Finding and choosing a new colleague**). Ignorance leads to misunderstandings and prejudices. Talking about them is the most effective way of dealing with them. Therefore, continuous **internal training, coaching and further education** are of key importance at the workplace. **The working environment, benefits and organization of work** should reflect the needs of diverse employees. Just as accessibility affects whether a person in a wheelchair can be employed, so does the possibility of occasional work from home help working parents solve an

¹³ bit.ly/Odporucania_znevychodneni



unexpected situation. The values of respect and tolerance should not only relate to your workplace. **By advocating the topic externally**, you will present an example and a specific inspiration to other employers and send an important signal to the society.



We are all different

Watch this video from Accenture bit.ly/accenture-video and answer the following questions:

1. What did the people in the video have in common?
2. What do you have in common with them?



CULTURE AND VALUES IN THE WORKSPACE



Value overlap

Every participant will carry out this activity on their own. Take a sheet of paper and divide it into two columns. In the column on the left, write down the values that you think characterize your workspace, i.e. in what way are actually you treated by your superiors and other colleagues? What best characterizes the culture/atmosphere in your workspace? Try to write down at least 5 values. When you're done, move to the column on the right. Write down the values that you think characterize you as a human being: what is the most important to you in your life, what is it that compels you to action, what do you believe in? Write down your 5 most important personal values.

Subsequently, answer the following questions to yourself. If you want to, you can share the answers with other participants:

1. Do your personal values correspond with the values of your workspace?



2. If the values mostly do not correspond with each other, what does it mean to you and your everyday work?
3. If the values mostly do correspond with each other, does it mean that you can be yourself at work?



VALUES AS A BASIS

The values of inclusion and respect should be integrated in the core internal documents of every organization and institution – such as the **Code of Ethics**. These documents define the overall culture in the company and the expected behaviour of employees. Whether these values are transposed ‘from the paper’ into everyday practice depends mainly on the management. However, the atmosphere of a safe and equal environment without prejudices cannot be given as an order by the management. Instead, it should be based on the attitudes, beliefs and the day-to-day behaviour of the top management. Then, it is passed on to the institution itself through further levels of management in the hierarchy. What the management stands for should also appear regularly in **internal communication**.

Basic documents and communication from the management establish the principles and thus determine how sensitive the workplace will be to prejudice and intolerance. This level of sensitivity is different for everyone. To some people, it may seem okay to comment on a female colleague’s visual appearance or tell jokes about homosexuals. However, the employer must set clear rules on what is unacceptable and what is tolerable in the workplace. We are talking about the so-called **micro-manifestations of intolerance** or aggression, which constitute a subtle form of discrimination. Such manifestations of intolerance or aggression or rather how the management and other colleagues approach them reflect the culture of the workplace.

TIP: Include diversity and inclusion topics in the internal communication. You can use the calendar of international days and holidays¹⁴ to draw the attention to e.g. International Roma Day or World Mental Health Day. By a video message from your director, a bulk email or a newsletter, you can bring to everyone’s attention the values that your institution advocates, and support staff from the groups concerned.

¹⁴ kalendar.aktuality.sk/medzinarodne/



Did you know that...?

- Employees who have to conceal their sexual orientation in the workplace are up to 73% more likely to terminate their employment within three years than those who may be 'open' about it at their workplace. (Credit Suisse: LGBT – The Value of Diversity, 2016)¹⁵
- Due to prejudices, 30% of people in Slovakia would be uncomfortable to work with people of Roma ethnic background. (Eurobarometer, 2019)¹⁶
- According to the World Health Organization (WHO), some of the risk factors that contribute to the development of mental illness are poor and insufficient communication by management, poor communication and management practices. (WHO: Mental Health in the Workplace, 2019)¹⁷

¹⁵ bit.ly/Odporucania_LGBT

¹⁶ bit.ly/Eurobarometer_Discrimination

¹⁷ bit.ly/WHO_Mentalhealth



WHAT SHOULD THE CODE OF ETHICS INCLUDE

The Code of Ethics is one of the fundamental internal regulations of the employer. It determines the values and principles that employees should follow when acting and making decisions when performing their duties at work. At the same time, these values and principles create a framework for workplace behaviour in order to build and maintain mutual respect and trust among employees.

How to proceed when creating a Code of Ethics?

- Define, **who exactly** is bound by the Code of Ethics (employees, employees working outside the employment relationship, trainees, or business partners).
- Define the **range of relationships** referred to by the Code of Ethics (employee relationships, the behaviour of employees towards clients/citizens/third parties, relationships between the employer and legal persons/business partners).
- In an ethical context, name and define the **basic values** of your organization/institution/company (the so-called basic ethical principles). Examples of principles and values that you should not omit are:
 - compliance with regulations and legality,
 - transparency,
 - impartiality,
 - political neutrality (especially for civil servants and in public administration, or in organizations/institutions that have an independent character),
 - public interest,
 - professionalism,
 - zero tolerance for corruption,
 - tolerance and respect for other employees,
 - honesty,
 - responsibility,
 - fairness.
- Within the fight against corruption, also focus on the issue of **accepting gifts and bribery**.
- The issue of **conflict of interest** should also be addressed by the Code of Ethics. Define possible situations and methods for preventing or resolving them.

- Regarding the mutual respect among employees, declare **zero tolerance of intolerance and discrimination** between employees, including bullying and sexual harassment.
- Describe **the mechanism for reporting violations** of the Code of Ethics and how to file ethics complaints.
- Underline the **binding nature** of the Code of Ethics and point out that its violation will be considered a breach of work discipline.
- Specify the **person responsible** for acquainting all the employees with the Code of Ethics, updating its content in accordance with the legislation and the needs of the employer. This person shall also participate in resolving the cases of violation of the Code of Ethics.

TIP: As of 1 January 2020, the Governance Decree of the Slovak Republic, which constitutes the Code of Ethics for Civil Servants, is in effect¹⁸. It was formulated by the Civil Service Council. You can use it as a template for your office/organization/institution even if you employ employees according to the Act on Execution of Work of Public Interest. The adoption of the Code of Ethics for Civil Servants is a prerequisite for creating an ethical environment in state administration, but it is necessary that you continue to work actively with the topic of ethics at all levels of human resources management.

¹⁸ Governance Decree of the Slovak Republic no. 400/2019 Coll., which constitutes the Code of Ethics for Civil Servants.



RESOLVING CASES OF INTOLERANCE AND DISCRIMINATION IN THE WORKPLACE

By setting up an effective system for handling discrimination complaint at your workplace, you can prevent litigation and provide the respective employees with a prompt and effective solution to the situation. If the employee feels discriminated against, they can complain directly to the employer or turn to the national equality body (Slovak National Centre for Human Rights – the ‘Centre’), or resolve their situation through the courts (either on their own or through an appointed legal representative). The choice of any of these options does not mean that subsequently the use of another option is not possible, or that the person concerned cannot decide to use several options at the same time.

If an employer sets up an effective system for dealing with complaints alleging discrimination and intolerance at the workplace and efficiently implements it into practice, the employer gains employees’ confidence in resolving their situation and can avoid lengthy litigation associated with the risk of reputation or employee turnover.

The requirement for an effective system for handling discrimination complaints is the adoption of internal policies that address discrimination at the workplace. Such **internal policies** should:

- have a written form so that employees can be acquainted with them at any time.
- have foundations in law. Thus, define what is considered a discrimination in the employment relationship in accordance with law. The legislative basis should be explained in a simple way so that employees can understand it and apply it to their situation.
- provide the person concerned with discretion and protection against victimization, i.e. discrimination or intolerance based on the fact that this person concerned filed a complaint. The victimization of a person who complains/complained about discrimination is considered a special form of discrimination and is prohibited by the Antidiscrimination Act.
- contain information on the procedure and manner of resolving the complaint, including information on the person authorized by the employer to receive and handle complaints claiming discrimination or intolerance. It is also appropriate to indicate an alternative to this person in the event that the employee’s

complaint is directed against the authorized person. The procedure for handling discrimination complaint should also include the possibility to lodge an appeal in case of dissatisfaction with the handling of the complaint. The person who submitted the complaint, as well as the person against whom it was directed, always have to be informed about the result of complaint procedure.

- state clearly what sanctions or disciplinary measures may be taken by the employer against a person who has implemented discriminatory practices or showed intolerance, if the complaint proves to be justified. These may include e.g. notification of a violation of work discipline, the obligation of a verbal or written apology to the person concerned, reduction of remuneration or personal evaluation, the obligation to participate in training on non-discrimination at the workplace, etc.
- clearly state what action will be taken, if the employer's internal regulations or policies are discriminatory themselves (e.g. change in internal policy, apology to the employee concerned).
- be accessible and understandable by the employees. The employer should properly inform employees about the adopted policies, instruct them about their content and application in practice, provide them with information on where these policies are published (e.g. on notice boards and places accessible to all employees, on the intranet or internal repository accessible to all employees, on the employer's website, in copies available from the secretariat, etc.). Any changes should the employer immediately communicate to the employees. The employees should be trained regularly on this matter and the employer should ensure that all new employees are trained and informed.

TIP: If the complaint handling process confirms that discrimination has occurred, do not underestimate the **power of apology** to the employee concerned. Admitting error and apologizing to the victim of discrimination can present greater satisfaction than financial compensation. Negotiate the form of apology with the victim and take into account their preferences (options are – public apology in front of all employees, apology in writing by personal letter, apology in writing by e-mail to all employees, verbal apology between the subjects concerned, apology exclusively from the employee who discriminated against the employee concerned, apology from the employee who discriminated against the employee concerned and at the same time from the employer, apology only on behalf of the employer, etc.).



If the victim has no objections, it is appropriate to issue an apology explicitly stating that discrimination against the employee has been committed. This apology should be communicated to other employees. This sends a signal that the employer effectively applies the system for handling discrimination complaints in practice and takes the protection against discrimination of the employees seriously. At the same time, it can motivate other victims of discrimination to address their situation.



SEXUAL HARASSMENT AT WORKPLACE

Sexual harassment represents a very sensitive and specific form of discrimination in employment relationships. Therefore, it is appropriate that the employer adopts a specific regulation to prevent and address sexual harassment in addition to the general policy that addresses. Given the sensitivity of the issue, it is optimal for the victim to find a solution at the workplace. Thus, it is crucial that the employer sets up an effective mechanism to investigate and address sexual harassment.

How to correctly set an internal regulation for the prevention and resolving of cases of sexual harassment in the workplace:

- Declare that sexual harassment at the workplace is not tolerated, is against the law, and may result in disciplinary action, including termination of employment.
- Define sexual harassment. Provide a simplified explanation of the legal definition and specific examples of behaviour that may be considered sexual harassment. Emphasize the basic feature of sexual harassment, which is that the **victim does not wish nor desire such behaviour to be directed towards him/her** (the basic difference between 'innocent flirt' and sexual harassment).
- Make clear that this policy applies to situations that arise from the performance of duties at the workplace, outside of the workplace (e.g. business trip), as well as to situations that are related to the workplace, even if the performance of duties does not occur (e.g. teambuilding, social events organized by the employer).
- Adjust the system for handling complaint so that it includes sexual harassment complaints: it should provide the victim with more options on whom to approach

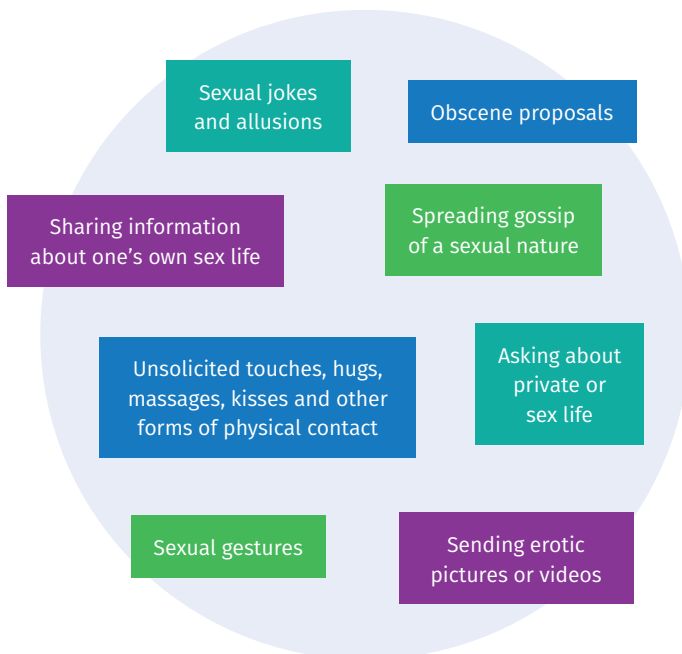
with this matter (if the sexual harassment was committed by the person investigating the complaints or directly by a superior).

- The basic principle of the system for handling sexual harassment complaint is to create a safe space for a victim. Do not take the sexual harassment complaints lightly: create a fiduciary position to help the victims and train them to provide a sensitive and individual approach throughout the process of handling complaint.
- Throughout the process of handling a sexual harassment complaint, ensure the confidentiality of information and allow anonymisation of complaints in order to create a secure space and prevent defamation and victimization. Possible witnesses or persons concerned should be bound to confidentiality and instructed on the possible consequences of a breach of confidentiality.
- Respect the requests of the person filing the complaint: if they only want to report the situation, without acting against the other party, inform them on the possibility of resolving the situation informally and provide them with support and assistance. Monitor the situation and keep a record of every complaint. If the situation does not improve or you consider it dangerous for the victim (e.g. the other party has resorted to committing sexual harassment in the past, the behaviour shows signs of violence or crime), explain to the person concerned, why is it important that the employer takes action. If the proceedings show signs of a crime, inform them of the possibility to file a criminal complaint and provide them support, or inform them about the organizations/associations that can provide them with further assistance.
- Make it clear that no sanction will be imposed on a person who files a sexual harassment complaint if this complaint proves to be unreasonable or unfounded (unless conscious malicious intent is demonstrated). Refer to the fact that victimization is also a form of discrimination.
- Adopt processes that ensure a suitable work environment after a complaint investigation is concluded. If the case of sexual harassment complaint proves to be substantiated and you do not terminate the employment with the perpetrator, provide mandatory training on sexual harassment, request they apologize to the victim, and consider possible mediation between the perpetrator and the victim so that they can work together in the workplace. Provide support to the victim and monitor the further development of the situation. If necessary, consider reassigning one of the parties to another position or another team, but this should be the last solution should you resort to and definitely not at the expense of the victim.



- Unify this policy with other labour policies/regulations, e.g. link disciplinary measures for sexual harassment to the regulation of forms of breach of work discipline and sanctions for breaches of work discipline in the Conditions of Employment or other regulatory documentation. Explain the link between the principles of preventing and dealing with sexual harassment and the principles of dealing with discrimination.
- When setting up the above mechanisms, consider the size and structure of your workplace, but always try to keep the process confidential and provide more options and channels for filing a complaint.
- Ensure that this policy is available to employees and set up a system of regular training of employees on the issue of sexual harassment in the workplace and procedures for filing and resolving complaints about sexual harassment.
- If necessary, consult organizations that help victims of sexual violence to set up appropriate processes.

Examples of sexual harassment





Codes and standards at my workplace

Answer the following questions:

1. Do you know in which document the basic values of your workplace are written down?
2. Have you established internal policies to address discrimination at the workplace?
3. Do all employees have access to these documents?
4. Is there anything you are missing in these documents?
5. Have you ever dealt with discrimination or sexual harassment cases at your workplace? In what ways?



FINDING AND CHOOSING A NEW COLLEAGUE



Who I want and who I don't want to sit with in the office

Imagine the following situation. The employer has decided to let you – the employees – to choose who you want to sit with in the office, regardless of whether you work together in the department or in the team. You are the first to decide and inform your management of your preferences, as you are joining the team as a newcomer and you do not yet know your colleagues. Which two of the following colleagues would you like to share an office with, and which two not?

Note for the instructor: The instructor writes the individual names on the flipchart and instructs the participants to write the plus sign without discussion under the names of two people with whom they would like to share the office and the minus signs under the names of two people with whom they would not.



- Marcela – a tall, slender, always elegantly dressed young woman with blonde hair who smiles at everyone and is never in a bad mood;
- Peter – a constantly joking technician who is only two years before retirement, always has a joke in stock about blondes, cops, women behind the wheels or politicians;
- Milan – a middle-aged man from Bratislava who still hasn't found his soulmate and his colleagues are gossiping that he is gay;
- Veronika – a new colleague who joined the company around the same time as the assistant director;
- Lucia – a skilled clerk originally from eastern Slovakia proud of her Romani origin;
- Michaela – divorced mother of two children aged 4 and 6;
- Ivan – a fresh graduate of the University of Economics, he likes to spend his free time with friends from the Christian Youth Association, with whom he also plays in a band;
- Iveta – HR supervisor, happily married to an Egyptian man, whom she helps to adapt to life in Slovakia on a daily basis;
- Lukáš – project manager with excellent knowledge of English, who is bound to a wheelchair due to cerebral palsy;
- Anna – single, lawyer, she likes to take part in all projects and organizes meetings of colleagues even outside working hours; she claims to be a feminist and has no problem expressing her opinions out loud.

After the activity, answer the following questions:

1. Why did you choose these names?
2. What influenced your decision?
3. What would make you change your decision?



HOW TO PREVENT DISCRIMINATION DURING THE RECRUITMENT PROCESS

Applicants for job positions and participants in recruitment processes are protected against discrimination in this phase of employment relationships by the Labour Code, the Antidiscrimination Act, and the Civil Service Act. Unequal treatment at this stage causes discrimination in field of access to employment. How to set up internal processes to prevent the discrimination in the initial stage of the employment relationship?

- **Adopt appropriate internal policies** to prevent discrimination during the recruitment process. Within these policies, define what is considered discrimination, what are the duties of members of selection boards, what requirements to avoid when writing vacancy notices so that the advertisement does not have discriminatory impacts, what information cannot be requested from candidates and how will the employer proceed in the event that the job applicant objects to discrimination in access to employment.
- **Train the HR staff and other staff** involved in the recruitment process (e.g. managers, members of selection boards) to be able to properly apply internal policies to prevent discrimination during the recruitment process. Train them regularly in this area and provide training for new employees as well.
- **If you cooperate with third parties (e.g. recruitment agencies) during the recruitment process, check them out first.** Inform such parties about your internal policies and clearly define the requirement of the principle of equal treatment in the access to the position you are filling.
- **Pay close attention to terminology and style used in job advertisements** so that they do not discriminate against a certain group of candidates:
 - Do not require the candidates to attach a photograph to the CV (evaluation of appearance may cause unconscious prejudices and exclude, for example, candidates of a certain ethnicity or race);
 - Do not include the information about the required age and do not require the candidates to include the date of birth in the CV (you may be discriminating against on the grounds of age);
 - Use gender-neutral language;
 - Avoid evaluating the team (e.g. a team consisting of young people may have an exclusionary and therefore discriminatory effect on senior candidates in advance);



- Do not include strict requirements that are not necessary for the position. Therefore, if, e.g. advanced language or computer skills or a driver's license are not necessary for the position, do not include them in the job advertisement (e.g. they could discourage a candidate with a disability).
- **Declare in your job advertisements that you are an employer who respects the principle of equal treatment and equal opportunities.** Indicate that you provide professional opportunities to every candidate, regardless of sex and gender, age, race, nationality or ethnic group, religion or belief, disability, sexual orientation, marital or family status, skin colour, language, political or other opinion, national or social origin, property or other status. Do not underestimate the power of such a formulation. By openly adhering to values of equality, you can attract the most qualified candidates and convince them about your values.
- **Pay attention to the establishment of selection boards.** It is important to ensure that the selection board is qualified and the members of the selection board are trained on how to conduct the selection process. The number of members of the selection board should ensure a sufficient representation of various delegates (levels of management, departments, possible external members) and be odd. When creating the selection board, the employer should consider the diversity of the workforce. Creation of a diverse selection boards will increase the ability to recognize the differences between candidates and ensure that the selection process is more inclusive.

Before the selection process, it is important to identify clear and objective criteria that the candidate must meet. The best chance of achieving an objective selection is to determine the structure and procedure of the job interview. All candidates are given the same questions and are evaluated by the same system. before the interview, it is important to answer the question 'who are we looking for and why'. After the interview we should to assess whether we made our decisions based on facts and qualifications and not on our feelings.

Some companies prefer the method of short job interviews with individual members of the board over interviews during which the entire selection board is present at once. Members of the selection board then exchange information about their interviews, what can provide a better picture of a particular candidate. However, if you are filling a vacancy in civil service, you are bound by the Civil Service Act, which does not allow such form of the selection process and

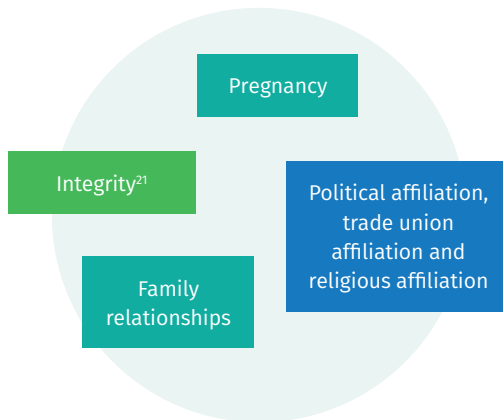
also regulates other requirements for the procedures of the selection board¹⁹. The members of the selection board should divide the tasks in advance among themselves and answer basic questions, such as the method of discussing the quality of candidates and the basis for decision-making, the criteria for selecting the winning candidate. Instruct the members of the selection board on the obligation of professional secrecy and the obligation to declare in advance a possible conflict of interest towards the candidate.

- Adopted policies and correct formulation of job advertisements **can be consulted with the national equality body**. This will prevent possible antidiscrimination disputes and complaints of discrimination in the initial phase of the employment relationship.



**SLOVENSKÉ NÁRODNÉ
STREDISKO
PRE L'UDSKÉ PRÁVA**

It is²⁰ explicitly prohibited by the law to request from job seekers the information about:



¹⁹ Section 40 to Section 47 of the Civil Service Act.

²⁰ Section 41(6) of the Labour Code in connection with Section 171 of the Civil Service Act and Section 1(4) of the Act on Execution of Work in Public Interest.

²¹ Unless it is explicitly work where integrity is required by special regulations due to the nature of the work; e.g. both the Civil Service Act and the Act on Execution of Work of Public Interest state integrity as a pre-requisite for the execution of the civil service and public service work.



WHAT ARE UNCONSCIOUS BIASES

Automatic and quickly formed judgments, which we subconsciously made in everyday life. An accelerating mechanism that makes our brain easier to function in an environment full of stimuli and necessary decisions. Evaluation based on our social, cultural and family background, as well as personal experience. These are the ways the **unconscious bias** can be characterized.

Each of us experiences unconscious biases or inclinations. In fact, our brains work in an 'autopilot' mode most of the time to be able to work with the vast amount of information and stimuli. This is a consequence of evolutionary development, which allows us to recognize patterns quickly and act on them, thus ensuring high efficiency. We are literally programmed to trust what we know and question what we do not know. However, this also means we are quick to 'label' people, which affects the amount of attention and importance we give them. And it can also lead to expulsion or condemnation. Simply put, we don't give someone a chance even though we don't know them at all.

We cannot eliminate unconscious stereotypes, but we can work with them. It is important to be aware of their presence and to respond to them with rational action. Among other things, these stereotypes affect:

- *Our perception* – how we see people and perceive reality.
- *Our attitude* – how we react to certain people and situations.
- *Our behaviour* – how sentient/friendly we are to certain people.
- *Our attention* – which aspects of an individual we pay the most attention to.
- *Our ability to listen* – to what extent we actively listen to what some people are saying.

What are the most common unconscious biases?

Beauty bias

'the most beautiful individual will be the most successful'.

Affinity bias

'they remind me of myself, they fit here'.

Confirmation bias

'they arrived on time, that means they meet deadlines'.

Halo effect

'her public appearance is excellent, she definitely has great managing skills'.

If we are in charge of selecting new employees, our subconscious biases or inclinations have a great influence on what types of people eventually end up at our workplace. Based on the experience of many employers, people who respond to job advertisements and go through the recruitment process often have similar experience, characteristics or character traits to those of existing employees within their company. However, an insufficiently diverse team means less diverse views, ideas and solutions.



Did you know that...?

Women in Slovakia earn about 18% less than men. Compared to men, women work to a greater extent in the social sphere and have lower paid occupations. Women also remain on maternity and parental leave for several years, and many of them subsequently work part-time for a long time. However, even after considering these factors, this **pay gap between men and women** remains partially unexplained. Research carried out in 2020 by scientists from the Centre for Social and Psychological Sciences of the Slovak Academy of Sciences (SAS)²² shows that men and women are not treated equally on the labour market during the selection process.

In order to corroborate possible discrimination, half of all (155) HR specialists received CVs with female names for evaluation and the other half evaluated the same CVs but marked with male names. It turned out that HR specialists would offer women a monthly salary that would be 200 euros lower than the wages they would offer to identical male candidates. In case of the best candidates, the problem was the most obvious. The best female candidate was the one disadvantaged the most, since, compared to an identical male candidate, she was offered a 15% lower starting salary. Paradoxically, during the experiment, discrimination was mainly committed by female HR specialists. Compared to female candidates, they offered male candidates a starting salary higher by 210 euros (and after the probationary period higher by up to 240 euros).

²² bit.ly/SAV_zeny

TIP: Employing people with disabilities is still not a common phenomenon in Slovakia. Pursuant to Act No. 5/2004 Coll. on Employment Services, as amended the principle of so-called mandatory share of employees with disabilities is applied in Slovakia. Every employer with more than 20 employees has the obligation to employ people with disabilities to the extent of 3.2% of the total number of employees. However, most employers fulfil this obligation by an alternative option through the purchase of goods and services from organizations that employ people with disabilities, or by paying the so-called compulsory contribution. This compulsory contribution is equal to 0.9 times the total price of work calculated from the average salary of an employee in the Slovak Republic for each 'missing' employee with a disability.

But people with disabilities are in the labour market and many want to work. However, employers often do not know how to create a job opportunity for them. Profesia's program **Výpomoc so srdcom** ('Assistance with Heart' program) increases the chances of people with disabilities on the labour market. For the consultant service, visit www.sosrdcom.sk. On the website you will find information on how to train disabled employees, up-to-date surveys, what opportunities does our legislation offer and also the experience of companies and job seekers who have already tried the Assistance with Heart program. At www.dielne.sk you can also find the offer of more than 200 sheltered workshops. Use them not only to fulfil your legal obligation, but also whenever you have the opportunity outsource services externally.

Assistance with the integration of people with disabilities into the open labour market is provided by the Centrum pracovnej a sociálnej rehabilitácie ('Centre for Occupational and Social Rehabilitation') free of charge.²³

²³ iprba.sk



How (not) to write job advertisements

Three fragments of a job advertisement are written on three posters. In groups, discuss what the differences between these advertisements are. Then, mark the advertisement that you think is in line with the principle of equal treatment with a green colour, the advertisement that is not explicitly discriminatory but is worded inappropriately with an orange colour, and the one that you consider discriminatory with a red colour. Explain the reasons behind your decision.

Note for the instructor: Prepare three A2 sized posters, one fragment of a job advertisement on each. Then attach them to the training room wall. Divide the participants into groups of up to 5 people. Let them discuss the job advertisements for 5 minutes, then ask the representative of the first group to come forth and mark the posters with coloured markers. Ask them to advocate their choice. Ask members of other groups to comment on this choice. Discuss with all the participants the wording of individual job advertisements.

- A. Administrative assistant sought for the assistant director. The position is filled as a vacancy with contribution from the Labour Office pursuant to Section 51a – First Paid Employment. Work seekers under the age of 29 who are registered in the Register of Work Seekers for at least 12 months are suitable.
- B. We are looking for a B2B sales representative to join our team. If you meet the professional requirements, you have a pro-client approach, you are able to offer and sell and want to be part of our young and dynamic team, send us your CV and cover letter and we will contact you.
- C. We are looking for a project coordinator for a maternity leave cover. The work requires travelling and is suitable for applicants with first or second level university degree in economics, with an active knowledge of English, under the age of 40.

Correct answers:

- A. *Even though the job advertisement directly states the age criterion of up to 29 years of age, it complies with the principle of equal treatment. This vacancy is filled in the form of a measure to*

support the employment of young people who are for a long time registered in the Register of Work Seekers, and thus compensates for inequality in the labour market. Such measures are called temporary compensatory measures and serve to address proven inequalities (e.g. higher unemployment rates among young people) in selected areas, including access to employment. Their temporary validity is due to the fact that once the inequality in society is settled, they can no longer be applied, otherwise they would become discriminatory.

- B. The job advertisement does not directly state the age requirement as the criteria for inclusion in the selection process, and is therefore not worded in an explicitly discriminatory way. However, the description of the team in which the vacancy is filled as 'young and dynamic' may discourage older candidates. They can evaluate the job advertisement in such a way that, due to their age, they would not be invited to the job interview, or they will not be able to pass it due to their age. In practice, it is then essential to consider the specific procedure of the employer in the selection process when assessing discrimination (whether older candidates were also invited and, if so, whether they were given the same opportunity to successfully pass the job interview).
- C. Since this job advertisement excludes a certain group of people from the access to employment in question because they are over 40 years old, it is discriminatory and its wording is in violation with the principle of equal treatment. In this case, the age requirement is not objectively justified, as the respective work can also be performed by an older individual who meets remaining requirements.



What we gain/lose with age

Watch this video from the Lithuanian supermarket chain Rimi at bit.ly/rimi-video and answer the following questions:

1. 'Based on first impression', what would your choice be?
2. Why did the children choose differently than the others?



Notes



INTERNAL EDUCATION, TRAINING AND AWARENESS



Do you know what the situation looks like in Slovakia? Test yourself!

Note for the instructor: Firstly, the instructor goes through all the questions with the participants. They write down their answers on paper. Then, they go through the correct answers together.

- 1. What is the overall rate of pay gap between men and women in Slovakia?**
 - A. Men earn 10% less than women.
 - B. Women earn 18% less than men.
 - C. Women earn 40% less than men.

- 2. Who has the obligation to employ people with disabilities pursuant to Act no. 5/2004 Coll. on Employment Services, as amended?**
 - A. A company with more than 25 employees.
 - B. Any employer with more than 20 employees.
 - C. Every employer with more than 10 employees.

3. In 2017, Inakost' Iniciative (Iniciative 'Otherness') conducted the Nationwide LGBT Survey. What percentage of respondents said that they concealed the fact that they were LGBT at their workplace?
 - A. 34.5%
 - B. 49%
 - C. 62.5%

4. What percentage of respondents to the Eurobarometer survey (conducted in May 2019 on the discrimination in the EU) think that if two candidates have the same skills and qualifications, one candidate may be disadvantaged by the fact that they belong to the Romani ethnic group?
 - A. 15%
 - B. 29%
 - C. 39%

5. In the coming years, there will be a fundamental change in the demographics of the population of Slovakia. According to Eurostat, in 10 years, the majority of employees will be people aged:
 - A. 40+
 - B. 45+
 - C. 55+

(Correct answers: 1 – B; 2 – B; 3 – C; 4 – C; 5 – B)



Stories that lead to understanding

Watch the following video at bit.ly/bekim-video where Bekim Aziri tells a story on how he became a wheelchair user as a result of an accident and then answer the following questions:

1. How is Bekim's narrative different from the way we treat people with disabilities?
2. What did you realize thanks to his story and attitude to life?



CODES AND STANDARDS ARE NOT SUFFICIENT

Ignorance leads to misunderstandings and prejudices. Talking about them is the most effective way of dealing with them. This is achievable through systematic training. A workplace will become inclusive when its employees are sufficiently informed, experience otherness personally and all of them will be able to be themselves.

Disrespectful, offensive or homophobic remarks from colleagues are also encountered by employees of companies publicly declaring their support for diversity. Therefore, the topic of promoting diversity at the workplace cannot be 'dismissed' by claiming that the company has its own internal code of values.

Every organization/institution should regularly train its employees and organize lectures on these topics, or provide them with, e.g. videos depicting situations that are unacceptable at the workplace. The more experience people gain from such an activity, the more it gets under their skin. Role-playing games represent an excellent method for displaying situations regarding harassment, offensive remarks and intolerant behaviour that may occur in the workplace. We also recommend organizing discussions, either with external experts or even the employees, who are willing to 'step forward' and talk about their 'otherness'.

TIP: To ensure that employees are aware of internal regulations that prevent and address discrimination and sexual harassment and related regulations and policies, it is above all important to make them available. That is why you should:

- Publish them on your website and/or internal server/intranet.
- Post them on a bulletin board accessible to all employees.
- Hand them to employees when they sign the contract.
- Convert the main points into a short brochure and distribute it to employees in printed and/or electronic form.
- Remind your employees regularly about them, e.g. through meetings or emails.

In the form of training, inform your employees about your internal regulations when they start working for your company and ensure regular training of all employees. You should also inform your employees about any change to these regulations so that they understand their content and can apply them correctly.



WHO WILL HELP YOU PROVIDE INTERNAL EDUCATION

- Training on the issues of diversity and inclusion, non-discrimination, sexual harassment, bullying in the workplace, gender equality, tolerance and other related topics can be provided by the Centre as the national equality body (www.snslp.sk).
- Meet with people who are considered 'different' by default. The EDUMA non-profit organization (www.onlinezivakniznica.sk) will provide you with tailor-made workshop called Online živá knižnica (Online Living Library).
- The Centre as the national equality body (www.snslp.sk), as well as a team of experts from the Institute for Labour and Family Research (www.totojerovnost.eu) will provide you with support to implement measures aimed at eliminating discrimination on the grounds of sex or gender, temporary compensatory measures and the promotion of gender equality.
- Cultural Bridge – the educational and consulting institution from the field of cultural diversity (www.culturalbridge.sk) will prepare workshops, offer coaching and consultation on the topic of intercultural communication.
- Slovak Blind and Partially Sighted Union (www.unss.sk) can provide courses focusing on removing the barriers in the working environment and communication with the visually impaired people.
- Experts from League for Mental Health (www.dusevnezdravie.sk/) will train your employees on how to prevent burnout and keep physical and mental health under control.

- As part of the social integration programs, civic association Človek v ohrození ('Man in Danger' association) (www.clovekvohrozeni.sk) will help you with activities that promote understanding between employees of ethnic majority and Romani employees, co-workers or clients.
- The Diversity PRO non-profit organization aims at raising awareness about diversity and inclusion in the workplace, helping employers and employees to create an inclusive environment while focusing on the LGBT community (www.diversitypro.eu/sk).

Focus your training at different groups of employees according to specific needs, e.g. special training for people in charge of discrimination complaints handling, training of HR personnel, members of selection committees, managers, etc.

TIP: In several large (especially international) companies, it has been proven successful to make their employees **ambassadors for specific diversity topics**. They then form groups of volunteers, most often the following: women, LGBTI, people with disabilities, intercultural diversity, but also parents or, specifically fathers. These employees meet on regular bases and organize various discussions and lectures for their colleagues and provide them with information within the topic they specialise for. They strengthen the culture, increase sensitivity and empathy in their workplace.

How to help building awareness together with your own employees:

- Organize an informal discussion for mixed teams of younger and older employees. *What my/your generation grow up in? Do we understand each other and can we cooperate adequately? How can we help and advise each other? How can we enhance the cooperation?*
- Do you have person with disability at your workplace? It does not have to be a visible disability. Among the persons with disability we also include people with diabetes, epilepsy or another diagnosis that is, at the first glance, invisible. Ask them whether they are willing to share their story with other colleagues. *How does a disability or health condition impact their lives? What behaviour of their colleagues do they appreciate and what behaviour do they find disrespectful? What questions or actions should we avoid?*

- Organize a discussion with colleagues who are in managerial positions at your workplace. *What helped them in their career advancement? On the other hand, what obstacles did they have to face? What advice would they give to other colleagues?*
- Was any of your colleagues on paternity leave? Give him the opportunity to share: *What did it mean for him to stay at home with a small child? How did this experience impact him? Has this experience in any way changed his opinion on what we, as a society, expect from women and mothers?*
- Is there a person from another country other than the dominant ethnic working group working at your workplace? Is there a colleague who is open about their other sexual orientation (LGBTI)? Find out if they are willing to share their story: *Do they feel their 'otherness' in life or at the workplace? What remarks or behaviours hurt them?*



Micro-discrimination

Watch the video campaign of the Pontis Foundation and the Centre Za pekné pondelky ('For Nice Mondays'): www.zapeknepondelky.sk and answer the following questions:

1. What is the point of this video?
2. Have you ever realized what can make life and work uncomfortable for people around us?
3. Have you encountered a similar type of hint or allusion at work?



Notes



WORKING ENVIRONMENT, BENEFITS AND WORK ORGANIZATION



Fair benefits

Employee benefits appear on the screen progressively. For each employee benefit, discuss the following: Do you think that this employee benefit is in line with the principle of equal treatment or does it favour/disadvantage a certain group of employees? While designing the employee benefit, did the employer consider diversity in the work team, and thus, are the benefits applicable to all employees who are in a comparable situation?

Note for the instructor: The instructor displays the employee benefits in the presentation one by one. Then the instructor reads out each of the employee benefits and discuss them with the participants. Subsequently, the instructor will reveal the correct answer in terms of non-discrimination and pro-diversity approach to the participants.



1. Twice a year, managers are entitled to a contribution of EUR 50 for wellness services from selected wellness service providers. The conditions for the contribution and the updated list of service providers are available at HR department.
2. Employees of the department of Land Register are entitled to a contribution for commuting to work by public transport in the amount of EUR 15 per month. Conditions of this entitlement are regulated by an internal regulation.
3. On the first day of the school year, the employee is entitled to one day of paid leave in order to accompany their own child, their spouse's or partner's child entering the first grade of the first stage of primary school.
4. The employee is entitled to one day of paid leave on the occasion of their own graduation ceremony at all levels of university education, or the graduation ceremony of their child, grandchild, spouse, partner, as well as their spouse's or partner's child or grandchild.
5. The employee is entitled to a one-time remuneration upon reaching the work anniversary with the employer in the amount of:
 - a. EUR 250 gross after five years of working for the employer;
 - b. EUR 500 gross after ten years of working for the employer;
 - c. EUR 1,000 gross after 15 years of working for the employer;
 - d. EUR 1,250 gross after 20 years of working for the employer.
6. The employee is entitled to two days of paid leave per year due to the deteriorating health of their spouse.

Correct answers:

1. *Impossible to assess – if the employer justifies and objectively substantiate this benefit (e.g. because of increased workload and stress of managers that lead to frequent cases of burnout), the benefit would consider the different situation of these employees and would not be discriminatory. However, without more information, it cannot be clearly assessed and may be discriminatory.*
2. *No – work benefit favours a group of employees in a particular department, regardless of how long do employees of other departments commute to work. This benefit would be in line with*

the principle of equal treatment only if the department of Land Register was moved to another workplace, while the employer would provide transport to employees at the standard workplace and would not provide transport to the department of Land Register's new workplace, which the employer would then compensate with contributions.

- 3. Yes – the employee benefit is accessible to all employees in similar/comparable situation, i.e. when their child entering the first year of primary school goes to school on the first day of the school year. The fact that it is not specified whether it is the father or mother of the child, nor whether it is the employee's biological descendant or the employee's stepchild, is of no importance here.*
- 4. Yes – in its wording, this employee benefit directly lists the various groups of employees who are entitled to it, taking into consideration employees in various forms of family and partnership relationships.*
- 5. Yes – despite the fact that the employee benefit is granted only to a selected group of employees who achieve the work anniversary, the benefit is not discriminatory or non-inclusive, as all employees have access to it under the same conditions. It is also a form of remuneration for loyalty to the employer.*
- 6. No – the employee benefit does not consider people living together who are not married and is granted only to employees who are married, thus discriminating against unmarried couples.*



INCLUSIVE WORKING ENVIRONMENT

For people with disabilities

Work environment should primarily be **barrier-free** to meet the needs of employees with disabilities and be accessible to people with disabilities who come to it from the outside (e.g. clients, business partners, users of services, etc.). By creating a barrier-free workplace, you will also provide access to employment to people with disabilities, who could be discouraged from applying for a vacancy at your company due to the inaccessibility of your workplace. In cooperation with civil society organisations or other entities active in the field of inclusion of people with disabilities, you can conduct the audit of accessibility of your workplace and adopt the necessary measures to ensure its accessibility.

TIP: Use the professional consultation of the GO-OK non-profit organization (www.hendikup.sk/go-ok), whose team consists of specialists in the field of architecture, product specialists and specialists in the field of compensatory aids and debarierisation. The suitability of the solution will be assessed by a project team consisting of internal employees with disabilities, representatives of the HR department, representatives of real estate and premises, as well as GO-OK representatives, who will provide experts with physical disabilities and visually impaired experts. Together, they will monitor, e.g. the access from the parking lot, public transport stops, entrance of the building, elevator control, door opening and passability, access to individual workplaces, recognizability of glass panels for the visually impaired or operation of equipment and controls on the premises.

If you employ a person with a disability, hire a person with a disability or one of your employees becomes disabled, you have the obligation to take measures to ensure that this person can continue to participate in the working process. These are the so-called **reasonable accommodations** to enable such a person to have access to employment, to the performance an activity at work, to a functional or other occupational advancement or to vocational training. A reasonable accommodation

may take form of a deployment of specialised technical equipment (e.g. a table with adjustable height, a ramp to enter the building, etc.) or adjustment of working conditions (e.g. adjusting of working hours, reassignment to another suitable position, etc.).

As an employer, you have the obligation to implement such reasonable accommodations if their acceptance would not be unreasonably difficult for you. The helpfulness of the reasonable accommodation for the person with disability, your financial capacity and the availability of financial assistance (e.g. state contributions or availability of grants) and the possibility to achieve the intended objective of the measure in another way are considered. However, for financial reasons alone, you cannot justify not taking appropriate action, because as an employer you should consider all the options. Failure to take appropriate action is considered discrimination²⁴. If you don't know what action to take in a specific case, you can consult the situation with the Office of the Commissioner for Persons with Disabilities²⁵ (Úrad komisára pre osoby so zdravotným postihnutím) or patient organizations.

For parents of young children

TIP: It often happens that parents has nowhere to place their child for a few hours and they take their child with them to work. For this purpose, empathetic employers have set up an **independent children's corner**, where children can find toys, puzzles, colouring books or books for children. Ideally, it should be placed in a separate office, where the parent can move with the child and work next to them.

For everyone

At work, most of us indoors, we spend about one third of our lives. The environment in which we work has a significant impact on our physical and mental health, but also on our motivation and performance. Different people have different needs, even when it comes to the structure of the workplace. While younger employees

²⁴ Section 7 of the Anti-discrimination Act.

²⁵ www.komisarprezdravotnepostihnutych.sk



are more used to the so-called *open office* spaces, older generations tend to prefer smaller offices where they can concentrate and work undisturbed.

However, the (in)ability to concentrate due to the poorly designed office spaces is a common problem for employees, regardless of their age or other factors. It leads to irritability, stress and often even to anxiety. As a result, people often have to take their work home to finish it in peace. Inclusive spaces should therefore also reflect the needs of employees – introverts, employees with Asperger's syndrome or those who have greater inclination to mental disorders.

Regarding the promotion of mental health, in addition to correct placement of tables in smaller units or offices, it is recommended to also set aside a specific space within the workplace, the so-called **rest room**. It is a safe place where a person can 'deal with' feelings of anxiety or tension, or call their loved ones. **The presence of greenery** also has a significant impact on people's mental well-being and the reduction of stress in the workplace. Greenery calms the nervous system, lowers blood pressure and eliminates exhaustion.

TIP: Even small changes can have a big impact. You don't have to install expensive green walls or roofs at your workplace, you just need to **provide enough house plants** at the workplace. It is recommended to include at least one plant per 10 square meters of space. Get inspired by the list of plants that are most effective at cleaning air. *Chrysanthemum* and *Spathiphyllum* (known also as peace lilies) placed first²⁶ on the list.

26 bit.ly/NASA_CleanAir



NON-DISCRIMINATORY EMPLOYEE BENEFITS

The offer of employee benefits that provide the employees with certain benefits beyond their rights under the law is entirely at the discretion of the employer, and therefore the employer does not have the obligation to introduce them at the workplace. However, the introduction of employee benefits contributes to the improvement of working conditions and makes work more interesting, thus helping to attract the best candidates.

The employee benefits increase employee satisfaction with their jobs and thus have an impact on productivity, work ethic and lowering of turnover. If the employer decides to introduce employee benefits, he is bound by the Antidiscrimination Act. When designing the employee benefits, it is necessary that the employer also respects the diversity of the work team and does not treat specific groups of employees disproportionately favourably over other employees without objective reasons.

When designing employee benefits you should:

- Clearly formulate the conditions for entitlement in the Collective Agreement or under the Staff Regulations.
- Consider the different groups of employees (e.g. employees with children, single employees, younger and older employees, employees living in various forms of relationships, etc.).

If you are introducing an employee benefit only for a certain group of employees (e.g. for managers, employees in a specific department, employees in certain positions), such benefits must be justified by objective arguments based on the fact whether the employees are or are not in a comparable situation.

- Inform your employees about the approved employee benefits and the conditions they have to meet to obtain them. You should also consult with your employees about what employee benefits they would welcome.
- If you are uncertain about whether the introduced employee benefits discriminate against a certain category of employees, contact the Centre as a national equality body.



TIP: The Slovak Republic is one of the countries that have no legislation for the same-sex registered partnerships. Therefore, the LGBTI workers do not have access to the same rights and opportunities as heterosexual couples, e.g. in the area of family related benefits. However, you can get inspired by employers who, in order to strengthen the inclusion processes, take steps that go beyond the legislation.

For instance, at Accenture, employees have been entitled to **family benefits regardless of their sexual orientation or identity since 2017**. A declaration of honour from a partner that a child has been born or that a child has been adopted in their relationship is sufficient for the company. Based on this declaration of honour, the employer pays a childbirth allowance and allows you to take a day off. The procedure is similar for a wedding bonus, which is paid when an employee presents a proof of entering into a registered partnership abroad. LGBTI parents have also access to all employee benefits related to employees' children (holiday camps, care in the company's children's corner, St. Nicholas events and International Children's Day events, etc.).



FRIENDLY ORGANIZATION OF WORK

Not only parents of young children, but also other employees will appreciate if the employer allows them to adapt their working hours to their personal needs. In respect to many types of office work, companies register an apparent shift to informal and individualized flexibility, when employees decide for themselves when, where and how they will perform their tasks. The emphasis is on the result, and thus the quality of the work performed, and not on the time and place when and where it is performed. Of course, the situation is different in public sector. However, it is possible to implement several measures that will support flexibility and thus also the work-life balance, even within the public sector.

Working from home (also known as *home office*) represents a specific form of work that is not tied to the employer's workplace, but to another agreed place of work. The Labour Code does not use the specific term 'home office', but recognizes the **model of domestic work or telework**. When working from home, the employee's

place of work is most often his residence or household. According to the Labour Code²⁷, domestic work represents work performed in a household on regular basis that has a permanent nature, i.e. it is the so-called **permanent home office**. However, domestic work is not considered to be work performed by the employee on an occasional basis (e.g. once a week, twice a month, etc.) or in exceptional circumstances with the consent of the employer or in agreement with them, at home or at a place other than the usual place of work, provided that the type of work of the employee allows it. This is known as the **occasional home office**.



Did you know that...?

According to the research on the needs of families with young children conducted in 2014²⁸ by the Institute for Labour and Family Research (Inštitút pre výskum práce a rodiny), up to 95% of parents of young children in Slovakia consider flexible working hours and one additional day off to handle family matters to be measures for balancing work and private life. Among the most useful measures included by respondents were shorter working hours and the possibility of performing part or all the work from home. Interestingly, mothers of young children showed a higher degree of interest in all measures submitted by the employer than men.

TIP: In Nordic countries, sabbatical is a standard. However, it is gradually becoming known also to Slovak employers. It is often confused with a career break, during which the employee decides to resign. However, the real purpose of this institute is for the employee to reach an agreement with their employer that the employer will guarantee the employee the opportunity to return to the same or a similar job position after a longer period of rest, during which the employee is supposed to recharge. This option is most often provided by multinational corporations and has a form of unpaid leave. The possibility to take sabbatical is conditioned by the number of years of service (but usually more than 5). The length of sabbatical leave is individual and ranges from one month to one year. Experience shows that sabbatical is an effective prevention of imminent burnout or mental health problems of employees.

²⁷ Section 52 of the Labour Code.

²⁸ bit.ly/IVPR_rodiny



Environment I work in

Answer the following questions:

1. Can you give examples of measures designed to improve the working environment that are already in place at your workplace?
2. What measures or adjustments to the workplace would you accept?
3. What employee benefits are more important to you – those that have financial or non-financial nature? Give specific examples.
4. Are employee benefits a criterion for you that you are considering or you have considered when choosing a job?



Notes



SUPPORTING THE TOPIC EXTERNALLY



Celebrating diversity

Take a look at the images displayed on the screen. Can you assign them to the awareness-raising events designed to commemorate international and world days?

Note for the instructor: Display photos from awareness-raising events in the presentation one after another and let the participants guess what event they belong to. After the participants are finished guessing, each photo is assigned a date:

After the activity, answer the following questions:

1. Do you know other events and campaigns?
2. Have you ever participated in any of these campaigns on your own or at your workplace?
3. Why is it important to remember these days, and why is promoting them also in the work environment important?



A. 21 March – World Down Syndrome Day



Photo: www.freepik.com – sitthiphong

B. 2 April – World Autism Awareness Day



Photo: www.freepik.com – sitthiphong

C. 17 May – International Day Against Homophobia, Transphobia and Biphobia



Photo: www.freepik.com – bearfotos

D. 10 October – World Mental Health Day – NezabuDNI Campaign ('Do not forget')



Photo: TASR – Radovan Stoklasa

E. 25 November – International Day for the Elimination of Violence Against Women



Photo: Institute for Labour and Family Research



HOW TO PROMOTE DIVERSITY EXTERNALLY

Diversity enriches us, gives us the opportunity to look at things from different angles, makes us more empathetic. By endorsing the topics of diversity and equal treatment (not only) in the workplace, you declare that you care about each individual. In this way, you also assure your employees that they are and will be accepted, respected and heard in your company. You also shape your company as an institution that upholds values. This not only strengthens your reputation and provides solid foundation for the formation of good relationships with partners, but also increases the chances of attracting new talented people.

It is by improving awareness and spreading sensitivity to the public that we can help to reduce our prejudices in the workplace, tolerate otherness, and, if we become a victim of discrimination, to have the courage to confront it.

Become a signatory to the Diversity Charter

Diversity Charter in Slovakia is an informal initiative of Business Leaders Forum associate and administered by the Pontis Foundation. The Diversity Charter was established on 30 May 2017 and became a part of the EU Platform for Diversity Charters. By signing the Diversity Charter, employers commit themselves to creating and maintaining an inclusive work environment for their employees, regardless of age, gender, ethnicity, religion, sexual orientation or disability. This not only helps to eliminate the risk of discrimination, but the organization's commitment to diversity also means building a positive image of the organization in the eyes of its clients, customers, employees and suppliers.

As of 30 May 2020, 76 signatories from among the corporate, public, academic and non-profit organizations in Slovakia have committed themselves to creating a respectful work environment.



**Benefits for the signatories:**

- demonstration of the commitment to socially responsible workplace;
- awareness of the activities of the Diversity Charter Slovak Republic, as well as other EU charters that are part of the EU Platform for Diversity Charters;
- opportunity to propose and develop activities that help to achieve the objectives of the Diversity Charter;
- opportunity to state in your materials that you are a signatory to the Diversity Charter and to use the logo of the Diversity Charter.

The text of the Diversity Charter and the conditions of membership can be found here: www.chartadiversity.sk

Adhere to the values of tolerance and equal treatment at workplace

Declare zero tolerance to discrimination at your workplace. By endorsing the values of tolerance and equal treatment, you send a clear message that, as an employer, you treat everyone equally and do not tolerate discrimination in the work environment. You can declare that you respect equal opportunities for all in the text of a job advertisement on your website (e.g. in the career section or in the company's description), or in relevant press releases.

Participate in celebrations of international days referring to the values of equality, tolerance and inclusion

International Days represent an opportunity to communicate the importance of issues concerning diversity and inclusion as well as to endorse the values of equality in the society. You can emphasize that the groups of people that we remember on a given day are important to you. You can do so not only internally – among your employees, but also through social networks or your company's website. You can commemorate international days at your workplace proactively with your own communication activities, or you can join the activities of other organizations (e.g. the Centre, Pontis Foundation, non-governmental organizations).



Important dates

- **8 March** – International Women’s Day,
- **8 April** – International Roma Day, 17 May – International Day Against Homophobia, Biphobia and Transphobia,
- **30 May** – International Diversity Day,
- **1 October** – International Day of the Elderly,
- **25 November** – International Day for the Elimination of Violence against Women,
- **December 3** – International Day of Persons with Disabilities,
- **International Equal Pay Day** (each year, the date is adjusted to the percentage of pay gap, which determines how many days a year women symbolically work for free due to their pay disadvantage to men).

TIP: 17 May is the International Day against Homophobia, Biphobia and Transphobia. This day also represents an opportunity for companies, organizations or institutions to publicly stand up for the values of respect and tolerance. For example, the European Commission has its Berlaymont building in Brussels lit up in rainbow colours, with several companies using a rainbow version of their logo on the day. Active support for the Pride parade, rainbow laces for employee ID cards, the declaration of non-discrimination in job advertisements – employers have many possibilities to publicly declare that they perceive diversity naturally.



What I take away, what I leave behind

You've got coloured post-it papers – 5 blue and 5 green papers. Think about the different parts of the training and consider what you have learned today about non-discrimination, diversity and inclusion or about yourself. What would you like to take home with you? Also, think about whether you found something unpleasant during the training. What would you like to leave behind, i.e. not take with you?

There are two sentences written on the flipcharts:

1. *From this training, I will take with me...* (green colour).
2. *I want to leave... behind* (blue colour).

Complete the sentences on the coloured papers accordingly (one idea per post-it paper). Then stick your papers onto the flipcharts.

Note for the instructor: When everyone is back in their seats, read the individual post-it notes out loud anonymously without people having to claim them. Finally, ask the participants to take the positive post-it papers (green) home with them and, to symbolically throw the 'negative' post-it papers (blue) away (e.g. into a container placed on the table).



Notes

GLOSSARY

Discrimination – an act, practice, or an instance in which an individual is, in a comparable situation, treated less favourably than other individuals.

Diversity – diversity encompasses various factors by which groups of people or individuals may differ from each other.

Code of Ethics – an internal regulation of the employer, which determines the values and principles that employees should follow when acting and making decisions or when performing their duties at work.

Equality body – an independent organization assisting victims of discrimination, monitors and reports on discrimination issues and promotes equality.

Home office – working from home – represents a specific type of work that is not tied to the employee's workplace, but is typically performed in their household.

Diversity Charter – a voluntary initiative of companies and organizations to promote diversity and inclusion in the workplace.

Inclusion – when various groups of people or individuals are, based on their cultural and social background, accepted and treated equally to others.

LGBTI – lesbians, gays, bisexuals, transgender people and intersex people.

Diversity management – is based on the uniqueness of every individual and purposefully creates strategies, policies and programs that create a respectful environment.

Unconscious stereotype – automatic and quickly formed judgments, which we subconsciously make in everyday life.

Equal treatment – an approach that prevents any form of discrimination.

Sexual harassment – verbal, non-verbal or physical conduct of a sexual nature, the intention or effect of which is or may be a violation of another person's dignity.

Victimization – an adverse act or omission against a person directly related to that person's pursuit of legal protection against discrimination or other engagement in an activity concerning discrimination.

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ABOUT THE PROJECT

PARTNERS



Pontis Foundation

The Pontis Foundation is a non-governmental organization founded in 1997. It focuses on connecting companies, civil society organizations, state institutions, communities and individuals in order to achieve positive changes in education, responsible business conduct, the fight against corruption and poverty. In the long run, it leads companies to responsible and transparent business conduct in order to build a fair approach to their employees, customers, suppliers, community and the environment. Since 2004, the Pontis Foundation has been administering the Business Leaders Forum – an informal association of companies that are committed to be leaders in promoting the principles of responsible business conduct in Slovakia. Since 2017, The Diversity Charter Slovakia has also been one of the initiatives of the Business Leaders Forum. By signing the Diversity Charter, companies, public institutions and civil society organizations commit to respecting and adhering to diversity and promoting an inclusive work environment.



SLOVENSKÉ NÁRODNÉ
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Slovak National Centre for Human Rights

The Slovak National Centre for Human Rights (Centre) is a national institution for the protection and promotion of human rights and a national equality body established by law. The Centre has been monitoring and evaluating the observance of human rights and of the principle of equal

treatment in Slovakia for more than 25 years and reports its findings at national and international level. The Centre participates in policy-making, conducts researches and surveys, provides human rights education and raises public awareness of human rights, non-discrimination and tolerance. The Centre also provides free legal assistance to victims of discrimination, including representation in court proceedings. It also issues expert opinions and conducts independent investigations into matters of discrimination. The Centre cooperates with a wide range of entities from the public sector and civil society of Slovakia and from abroad.



European Community Studies Association (ECSA) Slovakia

European Community Studies Association (ECSA) Slovakia was established in 1999 and is one of the oldest civil society associations supporting European education and integration in Slovakia. It was originally established at Comenius University in Bratislava, but today it operates as an independent entity. Since its foundation, it has been a member of the European Community Studies Association and, in cooperation with the Directorate-General for Education, Youth, Sport and Culture of the European Commission, it has been involved in securing the Jean Monnet program under the Erasmus+ program and co-organizes the Jean Monnet Conference. ECSA Slovakia also implements a wide range of projects and activities aimed at strengthening and facilitating cooperation between universities and research institutes in order to promote European integration and spreading of information about the European Union.





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Handbook for instructors



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