

# Forms of Discrimination

## Definitions

**Direct discrimination** shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the prohibited grounds.

**Indirect discrimination** shall be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular characteristic recognized as prohibited ground of discrimination at a particular disadvantage compared with other persons unless:

- (I) that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary, or
- (II) as regards persons with a particular disability, the employer or any person or organisation to whom the equality law applies, is obliged, under national legislation, to take appropriate measures in order to eliminate disadvantages entailed by such provision, criterion or practice.

**Harassment** shall be deemed to be a form of discrimination within when unwanted conduct related to any of the prohibited grounds takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

**Sexual harassment** where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;

**Instruction to discriminate** against person on any of prohibited grounds shall be deemed to be discrimination. It shall be defined according to the national law or practice.