

In force from 15.03.2021

GUIDELINES FOR EQUAL TREATMENT

1. According to the Constitution of the Republic of Estonia, everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other beliefs, property or social status, or on other grounds.
2. These Guidelines are a part of the university's good practice that supports the university's values and standards set out in legislation.

3. WHAT IS DISCRIMINATION?

- 3.1. Discrimination is unjustified unfair treatment of human beings in a way which is worse than other people are treated in the same or a similar situation.
- 3.2. Everyone is protected against discrimination by the Equal Treatment Act and the Gender Equality Act, which specify eight characteristics, discrimination on the grounds of which is regarded unlawful. These are:
 - 3.2.1. nationality (ethnic origin),
 - 3.2.2. race,
 - 3.2.3. colour,
 - 3.2.4. religion,
 - 3.2.5. age,
 - 3.2.6. disability,
 - 3.2.7. sexual orientation and
 - 3.2.8. gender.
- 3.3. The principle of equal treatment means that people may not be discriminated against due to the characteristics listed in 3.2. attributed to them.
- 3.4. Discrimination includes also a situation where one person is treated less favourably than others or negative consequences follow because he/she has filed a complaint regarding discrimination or has supported a person who has filed such a complaint.
- 3.5. In order to determine whether someone is equal or unequal to someone, there must be at least two persons, groups of persons or factual circumstances to compare.
- 3.6. The identification of discrimination requires, above all, the determination of a situation specified in clause 3.1. Next, it is necessary to assess the justification for the difference in treatment. In other words, whether there is a valid reason for such different behaviour.

For example, if there are two candidates for a job and one of them has a significantly better qualification, work experience and skills than the other candidate with special needs, the non-recruitment of the candidate with special needs would not be considered discriminatory, as a comparable other candidate was objectively more suitable for the job. If the opposite was the case – the candidate with a disability has better skills and qualification, but a non-disabled person would be recruited, it could probably be considered unequal treatment.

4. WHAT TO DO IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST?

- 4.1. Be sure to seek help if you have any concerns. You are cared about and support will be provided to help resolve your concerns.
- 4.2. **If you are a member of the university staff** and you feel that you have been discriminated against, the first step is to tell the person who treated you unfairly directly that his/her behaviour is unacceptable and ask him/her to stop it. If you are scared to or do not want to do it, file a complaint:
 - 4.2.1. to your immediate superior or if
 - 4.2.2. your immediate superior is the person specified in clause 4.2 or if you feel that he or she has been of no help, then to the head of the structural unit or
 - 4.2.3. if the head of the structural unit is the person specified in clause 4.2 or if you feel that he or she has been of no help, then to the dean/area director.
- 4.3. If you are not sure who to turn to, you can get help also from the Human Resources Office.
- 4.4. The party receiving your email/complaint is required to reply as soon as possible. Within 3 working days at the latest, you shall receive a reply that your complaint has been received and is being processed. You must receive a reply no later than 30 calendar days after receipt of the email. Before replying, the party receiving the email can contact you and other parties concerned to obtain/gather explanations and evidence.
- 4.5. If you are not satisfied with the solution to your problem, please contact and notify the Human Resources Office. The Human Resources Office must reply to you within 15 calendar days at the latest.
- 4.6. The Human Resources Office may refer you to another university body (incl. to the Conciliation Committee or the Academic Ethics Committee) and the Human Resources Office provides also assistance to you with the relevant procedural steps.
- 4.7. You can also send a complaint regarding discrimination to the address: <http://vihje.taltech.ee/> in compliance with Annex 4 to the Work Procedure Rules. Your complaint will be handled in compliance with Annex 4 to the Work Procedure Rules.
- 4.8. To cope with such problems, you can receive support from psychological counselling, which is free of charge for all TalTech employees. To find a psychologist, go to the university's intranet and enter the word "psychologist" into the search box.
- 4.9. **If you are a student of the university** and you feel that you have been discriminated, the first step is to tell the person who treated you unfairly directly that his/her behaviour is unacceptable and ask him/her to stop it and, if possible, notify the student counsellor of the dean's office. If you are scared to or do not want to do it, turn to:
 - 4.9.1. your programme director;
 - 4.9.2. or if the programme director is the person specified in clause 4.9 or if you feel that he/she has been of no help, then to the head of the department or
 - 4.9.3. if the head of the department is the person specified in clause 4.9 or if you feel that he/she has been of no help, then to the dean of your school.
- 4.10. The rules of procedure specified in clauses 4.3 to 4.8 of these Guidelines apply also to students and student conduct is governed by the Academic Policies, which the students

must comply in any event. Cases arising from the Academic Policies shall not be resolved based on these Guidelines.

- 4.11. If you are physically abused or feel threatened, contact the police directly.
- 4.12. If you have any evidence of discrimination, be sure to preserve all such evidence. It will be easier for you to prove later what happened.
- 4.13. If you feel that the help provided by the university is inadequate, you can address your concerns also to the Commissioner for Gender Equality and Equal Treatment: (<https://www.vollinik.ee/>).

5. WHAT TO DO IF YOU WITNESS SOMEONE ELSE BEING DISCRIMINATED AGAINST?

- 5.1. Contact the unfairly treated person and let him/her know that you are there for him/her. It is important that he/she does not feel alone. An unfairly treated person may sometimes feel that his/her concern is insignificant, so encourage him/her to seek help.
- 5.2. If the discrimination persists, you can turn to the perpetrator and tell him/her that his/her behaviour is bothering you and the unfairly treated person.
- 5.3. If you do not want to intervene, please contact the person(s) specified in clause 3. A complaint may be filed also by an eyewitness, not only the direct victim. Also, be prepared to testify if cooperation with witnesses is required.

6. SOME EXAMPLES OF DISCRIMINATION

- 6.1. A childless employee is given more work tasks and is expected to work overtime, while an employee with children gets easier tasks and is often allowed to leave early.
- 6.2. In recruitment, preference is given to people of a certain gender or age, although many candidates of the opposite sex or other age would also qualify for the position.
- 6.3. During a conversation, a colleague is constantly trying to make improper advances to another colleague and is seeking opportunities for physical contact, although it obviously causes discomfort to the other person and the person has also expressed his/her discomfort, but such conduct does not stop.
- 6.4. An employee experiences inappropriate sexual comments by the head of his/her structural unit and files a claim on that to the dean. As a result, the head of the structural unit begins to make derogatory remarks about the employee's work performance in front of other colleagues.
- 6.5. A colleague discovers that another colleague has made a mistake in his/her work, which significantly affects the work results of others, and tells him/her that. The person who made the mistake threatens that if the person who discovered the mistake tells about it to the superior, he/she will also tell the superior something bad about the person.
- 6.6. The direct superior becomes aware that a male employee lives together with another man and starts to avoid face-to-face contact because of his sexual orientation. The superior communicates with the employee only by e-mail and disparagingly spreads the news among other colleagues.
- 6.7. In each lecture, the lecturer asks questions from only one specific student and ridicules him/her if the student is unable to answer or answers incorrectly.
- 6.8. The following **is not** discrimination:
 - 6.8.1. The volume of studies in the department has decreased and the manager is unable to manage the situation and communication is deficient. The employee feels harassed because

he/she has been left uninformed.

- 6.8.2. The manager must lay off one employee for economic reasons. In selecting employees for layoff, the manager takes into account the employee's qualifications, student feedback, etc.
- 6.8.3. The situation where the employer requires an employee to perform the employee's obligations arising from the Employment Contracts Act is not considered discrimination. For example, if the employer requires an employee to do the work in the agreed volume, in the agreed place and at the agreed time.
- 6.8.4. A student is late with his/her a written homework assignment and requests an extension of one week. The lecturer does not grant an extension because the reasons stated by the student are insufficient.
- 6.8.5. A Muslim student asks for an opportunity to leave a lecture earlier to engage in a prayer. A lecturer does not have to allow it, because the student is studying in Estonia and praying during work or studying is not customary in the Estonian cultural space.

7. FALSE ACCUSATION

- 7.1. A false accusation is intentional dissemination of distorted or fake information wrongfully accusing a person of something he/she has not had anything to do with.
- 7.2. False accusation is punishable. The competent body of the university shall refer decision-making regarding the person who has made a false accusation:
 - 7.2.1. to the head of the structural unit in compliance with the Employment Contracts Acts if the case concerns an employee;
 - 7.2.2. to the Office of Academic Affairs in compliance with the Academic Policies if the case concerns a student.

REFERENCES

The Constitution of the Republic of Estonia <https://www.riigiteataja.ee/akt/633949>
 Equal Treatment Act <https://www.riigiteataja.ee/akt/126042017009>
 Gender Equality Act <https://www.riigiteataja.ee/akt/738642>
 Equal treatment. Ministry of Social Affairs. <https://www.sm.ee/et/vordne-kohtlemine-0>
 The Commissioner for Gender Equality and Equal Treatment. <https://www.volinik.ee/>