

**XIXth Meeting of European Labour Court Judges  
19-20 September 2011  
Sevilla, Spain**

QUESTIONNAIRE 2

**Sex discrimination cases in labour courts**

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**National reporters are kindly requested to provide legal references  
and court cases to illustrate their replies (with Web links or texts  
in English, French or Spanish)**

1. What is the **main source of regulation on sex discrimination at work** in your country – Labour Code, law on gender equality, law on equality, collective agreements, codes of practice or other?
2. What is the **percentage of claims on sex discrimination** in your jurisdiction?
3. What are the **main topics of complaints related to sex discrimination** – recruitment, promotion, equal pay, maternity, redundancy, sexual harassment, other?
4. What categories of workers are mainly concerned by sex discrimination and sexual harassment (economic sectors, men or women)?
5. What is the **tendency** observed in your country's case law – a growing or decreasing number of cases related to sex discrimination? How do you explain such trends?
6. What is the **legal definition of sexual harassment**? Are there any problems (lacks, confusion) to use it in the judicial practice?
7. Please provide **any examples of cases on sexual harassment** at work (short summary, judgment text)?
8. What is the **main channel (machinery) to deal with sex discrimination and sexual harassment cases** (equality specialised body, enterprise committee, labour inspection, labour courts, etc)?

9. What is **the complaint procedure** to follow in case of sexual harassment?
10. Does your law provide for the **reversal of the burden of proof in discrimination cases**?
11. Please provide any **examples of evidence** brought to the court in sex discrimination and sexual harassment cases?
12. What is the **responsibility of the employer** in preventing sexual harassment?
13. What **measures** may be taken by the **employer** to punish sexual harassment?
14. What **damages are available for victims** in case sex discrimination and sexual harassment? Please provide any examples of financial compensation to the victim (calculation scheme, average amounts).
15. What is the legal protection for people who provide evidence in sexual harassment cases (**whistle-blowers**)?
16. Does the law foresee situations when the **victim or the harasser are external to the enterprise** (client, user enterprise in relation with a temporary work agency)?
17. Do you have any statutory provisions on discrimination on the basis of **sexual orientation**? Do you have any cases in judicial practice on this topic?
18. How **moral harassment (mobbing) is defined** in your legal system?
19. Does **any legal parallel exist between moral and sexual harassment** (similar or same definitions and procedures)?

**We thank you a lot in advance for your helpful collaboration!**

**National reports are expected by 31 July 2011.**