

Case law

Case law (example):

1. case - A worker infected with hepatitis C

The employee John Smith was infected with Hepatitis C as a result of a medical malpractice. By its nature, the disease will remain with him for the rest of his life. This is why it is information that needs to be shared with the employer at the time of employment. She has been placed with a company and has started working. However, one day her colleagues somehow found out about her illness. The colleagues deduced from John's illness that John was homosexual. They then started to harass him. They played dirty jokes on him. They began to hit him on the ears with a foot as if he were a drum and chant obscene things about him. John reported the problem to his employer. However, the employer did not take any action.

What legal redress does John Smith have?

2. case: The Transsexual public employee

The case is based on a civil employment relationship under which the aggrieved party has been employed several times before. However, the local mayor, who organized the public employment, repeatedly denigrated the aggrieved party on the grounds of his sexual orientation. The aggrieved public employee was a transgender gay man. The aggrieved public employee was repeatedly attacked by the mayor based on this protected characteristic, as quoted in the case file: „You can't be gay here, you can't paint yourself up! Enough with the women's clothes, now get in line, because if I'm mayor, I won't even hire you for public works!“. The aggrieved party claimed during the case that he was afraid to go out in the street in women's clothes. She also only vaguely dares to wear clothes. Since the mayor was elected, she has not been employed as a public employee.

3. case: After the surgery

The applicant, a transgender woman, had worked for the complainant's employer for about five years. Retrieved from The first three years as a man, her gender reassignment started after that. She started hormone therapy, during which she discussed her transgender status with her employer and then with her co-workers. At the request of from then on, her workplace tried to treat her as a woman, calling her by the female name she requested, etc, She had no conflicts with her managers or colleagues about this. She was subsequently gender reassigned for gender reassignment surgery. When she returned to work after a long period of sick leave she requested to use the women's changing room and toilets. The employer refused did not give an immediate response, but first tried to gauge the attitude of the female workers and and held an anonymous ballot to do so. Almost two-thirds of female workers were against, using the women's changing room and restroom. The managers informed the results of the vote and that the majority of the female workers were opposed to the women's room. After about a month, the applicant was again asked by the management to find a solution for her because she had not been able to use the restroom at her workplace for more than a month. He was told by the

managers that their position remained unchanged as the employer could not ignore the majority opinion.

The claimant complained to the authority against the employer, alleging that the employer discriminated against her on the grounds of her gender identity. In addition to the use of changing rooms and restrooms, she also complained that the employer did not provide her with the use of her female name as requested, despite her request, on all possible platforms and registers. In her view, the employer's conduct also constituted harassment against her, as she was humiliated and embarrassed by the fact that she could not use the changing rooms and restrooms that corresponded to her gender identity, and by the fact that her female name was not used in certain documents and on certain workplace surfaces. She also pointed out that the male name was on the ballot paper, which she said affected the result of the vote. which, in his view, had an impact on the result of the vote.

The employer stressed that it had not made an arbitrary decision on the use of changing rooms and toilets, but had to take into account the views of the workers concerned. It explained that no worker's request could jeopardize the company's order of operations. He stated that he did not rule out a settlement and that he had previously tried to reach an agreement with the applicant by offering him the exclusive use of a ground-floor toilet room in the building, an offer that he still maintained. He stressed that the company had tried to make the applicant's situation easier, for example by helping him to change his user name and login name in the company systems, when using e-mail channels, and, where possible, by allowing him to use the

female name. Even after her request was denied, they offered their sympathy to the applicant, indicating that other employees would probably just need time to adjust to the change. He considered that he had complied with the legal requirements, including the requirement of equal treatment.

In the excuse, the employer claimed that it could not comply with the applicant's request to use women's changing rooms and restrooms because of the majority opinion of the female workers polled in the anonymous ballot, the majority of whom were not

would have preferred to use the upstairs women's toilets and changing rooms with the applicant, given that they knew him as a man and had worked with him for years as a man, and would feel embarrassed to let him into their private space. To avoid conflict and dismissals, and to keep the company running, he held the vote, seeking a compromise in which he had to balance the wishes of one worker against the majority opinion. He pointed out that neither experience nor the legal environment had given him any guidance on how to act appropriately in this respect, and stressed the company's inclusiveness and that its code of conduct was also aimed at ensuring equal treatment