

General Equal Treatment Act

Accessed on 18-04-2025.

Valid from 01-01-2020 to present

Original inscription and salutation

Chapter 1. Equal treatment of persons irrespective of their religion, belief, political opinion, race, sex, nationality, hetero- or homosexual orientation or marital status

§ 1. General provisions

Article 1

- **1**In this Act and the provisions based thereon, the following terms shall have the following meanings:
 - **a.**discrimination: direct and indirect discrimination, as well as the order to do so;
 - **b.**direct discrimination: if a person is treated differently from another person who is, has been or would be treated in a comparable situation, on the grounds of religion, belief, political opinion, race, sex, nationality, hetero- or homosexual orientation or marital status;
 - **c.**indirect discrimination: if an apparently neutral provision, standard or practice particularly affects persons with a particular religion, belief, political opinion, race, gender, nationality, hetero- or homosexual orientation or marital status compared to other persons.
- **2**Discrimination on the grounds of sex also includes discrimination on the grounds of sex characteristics, gender identity and gender expression.
- **3**Direct discrimination on the grounds of sex also includes discrimination on the grounds of pregnancy, childbirth and motherhood.

Article 1a

- **1**The prohibition of discrimination laid down in this Act also includes a prohibition of intimidation and a prohibition of sexual intimidation.
- **2**Intimidation as referred to in the first paragraph means: behaviour that is related to the qualities or behaviour referred to in [Article 1, paragraph 1, part b](#) , and that has the purpose or effect of violating the dignity of the person and of creating an intimidating, hostile, insulting, humiliating or offensive environment.
- **3**Sexual harassment as referred to in the first paragraph means: any form of verbal, non-verbal or physical conduct with a sexual connotation that has the purpose or effect of violating the dignity of a person, in particular when an intimidating, hostile, insulting, humiliating or offensive environment is created.
- **4**The prohibition of intimidation and sexual intimidation laid down in this Act is not applicable to [Articles 2](#) , [5, second to sixth paragraphs](#) , [6a, second paragraph](#) , and [7, second and third paragraphs](#) .

§ 2. General exceptions

Article 2

- **1**The prohibition of discrimination laid down in this Act does not apply to indirect discrimination if such discrimination is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- **2**The prohibition of discrimination on grounds of sex laid down in this Act does not apply:
 - **a.**in cases where gender is decisive;
 - **b.**in cases where the protection of women is concerned, and
 - **c.**in connection with pregnancy and motherhood.
- **3**The prohibition of discrimination laid down in this Act shall not apply if the discrimination concerns a specific measure aimed at granting women or persons belonging to a particular ethnic or cultural minority group a privileged position in order to eliminate or reduce actual disadvantages related to the grounds of race or sex and the discrimination is in reasonable proportion to that aim.
- **4**The prohibition of discrimination on grounds of race laid down in this Act shall not apply:
 - **a.**in cases where external characteristics related to a person's race are decisive, provided that the purpose is legitimate and the requirement is proportionate to that purpose;
 - **b.**where the discrimination relates to features of appearance related to a person's race and constitutes a genuine and determining occupational requirement by reason of the nature of the specific occupational activity concerned or the context in which it is exercised, provided that the aim is legitimate and the requirement is proportionate to that aim.
- **5**The prohibition of discrimination on grounds of nationality laid down in this Act shall not apply:
 - **a.**if the distinction is based on generally binding regulations or written or unwritten rules of international law and
 - **b.**in cases where nationality is decisive.
- **6***The cases referred to in the second, fourth and fifth paragraphs, part b , shall be further defined by general administrative measure .*

Article 3

This Act does not apply to:

- **a.** legal relationships within religious communities as well as their independent parts and bodies in which they are united, as well as within other communities based on spiritual principles;
- **b.** the spiritual office.

Article 4

This Act shall not affect:

- **a.** the [Equal Treatment of Men and Women Act](#) ;
- **b.** Articles [646](#) , [667](#) and [670 of Book 7 of the Civil Code](#) .

§ 3. Provisions in the field of employment and the liberal profession

Article 5

- **1** Discrimination is prohibited in:
 - **a.** the offer of a position and the treatment when filling a vacancy;
 - **b.** employment agency;
 - **c.** entering into and terminating an employment relationship;
 - **d.** the appointment or dismissal of persons to whom [Article 3 of the Civil Servants Act 2017](#) applies;
 - **e.** employment conditions;
 - **f.** the provision of education, training and education during or prior to an employment relationship;
 - **g.** promotion;
 - **h.** working conditions.
- **2** The first paragraph shall be without prejudice to:
 - **a.** an institution based on religious or philosophical principles,
 - **b.** a special education institution, or
 - **c.** an institution based on political principles,

may discriminate against persons working for it on the grounds of religion, belief or political opinion, in so far as these characteristics constitute a genuine, legitimate and justified occupational requirement by reason of the nature of the specific professional activity concerned or the context in which it is exercised, having regard to the ethos of the institution. Such discrimination may not go beyond what is appropriate, having regard to the conduct of good faith and loyalty to the ethos of the institution which may be expected of persons working for it, and may not lead to discrimination on any other ground referred to in [Article 1 , without prejudice to the first paragraph of Article 2](#) .

- **2a**The first paragraph shall also not affect the freedom of municipalities to discriminate on the grounds of religion or belief with regard to a civil servant or extraordinary civil registrar who discriminates in the exercise of his office, unless the distinction made by him is based on a generally binding regulation.
- **3**The first paragraph does not apply if:
 - **a.**the working relationship has a private character,
 - **b.**the difference in treatment is based on a characteristic related to religion, belief, political opinion, race, sex, nationality, hetero- or homosexual orientation or marital status, and
 - **c.**that characteristic constitutes a genuine and determining occupational requirement by reason of the nature of the specific occupational activity concerned or the context in which it is exercised, provided that the aim is legitimate and the requirement is proportionate to that aim.
- **4**The first paragraph does not apply to requirements regarding political affiliation that can reasonably be imposed in connection with the performance of functions in administrative and advisory bodies.
- **5**The first paragraph does not apply to requirements regarding political affiliation that can reasonably be imposed in connection with the performance of positions involving trust.
- **6**The first paragraph, part e, does not apply to discrimination on the grounds of marital status with regard to survivors' pension provisions and with regard to pension entitlements accrued before the date of entry into force of [Article I, part B, of the Act of 21 December 2000 amending the Pension and Savings Funds Act and certain other laws in connection with the right to opt for old-age pension instead of survivors' pension and equal treatment of men and women](#) (Stb. 625).

Article 6

Discrimination is prohibited with regard to the conditions for and access to the liberal profession and the opportunities for exercising and developing within the liberal profession.

Article 6a

- **1**Discrimination is prohibited in membership of or involvement in an employers' or employees' organisation or an association of professionals, as well as in the benefits arising from such membership or involvement.
- **2**The first paragraph shall be without prejudice to:
 - **a.**an organization or association based on a religious or philosophical basis, or
 - **b.**an organization or association based on political principles,

may discriminate against persons who are involved with it through membership or otherwise on the grounds of religion, belief or political opinion, insofar as these characteristics constitute an essential, legitimate and justified requirement due to the nature of the involvement or the context in which specific activities are carried out, given the foundation of the organisation or association. Such discrimination may not go further than is appropriate, given the attitude of good faith and loyalty to the foundation of the organisation or association that may be expected of those involved, and may not lead to discrimination on any other ground referred to in [Article 1 , without prejudice to Article 2, paragraph 1](#) .

§ 4. Other provisions in the socio-economic field

Article 7

- **1**Discrimination is prohibited when offering or granting access to goods or services and when concluding, executing or terminating agreements in this regard, as well as when providing career guidance and advice or information about school or career choices, if this occurs:
 - **a.**in the exercise of a profession or business;
 - **b.**by the public service;
 - **c.**by institutions active in the field of housing, welfare, health care, culture or education or
 - **d.**by natural persons who are not acting in the exercise of a profession or business, provided that the offer is made publicly.
- **2**The first paragraph, part c, shall not affect the fact that an institution for special education may discriminate on the grounds of religion, belief or gender in admission to and participation in education, insofar as these characteristics constitute an essential, legitimate and justified requirement due to the nature of the education, given the foundation of the institution. Distinction on the grounds of gender is only permitted if equal facilities are available for all pupils, regardless of their gender. Such discrimination may not go further than is appropriate, given the attitude of good faith and loyalty to the foundation of the institution that may be expected of pupils and may not lead to discrimination on another ground mentioned in [Article 1 , without prejudice to Article 2, first paragraph](#) .
- **3**The first paragraph, parts a and d, shall not apply if:
 - **a.**the legal relationship is of a private nature,
 - **b.**the difference in treatment is based on a characteristic related to religion, belief, political opinion, gender, nationality, hetero- or homosexual orientation or marital status, and
 - **c.**the difference in treatment is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Article 7a

- 1Without prejudice to [Article 7](#), discrimination on grounds of race shall be prohibited in social protection, including social security, and social advantages.
- 2The terms social protection, social security and social benefits referred to in the first paragraph may be defined by general administrative measure. The proposal for a general administrative measure to be established pursuant to the first sentence shall not be made earlier than four weeks after the draft has been submitted to both chambers of the States General.

§ 5. Protection and enforcement

Article 8

In the event of termination of the employment relationship by the employer in violation of [Article 5](#), or due to the circumstance that the employee has invoked Article 5 in or out of court or has provided assistance in this regard, [Article 681 of Book 7 of the Civil Code](#) shall apply accordingly.

Article 8a

- 1It is prohibited to harm persons because they have invoked this law in or out of court or have provided assistance in this regard.
- 2The fact that a person rejects or passively submits to the conduct referred to in [Article 1a, paragraphs 2 and 3](#), may not form the basis for a decision affecting that person.

Article 9

Conditions contrary to this law are null and void.

Article 10

- 1If the person who believes that a distinction has been or is being made to his disadvantage as referred to in this Act, puts forward facts in court which may give rise to the presumption of such distinction, the other party must prove that no action has been taken in violation of this Act.
- 2The first paragraph applies mutatis mutandis to claims as referred to in [Article 305a of Book 3 of the Civil Code](#) and to appeals lodged in administrative law procedures by interested parties within the meaning of [Article 1:2, third paragraph, of the General Administrative Law Act](#).

Chapter 2. The Equal Treatment Commission

[Expired as of 10/01/2012]

Article 11

[Expired as of 10/01/2012]

Article 12

[Expired as of 10/01/2012]

Article 13

[Expired as of 10/01/2012]

Article 14
[Expired as of 10/01/2012]
Article 15
[Expired as of 10/01/2012]
Article 16
[Expired as of 10/01/2012]
Article 17
[Expired as of 10/01/2012]
Article 18
[Expired as of 10/01/2012]
Article 19
[Expired as of 10/01/2012]
Article 20
[Expired as of 10/01/2012]
Article 21
[Expired as of 10/01/2012]
Chapter 3. Final provisions
Article 22
[Expired as of 01-09-1994]
Article 23
[Expired as of 01-09-1994]
Article 24
[Expired as of 01-01-2005]
Article 25
[Expired as of 01-04-1997]
Article 26
[Expired as of 01-01-2005]
Article 27
[Expired as of 01-01-2005]
Article 28
[Expired as of 01-01-2005]
Article 29
[Expired as of 01-01-2005]
Article 30
[Expired as of 05-05-1995]
Article 31
[Expired as of 01-01-2005]
Article 32
[Expired as of 01-01-2005]
Article 33
[Expired as of 10/01/2012]
Article 34

This Act shall enter into force on the first day of the sixth calendar month after the date of issue of the *Official Gazette* in which it is published. An earlier date of entry into force may be determined by Royal Decree.

Article 35

This Act may be cited as: General Equal Treatment Act.