Complaint filed by M.Ž.P.N. against company K. For discrimination on grounds of several personal characteristics in area of work and employment

This opinion was issued in the procedure acting upon the complaint filed by M.Ž.P.N. from B. against company “K” d.o.o. N. for reasons of online employment form posted on the website of this company. Certain questions contained in the aforementioned employment form pertain to sensitive data and personal characteristics of job applicants, namely: marital status, financial status and previous convictions. It has been ascertained that such questions contained in the employment form constitute a violation of imperative regulations governing the prohibition of discrimination and that personal characteristics of job applicants do not constitute real and decisive conditions necessary for on-the-job performance, considering the nature and characteristics of the job and line of work this company is engaged in. In addition, it has been noted that following the submission of its explanation as a response to the complaint, company “K” d.o.o. N. had removed the contentious employment form from its website. The Commissioner for the Protection of Equality has issued an opinion stating that by posting the aforementioned on-line employment form on its website and by asking potential job applicants to answer questions pertaining to their personal characteristics, company “K” d.o.o. N. had perpetrated the act of discrimination in the area of employment and labor on the grounds of marital and family status, financial status and previous convictions. Taking into consideration the fact that the previously mentioned employment form has been removed from the company’s website during the complaints procedure, the Commissioner for the Protection of Equality has issued a recommendation instructing company “K” d.o.o. N. to adhere to the regulations pertaining to the prohibition of discrimination and to refrain from posing impermissible questions to job applicants pertaining to their personal characteristics which are not a real and decisive condition for on-the-job performance.