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From fight against less favourable treatment to dignity protection –
Gender equality law in transition – sexual harassment as discrimination

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Abstract: For the purpose of directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), discrimination include sexual harassment, The directive defines 'sexual harassment' in the following way: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. It is not relevant to compare men and women. If both men and women are equally sexually harassed they all suffer discrimination. The paper discusses this shift from comparisons between men and women to respect for and protection of human dignity. Under Article 1 of the EU Charter of fundamental rights Human dignity is inviolable. It must be respected and protected.