

Justyna Symbor

Dochodzenie przez pracownika roszczeń odszkodowawczych wywodzonych z zasady równego traktowania. Wyrok Sądu Najwyższego z dnia 17 kwietnia 2018 r., II PK 37/17 (Execution by an employee damages claimed under the principle of equal treatment. Judgement of the Supreme Court of 17 April 2018 in Case II PK 37/17)

The commentary concerns the possibility to claim damages under the principle of equal treatment. The relationship between the principle of equal rights and the prohibition of discrimination is grounded on the fact that in the case when the employees perform equally the same duties but they are not treated equally in the light of grounds expressed in Article 113 of the Labour Code, they are discriminated against. When such inequality does not follow from criteria stated in Article 183a(1) of the Labour Code, the situation amounts only to breaching the principle of equal treatment as opposed to the prohibition of discrimination.