



## Seeking effectiveness: remedies and sanctions in discrimination cases: Estonian experience

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### Legal framework in Estonia

- **Gender Equality Act (SoVS)** – purpose is to ensure equal treatment of men and women and to promote equality of men and women
- **Equal Treatment Act (VõrdKS)** - core instrument for discrimination based on (inter alia) nationality/ethnic origin, race, colour, religion/belief, age, disability, sexual orientation (and, as of 2026 amendments, also genetic characteristics)
- **Employment Contracts Act (TLS)** - general statutory duty on employers to ensure protection against discrimination and follow equal treatment principles

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## When discrimination is proven, what outcome changes behaviour?

**Access:** Can the victim realistically bring the claim?

**Outcome:** Does the remedy repair harm and deter repetition?

**System effect:** Does enforcement improve organizational behaviour beyond the single case?

Are the sanctions effective, proportionate and dissuasive?



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## Remedies

- declaratory outcome without damage
- cessation of discrimination
- compensation for damage (including moral damage) (no punitive damage)

Compensation claim expires in one year from the day the victim knew or should have known of the damage)



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## Where are disputes resolved?

- **Courts**
- **Labour dispute committees**
- **Chancellor of Justice** (conciliation proceedings)
  
- Role of the **Gender Equality and Equal Treatment Commissioner** – being an independent and impartial official who advises and assists anyone who feels they have been discriminated against.



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## What could be changed?

- higher compensations
- distinguish isolated incidents from structural or repeated breaches
- make cessation orders operational – specific orders to amend rules, practices or internal policies
- extend limitation periods for discrimination claims
- ???



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**Thank you!**

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