23.1.2./T/TTHE PERSONAL SCOPE OF DIRECTIVE 86/378 pdf

1: barber - TraducciÃ³n al espaÃ±ol â€“ Linguee

Such a great number of antidiscrimination and equal treatment directives has led to the lack of transparency of legal provisions and triggered action to consolidate problems stipulated in them. This was done partially, in , when Directive /54 was adopted. The latter repealed Directives 75/, 76/, 97/80 and 86/

The consultation was based on an Options Paper setting out the three options which could be pursued in the process of simplification, modernisation and improvement of legislation in the field of equal treatment between men and women. Thirty responses were received from Member States, social partners, institutions dealing with equal treatment and NGOs. The comments were throughout constructive. Most of the responses took the view that simplification, modernisation and improvement are necessary. In broad terms, the Governments who responded, as well as the stakeholders from industry, commerce and the liberal professions, sought an approach that implied less change, while more far reaching changes to the Community legislative framework were favoured by representatives of employees and NGOs. The meeting was used to further explain the policy options and to have a more in-depth discussion on these options. Pure codification was favoured by some participants but it appeared that others were more in favour of moderate changes through a recasting of the existing legislation while some others again supported a more far reaching approach. The importance of preserving the present acquis fully, while integrating only those judgements of the Court that were well established jurisprudence, was stressed. The opinion is in favour of a new recast directive including the maternity directive. In the light of the comprehensive analysis of possible options for the improvement of the EC equal treatment legislative framework, it appears that a new recast directive, would best meet the requirements of updating, simplifying, modernising and improving the Community acquis in this area. It is therefore proposed to present a directive that: The text reflects the relationship between different aspects of equal treatment and demonstrates how these are linked to each other, following common principles. This proposal reflects the option consisting of amalgamating all the Directives implementing the principle of equal pay between men and women including equal treatment in occupational social security schemes , as well as the Directives on equal treatment between men and women relating to access to employment, vocational training and promotion, and working conditions and the Directive on the burden of proof. This proposal serves several purposes: To this end the purpose of the proposal is: The principal innovations of the current proposal are the following: The proposal is structured in five titles as follows. This proposal for a Directive as far as the personal scope is concerned applies to the entire working population and to persons claiming under them. It also incorporates recent caselaw of the Court of Justice. In this context it appears that, at present, secondary legislation concerning the application of the principle of equal pay, i. This is achieved by integrating the Allonby judgement i as well as Lawrence i in Article 4 of this Directive. Furthermore the notion of pay in relation to public servants pension schemes as reflected in the cases Niemi i and Beune i is codified in Article 6 of the present Directive. This caselaw which is already part of the Community acquis could be summarised as follows: To be applicable, it presupposes therefore that male and female workers are in comparable situations. In this context the principle of equal pay laid down in ex-Article of the EC Treaty does not preclude the making of a lump-sum payment exclusively to female workers who take maternity leave where that payment is designed to offset the occupational disadvantages which arise for those workers as a result of their being away from work i because their particular situation due to maternity cannot be compared with that of male workers. The Court has held on several occasions that the determination of equal value involves a comparison of the work of the female worker and her male comparator by reference to the demands made upon the workers in carrying out the tasks such as skill, effort and responsibility, or the work undertaken and the nature of the tasks involved in the work to be performed. The Court has developed the criteria of comparability with regard to the principle of equal pay for men and women. However, where, the differences identified in the pay conditions of workers performing equal work or work of equal value cannot be attributed to a single source, there is no body which is responsible for the inequality and which could restore equal treatment. Such a situation does not come within the scope of Article i EC. The work and the pay of those

workers cannot therefore be compared on the basis of that provision. Consequently, the Court with the above caselaw has introduced a new element broader than the same establishment or the same service for the comparison of work of equal value, that of single source. When the differences identified in the pay conditions of workers of different sex performing equal work or work of equal value cannot be attributed to a single source, they do not come within the scope of Article i EC i. The current proposal codifies this caselaw. More recently the Court in its judgment i of 26 June Brunnhofer, clarified its caselaw on job classification and on work of equal value: Definition of Pay for the purposes of Article 2 The Court has repeatedly held that the concept of pay within the meaning of the second paragraph of ex-Article of the EC Treaty encompasses all benefits in cash or in kind, present or future, provided they are paid, albeit indirectly by the employer to the worker in connection with his employment. Pensions, travel facilities obtainable on retirement and severance schemes have all been found to constitute pay Garland, Barber i. It would appear therefore that any direct payments supplementing a basic wage are covered. This would appear to include shift premia, overtime and all forms of merit and performance pay. The Court, following the conclusions of the Advocate-General, ruled that the concept of consideration paid directly or indirectly, in cash or in kind, could not encompass benefits of statutory social security schemes without any element of agreement within the enterprise or the occupational branch concerned, and obligatorily applicable to general categories of workers. The Court noted that, for the funding of these schemes, workers, employers, and public authorities contribute to an extent determined less by the employment relationship between workers and employers than by considerations of social policy. On the other hand, however, this line of reasoning means that specific schemes such as company occupational schemes are included, as it is precisely these which are not directly governed by law. The Court accordingly ruled that an occupational pension scheme funded by the employer constitutes pay for the purposes of ex-Article of the EC Treaty. The fact that payments to employees are not governed by the contract of employment does not remove them from the scope of pay in ex-Article of the EC Treaty. Gratuities paid at the discretion of an employer are encompassed Garland i. Thus pay, whether under a contract, statutory or collective provisions or on a voluntary basis is covered. It also integrates more recent caselaw. Nevertheless the Court did, when handing down the Barber judgment, leave some doubt as to the retroactive effects in time of application of Article of the Treaty on occupational social security schemes. The caselaw of the Court in the area of application of ex-Article in occupational social security schemes could be summarised as follows: The Court, in its judgments of 6 October Ten Oever , 14 December Moroni , 22 December Neath and six judgments of 28 September confirmed the interpretation of the retroactive effect of the application of the principle of equal treatment between men and women in occupational schemes for paid workers i in conformity with the additional Protocol to ex-Article By its judgements in these cases the Court has clarified the application of the principle of equal pay in the area of occupational schemes, in particular which schemes fall within the concept of pay of the relevant article in the Treaty i. This Protocol is still annexed to Article after the successive modifications of the Treaty by the Amsterdam and Nice Treaties. According to this Protocol: The main problem with this Directive stemmed from this Article, and particularly paragraphs h and i. The Court has pointed out that this conclusion necessarily extends to specific aspects of the questions referred to it for a preliminary ruling in the Neath and Coloroll cases, namely the capitalisation of part of the periodic pension and the transfer of pension rights, whose value can only be determined in terms of the funding arrangements. Its conclusion is based on the idea that, in the context of occupational pensions, ex-Article covers only what is promised by the employer, i. The Court clearly considers that capital formation of this type is excluded from the scope of ex-Article point 33 in the grounds for the Neath judgement. There was, however, a need for certain adjustments to help clarify matters, e. On the other hand, the Court has not ruled on the amount of such contributions in defined-contribution schemes. Therefore, as regards periods of service completed between 17 May and the date of entry into force of the rule by which the scheme imposes a uniform retirement age, ex-Article does not allow a situation of equality to be achieved otherwise than by applying to male employees the same arrangements as those enjoyed by female employees. On the other hand, as regards periods of service completed after the date of entry into force of the measures effectively establishing equal treatment, ex-Article does not prevent the raising of the retirement age for women to that

for men. As regards periods of service prior to 17 May , Community law imposed no obligation which would justify retroactive reduction of the advantages which women enjoyed. The limitation of the effects in time of the Barber judgment of 17 May as well as Protocol No 2 concerning ex-Article of the EC Treaty do not apply to the right to join an occupational pension scheme, which continues to be governed by the Bilka judgment of 13 May Since the latter judgment included no limitation in time, the direct effect of ex-Article can be relied upon in order retroactively to claim equal treatment in relation to the right to join an occupational pension scheme and this may be done as from 8 April , the date of the Defrenne II judgment in which the Court held for the first time that ex-Article has direct effect. The fact that a worker can claim retroactively to join an occupational pension scheme does not allow the worker to avoid paying the contributions relating to the period of membership concerned. National rules relating to time limits for bringing actions under national law may be relied on against workers who assert their right to join an occupational pension scheme, provided that they are not less favourable for such actions than for similar actions of a domestic nature and that they do not render the exercise of rights conferred by Community law impossible in practice. In subsequent judgements judgements in cases Evrenopoulos, Griesmar, Mouflin and Niemi i the Court further clarified its judgement of 28 September in case Beune, that civil service retirement schemes public sector schemes are also covered by the concept of pay within the meaning of the former Article of the EC Treaty when derived from the employment relationship. The Court has held i that in order to establish that a civil service retirement scheme falls within the scope of Article EC ex-Article of the EC Treaty the fact that the pension benefit is linked to the employment relationship and, as a result, is paid by the State in its capacity as employer, that criterion cannot be regarded as exclusive, in as much as pensions paid under statutory social security schemes may reflect, wholly or in part, pay in respect of work Beune, paragraph 44, and Griesmar, paragraph The pension paid by the public employer is in that case entirely comparable to that paid by a private employer to his former employees Beune, paragraph 45, Griesmar, paragraph 30, and Niemi paragraph This latest caselaw is also now clearly reflected in the text of the new recasting proposed Directive. It follows that occupational pension schemes were required to achieve equal treatment as from 17 May Van Den Akker and Others, paragraph According to these provisions individual contracts of self-employed workers and schemes for self-employed workers having only one member are excluded. Consequently from the 1st August occupational social security schemes have to apply unisex actuarial calculations for contributions of self-employed persons in these schemes. This chapter includes the provisions on the extent to which derogations from the principle of equal treatment are permitted in the case of a job that by its very nature requires a person of a specific sex. Chapter 1 Defence of rights Section 1: These provisions reflect the caselaw of the Court. These provisions will, in the context of the present proposal, have horizontal application and will cover not only matters relating to access to employment, vocational training and promotion and working conditions but also matters relating to pay, including occupational social security schemes which also constitute important aspects of the implementation of the principle of equal treatment in matters of work and occupation. The main impact of this proposal will be to ensure the effectiveness of the principle of equal treatment by extending the rules on the burden of proof to the area of occupational social secutity schemes. The reasons put forward previously for this exclusion no longer seem relevant as the Directives based on Article 13 EC contain similar provisions on the burden of proof. In this report, due account will be taken of the rulings of the Court in all areas of social policy looked at which have a bearing on the general principle of non discrimination. A declaration of the Commission on this subject was included in the minutes of the Council of Social affairs of June As with the previous chapter, these provisions will, in the context of the present proposal, now have horizontal application and will cover not only matters relating to access to employment, vocational training and promotion and working conditions, but also matters relating to pay, including occupational social security schemes. It is reasonable to expect that bodies established for equal treatment between men and women in relation to access to employment, vocational training and promotion and working conditions should also cover other aspects of working conditions such as pay and occupational social security schemes. The extension of the scope of such bodies in line with the current proposal will not impose a significant burden on Member States. It requires Member States to ensure any provisions contrary to the principle of equal pay or equal treatment for example laws,

collective agreements, individual contracts, etc. It requires Member States to provide a system of effective, proportionate and dissuasive sanctions to be applied in case of infringement of rights granted under this Directive in order to guarantee full practical effect effet utile of this Directive. Member States are also required to notify the Commission of the provisions adopted in this area It requires Member States to encourage employers and those responsible for vocational training to proactively develop adequate measures for preventing sex discrimination and in particular harassment and sexual harassment at the workplace. It contains a standard non-regression clause. Furthermore the proposal obliges Member States to ensure that the Directive together with the transposing national provisions are brought to the attention of all persons concerned. A standard clause on the transposition of the Directive requires the Member States to fulfil some information requirements, such as regularly communicating transposing national laws and collective agreements as well as appropriate correlation tables to the Commission. It also contains an Article on Directives regrouped in the present proposal, which should be repealed once the new Directive becomes applicable in the Member States. The use of a Community legislative instrument is in keeping with the principle of subsidiarity. The recasting of existing directives in the area of equal opportunities and equal treatment of men and women in matters of employment and occupation will help ensure that these principles are uniformly and effectively applied at national level. Moreover there is a requirement to ensure coherence at Community level of legislation implementing the principle of equal treatment. In the case of sex discrimination this can best be achieved through the recasting of existing legislation. The content of the proposed instrument also complies with the principle of proportionality, as it gives Member States the greatest possible latitude in determining how the effective application of the principle of equal treatment in this respect is to be applied.

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2: barber - Spanish translation â€“ Linguee

â€¢ Directive 86/ as amended by Directive 96/97 on equal treatment in occupational security schemes; â€¢ Directive 97/80 on the burden of proof in cases of discrimination based on sex.

This is no wonder, since the role and scope of non-discrimination law in both legal orders are not the same, and since the scope of jurisdiction of the European Court of Human Rights and the European Court of Justice applying those provisions differ drastically as well. As a result, gender discrimination is one of the many facets of the current human rights competition raging between the two European organisations, but also of the recent judicial attempts at minimising potential conflicts through mutual borrowings. The present article starts by identifying and comparing the role and scope, as well as the various material and procedural constitutive elements of the two regimes of non-discrimination on grounds of gender. The author argues for a greater systematisation of the two regimes before fruitful borrowings can take place or else the latter will jeopardise the overall coherence of the law on gender discrimination and the specificities in each of the two regimes. The article also argues that EU accession to the ECHR will not, as it is often argued, threaten the specificity of EU anti-discrimination law, but on the contrary enhance the complementarity between EU social law and European human rights law more generally. The recent creation of the EU Fundamental Rights Agency has spurred the controversy even further by threatening the delicate post-war division of labour between the two regional organisations. The requirements may differ per se , but will in any case often be interpreted differently by the two European courts in charge of their implementation: The non-discrimination principle is no exception in this respect. Both EU law and the ECHR now entail a guarantee of the principle of non-discrimination qua human right 4 and both European Courts have developed an important practice relative to those guarantees. This is also the case with respect to gender discrimination. Of course, both European legal orders have recently found ways to prevent human rights conflicts. A comparative dialogue was launched between the two courts. Human rights practice shows, however, that the same rights are never guaranteed quite in the same way and that the nature and scope of the jurisdiction of the Courts in charge matters a lot when interpreting them. Thus, even though gender discrimination is prohibited per se under both legal orders, its guarantees and their constitutive material and procedural elements vary to such an extent that it is often difficult to compare them efficiently and thus to interpret them in mutually compliant ways. Once this has been done, the next question to address is the possibility of promoting their mutual influence without thereby threatening the overall coherence of the two legal regimes of non-discrimination. After a section on the principle of non-discrimination in general and its guarantees in the two European legal orders, a second section identifies and compares the prohibitions of gender-based discrimination and their constitutive elements. The final section ventures two proposals for reform. From a methodological perspective, comparing national constitutional guarantees is not easy. This has to do with the difficult questions of legitimacy and sovereignty comparative law raises, but also with the greater diversity of regimes one encounters in public law than in private law. And this even more so since one of them, the EU, is a supranational entity whose legal order is autonomous and binds national law with absolute primacy and direct effect, whereas the other legal order, that of the ECHR, is of inter-governmental nature and follows general international law rules pertaining to the validity, primacy and effect of its norms on national law. Finally, while the non-discrimination principle, and especially that of gender discrimination, lies at the core of the EU legal order, the ECHR only protects against gender discrimination as one among many grounds of discrimination. As such, these two bodies of international case law have a lot in common structurally. Moreover, there is an overlap in the jurisdiction of both their courts since the 27 EU Member States are among the 47 Contracting Parties of the ECHR, thus providing a common public law background to the constitutional comparative exercise. Finally, the recent dialogue launched between the two Courts is the expression of a conscious rapprochement between both sets of European guarantees that has been at work for a long time, thus alleviating some of the legitimacy concerns presented here. In this article, both legal orders are compared directly and in an integrated fashion rather than presented in turn and then compared. Surprisingly, both Courts have generally avoided theorising

and systematizing their respective anti-discrimination regimes, thus rendering this integrated comparison difficult. A choice of constitutive elements from both or either regimes had to be made therefore in order to assess their treatment by both legal orders. A The Principle of Equality The first question to arise when studying the principle of non-discrimination in a given legal order is its relationship to the principle of equality. One is treated equally when one is not discriminated against and one is discriminated against when one is not treated equally. Whereas traditional international law used not to concern itself with discrimination, except in relation to sovereignty, the Second World War triggered an unprecedented concern for human rights protection and led to guaranteeing them for all without discrimination. From the s onwards, conventional guarantees of the non-discrimination principle multiplied. The principle of non-discrimination is now one of the most frequently protected norms of international human rights law. EU law has always entailed both a general principle of equality before and in the law and a general principle of non-discrimination as two faces of the same coin. It has recently been guaranteed expressly, however, in a quasi-constitutional manner in Article 20 of the EU Charter of Fundamental Rights, while Article 21 EU Charter protects the principle of non-discrimination. In any case, the relationship between equality and non-discrimination remains ambiguous in EU law to the extent that, in the absence of a specific principle of non-discrimination, the principle of equality could not until recently be invoked directly in a case of discrimination. This optional protocol establishes, for those 17 Contracting Parties which have ratified it to date, a principle of equality before and in the law. The EU legal order is autonomous and has already been constitutionalised in many respects, thus calling for the entrenchment of a strong equality protection clause Article 20 EU Charter besides its many non-discrimination principles. In contrast, the ECHR remains a minimal catalogue of fundamental rights whose exercise should be guaranteed in a non-discriminatory way; in those circumstances, Article 14 is thought of as minimal and subsidiary to national constitutional equal protection clauses see Article 53 ECHR. The Principle of Non-discrimination Although non-discrimination is a dominant and recurrent theme of international human rights law, the principle is never defined in a single and uniform fashion in the different sources of international law. Nor do most of its guarantees provide a definition of its scope. That principle is directly invocable independently from another right in the Convention and may be regarded as violated by the European Court even when other rights are. In contrast, the principle of non-discrimination constitutes a leitmotiv in EU law. Since , Article 21 of the EU Charter of Fundamental Rights protects the principle of non-discrimination, although this provision like the rest of the Charter remains non-binding despite its quasi-constitutional ambit. Article 13 EC, which was introduced by the Amsterdam Treaty in , constitutes the legal basis for the adoption of further secondary law prohibiting discrimination on different grounds and in different areas of EU law. One should also mention, however, the two general Directives adopted in on the basis of Article 13 EC: One may also regard this development as evidence of the progressive constitutionalisation of the principle in EU law. This difference may be explained by reference to the fundamental aims of both legal orders. Whereas the ECHR was meant to create a minimal catalogue of fundamental rights, the European legal order purported to create and sustain an internal market in which people could move and settle freely without discrimination of any kind. Of course, the justifications for the non-discrimination principle were mostly economic at first. This is particularly problematic in the case of EU law as the multiplicity of guarantees of the principle of non-discrimination applicable depending on the grounds of discrimination and on the area of application, on the one hand, together with the diversity of their sources in EU law and hence the variation of their impact on national law, on the other hand, make for a particularly complex and largely incoherent regime of anti-discrimination law. The Principle of Non-discrimination on Grounds of Gender To understand how gender discrimination is prohibited under EU and ECHR law, it is useful to start by discussing the source and role of the principle itself, before going on to study its personal and material scope, its constitutive material and procedural elements and different specific features it may have in practice. Source and Role The principle of non-discrimination on grounds of gender may, depending on the legal order, be guaranteed in many different sources, legislative or constitutional, and it may have a very different role from one legal order to the next. This difference in terms of sources and role is particularly evident from a comparison between ECHR and EU law on gender discrimination. As a result, the

principle of non-discrimination on grounds of gender is not a distinct principle in the European Convention, but merely a case of the general principle of non-discrimination. Since that principle is still largely accessory in the Convention, the principle of non-discrimination on grounds of sex remains a second-class guarantee under ECHR law. The first case of application of Article 14 ECHR to sex discrimination only dates back, however, to and was decided against the United Kingdom in the context of immigration restrictions. In EU law, gender-based discrimination is protected against by an express and specific principle of non-discrimination in primary law. As alluded to before, discrimination on grounds of sex was prohibited for economic reasons from the creation of the Common Market in ; it constituted an economic comparative advantage in favour of those countries with low social protection and had to be prohibited to ensure fair competition among Member States. As a result, it was prohibited expressly in the EEC Treaty, albeit quite restrictively qua principle of equal pay for equal work in Article now Article EC. The principle of non-discrimination on grounds of sex is also guaranteed as such in Article 23 of the non-binding to date EU Charter of Fundamental Rights. Since the general principle of non-discrimination on grounds of gender is not invocable per se , the only expression of the principle that can be applied directly at the moment is Article EC. From onwards, various directives were adopted to concretise the principle, mostly in the context of employment and occupation 51 but also, since , on the basis of Article 13 EC, in the area of supply of goods and services. On the contrary, the multiplicity of principles of non-discrimination and matching regimes depending on the ground of discrimination 57 has given rise to many discrepancies that are not always acknowledged or explained by the Court. The same applies to the principle of gender discrimination that has many sources and accordingly many personal and material scopes. For instance, for a long time, to be able to invoke the principle of equality between men and women directly, men and women had to invoke the equal pay principle Article EC and prove that their case was a case of equal pay for equal work. Scope The personal scope of a principle refers to the group of its beneficiaries and addressees, while its material scope relates to its domains of application. The principle of non-discrimination on grounds of gender has a different personal and material scope under ECHR and EU law. Under EU law, in contrast, those protected by the principle of non-discrimination on grounds of gender include all physical and legal persons, while the addressees are both state authorities and individuals. Note, however, that the personal scope of the principle varies depending on its legal source in EU law. Interestingly, moreover, the lack of prima facie direct effect of directives in EU law prevents them from being invoked directly by individuals against other individuals outside of an equal pay context. Even qua guarantee of a general fundamental principle, the principle only applies in areas belonging to the material scope of the EC Treaty. Material Constitutive Elements Broadly speaking, the principle of non-discrimination precludes treating differently similar situations and treating equally different situations unless this differential treatment is objectively justified. While both European principles of non-discrimination on grounds of sex could fit this general definition, important variations arise inside each of the constitutive material elements of a discrimination. In a nutshell, the latter are: According to the ECJ, the principle of non-discrimination on grounds of nationality and mutatis mutandis that of non-discrimination on grounds of sex require that persons in a similar situation must be treated in an equal manner, but also that persons whose situations are significantly different must be treated differently. A frequent case of prohibited direct discrimination is discrimination on grounds of pregnancy 69 , while a common case of precluded indirect discrimination is the less advantageous treatment in terms of pay, further training rights or pension schemes of part-time workers who happen to be mostly women. In the context of discrimination based on nationality, the Court used to require evidence of a real disadvantage of the allegedly discriminatory measure on non-nationals 71 and has recently considered that there could be indirect discrimination in case of mere liability of disadvantage for a higher proportion of non-nationals. If the cases are not comparable, the difference of treatment does not need to be justified and is not discriminatory. Assessing the comparability of the situations at hand is a crucial stage; depending on the standard chosen to assess the comparability of the cases and hence on the identification of the compared groups, the situations will be deemed comparable or not, thus leading to a further enquiry or to the dismissal of the application. Both the ECJ and the ECtHR have recognised the importance of the comparability phase, but both also often tend to elude it in view of its difficulty in practice.

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Under EU gender discrimination law, the comparability is an important condition of discrimination. The ECJ is usually more willing to test the comparability of the situations at hand in cases of gender discrimination than of discrimination on other grounds. Sometimes, it even uses the measure of comparability as a justification for the differential treatment, thus undermining the whole discrimination test. In fact, sex is not only a prohibited ground of discrimination, but it is considered a suspect classification requiring heightened scrutiny by the Court when assessing the justification of a sex-based discrimination. Those grounds have gradually been identified by EU primary and secondary law. The recognition of the non-discrimination principle qua fundamental right of EU law did not change anything in this respect, because that principle could not until recently be invoked directly independently from a primary or secondary legal provision. Gender discrimination has been expressly prohibited by a number of specific primary and secondary law provisions since and it is reiterated in the lists of Article 13 EC and Article 23 EU Charter. In principle, all prohibited grounds of discrimination should give rise to the same level of scrutiny by the ECJ. There are, however, variations between the tests used in cases of discrimination on grounds of nationality and sex discrimination and they demonstrate the higher protection granted to nationality; one may mention in this respect the kind of evidence required or the scope of the margin of appreciation allowed to Member States. In the Mangold case, for instance, the test applied to age discrimination reflects a higher level of scrutiny than the test that would be applied to a similar case of sex discrimination. Some guarantees of the principle of non-discrimination on grounds of gender do not allow for justified restrictions, however. The test also applies to gender discrimination. Moreover, the Court often conflates the assessment of the legitimate aim with the proportionality test. Whereas indirect discrimination on grounds of sex may be justified, it is never the case for direct sex discrimination. Although the framework directive applies to all grounds of discrimination prohibited by EU law, and this may explain its broad justification clause, it may be interpreted to mean that gender discrimination can be justified like discrimination on any other ground. Because sex is a suspect ground under Convention law only, the two regimes differ in this respect. The reasons provided need not be weightier or less weighty than in other cases. This might indicate that the justifications required for gender-based discrimination are less stringent. There are three procedural elements that come out of both regimes and reflect those differences:

3: Administrative appeals tribunal decisions - www.enganchecubano.com

Council Directive 76//EEC of 9 February on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (3) and Council Directive 86//EEC of 24 July on the implementation of the principle of equal treatment for men and women in occupational social security schemes (4) have been significantly amended (5).

4: PPT - Treaty Articles PowerPoint Presentation - ID

by EC, Council Directive of 20 December amending Directive /EEC on the im- plementation of the principle of equal treatment for men and women in occupational social security schemes, [] OJ. L. 46/20, in light of Barber v.

5: in Barber - Traduzione in inglese â€“ Dizionario Linguee

scope of the Directive /54/EC. Directive //EC on the access and the supply of goods and services is also applicable to for instance access to funding for self-employed persons, as far as these goods and services fall within the scope of Article 3 of Directive //EC.

6: in Barber - Traduzione in italiano â€“ Dizionario Linguee

Directive 86/ on Equal Treatment in Occupational Social Security Occupational Pensions, 'Pay', and Article The

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Application of the Equality Principle to Occupational Pension Schemes

7: barber - TraduÃ§Ã£o em portuguÃªs â€“ Linguee

personal scope is in Article 6 of the directive, which relates specifically to occupational social security schemes. We have to conclude from this that, apart from occupational social security benefits.

8: EUR-Lex - PC - EN - EUR-Lex

Is the personal scope of national law relating to occupational social security schemes the same, more restricted, or broader than specified in Article 6 of Directive /54?

9: in Barber - English translation â€“ Linguee

The Equality Bill has an extremely wide scope. It covers 'all spheres of life in particular the civil sphere, as well as work, social, health, education, economic and.

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Greek entanglement Modern English-russian Russian-english Dictionary on Oil Gas The image is Rochester As American as mom, baseball, and apple pie The Wisdom and Way of Astrology Everest, a mountaineering history VALENTIN ILYCH GEIKER Positioning George Horton Outlines of evolutionary biology Application of superposition theorem Philip the Good and the Church A first course in database systems third edition Urban walks and town trails Classical algorithms in C[plus plus] Mozart turkish march sheet music Joining the Steelworkers Prairie Alligators The assassination of William McKinley Preface by Otto Von Kotzebue Tales of the road Chart of Oxford printing, 1468-1900 Disentangling the aesthetic Cell cycle study guide Short and sweet ; long and strong : vary sentence lengths Apology, Crito, and Phaedo of Socrates (Dodo Press) I Can Count (Square Books) The Gates and Keys of Francis Bacons Cipher More Christian assemblies for primary schools Iesna lighting handbook espaÃ±ol The Mysterious Island (Secrets of Droon, 3) The Republican War Against Women The Infectious Diseases Manual The tale of a tainted tenner Psychoanalytic Perspectives on Migration and Exile The gates of paradise book jerzy andrzejewski Importance of descriptive research The World is a Heartbreaker, The Binaural and spatial hearing in real and virtual environments Walking right into trouble Restaurant operations management principles and practices