



APPLYING EU ANTI-DISCRIMINATION LAW

SEMINAR FOR MEMBERS OF THE JUDICIARY

Vienna (Schwechat),
28-29 May 2018



**Equality
Law**



Speakers

Nicola Braganza
Barrister, Garden Court Chambers, London

Prof Marc De Vos
University of Ghent

Dr Herbert Hopf
Judge, Supreme Court of Austria, Vienna

Erica Howard
Associate Professor, Middlesex University, London

Prof Gerhard Kuras
Judge, Supreme Court of Austria, Vienna

Prof Jean-Philippe Lhernould
University of Nantes

Dr Gregor Maderbacher
Civil servant at the Court of Justice of the European Union (on leave), Lawyer, Vienna

Mathias Möschel
Associate Professor, Central European University, Budapest

Key topics

- Overview of the EU legislation on equal treatment and its relationship with the EU Charter, the European Convention and United Nations Human Rights treaties
- Definition of key concepts (direct discrimination, indirect discrimination, harassment)
- Burden of proof and access to evidence
- Remedies and sanctions
- Different protected grounds, with special attention to the case law of the Court of Justice of the European Union

Languages
English and German
(simultaneous interpretation)

Event number
118DV19

Organiser
ERA (Anastasia Patta) on behalf of the European Commission (contracting authority) and with the support of the Austrian Federal Ministry of Justice



Funded under the 'Rights, Equality and Citizenship Programme 2014-2020' of the European Commission



Applying EU Anti-discrimination Law

Seminar for members of the judiciary

Monday, 28 May 2018

- 08:45 Arrival and registration of participants
- 09:00 **Welcome and introduction**
Maria-Elisabeth Wanke-Czerwenka (President of the Senate, Higher Regional Court, Vienna)
Peter Linnert (Director, JBZ-Schwechat)
Brigita Ehrentraud (Administrative Director, JBZ-Schwechat)
Anastasia Patta (ERA)
- 09:15 **The EU legal framework on equality**
- **The EU Charter and the EU Treaties**
 - **EU directives on equal treatment** – overview and scope
 - **International instruments** (Council of Europe, United Nations, International Labour Organisation)
- Mathias Möschel*
- 10:00 Discussion
- 10:15 **Definition of key concepts**
- **Direct discrimination**
 - **Indirect discrimination**
 - **Positive discrimination**
- Marc De Vos*
- 11:00 Discussion
- 11:15 Coffee break
- 11:45 **Proving discrimination: the shift of the burden of proof and access to evidence**
Nicola Braganza
- 12:30 Discussion
- 12:45 Lunch
- 14:00 **Seeking effectiveness: remedies and sanctions in discrimination cases**
Gerhard Kuras
- 14:30 Discussion
- 14:45 **WORKSHOP**
Applying EU anti-discrimination law in a domestic case
Discussion of a case study in working groups
Nicola Braganza
- 16:00 Coffee break
- 16:30 **Results of the workshop and feedback**
- 17:15 End of the first seminar day
- 19:30 Seminar dinner

Objective

The seminar will provide participants with an overview of the two European directives prohibiting discrimination on the grounds of race or ethnic origin in a number of areas, as well as on disability, age, sexual orientation or religion/belief in employment and occupation.

Who should attend?

Judges, prosecutors and other members of the judiciary from the EU, Iceland or Liechtenstein.

You will learn...

- what is the EU legal framework on equality
- how the key concepts direct/indirect discrimination and harassment are defined
- under which circumstances the burden of proof shifts
- what is the role of remedies and sanctions for the effective application of equality law
- how to apply EU anti-discrimination law to practical cases
- how the different protected grounds are to be interpreted in light of the case law of the CJEU
- what is the role of the national judge and how the preliminary ruling procedure works

Your contact persons



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Tuesday, 29 May 2018

- 09:15 **Religious discrimination at the workplace**
Herbert Hopf
- 10:00 Discussion
- 10:15 **Discrimination on grounds of age: CJEU case law**
Jean-Philippe Lhernould
- 11:00 Discussion
- 11:15 Coffee break
- 11:45 **Discrimination on grounds of race and sexual orientation: main features and CJEU case law**
Erica Howard
- 12:30 Discussion
- 12:45 Lunch
- 13:45 **The concepts of disability and reasonable accommodation in EU law and the UNCRPD**
- 14:30 Discussion
- 14:45 **The role of the national judge in applying the EU anti-discrimination directives: relationship with national legal orders and the preliminary ruling procedure**
Gregor Maderbacher
- 15:30 Discussion
- 15:45 End of the seminar

For programme updates: www.era.int
Programme may be subject to amendment.

What participants said in 2017

"Very good organisation"

"Very practical seminar"

"Great program with very current topics and excellent speakers"

"Good opportunity to exchange views with colleagues from the EU"

"I was pleasantly surprised by the very good program and the great organization"

e-Learning

Test your knowledge, brush up on the basics and get a first taste of the course with our preparatory e-learning course:

www.era-comm.eu/anti-discri/e_learning

Upcoming events for judges

EU Disability Law and the UNCRPD
Trier, 13-15 June 2018
Languages: English, Spanish

Applying EU Anti-Discrimination Law
Budapest, 4-5 September 2018
Languages: English, Hungarian

EU Gender Equality Law
Paris, 29-30 October 2018
Languages: English, French

EU Disability Law and the UNCRPD
Trier, 7-8 November 2018
Languages: English, German

Applying EU Anti-Discrimination Law
Thessaloniki, 8-9 November 2018
Languages: English, Greek

Application procedure

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Vienna, 28-29 May 2018 / Event Number: 118DV19



Applications for

APPLYING EU ANTI-DISCRIMINATION LAW on 28-29 May 2018

can be made online until [4 April 2018](#) on the following website:



www.era.int/?127517&en



ERA's equality law seminars are organised in the framework of the European Union's 'Rights, Equality and Citizenship Programme 2014-2020' on behalf of the European Commission

EU Anti-Discrimination Law
Since 2003 ERA has been organising a series of seminars devoted to the two EU Anti-Discrimination Directives 2000/43 and 2000/78. For more information visit: www.era.int/anti-discrimination.

EU Gender Equality Law
Since 2009 ERA has been organising a series of seminars devoted to EU law on equal treatment between women and men. For more information visit: www.era.int/gender

Location

Justizbildungszentrum Schwechat
Schlossstraße 7
2320 Schwechat

Languages

English / German
(simultaneous interpretation)

Contact Person

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Participation

Participation will be subject to a selection procedure since the number of places is limited. A response will be given to every applicant shortly after the deadline. We strongly advise you not to make any travel or hotel arrangements before receiving our confirmation.

Registration fee

There is no registration fee.

Travel expenses

Travel costs will be reimbursed to a maximum of €450 upon receipt of all necessary documents.

Accommodation

Two nights' accommodation will be covered directly by ERA.

Save the date

Annual Conference on European Labour Law 2018
Trier, 22-23 March 2018

This annual conference aims at keeping employment and labour law practitioners up-to-date by providing an overview of the latest policy developments, legislative initiatives and case law in this field.

Event no.: 118R01
Languages: English, French, German

More information on: www.era.int/?127325&de