

# **Equality Law** in an Enlarged European Union

**Understanding the Article 13 Directives**

EDITED BY

**Helen Meenan**

CAMBRIDGE

# Equality Law In An Enlarged European Union Understanding The Article 13 Directives

**Stephanie Farrior**



## **Equality Law In An Enlarged European Union Understanding The Article 13 Directives:**

**Equality Law in an Enlarged European Union**, 2007 This comprehensive volume provides a fresh approach to equality and anti discrimination law in the European Union     Reflexive Governance in EU Equality Law Emma Lantschner, 2021-10-21 The Covid 19 pandemic has revealed how far we as a European society still are from the proclaimed Union of Equality The book explores how the promise of equal treatment can become a reality and compliance with the EU acquis relating to equality and non discrimination can be improved It studies enforcement and promotion aspects of the two watershed directives of 2000 the Racial Equality Directive 2000 43 EC and the Employment Equality Directive 2000 78 EC through the lens of reflexive governance This governance approach is proposed as having great potential in enhancing the likelihood of sustainability or continuation of reforms in the current candidate countries and EU Member States through its emphasis on reflexive learning processes and the cooperation between EU institutions national authorities and civil society actors In order to deploy this potential there is however a need for more consistent and transparent monitoring both with regard to candidate countries as well as old and new Member States and a reconsideration of the understanding of monitoring as such It should be seen as helping to deconstruct own preference formations and as a possibility to learn from successes and failures in a cooperative and recursive process To work on these lacunae and improve learning and monitoring processes this book identifies indicators that are deduced from the comparative review of the implementation practice of the member states This book is thus a contribution to the existing literature in the fields of Europeanization governance and the right to equality and non discrimination     The EU Treaties and the Charter of Fundamental Rights Manuel Kellerbauer, Marcus Klamert, Jonathan Tomkin, 2019 This Commentary provides an article by article summary of the TEU the TFEU and the Charter of Fundamental Rights offering a quick reference to the provisions of the Treaties and how they are interpreted and applied in practice Written by a team of contributors drawn from the Legal Service of the European Commission and academia the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties and current practice The Commentary follows a set structure offering a short overview of the Article the Article text itself a key references list including essential case law and legislation and a structured commentary on the Article itself The editors and contributors combine experience in practice with a strong academic background and have published widely on a variety of EU law subjects     *Religion, Equality and Employment in Europe* Katayoun Alidadi, 2017-06-15 The management of religious and ideological diversity remains a key challenge of our time deeply entangled with debates about the nature of liberal democracy equality social cohesion minorities and nationalism security and foreign policy This book explores this challenge at the level of the workplace in Europe People do not surrender their religion of belief at the gates of their workplace nor should they be required to do so But what are the limits of accommodating religious belief in the workplace particularly when it clashes with other fundamental rights and freedoms Using a comparative and socio legal approach that

emphasises the practical role of human rights anti discrimination law and employment protection this book argues for an enforceable right to reasonable accommodation on the grounds of religion and belief in the workplace in Europe In so doing it draws on the case law of Europe s two supranational courts three country studies Belgium the Netherlands and the UK as well as developments in the US and Canada By offering the first book length treatment of the issue it will be of significance to academics students policy makers business leaders and anyone interested in a deeper understanding of the potentials and limits of European and Western inclusion freedom and equality in a multicultural context Awarded an honourable mention from the International Academy of Comparative Law for the 2018 Canada Prize

**General Principles of Law** Stefan Vogenauer,Stephen Weatherill,2017-06-15 Examining general principles of law provides one of the most instructive examples of the intersection between EU law and comparative law This collection draws on the expertise of high profile and distinguished scholars to provide a critical examination of this interaction It shows how general principles of EU law need to be responsive to national laws In addition it is clear that the laws of the Member States have no choice but to be responsive to the general principles which are developed through EU law Viewed through the perspective of proportionality legal certainty and fundamental rights the dynamic relationship between the ingenuity of the Court of Justice the legislative process and the process of Treaty revision is comprehensively illustrated

**Constitutionalization of European Private Law** Hans Micklitz,2014-04-17 In recent years the impact of human rights and fundamental rights on private law has risen in prominence and led to a whole series of detailed investigations Constitutionalization of private law is the flag under which most of the research on the increasing impact of national constitutional rights on national private legal orders is sailing In the absence of a European Constitution the constitutionalization of European private law suggests a process constitutionalization instead of constituent power demos and the magic constitutional moment The Charter of Fundamental Rights and the European Convention of Human Rights constitute the two pillars on which the transformation of European private law rests This volume clearly demonstrates the change that has taken place at the national and at the European level Private law is no longer immune to the intrusion of fundamental and human rights Whilst member states and the EU are driving the process by adopting ever more concrete and more comprehensive lists of human and fundamental rights at the national the European and international level with overlapping contents the true and key players in this development are the national and European courts Contributions to this volume give this process a face and a direction which is highlighted in the introduction by Hans W Micklitz

Constructing the Person in EU Law Loïc Azoulai,Ségolène Barbou des Places,Etienne Pataut,2016-07-28 The European Union places the individual or person at the heart of its activities It is a central concept in all of EU economics politics society and ethics The 15 chapters in this innovative edited collection argue that EU law has had a transformative effect on this concept The collection looks at the mechanisms used when constructing the person in EU law It goes beyond traditional literature on Europe and the Individual exploring the question of personhood through critical and

contextual perspectives Constructing the Person in EU Law Rights Roles Identities brings together contributions and debates from experts around Europe to this key question      **Law and the Wearing of Religious Symbols** Erica

Howard,2013-06-17 Written in accessible language Law and the Wearing of Religious Symbols is a comprehensive analysis of a topical subject that is being widely debated across Europe The book provides an overview of emerging case law from the European Court of Human Rights as well as from national courts and equality bodies in European countries on the wearing of religious symbols in educational settings The author persuasively argues that bans on the wearing of religious symbols in educational institutions in Europe constitutes a breach of an individual s human rights and contravenes existing anti discrimination legislation The book offers a discussion of developments in Europe including the French ban on Islamic head scarves which came into force in April 2011 In addition to an in depth examination of recent bans the book also assess the arguments used for imposing them as well as the legal claims that can potentially be made to challenge their validity In doing this the book will go beyond merely analysing the bans in place to suggest ways in which educational institutions can most fairly respond to requests for accommodation of the wearing of religious symbols and whether perhaps the adoption of other provisions or measures are necessary in order to improve the present situation This book will be of particular interest to students and academics in the disciplines of law human rights political science sociology and education but will also be of considerable value to policy makers and educators as well      **Equality and Non-Discrimination under International**

**Law** Stephanie Farrior,2017-07-05 The principles of equality and non discrimination lie at the heart of international human rights law They are the only human rights explicitly included in the UN Charter and they appear at the beginning of virtually every major human rights instrument This volume contains selected works by leading authors on the subject of equality and non discrimination under international law The selections are grouped into four sections The first presents essays that explore theoretical concepts of equality and non discrimination The next addresses the development of international legal standards on the subject The third presents articles analyzing how those standards have been interpreted and applied by UN and regional human rights bodies and the last contains works on what measures besides legal action States are to take to in order to achieve equality and non discrimination      Genetics, Disability and the Law Aisling de Paor,2017-09-21 While

advances in science and technology bring many advantages we must not ignore the harm that they can cause Rapid changes in genetic testing are a prime example and indicators can now help to detect address and treat diseases However in this new study Aisling de Paor examines how genetic testing is also being used for non medical reasons for example for work opportunities and insurance coverage Genetics Disability and the Law is the first book of its kind to substantively consider an EU level response to the use of genetic information de Paor discusses how to help genetic and scientific research to evolve and grow how to enhance public confidence in research and how to control it so that it recognises our values and fundamental human rights An understudied but vitally important topic de Paor s work provides a valuable and timely

contribution to the field of disability rights      *A Theory of Discrimination Law* Tarunabh Khaitan, 2015-05-22 Marrying legal doctrine from five pioneering and conversant jurisdictions with contemporary political philosophy this book provides a general theory of discrimination law Part I gives a theoretically rigorous account of the identity and scope of discrimination law what makes a legal norm a norm of discrimination law What is the architecture of discrimination law Unlike the approach popular with most textbooks the discussion eschews list based discussions of protected grounds instead organising the doctrine in a clear thematic structure This definitional preamble sets the agenda for the next two parts Part II draws upon the identity and structure of discrimination law to consider what the point of this area of law is Attention to legal doctrine rules out many answers that ideologically entrenched writers have offered to this question The real point of discrimination law this Part argues is to remove abiding pervasive and substantial relative group disadvantage This objective is best defended on liberal rather than egalitarian grounds Having considered its overall purpose Part III gives a theoretical account of the duties imposed by discrimination law A common definition of the antidiscrimination duty accommodates tools as diverse as direct and indirect discrimination harassment and reasonable accommodation These different tools are shown to share a common normative concern and a single analytical structure Uniquely in the literature this Part also defends the imposition of these duties only to certain duty bearers in specified contexts Finally the conditions under which affirmative action is justified are explained      **Disability and Information Technology** Eliza Varney, 2013-03-11 This book examines the extent to which regulatory frameworks for information and communication technologies safeguard the rights of persons with disabilities as citizenship rights      **EU Constitutional Law** Koen Lenaerts, Piet Van Nuffel, 2021-12-17 This title is a comprehensive textbook of EU constitutional law setting out the structure values procedures and policies of the European Union It is a first point of reference for issues of EU constitutional law The book encompasses six major parts It contains an extensive analysis of the key constitutional principles governing the exercise of competences by the Union and the balance of power between the Union and its Member States followed by an in depth analysis of EU citizenship and the four freedoms followed by an overview of the main internal and external policy domains The third part addresses the role and workings of the various institutions European Council Council European Parliament Commission European Court of Justice and European Central Bank the position of the Member States of the Union and various other institutional matters Part four explores the various decision making processes addressing not only the legislative and executive decision making but also the budget CFSP and external action The fifth part looks at the legal instruments and the position of EU law in the EU and national legal orders with an attention to the key principles of primary and direct effect and the role of fundamental rights and the Charter of Fundamental Rights The final part sets out the complete and coherent system of judicial protection in the European Union offering an overview of the various courses of action before the EU courts and in the national legal orders to enforce EU law or to obtain judicial protection      **The Oxford Handbook of International Human Rights Law** Dinah Shelton, 2013-09

The Oxford Handbook of International Human Rights Law provides an authoritative and original overview of one of the key branches of international law Forty contributors comprehensively analyse the role of human rights in international law from a global perspective examining its origins and principles and measuring its impact on the world **Reasonable**

**Accommodation in the Modern Workplace** Roger Blanpain, Frank Hendrickx, 2016-04-20 More and more the modern workplace faces challenges of diversity and employability There is an increasingly insistent need to match workforce diversity or workers own characteristics and choices with employers organizational and business requirements In this context the notion of reasonable accommodation inevitably arises Concepts such as adaptability and employability not only require workers to adapt to new labour market circumstances but are also directed towards employers duties to accommodate work and the workplace to the worker s situation This book is the first study to analyse at a global scale how employment discrimination law gives shape to an accommodated workplace in three main areas of interest age disability and religion belief Sixteen prominent labour and employment law scholars offer in depth perspectives from Belgium the Netherlands France Sweden Russia Israel Canada the United States South Africa and Australia Each report fully integrates relevant legislation case law and legal doctrine and follows the same structure to allow easy comparisons across jurisdictions Attention is also given to the roles of European Union law and the UN Convention on the Rights of Persons with Disabilities Issues and topics covered include the following the scope of accommodation reasonable defined recognized business requirements that may override the duty to accommodate when employers neutrality policies to avoid accusations of discrimination may constitute indirect discrimination use of integration or re integration strategies to accommodate disabled incapable workers use of exit gateways that enable employers to avoid liability in cases of disability discrimination when employers must take into account workers family lives and when an obligation to reclassify a worker exists These articles were originally presented as papers at the 2015 meeting of the International Association of Labour Law Journals hosted by the Institute for Labour Law of the University of Leuven Ultimately the book makes clear that reasonable accommodation cannot be narrowed down to a formal anti discrimination perspective but requires an integrative logic that can grow in a broader labour law context As a compelling analysis of whether the idea of reasonable accommodation is winning ground in labour law in today s world this book will prove of immeasurable value to labour and employment lawyers and judges as well as to corporate counsel and academics in the field **The European Union as Protector and Promoter of Equality**

Thomas Giegerich, 2020-07-06 This book considers the European Union as a project with a major antidiscrimination goal which is important to remember at a time of increasing resentment against particularly exposed groups especially migrants refugees members of ethnic or religious minorities and LGBTI persons While equality and non discrimination have long been core principles of the international community as a whole as is made obvious by the UN Charter and the Universal Declaration of Human Rights they have shaped European integration in a particular way The concepts of diversity pluralism

and equality have always been inherent in that process the EU being virtually founded on the values of equality and non discrimination The Charter of Fundamental Rights of the EU contains the most modern and extensive catalogue of prohibited grounds of discrimination supplementing the catalogue enshrined in the European Convention on Human Rights EU law has given new impulses to antidiscrimination law both within Europe and beyond The contributions to this book focus on how effective and credible the EU has been in combatting discrimination inside and outside Europe The authors present different mostly legal aspects of that topic and examine them from various intra and extra European angles

Equality, Inequalities and Diversity Geraldine Healy, Gill Kirton, Mike Noon, 2010-11-10 Equality Inequalities and Diversity offers an authoritative critical analysis of equality inequality and diversity in organizations Using international examples it explores contemporary concepts and debates based on original research in a number of fields and sectors an ideal course companion for anyone studying diversity

*English Public Law* David Feldman, 2009 First published in 2004 English Public Law has become the key point of reference on English public law for lawyers in the UK and throughout the world Now in its second edition the book acts as an accessible first point of reference for practitioners approaching a public law issue for the first time while simultaneously providing a lucid concise and authoritative overview of all the key areas of public law constitutional administrative human rights and criminal law within one single portable volume The second edition has been completely updated to take account of all key legislative and procedural changes since 2004 including BLThe Constitutional Reform Act 2005 BLrecent higher courts decisions concerning public law and human rights BLthe Criminal Procedure Rules 2005 Written and edited by a team of acknowledged experts on English law the book offers proven reliability and as part of the Oxford Principles of English Law Series is the companion volume to the second edition of English Private Law edited by Professor Andrew Burrows FBA The book is an ideal quick reference for practitioners to fall back on when a client raises a point outside their normal area of expertise as well as for academics overseas libraries and practitioners overseas who want a one stop resource on English public law A supplement published between editions will ensure that the book is kept up to date

**EU Non-Discrimination Law in the Courts** Jule Mulder, 2017-01-12 Since the year 2000 the material and personal scope of EU non discrimination law has been significantly broadened and has challenged national courts to introduce a comprehensive equality framework into their national law to correspond with the European standard The book provides a multi layered culturally informed comparison of juridical approaches to EU in direct sex and sexualities discrimination and its implementation in Germany and the Netherlands It examines how and why national courts apply national non discrimination law with a European origin differently although the legislation derives from the same set of EU law and the national courts have to respect the interpretive competence of the CJEU The book provides valuable insights into the national and European context which shape the dialogue and influences of the courts inter se the national application of EU law and the harmonisation process within the area of gender equality law and beyond A Dutch and German comparison is



of special interest here because both countries approaches towards non discrimination law are quite different despite the similarities in the respective legal systems they are founding members of the EU they are neighbours they are civil law countries and their legal systems are relatively similar at least compared to Scandinavian and common law jurisdictions Therefore the different reception EU non discrimination law cannot simply be explained by obvious differences between the legal systems Their comparison thus provides an interesting case study to uncover legal and non legal cultural and historic factors which influence the application of EU non discrimination law in both countries The book is of interest for EU comparative and equality lawyers      *Gender and the Court of Justice of the European Union* Jessica Guth,Sanna Elfving,2018-07-27 Offering an alternative exploration of the Court of Justice of the European Union CJEU and its work this book aims to start a conversation between legal political and gendered examinations of the Court of Justice and some of the substantive areas of law it is concerned with In doing so it provides a broader and more holistic view of the Court and its work which can add to our understanding of the institution its role and its case law as well as the contribution it can and does make to shaping law and policy and EU and national level

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