

EU Policies in Promoting Equality: Gender, Antidiscrimination and Diversity

Prof. Marco Dastrù

Semester: II

Credits: 6

Laboratorio Professionalizzante I – MAN844

Laboratorio Professionalizzante II – MAN845

Course Description

Equality is an ideal to which we all aspire. Yet more closely we examine it, the more its meaning shifts. Sometimes equal treatment can lead to inequality, sometimes unequal treatments might be necessary to achieve equality. The course aims to examine the various situations that can generate discriminatory behaviors in the workplace. Through the analysis of case-law of the Court of Justice, students will be able to evaluate how the European Union has sought and seeks to promote equality between people (on grounds of sex, race, religion or belief, disability, age and sexual orientation). This course is designed to provide students with the ability to promptly recognize and therefore avoid any possible discriminatory behavior by offering them the practical tools to activate if they themselves are the object of discrimination.

Learning Outcomes

At the end of the course, you will have to know/be able to:

1. Knowledge and understanding: identify and understand the general regulatory framework of anti-discrimination law in the EU
2. Ability to apply knowledge and understanding: apply the knowledge acquired through the study and analysis of relevant Court of Justice case-law to concrete working life situations
3. Independent judgment: elaborate reasoned opinions on the case studies that will be examined in class from time to time
4. Communication skills: present a relevant case-law of the Court, commenting on its conclusions
5. Learning ability: identify the critical areas in the production process and/or work organization that are potentially exposed to a greater risk of discrimination

Teaching and Learning

1. Students are expected to read the assigned text material, and synthesize in writing when required. They must be prepared every day to take part in discussions.
2. Supplementary material and/or photocopies will occasionally be provided to help students to prepare homework.
3. Lectures will be used when necessary to supplement written material.
4. Students will be encouraged to organize in workgroups to have practical discussions. The aim is to teach them how to collaborate in a group.
5. Listening methods: listening to other students, answering questions and arguing/discussing suggested topics.
6. Students will be asked to comment and discuss the lesson of the week before (the instructor can ask students to provide a short oral summary of the fundamental topics already covered).

Prerequisites

The course is designed for students interested in European Union Social policies. A specific background in legal studies is not required. Participants will be asked to read and debate the materials provided to them which will contain text, suggestions for further readings, model questions and annexes containing relevant cases.

The course is limited to 40 students.

Course detail

The course will follow the path below analyzing the following topics:

- a) Purpose of EU Social Policy Law
- b) Origins And Purposes of EU Sex Discrimination Law
- c) Areas covered by EU Sex Discrimination Law
- d) Kinds of sex discrimination
- e) Enforcement of EU Sex Discrimination Law
- f) Grounds of discrimination other than sex: race, national or ethnic, religious and age

Method and weighting of assessment

Final Exam 40%

Midterm exam 40%

Class activities 10%

Participation 10%

Materials

Essential Readings

Handbook on European non-discrimination law – latest edition

<http://fra.europa.eu/en/publication/2018/handbook-european-law-non-discrimination>

All class activities will be supported by instructor slides.

In addition, the class will use a selection of case studies and articles.

Recommended Publications and Online Resources

- A. Gender equality strategy – European Commission
[Gender equality strategy - European Commission \(europa.eu\)](https://ec.europa.eu/equality/gender-equality-strategy)
- B. 2024 REPORT ON GENDER EQUALITY IN THE EU
[2024 report on gender equality in the EU \(europa.eu\)](https://ec.europa.eu/equality/2024-report-on-gender-equality-in-the-eu)
- C. Blackstone's EU TREATIES & LEGISLATION 2012-2013, Nigel Foster (Oxford University Press 23rd edition).
- D. Catherine Barnard, *EU EMPLOYMENT LAW*, 4th edition (Oxford University Press, 2012).
- E. Mark Bell, *ANTI-DISCRIMINATION LAW AND EUROPEAN UNION* (Oxford University Press, 2002).
- F. Paul Craig and Gràinne de Bùrca, *EU LAW: TEXT, CASES AND MATERIALS*, 5th edition (Oxford University Press, 2012).
- G. Evelyn Ellis and Philippa Watson, *EU ANTI-DISCRIMINATION LAW*, 2nd edition (Oxford University Press, 2012).
- H. Sandra Fredman, *DISCRIMINATION LAW*, 2nd edition (Oxford University Press, 2011).
- I. Brian Bercusson, *EUROPEAN LABOUR LAW* (Cambridge University Press, 2009).
- J. Robert Wintemute, "WHEN IS PREGNANCY DISCRIMINATION INDIRECT SEX DISCRIMINATION?" (1998) 27 *Industrial Law Journal* 23.
- K. <https://www.equalitylaw.eu/publications>

- L. <http://www.equineteurope.org/-Publications->
- M. <http://fraeuropa.eu/en/publications-and-resources>

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Obiettivi del corso

L'eguaglianza è un principio al quale tutti noi aspiriamo. Tuttavia quanto più l'esaminiamo in dettaglio tanto più il suo significato ci sfugge. Talvolta la parità di trattamento può condurre alla disuguaglianza, talaltra trattamenti discriminatori possono essere necessari per raggiungere l'uguaglianza. Il corso cerca di investigare lo scopo e la portata del diritto UE in tutti i campi in cui vieta la discriminazione e cerca di promuovere l'eguaglianza tra gli individui (sesso, razza, religione, disabilità, età e l'orientamento sessuale). Questo corso è strutturato e modellato per fornire agli studenti la capacità di riconoscere ed evitare comportamenti potenzialmente discriminatori nei più diversi luoghi di lavoro.

Risultati dell'apprendimento attesi

1. At the end of the course, you will have to know/be able to:
2. Knowledge and understanding: identify and understand the general regulatory framework of anti-discrimination law in the EU
3. Ability to apply knowledge and understanding: apply the knowledge acquired through the study and analysis of relevant Court of Justice case-law to concrete working life situations
4. Independent judgment: elaborate reasoned opinions on the case studies that will be examined in class from time to time
5. Communication skills: present a relevant case-law of the Court, commenting on its conclusions
6. Learning ability: identify the critical areas in the production process and/or work organization that are potentially exposed to a greater risk of discrimination

Struttura del corso

1. Gli studenti dovranno leggere il materiale assegnato sul testo e riassumere per iscritto se richiesti. Dovranno essere pronti in ogni lezione a prendere parte alla discussione.
2. Materiale supplementare e/o copie saranno eventualmente forniti per aiutare gli studenti a predisporre il lavoro individuale a casa.
3. Lezioni frontali saranno usate quando necessario per supportare il materiale scritto.
4. Gli studenti saranno incoraggiati ad organizzarsi in gruppi di lavoro per stimolare le discussioni su casi pratici. Lo scopo è quello di insegnare loro a collaborare all'interno di un gruppo.
5. Metodi di ascolto: ascoltare gli altri studenti, rispondere alle domande e argomentare/discutere i temi suggeriti.
6. Gli studenti dovranno commentare e dibattere la lezione della settimana precedente in classe (il docente potrà chiedere agli studenti di fare un breve riassunto orale dei temi principali già trattati).

Prerequisiti

Il corso è concepito per studenti interessati al diritto dell'Unione Europea con specifico riferimento alle politiche sociali della UE. Non è richiesta esperienza nello studio di materie giuridiche. I partecipanti dovranno leggere e dibattere il materiale a loro fornito che conterrà: un testo, suggerimenti per letture di approfondimento, modelli di domande ed allegati contenenti le più rilevanti pronunce giurisprudenziali.

Il corso è limitato al numero massimo di 40 iscritti.

Programma

Il corso seguirà il programma di seguito descritto analizzando i seguenti argomenti:

- a. Scopo della politica sociale della UE
- b. Origini e scopo del diritto UE in materia di discriminazione sessuale
- c. Competenza del diritto UE in materia di discriminazione sessuale
- d. Differenti tipologie di discriminazione sessuale
- e. Tipologie di discriminazione diverse da quella sessuale: razza, nazionale ed etnica, religiosa ed in base all'età

Modalità di verifica dell'apprendimento

Final Exam 40%

Midterm exam 40%

Class activities 10%

Participation 10%

Bibliografia

Letture essenziali

Handbook on European non-discrimination law – ultima edizione disponibile

<http://fra.europa.eu/en/publication/2018/handbook-european-law-non-discrimination>

Tutte le attività in classe saranno supportate dalle slides del docente.

In aggiunta la classe lavorerà su di una selezione di casi giurisprudenziali e pubblicazioni.

Letture raccomandate e risorse online

- A. Gender equality strategy – European Commission
[Gender equality strategy - European Commission \(europa.eu\)](http://europa.eu)
- B. 2024 REPORT ON GENDER EQUALITY IN THE EU
[2024 report on gender equality in the EU \(europa.eu\)](http://europa.eu)
- C.
- D. Blackstone's EU TREATIES & LEGISLATION 2012-2013, Nigel Foster (Oxford University Press 23rd edition).
- E. Catherine Barnard, *EU EMPLOYMENT LAW*, 4th edition (Oxford University Press, 2012).
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