



BURDEN OF PROOF IN SEX DISCRIMINATION CASES

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Introduction – 97/80/EC; 2006/54/EC



Direct discrimination

1. Definition of direct discrimination
2. What must the claimant prove - primary facts, comments, difference in status
3. Inferences
4. Comparator
5. Standard of Proof
6. What must the employer prove – knowledge, acts did not occur, non-discrimination



Indirect discrimination

1. Definition of indirect discrimination
2. Provision, criterion or practice (“PCP”), Bilka
3. Lack of transparency - Danfoss
4. Enderby indirect discrimination – are statistics necessary, relationship with Bilka statistics
5. The Brunnhofer problem
6. What must the employer prove?



Questions