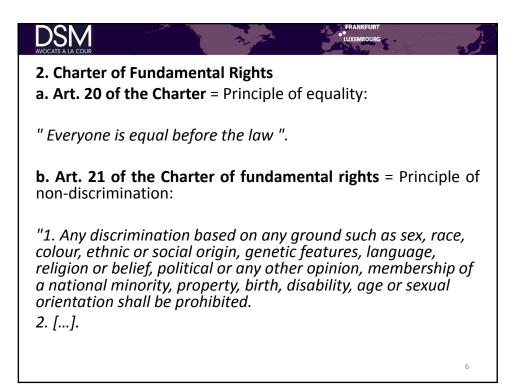
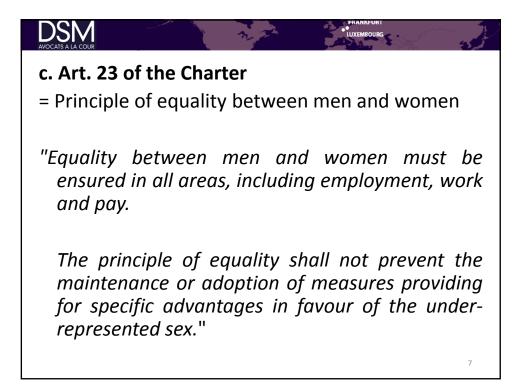


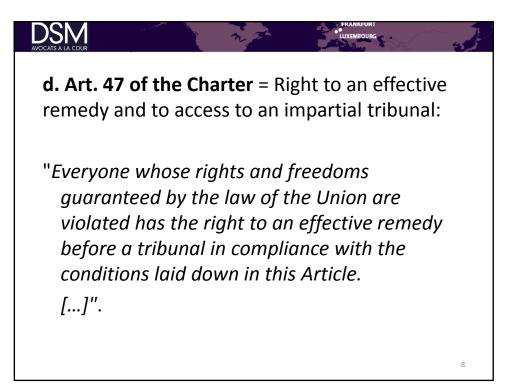
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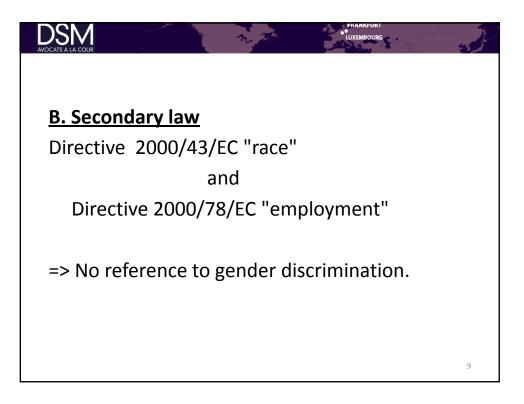
c. Article 157 TFEU (cont.):

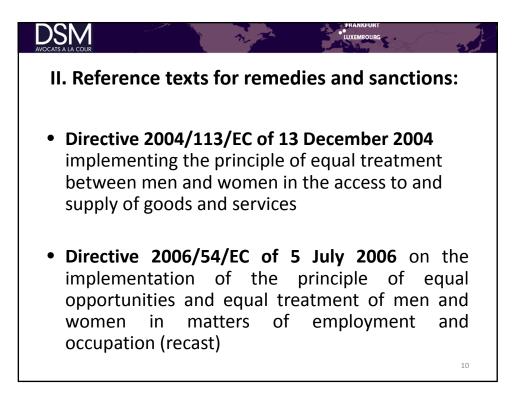
- 3. <u>The European Parliament and the Council</u>, acting in accordance with the ordinary legislative procedure, and after consulting the Economic and Social Committee, <u>shall adopt measures</u> to ensure the application of the <u>principle of equal opportunities and equal</u> <u>treatment of men and women</u> in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.
- 4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for <u>specific advantages</u> in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

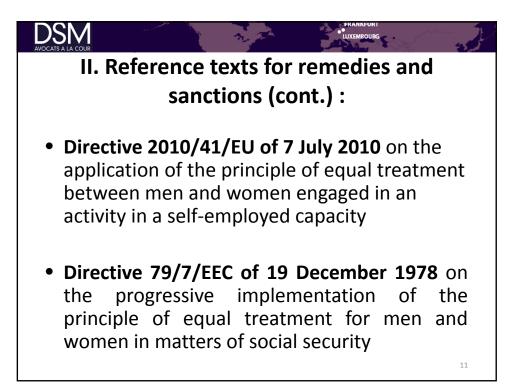




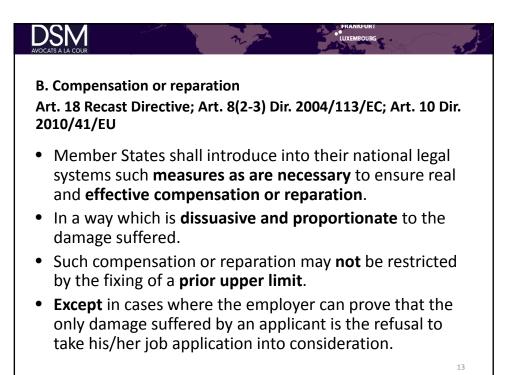


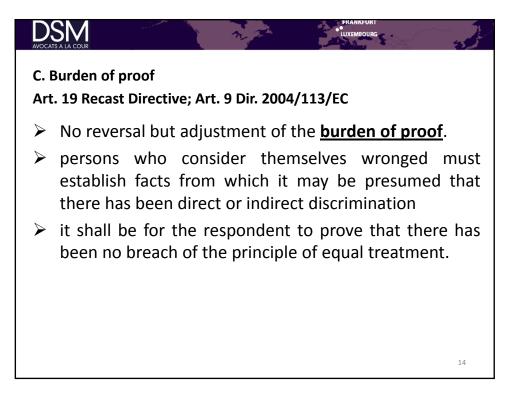




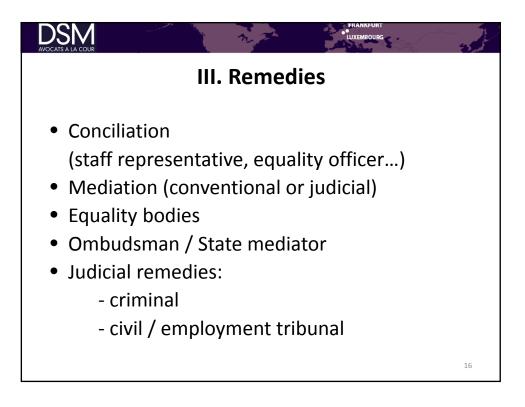


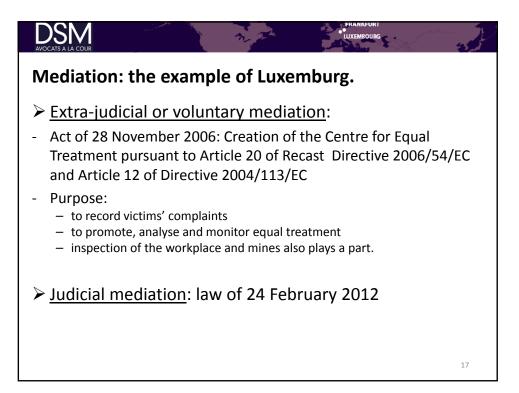


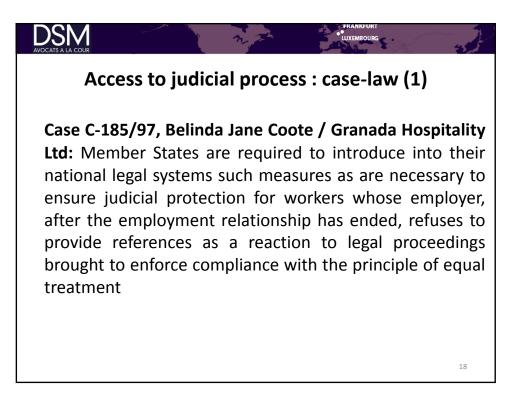


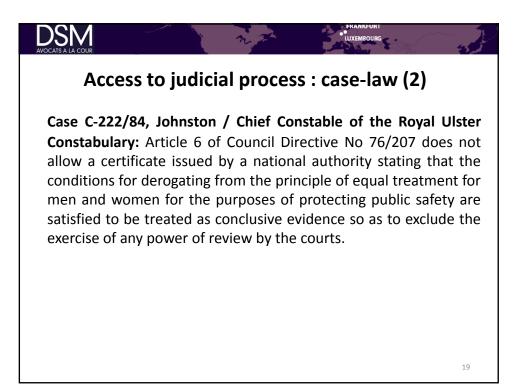


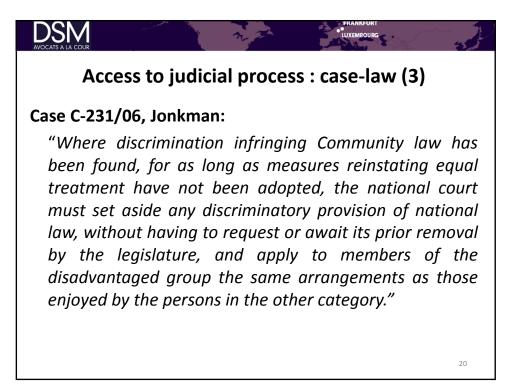
D. Victimisation Art. 24 Recast Directive; Art. 10 Dir. 2004/113/EC •such measures as are necessary (provided for by national law and/or practices) to protect employees, including their representatives •against any <u>dismissal</u> •or any other <u>adverse treatment</u> by the employer •as a reaction to a complaint within the undertaking <u>or to any legal proceedings</u> aimed at enforcing compliance with the principle of equal treatment

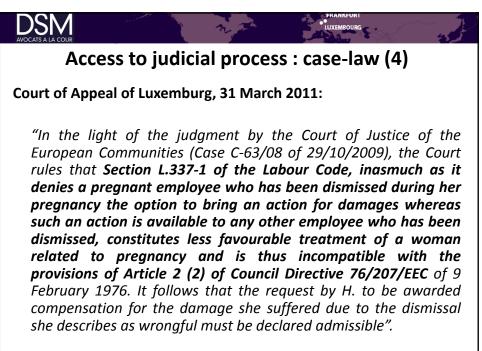
















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• Sanctions must be such as to guarantee real and effective judicial protection and it must also have a real deterrent effect on the employer

"NATIONAL PROVISIONS LIMITING THE RIGHT TO COMPENSATION OF PERSONS WHO HAVE BEEN DISCRIMINATED AGAINST AS REGARDS ACCESS TO EMPLOYMENT TO A PURELY NOMINAL AMOUNT, SUCH AS, FOR EXAMPLE, THE REIMBURSEMENT OF EXPENSES INCURRED BY THEM IN SUBMITTING THEIR APPLICATION, WOULD NOT SATISFY THE REQUIREMENTS OF AN EFFECTIVE TRANSPOSITION OF THE DIRECTIVE " (Case C-14/83, von Colson et Kamann / Land Nordrhein-Westfalen).

• Concerning the upper limit of a compensation:

"The fixing of an upper limit cannot, by definition, constitute proper implementation of Article 6 of the Directive, since it limits the amount of compensation a priori to a level which is not necessarily consistent with the requirement of ensuring real equality of opportunity through adequate reparation for the loss and damage sustained as a result of discriminatory dismissal." (Case C-271/91, Marshall / Southampton and South West Area Health Authority II).

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