Contents

1	INTRODUCTION			
2	GENERAL LEGAL FRAMEWORK			
	2.1 Constitutional provisions	9		
	2.2 Equal treatment legislation	9		
3	IMPLEMENTATION OF CENTRAL CONCEPTS	10		
	3.1 Sex/gender/transgender	10		
	3.2 Direct sex discrimination	10		
	3.3 Indirect sex discrimination	11		
	3.4 Multiple discrimination and intersectional discrimination	12		
	3.5 Positive action	12		
	3.6 Harassment and sexual harassment	14		
	3.7 Instruction to discriminate	15		
	3.8 Other forms of discrimination	15		
4	EQUAL PAY AND EQUAL TREATMENT AT WORK	16		
	4.1 The EU principle of equal pay	16		
	4.2 The scope given to the equal pay principle in national law	17		
	4.3 Equal treatment at work; access to work and working conditions	25		
	·	25 25		
	4.3.1 The personal and material scope4.3.2 Exceptions	23 27		
	4.3.3 Particular difficulties			
_		28		
5	MATERNITY, PATERNITY, PARENTAL AND OTHER TYPES OF LEAVES	29		
	5.1 Pregnancy and maternity protection	29		
	5.2 Maternity leave	31		
	5.3 Adoption leave	38		
	5.4 Parental leave	38		
	5.5 Paternity leave	41		
	5.6 Time off/care leave	42		
	5.7 Leave in relation to surrogacy	45		
	5.8 Leave sharing arrangements	45		
_	5.9 Flexible working-time arrangements	46		
6	OCCUPATIONAL PENSION SCHEMES CHAPTER 2 OF DIRECTIVE 2006/54	50		
	6.1 Direct and indirect sex discrimination in occupational social security schemes	50		
	6.2 Personal scope	50		
	6.3 Material scope	51		
	6.4 Exclusions from material scope	51		
	6.5 Case law and examples of sex discrimination	51		
	6.6 Sex as an actuarial factor	53		
	6.7 Difficulties	53		
7	STATUTORY SCHEMES OF SOCIAL SECURITY DIRECTIVE 79/7	54		
	7.1 Implementation principle of equal treatment	54		
	7.2 Personal scope	54		
	7.3 Material scope	55		
	7.4 Exclusions from material scope	55		
	7.5 Sex as an actuarial factor	57		
	7.6 Difficulties	58		
8	SELF EMPLOYED WORKERS DIRECTIVE 2010/41/EU AND PROVISIONS OF THE RECAST			
	DIRECTIVE	60		
	8.1 Implementation of Directive 2010/41/EU	60		
	8.2 Personal Scope	61		

	8.3	Different categories of self-employed workers and life partners	61	
	8.4	Material Scope	62	
	8.5	Positive action	62	
	8.6	Social protection	62	
	8.7	Maternity benefits	63	
	8.8	Occupational social security	64	
	8.9	Exceptions related to occupational social security	64	
	8.10	Prohibition of discrimination	64	
9	EQU	AL TREATMENT IN RELATION TO GOODS AND SERVICES	65	
10	VIOL	ENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN RELATION TO THE ISTANBUL		
	CON	VENTION	69	
11 ENFORCEMENT AND COMPLIANCE				
	11.1	Victimisation	71	
	11.2	Burden of proof	71	
	11.3	Remedies and sanctions	72	
	11.4	Access to courts	76	
11.5 Equality bodies				
	11.6	Social partners	80	
	11.7	Collective agreements	81	
12	OVE	RALL ASSESSMENT: LAW ON THE BOOKS VERSUS LAW IN PRACTICE	83	
A١	INEX	1 EU GENDER EQUALITY DIRECTIVES	85	
	Direc	tive 79/7/EEC	85	
	Direc	tive 92/85/EEC	88	
	Direc	tive 2004/113/EC	97	
	Directive 2006/54/EC			
	Directive 2010/18/EU			
Directive 2010/41/EU			137	
A١	INEX	2 LIST OF EQUALITY BODIES	144	