

SUMMARY

ECJ 20 June 2019, case C-404/18 (Hakelbracht and Others), gender discrimination, general

Jamina Hakelbracht, Tine Vandebon, Instituut voor de Gelijkheid van Vrouwen en Mannen – v – WTG Retail BVBA, Belgian case

Question

Must Article 24 of Directive 2006/54 be interpreted in the sense that it precludes national legislation, such as that at issue in the main proceedings, under which, in a situation where a person who believes to be discriminated against on grounds of sex has lodged a complaint, an employee who has supported that person in that context is protected from retaliatory measures taken by the employer solely if that employee has acted as a witness in the context of the investigation of that complaint and that that employee's witness statement satisfies formal requirements under that legislation?

Ruling

Article 24 of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation must be interpreted as meaning that it precludes national legislation, such as that at issue in the main proceedings, under which, in a situation where a person who believes to be discriminated against on grounds of sex has lodged a complaint, an employee who has supported that person in that context is protected from retaliatory measures taken by the employer solely if that employee has intervened as a witness in the context of the investigation of that complaint and that that employee's witness statement satisfies formal requirements laid down by that legislation.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-06-20

Case number: C-404/18