

## SUMMARY

# **ECJ 12 January 2023, case C-356/21 (TP (Monteur audiovisuel pour la télévision publique)), Discrimination General, Sexual Orientation**

## ***JK – v – TP S.A., PTPA, Polish case***

### **Summary**

The scope of the Framework Directive extends to self-employed workers. The freedom of contract cannot justify refusing to conclude a contract with a self-employed workers for discriminatory reasons. The ECJ's summary of the judgment in English is available [here](#).

### **Questions**

Must Article 3(1)(a) and (c) of Directive 2000/78 be interpreted as precluding national legislation which has the effect of excluding, on the basis of the freedom of choice of contracting parties, from the protection against discrimination to be conferred by that directive, the refusal, based on the sexual orientation of a person, to conclude or renew with that person a contract concerning the performance of specific work by that person in the context of the pursuit of a self-employed activity?

### **Ruling**

Article 3(1)(a) and (c) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as precluding national legislation which has the effect of excluding, on the basis of the freedom of choice of contracting parties, from the protection against discrimination to be conferred by that directive, the refusal, based on the sexual orientation of a person, to conclude or renew with that person a contract concerning the performance of specific work by that person in the context of the pursuit of a self-employed activity.

**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2023-01-12

**Case number:** C-356/21