

SUMMARY

Case C-68/17. Equal treatment

Is the second subparagraph of Article 4(2) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Directive 2000/78/EC) to be interpreted as meaning that the church can determine with binding effect that an organisation such as the defendant in the present proceedings, where employees in managerial positions are required to act in good faith and with loyalty, shall differentiate between employees who belong to the church and those who belong to another church or to none at all?

If the first question is answered in the negative:

- Must the provision of national law, in this case Paragraph 9(2) of the Allgemeines Gleichbehandlungsgesetz (General Law on equal treatment), according to which unequal treatment of this kind on the basis of the religious affiliation of employees is justified in accordance with the church's self-concept, be disapplied in these proceedings?
- What requirements apply, in accordance with the second subparagraph of Article 4(2) of Directive 2000/78/EC, in respect of a requirement for employees of a church or one of the other organisations mentioned to act in good faith and with loyalty to the organisation's ethos?

Creator: European Court of Justice (ECJ)

Verdict at: 2017-02-09

Case number: C-68/17