Rethinking EU Equality Law – EXPLORING THE ALTERNATIVES
## Types of incoherence

<table>
<thead>
<tr>
<th>Internal incoherence</th>
<th>“hierarchy of rights”</th>
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<tbody>
<tr>
<td><strong>Systemic</strong> incoherence</td>
<td>misalignment with other legal and policy fields essential to achieving substantive equality</td>
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<tr>
<td><strong>External</strong> incoherence</td>
<td>misalignment with international approaches</td>
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#1 Accommodating Religious Practice

Recommendations:

• Promote a better understanding of the EU concept of ‘indirect discrimination’ and how it can be used at national level to accommodate relevant employee rights at the workplace.

• Encourage discussion at EU and national level on how to develop balanced approaches to the accommodation of religious diversity at the workplace.

• At the next occasion, the CJEU should provide more detailed guidelines on how to balance employer/employee rights and interests in these cases.
#2 Working time, Work-Family Balance and Gender Equality

Recommendations:


• Strengthen the new right to request flexible or reduced work hours (COM(2017) 253 final), and include the rights to be informed of schedule changes and to refuse overtime work.

• Include the objective of work-family reconciliation in the WTD preamble.

• Expand the WTD Art. 13 principle of ‘adaptability’ to incorporate work-family reconciliation or duty to accommodate care obligations.
Recommendations:


• Amend all the equality directives to clarify that any reference to sex discrimination includes gender identity discrimination (alternative option).
Final recommendations

• Mainstream human dignity and substantive equality into all new EU legislative and policy initiatives. Consider revising existing legislation and policies to better reflect these values.

• Implement and interpret equality-related legislation in a way that preserves the underlying objectives of human dignity and substantive equality, and is aligned with international commitments.

• Adopt the Horizontal Directive and the Work-life Balance Directive, but avoid creating new inconsistencies with existing legislation and policies.