
PRESS RELEASE

12th Frankfurt Labour Law Dialogue: Judge at the Federal Labour Court Dr Regine Winter talked about and reported on the General Equal Treatment Act, in particular, abuse cases in application procedures

Frankfurt, 11 December 2018 – *Dr Regine Winter*, Judge at the 8th Senate of the Federal Labour Court, reported on the General Equal Treatment Act in the rulings of the 8th Senate of the Federal Labour Court within the scope of the 12th Frankfurt Labour Law Dialogue on 28 November 2018. The lecture was entitled: "The General Equal Treatment Act – 'Challenge' or Natural Legal Practice?" and took place in the offices of the international commercial law firm BEITEN BURKHARDT. The Frankfurt Labour Law Dialogue has been organized by *Wolfgang Apitzsch*, Labour Law Specialist and founder of the law firm Apitzsch-Schmidt-Klebe, *Prof. Dr Dr hc mult Manfred Weiss*, Professor emeritus for Labour Law at the Frankfurt University and *Dr Thomas Drosdeck*, Lawyer and Head of the Frankfurt Labour Law Practice Group of BEITEN BURKHARDT, for years with well-known lecturers.

Apart from many other subjects, the 8th Senate of the Federal Labour Court is competent for and concerned with claims for damages and compensation derived from the General Equal Treatment Act. *Dr Regine Winter* analysed the case law and rulings of the Senate concerning the General Equal Treatment Act on the basis of new cases involving, in particular, application procedures. She deepened relevant Union legislation and the European understanding of "discrimination" by making reference to the case law of the Court of Justice of the European Union which - after submission of draft decisions, *inter alia*, by German labour courts regarding cases involving the General Equal Treatment Act - with its decisions and rulings provides a binding interpretation of provisions of the relevant Union law and, thus, also for the interpretation of "discrimination" in the field of the General Equal Treatment Act.

The participants in the labour law dialogue intensively discussed, in particular, the question of the abuse of rights in case of applications to obtain claims for damages and/or compensation. *Dr Regine Winter* argued comprehensively and explained in this context the case law and rulings of the 8th Senate of the Federal Labour Court regarding the – impeding – plea of the abuse of rights and the insofar strict requirements. According to the general rules applicable to the burden of demonstration and proof the burden of proof for the fulfilment of the requirements lies with the person who raises such plea.

The participants in the 12th Frankfurt Labour Law Dialogue who, as a rule, are professionals from universities, members of the judiciary, trade unions, employers and lawyers discussed

the subject at length and in depth with *Dr Regine Winter*. The evening was completed by a dinner and a glass of wine.

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