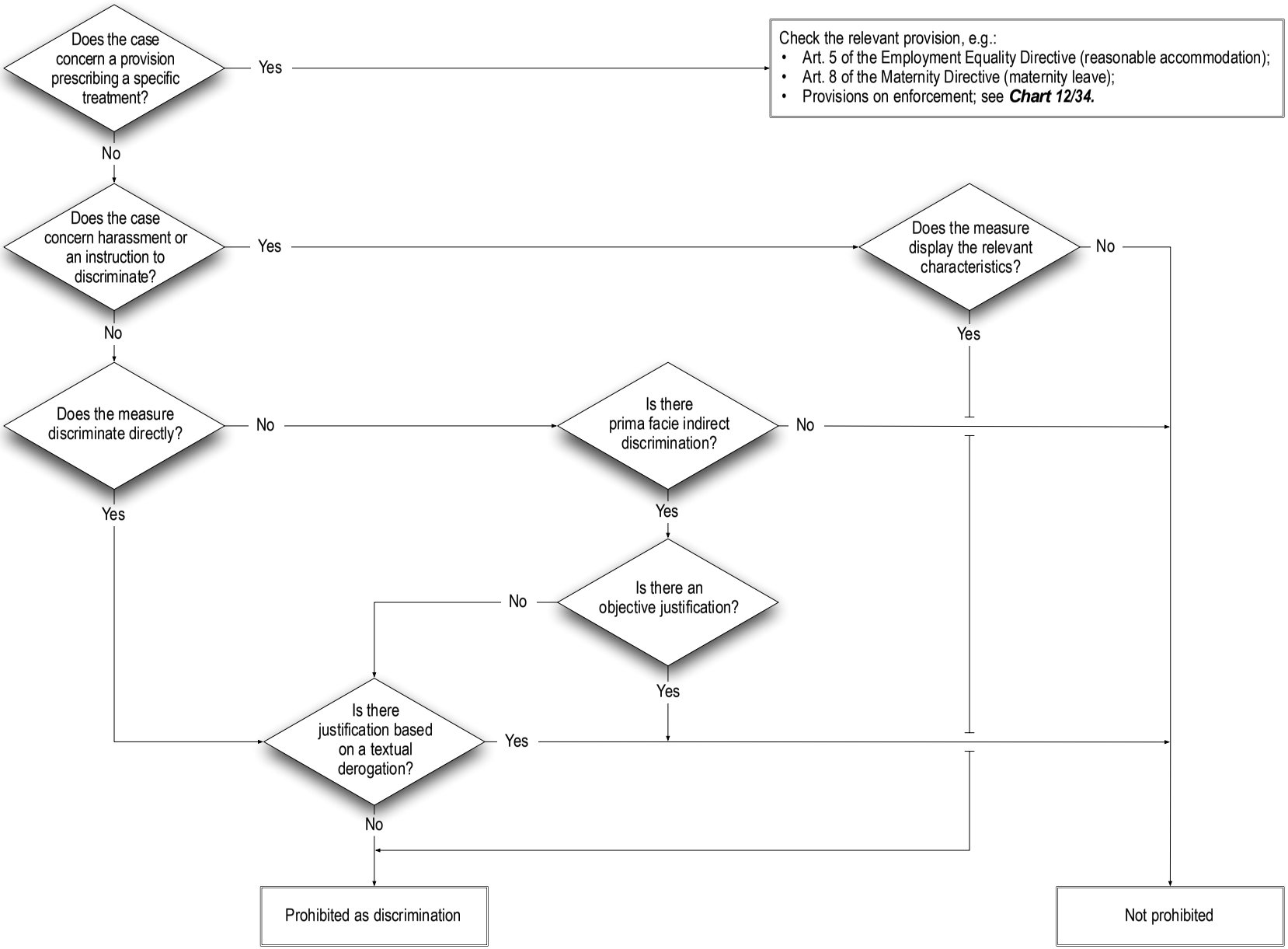
Does the case concern a provision prescribing a specific treatment?
Yes
Check the relevant provision, e.g.:
• Art. 5 of the Employment Equality Directive (reasonable accommodation);
• Art. 8 of the Maternity Directive (maternity leave);
• Provisions on enforcement; see Chart 12/34.
No
Does the case concern harassment or an instruction to discriminate?
Yes
Does the measure display the relevant characteristics?
No
Yes
No
Does the measure discriminate directly?
No
Is there prima facie indirect discrimination?
No
Yes
Yes
Is there an objective justification?
No
Yes
Is there justification based on a textual derogation?
Yes
No
Prohibited as discrimination
Not prohibited