

## **Lecture Series**

### **„Diversity issues in civil and labour law“**

#### **I. Concept**

Since summer semester 2022, the Department of Law has been addressing issues of diversity as part of a new series of lectures. At the invitation of Prof. Dr. Armbrüster and Prof. Dr. Hartmann, experts from academia and practice will give talks as part of regular lectures. They deal with current problems of anti-discrimination law and other diversity issues. Their topics are directly linked to the respective lecture material. The lectures are held in German or English.

#### **II. Previous lectures**

So far, the following events have taken place:

##### **1. Strategic litigation using the example of parentage law**

by Lawyer **Lucy Chebout** (Raue LLP), 20 June 2022

Ms Chebout reported on her commitment to the equal treatment of all children in parentage law, regardless of the gender constellation of the parents. She also addressed the question of how legal change can be brought about strategically with the help of individual procedures.

##### **2. Current issues in the law of parentage**

by **Prof. Dr. Tobias Helms** (University of Marburg), 20 June 2022

Prof. Helms supplemented Ms Chebout's presentation with a legal analysis of the planned reform on parentage law. As a member of the interdisciplinary 'Working Group on Parentage Law' set up by the German Federal Ministry of Justice and Consumer Protection (BMJV), Prof. Helms has been dealing with the need of reform in this area for many years.

##### **3. Headscarf at the workplace**

by **Dr. Aqilah Sandhu** (University of Augsburg), 11 July 2022

Using the example of the hijab, Dr. Sandhu's lecture dealt with the question of whether and, if so, under what conditions employers can prohibit the wearing of religious symbols at the workplace. She described the complex legal situation in the multi-level legal system of the European Union and in particular addresses some key judgements of the European Court of Justice from recent years.

#### **4. Female Quota in Company Boards**

by **Dr. Cecilia Carrara** (Rome); Respondent: **Prof. Dr. Bettina Rentsch, LL.M. (Michigan)** (FU Berlin), 6 December 2022

Dr. Carrara used the example of Italy to report on the discussion about quotas for women on the boards of public limited companies and presented the first legal regulations. Prof. Rentsch supplemented these remarks with a governance perspective and contributed a German and European perspective.

#### **5. Age discrimination in private law – of advantages and prejudices**

by **Prof. Dr. Dirk Looschelders** (University of Düsseldorf), 16 December 2022

Prof. Looschelders' lecture dealt with a sub-area of anti-discrimination law, which is particularly relevant because everyone can potentially be disadvantaged because of their age at different stages of life. The subject was an introductory overview, which Prof. Looschelders illustrated with numerous case studies from case law.

#### **6. Granular law**

by **Prof. Dr. Christoph Busch** (Universität Osnabrück), 13 January 2023

Prof. Busch spoke about a new phenomenon, so-called granular law, on which he is leading a project funded by the Volkswagen Foundation. This refers to rules that are not based on typification but aim to individualize against the backdrop of 'big data'. In addition to the advantages of greater justice in individual cases, concerns were also raised with regard to the equality of the law and legal certainty.

## **7. The German Origins of the Diversity Justification for Affirmative Action**

by **Prof. David B. Oppenheimer** (UC Berkeley School of Law), 17 May 2023

In his lecture, Prof. Oppenheimer, one of the leading anti-discrimination lawyers in the USA, focussed on the intellectual-historical background of affirmative action. A parallel to affirmative action exists in German law with the so-called positive measures pursuant to § 5 AGG. Prof. Oppenheimer put forward the thesis that a major inspiration for positive measures to promote disadvantaged groups came from the writings of Wilhelm von Humboldt.

## **8. Discrimination on the housing market**

by **Selma Gather** (FU Berlin) and **Dr. Christian Hunkler** (FU Berlin), 21 June 2023

In view of the tense situation on the rental market, discrimination against people looking for accommodation is particularly relevant. The event approached this phenomenon from an interdisciplinary perspective: Dr. Hunkler presented a social science study that examined the impact of ‘foreign’ sounding names and accents when looking for accommodation. Ms. Gather shed light on the anti-discrimination consequences of discrimination on the rental market due to ethnicity.

## **9. Gender-based discrimination in mass recruitment procedures**

by **Dr. Clemens Striebing** (Fraunhofer Institute IAO) and **Prof. Dr. Felix Hartmann, LL.M. (Harvard)** (FU Berlin), 10 December 2023

The speakers presented an interdisciplinary research project. Dr. Striebing reported on social science findings on a significant gender bias in widespread recruitment tests. Prof. Hartmann shed light on the anti-discrimination and data protection law situation and pointed out that the use of such tests poses a liability risk for employers that should not be underestimated.

## **10. Extension of the grounds of discrimination in the German AGG (General Equal Treatment Act)**

by **Prof. Dr. Mehrdad Payandeh, LL.M. (Yale)** (Bucerius Law School), 16 May 2024

### **11. The discussion on the planned Self-Determination-Act**

by **Prof. Dr. Dana-Sophie Valentiner** (University of Rostock) and **Prof. Dr. Bettina Rentsch, LL.M. (Michigan)** (FU Berlin), 13 June 2024

### **12. Concepts of equality and their influence on the German Constitutional Law**

by **Prof. Dr. Alexander Thiele** (BSP Law School Berlin), 24 June 2024

### **III. Prospect**

This lecture series will be continued in the winter semester of 2024/2025.

Ideas:

- Indicative effect of a deviation from the median in the context of § 22 AGG / role of contractual freedom
- Diversity in case law and legal practice