



C/2024/2412

8.4.2024

**Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 19 January
2024 — G.L. v AB SpA**

(Case C-38/24, Bervidi ⁽¹⁾)

(C/2024/2412)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicant: G.L.

Defendant: AB SpA

Questions referred

1. Should European Union law be interpreted — where applicable on the basis also of the United Nations Convention on the Rights of Persons with Disabilities — as meaning that a family caregiver of a severely disabled child who claims to have suffered indirect discrimination in an employment context as a result of the care provided by that individual is entitled to rely on the anti-discrimination protection that would be afforded to that disabled person, if they were the worker, by Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation? ⁽²⁾
2. If the answer to question (a) is in the affirmative, should European Union law be interpreted — where applicable on the basis also of the United Nations Convention on the Rights of Persons with Disabilities — as meaning that it is incumbent on the employer of the abovementioned caregiver to make reasonable accommodation to guarantee compliance — also in favour of that caregiver — with the principle of equal treatment in relation to other workers, modelled on the provisions laid down in relation to persons with disabilities in Article 5 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation?
3. If the answer to questions (a) and/or (b) is in the affirmative, should European Union law be interpreted — where applicable also on the basis of the United Nations Convention on the Rights of Persons with Disabilities — as meaning that the relevant caregiver for the purposes of Council Directive 2000/78/EC of 27 November 2000 should be understood as any person, whether a member of the family or a de facto cohabiting partner, who cares in a domestic setting, even informally, free of charge, for a significant number of hours, on an exclusive, continuous and long-term basis, for a person who, by reason of their severe disability, is not absolutely self-sufficient in the performance of the daily activities of living, or should European Union law be interpreted as meaning that the definition of caregiver in question is broader or even narrower than as stated above?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2000 L 303, p. 16.