

# Case C-303/06

**S. Coleman**

**v**

**Attridge Law and Steve Law**

(Reference for a preliminary ruling  
from the Employment Tribunal, London South)

(Social policy — Directive 2000/78/EC — Equal treatment in employment and occupation — Articles 1, 2(1), (2)(a) and (3) and 3(1)(c) — Direct discrimination on grounds of disability — Harassment related to disability — Dismissal of an employee who is not himself disabled but whose child is disabled — Included — Burden of proof)

Opinion of Advocate General Poiares Maduro delivered on 31 January 2008 . . . I - 5605  
Judgment of the Court (Grand Chamber), 17 July 2008 . . . . . I - 5615

## Summary of the Judgment

1. *Social policy — Equal treatment in employment and occupation — Directive 2000/78 — Prohibition of discrimination on grounds of disability — Scope (Council Directive 2000/78, Arts 1 and 2(1) and (2)(a))*

2. *Social policy — Equal treatment in employment and occupation — Directive 2000/78 — Prohibition of harassment — Scope*  
*(Council Directive 2000/78, Arts 1 and 2(1) and (3))*

1. Directive 2000/78 establishing a general framework for equal treatment in employment and occupation, and, in particular, Articles 1 and 2(1) and (2)(a) thereof, must be interpreted as meaning that the prohibition of direct discrimination laid down by those provisions is not limited only to people who are themselves disabled. The principle of equal treatment enshrined in that directive in the area of employment and occupation applies not to a particular category of person but by reference to the grounds mentioned in Article 1.
2. Directive 2000/78 establishing a general framework for equal treatment in employment and occupation, and, in particular, Articles 1 and 2(1) and (3) thereof, must be interpreted as meaning that the prohibition of harassment laid down by those provisions is not limited only to people who are themselves disabled. Under Article 2(3), harassment is deemed to be a form of discrimination within the meaning of Article 2(1) and the principle of equal treatment enshrined in that directive in the area of employment and occupation applies not to a particular category of person but by reference to the grounds mentioned in Article 1.

Where an employer treats an employee who is not himself disabled less favourably than another employee is, has been or would be treated in a comparable situation, and it is established that the less favourable treatment of that employee is based on the disability of his child, whose care is provided primarily by that employee, such treatment is contrary to the prohibition of direct discrimination laid down by Article 2(2)(a) of Directive 2000/78.

Where it is established that the unwanted conduct amounting to harassment which is suffered by an employee who is not himself disabled is related to the disability of his child, whose care is provided primarily by that employee, such conduct is contrary to the prohibition of harassment laid down by Article 2(3) of Directive 2000/78.

(see paras 38, 50, 56, operative part 1)

(see paras 38, 58, 63, operative part 2)