

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 **Lucy Chebout** (lawyer at 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** (University 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, focused 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

The presentation addressed current legal policy discussions on a possible expansion of the catalog of characteristics contained in Section 1 of the General Act on Equal Treatment.

Prof. Payandeh also addressed the increasing criticism of the characteristic-based basic concept of anti-discrimination law.

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

The speakers first gave an overview of the regulations of the Self-Determination Act and pointed out frequent misunderstandings in public perception. Prof. Valentiner and Prof. Rentsch particularly highlighted possible constitutional deficits in the gender-related right to self-determination.

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

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

After a brief overview of constitutional history, Prof. Thiele focused on the contrast between various dogmatic concepts of equality from Germany and the USA. He also discussed the problem of a possible third-party effect of the principle of equality, as shown in the decision of the Federal Constitutional Court regarding the stadium ban.

13. #stayonboard: The Temporary Suspension of Board Positions in German Corporate Law

by **Dr. Tobias de Raet** (lawyer and partner at law firm lindenpartners, Berlin), 20 November 2024

The temporary suspension of board positions, introduced by the so-called Second Act on Equal Participation of Men and Women in Management Positions (FüPoG II), allows executive board members and managing directors in certain life situations, such as maternity leave, parental leave, care for family members, or illness, to have their appointment temporarily revoked and be reappointed at a later time. The law stems from the #stayonboard initiative, with Dr. Tobias de Raet being one of the co-initiators of this initiative. In his presentation he illustrated the history behind this regulation, its application to various legal forms and corporate bodies, as well as the challenges and practical implications in corporate practice.

14. Diversity & discrimination: A subject for jurisprudence and legal practice?

by **Prof. Dr. Michael Grünberger, LL.M. (NYU)** (President of the Bucerius Law School),
10 December 2024

Whether selection criteria for students, the inclusion of people with disabilities or people of color: the equality of all people in their diversity is being discussed in all areas of society, including in the legal sciences. As one of the leading experts on anti-discrimination law, Prof. Dr. Michael Grünberger explained in his lecture whether and to what extent diversity and discrimination are (still) an issue for legal science and legal practice. Most recently, Prof. Grünberger co-edited an anthology on the topic of the lecture (*Diversität in Rechtswissenschaft und Rechtspraxis*, Nomos 2021).

15. Diversity and equal treatment in university admissions

by **Stephan Stegt** (itb-consulting Bonn), 7 May 2025

In his presentation, Mr. Stegt have a practical insight into the university admissions process. He presented various selection procedures and criteria used by universities for admission. Using a specific example, he showed how aspects such as equal treatment and diversity affect admissions and what differences there are compared to pure admission according to A-level grades. Finally, Mr Stegt explained how selection tests are statistically analyzed under the criterion of “fairness” in order to ensure that applicants with the same aptitude have the same chances.

16. The female category in elite sport: between protected class, fairness and inclusion

by **Juliane Schneider** (Martens, Munich), 25 June 2025

In her presentation, Ms Schneider discussed how the participation of female athletes in the Olympic Games has developed – from the first participation of women in 1900 to gender parity at the Olympic Games in Paris 2024. Using a case study on two current cases and by taking up the Executive Order of 5 February 2025 ‘Keeping Men Out of Women's Sports’, Ms Schneider emphasised the topicality and social significance of the topic of the presentation. Another focus was on dealing with the inclusion of transgender and intersex people as well as the regulations and authorisation conditions.

III. Prospect

This lecture series will still be continued in 2025.

Ideas for future topics are:

- 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