

FWO-Project on the Enforcement of Non-Discrimination Law (PENDL)

Design of a legal framework for evidence and remedies

2 full-time PhD positions available at KU Leuven and Hasselt University

The Research Foundation Flanders (FWO) has awarded a senior research project (PENDL) to Prof. Ilse SAMOY (KU Leuven) and Prof. Petra FOUBERT (Hasselt University), allowing them to hire 2 full-time PhD students (4 years each) and 1 postdoc researcher, for doing research on evidence and remedies in non-discrimination law.

The PENDL project wishes to offer tools for a legal framework that guarantees a balanced enforcement of non-discrimination law. Whilst international, European, national and regional legislation offer protection against discrimination by an authority or another citizen (eg as an employee on the basis of age or as a tenant on the basis of ethnic origin), recent evaluation reports show that a citizen who wants to call on this protection faces considerable difficulties. First, it is not clear how one should **prove** that discrimination has taken place. Secondly, **sanctions / remedies** are not always deterrent. The other way round, it is unclear which defense is available to the alleged discriminator. In other words: the 'pendulum', which should be in the middle, sways too often.

The PENDL project wants to bring change and aims to add the lens of common evidence and tort law to the particular lens of non-discrimination law. It is assumed that those legal domains hold important keys that have not been sufficiently uncovered yet for the purposes of non-discrimination law. The project intends to investigate problems and solutions in two specific sectors: the supply of goods and services (eg discrimination when renting an apartment) and employment (eg discrimination when applying for a job).

PhD KU Leuven

This PhD position fits within the PENDL project and focuses on the sector of the supply of goods and services. The researcher is based at KU Leuven and works under the supervision of Prof. Ilse Samoy (KU Leuven, promoter), Prof. Petra Foubert (Hasselt University, co-promoter) and the postdoctoral researcher. Given the interuniversity and interdisciplinary character of the PENDL-project, the researcher closely collaborates with the other PhD student, based at Hasselt University (under the supervision of Prof. Petra Foubert, promoter, Prof. Ilse Samoy, co-promoter) who focuses on the employment field and the postdoctoral researcher.

The PhD student based at KU Leuven aims:

- 1) To uncover problems and solutions concerning evidence and remedies in the enforcement of non-discrimination law and, more in particular;

- 2) To disclose, in an inductive way, common law expertise from evidence and tort law in one specific field: the supply of goods and services. From a historical perspective, the application of non-discrimination rules in the supply of goods and services is more likely to be seen as a newcomer. However, the fact that the supply of goods and services is still strongly embedded in common contract law, which is the *lex generalis* from which employment law (see PhD position based at Hasselt University) has gradually moved away to become a *lex specialis*, may open up novel routes.

Research environment

The PhD student joins the [Institute for the Law of Obligations](#), founded in 1999 and run by professors Sophie Stijns and Ilse Samoy. This Institute is part of the Department of Private Law at KU Leuven.

The members of the Institute teach the basic and advanced courses of the law of obligations in both Leuven and Hasselt, including lectures, exercises, seminars and the supervision of bachelor papers and master's theses.

Apart from education, the Institute features a strong focus on research, with several [successful research projects](#) completed.

Profile

- You have a master's degree in law, with excellent results. Students who will graduate in 2020 and candidates with law firm work experience are also encouraged to apply.
- You have an interest in evidence and tort law and are keen to be part of an innovative project aimed at bringing change and drafting a legal framework for a balanced enforcement of non-discrimination law.
- You are fluent in both English and Dutch or French. Knowledge of other languages is an asset.
- You have strong writing skills and can draft legal texts in a clear and comprehensive manner.
- You are prepared to carry out research in libraries and archives.
- You handle deadlines well.
- You have excellent communication skills, are creative, cooperative and open to intradisciplinary research, given the team-based character of the project.
- You can be present at your office in Leuven.

Offer

We offer you a [PhD position](#). The net amount of the scholarship will be approx. 2000 euro/month, depending on age, professional experience and family status. In addition, the fellowship provides for social and health benefits, office space and a bench fee for research expenses.

Subject to positive evaluation after the first year and the second year, the scholarship has a total duration of 48 months (1+1+2).

The start date of the doctoral position is negotiable, but should not be later than 1 September 2020.

Interested?

For more information please contact Prof. dr. Ilse Samoy, tel.: +32 16 32 53 89, mail: ilse.samoy@kuleuven.be.

You can apply for this job no later than March 31, 2020 via the [online application tool](#).

The job interviews for this position will preferably take place on April 7 and 8, 2020 in Leuven or via Skype-call.

KU Leuven seeks to foster an environment where all talents can flourish, regardless of gender, age, cultural background, nationality or impairments. If you have any questions relating to accessibility or support, please contact us at diversiteit.HR@kuleuven.be.

PhD Hasselt University

This PhD position fits within the PENDL project and focuses on the sector of employment. The researcher is based at Hasselt University and works under the supervision of Prof. Petra Foubert, (Hasselt University, promoter), Prof. Ilse Samoy, (KU Leuven, co-promoter) and the postdoctoral researcher. Given the interuniversity and intradisciplinary character of the PENDL-project, the researcher closely collaborates with the PhD student based at KU Leuven (under the supervision of Prof. Samoy, promoter, Prof. Petra Foubert, co-promoter) and the postdoctoral researcher.

The PhD student at Hasselt University aims:

- 1) To uncover problems and solutions concerning evidence and remedies in the enforcement of non-discrimination law and;
- 2) To disclose, in an inductive way, common law expertise from evidence and tort law in one specific field: employment. The employment field is the cradle of EU non-discrimination law. Employment law has gradually moved away from common contract law (lex generalis, see PhD based at KU Leuven) to become a lex specialis, which has lost touch with its origins.

Research environment

The PhD student joins the [Social Law Unit](#) of the Centre for Government and Law.

The Centre for Government and Law (CORe) was founded in 2008. Its members conduct fundamental and applied research within the broad spectrum of public law, reflecting the increasing role of government in society. The members of the Centre's Social Law Unit, run by Professors Petra Foubert and Johan Peeters, teach all the basic and advanced social law courses in both the faculty of law and the faculty of economics. Their research relates to the broad field of social law, with a special expertise in employment discrimination based on several criteria, including gender, disability and mental illness.

Profile

- You have a master's degree in law, with excellent results. Students who will graduate in 2020 and candidates with law firm work experience are also encouraged to apply.
- You have an interest in both social law and non-discrimination law and are keen to be part of an innovative project aimed at bringing change and drafting a legal framework for a balanced enforcement of non-discrimination law.
- You are fluent in both English and Dutch or French. Knowledge of other languages is an asset.
- You have strong writing skills and can draft legal texts in a clear and comprehensive manner.
- You are prepared to carry out research in libraries and archives.
- You handle deadlines well.
- You have excellent communication skills, are creative, cooperative and open to intradisciplinary research, given the team-based character of the project.
- You can be present at your office in Hasselt.

Offer

We offer you a [PhD position](#). The net amount of the scholarship will be approx. 2000 euro/month, depending on age, professional experience and family status. In addition, the fellowship provides for social and health benefits, office space and a bench fee for research expenses.

Subject to positive evaluation after the second year, the scholarship has a total duration of 48 months (2+2).

The start date of the doctoral position is negotiable, but should not be later than 1 September 2020.

Interested?

For more information please contact Prof. dr. Petra Foubert, tel.: +32 (0)11 26 87 66, mail: petra.foubert@uhasselt.be.

You can apply for this job no later than March 31, 2020, via the [online application tool](#) of the KU Leuven. Please indicate there if you are also interested in the PhD position at Hasselt University.

The job interviews for this position will preferably take place on April 7 and 8, 2020 in Leuven or via Skype-call.

Hasselt University contributes to the knowledge economy in the Euregion. Custom-made active tutoring, top quality research in selected domains and an international orientation are its characteristics. Owing to its small size, the university and its employees collaborate to build an organization that makes a great place to work. Personal qualities are the only criterion. Gender, ethnicity, disability, nationality and age are by no means taken into consideration.