Transposition and application of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

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The Committee on Women's Rights and Gender Equality adopted the own-initiative report drafted by Teresa **RIERA MADURELL** (PES, ES) on transposition and application of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. The committee calls on the Commission to carefully monitor the transposition of Directive 2002/73/EC as well as compliance with the legislation arising from this transposition, and to continue to exert pressure on Member States. It calls for better information as regards the state of transposition as well as closer cooperation between the competent committees in national parliaments and the European Parliament on monitoring the transposition and implementation of the Directive.

Unclear or insufficient transposition: MEPs regret the fact that legislation in several Member States does not include in a sufficiently clear and explicit manner definitions of direct and indirect discrimination, harassment and sexual harassment in the Directive. They are concerned that, in several Member States, the scope of the prohibited types of discrimination is not sufficiently wide as to comply with Directive 2002/73/EC. They regret the fact that some national legislation contravenes the principle of effective, proportionate and dissuasive sanctions by setting thresholds for the payment of compensation or reparation to the victims of discrimination. They also deplore the fact that some Member States have not recognised in an explicit manner the right to return to the same job or an equivalent post after maternity leave. They call on the Member States to ensure that all the provisions of Directive 2002/73/EC are fully, correctly and effectively transposed and adequately implemented.

Avoid harassment: MEPs ask Member States to take steps to encourage employers to foster working conditions that prevent sexual harassment and harassment on grounds of sex and to institute specific procedures to prevent such behaviour.

Reinforce bodies promoting equal treatment in the Member States: Member States are invited to develop capacities and ensure adequate resources for the bodies promoting equal treatment and equal gender opportunities provided for in Directive 2002/73/EC and to reinforce the exchange of good practices between Member States. MEPs invite the Commission and the Member States to gauge the degree of knowledge of EU citizens of the services offered by the equality bodies, and to launch information campaigns to make these bodies better known.

Raise awareness and victim protection: given the low number of gender equality proceedings and complaints filed, MEPs consider that there is a poor level of awareness of rights under Directive 2002/73/EC. They call on Member States, trade unions, employers and NGOs to intensify their efforts to inform women of the possibilities open to victims of discrimination under national legislation in force since 2005. Member States are called upon to ensure that assistance granted is independent and free of charge, to strengthen guarantees for victims of discrimination and to provide for the judicial protection of persons defending, or giving evidence on behalf of, a person protected by Directive 2002/73/EC.

Strengthen social dialogue and develop national equality plans: MEPs point to the need to foster social dialogue between the social partners in order to apply the principle of equal treatment by means of the monitoring of workplace practices. They invite Member States to incorporate in their national legislation the requirement for undertakings to develop and implement annual plans on corporate equality and the rights of women and men caring for family members and ensure gender-balanced representation on corporate boards. Employers should provide employees and their representatives with regular information on respect for the principle of equal treatment of women and men.

Better control of the implementation of the equal pay principle: MEPs insist on the need to develop national mechanisms aimed at monitoring the implementation of the equal pay principle and reinstatement at work following maternity leave, paternity leave or leave to care for dependent family members. Noting that the wage gap persists, with women earning wages that are on average 15% below those for men, that this gap was reduced by only 1% between 2000 and 2006. MEPs call on the Commission to renew the planning of support measures for this purpose.

Fight against discrimination: MEPs emphasise the need to combat the specific obstacles faced by women and girls with disabilities and by the parents of children with disabilities as regards equal access to education and to the labour market. They point to the need to ensure greater flexibility regarding parental leave, particularly for parents of handicapped children. Member States are called upon to remove discrimination against girls and young women in the transition from school to training, from training to professional life. They also highlight the need for public childcare and nursing services, and for care of the elderly.