

# **Application of the Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (Employment Equality Directive)**

2015/2116(INI) - 01/07/2016 - Committee report tabled for plenary, single reading

The Committee on Employment and Social Affairs adopted the own initiative report by Renate WEBER (ADLE, RO) on the application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'). Whilst welcoming the fact that almost all Member States have included the general principle of equal treatment on specific grounds of discrimination in their constitutions, Members regretted that **only a few Member States have systematically ensured that all existing legal texts are in line with the principle of equal treatment**, and even fewer implement them systematically.

In particular, they regretted the **increase in experiences of discrimination and harassment**, including at the workplace and especially with regard to gender, nationality, social background, disability, discrimination on the grounds of sexual orientation and gender identity, ethnic origin, and religion, particularly with regard to Muslim women and LGBTI people. Members called on the Commission to include a specific focus on all types of discrimination when monitoring the implementation of [Directive 2000/78/EC](#), and to speed up the adoption of the EU [horizontal anti-discrimination directive](#) proposed by the Commission in 2008, which was voted for by Parliament.

Members noted that non-discrimination in the field of occupation and employment is only effective if discrimination is **comprehensively combated** in all areas of life through, for example, community support, legislation and coordination tools such as strategies and frameworks at both Member State and EU levels, including the possibility of introducing positive action measures.

**Religion and belief:** studies showed that the most discriminated religious groups in the area of employment include Jews, Sikhs and Muslims (and especially women). Members recommended the adoption of European frameworks for national strategies to combat anti-Semitism and Islamophobia.

Whilst acknowledging the role played by the European Court of Human Rights' through its decisions in the interpretation of the Directive in its entirety, Members expressed regret regarding the low number of cases referred to courts, which contrasts with the high number of discrimination occurrences that emerge from victimisation surveys but are not pursued in law.

Given the increasingly xenophobic and Islamophobic context, Members considered that the consistent application of anti-discrimination legislation should be viewed as an important element in radicalisation prevention strategies. Furthermore, they felt that further harmonisation is needed when assessing the principle of the secularity of the state against the provisions of Article 4(2) of the Employment Equality Directive regarding the ethos.

The report called upon Member States to recognise the fundamental right to freedom of conscience, and noted that restrictions imposed by employers to the wearing of religious symbols are not always in line with international human rights standards.

**Disability:** noting that Directive 2000/78 in itself does not contain any definition of the concept of disability, Members encouraged Member States to interpret EU law in such a way as to provide a basis for a concept of disability in line with the Convention on the Rights of Persons with Disabilities (CRPD),

Deploring the fact that the employment rate among women with disabilities is less than 5%, the report stressed the importance of protecting disabled workers, including those with a terminal illness, from any form of discrimination in the workplace, as well as the need to protect these workers from unfair dismissal.

Members encouraged Member States to: (i) develop and implement an all-encompassing framework for measures enabling access to quality employment for persons with disabilities, including the possibility of using, for example, fines imposed for failure to comply with anti-discrimination legislation; (ii) provide ongoing support to employers that hire persons with disabilities; (iii) combat prejudice against persons with disabilities, especially persons with psychosocial or intellectual disabilities.

**Age:** underlining the important contributions that older workers make to society and the competitiveness of companies, Members called on Member States to promote access to employment and integration into the labour market of all workers regardless of their age, and to apply measures in order to protect all workers in the workplace

The report stressed the need to study the increasing problem of unemployment among people over the age of 50 and to develop effective tools, such as vocational training and incentives or subsidies for employers, in order to reintegrate older workers into the labour market and protect them against unfair dismissal. It underlined the need to upscale digital skills among the working population to help older people and workers with disabilities remain longer in the labour market.

Members welcomed the Commission's initiative on work-life balance. They recommended that the initiative fully include measures to support informal carers and grandparents of working age, as well as young parents.

**Sexual orientation:** Members recalled that the scope of protection from discrimination available to trans people remains uncertain in many Member States. They called for measures to implement effectively national legislation transposing the Gender Equality Directive (recast). Such measures could improve legal definitions to ensure that protection includes all transgender people and not only trans people who are undergoing or have undergone gender reassignment.

**In general, the report recommended**, inter alia:

- developing harmonised and homogeneous statistics designed to fill in all gaps in the collection of gender equality data;
- strengthening the role of the national equality bodies, ensuring their impartiality, developing their activities and enhancing their capacities, including through the provision of adequate funding;
- displaying greater commitment in implementing the principle of equality between women and men in employment policies;
- enhancing the reconciliation of work and private life by concrete measures, such as urgently proposing new legislative proposals on the Maternity Leave Directive so as to guarantee the right for women to return to work after pregnancy and maternity leave and parental leave;
- improving complaint mechanisms at national level by strengthening national equality bodies;
- paying close attention to the rules applicable to sanctions and redress in the Member States;
- ensuring adequate training is provided for employees of national, regional and local authorities, law enforcement bodies and labour inspectorates;
- involving social partners (trade unions and employers) and civil society, including equality bodies, in the effective application of equality in employment and occupation.

