Union of equality: standards for equality bodies in the field of equal treatment between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services

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PURPOSE: to establish standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: **equality bodies** play a key role in the EU's anti-discrimination architecture.

Directive 79/7/EEC prohibits discrimination in social security on the grounds of sex. Directive 2000/43/EC prohibits discrimination on the grounds of racial or ethnic origin. Directive 2000/78/EC prohibits discrimination on the grounds of religion or belief, disability, age or sexual orientation in employment, occupation and vocational training. Directive 2004/113/EC prohibits discrimination on the grounds of sex in the access to and supply of goods and services.

Directives 2000/43/EC and 2004/113/EC require Member States to designate a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds they cover.

The existing EU equality Directives **do not include provisions on the actual structure and functioning of equality bodies**, but only require that they have certain minimum competences, and that they act independently within the exercise of their remit. Due to the wide margin of discretion left to the Member States in implementing these provisions, there are **significant differences** between equality bodies across Member States, in particular as regards their mandate, powers, leadership, independence, resources, accessibility and effectiveness.

To ensure that equality bodies can achieve their full potential, contribute effectively to the enforcement of all equality Directives and help victims of discrimination access justice, the Commission adopted a Recommendation on standards for equality bodies in 2018. However, most of the issues the Recommendation aimed at addressing remained unresolved.

Therefore, the Commission proposes **binding rules** to strengthen the role and independence of equality bodies. The European Parliament and the Council have expressed their support for the adoption of new rules to strengthen the equality bodies.

CONTENT: the proposed Directive aims to **set minimum standards for equality bodies**, addressing their mandate, tasks, independence, structure, powers, accessibility and resources, to ensure that they can, alongside other actors:

- effectively contribute to the enforcement of Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113 /EC;

- effectively assist victims of discrimination to access justice; and

- promote equal treatment and preventing discrimination.

In concrete terms, the proposal:

- provides for the **designation** of an equal treatment body or bodies by Member States to combat discrimination falling within the scope of Directives 2006/54/EC and 2010/41/EU;

- establishes a **general obligation of independence** for equal treatment bodies. The specific requirements to ensure this independence relate to the legal structure, accountability, budget, staffing and organisational matters of equality bodies, as well as the rules applicable to their staff and management;

- establishes a general obligation for Member States to provide equality bodies with **adequate resources** to carry out all their tasks and exercise all their competences effectively;

- clarifies the **role** of equal treatment bodies in promoting equal treatment and preventing discrimination;

- specifies the way in which equality bodies are required to **assist victims** after receiving their complaint by providing information on the legal framework, the available remedies, the services they offer, the confidentiality rules applicable, the protection of personal data and the possibilities of obtaining psychological support;

- requires Member States to provide for the possibility of **out-of-court dispute settlement**, led by the equality body itself or by another existing specialised body, if all parties agree to initiate such a procedure;

- allows equality bodies to **investigate** possible cases of discrimination and to issue a motivated (non-binding) opinion or adopt a (binding) decision, following a complaint or on their own initiative;

- gives the equality bodies **litigation powers** to ensure compliance with the principle of equal treatment as set out in Directives 2006/54/EC and 2010/41/EU;

- requires **accessibility** of all services and reasonable accommodation for people with disabilities;

- ensures that equality Bodies are **regularly consulted** by government and other public institutions on public policies with equality and non-discrimination aspects;

- provides that equality Bodies (i) are obliged to **collect data** on their own activities, (ii) are entitled to conduct surveys, and (iii) have the possibility to play a coordinating role in the collection of equality-related data by other public or private entities;

- ensure that the equality bodies regularly plan and publicly **report** on their work and on the state of equal treatment and non-discrimination.

The Commission adopted a parallel proposal aiming to establish standards for equality bodies in matters of equal treatment between women and men in matters of employment, occupation, including self-employment.