

# **Union of equality: standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation**

2022/0400(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 479 votes to 116, with 25 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.

The position adopted by the European Parliament at first reading under the ordinary legislative procedure is as follows:

## ***Independence***

Member States should:

- take measures to ensure that equality bodies are independent and free from external influence, and that they do not seek or take instructions from the government or from any other public or private entity while performing their tasks and exercising their competences;
- provide for transparent procedures concerning the selection, appointment, revocation and potential conflicts of interest of the staff of equality bodies holding decision-making or managerial positions, and where applicable members of the governing board, in order to guarantee their competence and independence;
- ensure that equality bodies establish an internal structure that guarantees the independent, and where appropriate impartial, exercise of their competences.
- ensure that the internal structure of multi-mandate bodies guarantees the effective exercise of the equality mandate.

## ***Awareness raising, prevention and promotion***

Equality bodies should be empowered to carry out activities to prevent discrimination and to promote equal treatment. Such activities may, *inter alia*, include: (i) promoting positive action and gender mainstreaming among public and private entities, (ii) providing them with relevant training, advice and support, (iii) engaging in public debate, (iv) communicating with relevant stakeholders, including the social partners, and (v) promoting the exchange of good practices.

In carrying out such activities, equality bodies can take into consideration specific situations.

## ***Assistance to victims***

The amended text stipulated that equality bodies should provide assistance to victims, initially by informing them about the following: (a) the legal framework, including advice targeted to their specific

situation; (b) the services offered by the equality body and related procedural aspects; (c) available remedies, including the possibility to pursue the case before the courts; (d) the confidentiality rules applicable, and the protection of personal data; and (e) the possibility of obtaining psychological or other types of relevant support from other bodies or organisations.

### ***Alternative dispute resolution***

Equality bodies should be able to offer the parties the possibility of seeking an alternative resolution to their dispute. That process may be led by the equality body itself or by another competent entity, in accordance with national law and practice, in which case the equality body may formulate observations to that entity. Such alternative dispute resolution may take different forms, such as mediation or conciliation, in accordance with national law and practice. The absence of a resolution should not preclude the parties from exercising their right to act in court proceedings.

### ***Opinions and decisions***

Equality bodies should be empowered to provide and document their assessment of the case, including establishing the facts and a reasoned conclusion on the existence of discrimination. Member States should determine whether this is to be done by means of non-binding opinions or binding decisions.

### ***Litigation***

The right of the equality body to act in court proceedings should include the right to submit observations to the court, in accordance with national law and practice. It should include at least one of the following: (a) the right to initiate court proceedings on behalf of one or several victims; (b) the right to participate in court proceedings in support of one or several victims; or, (c) the right to initiate court proceedings in its own name, in order to defend the public interest.

### ***Accessibility and reasonable accommodations for persons with disabilities***

Member States should ensure accessibility and provide reasonable accommodations for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, alternative dispute resolution, information and publications, as well as prevention, promotion and awareness-raising activities.

### ***Monitoring and reporting***

By 24 months after the date of entry into force of this Directive, the Commission should, by means of an implementing act, establish a list of common indicators on the functioning of the equality bodies designated under this Directive.

Within the context of the monitoring and reporting exercise, and in order to enhance the dialogue between the Union institutions and to ensure greater transparency, the European Parliament may invite the Commission annually to discuss matters concerning the functioning of the equality bodies designated under this Directive. The European Parliament may express its views in resolutions.