Equality men-women, discrimination based on sex: burden of proof

1996/0196(SYN) - 14/05/1997 - Modified legislative proposal

In its amended proposal, the European Commission took over 12 of the 20 amendments adopted by Parliament at its first reading. These amendments were aimed mainly at strengthening the main provisions of its original proposal in terms of: - the definition of the concept of 'indirect discrimination': the criteria which determined whether or not indirect discrimination existed were defined more clearly; - the scope of the Directive: the amended proposal updated the original proposal and took into account Directive 96/34 /EC on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC; - the adjustment of the burden of proof: the amended proposal made more apparent the link with the concept of indirect discrimination and the circumstances in which an adjustment of the burden of proof can occur. The amended proposal also highlighted those elements aimed at safeguarding the level of protection in Member States where a higher level of protection in this field was provided for: the Directive should under no circumstances be sufficient ground for justifying an absence of positive action measures on the part of the Member States. The amended proposal also took over Parliament's amendments seeking to shorten the time-limit for the implementation of this Directive: 1 January 2000 instead of 1 January 2001. It also included the amendment on the drawing-up of a report on the application of the Directive after it was implemented.