Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Racial Equality Directive

1999/0253(CNS) - 25/11/1999 - Legislative proposal

PURPOSE : to give effect to the principle of equal treatment between people of different racial origins in the European Union in accordance with Article 13 of the Treaty establishing the European Community. CONTENT : Whilst the prime responsibility for combating racism lies with the Member States, the scope and enforceability of such provisions - and the ease of access to redress - vary greatly from one Member State to another. European legislation is required in order to ensure a common minimum level of legal protection, including rights of redress, for the fundamental right not to suffer racial discrimination. The principal objectives of the proposal are: - To provide a Community-wide definition of discrimination on grounds of racial and ethnic origin, on the basis of which equal treatment can be assured. This includes a concept of indirect discrimination, which should be read in conjunction with the provisions relating to burden of proof. The Commission proposes shifting the burden to the defendant in certain circumstances, as has already been done in the case of sex discrimination. The burden of proof will revert to the defendant once the plaintiff has established factual evidence of less favourable treatment caused by apparent discrimination. - To define a minimum number of areas of life, within the scope of the Treaty, in which the principle of equal treatment must be ensured: - conditions of access to employment and occupation, including selection criteria and recruitment conditions, - access to vocational training, - membership of workers' or employers' organisations, - social protection and social security, - social advantages, - education and training, - access to goods and service. There is no discrimination if racial or ethnic origin constitutes a genuine occupational qualification. To provide a minimum level of redress for people who have suffered discrimination - To ensure arrangements for the monitoring of discrimination in enterprises and in wider society. The proposal includes a study of the probable impact of the legislation. Member States must introduce laws to comply with the Directive by 31 December 2002.