Basic information

2000/0142(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Equal opportunities between women and men: employment, vocational training, working conditions See also 2008/2039(INI) **Subject** 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all 4.40.15 Vocational education and training	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	HAUTALA Heidi (V/ALE)	09/11/2001

Former committee responsible	Former rapporteur	Appointed
FEMM Women's Rights and Equal Opportunities	HAUTALA Heidi (V/ALE)	20/06/2000
FEMM Women's Rights and Equal Opportunities	HAUTALA Heidi (V/ALE)	20/06/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	VLASTO Dominique (PPE-DE)	19/09/2000
EMPL Employment and Social Affairs	DAMIÃO Elisa Maria (PSE)	06/09/2000

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2436	2002-06-13
Employment, Social Policy, Health and Consumer Affairs	2357	2001-06-11
Agriculture and Fisheries	2369	2001-07-23
Agriculture and Fisheries	2404	2002-01-21

European Commission	

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
07/06/2000	Legislative proposal published	COM(2000)0334	Summary
04/09/2000	Committee referral announced in Parliament, 1st reading		
14/05/2001	Vote in committee, 1st reading		Summary
14/05/2001	Committee report tabled for plenary, 1st reading	A5-0173/2001	
31/05/2001	Decision by Parliament, 1st reading	T5-0304/2001	Summary
31/05/2001	Debate in Parliament		
07/06/2001	Modified legislative proposal published	COM(2001)0321	Summary
23/07/2001	Council position published	09848/1/2001	Summary
05/09/2001	Committee referral announced in Parliament, 2nd reading		
16/10/2001	Vote in committee, 2nd reading		Summary
16/10/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0358/2001	
24/10/2001	Decision by Parliament, 2nd reading	T5-0550/2001	Summary
24/10/2001	Debate in Parliament		
21/01/2002	Parliament's amendments rejected by Council		
21/02/2002	Formal meeting of Conciliation Committee		
17/04/2002	Final decision by Conciliation Committee		Summary
17/04/2002	Report tabled for plenary, 3rd reading	A5-0207/2002	
05/06/2002	Joint text approved by Conciliation Committee co-chairs	03624/1/2002	
11/06/2002	Debate in Parliament		
12/06/2002	Decision by Parliament, 3rd reading	T5-0298/2002	Summary
13/06/2002	Decision by Council, 3rd reading		
23/09/2002	Final act signed		
23/09/2002	End of procedure in Parliament		
05/10/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0142(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	See also 2008/2039(INI)
Legal basis	EC Treaty (after Amsterdam) EC 141-p3
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/15413

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0173/2001	14/05/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0304/2001 OJ C 047 21.02.2002, p. 0019-0158 E	31/05/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0358/2001	16/10/2001	
Text adopted by Parliament, 2nd reading		T5-0550/2001 OJ C 112 09.05.2002, p. 0014-0516 E	24/10/2001	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0207/2002	17/04/2002	
Text adopted by Parliament, 3rd reading		T5-0298/2002 OJ C 261 30.10.2003, p. 0150-0278 E	12/06/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	09848/1/2001 OJ C 307 31.10.2001, p. 0005	23/07/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0334 OJ C 337 28.11.2000, p. 0204 E	07/06/2000	Summary
Modified legislative proposal	COM(2001)0321 OJ C 270 25.09.2001, p. 0009 E	07/06/2001	Summary
Commission communication on Council's position	SEC(2001)1332	10/08/2001	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0689	27/11/2001	Summary

Follow-up document	COM(2009)0409	29/07/2009	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0060/2001 OJ C 123 25.04.2001, p. 0081	25/01/2001	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03624/1/2002	05/06/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2002/0073
OJ L 269 05.10.2002, p. 0015 Summary

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 23/07/2001 - Council position

The Council presented its common position on the proposed changes to the Directive in July. Following extensive debate within the Council, substantial progress was made in the following fields: - the definitions of direct and indirect discrimination; - the definition of sexual harassment and harassment on the basis of sex; - the creation of bodies promoting equality of treatment between women and men; and - the reinforcement of judicial protection of victims of discrimination. Nevertheless, the Council decided not to incorporate certain Commission sponsored Parliamentary amendments into its common position. Those amendments that were found to be acceptable are as follows: - Setting out the framework within which the Directive is situated by referring to ECJ case-law and the new Treaty provisions. - Defining direct and indirect discrimination. - Freedom of association and the possibility under Article 141(4) of the Treaty to include membership or the continuation of organisations or unions. - Distinction between sexual harassment and harassment on the basis of sex: - Similar recital of Directives based on Article 13. - Protection of women during pregnancy and maternity leave. - Balancing participation of women and men in family and working life as well as the protection of paternity leave. - Mention of Declaration 28. - Maintenance or adoption of positive action measures. - Effective judicial protection. - Reinforcement of legal protection. - Promotion of dialogue between the social partners and with non-governmental organisation to address different forms of discrimination based on sex. - Effective, proportionate and dissuasive sanctions in cases of the obligations under Directive 76/207/ EEC. In addition to Parliamentary amendments which were incorporated into the common position, the Council added the following amendments to the final text: - The need to refer to other international legal instruments. For example, the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and political Rights; the Charter of Fundamental Rights of the European Union etc - The principle of equal pay as established by Article 141 of the Treaty. - Compensation in cases of violation of the principle of equal treatment as well as the rules concerning the upper limit in cases of compensation. - Rules relating to time limits for bringing actions before the national courts. - The Council took the initiative to delete Articles 3,4 and 5 of the initial Directive and have regrouped it under one newArticle. The new Article covers the whole scope of the principle of equal treatment i.e access to employment, promotion and training and working conditions including pay. - Minimum requirements for the promotion of dialogue with social partners. - Judicial and administrative procedures for the enforcement of obligations under this Directive are without prejudice to national rules relating to time limits. - Communication on positive action measures from Member States should be presented every five years as opposed to every two years as originally suggested. - New provisions specifying that the Directive shall enter into force on the date of its publication in the Official Journal.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 31/05/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the report by Mrs Heidi Anneli HAUTALA (Greens/EFA, FIN) which aims to amend the directive on equal treatment of women and men in the workplace, together with a number of amendments. In addition to amendments set out in the previous document, the Parliament proposes that a body be set up in each Member State that will be able to deal with complaints from women and represent them in cases of discrimination. Moreover, MEPs are insisting that the victims and their representatives are not subject to reprisals. Sanctions should also apply and financial compensation, as is proposed by the Commission, should only be one among many other forms of compensation. These should include, for example, the right to return to work after sacking. The Parliament also wants the Member States to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2002 at the latest or shall ensure, by that date at the latest, that management and labour introduce the requisite provisions by way of an agreement.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 12/06/2002 - Text adopted by Parliament, 3rd reading

By adopting the report by Mrs Heidi HAUTALA (Greens/EFA, Fin), the European Parliament approved the joint text approved by the conciliation committee on the amending of Council Directive 76/207/EEC on removing obstacles to women in employment by implementing the principle of equal treatment as regards all aspects of employment, promotion, vocational training and working conditions. (Please refer to the summary dated 17/04/02 for a outline of the conclusions reached by the conciliation committee).

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 24/10/2001 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the report by Heidi Hautala (Greens, Finland) based on the decision of the committee responsible (please refer to previous document). The amendments to the definitions include a distinction between sexual harassment and harassment on the gounds of sex. Positive measures at the workplace must provide for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity, or to prevent or compensate for disadvantages in professional careers. The possibility of class actions, where this is allowed by national legal systems, is also provided for.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 29/07/2009 - Follow-up document

In September 2002, the European Parliament and the Council adopted Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. It entered into force on 5 October 2002 and its provisions were to be transposed by the Member States by 5 October 2005.

In accordance with Directive 2002/73/EC, the Member States were to communicate to the Commission all the information necessary for it to draw up a report on the application of the Directive. This report is based on information received from the Member States, in particular in response to a questionnaire on the Directive's application prepared by the Commission departments and sent to all Member States in January 2009. A European Parliament resolution constituted another source of information as well as the information gathered by the Commission when monitoring the Directive's implementation. The European social partners and the European Women's Lobby have also been consulted on the issues arising from the Directive.

The aim of this report is to flag up certain aspects that are particularly important or problematic and to identify good practice. It concentrates on transposition-related problems, the impact of the Directive, the enforcement of rights, and the role of equality bodies, the social partners and NGOs.

The report concludes that, considering the far-reaching changes to legislation required in a number of Member States and the substantial progress most Member States have made in implementing its provisions, the **transposition of Directive 2002/73/EC can generally be regarded as satisfactory**. However, an effort is still needed in a number of Member States to achieve full and correct transposition.

Main conclusions: this Directive is an important **milestone in the development of EC gender equality law** in so far as it has modernised the rules on equal treatment of men and women in employment and related areas. Nonetheless, given the persistence of inequality and discrimination, it is important that EC and national gender-equality legislation be **implemented and enforced carefully**.

The **role of the equality bodies**, which not only monitor developments at national level and assist the victims of discrimination but also contribute to furthering equality in the long run through their many other activities, is particularly important here.

The **involvement of all actors** (the authorities, the social partners, NGOs, the equality bodies and society at large) is essential if awareness is to be raised and effective use made of the tools to eradicate discrimination that are provided for in the Directive.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 07/06/2001 - Modified legislative proposal

The Commission accepts the majority of the Parliament's amendments since it states that most of them improve the clarity and legal certainty of the text. In particular, the directive sets out minimum standards, and Member States may introduce higher standards of protection. It clarifies the circumstances under which a Member State may provide for a difference in treatment on the basis of sex, specifiying that this should only be when the aim is legitimate, and is within the confines of the principles of proportionality. With regard to maternity leave, the document makes clear that after such leave, women should also benefit from any improvement in working conditions to which they would be entitled during their absence. Protection against victimisation is extended not only to employees but also to trade union delegates supporting them and also to witnesses. The Member States are to submit reports every two years on positive action measures, instead of every year as proposed by the Parliament. Member States are to ensure dialogue with NGO's and to encourage employers to take all measures necessary to promote equality and to prepare annual equality reports, on the basis of which they may be required to improve the situation.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 10/08/2001 - Commission communication on Council's position

Whilst the Commission notes that the Council's common position incorporates a large part of its original text, important aspects have nevertheless been excluded. Specifically, the Commission regrets that the Council failed to set higher targets for a social dialogue. This would have included agreements taking into account the objective of equality between women and men and where appropriate strategies to achieve such an objective in a timely way. Failure to incorporate higher targets means Parliamentary concerns on the promotion of equality at the company level are not reflected in the revised Directive. The Commission has accordingly annexed a declaration to the Council's common position, which reads as follows: 1) The Commission regrets that the Council did not, in line with the amended proposal presented by the Commission, take a more ambitious approach by taking further into account the views of the European Parliament as this would have strengthened and clarified its initial proposal modifying Directive 76 /207/EEC. 2) In light of the amendment to the definition of indirect discrimination, the Commission will propose and appropriate amendments to Directive 97/80/EC as amended by Directive 98/52/EC; as expeditiously as possible.' At the same time, the Commission acknowledges that the narrow time-frame between the adoption of the Parliament's opinion and the Council meeting made taking up some of the Parliament's amendments difficult.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 27/11/2001 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept seven Parliamentary amendments either partially or by reformulation but can not accept eight of the remaining amendments adopted by the European Parliament during its second reading. On the question of preventive measures for sexual harassment the Commission can accept in part such an introduction. Similarly, Parliamentary amendments relating to positive action measures have been accepted by the Commission. The Commission suggests that the description of positive measures should be given in the recitals, providing that the wording of the Treaty is respected. On the question of establishing independent bodies for the promotion, monitoring and follow-up of all Community legislation in this area the Commission accepts the establishment of such a body. However, amendments relating to the funding and human resources of these bodies has been rejected on the grounds that this is a matter for Member States to organise. Concerning "equality plans at the company level", the Commission can accept this in spirit subject to a reformulation of Article 8b. Concerning Parliamentary requests for a two yearly Member State report on positive action measures, the Commission proposes a report be submitted every three years. Those amendments not accepted by the Commission refer to: - the extension of post employment judicial protection to a person supporting the employee; - extending the definition of the Directive's scope; - the re-wording of the definition of sexual harassment; - the general exclusion or restriction on access to a professional activity constituting discrimination; - the reformulation of the common position referring to maternity and paternity leave. - amendments obliging Member States to introduce national legislation offering effective, proportionate and dissuasive sanction for breach of the Directive; - on group action in cases of discrimination even without the consent of the victim of discrimination. - amendments extending protection against dismissal to workers' representatives.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 23/09/2002 - Final act

PURPOSE : to extend the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

LEGISLATIVE ACT: Directive 2002/73/EC of the European Parliament and of the Council amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

CONTENT: the Directive prohibits all discrimination on grounds of sex either directly or indirectly by reference in particular to marital or family status.

The main features of the Directive are as follows:

- Harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited. The definition of harassment that was adopted finally was ‘where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment’;
- Definitions of direct and indirect discrimination, corresponding to those in already existing law concerning the combat against discrimination adopted in the framework of Art 13 of the Amsterdam Treaty;
- New provisions concerning the application of the law and the elimination of any ceilings relating to compensation;
- A new responsibility for Member States, who would be required to set in place agencies with specific powers to promote equal opportunities;
- Employerw would take ‘preventive measures’ against harassment and sexual harassment in the workplace, as well as introduce company equal opportunities plans which should be made available to workers;
- Greater employment security for young parents – men and women – requiring time off to look after young children.

ENTRY INTO FORCE: 05/10/2002.

TRANSPOSITION: 05/10/2005.

Equal opportunities between women and men: employment, vocational training, working conditions

2000/0142(COD) - 07/06/2000 - Legislative proposal

PURPOSE : to amend Council Directive 76/207/EEC on removing obstacles to women in employment by implementing the principle of equal treatment as regards all aspects of employment, promotion, vocational training and working conditions. CONTENT : many developments justify the amendment of this directive, the main one being that the provision for equal opportunities in the framework of the Treaty has been greatly enhanced since the entry into force of the Treaty of Amsterdam in 1999. Equal treatment is now an explicit objective enshrined in Article 2 , and Article 13 enables action against discrimination on other grounds. Amendment of the directive is required in order to ensure coherence. The proposal also takes account of the case law of the European Court of Justice, which comprises 40 judgements in the last 25 years. The proposed directive: -for the first time defines sexual harassment as discrimination based on sex, at the work place; -it reinforces protection even when the relationship has ended for employees who complain about discrimination, requires Member States to set up national bodies for the enforcement of equal opportunities and to ensure judicial control of all the rights granted by the directive as well as to impose adequate sanctions in cases of discrimination. -clarifies the right of Member States to provide for derogations from the principle of equal access to employment. Member States have the obligation to justify the ban on women in specific jobs when the sex of the worker constitutes a determining factor; -acknowledges that special protection be granted to women because of their biological condition and their rights to return to the same workplace after maternity leave; -implements Article 141 of the Treaty by stating that Member States are entitled to adopt positive action measures to promote equality for men and women and should report on their activities regularly.