EU Equal Treatment Legislation

European Commission
Justice
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Discrimination in the EU

16% of Europeans in 2009 reported having experienced discrimination
Discrimination and economic crisis in the EU

The majority of Europeans think that the economic crisis will lead to an increase in discrimination in three specific areas: age (64%), ethnic origin (57%) and disability (56%).

Gender Equality

62% of Europeans believe that gender inequality still exists in many areas of society.
Gender Equality - Employment gap: Labour market participation and part-time

62.5% female labour market participation compared to 75% of men
31.4% of EU women work part-time compared to 8.1% of men

Gender Equality - Reconciliation gap: Working and having children

Labour market participation of mothers is 11.5 pp lower than for women without kids
In 2011, women earned 16.2% less than men on average.
EU legislative acquis

• 2 strands in the acquis:
  ▪ Anti-discrimination acquis
    • special legislative procedure, Art. 13
  ▪ Gender equality acquis :
    • ordinary legislative procedure, Art. 157 (3)

• 8 Directives in force
  ▪ 2 on Anti-discrimination (adopted in 2000)
  ▪ 6 on Gender equality (first one adopted in 1975)

Common provisions in equality law

• The anti-discrimination and gender-equality Directives share common provisions :
  * Definitions of discrimination
  * Rules on burden of proof
  * Rules on defence of rights and on effective sanctions
  * Rules on equality bodies
  * Rules on protection against victimisation
  * Rules on social dialogue and dialogue with NGOs
  * Rules on positive action
The scope of the two anti-discrimination Directives

- Racial Equality Directive 2000/43/EC:
  - employment (*see gender*)
  - access to goods and services (incl. housing)
  - social protection and healthcare
  - education
  - (religion/belief, disability, age, sexual orientation)
  - only employment
EU legislation on gender equality

- Ensures the equal treatment of men and women at work.
- Prohibits discrimination in social security schemes.
- Sets out minimum requirements on parental leave.
- Provides protection to pregnant workers and recent mothers.
- Sets out rules on access to employment, working conditions, remuneration and legal rights for the self-employed.

European Commission

Title of the presentation

Gender Equality

Directive 2006/54/EC (Recast) on equal treatment in employment

Directive 2010/41/EC on equal treatment in self-employment

Directive 2010/18/EC on parental leave

Directive 92/85/EEC on pregnant workers

Legislative proposal Pending since 2008

Directive 2004/113/EEC on equal treatment in access to supply of goods & services

Directive 79/7/EC on equal treatment in statutory social security

Directive 76/207/EEC on occupational social security

Directive 75/117/EEC on equal pay

Directive 86/378/EEC on vocational training

Directive 1986

Directive 98/52/EC am. Dir. 97/80/EU (burden of proof)

Directive 96/97/EC am. Dir. 96/97/EC (occupational social security)

Directive 86/613/EEC

Directive 5/8/2012

Directive 19/10/1994

Directive 15/8/2009

Directive 15/8/2008

Directive 5/3/2012

Directive 5/8/2012

Directive 19/10/1994
What is currently covered?

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Commission’s activities in the field of non-discrimination and gender equality

- Monitoring the application of the legislative acquis (infringements, reports)
- Dealing with complaints from citizens
- Exchanges of best practices
- Awareness raising
- Knowledge-building
- Managing financial programmes
What’s new?

- Guidelines and Reports adopted:
  - Test-Achat case guidelines
  - Report on the application of Directives 2000/43 and 2000/78 (focus on age) - of Dec 2013

New proposals:

Three pending legislative proposals:
- Non-discrimination outside employment Directive (since 2008)
- Maternity Leave Directive (since 2008)
- Women’s quota in boards of listed companies (since 2012)

One measure foreseen in 2014:
- Recommendation on Equal Pay
Useful websites:

- [http://curia.europa.eu/](http://curia.europa.eu/) (Court of Justice of the EU website)

Thank you for your attention!

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