

Implementing the EU Equality Directives

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For more information see:
J Cormack and M Bell, 'Developing Anti-Discrimination Law in Europe: the 25 EU Member
States compared', available at: <http://www.migolgroup.com/documents/3060.html>
(Available in EN, FR, DE)



Responding to the Directives

- Non-implementation
- Incomplete implementation
- Incorrect implementation
- Paper implementation
- Innovation and implementation



Discrimination grounds

- Mostly all included
- Generally not defined in law
 - reference to ECJ on meaning of disability
- Additional grounds are often included
 - political belief
 - long list approach
 - non-exhaustive list



Defining discrimination

- Most states have followed the approach in the Directives
- Exact meanings will depend on judicial interpretation
 - e.g. religious symbols & discrimination
- Reasonable accommodation duties are often vague



Material scope

- The concept of 'employment'
 - public / private sector
 - quasi-autonomous / self-employed workers
- Areas outside employment (race/ethnicity)
- BUT some examples of comprehensive single equality laws



Exceptions

- Wide variety of approaches
 - e.g. religious employment exception
- Justifications for age discrimination
- Many states 'cut and paste' from Art 6, Employment Equality Directive
- Lack of national debate on key issues, e.g. retirement ages



Equal Treatment Bodies

- Structure:
 - Ground-specific
 - Multi-ground
 - Equality and human rights
- Assistance and adjudication:
 - Advice ⇔ Legal representation
 - Binding and non-binding adjudication
- One body or several?


