



Update

Recent activities of the European Commission in the area of non-discrimination

ERA Seminar
Trier, 11 June 2018

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Overview

- 1) EU Equality legislation*
- 2) link with EU Pillar of Social Rights*
- 3) importance of well-functioning equality bodies*
- 4) other related Commission activities*
- 5) support to/close cooperation with other actors*
- 6) thematic focus*



EU Equality Directives

1. *Racial Equality Directive (Directive 2000/43/EC of 29 June 2000);*
2. *Employment Framework Directive (Directive 2000/78/EC of 27 November 2000);*
3. *Gender Equal Access to Goods and Services Directive (Directive 2004/113/EC of 13 December 2004);*
4. *Gender Equality Directive (Directive 2006/54/EC of 5 July 2006);*
5. *Gender Equality in Self-Employment Directive (Directive 2010/41/EU of 7 July 2010).*

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Equality Directives

- prohibit **direct and indirect discrimination**
- in area of employment: discrimination prohibited on **grounds**: sex; race; religion or belief; disability; age; and sexual orientation
- discrimination on basis of **sex** is prohibited in area of access to/supply of goods and services
- discrimination on the basis of **race** is prohibited in the areas of social protection and social advantages; education; access and supply to goods and services

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Equality Law Implementation

-EU Charter of Fundamental Rights requires that **fundamental rights** and the right to non-discrimination, are respected **when EU law is implemented**

- **Member States have** to ensure compliance with their constitutional order and obligations under international law (Conventions) and use all available legal instruments **to guarantee fundamental rights**

- All Equality Directives (except the 'Gender Equality in Self-Employment Directive') provide for the reversal of the burden of proof

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2008 Proposal for Equal Treatment Directive

aims to fill the gap of protection from discrimination in EU law

prohibits discrimination based on religion or belief, disability, age or sexual orientation in social protection (including social security and health care), education and access to goods and services available to the public.

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Link with EU Pillar of Social Rights

20 key principles in 3 main categories

- Equal opportunities and access to labour market*
- Fair working conditions*
- Social protection and inclusion*

2. Gender equality

3. Equal opportunities

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Equality Bodies under EU Equality Law

- Set up by Member States under EU equality law
 - the [Racial Equality Directive](#) (2000/43/EC)
 - the [Gender Equality Directives](#) (2004/113/EC, 2006/54/EC and 2010/41/EU)
- Competences
 - to provide independent assistance to victims of discrimination
 - to conduct independent surveys
 - to publish independent reports and to make recommendations on any issue relating to such discrimination

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Current challenges for Equality Bodies

- **Unequal access to protection** for citizens across Europe
- Issues of **efficiency** and **independence**
- Lack of **financial, staff and technical resources**
- Issues of **coordination and cooperation**
- Lack of appropriate focus on (and resources for) the equality mandate (*if there is a multi-mandate institution*)

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The Commission Recommendation Rationale

- contribute to **fill the gap** between equality bodies
- provide practical assistance to equality bodies in realising their **full potential** and ensure that they can perform their functions **independently** and **effectively**
- provide practical assistance to improve equality bodies' capacity to **enforce EU Equality Directives**
- strengthening equality bodies in order to develop and **advance EU Equality law**

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other related Commission activities

- *High Level Group on Non-discrimination, Equality and Diversity*
- *network of experts*
- *training and awareness raising*
- *the EU Justice Scoreboard*

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5) support to and close cooperation with other actors

European Union Agency for Fundamental Rights (FRA)
- *annual Handbook on European non-discrimination law*
- *Annual Fundamental Rights Report*

European Institute for Gender Equality (EIGE)
- *annual Gender Equality Index*

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Thematic: LGBTI

List of Actions to Advance LGBTI Equality

2017: first report

2018: second report

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Thematic: ROMA INTEGRATION

2011: launch of EU Framework for National Roma Integration Strategies (NRIS) up to 2020

All Member States: national Roma integration strategies + National Roma Contact points (NRCP)

Progress: necessary structures and instruments

Limited progress on the ground, but even more segregation in education

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Thematic: Tackling Violence Against Women

*Accession to **Istanbul Convention** underway
19 EU Member States have so far ratified the
Convention*

*Standard setting instrument on "Violence and
harassment against women and men in the world
of work" is on the agenda of International Labour
Conference (ILC)*

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Thematic: WORK-LIFE BALANCE

package of proposals of 26 April 2017

*Legislative measures (proposal for a Directive on work-life
balance for parents and carers):*

- o **Introduction of paternity leave:** allowing fathers to take at least 10 working days of paternity leave, compensated at least at sick pay level.*
- o **Strengthening parental leave:** make 4-month period non-transferable between parents and compensated at least at sick pay level.*
- o **Introduction of carers' leave:** granting workers caring for seriously ill or dependent relatives the right to 5 working days of leave per year, compensated at least at sick pay level.*
- o **Extension of the right to request flexible working arrangements:** for all working parents of children up to 12 and carers the right to request reduced or flexible working hours and flexibility at workplace.*

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Thematic: European Accessibility Act

December 2015 Proposal for European Accessibility Act

EAA is an Internal Market Directive: aims at harmonizing existing and potential national legislation on accessibility by setting out common accessibility requirements for certain products and services across the EU.

After Adoption, the accessibility requirements of the Directive will be further detailed in standards and technical specifications.

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Thank you!

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