



# The EU legal framework on equality

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1


## EU Treaties

**I) Art. 8 TFEU (former Art. 3(2) EC)**  
In all its activities, the Union shall aim to eliminate inequalities and promote equality between men and women

**II) Article 157 TFEU (former Art. 119 EEC and 141 EC) -**  
Principle of *equal* pay for men and women for *equal* work or work of equal value

- ECJ, *Defrenne II* (C-43/75) - direct effect
- ECJ, *Schröder* (C-50/96) - Realisation of the *fundamental right* of non-discrimination more important than the economic purpose of Article 119 EEC

**III) Article 19 TFEU (former Art. 13 EC)**  
Enables the Council (on a proposal from the Commission) to take appropriate action to combat discrimination



2

## The EU Charter of Fundamental Rights

### I) Article 21

Principle of non-discrimination on various grounds

- ECJ, *Egenberger* (Case C-414/16) and *IR g. JQ* (Case C-68/17)  
- direct effect

### II) Article 23

Principle of equality between men and women in all areas, including employment, work and pay

### III) Article 33, para. 2

In order to be able to reconcile family and professional life, everyone has the right to protection against dismissal for a reason related to maternity, as well as the right to paid maternity leave and to parental leave following the birth or adoption of a child.



3

## EU Directives on Equal Treatment

### I) Directive 75/117/EEC

On the approximation of the laws of the Member States on the application of the principle of equal pay for men and women

### II) 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

### III) Directive 86/378/EEC

On the implementation of the principle of equal treatment for men and women in occupational social security schemes

### IV) Directive 92/85/EEC

On the implementation of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding



4

## EU Directives on Equal Treatment (continued)

- V) **Directive 97/80/EC** on the burden of proof in cases of discrimination based on sex
- VI) **Directive 2000/43/EC** Race Equality Directive
- VII) **Directive 2000/78/EC** Equal Treatment Framework Directive in Employment and Occupation (Age, Disability, Religion, Sexual Orientation)
- VIII) **Directive 2004/113/EC** implementing the principle of equal treatment between women and men in the access to and supply of goods and services
- IX) **Directive 2006/54/EC (recast)** on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation



5

## EU Directives on Equal Treatment (continued)

- X) **Directive 2010/18/EU** on parental leave
- XI) **Directive 2010/41/EU** on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity
- XII) **Directive 2019/1158/EU** on work-life balance for parents and carers
- XIII) **Directive 2022/2381/EU** on ensuring a more balanced representation of women and men among directors of listed companies and related measures



6

## International instruments

### I) Council of Europe

#### a) ECHR (1950)

- Article 14: Principle of non-discrimination inter alia on the grounds of sex
  - Protocol No. 12 (2000)
    - EMRG: *Zarb Adami g. Malta* (17209/02, 2006)
      - EMRG: *Opuz g. Turkey* (33401/02, 2009)
    - EMRG: *Konstantin Markin g. Russia* (CC, 30078/06, 2012)
    - EMRG: *Valiuliene g. Lithuania* (33234/07, 2013)
    - EMRG: *Carvalho Pinto de Sousa Morais g. Portugal* (17484/15, 2017)



7

## International instruments (continued)

#### b) European Social Charter (1961/1996)

Article 4 (3): Right of male and female workers to equal pay for work of equal value

Article 8: Workers' right to maternity protection

Article 20: Right of workers to equal opportunities and equal treatment in employment and occupation without discrimination on grounds of sex

Article E: General principle of non-discrimination

- Collective complaint(s) no. 124-138, 4 July 2017

#### c) European Commission against Racism and Intolerance (ECRI - since 2002)

#### d) Convention on Preventing and Combating Violence against Women and Domestic Violence, "Istanbul Convention" (No. 210 - 2011)



8

## International instruments (continued)

### II) United Nations

- a) Convention on the Elimination of All Forms of Racial Discrimination (CERD - 1965)
- b) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW - 1979)
- c) Convention against Transnational Organized Crime ("Palermo Convention"): Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)
- d) Convention on the Rights of Persons with Disabilities (UNCRPD - 2006)



9

## International instruments (continued)

### III) International Labour Organisation

- a) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100 - 1951)
- b) Discrimination in Employment and Occupation Convention (No. 111 - 1958)
- c) Convention on Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156 - 1981)
- d) Maternity Protection Convention (No. 183 - 2000)
- e) Convention on the Elimination of Violence and Harassment in the Workplace (No. 190 - 2019)



10