



The EU legal framework on equality

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Applying EU Anti-discrimination Law
ERA - Barcelona – 4 May 2016



This training session is funded under the 'Rights, Equality and Citizenship Programme 2014-2020' of the European Commission.

Outline

1- What is there ?

Prohibited discrimination, EU Charter & International law

2 - The **content** of the legislation – Dir. 2000/43 & 2000/78

A wide and effective protection

3 – And in **Real Life** ? and the **future** ?

1- What is there ? Prohibited discrimination in the EU

- **Nationality** (of a EU Member State)

1968 - Free Movement of Goods, Services, Capital and ... Persons
now Article 18 of the TFEU - EU Citizenship

- **Sex** 1957 – EEC Treaty - equal pay for work of equal value

Directives on employment (1976- 2006), social security (1979)
maternity leave (1992) and access goods and services (2004)

- **Racial or ethnic origin** – Dir. 2000/43

in employment & social security, education, access to goods services

- **Religion/belief, disability, age, sexual orientation**

Dir. 2000/78 - in employment only

EU Charter of fundamental rights

of 2000 / 2009



Article 21 (1)

«Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.»

But

Article 51

«1. The provisions of this Charter are addressed to [EU] institutions (...) and to the Member States only when they are implementing Union law.

2. The Charter does not (...) establish any new power or task for the Union... »

Relation with ...

- **European Convention of Human Rights**



- **United Nations Human Rights treaties**



2 – The **content** of Dirs. 2000/3 and 2000/78

A wide protection

A – Forms of discrimination,

- direct, indirect, harassment, instructions to discriminate

B - Personal scope

– public and private, any dimension, all in the EU
regardless nationality

C - Material scope

- Both Directives cover employment

- ✓ Applying for a job
- ✓ Working conditions – pay
- ✓ Training
- ✓ Membership of organisations



- Race Equality Directive also covers

- ✓ Education
- ✓ Social security
- ✓ Health care
- ✓ Access to Goods and services



An effective protection

- Sanctions - effective, proportionate and dissuasive
- Sharing of the burden of proof
- Rights of associations
- Equality Body for race (& sex)

exceptions

Not all differences of treatment are unlawful:

- genuine & determining occupational requirement
- churches – special rules
- nationality
- age
- limitations on reasonable accommodation
- (Positive action)

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3- In Real life ...



Eurobarometer 2015

21 %
of Europeans experienced discrimination



Eurobarometer 2015

There is widespread discrimination based on :

- **Ethnic origin** - 64 %
- **Sexual orientation** - 58 %
- **Religion** - 50 %
- **Disability** - 50 %
- **Being older than 50** - 42 %
- **Gender** - 37 %



Gender Pay Gap:

on average women earn
16,1% less than men in the EU
in 2014



And pensions ?
38%

Difficulties

- Lack of information of rights
- Access to justice – court and lawyers' fees
- Indirect discrimination (no data collection)

and the future ... ?



Draft legislation

2008 proposal for

**Directive on equal treatment
beyond employment
on the basis of religion or belief,
age, disability and sexual orientation**

(already covered for employment)



More info ?

European Commission website :

http://ec.europa.eu/justice/discrimination/index_en.htm

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