

EMPLOYMENT AND SOCIAL AFFAIRS

EQUAL TREATMENT: ACCESS OF YOUNG PEOPLE TO THE LABOUR MARKET

BACKGROUND

The European Parliament has been closely following the implementation of the [Directive on 'Establishing a general framework for equal treatment in employment and occupation'](#) of 27 November 2000. Today, all 28 Member States have transposed the Directive and gained experience in their application according to a [report by the Commission](#) (2014). The Court of Justice and national courts have taken a number of landmark decisions to refine its interpretation with regards to the concept of age discrimination in employment and occupation which was new in many Member States.

FOCUS OF THE STUDY

The study produced upon request by the **Employment and Social Affairs Committee** on "[Differential Treatment of Workers under 25 with a View to their Access to the Labour Market](#)" (PE 536.299) focuses on the question to which extent the Directive allows to protect young people. It analyses the situation of young people in the labour market, concepts and implementation of the Equal treatment Directive and measures to support young people including six case studies (Austria, Finland, France, Italy, Poland, the United Kingdom).



KEY FINDINGS

According to the study, there is **evidence of differential treatment** of young people. However, its dimensions are working in opposite directions: As labour market entrants young people tend to be disadvantaged, but this is partially compensated by special active labour market measures targeted at this group (positive action). Further key findings include:

1. Differential treatment - Labour Market Entry

Young entrants to the labour market bear a **higher risk of unemployment** due to limited or no work experience, a mismatch between skills young people possess and those demanded by the labour market, a lack of career management / job search skills and of access to professional networks. Moreover, they are **over-represented in atypical employment**, in particular temporary employment (42.2 % of 15-24 year-olds in EU-28 in 2012 compared to 11.5 % of 25-54-year olds) and **(involuntary) part-time employment** (31.0 % vs. 17.2 % respectively). While atypical contracts under certain conditions can serve as potential 'stepping stone' into permanent employment, they bear a risk of turning into a 'trap' (lower wages, less social protection, unemployment).

2. Specific measures targeted at young people

Youth employment measures taken in isolation are not positively or indirectly discriminatory per se. Outcomes depend on the **interplay between the measure and the institutional and socio-economic context**. **Employability measures** have a positive effect on labour market integration of young people as well as **financial incentives** to employers.

3. Equality Directive and young people

The Directive aims to combat direct and indirect discrimination (e.g. job advert requiring a certain number of years of work experience, though not mentioning age). The study concludes that the circumstances under which difference of treatment based on age may be justified (i.e. legitimate aim, appropriate and necessary means) leave considerable room for discretion to the Member States and are extremely varied.

CONSTRAINTS AND CHALLENGES POINTED OUT BY THE STUDY

- Insufficient attention for discrimination of young people, more attention for older people, disabled, migrants
- Vague definition of exceptions in the Directive
- Youth initiatives for employment often oriented towards quantity and short-term gains rather than quality and a longer-term perspective

LOOKING FORWARD: RECOMMENDATIONS

- **Promotion of a rights-based approach to youth policy** integrating norms, standards and principles of the international human rights system
- EU Directive 2000/78 needs a **more precise definition of exceptions** allowing for age-related differential treatment. Furthermore, the study proposes **guidelines for the application of a more harmonised framework** for equal treatment with respect to age.
- **Guidelines providing practical information** about the transferability of policies and good practice advice: the Decision of the European Parliament and the Council on enhanced cooperation between Public Employment Services is pointing in this direction
- In the medium term, the **European Youth Guarantee**, if proven effective, should be earmarked for a **larger share of the European budget**

Scan QR code to access the study:



Disclaimer

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. It is addressed to the Members and staff of the EP for their parliamentary work. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.