



2015/2116(INI)

22.3.2016

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Employment and Social Affairs

on application of Council Directive 2000/78/EC of 27 November 2000
establishing a general framework for equal treatment in employment and
occupation ('Employment Equality Directive')
(2015/2116(INI))

Rapporteur: Helga Stevens

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Stresses that in the EU an individual is not protected outside the workplace against discrimination on the grounds of religion or belief, age, disability or sexual orientation; takes the view that non-discrimination in the field of occupation and employment is only effective if discrimination is comprehensively outlawed in all other fields, including education, access to goods and services and social protection; deplores the fact that an EU anti-discrimination directive was proposed by the Commission in 2008, and Parliament voted in favour in 2009, but that the matter remains blocked in Council; deplores the lack of political will shown by some Member States, the lack of transparency in the negotiation process within the Council and the abuse of the unanimity principle by opposing Member States; recalls that it has called upon the Council to adopt the proposal for a directive on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation, many times over the past 8 years, but that the Council has failed to act and respond positively to this call from the European Parliament – the only EU Institution that is directly elected by citizens; urges the Council once again to overcome its ongoing political inertia and swiftly to adopt the directive proposed 8 years ago;
2. Believes that complaint mechanisms must be improved at national level by strengthening national equality bodies to increase access to judicial and non-judicial mechanisms and by increasing trust in authorities, providing legal support, offering legal advice and support and simplifying often lengthy and complex legal procedures;
3. Regrets the fact that the notion of human rights as being universal, indivisible and interrelated remains, as a principle of law, a matter more of theory than of practice, given that different aspects of the human being are treated separately in existing EU legal instruments;
4. Regrets the increase in experiences of discrimination and harassment, including at the workplace and especially with regard to gender, nationality, social background, disability, discrimination on the grounds of sexual orientation and gender identity, ethnic origin, and religion, particularly with regard to Muslim women and LGBTI people; regrets, at the same time, the general under-reporting of all forms of discrimination, especially disability-based discrimination and discrimination against LGBTI people; calls therefore on the Commission to include a specific focus on all types of discrimination when monitoring the implementation of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and highlights the need to raise awareness among LGBTI people about their rights, e.g. through equality bodies, trade unions and employer organisations;
5. Notes with concern the lack of awareness of the victim's rights and the possibilities of seeking redress, and therefore calls for structured and targeted awareness-raising activities to be carried out in relation to EU anti-discrimination legislation and employment equality legalisation, both by the European Commission and by Member States;

6. Expresses its concern over the lack of legal clarity and certainty regarding multiple discrimination, often as a consequence of the existence of differing and fragmented rules and standards across Member States; notes the important work done by Equinet in helping to develop common standards and believes this should be given adequate support;
7. Regrets that severe labour exploitation persists within the European Union; notes that victims of severe labour exploitation are often not aware of their rights, of the competent authorities they can address and of the possibilities for receiving support and redress; calls in that regard for the establishment of a European platform and hotline providing relevant information to victims of severe labour exploitation, including specific information regarding each Member State;
8. Notes with concern the lack of comparable and disaggregated equality data, as well as huge differences in the reporting of cases across Member States; urges Member States to systematically collect equality data in order to make existing discrimination, and especially indirect discrimination, more visible in full compliance with data protection and privacy law; encourages the Commission and Member States, together with the relevant agencies, to regularly collect relevant and comparable data that are disaggregated by ground of discrimination, including multiple discrimination;
9. Is concerned that, contrary to the provisions of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the Employment Equality Directive does not explicitly make the denial of reasonable accommodation for persons with disabilities a form of discrimination;
10. Notes that non-discrimination in the field of occupation and employment is only effective if discrimination is comprehensively combated in all areas of life through, for example, community support, legislation and coordination tools such as strategies and frameworks at both Member State and EU levels, including the possibility of introducing positive action measures;
11. Points out that for people with disabilities accessibility is a precondition to equal and active participation in society, and therefore welcomes the recent proposal for a European Accessibility Act, as such a measure will certainly have a real and positive impact on the lives of persons with disabilities; notes that communication on this proposal was very poor, with negotiations on the directive on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation being blocked in the Council since its proposal by the Commission in 2008 and Parliament's vote in favour in 2009.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	21.3.2016
Result of final vote	+: 41 -: 4 0: 0
Members present for the final vote	Jan Philipp Albrecht, Michał Boni, Rachida Dati, Frank Engel, Cornelia Ernst, Ana Gomes, Jussi Halla-aho, Filiz Hyusmenova, Sophia in 't Veld, Iliana Iotova, Eva Joly, Timothy Kirkhope, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Vicky Maeijer, Alessandra Mussolini, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Kristina Winberg
Substitutes present for the final vote	Carlos Coelho, Miriam Dalli, Gérard Deprez, Anna Hedh, Petr Ježek, Marek Jurek, Jean Lambert, Andrejs Mamikins, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Salvatore Domenico Pogliese, Axel Voss
Substitutes under Rule 200(2) present for the final vote	Birgit Collin-Langen, Jens Gieseke, Peter Jahr, Karin Kadenbach, Werner Kuhn, Maria Noichl, Claudia Schmidt