



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2012/2324(INI)

10.6.2013

AMENDMENTS

1 - 22

Draft opinion
Raül Romeva i Rueda
(PE510.768v01-00)

Implementation of Council Directive 2000/78/EC of 27 November 2000
establishing a general framework for equal treatment in employment and
occupation
(2012/2324(INI))

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PE513.261v01-00

EN

United in diversity

EN

AM_Com_NonLegOpinion

Amendment 1
Edit Bauer

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Asks the Commission and the Member States, in accordance with the rising number of case-law of ECJ on the Directive and the increasing number of claims on discrimination in the field of employment, in spite of the Directive being in force for more than 10 years, to step up monitoring of the proper implementation of and respect for the labour legislation, including the principle of non-discrimination; furthermore asks the Commission, in accordance with the findings of Member States and the Commission itself, to revise the Directive accordingly;

Or. en

Amendment 2
Edit Bauer

Draft opinion
Paragraph 1

Draft opinion

Amendment

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

1. 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;

social protection;

Or. en

Amendment 3
Daniël van der Stoep

Draft opinion
Paragraph 1

Draft opinion

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;

Amendment

1. Stresses that in the EU an individual is not protected outside the workplace against discrimination on the grounds of 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;

Or. en

Amendment 4
Daniël van der Stoep

Draft opinion
Paragraph 2

Draft opinion

2. Considers it regrettable that the idea that human rights are universal, indivisible and interrelated is a principle of law that remains more theory than practice, given that different aspects of human identity are treated separately in existing EU legal instruments; ***stresses that discrimination and hate do not manifest themselves separately***, that human rights are

Amendment

2. Considers it regrettable that the idea that human rights are universal, indivisible and interrelated is a principle of law that remains more theory than practice, given that different aspects of human identity are treated separately in existing EU legal instruments; that human rights are indivisible, that our identities are plural and that we cannot split rights or indeed

indivisible, that our identities are plural and that we cannot split rights or indeed ourselves; emphasises that **multiple** discrimination is a reality for many individuals living in the EU, which **needs to be** recognised by EU law;

ourselves; emphasises that discrimination is a reality for many individuals living in the EU, which **is** recognised by EU law;

Or. en

Amendment 5 **Claude Moraes**

Draft opinion **Paragraph 2**

Draft opinion

2. Considers it regrettable that the idea that human rights are universal, indivisible and interrelated is a principle of law that remains more theory than practice, given that different aspects of human identity are treated separately in existing EU legal instruments; stresses that discrimination and hate do not manifest themselves separately, that human rights are indivisible, that our identities are plural and that we cannot split rights or indeed ourselves; emphasises that **multiple discrimination is a reality for many individuals living in the EU**, which needs to be **recognised by EU law**;

Amendment

2. Considers it regrettable that the idea that human rights are universal, indivisible and interrelated is a principle of law that remains more theory than practice, given that different aspects of human identity are treated separately in existing EU legal instruments; stresses that discrimination and hate do not manifest themselves separately, that human rights are indivisible, that our identities are plural and that we cannot split rights or indeed ourselves; emphasises that **there is a lack of legal clarity and certainty regarding multiple discrimination**, which needs to be **tackled at an EU level given that existing rules and standards remain fragmented across Member States**;

Or. en

Amendment 6 **Edit Bauer**

Draft opinion **Paragraph 2 a (new)**

Draft opinion

Amendment

2 a. Takes the view that discrimination in the field of employment and occupation often concerns a group of employees rather than individuals, therefore the possibility of collective redress could be a more efficient solution;

Or. en

**Amendment 7
Claude Moraes**

**Draft opinion
Paragraph 2 a (new)**

Draft opinion

Amendment

2 a. Considers that awareness raising on EU antidiscrimination legislation in the field of employment has not been sufficient, with rights awareness in the area of discrimination very low amongst EU citizens; takes the view that it is important to continue developing awareness-raising activities by national and local authorities and equality bodies and organisations and to discuss the possibility of the development of coordination actions at an EU level including strategies, frameworks or roadmaps;

Or. en

**Amendment 8
Edit Bauer**

**Draft opinion
Paragraph 2 b (new)**

Draft opinion

Amendment

2 b. Calls on the Commission to propose a horizontal framework on collective redress, as was foreseen in its 2012 Work programme, which enables a group of citizens who are victims of the same discrimination to submit a collective claim, as individual lawsuits may not constitute an effective means of stopping unlawful practices or obtaining compensation, while also taking into account its significant barriers in terms of accessibility, effectiveness and affordability;

Or. en

Amendment 9
Edit Bauer

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2 c. Calls on the Commission to widen the grounds for non-discrimination of the Directive in accordance with the grounds established by the Charter of Fundamental Rights of the European Union;

Or. en

Amendment 10
Edit Bauer

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Deplores the Member States' lack of political will, 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 11 times over the past 4 years, and that the Council has failed to act;

deleted

Or. en

Amendment 11

Daniël van der Stoep

Draft opinion

Paragraph 3

Draft opinion

Amendment

3. Deplores the Member States' lack of political will, 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 11 times over the past 4 years, and that the Council has *failed to act*;

3. Deplores the Member States' lack of political will, 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, disability, age or sexual orientation 11 times over the past 4 years, and that the Council has *not acted upon it*;

Or. en

Amendment 12

Kinga Göncz

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Calls on the Member States to improve access to effective and independent justice and non-judicial mechanisms in relation to discrimination in the workplace and recalls that serious shortcomings were also reported by the European Union Agency for Fundamental Rights in this regard in its report on Access to justice in cases of discrimination in the EU;

Or. en

Amendment 13
Marian-Jean Marinescu

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Is concerned by the attitudes of some Member States which openly voiced intolerance to the mobility of EU workers, targeted to undermine the rights of workers from some new Member States;

Or. en

Amendment 14
Kinga Göncz

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3 b. Deems it necessary to regularly assess Member States' compliance with the

Directive and any potential anti-discrimination legislation;

Or. en

Amendment 15
Marian-Jean Marinescu

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3 b. Calls on the Commission to closely monitor the implementation of Directive 2004/38/EC and make sure that proposing changes to national legislation as regards the rights of EU citizens to reside and work freely throughout the UE, do not lead to the infringement of this Directive;

Or. en

Amendment 16
Marian-Jean Marinescu

Draft opinion
Paragraph 3 c (new)

Draft opinion

Amendment

3 c. Calls on the Commission to prevent and condemn the intolerance that persists in the behaviour of some European citizens, judicial entities and governments as regards free movement of workers and their equal treatment and access to employment;

Or. en

Amendment 17
Marian-Jean Marinescu

Draft opinion
Paragraph 3 d (new)

Draft opinion

Amendment

3 d. Considers that labour restrictions inside the EU aimed at avoiding the movement of large numbers of workers from the new Member States to some of the older Member States can, in the long term, have a negative impact on such fundamental European values as freedom of movement, non-discrimination and solidarity, equal rights and bringing the EU closer to its citizens;

Or. en

Amendment 18
Marian-Jean Marinescu

Draft opinion
Paragraph 3 e (new)

Draft opinion

Amendment

3 e. Stresses the importance of rejecting applications for employment in labour market sectors for which the access to workers from other Member States is restricted; calls on the Commission to encourage the Member States to review the provisions regulating the access to the different employment sectors of their labour markets in order to eliminate the differences between European citizens in this field;

Or. en

Amendment 19
Edit Bauer

Draft opinion
Paragraph 4

Draft opinion

4. Takes the view that equality in employment is severely hindered by the absence of EU legislation prohibiting discrimination outside employment and urges the Council, for the 12th time, to overcome ongoing political inertia and swiftly to adopt the directive proposed 5 years ago.

Amendment

deleted

Or. en

Amendment 20
Sophia in 't Veld, Raül Romeva i Rueda

Draft opinion
Paragraph 4 a (new)

Draft opinion

4 a. Takes into account the recent EU LGBT survey by the Fundamental Rights Agency according to which 20% of the respondents who were employed and/or looking for a job in the 12 months preceding the survey felt discriminated against and 32% of the respondents felt discriminated against in areas of life outside employment;

Amendment

Or. en

Amendment 21
Sophia in 't Veld, Raül Romeva i Rueda

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4 b. Stresses that some Member States do not only oppose the Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation but even institutionalise discrimination by law, thus acting in contravention of the spirit of the EU treaties;

Or. en

Amendment 22
Sophia in 't Veld, Raül Romeva i Rueda

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4 c. Points out that discrimination in employment on grounds of religion or belief is widespread in many Member States, notably in education and public health, leading to unacceptable restrictions of workers' rights;

Or. en