



EUROPEAN PARLIAMENT

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*Committee on Civil Liberties, Justice and Home Affairs*

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**2012/2324(INI)**

17.7.2013

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Employment and Social Affairs

on the 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))

Rapporteur: Raül Romeva i Rueda

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## 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;
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;
3. Considers that awareness-raising on EU anti-discrimination legislation in the field of employment has not been sufficient, with rights awareness in the area of discrimination at a very low level amongst EU citizens; takes the view that it is important that national and local authorities and equality bodies and organisations continue developing awareness-raising activities and that it is also important to discuss the possibility of the development of coordination actions at EU level, including strategies, frameworks or roadmaps;
4. Calls on the Commission to widen the grounds for non-discrimination set out in the directive in accordance with the grounds established by the Charter of Fundamental Rights of the European Union;
5. 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;
6. 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;
7. 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;

8. Takes the view that discrimination in the field of employment and occupation often concerns a group of employees rather than individuals, and that therefore the possibility of collective redress could be a more efficient solution;
9. Calls on the Commission to propose, as envisaged in its 2012 Work Programme, a horizontal framework on collective redress in order to enable a group of citizens who are victims of the same form of discrimination to submit a collective claim, as individual lawsuits may not constitute an effective means of stopping unlawful practices or obtaining compensation; points out, in this connection, that the significant barriers in terms of the accessibility, effectiveness and affordability of bringing such individual lawsuits should also be taken into account;
10. Is concerned by the intolerant attitudes openly voiced by some Member States with regard to the mobility of EU workers, in an effort to undermine the rights of workers from some new Member States;
11. Deems it necessary to regularly assess Member States' compliance with the directive and any potential anti-discrimination legislation;
12. Takes into account the recent EU LGBT survey by the Fundamental Rights Agency, according to which 20 % of respondents who were employed and/or looking for a job in the 12 months preceding the survey felt discriminated against and 32 % felt discriminated against in areas of life outside employment;
13. 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;
14. 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.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	9.7.2013
<b>Result of final vote</b>	+: 26 -: 3 0: 16
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Roberta Angelilli, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claey, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Hélène Flautre, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Monica Luisa Macovei, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Claude Moraes, Antigoni Papadopoulou, Georgios Papanikolaou, Jacek Protasiewicz, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Rui Tavares, Nils Torvalds, Kyriacos Triantaphyllides, Wim van de Camp, Axel Voss, Renate Weber, Josef Weidenholzer, Auke Zijlstra
<b>Substitute(s) present for the final vote</b>	Mariya Gabriel, Stanimir Ilchev