



2015/2116(INI)

15.3.2016

OPINION

of the Committee on Women's Rights and Gender Equality

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: Michaela Šojdrová

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SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the Commission's application report states that all 28 Member States have transposed the Directive into national legislation, but legislation alone is not enough to ensure full equality and must be combined with appropriate policy action; whereas policy measures such as the Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures have already been adopted by Parliament, and whereas such measures have the potential to help bring about greater equality for women within the field of employment and improve women's access to management positions; whereas legislation must be considered to be a crucial tool in reaching gender equality, but must be combined with normative procedures and campaigns in order to implement gender equality, not only in legislation but also in public opinion;
- B. whereas the application and transposition of Directive 2006/54/EC have been assessed and Parliament, in its report dated 25 June 2015, set out its serious misgivings concerning the implementation of the Directive's provisions on putting into practice the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;
- C. whereas social inequalities, in particular as regards employment equality, can be combated only through policies guaranteeing a better distribution of wealth, based on an increase in real wages, action to promote labour and working time regulation and labour protection, in particular through collective bargaining and guaranteed universal free access to high-quality public healthcare and education services;
- D. whereas women are most affected by unemployment and suffer negative discrimination in terms of access to jobs, particularly in the case of mothers and women who want to have children;
- E. whereas women are mostly the ones with the primary responsibility for taking care of the children, the elderly, other dependents, family and the household, and this responsibility is greater if they have children with disabilities; whereas this has a direct effect on women's access to jobs and their professional development and may negatively affect their conditions of employment, for example in many instances where women are involuntary part-time workers or are pushed into precarious forms of employment, and all these factors produce pay and pension gaps;
- F. whereas single-parent families, primarily single mothers, can be found much more frequently among the working poor, and all measures adopted should focus on single parents;
- G. whereas a broad range of skills and competences gained by women when fulfilling family responsibilities enrich their personal and professional development; whereas these competences should therefore be recognised by society and employers;

- H. whereas the European Union is facing a major economic, financial and social crisis that particularly affects women in the labour market and in their personal lives, since they are more likely to be in insecure jobs and more liable to become unemployed and to have no social security cover;
- I. whereas the lack of genuinely effective work-life balance laws is resulting in discrimination against working parents;
- J. whereas women are still victims of multiple, direct and indirect discrimination in the labour market, despite the theoretical implementation of equal treatment in Member States; whereas there are many different types of indirect discrimination, all of which must be covered by the standard definition whereby discrimination occurs where different rules are applied in comparable situations or the same rule is applied in different situations; whereas women are not always made aware of their rights under existing European and national legislation on equality and discrimination, or doubt the effectiveness of reporting cases of discrimination; stresses, therefore, the importance of information and guidance documents, awareness campaigns and information portals;
- K. whereas the Commission has a responsibility to supervise the implementation of Directive 2000/78/EC in each Member State, and to report and address any shortcomings in its enforcement;
1. Notes with concern the absence of case-law providing an interpretation of ‘indirect discrimination’ in certain Member States, as well as the difficulty that its definition posed for the transposition of the Directive in certain Member States; suggests that the Commission should provide advice for Member States on such interpretation difficulties;
 2. Asks the Members States to develop gender-neutral job classifications and evaluation systems as indispensable measures to foster equal treatment;
 3. Calls on the Member States to promote free high-quality public services that provide proper and necessary care and assistance for children, the sick and the elderly;
 4. Stresses the low number of complaints, which represent only a small percentage of actual cases of discrimination across the EU; notes that in some Member States the figures may be lower still because there are clear cases of discrimination that remain unreported and whose perpetrators are not prosecuted; stresses the need to redouble efforts to raise awareness, spread information, improve access to justice and complaint mechanisms, extend time limits for lodging a complaint of discrimination (which are currently too short), reduce the length and cost of processes and increase the availability of legal aid for complainants lacking resources, who are mostly women;
 5. Deplores the fact that Directive 2000/78/EC contains no specific provisions on multiple discrimination, although it does at least state that women are often victims of it; notes, furthermore, that the combination of two or more forms of discrimination may pose problems arising from divergences in the guaranteed level of protection for different forms; stresses how important it is for the Council to reach an agreement as soon as possible for the adoption of a common position on the proposal for a directive on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426), adopted by the European

Parliament at first reading in April 2009, which explicitly addresses multiple discrimination;

6. Recalls that the scarcity of gender equality data makes it difficult to assess situations of discrimination and establish proof of its existence, especially in the case of indirect discrimination, in which statistics play a key role in proving the adverse effects of a superficially neutral measure directed at a specific group; urges the Commission and the Member States to develop – including as part of the national reporting process and in the annual Joint Report on Social Protection and Social Inclusion – harmonised and homogeneous statistics designed to fill in all gaps in the collection of gender equality data so that this data is comparable and gender-disaggregated and takes into account multiple variables, such as differences between women with and without qualifications and with and without family responsibilities, as well as those women who are the main earners in a household, in order to allow for a correct assessment of multiple and indirect discrimination and to determine whether women are more likely to suffer certain types of discrimination than men;
7. Calls on the Member States to implement labour legislation that promotes labour regulation, collective bargaining, social protection and higher wages; calls likewise on the Member States to eliminate legislation that allows or regulates precarious employment;
8. Calls on the Member States to raise awareness, encourage public debate and implement – in a decisive manner and with sufficient budgetary resources – gender equality policies that include training for professionals in institutional settings with a view to applying effective gender equality policies and to combatting employment inequalities; calls on the Member States to strengthen their equality bodies and to ensure they are independent and adequately funded, as these bodies should take on a leading role in simplifying and facilitating the lodging of complaints by victims of discrimination, in improving complaint mechanisms and in organising awareness campaigns to affirm women's rights on the labour market;
9. Calls on the Member States to develop and strengthen national labour inspection bodies, providing the conditions and the financial and human resources that will enable them to maintain an effective presence on the ground in order to combat precarious employment, unregulated employment and labour and wage discrimination, in particular from the point of view of equality between men and women;
10. Stresses the importance of reversing the burden of proof to ensure the correct processing of complaints of discrimination in the courts and by other relevant authorities; believes it necessary to foster the correct application of this concept by training national judges and legal practitioners;
11. Calls on the Member States to display greater commitment in implementing the principle of equality between women and men in employment policies; calls for the active use of gender budgeting, including through the promotion of exchanges of best practices by the Commission, and for measures that would encourage the employment of women on fair grounds without insecure forms of employment, with a healthy work-life balance and life-long learning, as well as measures that reduce pay and pension gaps, and, in general, improve the position of women on the labour market;

12. Welcomes the fact that the overwhelming majority of Member States have considered some form of positive action within the scope of the Directive;
13. Notes with concern that national courts tend to apply the lower scale of sanctions provided for by law and award the lowest possible levels of compensation; emphasises the need for the Commission to pay close attention to the rules applicable to sanctions and redress in the Member States to ensure that domestic law does not, as the European Court of Justice has reported, provide for purely symbolic punishments or only issue warnings in cases of discrimination.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	15.3.2016
Result of final vote	+: 19 -: 1 0: 3
Members present for the final vote	Maria Arena, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Viorica Dăncilă, Anna Hedh, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Elisabeth Köstinger, Margot Parker, João Pimenta Lopes, Liliana Rodrigues, Michaela Šojdrová, Ernest Urtasun, Beatrix von Storch, Anna Záborská, Jana Žitňanská
Substitutes present for the final vote	Stefan Eck, Linnéa Engström, Rosa Estaràs Ferragut, Evelyn Regner
Substitutes under Rule 200(2) present for the final vote	Jens Geier, Sabine Verheyen, Patricija Šulin