



**2020/2086(INI)**

4.12.2020

# **OPINION**

of the Committee on Petitions

for the Committee on Employment and Social Affairs

on the implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation in light of the UNCRPD  
(2020/2086(INI))

Rapporteur for opinion: Demetris Papadakis

PA\_NonLeg

## SUGGESTIONS

The Committee on Petitions 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. Highlights the fact that the Committee on Petitions receives a large number of petitions on the lack of implementation of the principle of equal treatment as regards access to inclusive education, employment, vocational training, promotion, and the working conditions of persons with disabilities, and a more complex approach is therefore needed; reiterates the need to make the Petitions Web Portal more accessible, transparent and open to all citizens;
2. Condemns the fact that, according to these petitions, persons with disabilities continue to encounter many challenges and discrimination related to accessibility, participation in employment, education and mobility within the EU; considers it unacceptable that many employers are still not taking appropriate measures to tackle these issues, despite such measures being crucial to the economic and social inclusion of the 100 million persons with disabilities in the EU and despite the fact that artificial intelligence, digital technologies, tools and applications are available to meet the individual needs of persons with disabilities; highlights that this leads to the exclusion of a large proportion of the human resources available; considers distance employment an important tool to increase the level of employment of workers with disabilities and to foster the effective transformation of workplaces into accessible ones; highlights the need to cooperate with the private sector to provide the appropriate working tools;
3. Notes that the provision of reasonable accommodation for people with disabilities is one of the key elements of the directive and that the Commission should continue to monitor rigorously its correct transposition into national legislation;
4. Deplores the fact that discrimination based on religion or belief, disability, age or sexual orientation may undermine the achievement of the objectives of the Treaty on European Union (TEU);
5. Reiterates its call on the Member States to take specific measures with a view to ensuring full equality in practice to prevent or compensate for disadvantages linked to disabilities, taking into account the opportunities provided by artificial intelligence, and recommends that the Member States ensure that the employment of people with disabilities is addressed in their national reform programmes; calls on the Member States to encourage enterprises to ensure greater inclusion of people with disabilities within their businesses; encourages, in this context, the simplification of financial and technical support for the hiring of people with disabilities, and the adaptation of recruitment procedures so that people with disabilities have easier access to job offers and application procedures; stresses the need to upscale digital skills among the working population, and stresses that digitalisation will contribute to greater social inclusion and will help older people and workers with disabilities remain in the labour market longer;
6. Strongly deplores the uneven and poor enforcement of Council Directive 2000/78/EC in some Member States, which are failing to effectively and uniformly monitor and sanction persistent violations of EU law;

7. States that the right of all persons to equality before the law and protection against discrimination constitutes a universal right recognised by the Universal Declaration of Human Rights, the UN Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the European Convention on Human Rights, of which all Member States are signatories; recalls that Convention No 111 of the International Labour Organization (ILO) prohibits discrimination in the field of employment and occupation;
8. Underlines the fact that Council Directive 2000/78/EC does not contain any definition of the concept of disability and encourages the Member States to interpret EU law in such a way as to provide a basis for a concept of disability in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD);
9. Calls on the Member States to complete the Union's anti-discrimination legal framework, and welcomes, in this regard, the accession of the EU to the UNCRPD; recalls that the UNCRPD is binding upon the EU, its institutions and its Member States, which have a direct obligation to fully implement it, including its Article 27 on work and employment; highlights the importance of updating the legal framework relating to persons with no legal capacity, through the adoption of supported decision-making regimes and with a view to ultimately enabling the practical exercise of their right to employment;
10. States, in accordance with Article 6 of the TEU, that the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to all Member States, and that fundamental rights, as guaranteed by the European Convention on Human Rights and as they result from the constitutional traditions common to the Member States, constitute general principles of EU law;
11. Stresses that Member States should make considerable efforts, within defined timeframes, to tailor workplaces to the individual needs of persons with disabilities in order to improve their accessibility and to accommodate the special needs of workers with disabilities, so as to promote, in the private sector, a supportive environment for employing persons with all types of impairments on the open labour market; stresses the importance of the more widespread use of modern technologies to this end and insists on promoting dialogue among social partners with a view to fostering equal treatment, including at legislative level where appropriate, and through the constant exchange of best practices, in order to foster in particular the inclusion of women with disabilities, people from a disadvantaged socio-economic background, national and linguistic minorities, and LGBTQ+ people with disabilities; believes that relevant research should be made available in simple language; considers, in this context, that incentive and reward policy is effective in improving workplace accessibility;
12. Calls on the Commission as a matter of urgency, in the light of these systematic enforcement issues, to establish effective monitoring of compliance with the directive at all levels in all Member States, to launch immediately the necessary investigations into possible breaches of the directive, and to open infringement procedures against the Member States responsible, where appropriate;

13. Highlights the importance of access to information for victims of discrimination; considers it necessary that Member States take the appropriate steps to ensure that reasonable and accessible legal advice and assistance can be obtained and are provided to victims at all stages of the legal process, including confidential and in-person counselling and emotional, personal and moral support, by equality bodies or appropriate intermediaries; calls on the Member States, furthermore, to combat harassment and violence in the workplace which violate a person's dignity and/or create an offensive environment at work;
14. Welcomes Commission initiatives such as the Access City Award, and advocates initiatives at national, regional and local level;
15. Calls on all Member States and the Commission to take effective action, in cooperation with disabled persons' organisations and social partners, to achieve the social and economic integration of people with disabilities, to raise awareness of their rights, to share research and best practices, and to combat youth and senior unemployment, as unemployment may lead to poverty, social exclusion, mental health problems and homelessness; calls on the Member States to ensure access for persons with disabilities to quality education, reasonable accommodation, employment measures such as the Youth Guarantee and exchange programmes such as Erasmus+; reiterates the importance of avoiding segregated employment by linking people with disabilities to the open labour market, and thus providing them with the possibility of gaining employment in a field of their choice;
16. Stresses that persons with disabilities have enormous potential and talent, which should not be wasted; points out that, given the economic impact of the pandemic, the EU should make full use of the potential of all its citizens;
17. Encourages the Member States to maintain or adopt measures intended to prevent or compensate for disadvantages, supports organisations whose main object is carrying out concrete actions for people in need, and believes that case-by-case analysis of proportionality and cost-benefit calculations will continue to have an impact on specific measures taken by Member States, in the name of positive action;
18. Calls on the Commission to strengthen the focus on the transition from institutional to community- and family-based services in accordance with the UNCRPD and to address the shortcomings identified by the Ombudsman in case 1233/2019/MMO;
19. Calls on the Member States to promote access to employment and integration into the labour market for all workers regardless of their age, and to apply measures relating to gender, disabilities, remuneration, training, career development, and health and safety in order to protect all workers in the workplace;
20. Stresses that measures to combat discrimination on grounds of age must as a matter of principle avoid differentiating between young people and the elderly, and that any form of unjustified age discrimination must be tackled in an appropriate manner;
21. Highlights the role of women, who typically have primary responsibility for taking care of children and dependants with disabilities, and the fact that disabled women face double discrimination which has statistically led to a higher unemployment ratio; stresses that this has a direct effect on women's opportunities and means of accessing

the job market and advancing in their professional development, and may negatively affect their employment prospects; states that women are those most affected by unemployment and suffer negative discrimination in terms of employment, in particular pregnant women and mothers, including mothers who are breastfeeding; calls on the Member States to promote research into this topic, since data is scarce, and to establish a flexible parental leave system, with a job guarantee once the parental leave is over, which is equally accessible regardless of gender;

22. Considers that many persons with disabilities can be decisive role models for us all, showing what can be achieved through willpower and how problems can be overcome; notes that these challenges enhance specific skills, as evidenced by the presence of persons with disabilities in the management of leading organisations;
23. States that in implementing the principle of equal treatment, the EU should, in accordance with Article 3(2) of the TEU, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination;
24. Points out that single-parent families, primarily single mothers, can be found much more frequently among the working poor, and that all measures adopted should focus on single parents;
25. Insists on updating and renewing the post-2020 European Disability Strategy, with the aim of further reducing inequalities for people with disabilities and promoting their social and economic inclusion and tailor-made independence, taking into account the challenges and issues relating to disabilities that have arisen from the COVID-19 pandemic; notes that confinement measures taken by governments and teleworking may have negatively affected persons with disabilities, regardless of whether they received care at home or in institutions; stresses the need to consider the provision of financial support to employers of disabled persons in order to provide them with the equipment required for teleworking;
26. Calls on the Commission and Member States to guarantee that EU funds are always spent in line with EU and international human rights standards and are never spent on segregated settings – whether for living or employment – for persons with disabilities, with no prospect of finding a non-institutional residence or non-sheltered employment;
27. Highlights that the challenges arising from the COVID-19 pandemic have had a disproportionate effect on people with disabilities; urges governments to consider the impact that confinement requirements and teleworking have on persons with disabilities; calls on the Commission and the Member States to address the problems mentioned in the European Parliament's resolution of 8 July 2020 on the rights of persons with intellectual disabilities in the COVID-19 crisis and in its resolution of 18 June 2020 on additional funding for biomedical research on Myalgic Encephalomyelitis.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	3.12.2020
<b>Result of final vote</b>	+: 30 -: 0 0: 4
<b>Members present for the final vote</b>	Alex Agius Saliba, Andris Ameriks, Marc Angel, Andrus Ansip, Margrete Auken, Jordan Bardella, Alexander Bernhuber, Markus Buchheit, Ryszard Czarnecki, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Emmanouil Fragkos, Mario Furore, Gianna Gancia, Ibán García Del Blanco, Alexis Georgoulis, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Ulrike Müller, Emil Radev, Sira Rego, Frédérique Ries, Monica Semedo, Massimiliano Smeriglio, Yana Toom, Loránt Vincze, Stefania Zambelli, Tatjana Ždanoka, Kosma Złotowski
<b>Substitutes present for the final vote</b>	Demetris Papadakis

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

30	+
EPP	Alexander Bernhuber, Agnès Evren, Gheorghe Falcă, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Dolors Montserrat, Emil Radev, Loránt Vincze
S&D	Alex Agius Saliba, Andris Ameriks, Marc Angel, Ibán García Del Blanco, Cristina Maestre Martín De Almagro, Demetris Papadakis, Massimiliano Smeriglio
RENEW	Andrus Ansip, Ulrike Müller, Frédérique Ries, Monica Semedo, Yana Toom
GREENS/EFA	Margrete Auken, Tatjana Ždanoka
ECR	Ryszard Czarnecki, Emmanouil Fragkos, Kosma Złotowski
EUL/NGL	Alexis Georgoulis, Sira Rego
NI	Eleonora Evi, Mario Furore

0	-
-	-

4	0
ID	Jordan Bardella, Markus Buchheit, Gianna Gancia, Stefania Zambelli

Key to symbols:

+ : in favour

- : against

0 : abstention