OPINION

of the Committee on Employment and Social Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2007/2094(INI))

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PA_NonLeg
SUGGESTIONS

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

A. Whereas according to a recent Eurobarometer survey 51% of Europeans consider that insufficient effort has been made to combat discrimination in their countries,

B. Whereas Eurobarometer findings regarding the absence of information strategies and the resulting lack of public knowledge regarding European and national anti-discrimination legislation highlight public concern,

1. Welcomes the Commission communication on the application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, which seeks to establish a framework to combat discrimination based on racial or ethnic origin in order to ensure that the principle of equality before the law, equal opportunities and equal treatment is consolidated in the Member States, whilst fully complying with the principle of subsidiarity and respecting the various national traditions and procedures; while appreciating the overview of the implementation of the directive contained in the Commission report, notes that it would also have been useful to have been provided with a detailed description of the way in which the provisions of Directive 2000/43/EC have been incorporated into national law, as specified in the directive itself; further notes that the Commission undertook not only to collect detailed information, but to report on it to Parliament and the Council and that Parliament, in its resolution of 14 June 2006 on non-discrimination and equal opportunities for all - a framework strategy, asked the Commission to 'examine as to matter of urgency the quality and content of the laws implementing the anti-discrimination directives';

2. Recognises that discrimination based on racial or ethnic origin and the different forms of exploitation of migrant labour, including, principally, clandestine and undeclared labour, are undermining the achievement of a high level of employment and social protection, economic and social cohesion, economic growth and efficiency and solidarity;

3. Recognises that the social policy agenda for the period 2005-2010 complementing and consolidating the Lisbon Strategy underpins the Community dimension of economic development and promotes equal opportunities for all, helping to create a society offering greater possibilities for social integration;

4. Stresses that equal weight should be accorded to all grounds for discrimination, including discrimination based on nationality;

5. With particular reference to employment, calls for consideration to be given to certain specific fields of employment, such as employment in any of the Member States providing care and assistance to families and in the home, which is subject to little regulation and protection, and work in the health services, where problems also arise in connection with national legislation on access to public sector employment;

6. Urges the Member States and social partners that have not yet done so to provide the Commission with the necessary information concerning the ways and means used and results attained in combating discrimination based on racial or ethnic origin;

7. Encourages the Commission to take the necessary action to ensure that the Directive is fully and properly implemented; supports and encourages the Commission in initiating infringement procedures under Article 226 of the EC Treaty against those Member States whose national implementing measures are not in accordance with Directive 2000/43/EC, particularly as regards competences and the requirement of independence for bodies for the promotion of equal treatment as defined in Article 13 of that directive and in informing the European citizens broadly of the state of play;

8. Calls on the Commission to submit to Parliament and the Council a specific action plan on the mechanisms and methods of observation and description of the impact of the national implementation measures; stresses the importance of developing ways of gathering data on discrimination particularly as regards labour relations, focusing on clandestine, undeclared, poorly-paid and uninsured labour, in line with data protection legislation, as a useful tool for identifying, monitoring and reviewing policies and procedures to combat discrimination, while respecting national integration models; calls on the Commission to lay down common standards for data, so that the information transmitted can be effectively compared; calls for the importance of examining not only the content of the implementing legislation, but also its effectiveness, to be taken on board;

9. Recognises that services of general interest (SGIs) can play a profound role in combating discrimination and exclusion based on racial or ethnic origin; therefore urges Member States to ensure that SGI providers, with respect to data protection legislation and civil liberties, use ethnic monitoring in order to assure equal treatment and inclusion and thus to underline the key role of SGI providers in this field; underlines that SGI providers could serve as examples of bodies applying best practices in the equal treatment of racial and ethnic minorities, both, as employers and service providers;

10. Calls, in particular, for strict monitoring of the application of the rule on the partial reversal of the burden of proof, which is particularly effective in the case of employment-related disputes;

11. Encourages the Commission to consider those national provisions that transcend Community requirements and to draw up a balance sheet of the advantages and disadvantages of the national measures put forward and also to cooperate in proposing possible solutions aimed at improving the situation of victims of discrimination;

12. Points out that the prohibition of discriminatory treatment must not prejudice the continuation or introduction of measures to prevent or offset a disadvantageous situation of those of certain racial or ethnic origins where the principal objective of such measures is to meet their particular needs; calls on the Commission to further its reflection on the issue of positive action in order better to define its position on the concept;

13. Supports the measures promoted by the European Social Fund (such as the EQUAL initiative) and the PROGRESS programme for 2007-2013 which seek, amongst other things, to improve the social integration of disabled people and further the fight against discrimination; calls on the Member States and the Community institutions to make every
effort to promote strategic objectives which more effectively meet the concerns of citizens of all ages, and to earmark adequate funds for greater solidarity within the European Union and outside its borders, in particular when reconsidering the structure of Community expenditure in 2008-2009;

14. Welcomes the Commission's interest in the issue of multiple discrimination, including the launching of a study on this subject; calls on the Commission to adopt a broad concept of multiple discrimination capable of taking into account the possibility of individuals being at risk of discrimination on several grounds at once;

15. Calls on employers to participate more broadly in promoting, supporting and strengthening the process of non-discrimination in the workplace; stresses the importance of the positive involvement of employers and the positive effects of diversity policy on the workplace; welcomes the conclusion of the negotiations of the European social partners on a framework agreement on harassment and violence in the workplace and enforcing existing legislation in this sphere as an example of how to promote decent work in Europe; calls on the Commission to check that such agreement is actually complied with and implemented; urges employers, in accordance with the principle of corporate social responsibility, to uphold equality and combat racial and ethnic discrimination and exclusion with regard to education and training for workers;

16. Highlights the importance of cooperation between different layers of government – local, national and European – in combating discrimination;

17. Welcomes the growing awareness of diversity and the use of diversity management as good business practice; points to the business benefit of diversity management; recognises that diversity may present a management and recruitment challenge; urges associations of SMEs to assist their members in this field so that SMEs can benefit from the added value of a diverse work force;

18. Recalls its resolution of 13 March 2007 on "corporate social responsibility: a new partnership"\(^1\), with its stress on combating discrimination as part of that responsibility; reiterates its request to the Commission to encourage the dissemination of good practices resulting from voluntary corporate social responsibility initiatives, while calling on the Commission to include equal treatment and the promotion of diversity on the list of criteria which businesses would be required to respect;

19. Encourages the Commission to facilitate the exchange between Member States of best practices in the field of action to combat discrimination on the labour market, including on training courses, and with regard to anonymity in job applications;

20. Stresses the concern felt by European trade unions at the priority accorded by the Member States, in the dialogue on discrimination, to NGOs rather than to the social partners; insists on the essential role played by the social partners in promoting equal treatment within businesses, in the application of the principle of corporate social responsibility, and in the aid they provide to workers who are victims of discrimination;


\(^1\) Texts Adopted, P6_TA(2007)0062.
17 May 2006 establishing the European Year of Equal Opportunities for All (2007) -
towards a just society\(^1\); draws attention, however, to the need to link 2007 to 2008, the
European Year of Intercultural Dialogue; welcomes the initiatives undertaken in
connection with the European Year of Equal Opportunities for All and the efforts made to
celebrate differences at the same time as combating discrimination; points to the
importance of the rights that exist under current law; urges Member States to take action
in the Year of Equal Opportunities for All to raise awareness among citizens about their
legal rights; notes that people are finally becoming more aware that inclusive societies, in
other words those which face up to the challenges and opportunities offered by diversity,
are those in the best competitive position;

22. Considers cohesion and complementarity with other Community measures to be
necessary, particularly regarding policies designed to combat discrimination and social
exclusion and achieve improvements with regard to fundamental rights, education,
training, intercultural dialogue and issues relating to young people, nationality, migration,
asylum and gender equality and calls on the Commission to strengthen coordination
between the above programmes;

23. As part of the European employment strategy, calls on the Member States to set out, in
their national action plans, broader measures and methods with a view to facilitating the
integration of all minorities into their labour markets, particularly racial or ethnic
minorities; in order to develop a more consistent approach to such integration, calls on the
Commission to take into account, in its next guidelines for Member States’ employment
policies, the key recommendations on the policies to be implemented in this field, due to
be submitted by the end of 2007 by the high-level advisory group on social integration of
ethnic minorities and their full participation in the labour market established by
Commission Decision 2006/33/EC\(^2\);

24. Considers that participation, independently of racial or ethnic origin, must be extended to
areas such as education and vocational training, including the right to learn and maintain
proficiency in the language of the country of origin;

25. Considers that the Roma community, together with other recognised ethnic communities
need particular social protection, particularly further to enlargement, since the problems of
exploitation, discrimination and exclusion have become more acute;

26. Acknowledges the difficulties faced by migrants who have recently arrived in the
European Union, particularly women, who suffer a dual form of discrimination, that is to
say because of their gender as well as their ethnic origin; calls on the Member States to
step up resources and social services for the smooth integration of migrants, while
informing them of their rights and obligations in accordance with the principles and
legislation applicable in the Member States;

27. Notes that it is necessary to adopt an integrated approach to prohibiting discrimination on
the basis of racial or ethnic origin which takes account of the close connection between
recognising and protecting the rights of minorities within Member States on the one hand,
and measures to combat xenophobia on the other; the need for an integrated approach

\(^1\) OJ L 146, 31.5.2006, p. 1.
extends to the connected subject of immigration, with particular reference to the action plan on legal immigration, combating illegal immigration, the future of the European migration network and the rules applying to family reunification and entry into Member States; such coordination would make it possible to improve information and awareness of legislation, but also to clarify and simplify the legal framework, thus avoiding a proliferation of overlapping rules, which have a particularly damaging impact on employment;

28. Calls for NGO action to defend the rights of the victims of human trafficking and to play a greater role in facilitating the granting of residence permits; calls on the Member States to promote the necessary rules to increase the number of government bodies supporting victims of exploitation and extend health care networks and psychological support networks as and where necessary; also calls for the launch of labour inspections in order to eradicate all forms of exploitation and forced labour;

29. Calls on the Member States to ensure that all workers, including those waiting to be regularised, have access to industrial tribunals and authorities responsible for ensuring equal treatment in order to protect their rights in connection with any work they perform, including any performed during periods not covered by a residence permit; calls on the Member States to introduce legal requirements, where necessary, to ensure that migrant workers who have not yet been regularised also have access to the appropriate judicial authorities; and to ensure that all workers are provided with appropriate assistance during, before and after legal proceedings;

30. Calls on the Commission to consider whether it should look into the application of the principle of equal treatment in the field of social security, particularly in the case of workers who reside or work in a Member State for a limited period only;

31. Calls on the Commission to take immediate action to promote European legislation prohibiting discrimination of all kinds, including discrimination based on religious or other beliefs, disability, age or sexual orientation, ensuring that due account is taken of the provisions of the new UN Convention on the Rights of Persons with Disabilities;

32. Calls on the Commission and Member States to recognise the existence of multiple forms of discrimination and ensure that this is reflected in future policies and programmes.
**PROCEDURE**

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<tr>
<th>Title</th>
<th>Opinion on the application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin</th>
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<tr>
<td>Procedure number</td>
<td>2007/2094(INI)</td>
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<td>Date announced in plenary</td>
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<td>Patrizia Toia</td>
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<td>22.11.2006</td>
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<td>Discussed in committee</td>
<td>21.3.2007 7.5.2007</td>
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<td>Date adopted</td>
<td>8.5.2007</td>
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<td>Result of final vote</td>
<td>+: 33  -: 0  0: 2</td>
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<td>Members present for the final vote</td>
<td>Jan Andersson, Alexandru Athanasiu, Edit Bauer, Iles Braghetto, Philip Bushill-Matthews, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Harlem Désir, Harald Ettl, Richard Falbr, Ilda Figueiredo, Roger Helmer, Stephen Hughes, Karin Jöns, Ona Juknevičienė, Jan Jerzy Kulakowski, Jean Lambert, Elizabeth Lynne, Thomas Mann, Csaba Öry, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, Elisabeth Schroedter, José Albino Silva Peneda, Jean Spautz, Gabriele Stauner</td>
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<td>Substitute(s) present for the final vote</td>
<td>Françoise Castex, Donata Gottardi, Richard Howitt, Jamila Madeira, Mario Mantovani, Agnes Schierhuber, Patrizia Toia</td>
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<td>Substitute(s) under Rule 178(2) present for the final vote</td>
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<td>Comments (available in one language only)</td>
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