

Brussels, 8 October 2009

Commission closes legal cases after Austria and Finland adopt new employment equality laws

The European Commission has today decided to suspend infringement proceedings against Austria and Finland following their successful implementation of EU rules to tackle discrimination in the workplace. The cases had been opened because national legislation in both countries was incompatible with the EU's Employment Equality Directive (2000/78/EC), adopted in November 2000 (see also [MEMO/08/69](#)). The Directive prohibits direct and indirect discrimination based on religion or belief, disability, age or sexual orientation in employment and occupation.

"I am pleased about this positive development and the improvement in protection against discrimination in the work place. This is another example of constructive dialogue between Member States and the Commission leading to better protection for people in Europe against discrimination. We hope to announce similar good news over the coming months. The EU has a unique legal framework against discrimination, but it must be correctly transposed and applied at national level to be effective," said Equal Opportunities Commissioner Vladimír Špidla.

In the reasoned opinion sent to **Finland**, the Commission pointed out that the Directive was not implemented properly for two reasons: the prohibition of discrimination based on sexual orientation was not complete and the exception allowed by the Directive in case of a genuine and determining requirement linked to the nature of the work was adopted in national law without all the guarantees foreseen in the Directive.

Finland adopted new laws in 2007 and 2008. After analysis and bilateral discussions, the Commission is now of the opinion that Finland has correctly transposed Directive 2000/78/EC.

In the letter of formal notice sent to **Austria**, the Commission pointed out that national law was not in conformity on three points: definition of harassment, lack of appropriate sanctions in case of discriminatory dismissals and lack of transposition of the rules on victimisation. At federal level, Austria amended its legislation in 2008 to adapt it according to the arguments developed by the Commission. The Commission is now of the opinion that Austria has correctly transposed Directive 2000/78/EC.

Background

Anti-discrimination (in areas outside gender and nationality discrimination) is a relatively new area of policy for the EU. The European Community acquired new powers in 1999, with the entry into force of the Amsterdam Treaty, to combat discrimination based on racial or ethnic origin, religion and belief, disability, age and sexual orientation (new Article 13 of the EC Treaty). This led to the unanimous adoption by the Member States of two Directives in 2000:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ("Racial Equality Directive"). This Directive covers direct and indirect discrimination, as well as harassment, in the fields of employment, vocational training, education, social protection (including social security and health care), social advantages and access to goods and services (including housing).
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment, occupation and vocational training ("Employment Equality Directive"). This Directive covers direct and indirect discrimination, as well as harassment, in employment and training on the grounds of religion or belief, age, disability and sexual orientation. It includes specific requirements on reasonable accommodation for disabled persons.

The deadlines for transposition of these two Directives into national law by the Member States were 19 July and 2 December 2003 respectively. For the 10 countries which joined the EU in 2004, the deadline was 1 May 2004. For Bulgaria and Romania it was 1 January 2007.

Further information

EU anti-discrimination legislation

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