

Brussels, 31 January 2008

## Commission acts to close gaps in employment equality rules

***The Commission has today sent reasoned opinions to 10 Member States to fully implement EU rules prohibiting discrimination in employment and occupation on the grounds of religion and belief, age, disability and sexual orientation. The countries concerned – the Czech Republic, Estonia, Ireland, Greece, France, Hungary, Malta, Netherlands, Finland and Sweden – have two months to respond, failing which the Commission can decide to take them to the European Court of Justice. Also, the Commission sent a letter of formal notice to Germany and two complementary letters of formal notice to Latvia and Lithuania. The Employment Equality Directive (2000/78/EC) was agreed in 2000 with a deadline for implementation into national law of December 2003.***

"A lot has already been done by Member States to ensure that people have a right to be treated equally in employment. But in some cases legislation still needs to be improved if those rights are to be put into practice." said Vladimír Špidla, EU Commissioner for Employment, Social Affairs and Equal Opportunities. "Equal treatment in employment is crucial for people to have a fair chance of contributing to the economy and participating in social life. But the EU Directives cannot reach their full potential if they are not fully and correctly transposed into national laws."

Today 11 Member States that have not implemented the Directive correctly received 'reasoned opinions'. This is the second step of the infringement procedure.

The main problem areas include:

- National legislation is limited in terms of the people and areas it covers, as compared to the Directive (for example: lack of protection for civil servants or in access to self-employment);
- Definitions of discrimination which diverge from the Directive (in particular, in terms of indirect discrimination, harassment and instructions to discriminate);
- Lack of proper implementation of the obligation for employers to provide reasonable accommodation for disabled workers;
- Inconsistencies in the provisions designed to help victims of discrimination (such as the shift of the burden of proof, the rights of associations to assist individuals with their cases, and the protection against victimisation).

Germany today received a letter of formal notice, which is the first step of an infringement procedure. Germany has two months to respond. Among the concerns of the Commission are:

- National legislation does not cover redundancies
- Insufficient protection for people with disabilities by the employer
- The deadline of two months to file a complaint is too short

The Commission also decided to send complementary letters of formal notice to Latvia and Lithuania about their transposition of the Employment Equality Directive concerning in particular a too restrictive definition of discrimination (Latvia) and too large exemption of age discrimination (Latvia and Lithuania).

First letters of formal notice were sent in December 2006 to 17 Member States. Meanwhile, the procedure opened against Slovenia and Cyprus for the incorrect transposition of the Directive was closed in December 2007, following the adoption of new legislation in those countries which responded to the Commission's concerns.

Also, the first stage of infringement procedures was taken against Belgium and Slovakia (which recently adopted new legislation), Denmark, Italy, Poland, Portugal, Spain and the United Kingdom, but these cases are still being examined.

Likewise, the Commission is still analysing the legislation transposing this Directive in Austria, Luxembourg, Bulgaria and Romania.

The Commission is preparing a report on the implementation of the Employment Equality Directive in the European Union, which is due to be published in the first half of 2008.

### **Background:**

In 1997, at the European Council in Amsterdam, Member States gave the EU the task of combating discrimination. All 27 EU countries have now adopted new legislation to implement the Employment Equality Directive, which was agreed unanimously in 2000. However, not all national legislation fully conforms to these requirements. The Commission is committed to continuing its dialogue with Member States to ensure that all problematic issues are clarified and that both the Employment Equality and Race Equality Directives (see also [IP/07/928](#)) are fully and correctly implemented in all Member States.

Infringement procedures consist of three steps. The first step is that the Member State receives a letter of formal notice and has two months to respond. In case further compliance with EU legislation is needed, the Commission sends a reasoned opinion. Again the Member State has two months to reply. If there is no satisfactory reply, the Commission can refer the matter to the European Court of Justice in Luxembourg. It can also request that the Court impose a fine on the country concerned if it does not comply with the Court's ruling.

### **Further information**

<http://ec.europa.eu/antidiscrimination>

[MEMO/08/68](#)

[MEMO/08/69](#)