



# Equality *and* **NON** DISCRIMINATION

*This leaflet is a brief guide to the EU laws on equality with a particular emphasis on disability. It is one of a series of leaflets which are designed to provide information about the EU to people living in Ireland.*





## INTRODUCTION

The EU has specific power to address discrimination on various grounds. The equality laws can be grouped as follows

- Laws dealing with discrimination on the grounds of sex and promoting equality between men and women
- Laws dealing with discrimination on the grounds of nationality and race
- Laws dealing with discrimination on the grounds of religion or belief, disability, age or sexual orientation

## EQUALITY BETWEEN MEN AND WOMEN

The treaties governing the EU included provisions on equal pay from the start. The EU has introduced a number of laws to implement the principle of equal treatment between men and women in employment and related areas. These include:

- Directives on equal pay
- Directives on equal treatment as regards access to employment, vocational training and working conditions
- Directives on equal treatment in matters of social security - these include a general Directive; Directives on occupational social security schemes and Directives relating to the self-employed

There are other Directives which promote equal opportunities. These include a Directive on measures to encourage improvements in the health and safety of pregnant workers, women workers who have recently given birth and those who are breast-feeding. This provides for maternity leave and protection of employment while pregnant. There is also a Directive on parental leave which gives each parent a right to special leave to care for a child up to the age of 8.



### *Equality in access to goods and services*

The Directive on equal treatment between women and men in access to goods and services prohibits discrimination in access to goods and services available to the public and offered outside the area of private and family life. It came into effect in 2007. It does not apply to the content of the media or advertising or to public or private education. It applies to both direct and indirect discrimination, including sexual harassment. Less favourable treatment of women for reasons of pregnancy or maternity is considered as direct discrimination and therefore forbidden.

Differences of treatment between men and women may only be accepted if they are justified by a legitimate aim, such as the protection of victims of sex-related violence, reasons of privacy and decency or the organisation of single-sex sporting activities.

There must be equal treatment in insurance and related financial activities; however, Member States may allow for differences in premiums and benefits where the use of sex is a determining factor in the assessment of risk - such different treatment must be based on relevant and accurate actuarial and statistical data which is publicly available and regularly updated. Costs related to pregnancy and maternity should not result in differences in premiums and benefits.

## **NATIONALITY AND RACE**

The Treaties contain a general ban on discrimination on the grounds of nationality and they specifically state that freedom of movement for workers entails the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.



### *Racial equality directive*

The Race Directive provides for the prohibition of direct or indirect discrimination on the grounds of race or ethnic origin in employment, education, social security, healthcare and access to goods and services. It came into effect in 2003.

## DISCRIMINATION ON OTHER GROUNDS

In 1999, the EU was given the power to take action to combat discrimination on a number of grounds - this means it has power to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The EU Framework Equality Directive came into effect in 2003. It provides for the prohibition of discrimination in relation to employment and occupation on grounds of religion or belief, disability, age or sexual orientation.

## PROMOTING EQUALITY

The Commission is running a campaign "For Diversity. Against Discrimination." Information is available at:

<http://www.stop-discrimination.info/>

## CHARTER OF FUNDAMENTAL RIGHTS

The Charter of Fundamental Rights is part of the EU treaties. The Charter covers a range of rights. Under the heading of equality, it lists rights in relation to equality before the law; non-discrimination; cultural, religious and linguistic diversity; equality between women and men; the rights of the child; the rights of older people; the integration of people with disabilities.

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ%3AC%3A2007%3A303%3ASOM%3AEN%3AHTML>



## DISABILITY

The primary responsibility for policy on rights and services for people with disabilities lies with national governments. Apart from the banning of discrimination on the grounds of disability, the EU is mainly concerned with:

- Improving co-operation between the Member States
- Encouraging exchange and development of information and good practice in the EU
- Raising awareness of disability issues - through, for example, the "European Day of Disabled People" which is usually held in December
- Ensuring that disability issues are taken into account in all EU legislation and policies, for example in transport and communications policies.

General information about EU disability policies can be found at:

[http://europa.eu.int/comm/employment\\_social/disability/index\\_en.html](http://europa.eu.int/comm/employment_social/disability/index_en.html)

### *Action Plan for People with Disabilities*

The Commission has an Action Plan to promote equal opportunities for people with disabilities 2004 - 2010. The Commission issues a report every two years on the progress being made.

[http://ec.europa.eu/employment\\_social/news/2003/oct/en.pdf](http://ec.europa.eu/employment_social/news/2003/oct/en.pdf)



## *Employment*

The European Employment Strategy, the National Action Plans for Employment and the National Action Plans against Poverty and Social Exclusion target measures specifically for people with disabilities - see the leaflet on *The EU's Role in Social and Employment issues* in this series.

General information is at:

[http://europa.eu.int/pol/socio/index\\_en.htm](http://europa.eu.int/pol/socio/index_en.htm)

## *Transport*

EU policy on accessible transport is set out in the Community Action Programme for Accessible Transport. This sets out a number of measures to be taken in respect of technical standards of transport and in co-operation and research.

The EU White Paper on Transport "***European transport policy for 2010: time to decide***" is mainly concerned with issues such as adequate public transport, the environmental impact of different forms of transport and other economic issues. It also includes some proposals relating to passenger safety and accessibility for passengers with reduced mobility.

[http://europa.eu.int/comm/energy\\_transport/en/lb\\_en.html](http://europa.eu.int/comm/energy_transport/en/lb_en.html)

General information is at:

[http://europa.eu.int/pol/trans/index\\_en.htm](http://europa.eu.int/pol/trans/index_en.htm)

There is a number of Directives which deal with safety standards and improved access for people with disabilities on buses, trains airlines and ships.

The Quavadis programme was started in 2001 and is aimed at promoting information exchange and best practice so as to ensure proper application of EU legislation relating to adapted vehicles. It is also aimed at improving the safety level of vehicle adaptations. [www.quavadis.org](http://www.quavadis.org)

## *Air transport for people with reduced mobility*

There are EU rules which aim to improve access to air transport for older people and people with disabilities. These provide that:

- For flights from airports in the EU, airlines and tour operators may not refuse to carry passengers, or to take bookings, on the basis of reduced mobility. Exceptions can be made only for duly justified safety reasons.
- Airports have to provide a specific set of services for people with reduced mobility.
- On flights from EU airports, airlines are obliged to provide certain services, such as the carrying of wheelchairs or guide dogs, free of charge.

[http://ec.europa.eu/transport/air\\_portal/passenger\\_rights/prm/index\\_en.htm](http://ec.europa.eu/transport/air_portal/passenger_rights/prm/index_en.htm)

## *Information Society*

The initiative “eEurope - An Information Society for All” sets targets for bringing the benefits of the Information Society to everyone in the EU. This identifies the needs of people with disabilities as a priority area.

A co-ordination group has been established on the development of assistive technologies and Design for All standards.

The Commission has set up a working group to improve access to communications networks and services. It has also asked the organisations which set technical standards to identify the specific requirements for better integration of elderly and disabled people in the Information Society.

<http://www.cenorm.be/iss/Workshop/Design-for-All/Default.htm>

The Commission has issued a Communication on improving the accessibility of public websites and their content. A set of guidelines has been created by the World Wide Web Consortium / Web Accessibility Initiative:

<http://www.w3.org/tr/waiwebcontent>

## *UN Convention on disability rights*

The EU has signed the new UN convention on the rights of people with disabilities. It has now been signed by 100 countries. The Convention can come into force when it is ratified by 20 countries.

For further information:

[http://ec.europa.eu/employment\\_social/disability](http://ec.europa.eu/employment_social/disability)

<http://www.europa-eu-un.org>

Further information on the Convention itself is available at:

<http://www.un.org/disabilities/convention/>

## IMPLEMENTATION IN IRELAND

EU laws generally require Member States to designate a body for the promotion of equal treatment and to provide independent assistance to victims of discrimination.

The main bodies concerned with implementation of the equality laws in Ireland are:

The Equality Authority

Tel: **(01) 417 3333**

LoCall: **1890 245 545**

[www.equality.ie](http://www.equality.ie)

The Equality Authority is a statutory body with a general remit to promote equality under the employment equality and equal status legislation. It provides assistance to people who consider they have been discriminated against in employment and related areas and in access to services on any of the prohibited grounds.

The Equality Tribunal

Tel: **(01) 477 4100**

Fax: **(01) 477 4141**

[www.equalitytribunal.ie](http://www.equalitytribunal.ie)

The Equality Tribunal is the statutory office that investigates and/or mediates on disputes in relation to the implementation of employment equality and equal status legislation.

## Citizens Information

[www.citizensinformation.ie](http://www.citizensinformation.ie)

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[www.euireland.ie](http://www.euireland.ie)