



GENDER EQUALITY LAW IN THE EUROPEAN UNION



European Commission

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GENDER EQUALITY LAW in the European Union

50 YEARS OF GENDER EQUALITY LAW IN EUROPE

The European Union has been pursuing the goal of equal treatment of women and men for half a century. The EC Treaty, signed by the six founding countries of the European Economic Community (EEC) in Rome in 1957, enshrined the right of equal pay for equal work for men and women. Since then, the EEC has grown into a European Union of 27 countries. Men and women's rights to equal treatment and non-discrimination have evolved too.

Today, EC gender equality law forms a central pillar of equal opportunities policy in Europe. 13 European Directives have been adopted in the field of equal treatment between women and men. These are legally binding for EU Member States, which must incorporate these Community laws into their national legislation.

The legislation covers a broad range of issues ranging from access to employment, working conditions and remuneration, to social security schemes, self-employment and protection of pregnant women and recent mothers.

Taken together, these instruments provide a solid and comprehensive basis to ensure that the principle of non-discrimination is respected. They empower citizens who feel this right has been violated to take their case to national courts.

In order to enhance the transparency, clarity and coherence of the law, a Directive was adopted in 2006 putting the existing provisions on equal pay, occupational schemes and the 'burden of proof' into a single text.



EUROPEAN DIRECTIVES ON GENDER EQUALITY

Since the EC Treaty was signed in Rome in 1957, the European Union has adopted 13 Directives in the field of gender equality. These cover the right to equal treatment for men and women in areas of work, pay and social security and for access to goods and services. They provide special protection to pregnant women and those who have recently given birth, and attempt to establish common standards for women who are self-employed and helping spouses.

Equal treatment at work

Men and women must receive equal pay for doing the same work or work of equal value. This principle was set out in Article 141 of the EC Treaty in 1957 and later implemented by Directive 75/117/EEC.

The notion of 'equal pay' includes social security benefits linked to occupational schemes. The right to equal access and payment of these benefits has been addressed by Directive 86/378/EC – amended by 96/97/EC.

The EC Treaty also provided the basis for legislation on equal treatment of men and women in employment and occupation. This was taken up by Directive 76/207/EEC (amended in 2002), which implemented the principle of equal treatment regarding working conditions and access to employment, self-employment and vocational training.

A new Directive has been adopted in 2006 to consolidate and simplify all of these Directives. This new Directive will enter into force on 15 August 2009. From that date on, Directives 75/117/EEC, 76/207/EEC, 86/378/EEC and 97/80/EC will be repealed.

HOW DOES EC LAW DEFINE DISCRIMINATION AND HARASSMENT?

EC gender equality law distinguishes between direct and indirect discrimination, harassment and sexual harassment.

Direct discrimination

Where one person is treated less favourably, on grounds of sex, than another is, has been or would be treated in a comparable situation.

If a woman is denied employment because of her pregnancy, this is a case of direct discrimination.

Indirect discrimination

Where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

For example, a job recruitment that requires applicants to be a minimum height of 170 cm would be deemed as indirect discrimination since many more women than men would be negatively affected by this rule.

Harassment

Where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment. For example, repeated comments of a derogatory or contemptuous nature about a person's sex.

Sexual harassment

Where any form of unwanted physical, verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. For example, unwelcome suggestions or demands of sexual nature from superiors or co-workers.

Timeline:
Gender Equality
Directives



1957

The **EC Treaty** sets out the right to equal pay for men and women, and allows for legislation to prohibit discrimination in work or occupation, or in access to goods and services.



Directive 75/177/EEC on equal pay for men and women.

Directive 76/207/EEC on equal treatment in employment, vocational training and working conditions (amended in 2002).

Directive 79/7/EEC on equal treatment in matters of social security.

1970s





1980s

Directive 86/378/EEC
on equal treatment in occupational pension schemes (amended in 1996).

Directive 86/613/EEC
on equal treatment of male and female self-employed and protection of self-employed mothers.



1990s

Directive 92/85/EEC
on health and safety at work for pregnant women and those who have recently given birth or who are breastfeeding.

Directive 96/34/EC
on the agreement on parental leave.

Directive 97/80/EC on the burden of proof in cases of discrimination based on sex.



Since
2000

Directive 2004/113/EC
on access to and supply of goods and services.

Directive 2006/54 EC
on the principle of equal opportunities and equal treatment in matters of employment and occupation (recast).



PREGNANT WORKERS AND PARENTAL LEAVE

Workers who are pregnant, who have recently given birth or who are breastfeeding, receive special protection under Directive 92/85/EEC, which also addresses maternity leave and discrimination in the workplace. Further protection against discrimination on grounds of pregnancy is provided by the legislation on equal treatment in employment and occupation.

Directive 96/34/EC extended the rights of parents by setting out minimum requirements on parental leave for male and female workers, and on related employment protection. The Directive aims to help working parents reconcile work and family life and to promote equal opportunities and treatment between men and women.

EQUAL TREATMENT IN STATUTORY SOCIAL SECURITY

Directive 79/7/EEC required EU Member States to prohibit direct and indirect discrimination based on sex in their statutory social security schemes. This applies to schemes for the working population, as well as state pensions for the elderly and sickness insurance for workers.

SELF-EMPLOYED PEOPLE AND THEIR SPOUSES

Directive 86/613/EC applies to people who are self-employed and to spouses who assist them with their work, without being employees or partners. The Directive covers a wide range of issues in this area, from the establishment of a business to the participation of assisting spouses in a social security scheme.

This Directive complements the separate legislation on equal treatment in employment and occupation, occupational social security and statutory social security.

ACCESS TO GOODS AND SERVICES

Discrimination or unequal treatment is not only an issue in the world of work, but also in many spheres of daily life such as provision of goods or access to services. Article 13 (1) of the EC Treaty allows for the possibility of EU legislation against discrimination on grounds of gender outside the field of employment.

This was taken up in December 2004 by Directive 2004/113/EC, which applies to access to goods and services available to the public that are offered outside the area of private and family life. It applies to vital everyday services such as housing, banking and insurance. Member States are required to apply this Directive in their national legislation by December 2007.





Did you know?

- Women in the European Union earn on average 15% less than men for equivalent work, despite having better academic qualifications. (Source: Eurostat)
- In 2006, the employment rate for persons aged 15 to 64 in the 27 current EU Member States was 57.2% for women and 71.6% for men. (Source: Eurostat)
- A Eurobarometer survey published in 2004 revealed that although 75% of men were aware of their right to parental leave, 84% said they had neither taken it up, nor were thinking of doing so in the future.

For further information

A European Commission Unit is dedicated to dealing with legal issues related to the equality of men and women. The Unit monitors the transposition of Community Directives in the field of equal opportunities and non-discrimination into national legislation and the application of these laws in practice. It manages the 'infringement procedures' in case Member States do not meet their obligations and initiates new legislative proposals if necessary.

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