



An initiative of the European Union

What you should know about anti-discrimination legislation

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>>>>> Frequently asked questions

For Diversity



Against Discrimination



What areas of discrimination are covered by the new legislation?

- > The new legislation prohibits discrimination in employment and training on the grounds of racial or ethnic origin, sexual orientation, religion or belief, age and disability. The rules on racial discrimination also cover other areas such as education, social security, healthcare, access to goods and services and housing.

Who is protected against discrimination?

- > Everybody in the territory of the Union is protected against discrimination on the grounds mentioned above.

What does discrimination mean?

- > Both direct and indirect discrimination are covered by the new rules. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their racial or ethnic origin, religion or belief, disability, age or sexual orientation.

- > An example of direct discrimination is a job advert which says "no disabled people need apply." However, in reality discrimination often takes more subtle forms. That is why indirect discrimination is also covered. This occurs when an apparently neutral provision, criterion or practice would disadvantage people on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation unless the practice can be objectively justified by a legitimate aim.
- > An example of indirect discrimination is requiring all people who apply for a certain job to sit a test in a particular language, even though that language is not necessary for the job. The test might exclude more people who have a different mother tongue.

What about harassment and victimisation?

- > Harassment with the purpose of violating the dignity of a person on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and creating an intimidating, hostile, degrading, humiliating and offensive environment is prohibited by the new rules.
- > Victimisation is also prohibited. This is where someone is treated badly or differently for having made a complaint about discrimination or supporting a colleague who has made a complaint.

What does this mean for employers?

- > The new rules apply to all private and public sector employers. The Directive also covers conditions for access to self employment (such as the conditions applying to the practice of certain trades or professions). All employers will need to review their employment practices to make sure that they are not discriminating directly or indirectly for example in recruitment procedures, selection criteria, pay and promotions, dismissals or access to vocational training. The new anti-





How can victims of discrimination make a complaint?

- > The legislation requires that Member States give victims of discrimination the right to make a complaint through a judicial or administrative procedure and that appropriate penalties are imposed on those who have discriminated.
- > The rules also provide for sharing the burden of proof in civil and administrative cases. This will make it easier for people who have experienced discrimination to prove it.

What help is available to victims of discrimination?

- > The legislation on racial discrimination requires Member States to designate bodies for the promotion of equal treatment which will provide independent assistance to the victims of discrimination, conduct surveys and studies and publish independent reports and recommendations. Victims of discrimination may also be supported by a non-governmental organisation or a trade union who have a legitimate interest.

What about equality between the sexes?

- > Women and men are both protected against discrimination on all the grounds covered by the directives. In addition, sex discrimination is covered by separate legislation. This is because action on sex discrimination has a long history at European level, going right back to the beginnings of the European Community. There is a large amount of European legislation on this topic and financial support available via the Community Programme on Gender Equality (2001-2005).

discrimination rules apply to all stages of the employment contract from recruitment through to termination.

- > Find out more about the obligations under the new legislation for employers and the benefits of implementing Diversity policies, in the Factsheets "What can employers do to tackle discrimination and promote diversity?", "What you can do if you have suffered discrimination", "I don't discriminate, do I?" and "Managing Diversity – what's in it for business?". All are available at

www.stop-discrimination.info

Are there exceptions to the general prohibition of discrimination?

- > The new legislation allows limited exceptions to the principle of equal treatment, for example to preserve the ethos of religious organisations, or to allow measures to promote the integration of older or younger workers into the labour market.





Is there any EU funding available to support anti-discrimination projects?

- > The Community Action Programme which runs from 2001-2006 has a budget of around 100 million Euro. The broad aim of the programme is to change discriminatory attitudes and practices in a practical way. The programme has three priority areas. These are to increase analysis of the nature of discrimination, to support organisations involved in combating discrimination and to raise awareness of discrimination and the benefits of diversity. More information on the programme can be found on the Commission's website at

http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

When will the new legislation take effect?

- > The new rules have to be incorporated into national law by the Member States. The deadline for incorporating the rules on racial equality was 19 July 2003. The deadline for the rules on sexual orientation, religion or belief, disability and age was 2 December 2003. Some Member States have requested an additional period of up to three years to bring their legal systems into line with the provisions on disability and age.

What about enlargement of the EU?

- > All new Member States must incorporate European rules on anti-discrimination into their national laws before they join the European Union.

What is the EU doing to promote debate on diversity and discrimination?

- > As part of the Community Action Programme, the EU has launched a major information campaign in all EU countries, working closely with trade unions, employers, NGOs and national authorities to highlight the benefits of diversity in the workplace and beyond.

This is one of a series of fact sheets aimed at providing basic information on European Union Anti-Discrimination Policies, and giving practical advice on how organisations and individuals can avoid and combat discrimination. To find out more about the EU-wide campaign "For Diversity. Against Discrimination." and information about the situation in your Member State, visit our website: www.stop-discrimination.info

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