

Union of equality: standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation

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The Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality adopted the report jointly presented by Marc ANGEL (S&D, LU) and Sirpa PIETIKÄINEN (EPP, FI) on the proposal for a directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter, scope

The Directive lays down minimum requirements for the functioning of equality bodies to improve their effectiveness and guarantee their mandate, competences, independence and autonomy in order to strengthen the application of the principle of equal treatment enshrined in the TEU, the TFEU and the Charter and as derived from Directives 2006/54/EC and 2010/41/EU.

Member States should ensure that when complying with their obligations under this Directive and when equality bodies exercise their tasks thereunder the principle of equal treatment applies to all persons in all their diversity, irrespective of their sex, gender, gender identity, gender expression or sex characteristics.

Designation of Equality Bodies

Member States should ensure that equality bodies:

- are visible and involved at all stages and shall allow for full transparency and accountability in the process where they are part of national bodies responsible for the promotion of human rights or the protection of individuals' rights;
- cover single or multiple grounds of discrimination with a clear and appropriate focus on each of the grounds;
- ensure **gender parity** in leadership and senior management positions reflecting the diversity of society at large.

To ensure the transparency of these staff selection processes, for example, vacancy notices should be published and experts working with groups at risk of discrimination should be consulted throughout these processes.

Independence

Members insisted that equality bodies:

- be **totally independent, autonomous and free from any external influence** in the performance of their tasks and in the definition of their objectives and actions;
- not be set up within a ministry, a government agency or a body taking or seeking instructions from the government.

Resources

Each equality body should have **budgetary and financial autonomy** and be provided with the stable human, material, technical and financial resources necessary to perform all its tasks and to exercise all its competences effectively, on all the grounds and in all fields covered. Member States should ensure that equality bodies are allocated their budget in a stable manner, that their budget is planned on a multi-annual basis and that their resources and budget are adjusted upwards accordingly when their competences are increased. Member States shall ensure that equality bodies' budgets cover costs that might be difficult to anticipate, such as costs linked to litigation.

Prevention, promotion and awareness raising

Member States should adopt a **strategy** to raise awareness of the general population, throughout their territory, with particular attention to individuals at risk of discrimination, such as young people, families in all their diversity, and groups at risk of discrimination, in a manner and in formats that are accessible for all, on the rights under Directives 2006/54/EC and 2010/41/EU and the way in which they can be exercised.

Equality bodies should be empowered to:

- carry out activities to **prevent discrimination and to promote equal treatment**, to guarantee their independence when they adopt a strategy defining how they will engage in public dialogue;
- provide **training**, advice and guidance to individuals and institutions in the public and private sector on good practices for promoting and achieving equality and preventing discrimination;
- promote **equality duties**, equality and gender mainstreaming and positive action among public and private entities, and to support, and provide guidance on, the implementation of equality duties, equality and gender mainstreaming and positive action, and;
- be able to carry out research on discrimination, including structural or systemic discrimination, and on **online discrimination**, including biases and algorithmic discrimination.

Equality bodies also should engage in the prevention of discrimination and in the promotion of equal treatment, to guarantee their independence when they adopt a strategy defining how they will engage in public dialogue, communicate with individuals, social partners, civil society and groups at risk of discrimination, and to ensure an inclusive approach in combating intersectional and multiple discrimination and underreporting.

Assistance to victims

Member States should ensure that equality bodies are able to provide support and assistance **free of charge** to victims. Equality bodies should be able to receive complaints of discrimination in any possible means, including orally, in writing and online.

Act in court

In addition to equality bodies' rights to act as a party in proceedings, to submit observations to the court or to initiate or participate in proceedings on behalf or in support of one or several victims, they should also be able to **initiate court proceedings in their own name** when there is no individual complainant pursuing the case themselves, or to act in court proceedings when collective redress is used.

Member States should provide for the possibility for parties to resolve their disputes by means of **alternative dispute resolution**, including within the framework of a conciliation and mediation structure. Such alternative dispute resolution should be led by the equality body or another existing, independent, dedicated entity which is not related to the government.

Cooperation

Member States need to ensure that equality bodies have appropriate mechanisms in place to cooperate with other equality bodies within the same Member State, and with relevant public and private entities, including civil society organisations, at national, regional and local level, as well as in other Member States and at Union and international level. Local governments should be afforded the opportunity to approach equality bodies when they see examples of discrimination at a national level, irrespective of whether the alleged case of discrimination has taken place within that particular local area. Equality bodies should equally have the right to cooperate with the European Institute for Gender Equality (EIGE), European Network of Equality Bodies (Equinet) and European Union Agency for Fundamental Rights (FRA), as well as social partners and labour inspectorates.