

Equal opportunities and equal treatment of men and women: employment and occupation. Recast

2004/0084(COD) - 06/07/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Angelika **NIEBLER** (PPE-DE DE), and made several amendments to the Commission's text. (Please see the document of 26/05/2005.) A large number of amendments are intended to improve the structure of the legislation. Other amendments include the following:

- parental leave is an individual right of every parent;
- there is a definition of "professional promotion" so that the concept cannot be abused to avoid equal opportunities requirements;
- Member States should ensure that any less favourable treatment of a woman who is pregnant or on maternity leave is also deemed to be discriminatory;
- Member States should ensure that the social partners promote flexible working arrangements with the aim of facilitating the reconciliation of work and private life.
- A new clause on positive action states that, with a view to ensuring full equality in practice between men and women in working life, Member States shall maintain and adopt measures such as measures to promote the provision of affordable childcare and care for other dependent persons and measures concerning access to employment and vocational training, promotion at work and working conditions.
- In the case of defined-contribution schemes funded by capital accumulation, unequal levels of benefit may be set in certain circumstances where the unequal nature of the payments is attributable to actuarial calculation factors which differ according to sex. Member States should ensure that accurate data relevant to the use of sex as a determining actuarial factor are compiled, published and regularly updated. All information communicated by the Member States to the Commission should include accurate data relevant to the use of sex as a determining actuarial factor which should be compiled, published and regularly updated.
- Member States shall ensure that employers promote equal treatment for women and men in a planned and systematic way in vocational training, access to employment, promotion at work and working conditions. Member States shall also conduct awareness campaigns for employers and, more generally, for the public on matters relating to equal opportunities in the field of employment and occupation.
- Member States shall ensure that employers take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment at the workplace, in access to employment, in vocational training and advancement and in working conditions.
- By three years after the date of entry into force of the Directive, the Member States shall communicate to the Commission, all the information necessary for the Commission to draw up a report on the application of the Directive.
- By five years after the date of entry into force of the Directive, the Commission will review its operation.