

Equal treatment in employment and occupation. Employment Equality Directive

1999/0225(CNS) - 28/09/2005 - Follow-up document

Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation was adopted in November 2000. The Directive's objective is to prohibit discrimination on the ground of religion or belief, disability, age or sexual orientation in employment, occupation and vocational training. Although transposition should have been completed by 2/12/2003 for the EU 15 and 01/05/2004 for the EU 10, Member States were given an additional period of up to three years to implement the age and disability discrimination provisions. Sweden, the UK, Germany, Belgium and the Netherlands notified the Commission that there were seeking an extra three years to implement the age discrimination provisions of the Directive. Denmark notified the Commission that it required an additional year. An application from Austria to extend the transposition period for three of its Länder was turned down by the Commission on the grounds of a late application. In addition, none of the new Member States have notified the Commission whether or not they require more time for the transposition of the age and disability requirements.

On a separate note, the purpose of this Report is not to assess the measures adopted since this will be dealt with in the normal way through infringement procedures in combination with a forthcoming report on the Directive's transposition. The purpose of the Report under discussion is to assess the level of implementation relating to age and disability discrimination provisions set out in the 2000 general framework Regulation.

In its conclusions, the Commission notes that implementing anti-age and disability provisions is particularly difficult to transpose into national law because of the potential impact on the labour market. It also challenges long-held assumption about people's abilities and their place in society. It was precisely for this reason that Member States were given an additional period of time to transpose these provisions into their national legislation. The promptness and level of detail with which this obligation was complied with varied greatly. The coming into force of new legislation in Denmark, France, the Netherlands and the UK is seen by the Commission as a very positive step towards the full transposition of the Directive by 02/12/2006. The Commission therefore hopes that the other Member States will follow suit and use the extra period of time to adopt their legislation in time for the official deadline.