



Equality and **NON** DISCRIMINATION

This leaflet is a brief guide to the EU laws on equality with a particular emphasis on disability. It is one of a series of leaflets which are designed to provide information about the EU to people living in Ireland.





INTRODUCTION

The EU has specific power to address discrimination on various grounds. The equality laws can be grouped as follows:

- Laws dealing with discrimination on the grounds of sex and promoting equality between men and women;
- Laws dealing with discrimination on the grounds of nationality and race;
- Laws dealing with discrimination on the grounds of religion or belief, disability, age or sexual orientation.

EQUALITY BETWEEN MEN AND WOMEN

The treaties governing the EU included provisions on equal pay from the start. The EU has introduced a number of laws to implement the principle of equal treatment between men and women in employment and related areas. These include Directives on equal pay, equal treatment (regarding access to employment, vocational training and working conditions) and equal treatment in matters of social security.

The *Strategy for equality between women and men* represents the European Commission's work programme on gender equality for the period 2010-2015. It is a comprehensive framework committing the Commission to promote *gender equality* into all its policies for the following thematic priorities:

- *equal economic independence for women and men*
- *equal pay for work of equal value*
- *equality in decision-making*
- *dignity, integrity and ending gender-based violence*
- *promoting gender equality beyond the EU*
- *horizontal issues (gender roles, including the role of men, legislation and governance tools).*

Equality in access to goods and services

The Directive on equal treatment between women and men in access to goods and services prohibits discrimination in access to goods and services available to the public and offered outside the area of private and family life. It came into effect in 2007. It does not apply to the content of the media or advertising or to public or private education. It applies to both direct and indirect discrimination, including sexual harassment. Less favourable treatment of women for reasons of pregnancy or maternity is considered as direct discrimination and therefore forbidden.

Differences of treatment between men and women may only be accepted if they are justified by a legitimate aim, such as the protection of victims of sex-related violence, reasons of privacy and decency or the organisation of single-sex sporting activities.

There must be equal treatment in insurance and related financial activities; however, Member States may allow for differences in premiums and benefits where the use of sex is a determining factor in the assessment of risk - such different treatment must be based on relevant and accurate actuarial and statistical data which is publicly available and regularly updated. Costs related to pregnancy and maternity should not result in differences in premiums and benefits. The Equal Status (Amendment) Act 2012 (the "Act") was introduced into law on 21 December 2012. As part of an EU-wide initiative in response to a ruling of the Court of Justice of the EU, the Act provides the legal basis in national law for the mandatory introduction from 21 December 2012 of 'unisex premiums' and benefits in insurance.

NATIONALITY AND RACE

The Treaties contain a general ban on discrimination on the grounds of nationality and they specifically state that freedom of movement for workers entails the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.

Racial Equality Directive

The Racial Equality Directive provides for the prohibition of direct or indirect discrimination on the grounds of race or ethnic origin in employment, education, social security, healthcare and access to goods and services.



DISCRIMINATION ON OTHER GROUNDS

In 1999, the EU was given the power to take action to combat discrimination on a number of grounds - this means it has power to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The EU Framework Equality Directive came into effect in 2003. It provides for the prohibition of discrimination in relation to employment and occupation on grounds of religion or belief, disability, age or sexual orientation.

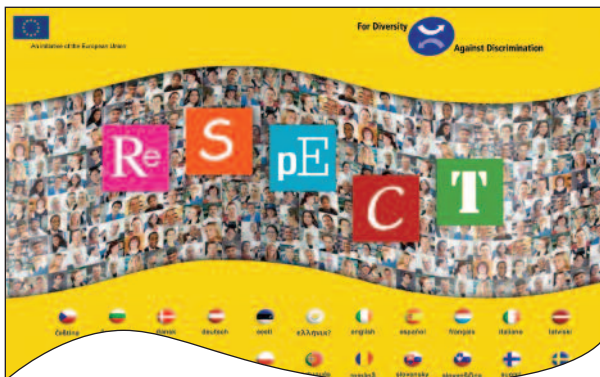
PROMOTING EQUALITY

The European Commission takes action to:

- Improve knowledge of discrimination by raising awareness among the population of their rights and obligations and also of the benefits of diversity;
- Support intermediary actors such as NGOs, social partners and equality bodies to improve their capacity to combat discrimination;
- Support the development of equality policies at national level and encourage the exchange of good practices between EU countries;
- Achieve real change in the area of anti-discrimination through anti-discrimination training activities;
- Push for business-oriented diversity management as part of a strategic response to a more diversified society.

In addition to the two Directives (Racial Equality Directive and Employment Framework Directive), the European Commission adopted in July 2008 a Communication which presents a comprehensive approach to stepping up action against discrimination and to promoting equal opportunities. Information is available at:

<http://www.stop-discrimination.info/>



CHARTER OF FUNDAMENTAL RIGHTS

The Charter of Fundamental Rights is part of the EU treaties. The Charter covers a range of rights. Under the heading of equality, it lists rights in relation to equality before the law; nondiscrimination; cultural, religious and linguistic diversity; equality between women and men; the rights of the child; the rights of older people; the integration of people with disabilities.

<http://fra.europa.eu/en/about-fundamental-rights>

The European Union Agency for Fundamental Rights (FRA)

The European Union Agency for Fundamental Rights is an advisory body of the European Union, which helps to ensure that fundamental rights of people living in the EU are protected. It does this by collecting evidence about the situation of fundamental rights across the European Union and providing advice, based on evidence, about how to improve the situation. The FRA also informs people about their fundamental rights. In doing so, it helps to make fundamental rights a reality for everyone in the European Union. <http://fra.europa.eu>

DISABILITY

The primary responsibility for policy on rights and services for people with disabilities lies with national governments. Apart from the banning of discrimination on the grounds of disability, the EU is mainly concerned with improving co-operation between the Member States, encouraging exchange and development of information and good practice in the EU, raising awareness of disability issues and ensuring that disability issues are taken into account in all EU legislation and policies.

General information about EU disability policies can be found at: http://ec.europa.eu/justice/discrimination/disabilities/index_en.htm



European Disability Strategy 2010-2020

In 2010, the European Commission adopted a new strategy to break down the barriers that prevent persons with disabilities from participating in society on an equal basis. The *European Disability Strategy 2010-2020* identifies eight main measures to be undertaken over the next decade.

1. Accessibility: Ensure accessibility to goods, services including public services and assistive devices for people with disabilities

2. Participation: Achieve full participation of people with disabilities in society by:

- enabling them to enjoy all the benefits of EU citizenship;
- removing administrative and attitudinal barriers to full and equal participation;
- providing quality community-based services, including access to personal assistance.

3. Equality: Eradicate discrimination on grounds of disability in the EU.

4. Employment: Enable many more people with disabilities to earn their living on the open labour market.

5. Education and training: Promote inclusive education and lifelong learning for pupils and students with disabilities.

6. Social protection: Promote decent living conditions for people with disabilities.

7. Health: Foster equal access to health services and related facilities for people with disabilities.

8. External Action: Promote the rights of people with disabilities within the EU external action.

The Commission will regularly report on the strategy's achievements and progress complying with its obligations under the *United Nations Convention on the Rights of People with Disabilities* which it has ratified.

Air transport for people with reduced mobility

There are EU rules which aim to improve access to air transport for older people and people with disabilities. These provide that:

- For flights from airports in the EU, airlines and tour operators may not refuse to carry passengers, or to take bookings, on the basis of reduced mobility. Exceptions can be made only for duly justified safety reasons.
- Airports have to provide a specific set of services for people with reduced mobility.
- On flights from EU airports, airlines are obliged to provide certain services, such as the carrying of wheelchairs or guide dogs, free of charge.

http://ec.europa.eu/transport/passengers/air/prm_en.htm

Information Society

The EU's e-inclusion policy features prominently in the *Digital Agenda for Europe* adopted by the European Commission in 2010.

Pillar 6 of the Agenda (Enhancing digital literacy, skills and inclusion) includes a series of measures to promote take-up of digital technologies by potentially disadvantaged groups, such as older people, less-literate, low-income persons. Improving access for people with a disability is another of the policy actions set by the Digital Agenda.

An important part of the e-inclusion agenda is also tackling demographic ageing with the help of ICT: a better quality of life for the older people, reduced cost of care, business opportunities in the "silver economy". Pillar 7 (ICT-enabled benefits for EU society) reinforces the *Ambient Assisted Living (AAL) Joint Programme* to allow older people and persons with disabilities to live independently and be active in society.

More information on the Digital Agenda and e-inclusion is available at <http://ec.europa.eu/digital-agenda/> *Digital Agenda for Europe: what would it do for me?*

UN Convention on the Rights of Persons with Disabilities

The UN Convention has now been signed by 155 countries worldwide including Ireland, and ratified by 133, including 26 of the 28 EU Member States. The EU also formally ratified the Convention in December 2010. For further information: <http://fra.europa.eu/en>

Further information on the Convention itself is available at:
<http://www.un.org/disabilities/convention/conventionfull.shtml>

IMPLEMENTATION IN IRELAND

EU laws generally require Member States to designate a body for the promotion of equal treatment and to provide independent assistance to victims of discrimination.

The main bodies concerned with implementation of the equality laws in Ireland are:

The Equality Authority

LoCall: **1890 245 545**

www.equality.ie

The Equality Authority is a statutory body with a general remit to promote equality under the employment equality and equal status legislation. It provides assistance to people who consider they have been discriminated against in employment and related areas and in access to services on any of the prohibited grounds.

The Equality Tribunal

Tel: **(01) 477 4100** Fax: **(01) 477 4141**

http://www.workplacerelations.ie/en/Workplace_Relations_Bodies/Equality_Tribunal/

The Equality Tribunal is the statutory office that investigates and/or mediates on disputes in relation to the implementation of employment equality and equal status legislation.

The above website replaces the websites of the five Workplace Relations Bodies (National Employment Rights Authority, Labour Relations Commission, Employment Appeals Tribunal, Labour Court and Equality Tribunal) and provides a single authoritative source of information on employment rights and industrial relations and associated services.

Citizens Information

www.citizensinformation.ie

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Local Centres

Free & Confidential Service



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eu-ie-info-request@ec.europa.eu