Opinion of the European Economic and Social Committee on Improving equality in the EU

(own-initiative opinion)

(2023/C 75/09)

Rapporteur: **Ozlem YILDIRIM**

Co-rapporteur: **Cristian PÎRVULESCU**

Plenary Assembly decision	20.1.2022
Legal basis	Rule 52(2) of the Rules of Procedure
	Own-initiative opinion
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	29.9.2022
Adopted at plenary	26.10.2022
Plenary session No	573
Outcome of vote	
(for/against/abstentions)	140/13/31

1. **Conclusions and recommendations**

1.1. The EESC refers to the preamble of the Charter of Fundamental Rights of the European Union, which states that 'the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity'. It also stresses the importance of Article 20 of the Charter, which enshrines the principle of equality before the law for all.

1.2. Furthermore the EESC points out that the application of the principle of equality not only prohibits discrimination, but also promotes the consistent application of the rule of law.

1.3. The EESC strongly urges the Council, the Parliament and the Commission to further develop protection against discrimination in access to goods and services, notably by adopting the proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ([1]).

1.4. The EESC believes that the Charter of Fundamental Rights of the European Union provides a solid basis, and that the instruments for the protection of fundamental rights must be developed in a uniform way throughout the Union. Furthermore, it is essential that all interactions, environments and situations in which discrimination may occur be included. Differences in legal protection produce unacceptable rights hierarchies and leave entire groups of people unprotected.

1.5. The current European protection system is essentially based on victims' individual recourse to judicial redress and to the law. However, numerous studies show that reporting and procedures do not address the structural, intersectional and systemic dimensions of inequalities, and that victims' recourse to the law is insignificant, statistically exceptional, and used only as a last resort ([2]).

1.6. The EESC stresses that inequalities and complex discrimination created by social structures can only be addressed through consistent and complex policies, real resources and long-term engagement. Awareness-raising, visibility and training are key levers that should be incorporated into all areas of society.

1.7. The EESC believes that promoting equality and protecting fundamental rights must be integrated into a broader social vision that multiplies and strengthens the tools through which the Member States and the European Institutions give support to individuals and public and private actors.

([1]) COM(2008) 426.

([2]) Agency for Fundamental Rights, *Equality in the EU 20 years on from the initial implementation of the equality directives*, April 2021.

1.8. The EESC believes that the EU must actively promote recognition of the general principle of equality and positive obligations to enforce this principle. Furthermore, in order to achieve this, the institutions must begin developing the next generation of measures to promote equality in Europe.

1.9. While the EESC recognises that technological developments help facilitate access to rights for many citizens, it stresses that they can also create new inequalities, and that they therefore give rise to a new need to intervene in order to ensure the principle of equal treatment is monitored and applied.

1.10. To overcome the burden of litigation on individuals, to give legal action a weight commensurate with the practices it denounces, and to make the legal framework an effective deterrent in regulating discrimination, the EESC is in favour of EU legislation to adopt standards that facilitate the implementation of collective action in the Member States that improve both access to judicial redress and its impact on combating discrimination and upholding equal treatment.

1.11. The EESC believes that the Union must ensure security, equal treatment, and protection by Member State authorities for political, trade union and community actors as a corollary of its values of democracy, the rule of law, and non-discrimination based on political opinions.

1.12. The ability of all civic actors to work with existing legal instruments and to work with public institutions (in particular those involved in the protection of human rights) must also be improved.

2. **General comments**

2.1. The EESC refers to the preamble of the Charter of Fundamental Rights of the European Union, which states that 'the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity'. It also stresses the importance of Article 20 of the Charter, which enshrines the principle of equality before the law for all.

2.2. Furthermore the EESC points out that the application of the principle of equality not only prohibits discrimination, but also promotes the consistent application of the rule of law.

2.3. Today, the European Union recognises the multiple forms of inequalities and their intersectional dimensions (including gender, ethnic, social and generational inequalities, among others).

2.4. More than 20 years after the adoption of the Treaty of Amsterdam, all European and national indicators reveal the persistence of discrimination based on ethnic origin, race, sex, sexual orientation, opinions and beliefs, disability and age, in areas such as employment, access to goods, education, and also public services and social protection.

2.5. This persistent discrimination stems in particular from complex processes which often overlap, and are the result of in-built processes and of systems and rules that produce and reproduce direct or indirect discrimination. This patchwork of sources of inequality produces situations that are therefore systemic in nature and that constitute real obstacles to promoting equality ([3]).

2.6. Through its members and also through activities carried out directly in the Member States, the EESC also notes a worsening general social climate, and an increase in discriminatory behaviour towards vulnerable people. From this point of view, there is a clear need for swift and concerted action at national and European level.

2.7. Additionally, following nearly two years of crisis related to COVID-19, several UN agencies, including the International Labour Organization ([4]), have noted worrying signs of rising social and regional inequalities. The COVID-19 crisis has exacerbated social and economic inequalities and significantly affected European businesses by making it harder for them to maintain and create jobs.

2.8. Consequently, social groups facing poverty or in precarious situations are more vulnerable to discrimination, which is then compounded by other factors leading to vulnerability. The EESC stresses the need to target the specific nature of this discrimination and develop a strong policy to combat discrimination against economically and socially disadvantaged groups within the EU.

([3]) Mulder, J., Indirect sex discrimination in employment, European network of legal experts in gender equality and non-discrimination, European Commission, 2020.

([4]) See in particular the 8th ILO report on the employment impact of the ongoing crisis, October 2021: International Labour Organization, *COVID-19: ILO Monitor — 8th edition*, 27 October 2021.

2.9. The EESC stresses that inequalities and complex discrimination created by social structures can only be curbed through strong policies, real resources and long-term engagement. Greater and more significant support for national equality and human rights bodies is needed, especially as regards improving their independence and increasing their staffing and financial resources. Awareness-raising, visibility and training are key levers that should be incorporated into all areas of society and public policy.

2.10. The EESC believes that promoting equality and protecting fundamental rights must be integrated into a broader social vision that multiplies and strengthens the tools through which the Member States and the European Institutions give support to individuals and public and private actors.

2.11. The EESC reiterates its full support for the new European Pillar of Social Rights action plan, believing that it contains several aspects that are consistent with the promotion of equality, the protection of fundamental rights, and the fight against discrimination ([5]). More attention to their implementation is essential for achieving the action plan's objectives.

2.12. In line with its previous opinions ([6]), the EESC recognises the EU's efforts in the fields of gender equality; protection against discrimination on the grounds of ethnic origin, race or age, religion, and opinion or belief; the protection of LGBTQIA+ rights and the rights of persons with disabilities; as well as its work on Roma integration and upholding migrants' rights.

2.13. As the Committee has already stated, the Charter holds potential that neither human rights institutions, civil society organisations nor the social partners have exploited. Improvements are needed to further develop the EU's impact on protection and prevention and on promoting, implementing and applying the principle of equality ([7]).

2.14. The current European protection system is essentially based on victims' individual recourse to judicial redress and to the law. However, all studies show that reporting and procedures do not address the structural, intersectional and systemic dimensions of inequalities, and that victims' recourse to the law is insignificant, statistically exceptional, and used only as a last resort ([8]).

2.15. Today in terms of employment, the fight against discrimination is limited to situations that correspond to the forms of discrimination referred to in Article 19 of the Treaty on the Functioning of the European Union (sex, race or ethnic origin, religion or belief, disability, age or sexual orientation).

2.16. Moreover, the protection conferred by Union law on access to goods and public services only covers race or ethnic origin, and gender equality. No other form of inequality is treated as such, and protection against discrimination varies from one form to another.

2.17. Today, there are considerable differences in the protection against discrimination offered by Member States. Some Member States grant protection in access to goods and services against all forms of discrimination laid down in Article 19, while others grant protection beyond these. Consequently, protection against discrimination (and thus equality) varies between Member States.

2.18. It is in the light of these findings that subsequent steps need to be taken to overcome the current limits of the implementation of the EU's equality protection mechanism with an approach based on inclusion.

([5]) The European Pillar of Social Rights action plan, COM(2021) 38 (OJ C 374, 16.9.2021, p. 38).

([6]) See opinions on: *The situation of women with disabilities* (SOC/579) (OJ C 367, 10.10.2018, p. 20); *The situation of Roma women* (SOC/585) (OJ C 110, 22.3.2019, p. 20); *Shaping the EU agenda for disability rights 2020-2030* (SOC/616) (OJ C 97, 24.3.2020, p. 41); *Diversity management in the EU Member States* (SOC/642) (OJ C 10, 11.1.2021, p. 7); the *LGBTIQ Equality Strategy 2020-2025* (SOC/667) (OJ C 286, 16.7.2021, p. 128), the *Action plan on integration and inclusion 2021-2027* (SOC/668) (OJ C 286, 16.7.2021, p. 134); the *Strategy for the rights of persons with disabilities* (SOC/680) (OJ C 374, 16.9.2021, p. 50); and *The new EU Roma strategic framework for equality, inclusion and participation post-2020*.

([7]) Opinion on the new strategy for the *Implementation of the Charter of Fundamental Rights of the European Union* (SOC/671) (OJ C 341, 24.8.2021, p. 50).

([8]) European Union Agency for Fundamental Rights, *Equality in the EU 20 years on from the initial implementation of the equality directives*, op. cit.

3. **Specific comments**

3.1. *Promoting affirmation of a general principle of equality in the Member States*

3.1.1. The current situation in Europe highlights the fact that the principle of equality is an aspiration which is still subject to considerable uncertainty. For example, the Commission itself confirms that during the COVID-19 period, equal access to healthcare became a considerable challenge in Europe ([9]).

3.1.2. While some European countries incorporate the general principle of equality into their legal frameworks by enshrining a right to equal treatment in civil society, in economic relations, and with the State, others only crack down on discrimination expressly prohibited by law, with no positive obligation to implement the principle of equality ([10]).

3.1.3. This difference creates a significant gap between European citizens and residents as regards the scope of the principle of equality and its protection under law, and of the requirements in place for its effective implementation.

3.1.4. The EESC urges the Commission to recognise the structural difficulties that prevent fully achieving equality, and that also reveal both the limits of what has been achieved and the scale of inequalities in Europe today. National equality and human rights organisations should be actively involved in this continuous evaluation process.

3.1.5. The EESC considers it absolutely essential that the Union adopt an ambitious policy to promote the principle of equality and equal opportunities, commensurate with the values enshrined in the Treaty on European Union and in the Charter of Fundamental Rights, by engaging with all areas within its competence. In this regard, the EESC supports the European Commission's new initiative, based on Articles 157 and 19 of the Treaty, on the effectiveness of national equality bodies and developing their potential, their multiple roles and their capacities.

3.1.6. The EU must give itself the practical means to translate the general principle of equality into a legal principle applicable to all Member States, which would provide protection beyond unequal treatment linked to the seven forms of discrimination protected by Article 19 of the Treaty on the Functioning of the European Union. The use of structural funds would, for example, be an efficient way to effectively implement anti-discrimination measures.

3.1.7. Recognising a general principal of equal treatment and creating positive obligations, as well as recognising their systemic dimension, would be ways to improve the fight against economic and social inequalities.

3.2. *Tackling digital inequalities and discrimination*

3.2.1. While the EESC recognises that technological developments help facilitate access to rights for many citizens, it believes that they also lead to new inequalities in access to rights and services, and a new need to intervene in order to uphold the principle of equal treatment.

3.2.2. The digitalisation of government services and of access to goods and services (particularly essential services) has led to a profound change in the relationship with the user, removing physical barriers but also creating new digital barriers. It prevents access to rights and services for certain citizens, especially the most disadvantaged, the vulnerable and those with disabilities, as well as the majority of older people in Europe ([11]).

3.2.3. These shortcomings call for developing and implementing new public policies for digital inclusion, as well as for creating positive obligations for both public and private operators with regard to users, including free and easy access.

([9]) European Commission, *Solidarity in Health: Reducing health inequalities in the EU* (COM(2009) 567 final).

([10]) Crowley, N., *Making Europe More Equal: A legal duty?*, Equinet, 2016.

([11]) Défenseur des droits (Defender of Rights): *Dématérialisation et inégalités d'accès aux services publics* (Dematerialisation and inequalities in access to public services), 2019; and *Dématérialisation des services publics: trois ans après, où en est-on?* (Dematerialisation of public services: three years on, where are we now?), 2022.

3.2.4. In addition to the technical difficulties of digital access, and in connection with the tools derived from algorithms ([12]) and biometric technologies ([13]), the EESC notes that we are facing new rights violations and forms of discrimination.

3.2.5. As highlighted by the work of the Council of Europe ([14]) and the Fundamental Rights Agency ([15]), algorithmic decisions lead to decision-making tools with discriminatory biases based on the search for automated results. The most relevant legal instruments to mitigate the risks of AI driven discrimination are non-discrimination law and data protection law. If effectively enforced, both legal instruments could help to fight illegal discrimination.

3.2.6. The EESC believes that controlling these effects would require commitment to strong public policy that applies to the entire European internal market, as well as to economic operators outside Europe. This would require (in line with the Digital Services Act currently being adopted) the introduction of processes for monitoring automated decision-making, as well as for data verification, evaluation, impact studies and for correction processes in the development and implementation of these technologies. The adoption of the directive on digital services could also help to provide solutions.

3.3. *Developing the protection of equal treatment and the fight against discrimination in the professional world*

3.3.1. The EESC stresses the importance of employment for integration and for making the promise of equality for all a reality.

3.3.2. Despite the EU's historic commitment to gender equality in employment, the current situation reminds us that, historically, women are the first to suffer the consequences of crises, be they economic, social, health or others. Gender equality in the workplace remains one of the major challenges faced by European countries. The COVID-19 crisis saw female employment rates drop across all ages in all occupational groups, falling globally to 61,8 % ([16]).

3.3.3. These gender-related inequalities simply add to the other forms of inequality. Eurostat's 2019 survey shows that 68 % of people with disabilities were at risk of poverty or social exclusion, compared to 28,4 % of the general population ([17]). Of those who considered themselves LGBT, 21 % felt discriminated against at work, as did 25 % of people with Maghreb, African or Roma origins ([18]).

3.3.4. The 2020 Eurobarometer on discrimination showed that 59 % of Europeans believe that the primary cause of discrimination is ethnic origin or skin colour, with studies showing that it is particularly significant in the area of employment, where it has a considerable impact on equal opportunities and social integration. Efficient methods should be put in place to determine such discrimination before the courts, such as the Clerc method, recognised by the French supreme courts, which makes it possible to compare the career developments of people hired at the same level ([19]).

3.3.5. Today, European policy on combating discrimination in employment is limited to a legal framework that allows reports of situations of discrimination to be brought before the courts, imposing on the potential victim the very heavy burden of fighting discrimination by bringing one or more cases against their employer, service provider or the State.

([12]) Gerards, J., Xenidis, R., *Algorithmic discrimination in Europe*, European network of legal experts in gender equality and non-discrimination, European Commission, 2020.

([13]) Défenseur des droits (Defender of Rights), *Technologies biométriques: l'impératif respect des droits fondamentaux* (Biometric Technologies: the imperative respect for fundamental rights), 2021.

([14]) Council of Europe, Zuiderveen Borgesius, F., *Discrimination, Artificial Intelligence and algorithmic decision-making*, 2018.

([15]) European Union Agency for Fundamental Rights, *Getting the Future Right: Artificial intelligence and fundamental rights*, 2021.

([16]) European Institute for Gender Equality (EIGE), *Gender equality and the socio-economic impact of the COVID-19 pandemic*.

([17]) Eurostat, Income inequalities, 2019.

([18]) European Union Agency for Fundamental Rights, *Equality in the EU 20 years on from the initial implementation of the equality directives*, op. cit.

([19]) Chappe. V.A., 'La preuve par comparaison: méthode des panels et droit de la non-discrimination' [Proof by comparison: Panel methods and the right to non-discrimination], *Sociologies pratiques*, 2011/2 No 23, p. 45 to 55; Framework Decision of the Défenseur des droits (Defender of Rights) No 2022, 139 of 31 August 2022; Court of Cassation: Social Chamber 10/7/1998 No 90-41231; Social Chamber 4/7/2000, No 98-43285; Social Chamber 28/6/2006 No 04-46419.

3.3.6. The Commission has long acknowledged that discrimination is the product of collective phenomena. Litigation on a case-by-case basis is a heavy weight for victims to bear. Refusal to take legal action in cases of discrimination is well documented and widespread ([20]). Discrimination in employment makes up a fraction of litigation cases, while legal action in cases of discrimination in access to goods and services is almost non-existent. Non-judicial mechanisms and processes for promoting equality could be strengthened, as could support for pro bono legal work and litigation in the public interest.

3.3.7. To overcome the burden of litigation on individuals, to give legal action a weight commensurate with the practices it denounces, and to make the legal framework an effective deterrent in regulating discrimination, the EESC is in favour of EU legislation to adopt procedural tools that facilitate access to rights in the Member States, for example by using collective action mechanisms that improve both access to judicial redress and its impact on combating discrimination and upholding equal treatment.

3.3.8. Furthermore, if the European Union intends to combat workplace discrimination efficiently, legal proceedings cannot be the only form of intervention in the face of collective and systemic discrimination.

3.3.9. The European Union should broaden its range of actions against discrimination beyond simple judicial redress by requiring forecasting tools to be implemented, allowing for proactive intervention, correcting practices and preventing discrimination.

3.3.10. The EESC believes that comparable policies on discrimination must be implemented, based on all the criteria set out in Article 19 of the Treaty on the Functioning of the European Union. It therefore calls on the European Commission to:

i. commit to efficient enforcement of the existing measures or adopting new measures to promote equality in employment and ensure the effective implementation of existing legislation within the framework of its employment and anti-discrimination policy;

ii. ensure that measures are adopted to broaden the definition of discrimination in the workplace and to strengthen employer assessment, reporting and monitoring obligations;

iii. support businesses in developing anti-discrimination and inclusion practices.

3.4. *Broadening and unifying the scope of protection against discrimination within the Union*

3.4.1. The EESC strongly urges the European Union to further develop protection against discrimination in access to goods and services, notably by adopting the proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

3.4.2. The EESC notes that current protection against discrimination in access to goods and services creates a protection hierarchy based on the recognised forms of discrimination, and therefore creates situations of unequal protection for those covered by these criteria for discrimination.

3.4.3. While the principle of non-discrimination is an important part of safeguarding fundamental rights within the Union, as long as adoption of the draft directive is suspended, the European Union will not be able to fulfil its mission to ensure equal enjoyment of rights in the European public space.

3.4.4. The EESC calls on the Council, the Parliament and the Commission to ensure that measures are taken to adopt this draft directive in a version that incorporates its overarching proposals on improving access to rights and redress including, in particular, mechanisms to facilitate access to rights through the adoption of collective action procedures to ensure the effectiveness and recognition of the competences of national anti-discrimination bodies.

3.4.5. The EU should step up its efforts and cooperation on the ground to ensure that the dignity and fundamental rights of LGBTQIA+ people are respected without exception, that they are nowhere subject to prosecution, and that their participation in public life is strengthened.

([20]) European Union Agency for Fundamental Rights, *Equality in the EU 20 years on from the initial implementation of the equality directives*, op. cit.

3.5. The EESC believes that the EU must actively promote the recognition of a general principle of equal opportunities and positive obligations. The EU institutions should also support national equality and human rights organisations by adopting binding standards so that they are able to exploit their full potential and ensure the effective application of existing legislation.

3.6. *Safeguarding protection against political, trade union and civic discrimination*

3.6.1. The EESC notes that in recent years, political and trade union or workers' association activists, as well as civic activists across Europe have faced difficulties in exercising their freedom of expression and action, for example in exercising their right to protest, in order to voice their demands or to negotiate.

3.6.2. The EESC believes that both the Union and the Member States must in accordance with their legislation and applicable international instruments effectively ensure security, equal treatment, and protection by Member State authorities for political actors, social partners and community actors as a corollary of its values of democracy, the rule of law, and non-discrimination based on political opinions.

3.6.3. All Member States have ratified ILO C087 Freedom of Association and Protection of the Right to Organise Convention and ILO C098 Right to Organise and Collective Bargaining Convention. Freedom of association and the right to organise must also be respected and promoted. It is important that discussions take place at national and EU level on how to ensure workers can have access to trade union representation, and exercise rights to collectively organise and take collective action ([21]). In line with the International Labour Organization's internationally recognised standards, the EESC strongly encourages Member States and the Commission to ensure in accordance with their legislation, industrial relations systems and applicable international instruments, that they effectively protect freedom of association and right to organise and collective bargaining.

3.7. *Effective national institutions to promote equality, protect fundamental rights and combat discrimination*

3.7.1. Too often, the application of European and national regulations in this area comes with significant limitations linked to the legal, institutional, organisational and financial aspects that characterise each Member State.

3.7.2. The Committee believes that concrete plans should be established, including financial support, to improve the capacity of the relevant national institutions.

3.7.3. The Committee encourages the Commission to develop assistance programmes for national institutions with human rights responsibilities in order to improve, strengthen and streamline their capacities (through the creation and accreditation of and compliance with international standards) by including awareness raising and knowledge, and by catering to the specific needs of all groups.

3.7.4. The ability of all civic and social actors to work with existing legal instruments and to work with public institutions (in particular those involved in the protection of human rights) must also be improved. Better support is needed for social actors and civil society organisations to ensure access to the law for victims of discrimination. This support could take the form of training, awareness-raising, knowledge and best practice sharing, financial and organisational support, and protection against attacks and smear campaigns.

3.7.5. As previously suggested, the Committee reiterates the need to create an effective and accessible mechanism for identifying and reporting physical and verbal attacks, intimidation and harassment (including through abusive legal proceedings), and hate speech against civil society organisations, including those that protect human rights ([22]). When these attacks are launched in the digital sphere, they must be quickly identified, and the corresponding publications removed.

Brussels, 26 October 2022.

The President
of the European Economic and Social Committee
Christa SCHWENG

([21]) See also the Opinion on *Decent minimum wages across Europe* (SOC/632), point 4.5.3 and point 4.5.6, OJ C 429, 11.12.2020, p. 159.
([22]) Opinion on the new *strategy to strengthen the application of the Charter of Fundamental Rights in the EU* (SOC/671) (OJ C 341, 24.8.2021, p. 50).

ANNEX

The following amendments, which received at least a quarter of the votes cast, were rejected during the discussions (Rule 59(3) of the Rules of Procedure):

AMENDMENT 1

SOC/724 — Improving equality in the EU

Point 3.3.7

Amend as follows:

Section opinion	Amendment
To overcome the burden of litigation on individuals, to give legal action a weight commensurate with the practices it denounces, and to make the legal framework an effective deterrent in regulating discrimination, the EESC ***is in favour of EU*** legislation to adopt procedural tools that facilitate access to rights in the Member ***States***, for example by using collective action mechanisms that improve both access to judicial redress and its impact on combating discrimination and upholding equal treatment.	To overcome the burden of litigation on individuals, to give legal action a weight commensurate with the practices it denounces, and to make the legal framework an effective deterrent in regulating discrimination, the EESC ***encourages Member States to consider and, where needed, take appropriate actions to ensure and support access to justice. This could include*** legislation to adopt procedural tools that facilitate access to rights in the Member ***State concerned***, for example by using collective action mechanisms that ***can*** improve both access to judicial redress and its impact on combating discrimination and upholding equal treatment.

Reason

In the study group and in the SOC section there was no agreement across all three groups on this matter. Procedural law traditionally belongs to the competence of the Member States. Thus it should be for Member States to decide whether they wish to introduce at national level collective actions/collective redress as a tool to enforce the equality principle. This would also allow for any national systems to be adapted to the national realities. Furthermore, one should not forget that collective redress could also be misused.

Outcome of the vote

In favour: 59

Against: 104

Abstention: 13

AMENDMENT 2

SOC/724 — Improving equality in the EU

Point 3.3.10

Amend as follows:

Section opinion	Amendment
The EESC believes that comparable policies on discrimination must be implemented, based on all the criteria set out in Article 19 of the Treaty on the Functioning of the European Union. It therefore calls on the European Commission to:	The EESC believes that comparable policies on discrimination must be implemented, based on all the criteria set out in Article 19 of the Treaty on the Functioning of the European Union. It therefore calls on the European Commission to:
— commit to efficient enforcement of the existing measures or adopting new measures to promote equality in employment and ensure the effective implementation of existing legislation within the framework of its employment and anti-discrimination policy;	— commit to efficient enforcement of the existing measures or adopting new measures to promote equality in employment and ensure the effective implementation of existing legislation within the framework of its employment and anti-discrimination policy;
— ensure that measures are adopted ***to broaden*** the definition of discrimination in the workplace and to ***strengthen employer*** assessment, reporting and monitoring obligations;	— ensure that measures are adopted ***that help making efficient use of*** the definition of discrimination ***as laid down in EU law*** in the workplace and to ***provide guidance to employers in their*** assessment, reporting and monitoring obligations;
— support businesses in developing anti-discrimination and inclusion practices.	— support businesses in developing anti-discrimination and inclusion practices.

Reason

This point is about implementing policies based on criterial set out in Article 19 of the TFEU. Points 3.4.1 (and 1.3) of this opinion already state that 'The EESC strongly urges the European Union to further develop protection against discrimination in access to goods and services, notably by adopting the proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.' The amendment aims at modifying the text to indicate what kind of measures are needed to make the implementation and application of EU anti-discrimination rules efficient.

Outcome of the vote

In favour: 67

Against: 109

Abstention: 11

AMENDMENT 3

SOC/724 — Improving equality in the EU

Point 3.4.4

Amend as follows:

Section opinion	Amendment
The EESC calls on the Council, the Parliament and the Commission to ensure that measures are taken to adopt this draft directive in a version that incorporates its overarching proposals on improving access to rights and redress ***including, in particular,*** mechanisms to facilitate access to rights through the adoption of collective action procedures to ensure the effectiveness and recognition of the competences of national anti-discrimination bodies.	The EESC calls on the Council, the Parliament and the Commission to ensure that measures are taken to adopt this draft directive in a version that incorporates its overarching proposals on improving access to rights and redress ***while leaving it to the Member States to decide on possible*** mechanisms to facilitate access to rights through the adoption of collective action procedures to ensure the effectiveness and recognition of the competences of national anti-discrimination bodies.

Reason

In the study group and in the SOC section there was no agreement across all three groups on this matter. Procedural law traditionally belongs to the competence of the Member States. Thus it should be for Member States to decide whether they wish to introduce at national level collective actions/collective redress as a tool to enforce the equality principle. This would also allow for any national systems to be adapted to the national realities. Furthermore, one should not forget that collective redress could also be misused.

Outcome of the vote

In favour: 60

Against: 114

Abstention: 11

AMENDMENT 4

SOC/724 — Improving equality in the EU

Point 1.10

Amend as follows:

Section opinion	Amendment
To overcome the burden of litigation on individuals, to give legal action a weight commensurate with the practices it denounces, and to make ***the*** legal framework an effective deterrent in regulating discrimination***, the EESC is in favour of EU*** legislation to adopt standards that facilitate the implementation of collective action in the Member ***States*** that improve both access to judicial redress and its impact on combating discrimination and upholding equal treatment.	***The EESC encourages Member States to consider and, where needed, take appropriate actions to*** overcome ***or alleviate*** the burden of litigation on individuals, to give legal action a weight commensurate with the practices it denounces, and to make ***their*** legal framework an effective deterrent in regulating discrimination***. This could include*** legislation to adopt standards that facilitate the implementation of collective action in the Member ***State concerned*** that improve both access to judicial redress and its impact on combating discrimination and upholding equal treatment***. To facilitate exchanges of best practices, the European Commission is invited to provide information on the different national legislative frameworks in this regard***.

Reason

In the study group and in the SOC section there was no agreement across all three groups on this matter. Procedural law traditionally belongs to the competence of the Member States. Thus it should be for Member States to decide whether they wish to introduce at national level collective actions/collective redress as a tool to enforce the equality principle. This would also allow for any national systems to be adapted to the national realities. Furthermore, one should not forget that collective redress could also be misused.

Outcome of the vote

In favour: 65

Against: 113

Abstention: 8