

Equality Summit 2012 - Speaking Note for Jozef de Witte

Equality legislation as a driver for growth

1. Equality legislation is one, but not the only cornerstone of an equality infrastructure.

We need to see the equality legislation as an integral part of an equality infrastructure if we are to understand and to realize its potential. This infrastructure encompasses equality legislation and equality policies, it also encompasses equality bodies; and last but not least civil society and social partner organizations.

This infrastructure:

- with complementary but different roles
 - for the authorities,
 - for the civil society and social partner organizations
 - and for the equality bodies as independent mechanisms
- has the potential to:
 - Support individuals excluded by discrimination to challenge this experience and, thus, secure their contribution to society and to the workplace.
 - Contribute an equality and diversity perspective to policy making that ensures policies and programmes benefit all those at whom they are targeted and make best use of scarce resources.
 - Enable organizations and companies to develop planned and systematic approaches to equality that enhance their performance.
 - Stimulate a positive public attitude towards equality and diversity that contribute to a cultural context that enables and celebrates the contribution of all members of society to social and economic development.
 - Reaching a number of the EU 2020 headline targets (*75% employment rate of all aged between 20-64; improving education levels; lifting at least 20 million people out of the risk of poverty and exclusion*) is impossible without better integrating disadvantaged groups in society.

2. However it is important to make sure that we design this infrastructure in a manner that ensures it can realize this potential.

For example, we need to ensure that:

- **Equality legislation** covers **all six grounds** within the **labour market**; and **beyond the labour market**. Yes, also beyond the labour market, and this is already the case in a large majority of the Member States, as for example in Belgium. This provides us a lot of experience to build on and to ensure in the EU Europe to build on what there is.
- Employers, service providers and policy makers should be stimulated, through equality legislation, to undertake action. Equality legislation can indeed **stimulate action** by placing appropriate **obligations** on them to have due regard to equality and to be planned and systematic in their approach to equality. One example, 76% of the EU-citizens are in favour of monitoring recruitment procedures to ensure that candidates from group at risk of discrimination have the same opportunities as comparable candidates. What are the authorities waiting for to impose this obligation upon companies receiving subsidies from the government or wanting to submit a tender in public procurement procedures?
- **Equality bodies**
 - Need to be **adequately resourced**. This is currently a major barrier in many Member States.
 - Equality bodies that play tribunal type functions need to be empowered to impose dissuasive sanctions that are legally binding.
 - Equality bodies that do not play a tribunal type function should have other powers to enforce equality legislation, for example to start legal proceedings against perpetrators. The two Belgian equality bodies have that power, which allows them in the very first place to insist for a solution through negotiation and mediation, allowing a quick solution and a win-win situation in almost 99% of the cases.
- **Civil society and social partner organisations**

- Need to be supported to play a more active role in addressing the high levels of **under-reporting** that put the potential of equal treatment legislation at risk.

3. Importance of legislation for vulnerable groups

The legislation is important for vulnerable groups in that it:

- Offers a **clear message** from political leaders that discrimination is unacceptable and that vulnerable groups' participation and contribution is valued.
- Provides a **constructive means** through which to challenge discrimination they experience.
- **Stimulates change** in workplaces, organizations and in all the components of the society; a change that enables vulnerable groups to participate in key services such as education and to contribute in key arenas such as the workplace.

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4. Implementing legislation can support growth

The full and effective implementation of the legislation can support growth in that it:

- Provides a **standard** that enables the participation and contribution of all to society and to the economy; a participation as employees, as consumers, as participants in all aspects of life, including politics, social and cultural activities, sports, ...
- Provides a **stimulus for action** to achieve the business case for equality such that employers and service providers invest in equality and diversity systems and achieve productivity and innovation gains as a result.
- **Sets equality down as a marker for society** and provides a means to advance and promote this value such that wider economic and social gains can be achieved in a more equal society – given that we know more equal societies have fewer health and social problems.

- **Provides the foundation for a wider institutional infrastructure** to advance equality and combat discrimination. This stretches from the statutory sector to equality bodies to civil society and social partner organizations. This infrastructure ensures that the potential for enabling growth and well being in the legislation is achieved.

5. To conclude

The argument that in times of economic crisis, the equality agenda cannot be a priority and should be delayed, is a false argument, and for two reasons: a principled one, and a pragmatic one.

A principled one. It was Martin Luther King who was not only talking about ships and boats, as said this morning by the Minister of Labour, but also stated that a right delayed, is a right denied. There can be no question of denying the rights of vulnerable groups, to suspend the rule of law, during times of economic crisis. If we do that, we are in the wrong boat. Equality is about fundamental rights, as Mr. [Aurel] Ciobanu [Dordea, Director for Equality, European Commission] said this morning.

A pragmatic one. Because the answer to the crisis is not to exclude vulnerable people, not as employees, not as consumers. The opposite is true: in times of crisis, more openness, creativity and innovation is needed, and more diversity is the only way to have that.

Thank you.