

E Equinet
European network
of equality bodies



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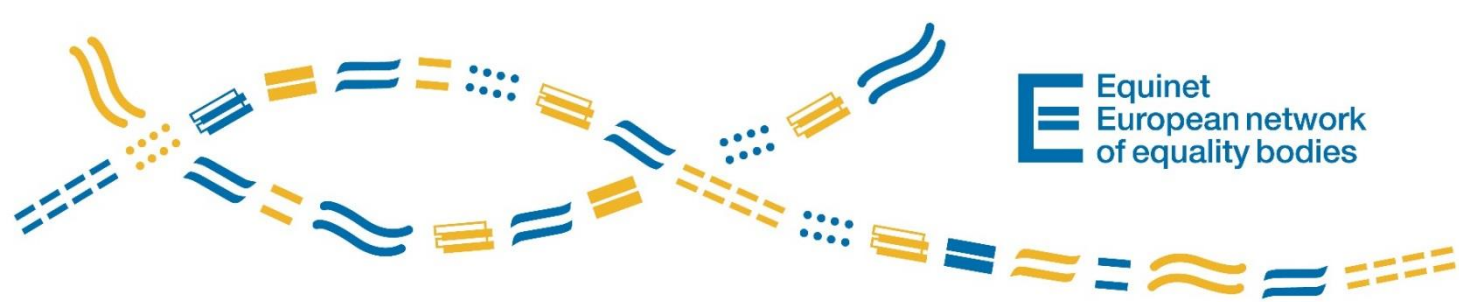
EQUINET

EUROPEAN NETWORK OF EQUALITY BODIES

Learnings from equality bodies' legal work, from Equinet *Perspective*

Kosana Beker, Equinet Board Member, Assistant to the
Commissioner for the Protection of Equality of the Republic of
Serbia

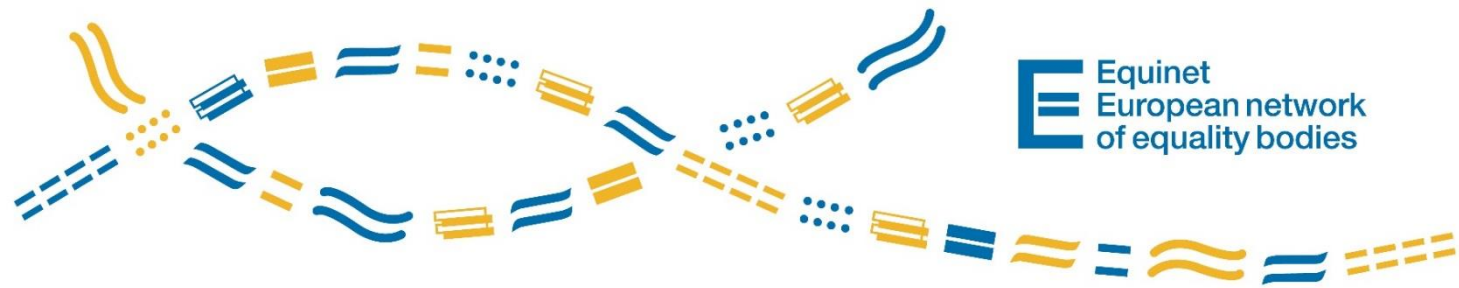
***Equinet Conference Taking Action for Gender Equality, 23 March
2015***



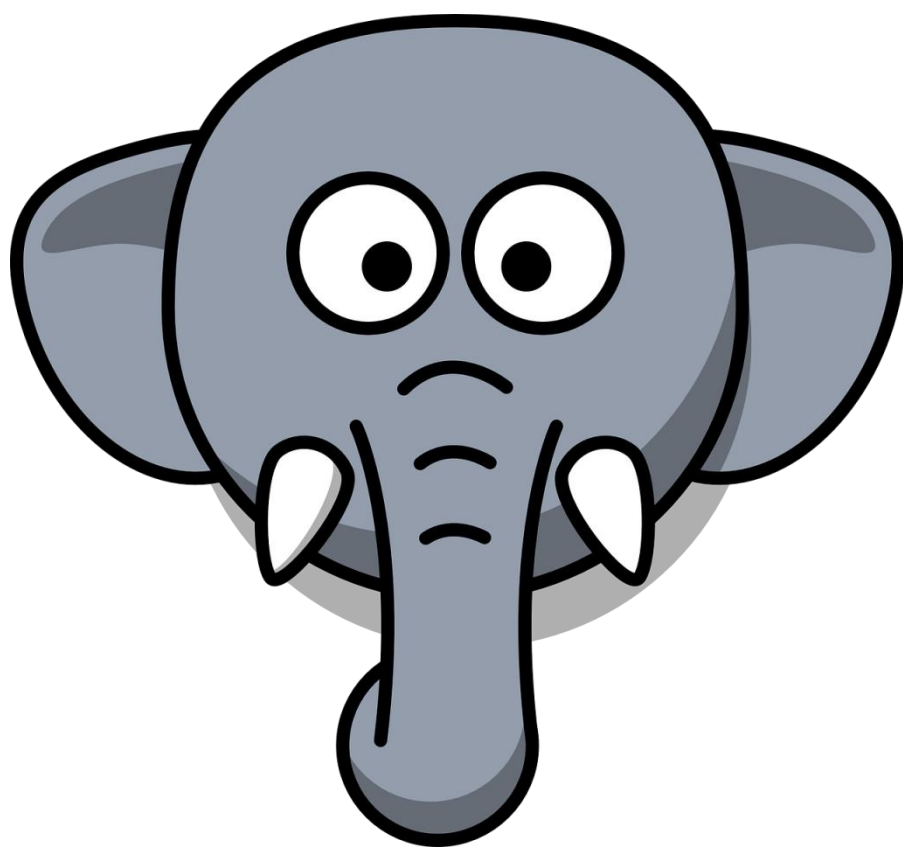
Key findings of Equinet perspective on the legal work of equality bodies on gender equality

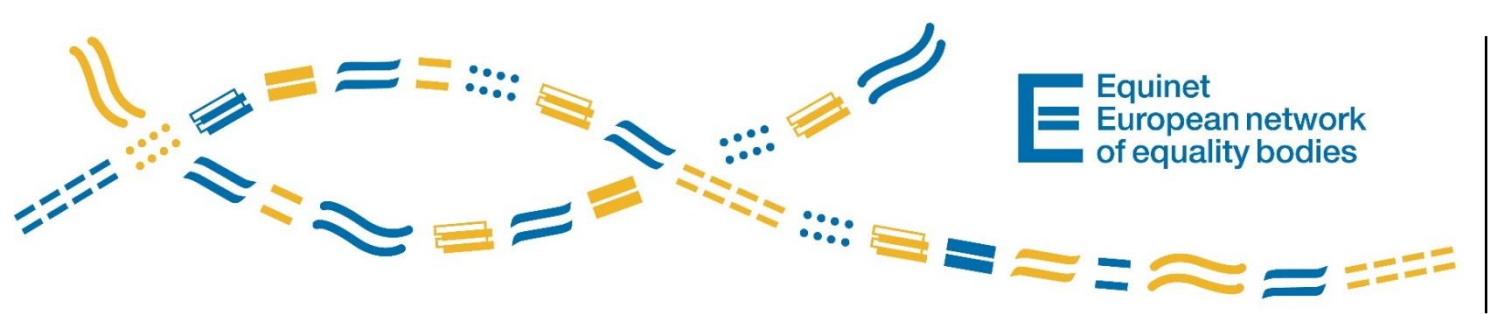
Ongoing discrimination, harassment and under-reporting

New priorities and areas for further development of the legal framework



Under-reporting





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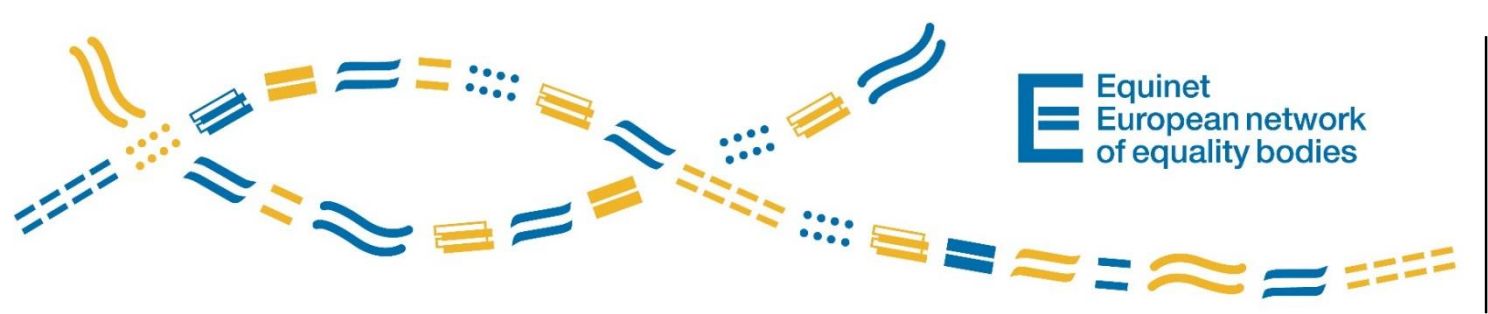
Discrimination in employment

Dominant issues:

- Pregnancy related discrimination
- Harassment on the basis of gender and sexual harassment

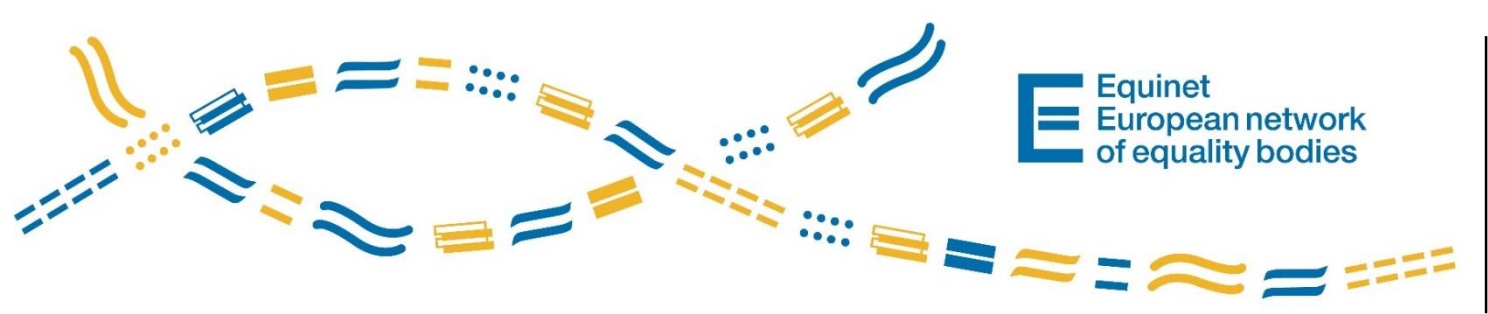
Pregnancy related discrimination

- Reported by 77% equality bodies (20 out of 26)
- Priority and the dominant issue for most of these equality bodies.
- Litigation work usually forms part of a wider strategy by equality bodies to combat pregnancy-related discrimination.
- *Equality Commission for Northern Ireland* : formal investigation into the treatment of pregnant workers and mothers in the workplace due to the high volume of cases.
- *Equality and Anti-Discrimination Ombud* in Norway: campaign on under-reporting of pregnancy related discrimination and survey on the extent.
- *Commission for Protection of Equality* in Serbia: initiated an amendment in the Labour Law to improve protection for pregnant women.
- The *Ombudsman for Equality* in Finland reports a campaign on pregnancy-related discrimination along with policy work in relation to such discrimination in relation to fixed-term contracts.



Harassment on the basis of gender and sexual harassment

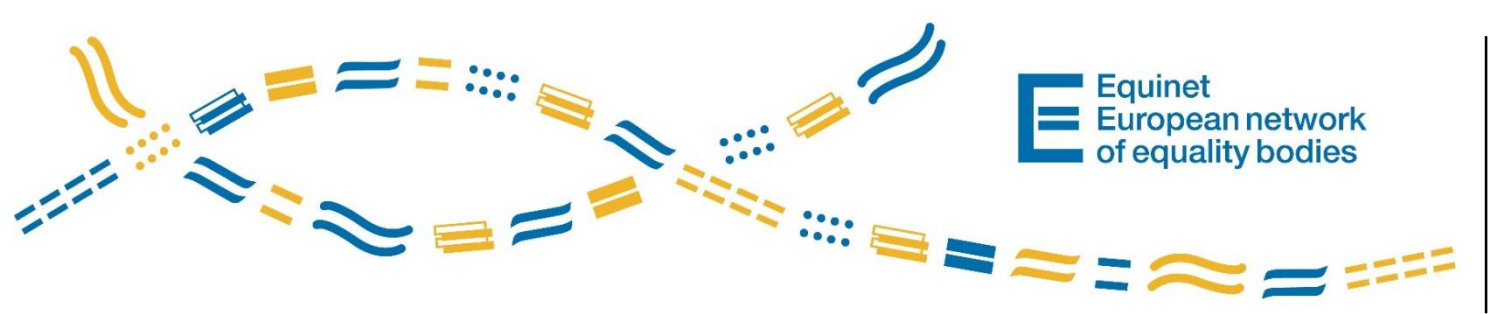
- 14 equality bodies (54%) report litigation on this issue.
- Work on this area is also pursued within a wider strategy on the issues involved.
- The *Federal Anti Discrimination Agency (FADA)* in Germany is prioritising this in 2015. Gaps in legislation in higher education will be explored.
- The *Equality and Human Rights Commission* in Great Britain conducted a full investigation.
- The *Irish Human Rights and Equality Commission* published a code of practice on sexual harassment and harassment in the workplace.
- The *Ombud for Equal Treatment in Austria* conducts workshops in enterprises where sexual harassment has occurred.
- The *Equality Ombudsman* in Sweden prioritised work against sexual harassment and harassment in education, in compulsory school and upper secondary school, including an intersectional perspective.



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Other employment issues

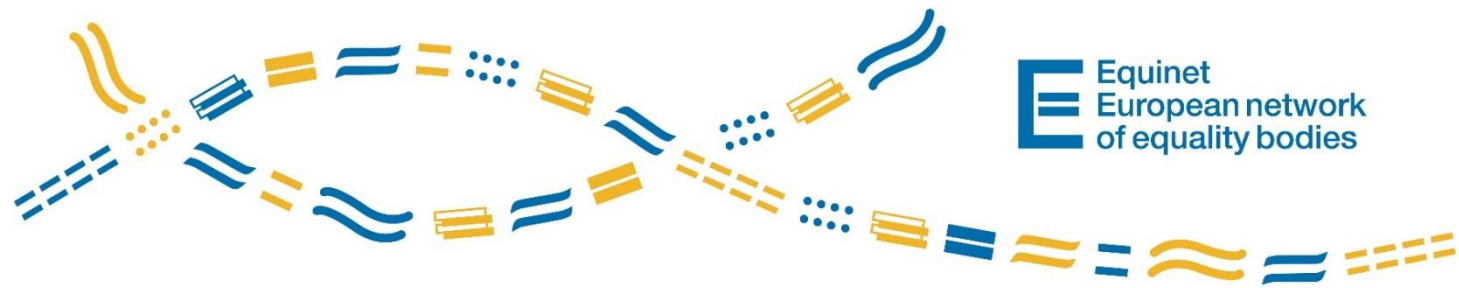
- discriminatory advertising
- access to employment
- gender preferences expressed in interviews for jobs
- take up of family friendly arrangements at work
- equal pay cases



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Discrimination in goods and services

- Employment predominant in equality bodies' litigation
 - *Exception: the Belgian Institute for Equality of Women and Men reports that cases in relation to goods and services now outnumber cases in relation to employment. This is principally due to cases in the field of culture and the media, most specifically sexist advertising.*
- Issues include:
 - media portrayal of women
 - pricing differentials in some leisure and other services
 - conditions for bank credit
 - education
 - access to financial services including insurance
 - sexual harassment
 - gender segregated services
 - breast feeding in certain service provision areas.

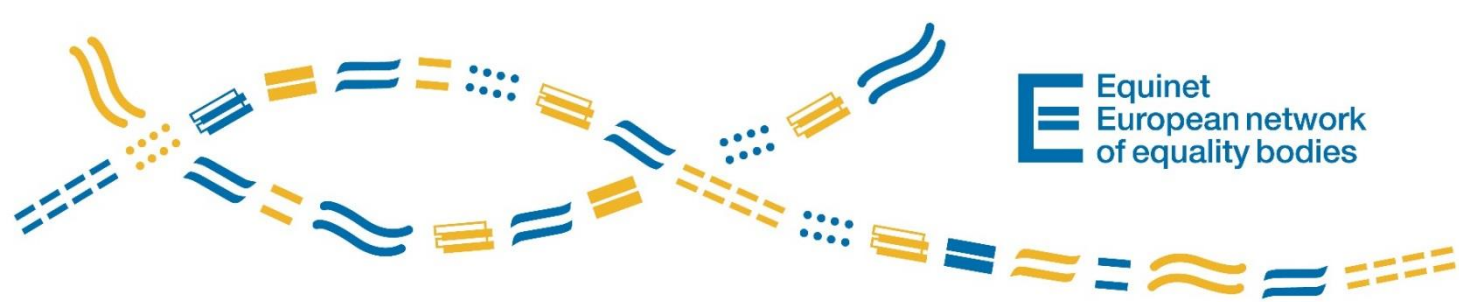


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New priorities and areas
for further developments



Harassment and sexual harassment

- Monitor implementation and application in the 3 areas: employment, goods and services, and self-employment, including equality bodies' mandate (and resources to implement it)
- Include education, media and advertising
- Include protection for all trans people
- Maintain EU programmes and funding, disseminate information
- MS ratification of the Istanbul Convention and EU accession

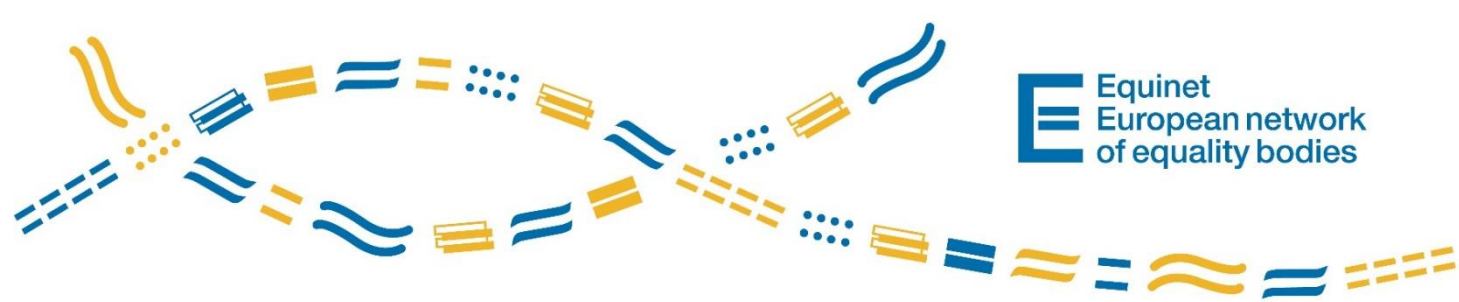


Strengthened legislation against pregnancy related discrimination

- Adoption of legislation to secure the rights of pregnant women and their protection from discrimination
- Action to address underreporting

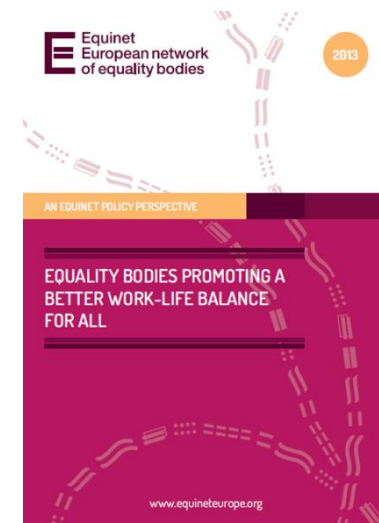
A comprehensive framework for work life balance

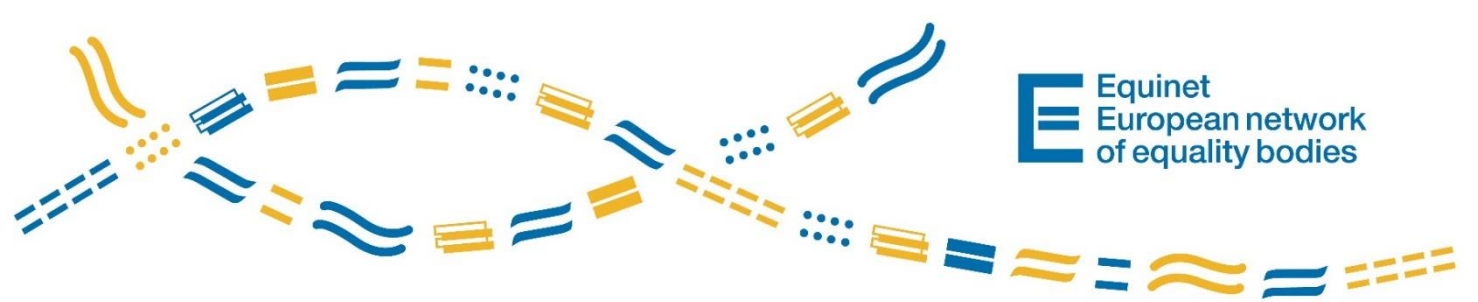
- Statutory leave for maternity, paternity, other dependent family members and flexibility in the workplace
- Legal duties on employers
- Maternity Directive
- Care services (childcare)
- Gender stereotyping on care
- Sharing of caring responsibilities



Care

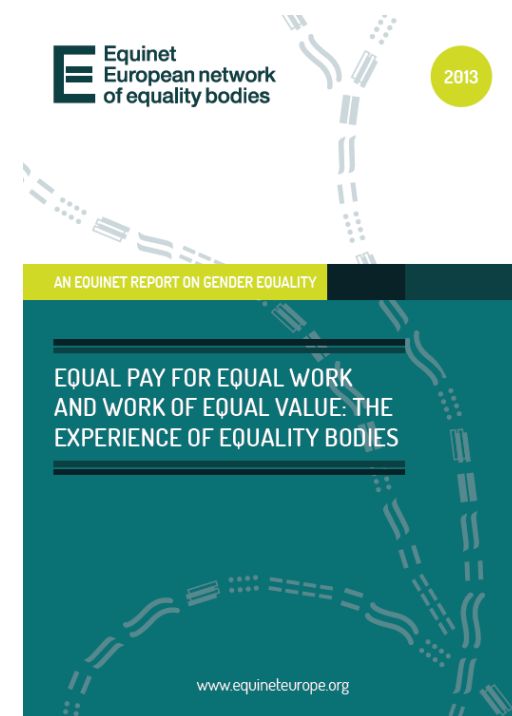
- Societal and workplace culture supporting work-lifebalance
- Availability of care services and standards
- Care responsibilities on women resulting from austerity policies need to be reversed
- Rights of domestic workers
- Role of men in caring responsibilities and equality in caring





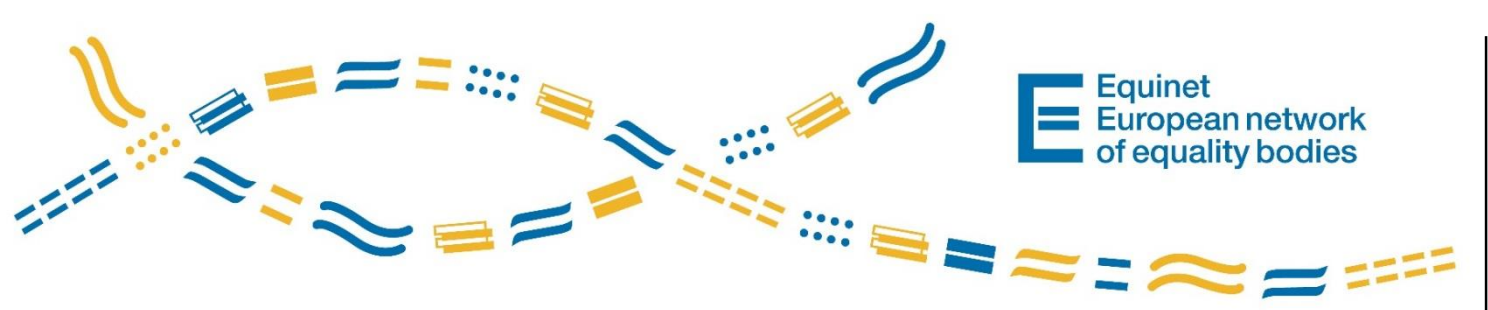
Transparency of pay

- Implementation of the European Commission Recommendation.
- Binding provisions
- Access to information for equality bodies and complainants



Multiple discrimination and intersectionality

- Migrant women
- Lone parents
- Older and younger women
- Women with disabilities
- Muslim women
- Women from ethnic minorities
- Women living in poverty



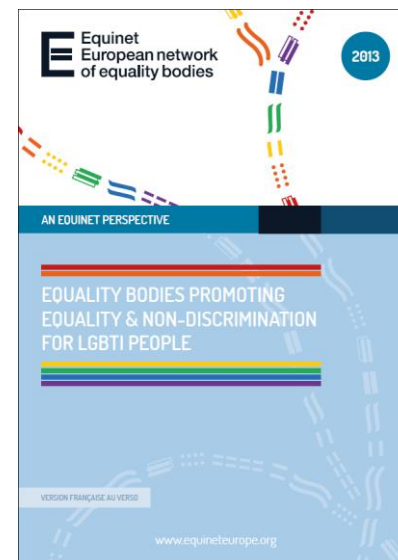
Equal treatment in media, advertising and education

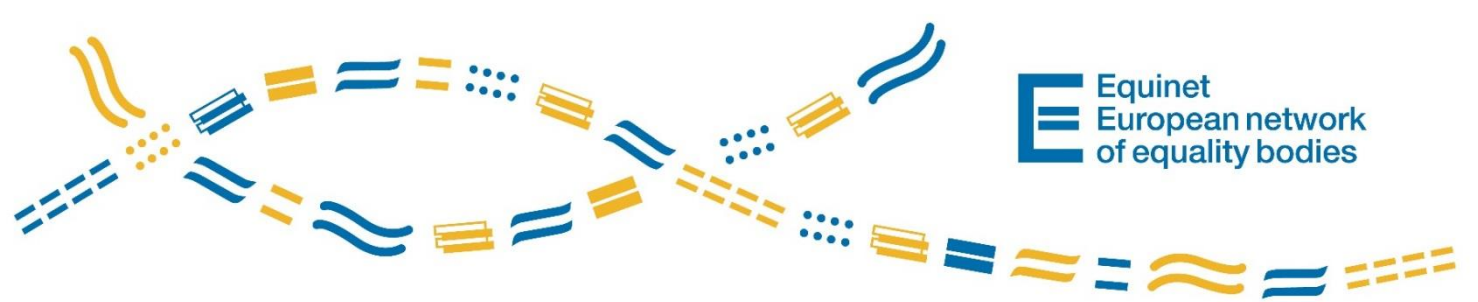
- Close current gap: no protection against harassment, sexual harassment and discrimination on the basis of gender in EU schools and universities.
- Equal treatment in advertising and education



Full protection for trans and intersex people

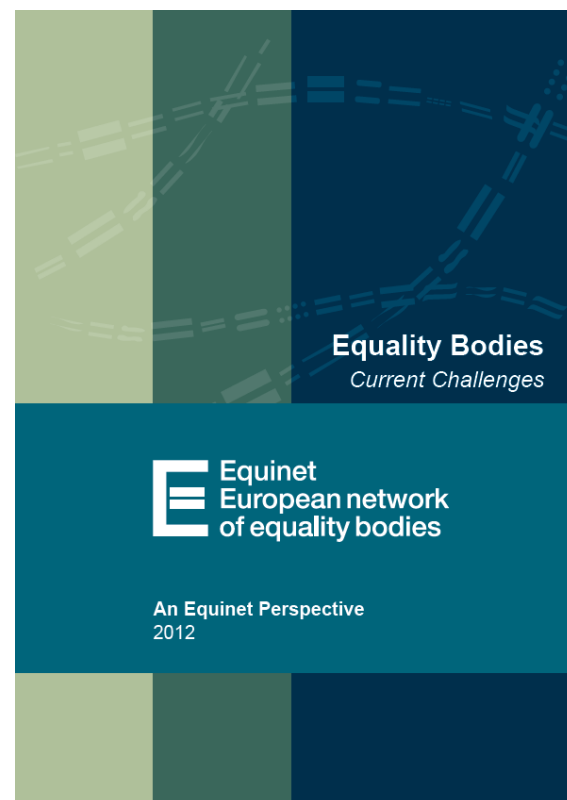
- CJEU case law: not always implemented, and not enough to ensure protection of all trans and intersex people
- An EU legal framework to protect equal treatment for Trans and Intersex people
 - including protection from harassment and from institutional discrimination
 - Gender identity and expression as protected grounds

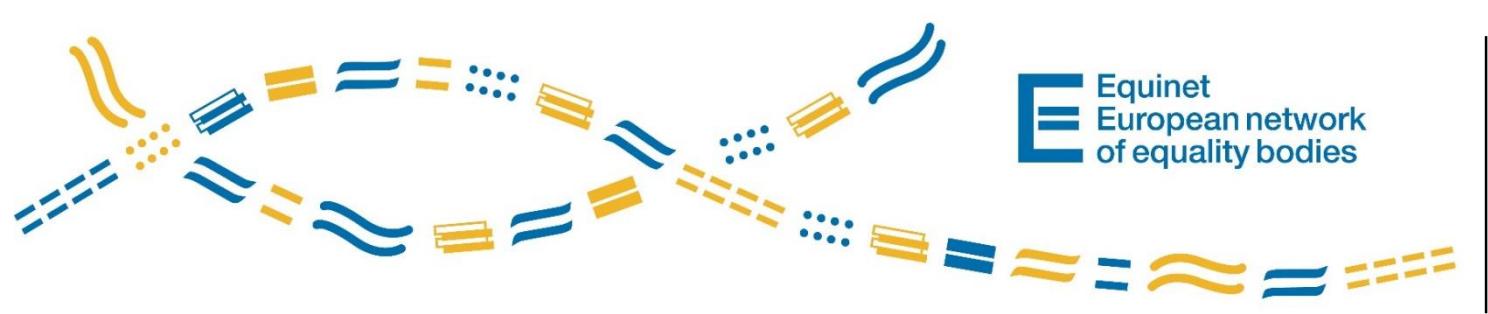




Standards for equality bodies' resources, functions and powers.

- European standards for equality bodies
 - Independence
 - Resources
 - Powers
 - Including litigation powers

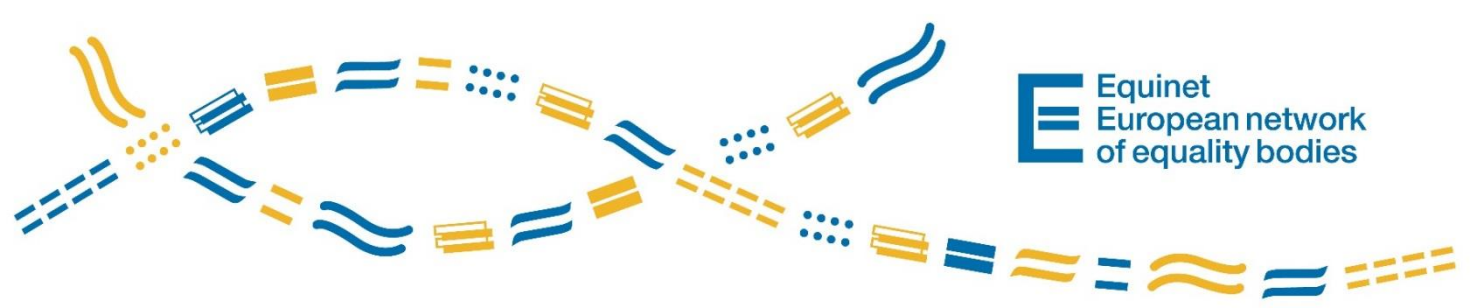




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Monitoring of transposition of EU legislation including case law

- Effectiveness of sanctions
- Burden of proof shift
- Harassment and sexual harassment
- Existence and powers of equality bodies



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Contacts

www.equineteurope.org

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