

Standards for equality bodies: Council strikes deal with Parliament

The press release was updated on 21 December 2023 to add the agreed text.

The EU Council presidency has reached a provisional agreement with the European Parliament on a new law to help prevent sex discrimination in the workplace by **strengthening the independence and functioning of the EU's equality bodies**. The directive agreed on today will set out binding standards for equality bodies dealing with equal treatment and opportunities between women and men in the areas of employment and occupation.

If we genuinely want to combat discrimination in all its forms, it is not enough to simply ban it – we also need to make sure that the rules are effectively enforced. Today's agreement provides the EU's equality bodies with the competences, independence and resources they need to challenge acts of discrimination and support victims.

Ana Redondo, Spanish Minister for Equality

Currently, all EU member states are already required to set up national bodies to combat discrimination in the workplace on the grounds of sex, yet the **mandate and competences** of these bodies vary from one member state to another.

The new rules agreed on today with the Parliament will establish **common EU-wide minimum requirements** for equality bodies in a number of key areas. These include:

- **enhanced competences** for equality bodies to combat discrimination on the grounds of sex in matters of employment and occupation, including self-employment
- a legal requirement for equality bodies to be **independent** from external influence
- sufficient human, technical and financial **resources**
- a requirement for **public institutions** to consult equality bodies on matters related to discrimination, and for equality bodies to be empowered to promote equal treatment, for example via gender mainstreaming
- increased powers to conduct inquiries and **dispute resolution** in discrimination cases, in line with national law and practice

The agreement reached with the Parliament also clarifies the definition of the term 'victim' as encompassing 'all persons who consider that they have experienced discrimination', clarifying that anyone can seek help from equality bodies if they think they have been discriminated against because of their sex.

Next steps

The provisional agreement will now have to be endorsed by the Council and the Parliament. It will then be formally adopted by both institutions following legal-linguistic revision. After the formal steps of the adoption have been completed, member states will have 24 months to incorporate the provisions of the directive into their national legislation.

Background

Equality bodies are public institutions that protect and provide assistance to victims of discrimination. The EU's equality legislation stipulates that all member states must establish national equality bodies to deal with cases of discrimination on the grounds of sex, and racial or ethnic origin.

Under the current legislation on equality bodies, member states have a wide margin of discretion, leading to significant differences across the EU as regards the competences, independence, resources, accessibility and effectiveness of such bodies.

On 7 December 2022 the Commission published two proposals to strengthen equality bodies:

- a proposal for a directive of the Council and the European Parliament on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, with Article 157 TFEU as the legal basis (ordinary legislative procedure)
- a proposal for a Council directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, with Article 19(1) TFEU as the legal basis (consent procedure)

Because the legislation that is being revised is based on two different legislative procedures, it was necessary to publish two Commission proposals, even though their content is substantively the same.

EU ministers for employment and social affairs agreed on the Council's general approach for each of the directives at its meeting on 12 June 2023. Negotiations with the European Parliament on the proposed directive on standards for equality bodies (Article 157 TFEU) began on 28 November 2023.

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