

# Development of **Anti-Discrimination and Anti-Sexual Harassment Law** in the EU

- Recent EU Directives -

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## New EU Anti-Discrimination Directives

- General Framework Directive (Directive 2000/78/EC)
- Equal Treatment Directive (Directive 2000/43/EC)
- Revision of the existing Equal Treatment Directive (Directive 2002/73/EG to amend Directive 76/207/EEC)

## New EU Anti-Discrimination Directives

### General Framework Directive

- To be adopted by Dec 2003
- Covers: Discrimination on grounds of
  - **religion,**
  - **disability,**
  - **age,**
  - **sexual orientation**
- Expressly excepted: nationality

## New EU Anti-Discrimination Directives

### Equal Treatment Directive

- To be adopted by July 2003
- Covers: Discrimination on grounds of
  - **racial or**
  - **ethnic origin**
- Not applicable: state/social security benefits

## New EU Anti-Discrimination Directives

### Revision of the Existing Equal Treatment Directive

- To be adopted by Oct 2005
- Covers: Discrimination on grounds of
  - **gender**
- *Sexual harassment* at workplace defined as discrimination based on gender

# New EU Anti-Discrimination Directives

## Common Features

- Applicable: public and private employers
- Scope:
  - Admission to employment
  - Admission occupational training,
  - Promotion,
  - Employment conditions,
  - Membership in organizations

# New EU Anti-Discrimination Directives

## Common Features

- Directives cover direct and indirect discrimination:
  - *Direct*: less favorable treatment of a person compared to another person
  - *Indirect*: seemingly neutral requirements, criteria or procedures, which are disadvantageous for certain persons / groups

## New EU Anti-Discrimination Directives

### Common Features

- Definition of discrimination expanded:
  - unwanted conduct that takes place with *purpose or effect* of violation / creation of hostile environment
  - Insults, intimidation, hostility at workplace  
= creation of *hostile environment*
  - Member states may define relevant terms before the background of local laws and customs  
(exception: sexual discrimination)

## New EU Anti-Discrimination Directives

### Common Features

- Associations can take actions on behalf of the individual
- Burden of Proof reversed: defendant = **employer**
- Institutions to oversee the protection of relevant groups  
(only re discrimination due to racial/ethnic origin & gender)

## **New EU Anti-Discrimination Directives**

### **Current Situation/Transfer of Directives into national law**

- U.K.
- France
- Germany

## **New EU Anti-Discrimination Directives**

### **Effect on Legal Situation in U.K., France, Germany**

- Age
- Disability
- Religion, racial or ethnic origin
- Sexual orientation
- Gender / Harassment

*Thank you !*

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