

19 October 2005

## **UNICE POSITION PAPER ON THE EUROPEAN COMMISSION FRAMEWORK STRATEGY “NON-DISCRIMINATION AND EQUAL OPPORTUNITIES FOR ALL”**

### INTRODUCTION

1. On 1 June 2005, the European Commission published a communication entitled “non-discrimination and equal opportunities for all – a framework strategy”. This communication follows on from the Green paper on Equality and non-discrimination in an enlarged EU adopted in May 2004 and the open-consultation which took place in the summer 2004 on this issue.
2. The framework strategy advocates an integrated approach for non-discrimination and equal opportunities policies on all grounds of discrimination already tackled by EU legislation (gender, age, racial origin, ethnic origin, religion and belief, disability, sexual orientation). It foresees that the Commission will mobilise a wide range of instruments to reach its non-discrimination and equal opportunities objectives such as enforcement of legislation, mainstreaming of policies, financial support to projects, development of statistical data, awareness-raising actions and high-level group meetings.
3. The Commission also proposes to make 2007 the European Year of Equal Opportunities.

### UNICE COMMENTS

4. UNICE is committed to achieving equal opportunities on labour markets. It took important initiatives to this end, notably through the European social dialogue. In the framework of their work programme 2003-2005, European social partners adopted a joint declaration on the employment of people with disabilities in January 2003 and a framework of actions on gender equality in March 2005. Furthermore, they started working on a joint declaration on the prevention of racism and xenophobia at the work place.
5. UNICE noted with interest the communication of the Commission but regrets that, three months after the re-launch of the Lisbon Strategy, this “forward-looking strategy” does not have any explicit and visible link to the growth and employment objectives of the Union.

#### ON THE INTEGRATED APPROACH

6. The remaining causes of inequalities on labour markets and in societies at large are complex. Individuals' identity, needs and choices are diverse and it is not possible to characterise a person only by its sex, racial origin, disability or age. The merit of integrated approaches or of diversity management practices in companies is that they take into account all the facets of individuals and can therefore be better tailored to individual needs.
7. In Member States where integrated equal opportunities policies are in place, practice shows that specific work to address one particular aspect, for example gender, is undertaken. This work even benefits from and is strengthened by learning from measures taken to tackle inequalities on different grounds.
8. UNICE welcomes the Commission proposal to embed all its anti-discrimination and equal opportunities initiatives in an integrated approach. However, European employers believe that it would be inconsistent with the integrated approach to issue a specific gender equality strategy in 2006. Specific gender equality measures should be part of the overall integrated approach and not presented as a separate strategy.
9. UNICE therefore calls on the Commission to truly streamline its policy proposals into a single framework strategy taking an integrated approach for all equal opportunities strands. This would be logical at a time where an integrated funding programme PROGRESS will be put into place.

#### ON THE PROPOSED INITIATIVES

10. As the Commission rightly recalls, there is an extensive corpus of anti-discrimination legislation at EU level level, which offers comprehensive protection to all European citizens on a broad range of equality issues. In the coming years, one should concentrate on transposition and implementation of this comprehensive legislation and no new legislation should be considered at this stage. The Commission report on the state of transposition of Directives 2000/43 and 2000/78 based on Article 13 of the Treaty which is due in 2006 will provide useful information in that respect.
11. However, UNICE disagrees with the Commission reasoning which seems to evaluate the implementation of legislation at national level against the number of discrimination cases brought to courts of justice and focuses almost exclusively on the role of equality bodies in this regard. To ensure a satisfactory implementation of legislation, the Commission should rather seek to foster accompanying measures to promote the employability of the target groups on labour markets. This should be the first priority objective of the future PROGRESS programme.
12. UNICE believes that there is no need to further expand EU anti-discrimination legislation and is therefore opposed to the Commission's proposal for a feasibility study concerning possible new initiatives to complement the current legal

framework in 2006. As the Commission's proposal points out, some member states have yet to implement the existing equality Directives. Attention should be focussed on reviewing the implementation in practice of the new rights stemming from the existing EU Directives.

13. The Commission rightly highlights the need to devise and implement positive measures to promote equal opportunities in practice. UNICE welcomes the actions proposed by the Commission to raise awareness and to promote good practices. Turning 2007 into the European year of equal opportunities will support that goal. The aim should be to reach as many people as possible through such actions, even if it is probably not realistic to think that it will promote equal opportunities "for all".
14. UNICE however believes that the objective to promote positive measures should not be mixed up with the Commission proposal to develop a mainstreaming approach for all grounds of discrimination in Community policies. These two objectives are different in nature. Concerning mainstreaming, the Commission should first concentrate on developing a truly integrated approach to its various anti-discrimination and equal opportunities initiatives before trying to mainstream each of them in other EU policies. Superfluous bureaucratic measures should be avoided.
15. European employers also note the proposal to organise annual high level equality summits between key stakeholders such as public authorities, equality bodies, NGOs and European social partners. UNICE would like to stress that diverse consultation structures already exist at European level. Create an additional one would therefore be useless and burdensome for the organisations involved.
16. Finally, in order to take account of the fact that the last EU enlargement has increased the EU's diversity in terms of culture, language and ethnicity, the Commission proposes the creation of a high-level advisory group on social and labour market integration of disadvantaged ethnic minorities. UNICE calls on the Commission to release more information on the objectives and expected results of such a group. Employers also stress that the work of such a group should be fully embedded in the European Employment Strategy.
17. UNICE would strong oppose any proposals for increased monitoring and data collection that imposed new requirements at the level of the firm. Business realities must be taken into account and in particular the fact that collecting equality data is a heavy administrative burden for companies, especially for SMEs. In addition, companies need to respect personal privacy, particularly in areas of discrimination such as sexual orientation and religion in which the group to which an individual belongs can be a sensitive and private matter.

## CONCLUSION

18. UNICE noted the Commission proposal for a framework strategy on non-discrimination and equal opportunities. European employers recall that to pay the necessary attention to ensuring equal opportunities on the labour market, any future initiative must be fully in line with the growth and employment strategy objectives.
19. They also recall the importance to embed future actions in a truly integrated approach in order for equal opportunities policies to be tailored to individuals' needs. It is vital that future action to promote equal opportunities is developed in consultation with employers to avoid strategies which fail to take into account business needs or will prove ineffective in their aim due to insufficient consideration of business realities.
20. Finally, UNICE believes that there is no need to further expand EU anti-discrimination legislation and is therefore opposed to the Commission's proposal for a feasibility study concerning possible new initiatives to complement the current legal framework in 2006. Attention should be focussed on reviewing the implementation in practice of the new rights stemming from the existing EU Directives.

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