



## Malta-EU Steering & Action Committee

### **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation [COM (2008) 426]**

#### **SUMMARY**

The European motto 'unity in diversity' is not solely meant for nationalities. It is more than applicable to the range of differences found within the Union, whether in terms of beliefs, sexual orientation, ability and ages.

Discrimination on such lines goes counter to the European spirit of unity. The European Union already has legislation providing against inequity and much has been attained in the field of gender but also against other forms.

The current situation as per EU Directives (2000/43/EC, 2000/78/EC, 2004/11/EC) is as follows. Discrimination based:

- on race or ethnic origin is prohibited in employment, occupation and vocational training, as well as in non-employment areas such as social protection, health care, education and access to goods and services, including housing, which are available to the public;
- on sex is prohibited in the same range of areas, with the exception of education and media and advertising;
- on age, sexual orientation, disability, religion and belief is prohibited only in employment, occupation and vocational training.

Thus while a range of initiatives have been taken to tackle discrimination on various grounds, it remains in areas such as access to and supply of goods, housing, education, social services and healthcare - according to the Commission's impact assessment document.

The Proposal seeks to implement the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the labour market. It tackles direct and indirect discrimination issues, basing itself on current legislation. It highlights the test that must be utilised to assess actions which could be considered as discriminative – whether the aim is justified and which is the proportionate way of reaching it.

It allows for a special rule to be made for the insurance and banking sector on grounds of disability and age when assessing risk for certain products.

It is made clear that issues related to marital and family status, including adoption, are not part of this Directive's scope. Neither is the status of religious organisations or differences on basis of nationality.

In terms of access to goods and services, this is of concern only for commercial and professional activities – private transactions are not covered.

Member States are given two years to transpose this into national law once it comes to force. They are not precluded from affording better protection.