

EU TARGETS

FEBRUARY 8th

At least 78% of the population aged 20 to 64 should be in employment by 2030

At least 60% of all adults should be participating in training every year by 2030

A reduction of at least 15 million in the number of people at risk of poverty or social exclusion

TARGETS

The coronavirus crisis has put a halt on a six-year positive employment progress, with an employment rate of 72.4% by the third quarter of 2020.

By 2016, only 37% of adults were participating in learning activities every year.

In 2019, around 91 million persons (out of which 17.9 million were children aged 0-17) were at risk of poverty or social exclusion in the EU.

REAL SITUATION

The European Pillars of Social Rights in 20 principles

[The European Pillar of Social Rights Action Plan | European Commission \(europa.eu\)](#)

1. Education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market.

2. Gender equality

3. Equal opportunities
(Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation)

4. Active support to employment (rights to receive support for job search, training and re-qualification)

Equal opportunities and access to labour market

5. Secure and adaptable employment

- Workers have the right to fair and equal treatment regarding working conditions, access to social protection and training
- Employment relationships that lead to precarious working conditions shall be prevented,

6. Wages

- Workers have the right to fair wages that provide for a decent standard of living.
- Adequate minimum wages shall be ensured,

7. Information about employment conditions and protection in case of dismissals

8. Social dialogue and involvement of workers

9. Work-life balance

10. Healthy, safe and well-adapted work environment and data protection

Fair working conditions

**11. Childcare
and support to
children**

**12. Social
protection**

**13.
Unemployment
benefits**

**14. Minimum
income**

**15. Old age
income and
pensions)**

Social protection and inclusion

16. Health care

**17. Inclusion of
people with
disabilities**

18. Long-term care

**19. Housing and
assistance for the
homeless**

**20. Access to
essential services**
(water, sanitation,
energy, transport,
financial services and
digital communications)

Social protection and inclusion

- Choose a principle (only oranges) and analyse how your country is implemented it.

ACTIVITY ONE

CONCEPT

Direct discrimination will
have occurred when

An individual is treated
unfavorably

By comparison to how others,
who are in a similar situation,
have been or would be treated

The reason for this is a
particular characteristic they
hold, which falls under a
'protected ground'

DIRECT DISCRIMINATION

The elements of indirect
discrimination are

A neutral rule, criterion or
practice

that affects a group defined
by a 'protected ground' in a
significantly more negative
way

- by comparison to others in a
similar situation

INDIRECT DISCRIMINATION

- WRITE AN EJEMPLE OF DIRECT GENDER DISCRIMINATION AND OTHER ONE OF INDIRECT DISCRIMINATION

ACTIVITY TWO

Equal opportunities and access to labour market

February 15th

It precludes
comparable
situations from
being treated
differently

Unless the
difference in
treatment is
objectively
justified

Which grounds of
differences can be
acceptable?

**Principle of Equality of Treatment
(art. 14 European Convention on
Human Rights)**

Original Treaty Establishing the European Economic Community (1957)

- To prohibit discrimination on the basis of sex in the context of employment (CENTRAL PILLAR OF THE UE 'S SOCIAL POLICY).
- To prevent Member States gaining a competitive advantage over each other by offering lower rates of pay or less favourable conditions of work to women

Evolution (I)

During the 1990s


- Other areas for the prohibition on discrimination to be extended in EU law
- Example: race and ethnicity, sexual orientation, religious belief, age and disability

Evolution (II)

In 2000, two directives :

- A) Employment Equality Directive prohibited discrimination on the basis of sexual orientation, religious belief, age and disability in the area of employment
- B) the Racial Equality Directive prohibited discrimination on the basis of race or ethnicity in the context of employment, but also in accessing the welfare system and social security, and goods and services (An important expansion more over the employment market).

Evolution (III)



From preventing
discrimination on the
grounds of nationality
and gender

To combat discrimination
on the grounds of racial
or ethnic origin, religion
or belief, disability, age
or sexual orientation

SUMMARY

Gender Equality

Art. 23. Equality between women and men

- Equality between women and men must be ensured in all areas, including employment, work and pay.
- The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION. Title III (Equality).



**From
economy
equality
promotion**

**To Social
equality
one**

Non discrimination and equal pay in EU law

EQUAL PAY FOR EQUAL WORK OF
EQUAL VALUE

Pay gap factors

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graph LR; A[Pay gap factors] --- B[Female occupations attract lower rates]; A --- C[Lower pay specialisms]; A --- D[Partial work]; A --- E[Structural inequalities];
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Female occupations attract lower rates

Lower pay specialisms

Partial work

Structural inequalities

Gender pay gap: How much less do women earn than men?

Difference between average gross hourly earnings of male and female employees (as % of male gross earnings)*

ESTONIA	21.7
LATVIA	21.2
AUSTRIA	19.9
GERMANY	19.2
CZECHIA	18.9
SLOVAKIA	18.4
SWITZERLAND*	18.3
HUNGARY	18.2
FINLAND	16.6
FRANCE	16.5
NETHERLANDS	14.6
EU-27	14.1
BULGARIA	14.1
DENMARK	14.0
ICELAND*	13.8
LITHUANIA	13.3
NORWAY*	13.2
SPAIN	11.9
SWEDEN	11.8
MALTA	11.6
CROATIA	11.5
IRELAND	11.3
PORTUGAL	10.6
GREECE	10.4
CYPRUS	10.1
POLAND	8.5
SLOVENIA	7.9
BELGIUM	5.8
ITALY	4.7
ROMANIA	3.3
LUXEMBOURG	1.3

Data refer to 2019.

*Non-EU countries

Switzerland, Iceland and Norway: 2018 data.

*Whole economy: Industry, construction and services except public administration and defence and compulsory social security. For all the countries except Czechia and Iceland: data for enterprises employing 10 or more employees. Czechia and Iceland: data for enterprises employing 1 or more employees.

Source: Eurostat (online data code: sdg_05_20)

The unadjusted gender pay gap by age (%), 2019

	< 25 years	25 - 34	35 - 44	45 - 54	55 - 64	65 years +	
Belgium ⁽³⁾	0.9	3.8	5.4	5.2	9.2		:
Bulgaria	8.2	16.0	18.9	16.4	6.7		-12.1
Czechia ⁽²⁾	9.5	13.0	23.3	21.6	12.8		13.1
Denmark	4.4	10.9	14.9	17.6	16.3		9.4
Spain	1.7	4.6	9.7	13.8	18.2		34.3
France	3.3	10.5	13.3	19.5	22.5		27.6
Croatia	4.3	8.9	12.8	18.6	8.6		5.2
Italy ⁽³⁾	3.6	4.6	4.6	6.4	8.8		:
Cyprus	13.9	4.3	7.3	14.8	10.2		25.6
Latvia ⁽²⁾	10.6	19.8	23.1	17.8	15.5		14.0
Lithuania	11.3	12.9	16.9	9.8	9.5		9.8
Hungary	8.1	16.1	22.8	19.1	14.8		18.7
Malta	4.2	7.2	14.3	14.6	11.7		12.0
Netherlands	2.3	1.9	8.6	19.1	20.4		13.8
Poland	9.8	11.0	13.6	8.2	0.1		2.3
Portugal	5.8	8.1	11.0	14.1	12.7		28.8
Romania ⁽¹⁾	5.4	8.1	4.5	-1.2	-5.4		-17.8
Slovenia	9.1	9.7	10.6	10.6	6.1		5.1
Slovakia	10.4	14.1	22.3	20.6	16.3		11.7
Finland	5.9	10.0	17.2	20.3	20.5		24.0
Sweden	5.1	7.4	12.4	15.8	14.7		11.7

(:) not available

Note: For all the countries except Czechia: data for enterprises employing 10 or more employees, NACE Rev. 2 B to S (-O); for Czechia: enterprises employing 1 or more employees, NACE Rev. 2 B to S;

Data breakdown by age not available for DE, EE, IE, EL, LU, AT, IS, NO and CH.

Gender pay gap data for 2019 are provisional until benchmark figures, taken from the Structure of Earnings survey, become available in December 2024

(¹) Estimated data.

(²) Definition differs (see metadata)

(³) Confidential data: BE and IT: 65 years+.

Source: Eurostat (online data code: earn_gr_gpgr2ag)

1. Identify the comparator (the opposite sex)



2. To engage in equal work



3. The comparator has been employed in the same establish or service

How to determine whether a woman is entitled to equal pay for claiming?

Real, identifiable
person (not a
hypothetical
worker)

It is not
necessary to be
employed to the
same time

**1. Identify the comparator (the
opposite sex)**

a) An employer paid to man a bridging pensions at the age of 60 years, but to woman at the age of 65

B) Men don't receive a maternity bonus for the disadvantages inherent in maternity leave

C) L.G., a lesbian, was denied benefits for her female partner

1. Identify the comparator. Cases Discrimination?

a) No. The benefit depends on the age of pensions and this is different between male and female

B) No. Male and female situations are not comparable.

C) The comparator isn't a heterosexual man, also a homosexual man.

1. Identify the comparator. Cases Discrimination?

Some work, but not same
qualification
(not discrimination)

Be careful with classified job
system

a) To include a particular
aptitude, which isn't
necessary.

b) it is not a definitive issue.

2. To engage in equal work

The pay for same work at piece rates shall be calculated on the basis of the same unit of measurement

The pay for work at time shall be for the same job

Sex= gender?

- French legislation recognizes a retirement pensions to female civil servant, when her husband suffers a disability or an illness (Case 206/00)
- To recognize a pension scheme in general to female civil servant, but not when her husband is a civil servant too (Case 23/83).
- Discrimination against married women (Case 128/93)
- Include sexual orientation? (Case 249/96)

**To introduce the prohibition of
discrimination (I)**

French legislation recognizes a retirement pensions to female civil servant, when her husband suffers a disability or a illness

- Yes.

To recognize a pension scheme in general to female civil servant, but not when her husband is a civil servant too.

- Yes

Discrimination against married women.

- Yes

Include sexual orientation?

- No. But In the second stage of discrimination it has been integrated in the same way that sex.

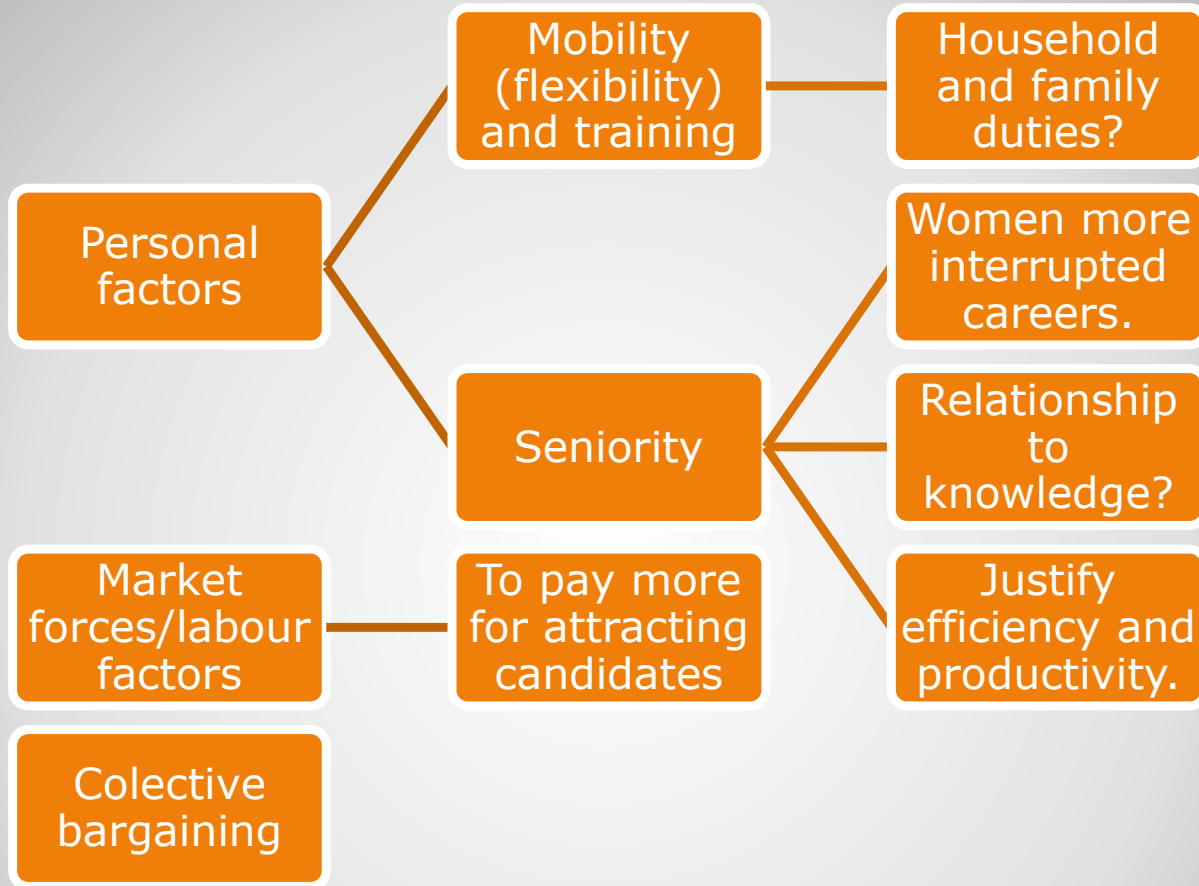
**To introduce the prohibition of
discrimination (II)**

A midwife argues that she was engaged in work in equal value with a (male) clinical technician. Case 236/98

A female speech therapist claimed equal pay with pharmacist and clinical psychologists Case 127/92.

Discrimination against part-time workers. Case 285/92

Some problems to the principle



JUSTIFICATIONS

OTHER DISCRIMINATION

22th february

(a) **Conditions for access** to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion

(b) **Access to all types** and to all levels of **vocational guidance**, including practical work experience

(c) **Employment and working conditions**, including dismissals

(d) **Membership of an organization of workers** or employers

Directive 2000/78/EC for equal treatment in employment and occupation (To focus on gender discrimination): THE FRAMEWORK

A pregnant woman can be compared to a man or a non-pregnant woman

- Special position

Non dismissal to the end of the pregnancy

- To return to some position

She cannot be prejudiced (neither reduction pay, nor promotion)

The special case of pregnancy

Second generation of discrimination

Beyond gender

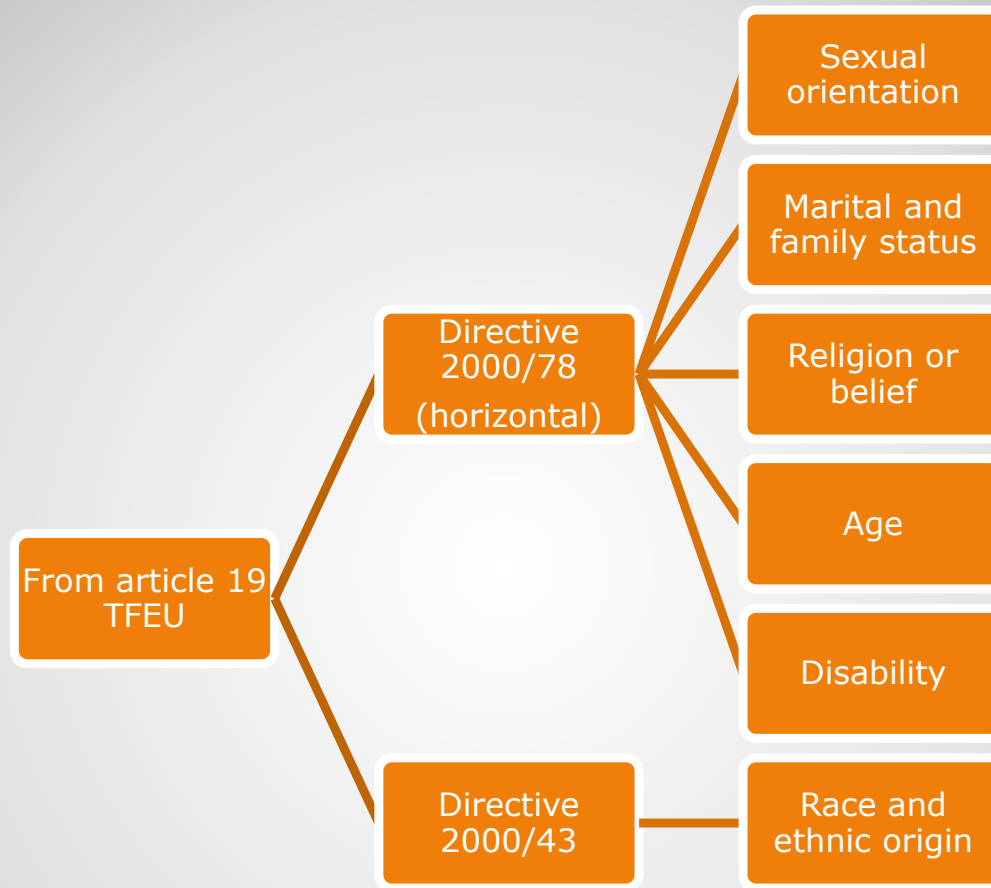
The traditional concept is changing.

There have emerged **new ways of discrimination**

The new manifestations are relational, subtle and **more complex** than the called first generation employment discrimination.

Contemporary discrimination concept is in **crisis** and the strategies to prevent and eliminate emerging ways of discrimination are calling for a new approach due to its special complexity.

Second generation employment discrimination



From ideas of sex equality

Have or not
children

Unmarried or
married
(divorce or
widow)

Also other
caring
responsibilities
(elderly people)

Marital or Family status

Ms Coleman worked for her former employer as a legal secretary from January 2001.

In 2002, she gave birth to a son who suffers from apnoeic attacks and congenital laryngomalacia and bronchomalacia.

Her son's condition requires specialized and particular care. On Ms Coleman's return from maternity leave, her former employer refused to allow her to return to her existing job, in circumstances where the parents of non-disabled children would have been allowed to take up their former posts.

Her former employer also refused to allow her the same flexibility as regards her working hours and the same working conditions as those of her colleagues who are parents of non-disabled children.

Ms Coleman was described as 'lazy' when she requested time off to care for her child, whereas parents of non-disabled children were allowed time off.

Coleman Case (I)

Case 303-06

The formal grievance which she lodged against her ill treatment was not dealt with properly and she felt constrained to withdraw it; abusive and insulting comments were made about both her and her child.

No such comments were made when other employees had to ask for time off or a degree of flexibility in order to look after non-disabled children; and having occasionally arrived late at the office because of problems related to her son's condition, she was told that she would be dismissed if she came to work late again.

No such threat was made in the case of other employees with non-disabled children who were late for similar reasons.

On 4 March 2005, Ms Coleman accepted voluntary redundancy, which brought her contract of employment with her former employer to an end.

On 30 August 2005, she lodged a claim with the Employment Tribunal, London South, alleging that she had been subject to unfair constructive dismissal and had been treated less favorably than other employees because she was the primary carer of a disabled child. She claims that that treatment caused her to stop working for her former employer

Coleman Case (II)

Race Directive

Directive 2000/43

Equal treatment between
persons irrespective of racial
or ethnic origin

(a) **Conditions for access** to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion

(b) **Access to all types** and to all levels of **vocational guidance**, including practical work experience

(c) **Employment and working conditions**, including dismissals

(d) **Membership of an organization of workers** or employers

(e) social protection, including social security and healthcare

(f) social advantages

(g) education

(h) access to and supply of goods and services which are available to the public, including housing.

This Directive
does not cover

differences of
treatment based
on nationality

Race Directive (2000/43)

A long shared history

A own cultural tradition

A common geographical origin or common ancestors

A common literature/language/religious

Being a minority

Ethnic origin

Sikhs and
Punjab

Rastafarians

Jewish
people

Muslims

**Could they suffer an ethnic
discrimination?**

Sikhs and
Punjab (Yes)

Rastafarians
(NO) only 60
years

Jewish people
(Yes)

Muslims
(NO) Many
nationalities and
languages

**Could they suffer an ethnic
discrimination?**

No definition

Age policies
(youth and
eldest)

It is very
difficult to find
comparative
terms

Justification

Age discrimination

Not definition in the Directive

Distinction between disability and sickness

A limitation which results in particular form physical, mental or psychological impairments and which hinders the participation of the person concerned in professional life

Sickness: short- term

What happen when sickness becomes a disability? Where is the diving line?

Guideline: the social security systems/ dynamic definition

Disability (Case Chacon-Navas)

April 2014, Mr Daouidi was employed by B. to work as a kitchen assistant in one of the restaurants in a hotel (Spain).

October 2014, Mr Daouidi slipped on the kitchen floor of the restaurant in which he worked and dislocated his left elbow, which had to be put in plaster. He commenced the procedure to have his temporary incapacity for work recognised.

Two weeks after the kitchen chef contacted Mr Daouidi to ask about his state of health and to express his concern as to how long the situation might continue.

November 2014, while he was still temporarily unable to work, Mr Daouidi received a notice of disciplinary dismissal. The reason for this decision is that you did not meet the expectations of the undertaking or perform at the level the undertaken considers appropriate or suitable for the discharge of your duties at the workplace.

The dismissal of sick employee (Case 395-15)

The Municipality of Billund (Danish public administrative authorities) hired Mr Kaltoft on a fixed-term contract, as a childminder, to take care of children in his home.

Mr Kaltoft performed that function for approximately 15 years. He was obese for the entire period during which he was employed (160 kg).

Mr Kaltoft made attempts to lose weight and the Municipality of Billund, as part of its health policy, provided him financial assistance between January 2008 and January 2009 in order for him to attend fitness and physical training sessions.

Mr Kaltoft lost weight which he subsequently regained, as in his previous attempts. Owing to the decrease in the number of children in the Municipality of Billund, Mr Kaltoft, had only three children to take care of instead of four, the number for which he had received authorisation.

The education inspectors were requested to nominate a childminder for dismissal and the head of the childminders, in view of the proposals received, decided that Mr Kaltoft would be that individual.

Mr Kaltoft alleged that he has been discriminated against on the basis of obesity and that he ought to receive compensation for that discrimination

Case Law (obesity) Case 354-13

Education, training and life-long learning

Continuous access to quality education and training and a selection of opportunities for skills development reflecting their needs at all times.

Target: 60% of all adults taking part in training every year by 2030.

Only 37% are engaged in yearly training every year (2016).

Individual Learning Accounts (EMPLOYED OR NOT). Recommendations:

- Set up individual learning accounts and provide training entitlements for all adults of working age
- Define a list of labour-market relevant and quality-assured training that is eligible for funding from the individual learning accounts and make it accessible through a digital registry
- Offer opportunities of career guidance and validation of previously acquired skills, as well as paid training leave.

Micro-credentials

- Micro-credentials certify the learning outcomes following a small learning experience
- Flexible, targeted way to help people develop the knowledge, skills and competences they need for their personal and professional development.
- The Commission proposal seeks to make micro-credentials work across institutions, businesses, sectors and borders.
- This should support the use of micro-credentials by learners, workers and job seekers who can benefit from them. The proposal also introduces recommendations on micro-credentials in education and training and in labour markets policies.

TWO PROPOSALS