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ETUC's observations

on the Commission's consultation concerning a new initiative to prevent and combat discrimination outside employment

Introduction

On 27 July 2007 the European Commission sent a letter to the cross-industry organisations involved in European social dialogue, for a targeted consultation, asking about their views on the need for a new legislative initiative to prevent and combat discrimination outside the field of employment.

The ETUC has consulted its affiliates about this, and below you will find its response, based on their contributions.

Executive Summary

- a) There is a **need for a comprehensive approach to non-discrimination** that is clearly placing it in the wider international human rights framework, and to prevent fragmentation of the protection against discrimination. Although it is important and may be inevitable to address different non-discrimination grounds explicitly, at the same time it is of major importance to prevent that different grounds of discrimination are regulated differently, giving rise to legal and practical inconsistencies, lack of transparency and lack of policy coherence. This may especially cause problems in situations of multiple discrimination.
- b) Equality and non-discrimination policies are important but not sufficient. In order to be effective, they need to be **strongly linked to social policies**. Also, there is a clear need for policy coherence to ensure that what is advocated in one area of EU policy is not contradicted in another area of EU policy.
- c) The issue of tackling non-discrimination outside employment has strong links to the field of employment.

Non-discrimination outside employment is often a pre-condition for equality in the workplace, a culture of non-discrimination and integration inside the workplace promotes a culture of non-discrimination and integration outside the workplace and vice versa, 'services' are companies and workplaces too, and managers and workers participate in the world 'outside' the workplace. The ETUC is therefore of the opinion that **social partners have an important role** to play in this area.

- d) There is a lot of evidence of discrimination outside employment on the grounds of disability, age, sexual orientation, and belief, with grey areas (between race and religion for instance), multiple discrimination, and with race and gender as cross cutting features. There is general agreement that new legislation should first and foremost **address the current inconsistencies** in the legal framework, and extend the existing Directives on non-discrimination outside employment to the grounds not yet covered (religion/belief, age, disability and sexual orientation). However, in addition there is further action needed to tackle discrimination on the ground of **nationality**, and on the ground of **trade union membership** or activity.
- e) Legislation is an important and **indispensable pre-condition**, but requires public authorities committed to proper implementation. It should contain adequate sanctions that have a real and deterrent impact, and should be accompanied by measures to ensure easy access to complaint procedures and justice. Legislation should be **complemented** by social partner actions and activity at all relevant levels, and a broad range of other measures and policies.
- f) A coherent, transparent and understandable body of law with regard to non-discrimination should be the priority target. A single instrument is preferable, as it seems a clear case of '**better regulation**', and offers a better framework for tackling multiple discrimination. An initiative targeted on one discrimination ground can be attractive when it can be expected to get wide support. Such wide support for urgent action exists especially on tackling discrimination on the basis of disability. However, a single initiative can prevent that the 'less popular' discrimination grounds (such as sexual orientation or religion) are left behind in the development of the Community acquis. In ETUC's view, a single initiative can and must also adequately address the specificities of the different types of discrimination within it. Specific needs may be addressed either in the general framework of the directive itself, or could be envisaged in specific measures based on such a directive.
- g) There should be **as little exceptions as possible**. Exceptions to the general rule of equal treatment should be allowed for genuine occupational requirements and for **positive action**. In particular, any initiative must make clear that positive action is an essential part of achieving equality and that a range of targeted actions are possible to address the specific disadvantages some groups face. Age-differentiated treatment may be appropriate, and there should be a similar general justification defence for direct age discrimination as there is in employment. It would be important to promote at EU level an exchange of good practice and experience of national equality bodies and jurisprudence of national and international courts, about how to deal with the boundaries between fundamental freedoms (notably of expression and religion/belief) and the fundamental

right to non-discrimination (for instance on grounds of gender or sexual orientation).

- h) **Equality bodies play a vital role** in monitoring the implementation of legislation, providing advice and support for individual victims of discrimination, disseminating information, and developing codes of practice and promoting the exchange of good practice among organisations. The Commission should step up its activities to promote the establishment of high quality equality bodies in all EU Member States. Giving equality bodies a wider remit than race or gender must not result in the loss of experience and focus on these discrimination grounds. Equality bodies must be independent, adequately resourced in terms of staff and financial resources, and have internal structures that ensure consideration and effective action in each of the strands, as well as for groups likely to suffer multiple discrimination.

General observations

Without any doubt, EU legislation on equal treatment, to start with in the area of equal treatment of men and women, and more recently in other important areas, has had a considerable impact on national law and practice, and has given citizens and their representatives instruments to tackle unjustified inequalities.

The ETUC is of the opinion that **further efforts will be needed** to ensure that the principle of non-discrimination is implemented effectively across the enlarged European Union. Anti-discrimination policy in all its aspects and dimensions should be an important part of the EU's and Member States' social and employment policies, and their approach to immigration and integration, and help combat all forms of racism and xenophobia. In this regard, the situation of migrant and ethnic minorities, including the Roma, urgently needs attention.

In its response of December 2004 to the Commission's Green Paper 'Equality and non-discrimination in an enlarged European Union' (COM 2004-379 final) the ETUC summarized its position as "Effective and integrated anti-discrimination policy: new legislation, better implementation, and more financial resources".

The ETUC made the following general observations that are still relevant:

- The EU policy on non-discrimination should be clearly strongly linked to the EU Charter of Fundamental Rights (as solemnly proclaimed this very week embedded) and embedded in the broader international legal framework (Council of Europe, ILO, and UN).
- The general approach should not only focus on non-discrimination as such, but more clearly address necessary positive actions in order to ensure equality in the real day-to-day situations.
- Better implementation remains a hard-core issue. Taking into account the role of the Commission as guardian of the Treaties, a very large set of widespread and effective activities to supervise the implementation are needed, as well as awareness raising, guidance and support to Member States and all relevant stakeholders on proper transposition and implementation.

A monitoring and evaluation system for the implementation of the *acquis communautaire* in this area, including relevant case law, that is accessible to the wider public, could be helpful in this regard.

- The role of social partners in general and trade unions in particular is generally undervalued. Social partners at all relevant levels have and/or should have an important role in the implementation of the directives, and should be called upon to increase their joint actions in this regard.
- In the view of the ETUC, in many areas of concern it will not be sufficient to count on non-binding instruments and/or 'soft law' to bring about non-discrimination; new legislation is necessary to ensure coherence in the EU legal framework on equal treatment and non-discrimination and to offer citizens adequate protection both in the labour market and the workplace as outside the area of employment. New legislation may also be needed to improve existing legislation where necessary to be more effective (in terms of procedural measures, introduction of equality plans etc.).

According to the ETUC, there are several **new challenges** for equality and non-discrimination policies in the beginning of the 21-st century:

- demographic change and the ageing of the population and workforce puts into question existing arrangements to deal with the young and the elderly, who are both in different ways undervalued when it comes to their role in the workplace and society at large;
- labour market shortages may lead to mobilizing underutilized citizens and workers (for instance older workers and disabled workers) but this can only materialize if stronger efforts are made to remove obstacles and improve access to (further) education and employment;
- the feminisation of the workforce, in connection to demographic change, demands more proactive measures to deal with gender equality, questioning the current division of both paid and unpaid labour between women and men, and demanding active policies to support reconciliation of work, family and private life for both women and men;
- increased mobility within the EU and migration from outside the EU demands non-discrimination policies are closely linked to integration and social inclusion policies, and show that several non-discrimination grounds are often interlinked (race and religion); lack of proactive policies on migration and integration may lead to scapegoating the 'outsiders' and an increase of racism and xenophobia;
- the increased diversity of European societies may also lead to a clash between non-discrimination grounds which has to be addressed (for instance religion versus gender equality or sexual orientation);
- the globalisation of markets leads to new chances but also new risks, with vulnerable groups of citizens and workers extra hard hit by social insecurity.

In ETUC's view, these examples show first of all, that there is a **need for a comprehensive approach to non-discrimination** that is clearly placing it in the wider international human rights framework, and to prevent fragmentation of the protection against discrimination into compartmentalized single-identity agenda's.

Although it is important and may be inevitable to address different non-discrimination grounds explicitly when it comes to the analytical background, the experiences of the people concerned, and the way to tackle the specificities of their situation, at the same time it is of major importance to prevent that different ground of discrimination are regulated differently, giving rise to legal and practical inconsistencies, lack of transparency and lack of policy coherence.

This may especially cause problems in situations of multiple discrimination. [What if a black disabled woman feels discriminated with regard to access to housing? How can she herself ever assess what is the exact ground for being discriminated against? At the same time, opting for the 'wrong' discrimination ground may have as an effect that her claim is not recognized. This should be prevented.]

An interesting example of a more comprehensive approach, mentioned by our Finnish affiliates, is the Finnish legislation, which prohibits all discrimination based on an unjustified reason and only mentions specific non-discrimination grounds as examples in a non-exhaustive manner.

Secondly, these examples show that equality and non-discrimination policies are important but not sufficient. In order to be effective, they need to be **strongly linked to social policies**. Also, there is a clear need for policy coherence to ensure that what is advocated in one area of EU policy is not contradicted in another area of EU policy.

Response to the questions of the Commission

1) Need and nature of any initiative

Non-discrimination in employment is about citizenship and democracy in the labour market and the workplace. This is where social partners have a particular responsibility.

However, in ETUC's view, when it comes to non-discrimination outside employment, there are also strong links to the field of employment.

- a) non-discrimination outside employment is often a pre-condition for equality in the workplace (For instance: access to affordable and quality education; transport to and from the workplace; housing in areas within reach of employment opportunities; childcare facilities, healthcare and public services, etc.);
- b) a culture of non-discrimination and integration inside the workplace promotes a culture of non-discrimination and integration outside the workplace and vice versa;
- c) 'services' are companies and workplaces too;

- d) managers on the one hand, and workers on the other hand, are also human beings that are active in other spheres of life, and often connect these to the workplace (for instance trade union members complaining about discrimination outside the direct employment sphere to their trade union or workplace representative).

In other words, the ETUC is of the opinion that social partners also have an important role to play when it comes to the issue of non-discrimination outside employment.

ETUC has consulted its affiliates on the occasion of the Commission's consultation, and the responses below are based on their responses.

- **evidence of discrimination**

Many affiliates report that there is clear evidence of discrimination on grounds of **disability** outside employment particularly in terms of accessibility.

For example, the TUC (UK) reports that according to research by the Disability Rights Commission, seven in ten (73%) disabled people with mobility and sensory impairments in Great Britain said they had difficulty accessing goods and services.¹

French unions report discrimination based on sickness or disability when it comes to access to housing, bank loans, transport and (health) care, and refer to data of the Halde² that registered complaints up to September 2007, counting 23 percent of all complaints being related to the factor of sickness and disability. Of all complaints regarding the area outside employment, more than one third are complaints about public services, one third are about private goods and services, and a bit less than one third about housing, education and other issues.

On **age**, evidence has been given, showing, for example, that older people experience age discrimination when accessing health and social care and many of them have difficulties accessing financial services like travel and car insurance, which could be tackled by protection from age discrimination with regard to the provision of goods and services. At the same time it was mentioned that age-differentiated services should clearly remain possible.

Many responses also report that **lesbian, gay and bisexual** people are likely to experience discrimination such as being refused double rooms in hotels, tables in restaurants, and being subjected to disadvantage when trying to access public health services or adequate social housing.

In terms of religious discrimination, several unions mention discrimination experienced by different minority **faith groups**. The TUC also refers to the point that it is desirable to provide the same level of protection to groups such as Muslims as is provided to Jews and Sikhs who constitute an ethnic group under the UK race discrimination legislation and are therefore already protected from discrimination in goods, facilities and services provision etc.

¹ NOP There is a considerable amount of evidence and research on the DRC's website of discrimination outside employment.

² Haute Autorité de Lutte contre les Discriminations

- **what areas should new legislation cover**

There is general agreement that new legislation should **first and foremost address the current inconsistencies** in the legal framework, and extend the existing Directives on non-discrimination outside employment to the **grounds not yet covered** (religion/belief, age, disability and sexual orientation). See further below.

However, in addition

- questions are raised about the current blanket exclusion of '**nationality**' as a non-discrimination ground. With the increasingly open markets and borders and mobility of businesses and workers within the EU, and increased migration from outside the EU, the necessity of introducing a principle of equal treatment regardless of nationality should be discussed. Also the Commission, in its recent proposal for a Directive on the rights of legally resident migrants, makes a clear case for the need to establish such equal treatment rules especially in the area of employment and working conditions. An interesting example is the Netherlands, which has included the ground 'nationality' in their General Equal Treatment Law, but allows for specific situations in which the prohibition does not apply.
- several affiliates refer to situations in which their members are treated disadvantageously and discriminatory on the basis of their trade union membership. Taking into account that the freedom of association is a fundamental right protected by international law as well as Community law, it would be logical to include **trade union membership** explicitly as a non-discrimination ground. This has for instance been done in the French legislation which prohibits discrimination of persons '*à raison de leurs activités syndicales*'.

2) Nature and effectiveness of non-legislative measures and measures to accompany legislation

In ETUC's view, legislation is an important and indispensable pre-condition.

On their own, **non-legislative measures are not sufficient** to address discrimination. According to research mentioned by the TUC, the main motivation of most businesses in taking action on equality and diversity is the law.³ Without a statutory obligation only a minority of good practice businesses will show an interest in ensuring a non-discriminatory work environment and provision of services, and an even smaller minority will have a strong enough interest to commit the time and resources needed over the long term to effectively tackle discrimination.

The Belgian affiliate CGSLB draws attention to the fact that the legislative framework in itself may be quite satisfactory, but that it is often difficult for victims of discrimination to have easy **access to justice**, as they are often already in a more vulnerable position because of their belonging to a specific

³ A survey by the Chartered Institute of Personnel and Development in 2006 found that 'Legal pressure was the most important motivator for managing diversity, with 68% of respondents ranking it among the top five drivers.' www.cipd.co.uk

group, and may not know their rights nor where to go for advice and support. Even when they do get support to enter legal proceedings, these are often long and with an uncertain outcome.

Easy and costless access to complaint procedures that can deal with complaints in a transparent, efficient and effective manner is therefore very important.

Affiliates also mention the importance of **sanctions** that have a real and deterrent impact.

To promote proper implementation, there have to be awareness-raising activities and training for specific groups such as managers, providers of goods, facilities and services and those who support victims of discrimination like trade unions, NGOs and consumer groups; there needs to be good access to research and information on implementation in different member states and measures to facilitate the exchange of best practice between member states. Proper complaint procedures need to be in place, and specialised equality bodies with sufficient resources to ensure effective implementation and provide advice and support.

Social partners can make an important contribution by taking up general equality and diversity approaches in national, sectoral or European initiatives, or developing specific instruments targeted at one discrimination ground. These should not be seen as replacing legislation but complementing it.

European interprofessional Social Partners already took action in the following areas:

- gender equality:
 - * framework agreements in the 1990's as basis for Directives on Parental Leave, Part time work, Fixed term work
 - * framework of actions on gender equality (2005) and its yearly monitoring
 - * they recently embarked upon an evaluation exercise of the Parental Leave Directive with a view to improve reconciliation of work and family life;
- workers with disabilities:
 - joint action with the employers organisations, i.e. a compendium of good practices on integration in the workplace (2000) and a joint statement (2003);
- race/ethnic origin:
 - joint social partner declaration and recommendations on combating racism and xenophobia in the workplace (1995) (evaluation and update pending).

As the instrument of a 'framework of actions' with a monitoring exercise seems to be particularly fruitful, European social partners could be requested to develop such instruments in areas that need urgent joint action, such as tackling racism and xenophobia in the workplace in the broader context of promoting the access and integration of migrant and ethnic minority workers in employment.

Also in the **sectoral** social dialogue at EU level the issue of equality, especially, gender equality, is addressed.

At **national** level, many affiliates report about activities at national or sectoral level to address equality issues in collective bargaining and other joint social partner work, although most often targeted at gender equality.

The Italian affiliate CISL reports about a broader initiative in 2007, i.e. a project called "*Il Valore delle Differenze*" (the value of difference), addressing all discrimination grounds and promoting a discussion on how to deal with equality and diversity.

The Norwegian affiliate LO reports about an interesting tripartite initiative: in 2001 (renewed in 2006), a tripartite agreement was concluded between the authorities and the social partners on '*an inclusive workplace*'.

According to the agreement, enterprises concluding a cooperation agreement with the Norwegian Labour and Welfare Organisation get financial benefits and support to reduce sickness absence and keep the highest possible number of people employed, including people with disabilities and older workers.

Czech affiliate CMKOS argues in favour of a **broad range of initiatives**, both legislative and non-legislative, that should reinforce each other. Changes in people's attitudes and behaviour take time. Often, the combined efforts and initiatives of unions, NGO's, media and public authorities are needed to create support for further legislation.

As an example they report about the issue of domestic violence, and how it developed from a purely private matter to a matter for regulation in the penal code, giving victims of domestic violence better protection.

Slovak affiliate KOZSR reports about the big gap between existing legislation in Slovakia on non-discrimination, which is very recent and in itself satisfactory, and the day to day practice. **Awareness raising** of the wider public is very necessary, and the media could play a stronger role here (explanatory programmes in TV and radio etc.). New legislation should be accompanied by a campaign, leaflets, training for target groups, including judges and unions, and more active supervision by public authorities.

More in general, awareness raising campaigns and education in primary and secondary schools about what equality and respect for fundamental rights mean in practice, should be promoted. Tackling stereotypes of all sorts is a major challenge. Creating a space outside courts and recourse to legal instruments, in which open dialogue is possible, with freedom of expression as well as respect guaranteed, can contribute to a culture of tolerance and equality.

Research, data-collection, statistics with proper break down by gender etc., budgetary resources for campaigns, labour inspection geared towards detecting discrimination based harassment, are all accompanying measures that could support and strengthen the impact of non-discrimination legislation.

It could be interesting for the Commission to stimulate Member States to develop **national action plans** addressing non-discrimination in general, and/or specific action plans targeting particular discrimination grounds. In Belgium, such action plans are developed in the area of tackling racism, anti-Semitism and xenophobia, and also include preventative activities.

3) Advantages and disadvantages of a single initiative

What about:

- **multiple discrimination?**
- **specificities of different types of discrimination?**

The main **advantages** of adopting a single instrument are:

- it ensures the same level of protection for all and avoids any unprincipled hierarchy of treatment between the different groups;
- where a difference of treatment is needed to address the particular nature of discrimination faced by some groups (e.g. disability) then it can ensure there is reasoned and objective justification for such exceptions or differences
- it ensures simplicity, transparency and coherence, both for those whose rights are protected by it and those who have duties under it;
- it avoids a wasteful duplication of effort for those who have to change their policies or practices to comply with the measures;
- it is more likely to mainstream and embed equality in policymaking and promote the same standards of good practice on common issues or processes, such as accessibility, monitoring and impact assessment;
- it provides a context in which multiple discrimination can be dealt with.

All in all, it seems a clear case of '**better regulation**'.

On the other hand, the main **disadvantage** potentially is that the particular nature of the discrimination that some groups suffer may be overlooked in a common approach and therefore the flexibility or specific treatment needed to respond to the different needs of some groups may not be sufficiently addressed by the initiative.

An initiative targeted on one discrimination ground can be attractive when it can be expected to get wide support. It is clear for instance that there is such wide support for urgent action especially on tackling discrimination on the basis of disability. The ETUC, in a recent joint declaration with EDF, has stressed the urgent need for a directive to abolish discrimination on the ground of disability in all areas other than employment, such as access to education, health, adequate transport and housing, and goods and services.⁴

On the other hand, a single initiative can prevent that the 'less popular' discrimination grounds (such as sexual orientation or religion) are left behind in the development of the Community acquis.

In ETUC's view, a single initiative can also adequately address the specificities of the different types of discrimination within it. For example, the Framework Directive (Employment Directive) included provisions that were particular to disability and age. However, the necessity of such exceptions within the legislation itself must be subject to close scrutiny and be objectively justified. Exceptions for positive action and genuine occupational requirements across the strands will also provide flexibility to respond to the particular situations of different groups. Specific needs may be addressed either in the general framework of the directive itself, or could be envisaged in specific measures based on such a directive.

It is important to mention that some of our affiliates from the New Member States mention, that an argument in favour of a single instrument could be that it makes it easier to inform and explain people in their countries about the need to address non-discrimination, with simple material and simple messages. It is currently very difficult to explain the difference in approach of the Race Directive

⁴ Joint ETUC-EDF declaration of 28 October 2007 (to be found on ETUC and EDF websites)

(all aspects of life, one discrimination ground) and the Employment Directive (all discrimination ground, one area of life, i.e. employment). The recent Directive on gender equality outside employment is different again in its approach and scope.

A coherent and understandable body of law with regard to non-discrimination should therefore be the priority target.

In terms of addressing **multiple discrimination**, it should be made clear that complaints of discrimination may be based upon a combination of grounds and member states must provide the same remedies for those who have suffered multiple discrimination compared to those who have suffered discrimination on just one ground.

According to the TUC, in the British legal system it is very hard to prove cases of multiple discrimination because the law sets out who an individual can compare themselves to and courts have interpreted this very narrowly (e.g. it is typical for a black woman to have to compare herself to a white woman to prove racism and a black man to prove sexism rather than being able to compare herself to say a white man to prove that her discrimination was on grounds of race and sex). If there is a specific exception or a genuine occupational requirement applying to one of the grounds on which a claim is brought then it should apply to the claim as a whole. It should also be clear that positive action can be taken to address discrimination on a combination of grounds.

4) Exceptions

There should be as little exceptions as possible.

Exceptions to the general rule of equal treatment should be allowed for **genuine occupational requirements** and for **positive action**. In particular, any initiative must make clear that positive action is an essential part of achieving equality and it must make clear that a range of targeted actions are possible to address the specific disadvantage some groups face. For example, in Britain, there is evidence that some public authorities have responded to new statutory obligations to ensure gender equality by removing beneficial services targeting women. This must not happen.

LO Norway draws attention to the phrasing of the Norwegian Discrimination Act, which in article 8 allows 'affirmative action which contributes to promoting the purpose of the Act'; the affirmative action shall cease when the purpose of the Act has been achieved. A similar approach is taken in the Equal Status Act, which allows affirmative action in relation to the underrepresented gender.

As there are many instances where **age-differentiated treatment** may be appropriate e.g. age-based concessionary benefits or privileges such as discounted travel, state pension ages, voting ages, in school education etc., there should be a similar general justification defence for direct age discrimination as there is in employment.

According to the TUC (UK), there may be difficulties in legislating and implementing protection from harassment on grounds of religion or belief where rights protected under the ECHR (the right to freedom of expression and the right to freedom of belief) may be invoked. Certain religious groups may also claim that legislating to prevent sexual orientation harassment may curtail their rights to freedom of belief and expression (as has been the case recently in Northern

Ireland where anti-harassment provisions outside employment for sexual orientation were introduced and were subsequently struck out in a judicial review case).⁵

Also other affiliates mention **potential conflicts between especially religious liberty and non-discrimination on the basis of gender or sexual orientation**. It would be important to promote at EU level an exchange of good practice and experience of national equality bodies and jurisprudence of national and international courts, about how to deal with the boundaries between fundamental freedoms and the fundamental right to non-discrimination.

5) Role of equality bodies

What about

- **a wider remit than race?**
- **how to ensure that they operate effectively?**

Equality bodies play a vital role in monitoring the implementation of legislation, providing advice and support for individual victims of discrimination, disseminating information, and developing codes of practice and promoting the exchange of good practice among organisations.

In some countries, especially in the New Member States, proper equality bodies seem not to be yet established.

The Czech confederation CMKOS reports that in the Czech Republic the victim of discrimination is still left mostly to his/her own private initiative, and gets little or no support.

Therefore, the Commission should step up its activities to promote the establishment of high quality, independent and well resourced equality bodies in all EU Member States.

In many countries, however, equality bodies have been established, and often with a wider remit than race or gender. Although this has in many countries contributed to a more coherent and proactive approach with regard to non-discrimination in general, concerns have been expressed about the loss of focus on especially gender equality.

Italian affiliates complain that recent government proposals have drastically reduced the role, functioning and resources of existing equality bodies in the area of gender equality.

Also, in several cases the remit has been widened without additional and sufficient resources. For instance, there has been real concern in Britain, expressed by the TUC and others, that the new Commission for Equality and Human Rights does not have sufficient resources to deal with all of the new strands and to meet its additional remit of promoting human rights.

Equality bodies must be independent, adequately resourced and have internal structures that ensure consideration and effective action in each of the strands, as well as for groups likely to suffer multiple discrimination.

⁵ The definition of harassment in the Northern Ireland regulations was broader than in the EC Directives. It therefore potentially covered a wider range of actions and may have resulted in a greater restriction of rights.

French unions mention the recently established '*Halde*' in France as a good practice example: this independent equality body, established in 2004, has a wide range of competences in terms of investigation and conflict resolution, and advice and support of victims of discrimination. It can organise official enquiries and oblige people to cooperate, it can verify the situation 'sur place' and it can make use of qualified experts. It can also mediate between the parties and propose financial sanctions.

What is also important to mention is, that Halde can allow organisations to present cases in a so called '*audit général*', which do not focus on individual cases and therefore there is also no need to identify and expose one or more specific victims to prove that discrimination has taken place. At the same time, it also avoids to blame or sanction one specific person for illegal behaviour. For Halde, this opportunity is especially effective to examine a specific theme, or a specific economic sector.

Halde seems to be an appropriate instrument for the proper implementation of the law, and can be especially effective because it works closely together with public authorities, the judiciary, administrations, NGO's, trade unions and employers. It is clear that such a structure can only be effective if it has sufficient human and financial resources, can operate in full independence, and has the power to impose sanctions or at least has sufficient competences as to be taken seriously.
