

# **ETUC conference "Extending equality: Trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity"**

**Brussels, 29 January**

## **Introduction**

In 2007 we celebrated not only the European Year of Equal Opportunities for all but also 10 years of Article 13 of the Treaty of Amsterdam, thanks to which we have been able to introduce considerably better protection against discrimination.

However, we also have to face the fact that today, despite the progress achieved in combating discrimination in Europe, the situation is still not ideal. We know that discrimination continues to prevent people from fully achieving their potential all too often. A Eurobarometer survey published at the beginning of last year showed that 64% of Europeans believe discrimination is widespread in their country and 51% think that not enough is being done to combat the problem.

Also according to the figures from the Eurobarometer survey, almost half of Europeans believe that homosexuality is still a taboo in their country. And a further 31% of Europeans believe that discrimination on the grounds of sexual orientation has increased over the last 5 years

We will get fresh figures from a new Eurobarometer study which is to be launched shortly.

The European Union is contributing to full equality for all people, regardless of their sexual orientation and gender identity, but there is still work to be done in this area and further progress has to be achieved. In particular, the opportunities which article 13 of the Amsterdam Treaty gives us need to be developed.

### **Existing legislation**

Let me first refer to the existing equal treatment and anti-discrimination legislation at EU level and how it can help LGBT people. I think we have reason to be proud of what we have achieved. The 2000 EU Employment Framework Directive sent out a powerful message to LGB people – and their employers – about the fairness and respect they are entitled to expect at work. Many organisations and companies have taken positive steps as a consequence of those laws to ensure their gay staff do not face discrimination. And we have observed a growing awareness in national authorities, equality bodies, NGOs and social partner organisations of the need to include gender identity issues in their work.

Court cases on discrimination on grounds of sexual orientation are now slowly being reported at the national level - in Austria, for example - , but in other countries there are few or no examples of cases of sexual orientation discrimination being brought before the courts. We know the discrimination exists but we know too that it takes a lot of courage to take a case.

The European trade union movement has a crucial role to play in the fight against discrimination and in favour of equal opportunities. Trade unions should take full advantage of the special roles that have been given to them under Articles 7 and 11 of the Race Directive, and Articles 9 and 13 of the Employment Directive. Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities.

I would like to take this opportunity to thank the ETUC secretariat for the support it has provided my Directorate in the implementation of the anti-discrimination seminars for NGOs and trade unions which we are currently carrying out across the EU and Turkey. These seminars have proven to be very successful not only in providing participants with the necessary legal skills but also in furthering exchange and co-operation between trade unions and NGOs.

Trade unions as channels of social dialogue can combat discrimination through various means: by negotiating with employers, by supporting victims of discrimination in securing a settlement with employers, by promoting equality and diversity in the workplace, by monitoring and documenting discrimination.

Trade unions can cooperate with national equality bodies, advocate and campaign for change and challenge governments and employers when they are promoting policies which are contrary to the trade unions' objectives.

And of course they can work to change the attitudes of their members.

Many national trade unions clearly take responsibility both to promote a working environment free from discrimination and to help victims of discrimination. Let me, for example, highlight the extremely valuable work UNISON is leading in the UK on the rights of transgender people at work.

But I believe that we would gain much if we could make all this work more widely known and promote exchange and mutual learning. This is especially important regarding sexual orientation which often is a hidden issue in the workplace. The Commission is very willing to help in this process and will in close cooperation with the ETUC launch a comprehensive study this year aiming at identifying good practice in the fight against discrimination.

Trade unions are also well placed to work in partnership with NGOs in order to achieve shared aims – the project the ETUC has been carrying out with ILGA-Europe is an excellent example of this. It is my strong belief that NGOs can indeed become a resource for trade unions in their work.

When it comes to transposition and implementation of the existing anti-discrimination legislation into national law, the European Commission is playing its full role as guardian of the Treaties. In June 2007, we launched infringement proceedings concerning the incorrect transposition of the Race Directive and we will soon be launching similar proceedings under the Employment Directive.

But while it is clear that there are gaps in transposition, we should not stop us from recognising just how far we have come.

### **New initiatives**

Secondly, let me say something about future initiatives in the anti-discrimination field. As you know, the three directives adopted so far under Article 13 differ significantly in their coverage with protection against discrimination based on sex or race going much further than discrimination based on religion and belief, age, disability and sexual orientation.

As well as being wrong from a human rights point of view, this uneven coverage can affect people's choices on whether to work, study or travel in another EU country. And it can affect business decisions on where to locate or where to offer services.

The European Commission announced in its 'Legislative and Work Programme for 2008' that it intends to present a proposal for a Directive to address this gap in mid-2008.

As part of our preparation, we have been conducting an impact assessment which has included public consultation including with key European-level partners, such as the ETUC or ILGA-Europe.

I would especially like to thank the ETUC (as well as ILGA-Europe) and its members for its contribution to the consultation and to praise you for the quality of your input.

I found your contribution very rich and thought-provoking. Your contribution clearly calls for a comprehensive approach to non-discrimination. It highlights that non-discrimination outside employment is often a pre-condition for equality in the workplace – access to affordable and quality education, transport to and from the workplace, access to housing etc. has indeed strong links with the employment field!

It will be no surprise if I tell you that the response from the main employers organisation was not the same quality.

The Commission's decision to include an article 13 initiative as one of its 2008 priorities is an important step – but we still have a long way to go and we should not underestimate the difficulties we will have in convincing the Commission to adopt a proposal not to mention the challenge of getting it agreed by all Member States.

### **Fight against homophobia**

Thirdly, let's look beyond legislation – full equality for LGBT people can only be achieved if the wider political climate works in its favour.

We know that discrimination is often a case of individuals discriminating against other individuals but, over the last years, here and there, certain statements revealed institutionalised discrimination and sometimes even homophobia. To combat homophobia, we have to use all tools available, combining legislative measures with more long term measures to change stereotypes and behaviour. Remaining prejudices will not disappear by themselves.

The European Parliament has played a leading part in ensuring that the European Union remains vigilant in condemning all forms of homophobia , backed of course by the Commission, and I am pleased to say by the Council too.

## **Policy development**

Let me now turn to our other work in the area of non-discrimination. The European Commission plans to put forward a policy communication around the middle of next year which will focus on the future non-discrimination policy in the EU.

The policy communication will build on the achievements of the European Year of Equal Opportunities and will deal inter alia with

- raising awareness of equality laws among the wider public and the decision-makers and to combat prejudice and stereotypes.
- promoting the benefits of diversity at the workplace
- continuing and consolidating the European-level dialogue between all involved in tackling discrimination, to build on governance mechanisms established during the EYEO
- developing our greater understanding of positive action and of multiple discrimination, on which a good deal of work was done last year
- building on the recommendations of the report in December of the expert group on the social and Integration of Ethnic Minorities and their Full Participation in the Labour Market. We will have a special focus on the issue of Roma inclusion.

## **Conclusion**

There is no room for complacency now that the European Year of Equal Opportunities has ended. Discrimination continues to prevent people from fully achieving their potential all too often. The fight is not won yet and we have to make a joint and forceful effort to succeed.