SUMMARY OF: Directive 2000/43/EC — implementing equal treatment irrespective of racial or ethnic origin

WHAT IS THE AIM OF THE DIRECTIVE?

- It aims to combat discrimination on the grounds of racial or ethnic origin.
- It lays down minimum requirements for implementing the principle of equal treatment between persons in the European Union (EU).
- By discouraging discrimination, it should help to increase participation in economic and social life and reduce social exclusion.

KEY POINTS

- This directive is based on the principle of equal treatment between persons. It forbids both direct* and indirect* discrimination, harassment*, instructions to discriminate and victimisation*.
- The directive applies to all persons and to all sectors of activity, regarding:

anti-discriminatory measure
- ethnic discrimination
- racial discrimination
- equal treatment
• access to employment;
• working conditions, including promotion, pay and dismissals;
• access to vocational training;
• involvement in workers’ or employers’ organisations, and in any professional organisation;
• access to social protection and to healthcare;
• education;
• social advantages;
• access to and supply of goods and services, including housing.

The directive does not cover difference of treatment based on nationality, or the conditions of entry and residence for citizens from non-EU countries.

Derogations from the principle of equal treatment
• In the field of employment, a derogation may be authorised where race or ethnic origin constitutes a genuine professional requirement. This derogation must be justifiable by the nature of the activity and the conditions under which it is exercised. It must be legitimate and proportionate.
• The directive does not oppose positive action, namely national measures aimed at preventing or compensating for disadvantages connected with race or ethnic origin.

Remedies and enforcement
• Anyone who believes themselves to be a victim of discrimination on grounds of racial or ethnic origin must have access to legal and/or administrative proceedings. Associations or other interested legal persons may also undertake proceedings either on behalf of, or in support of the complainant.

The victim of discrimination only needs to establish a presumption of discrimination after which it is for the respondent to prove that there has been no discrimination.

Social dialogue and civil dialogue
• The social partners ensure the promotion of equal treatment, specifically by monitoring practices in the workplace, producing codes of conducts and concluding collective agreements. More generally, the directive encourages the conclusion of agreements establishing non-discrimination rules in the fields which fall within the scope of collective bargaining.
• Civil dialogue with the civil society organisations concerned is also encouraged.

Bodies for the promotion of the principle
Each EU country must establish at least one body dedicated to combating discrimination, which is, in particular, responsible for helping victims and conducting independent studies.

Council Recommendation
In 2013, the Council adopted a recommendation calling for measures to be taken in a number of area, including anti-discrimination, to strengthen the integration of Roma people. The recommendation builds upon Directive 2000/43/EC and underlines the importance of its practical enforcement.

FROM WHEN DOES THE DIRECTIVE APPLY?
It has applied since 19 July 2000. EU countries had to incorporate it into national law by 19 July 2003.

**BACKGROUND**
The Treaty of Lisbon ([Article 19](https://europa.eu/legislation_summaries/treaty_of_lisbon/treaty_functioning_en#Art19) of the Treaty on the Functioning of the EU) provides the EU with a legal basis to combat all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

* **KEY TERMS**
  
  **Direct discrimination**: where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin.
  
  **Indirect discrimination**: where an apparently neutral rule, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that rule, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
  
  **Harrassment**: when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
  
  **Victimisation**: unjust or cruel treatment of someone who complains of discrimination or who assists someone else in a complaint of discrimination.

**MAIN DOCUMENT**

**RELATED DOCUMENTS**
