

# Social Affairs

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## EQUAL TREATMENT FOR MEN AND WOMEN OUTSIDE THE WORKPLACE

**Council Directive [2004/113/EC](#) of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services**

### Objective

To lay down a framework for combating discrimination based on sex in access to and supply of goods and services.

### Relevance for the hospitality industry

The Directive is of direct impact on the financial and insurance sector, where differential premiums and benefits on the basis of sex have been prohibited. The hospitality sector could, however, be also affected. It is possible that, as a result of the Directive, practices such as offering women discounts on drinks in bars -"ladies' night"-will become illegal. One could imagine that night clubs which do not accept single male guests will be in breach of the Directive.

### State of progress

The Directive was adopted on 13 December 2004. Member States had until 21 December 2007 to comply with this Directive.

Member States shall communicate all available information concerning the application of this Directive to the Commission, by 21 December 2009, and every five years thereafter.

The proposal ([COM \(2008\) 0426 final](#)) for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation which is currently being discussed, builds amongst others on the provisions of this Directive. (*see fiche on discrimination beyond the workplace*)

### Content

The Directive prohibits direct and indirect discrimination based on sex in access to and supply of goods and services. Harassment, sexual harassment, instruction to discriminate against persons on the grounds of sex shall also be considered discrimination.

A definition is given for the terms "direct discrimination", "indirect discrimination", "harassment" and "sexual harassment".

The Directive does not apply to the sectors of media, advertising, education and to matters of employment and occupation.

It shall be for the respondent to prove, in the case of a claim, that there has been no breach of the principle of equal treatment.

For a summary of this Directive you can visit the [SCADplus](#) website (European Commission).

## HOTREC position

HOTREC does not see the need for additional legislation at Community level on top of existing national rules on the field of equal treatment between men and women outside the workplace.

## Official references

Council Directive [2004/113/EC](#) of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, O.J. L 373, 21.12.2004.

### See also

Proposal ([COM \(2008\) 0426 final](#)) for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation which is currently being discussed, builds amongst others on the provisions of this Directive.