

# Social Affairs

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## EQUAL TREATMENT IN EMPLOYMENT OUTSIDE THE AREA OF GENDER EQUALITY AND RACIAL OR ETHNIC ORIGIN

**Council Directive [2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation**

### Objective

To lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation.

### Relevance for the hospitality industry

As the hotel, restaurant and café sector employs around 9 million workers, this Directive is of particular relevance.

### State of progress

The Directive was adopted on 27 November 2000. Member States had until 2 December 2003 to comply with this Directive.

In relation to the provisions on age and disability discrimination, Member States had until 2 December 2006 to comply with them.

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 on the grounds of religion or belief, disability, age or sexual orientation in the area of employment and occupation. It defines the terms “direct” (when one person is treated less favourably than another one) and “indirect” (when an apparently neutral provision, criterion or practice puts persons at a particular disadvantage compared with other persons) discrimination.

Discrimination is prohibited with regard to access to employment or self-employment, vocational training, employment and working conditions, and membership of an organisation of workers or employers.

As regards age discrimination, the Directive provides a non-exhaustive list of differences of treatment on the grounds of age, which shall not constitute discrimination, provided that they are objectively justified.

It shall be to the respondent to prove, in case of a claim, that there has been no breach of the prohibition of discrimination.

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

### HOTREC position

HOTREC fully shares the concerns of the European institutions in combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards

employment and occupation. However, HOTREC is of the opinion that this issue is better dealt with at national level, where existing national legislations already offer a comprehensive framework to combat the various forms of discrimination.

#### **Official references**

Council Directive [2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, O.J. L 303, 2.12.2000.

#### 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.