

Social Affairs

EQUAL TREATMENT FOR MEN AND WOMEN IN EMPLOYMENT

Directive [2006/54/EC](#) of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

Objective

To ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

Relevance for the hospitality industry

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

State of progress

The Directive was adopted on 5 July 2006. Member States had until 15 August 2008 to comply with this Directive.

Member States having particular difficulties had up to one additional year, (15 August 2009), to comply with this Directive.

With effect from 15 August 2009 Directives [75/117/EEC](#), [76/207/EEC](#), [86/378/EEC](#), and [97/80/EC](#) were repealed.

Content

The Directive simplifies, modernises and improves EU legislation in the field of equal treatment for men and women in employment and occupational matters. It merges the following previous directives into one single instrument:

- Directive [75/117/EEC](#) on equal pay for men and women;
- Directive [86/378/EEC](#), as amended by Directive [96/97/EC](#), on equal treatment for men and women in occupational social security schemes;
- Directive [76/207/EEC](#), as amended by Directive [2000/73/EC](#), on equal treatment of men and women in the field of employment; and
- Directive [97/80/EC](#), as amended by Directive [98/52/EC](#), on the burden of proof in cases of discrimination based on sex.

The principle of equal treatment between men and women shall apply to the following fields:

- Access to employment, including promotion, and to vocational training;
- Working conditions, including equal pay; and
- Occupational social security schemes.

The Directive defines the terms “pay” and “occupational social security schemes”.

The Directive prohibits direct discrimination and indirect discrimination. Harassment, sexual harassment, instruction to discriminate against persons on the grounds of sex, and any unfavourable treatment of women related to pregnancy or maternity leave shall also be considered discrimination.

A definition is also given for the terms “direct discrimination”, “indirect discrimination”, “harassment” and “sexual harassment”.

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 welcomed the recast of the Directive as a way of bringing clarification to all the existing proposals in the field of equal treatment. However, HOTREC is of the opinion that these issues are better dealt with at national level.

Official references

Directive [2006/54/EC](#) of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, O.J. L 204, 26.7.2006.