

LEONARDO DA VINCI PROJECT ADULTS MENTORING

BG/06/B/P/PP-166 041

Awareness pack on Inclusion
for employers and training organizations

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1. INTRODUCTION

The project Adults mentoring - MENTORING AND GUIDANCE FOR ADULTS is a 24 months pilot project partially funded by the Leonardo da Vinci Programme of the European Commission that aims at developing a system for workplace mentoring for unemployed older people (50+).

This European project involves 7 partners from 5 European countries:

Bulgaria

- Municipality of Sliven (contractor)
- Euroconsulting Ltd. (co-ordinator)
- "Zgura M" Ltd.

Greece

- Diakrisi Ltd.

Slovenia

- University of Ljubljana, Faculty of Education, Department of Social Pedagogy

Poland

- University of Lodz, Department of Special Education

United Kingdom

- Edinburgh University Settlement Community Learning Centre

2. TRENDS AND TENDENCIES

Over the last century the average life expectancy in Europe has increased for males from 45,7 to 75 years, and for females from 49,6 to 79,9 years. At the same time however, Europe's birth rate has reduced drastically. Together these two factors mean the EU population is ageing and, looking at long-term projections, this process is set to accelerate in the future.¹

An important resulting tendency, marked in various reports of EU27, which led to the establishment of the "Adults Mentoring" project, was that by 2050 the number of people over 50 in Europe will have doubled to 40% of the total population or 60% of the working age population. Bearing in mind these staggering figures, the project is focused on the needs of older people (50+) who wish to find or retain employment, thus delaying their retirement by the means of vocational guidance, counselling and training, through which they will update and upgrade their work key skills and competencies, soft skills, self-confidence, contributing accordingly to the empowerment of people over 50.

REASONS

People are living longer

Life expectancy has increased by 20 years since 1950. Although in part this is reflective of a declining infant mortality rate, this figure has more to do with increasing life expectancy at older ages. Today, European men aged 60 can expect to live for an additional 17 years and women can expect another 22 years of life.

Fertility rates have fallen throughout much of Europe

In 1970, European women, on average, gave birth to 2,16 children each, a rate that today has dropped to 1,38. In individual countries the drop is even more pronounced: Poland has fallen from 2,25 to

¹ Eurostat

² Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Population Ageing 2002.

1,26; Italy, from 2,33 to 1,23 and Spain, from 2,86 to 1,15.³

EXPLANATION

The European working-age population will fall as its ageing population grows

By 2050, the number of people of working age (defined as 15 to 64-years old) in Europe will plummet by approximately 130 million. The ratio of workers to pensioners, now almost 5:1, will be cut by more than half⁴.

With fewer workers per pensioner, existing pension funds will be severely strained

Under most state-administered pension systems, the pensions of those who have retired are paid by those still working. As the number of workers per pensioner decreases, the sustainability of current pension systems diminishes. In Italy in 2000, public pensions consumed as much as 15% of annual GDP. In Austria, France, the Netherlands and Germany, the figures were between 13% and 14%. As the size of Europe's ageing population grows in coming decades, public expenditure on pension benefits may be pushed to even higher levels.

To sustain strained pension systems, Europe's elderly may need to work longer

To maintain current retirement benefits whilst holding tax levels constant for the young, retirement ages across Europe would have to rise. By 2030 in France and Italy, retirement would need to start at 73 and 74 respectively, compared to an average of 58 in each of these countries today.⁵

³ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects.

⁴ Ibid /Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects/

⁵ "Democratic Risk in Industrial Societies: Independent Population Forecast for the G7 Countries," World Economics, Volume 1, No. 4, October-December 2000, <http://www.csis.org/gai/worldecon.pdf>

Like pensions, national healthcare systems will be strained, though to a lesser degree

According to OECD projections, an ageing European population could cause public expenditure on health and long-term care to rise from 6% of GDP today to 9% in 2040.⁶

Taking into consideration the fact that a large percentage of the ageing population (many of them disabled) who will soon be eligible for retirement thus creating talent shortages over the next 10 years, and the objectives of the Lisbon strategy⁷, job seekers over 50 or early retired people should not be left as an unresolved problem. Previously undertaken researches (including TUC (UK) and a National Need Analysis carried out in the framework of the Adults Mentoring project) show a considerable difference between employers and workers concerning age perception in the workplace. While employees see themselves still fit to work beyond 60, employers often push them out on false health and safety grounds. In fact, a poll by recruitment firm Monster in September 2006 found that among 8.277 interviewed European workers, a total of 46% believed their employers discriminated against older workers when it came to hiring new recruits.

Notwithstanding these statistics, the study also discovered that increasingly businesses do realise that they will have to take a more balanced approach. The "Manpower NOP report" (July 2006) confirms this when it states that "More than half of the businesses agree they want their staff to work beyond the age of 65 - but just 19% of employees say they will actually do this."

While ageism is still present, increasingly alternative approaches to support older people in employment are becoming available nowadays. Employers are increasingly realising the positive influence of experienced and skilled older employees. As an outcome of the increasing mutual understanding and flexibility of both parties, a number of alternatives for older people (50+) in employment and post pension occupation have been initiated.

For example, British Telecom⁸ uses some of the following approaches:

- Offering employees an opportunity to work part time or applying job-sharing;

⁶ OECD Health Data, 2002, 4th ed.

⁷ http://europa.eu/scadplus/glossary/lisbon_strategy_en.htm

⁸ Comparative analysis: Bulgaria, Poland, Slovenia and The UK

- Enabling employees to reduce their work commitments by taking a lower grade job with less responsibility;
- Timing out, which allows employees to take phased sabbaticals;
- Encouraging employees to take up full - or part time secondments;
- Allowing employees to gradually reduce working hours and/or responsibilities.

3. SHIFT OF PARADIGM

Nowadays this style and predisposition should not be perceived as a charitable or philanthropic activity from employers. *Within the world of business, the main “responsibility” is considered to be economic prosperity. Alongside with that in the last decade, new trends are observed - companies focus their efforts in improving working conditions, environment and local community. A movement defining broader corporate responsibilities⁹.*

Corporate Social Responsibility ¹⁰

Corporate Social Responsibility (CSR) is about a commitment to the communities in which an organisation operates. It is an important contributor to long-term business success, and should be viewed in a strategic business sense rather than a charitable approach.¹¹

While corporate philanthropy (generosity motivated purely to make the company look good or to create the right spin) for its own interest has its place, a well-defined and effective CSR campaign identifies and addresses issues that impact on both the company and the wider community.

Developing a strategic approach to employing old people and/or people with a disability, under the banner of Corporate Social Responsibility, makes good business sense. Older people (or those with disabilities) have valuable skills to offer organisations, and show commitment and loyalty that are unsurpassed. The employment of these people has the power to improve staff morale, as well as improve customer loyalty and enhance the reputation of an organisation.

Changing attitudes comes down to raising awareness of ageing and disability issues. Employing older people or people with a disability as part of an effective Corporate Social Responsibility campaign can benefit the organisation, the employee and the wider community.

⁹ A brief history of social reporting; Business Respect, Issue Number 51, 9 Mar 2003 By Alice and John Tepper Marlin

¹⁰ http://ec.europa.eu/enterprise/csr/index_en.htm

¹¹ Definition of CSR on the European Commission web page “A concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis”

Whether the total costs of employing an older worker outweigh the total benefits also depends on how costs and benefits are measured and defined. For example, in addition to the value of his output, the older worker may generate a benefit to the organization through the positive influence he has on the work habits and productivity of younger workers. While difficult to quantify, these less tangible, hidden benefits should be included in any cost/benefit accounting. Employers can help by providing mentoring, work experience and internships for older people (many of them with disabilities), and will benefit from:

- less sick days,
- lower recruitment costs,
- increased work performance,
- increased worker morale,
- fewer workplace injuries.

Also, studies of work-loss due to illness show that workers aged 65 and over have attendance records equal to or better than most other age group of workers. Employees at 50+ have 52%¹² less sick days per year than do younger employees. Employees in this age group are also absent from work less often because of acute illnesses. Contrary to popular notions, older workers are safe workers; they have fewer workplace accidents than younger workers. Conducted studies find that workers over age 55 account for under 10% of all workplace injuries even though they make up almost 14% of the labour force¹³. Following this direction - The personal and/or professional background of older people has provided them with specific qualifications, skills and abilities which need to be synchronized with the current requirement in an open labour market. The generation shift has determined new social, cultural and technical approaches. Working with and accepting older people or people with disabilities the following issues need to be considered.

¹² Sally Coberly, Deborah Newquist, 1984, Ageing, Hiring older workers - employer concerns

¹³ Sally Coberly, Deborah Newquist, 1984, Ageing, Hiring older workers - employer concerns

A Methodology for communication and work with older people and people with disabilities

- 1) Do not be afraid to ask questions about issues relating to the person, which are considered “uneasy matters”. (For example: the age of the person, difficulties/lacks, disabilities, etc.).
- 2) Do not be embarrassed to use words describing actions, which are obviously not achievable for the person with a disability when talking with him/her. (For example: Saying to visually impaired person: “Did you watch that TV broadcasting yesterday?” it is common to say “I watch TV”, not “I listen to TV”).
- 3) Let the employee inform the team about the specific characteristics concerning health and/or social status and their influence upon employability.
- 4) Do not enter into work placement adaptations without consulting in advance the employee they are targeted at.
- 5) When you, as a team leader, decide to set a task, which you think could be challenging for your employee due to their specific status, do not give up before consulting with the person and then jointly take the final decision.
- 6) When you set a task for your employee that requires collaboration with another member of the team, let your employee choose their co-workers.
- 7) During the team meetings or while making presentations/ notices to your staff, ask your employee whether everything is clear. If the answer is “no”, repeat the information, trying to speak more clearly and explain in more descriptive ways.
- 8) Do not show special attitudes or be patronizing towards your employee. No matter if it’s face-to-face or in front of other colleagues.
- 9) Do not make excuses for particular mistakes or omissions by the employee while performing his/her tasks, excusing him/her because of their disability and/or age.
- 10) When setting a task for your employee, discuss in advance the time needed for its completion. In some cases it may take more time than usual.
- 11) When you intend to send your employee on a business trip, be sure in advance to consult with him/her their arrangements and the conditions for travelling.

4. EMPLOYERS' VIEWS

- 12) If a business trip is planned ask your employee about any specific requirements or needs.
- 13) Do your best to predispose the employee to share without concern.
- 14) Let your employee share with clients/partners about his/her specific status, if they consider it necessary.
- 15) In the case that a problem caused by the specific status of your employee appears, discuss it with him/her before taking any consequent actions.
- 16) Let your employee work as independently as possible, without unnecessary supervision.

In the framework of the ADULTS MENTORING PROJECT, a comparative analysis of employers' and employees' attitude¹⁴ (some of them potential employees) has been carried out.

BULGARIAN Survey feedback:

- *Most of the employers give evidence of having employees in pre-retirement age. They are employers with built up specialist experience and good labour habits and of importance to the company.*
- *As reasons for hiring employees in pre-retirement age the employers indicate almost the same requirements: built up specialist experience, good labour habits, they also indicate concrete occupations, which are very specific for the activity of the company.*
- *Although the existing legislation provides financial stimulus and tax concessions as an additional motivation to employers to employ older employees, the employers share in informal conversation that they are fully aware of these incentives and have not fully exploited them. These concessions are more often used in the public sector.*
- *A substantial percentage of those, who filled in the questionnaire (85.%) claim that there are no insurmountable obstacles for their companies to employ persons from the target group. It is obvious that at this stage the provided advantages are not sufficient for stimulating the employers to provide positions for the representatives of the 50+ age group. The motives: low capacity of work and features associated with age.*
- *A large percentage of the survey participants (66.6%) said that if they start a mentoring programme, they would prefer it to contain "a short theoretical part, followed by a practical one", and the rest are interested in "regular training, two or three hours weekly."*

¹⁴ Comparative analysis: Bulgaria, Poland, Slovenia and The UK

Examples of good practice - POLISH vocational activity 50+

- Recently, Poland set up several projects of vocational activity 50+ putting lifelong learning into practice. *Sojusz dla pracy is the first one.*¹⁵ This project wants to reduce discrimination against older employees and focused on four thematic working groups: training, age management, career path management, and skills/competence analysis. They organize seminars during which they present the results of the working group's research. They are preparing a conference summarizing their activity and they will prepare a Good Practice Guide.
- There are also other project examples like: *Kierunek Praca, Kompas, Kultura i tradycja włókienniczej Łodzi dla bezrobotnych and 50 na plus.*¹⁶
- This selected project mostly focuses on reducing discrimination against older employees, creating proper training and counselling opportunities. There was also an organized workshop: how to use the computer in hospitality, in human resources, in trading and so on. Language training encompassed classes like: ABC English, English in Commerce, English In business, and English in negotiation.
- The most frequent characteristics which were required for potential employees were (vocational and life experience, qualification, responsibility, strong communication skills and so on).

SLOVENIA

Slovenian companies' representatives mostly list:

- *the nature of the work (difficult work, different shifts and/or night shift, field work) employment's strategy;*
- *already a large number of employees over 50.*

At the same time they name the following criteria that would support them to employ older workers:

- *more work experience*
- *high professional efficiency and specific knowledge*
- *government's financial support*
- *extra income tax relief*

About 60% of respondents expressed willingness to take part in the mentoring programme within Adults Mentoring.

15 <http://www.sojuszdla pracy.pl/>

16 <http://www.idea24.pl/strony/i/2426.php>

However some of the respondents raised doubts on the effectiveness of mentoring programmes and the possibility to set up such programmes in their company:

"In our company we have a very good educational, apprentice and mentoring programmes. Our experience with people -referred to us by the Employment Service- are, unfortunately, bad. We are not willing to offer a mentoring scheme to people who are not employed in our company. An interesting example is company V. (same activity) - together with the Employment Service it organized a whole qualifying programme for deficit professions (carpenter, bricklayer). Slovenia financed most of it, 50 people cooperated in the programme and company's cadre department put in a lot of effort and time. After 2 years, only 2 people (out of 50) are employed in V. So, we are doubtful of such programmes' efficiency."

"J. is a small private company where employees make every effort in their work. Overtime work is frequent and mentoring schemes for unemployed people over 50 is not an option because of our employees' lack of time. It would be impossible for our employees to work so much and be a mentor at the same time."

"We work in the field of information technology, which is a quickly developing branch. Our customers are very demanding, they expect constant attainability and quick response. The average age in our company is less than 30 years, so we think people over 50 would have trouble with inclusion in our working collective."

At the same time some other respondents set forth the potential advantages of mentoring programmes. One good example is:

"We have some experience with mentoring, students also do practice in our company. But mostly we gave such an answer because to us all that can happen in the future there will be more unemployed (old people). It is important to give these people another chance."

Although the attitudes of employers towards mentoring for 50+ are ambiguous it seems that the programme could be advantageous for some companies that need an older workforce.

Having briefly analysed the needs of people of 50 years of age and above and their perceptions of the situation on the labour market, we will now take a closer look at the employers' views.

United Kingdom

It has to be emphasised that the situation of the older workforce in the United Kingdom is specific due to the new legislation which

came to force on 1 October 2006. Since the implementation of The Employment Equality Regulations the employers have been legally obliged to treat all employees (and potential employees) in the same way regardless of their age. Under the age discrimination regulations any ageist practices have been prohibited in all areas of employment. Those are: recruitment, selection, promotion, training and development, redundancy and retirement.

To help employers recognize the business benefits of an age-diverse workforce and align their policies to the new standards a Good Practice programme has been prepared by the Department for Work and Pensions. This is a voluntary guidance to encourage employers to make decisions that do not discriminate against someone because of how old they are.”

5. EFFECTIVE AGE STRATEGY

A key step in any effective age strategy is to introduce legislation that stimulates employment, qualification and re-qualification of the targeted group. This legislation is established by National governments, the EU (especially the European Commission with its various directives), but also the Businesses themselves through their corporate responsibility. The major instruments however in this initiative with a direct and immediate impact are governmental measures introduced through legislation. In addition, the national legislation provides (wanted or unwanted) a stimulation towards the business initiatives.

The EU has called for legislation to combat age discrimination

The EU Employment Directive, issued in 2000, required all 15 EU Member States to introduce legislation prohibiting age discrimination by December 2006. In several countries, including the UK, Finland, Ireland and the Netherlands, voluntary codes protecting older workers have already been put in place. The status of the national legislation implementation of this directive can be found in appendix 1.

National governments are pushing for delayed retirement

Austria opted to increase the retirement age gradually, from 61,5 to 65 for men and from 56,5 to 60 for women. Germany, which has already raised its retirement age from 63 to 65, is considering a further incremental increase to 67. In Italy, a proposal to raise retirement age from 60 to 65 beginning in 2008 has been approved by the cabinet and submitted to parliament.

Businesses must prepare to meet the needs of an ageing population

Although some businesses have been wary of the potential liabilities of an older workforce, many recognise that changing demographics present significant business opportunities. “Designing products, goods and services to take account of population ageing will be paramount in order to increase the length of disability-free life and meet the aspirations of the ageing population,” writes Philip Taylor, executive director of the Cambridge Interdisciplinary Research Centre on Ageing.¹⁰ From the provision of financial, healthcare, tourism and leisure services to the design of living spaces, working spaces, communities and transportation systems, business innovation can allow older people to remain independent for longer.

MATERIALS ON AGING

1. The Employers forum on age - <http://www.efa.org.uk/>
2. Taylor, Philip, "Global ageing - meeting the business challenges," prepared for the symposium: An Ageless Workforce - Opportunities for Business, Sydney, Australia, 27 August 2003.
3. Bongaarts, J. (2004). Population Aging and the Rising Cost of Public Pensions. *Population Studies*, № 30(1), 1-23
4. Vukovich, G. (1994). Economic and social implications of aging in Hungary. In: UNECE. Social aspects and country reviews of population aging. *Economic Studies* № 6, N.Y., pp. 179-194.
5. European Commission (2005). Europe's population in getting older. How will this affect us and what should we do about it? Brusselsq 17.03.2005, IP/05/322.
6. European Commission (2005). Faced with demographic change, a new solidarity between the generations ("Green Paper"). COM, № 94.
http://europa.eu.int/comm/employment_social/news/2005/mar/demog_gr_en.html
7. Eurostat. (2002). Labor Force Survey. Luxembourg, Office for Official Publications of the European Communities.
8. ACAS. A guide for Employers; Age and the workplace - putting the employment equality (age) regulations into practice - http://www.stop-discrimination.info/fileadmin/pdfs/Europ_ische_Inhalte/Press_Dossier_PDFs/age/Age_anb_the_Workplace_1_.pdf
9. Age discrimination - FAQs for employers <http://www.acas.org.uk/index.aspx?articleid=1045>
10. ACAS. Age and the work place - http://www.acas.org.uk/media/pdf/2/5/Age_the_workplace.pdf
11. Sarah Harper, 2006, *Aging Societies: Myths, Challenges and Opportunities*.
12. Harold Conrad, Viktoria Heindorf, and Franz Waldenberger "Human Resource Management in Aging Societies", 2007
13. Bonnie Lou Fatio. *AgeEsteem: Growing a Positive Attitude Toward Aging*, 2007

APPENDIX

Appendix 1:

EU legislation Implementation of Anti-discrimination directives into national law¹⁷

Austria

- Federal legislation implementing both Directives (except on disability):
- Act amending the Federal Equal Treatment Act (mainly federal public employment)
- Act adopting the Federal Equal Treatment Act (on private employment and areas outside the employment field) and amending a previous Act so as to create the Equal Treatment Commission and the Office for Equal Treatment

Belgium

- Law of 20 January 2003 on reinforcing the legislation against racism.
- Law of 25 February 2003 on the fight against discrimination, amending the Law of 15 February 1993 creating the Centre for equal opportunities and the fight against racism.

Bulgaria

- Anti-discrimination law

Cyprus

- The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I)/2004 and the Equal Treatment in Employment and Occupation Law No. 58(I)/2004 covering racial or ethnic origin, religion or belief, age, sexual orientation.
- The Commissioner for Administration (Amendment) Law No.36 (I)/2004 and the Combating of Racism and Other Discrimination (Commissioner) Law No. 42 (1)/2004 covering all grounds in both Directives and additional grounds.
- Law on Persons with Disabilities (Amendment) No. 57(I)/2004

¹⁷ <http://www.age-platform.org/EN/spip.php?article294> and http://ec.europa.eu/employment_social/fundamental_rights/legis/lgms_en.htm

Czech Republic

- Law 435/2004: Employment Law - with equality provisions

Denmark

- Racial Equality Directive: Legislation notified: Act no 374 of 28 May 2003 on Ethnic Equal Treatment
- Employment Framework Directive (to transpose age and disability discrimination provisions): Act amending the Anti-Discrimination (Labour Market etc) law (Act no 31 of 12 January 2005) <http://www.retsinformation.dk>

Estonia

- Implementing legislation: Employment Contracts Act (in English)

Finland

- Racial Equality Directive: Legislation notified: Equality Act
- Employment Framework Directive: Legislation notified: Equality Act
- Please note if the Act is not viewed on screen immediately, click on 'Hyväksyn'

France

- Racial Equality Directive: New legislation notified: Law of 16 November 2001
- Employment Framework Directive: New legislation notified: Law of 16 November 2001
- Both Directives:
 - o Amendments to the Labour Code and other laws
 - o Law no 2001-1066 from 16 November 2001 on fighting discrimination
 - o Law no 2002-73 from 17 January 2002 - social modernisation law
- Disability discrimination:
 - o Law on Equal Rights and Opportunities, Participation and Citizenship of Persons with Disabilities, Law No 2005/102 of 11 February 2005
- Equality body:
 - o Law no 2004-1486 from 30 December 2004
 - o Decree no 2005-215 from 4 March 2005

Germany

- Racial Equality Directive and Employment Framework Directive: Law from 14 August 2006: Allgemeines Gleichbehandlungsgesetz {AGG} (General law on equal treatment)
- A 3-year extension for age discrimination provisions has been requested

Greece

- Act 3304 of 27 January 2005 - Implementation of the principle of equal treatment regardless of racial or ethnic origin, religion or belief, disability, age or sexual orientation (transposes the Racial Equality Directive & Employment Framework Directive)

Hungary

- Act CXXV/2003: on Equal Treatment and Promotion of Equal Opportunities

Ireland

- The Employment Equality Act 1998 and Equal Status Act 2000, as amended by the Equality Act 2004, transposes the Racial Equality Directive & Employment Framework Directives.

Italy

- Racial Equality Directive: Legislation notified: Government decree No 215 of 9 July 2003
- Employment Framework Directive : Legislation notified: Government decree No 216 of 9 July 2003
- Decree of 11 December 2003 (equality body)

Latvia

- Amendments to the Labour Law (adopted on 22 April 2004)
- Labour Law code (consolidated version)
- Labour Law code (English version: click Labour law)

Lithuania

- Law on Equal Opportunities of 18 November 2003 (in force since 1st January 2005)

Luxembourg

- Racial Equality Directive: Laws from 28 and 29 November 2006
- Employment Framework Directive: Laws from 28 and 29 November 2006

Malta

- Racial Equality Directive & Employment Framework Directive:
- Employment and Industrial Relations Act, 2002
- (Act no. xxii of 2002)
- Employment and Industrial relations Interpretation Order 2003

Netherlands

- Racial Equality Directive
- Employment Framework Directive: Legislation
- An extra 3 years requested for certain age discrimination provisions
- Equal Treatment Act as amended by the EC Implementation Law (entry into force 1 April 2004), the Equal Treatment (Disability or Chronically Sick Persons) Act (entry into force 1 December 2003), the Equal Treatment in Employment and Training (Age Discrimination) Act (entry into force 1 May 2004)

Poland

- Labour Code of 26 June 1974

Portugal

- Legislation implementing the Racial Equality Directive:
 - o Law 18/2004 (see page 2971)
 - o Law 134/99
- Legislation implementing both Directives in the employment related field:
 - o Law 99/2003 (Labour Code)
 - o Law 35/2004, regulation of the Labour Code

Romania

- Law No. 48/2002 (16/1/2002) on the Prevention and Sanction of All Forms of Discrimination (Official Journal 69 of 30 January 2002)
- Law No. 53 of 24 January 2003 (Labour Code)

Slovakia

- Labour Code consolidated text 2004

Slovenia

- Racial Equality Directive & Employment Framework Directive:
- The Employment Relations Act (42/2002)
- Implementation of the Principle of Equal Treatment Act 2004
- The Vocational Rehabilitation and Employment of Disabled Persons Act 2004

Spain

- Legislation implementing both Directives:
- Law 62/2003 of 30 December 2003 on fiscal, administrative and social measures

Sweden

- Racial Equality Directive: Legislation notified: Swedish Racial Equality Directive (1 July 2003)
- Employment Framework Directive - Legislation notified: Law of 12 May 2002 - New legislation pending
- An extra 3 years requested for age discrimination provisions

United Kingdom

- Equality Act 2006
- Racial Equality Directive: Legislation notified: Great Britain and Northern Ireland
- Employment Framework Directive: Legislation notified:
 - o The Employment Equality (Sexual Orientation) Regulations 2003
 - o The Employment Equality (Religion or Belief) Regulations 2003
- Disability Discrimination:
 - o The Disability Discrimination Act 1995 (Amendment) Regulations 2003 and the Disability Discrimination Act 1995 (Pensions) Regulations 2003 (entry into force 1 October 2004)
 - o Draft regulations on age discrimination which will enter into force in 2006

Non-discrimination and equal opportunities for all in the EU¹⁸
Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance) (*Official Journal L 269*, 05/10/2002 P. 0015 - 0020)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002L0073:BG:HTML>

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (*Official Journal L 303*, 02/12/2000 P. 0016 - 0022)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002L0078:BG:HTML>

(4) The right of all persons to equality before the law and protection against discrimination constitutes a universal right recognized by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories. Convention No 111 of the International Labour Organisation (ILO) prohibits discrimination in the field of employment and occupation.

(6) The Community Charter of the Fundamental Social Rights of Workers recognises the importance of combating every form of discrimination, including the need to take appropriate action for the social and economic integration of elderly and disabled people.

Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (*Official Journal L 235*, 23/09/2003 P. 0010 - 0021)

¹⁸ Information based on a research in www.EUR-lex.europa.eu

* * *

Preparatory acts:

Communication from the Commission to the Member States establishing the guidelines for the Community initiative Equal concerning transnational cooperation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market (2000/C 127/02)

8. At Community level there is an *integrated strategy to combat discrimination* (in particular that based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) *and social exclusion*. Focusing on the labour market, Equal will form part of that strategy. It will be complementary to other policies, instruments and actions developed in this respect and which go beyond the labour market area and, in particular, the specific legislation and action programmes under Articles 13 and 137 of the Treaty. The Commission and the Member States will ensure coherence between Equal and such activities. Equal will, therefore, play a key role in linking together the EU supported actions under Articles 13 and 137, the ESF supported programmes and the political objectives pursued in the framework of the European employment Strategy.

Legislative instruments - Regulations for the implementation of European Directives

- 32007X1214(01)
Charter of Fundamental Rights of the European Union
Official Journal C 303 , 14/12/2007 P. 0001 - 0016
- 31982D0043
82/43/EEC: Commission Decision of 9 December 1981 relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men
Official Journal L 020 , 28/01/1982 P. 0035 - 0037

- 21994A0103(68)
Agreement on the European Economic Area - Annex XVIII - Health and safety at work, labour law, and equal treatment for men and women - List provided for in Articles 67 to 70
Official Journal L 001 , 03/01/1994 P. 0484 - 0491
- 31997L0080
Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex
Official Journal L 014 , 20/01/1998 P. 0006 - 0008
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