

Glossary of terms

- Discrimination (direct and indirect)
- Harassment
- Positive Action
- Reasonable Accommodation
- Sanctions
- Victimisation

Discrimination (direct and indirect)

Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their racial or ethnic origin, religion or belief, disability, age or sexual orientation.

An example of direct discrimination is a job advert, which says "no disabled people need apply."

However, in reality discrimination often takes more subtle forms. That's why indirect discrimination is also covered. Indirect discrimination occurs when an apparently neutral provision, criterion or practice would disadvantage people on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation unless the practice can be objectively justified by a legitimate aim.

Harassment

Harassment with the purpose of violating the dignity of a person on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and creating an intimidating, hostile, degrading, humiliating and offensive environment is prohibited by the new rules.

Positive Action

The directives recognise explicitly that outlawing discrimination will not necessarily be enough by itself to ensure genuine equality of opportunity for everyone in society. Specific measures might be called for to compensate for disadvantages arising from a person's racial or ethnic origin, age or other characteristics which might lead to them being treated unfairly. For example, ethnic minorities may need special training and specific help to have a reasonable chance of finding a job. Putting on training courses or making different arrangements especially for them are ways of improving their chances. The directives allow positive action of this kind to be undertaken and do not regard it as infringing the principle of equal treatment.

Reasonable Accommodation

Article 5 of the Employment Equality Directive states that employers have a duty of reasonable accommodation with respect to candidates or employees with a disability. This means that employers are required to take appropriate measures to enable a person with a disability to have access to employment or training unless doing so would impose a disproportionate burden on the employer. Reasonable accommodation would include, for example, providing wheelchair access, adjusting working hours, adapting office equipment or simply redistributing tasks between the members of a team. To determine the disproportionate burden, account should be taken in particular of the financial and other costs entailed, the scale and financial resources of the organisation and the possibility of obtaining public funding or any other assistance.

Sanctions

Explicit reference to the sanctions applicable to infringements of the national provisions against discrimination is made in Article 15 of the Racial Equality Directive and Article 17 of the Employment Equality Directive. According to these Articles, Member States must lay down the rules on the sanctions that will be applicable and take all necessary measures to ensure their enforcement. The Directives also specify that the sanctions, which may comprise payment of compensation to the victim, must be effective, proportionate and dissuasive.

Victimisation

Victimisation is also prohibited. This is where someone is treated badly or differently for having made a complaint about discrimination or supporting a colleague who has made a complaint.