



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Estonia
<b>Title:</b>	Proposals to extend the scope of anti-discrimination law
<b>Date:</b>	18 April 2016
<b>Expert:</b>	Vadim Poleshchuk
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Amendments to the Equal Treatment Act
<b>Ground of discrimination:</b>	Race/ethnic origin, religion/belief, age, disability, sexual orientation
<b>Source:</b>	Draft legislation
<b>Field:</b>	All
<b>Applicable law:</b>	-

### Content

#### Law development:

Article 2 (1) of the Equal Treatment Act<sup>1</sup> bans discrimination in the areas covered by the material scope of the Directive 2000/43/EC:

'Discrimination of persons on grounds of ethnic origin, race or colour is prohibited upon:

- 1) establishment of conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, as well as upon promotion;
- 2) entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination or cancellation of employment contracts or contracts for the provision of services, release from office;
- 3) access to vocational guidance, vocational training, advanced vocational training and retraining, practical work experience;
- 4) membership in an organisation of employees or employers, including a professional organisation, and grant of benefits by such organisations;
- 5) access to the services of social welfare, social security and healthcare, including social benefits;
- 6) education;
- 7) access to and supply of goods and services which are available to the public, including housing.'

This law was specifically adopted in 2008 to transpose the requirements of the anti-discrimination Directives 2000/43/EC<sup>2</sup> and 2000/78/EC.<sup>3</sup>

<sup>1</sup> Estonia, Equal Treatment Act (*Võrdse kohtlemise seadus*), Riigi Teataja I 2008, 56, 315.

<sup>2</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal L 180, 19/07/2000, pp. 22-26

<sup>3</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303, 2/12/2000, pp. 16-22.

**1)** On 7 March 2016 the Government of the Republic introduced Bill No. 189 to amend Article 2 (1) of the Equal Treatment Act with a new ground of prohibited discrimination – ‘citizenship of an EU Member State’. This protection will also be extended to family members of EU citizens.

The bill is related to the transposition of the Directive 2014/54/EU<sup>4</sup> on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

The first reading of the bill took place on 6 April 2016.

**2)** On 9 March 2016 a group of Estonian MPs from various political groups initiated Bill No. 196 to amend the Equal Treatment Act.

The aim of the bill is to abolish any limits as regards the material scope of the Act. If adopted, Article 2(1) of the Act (see current wording above) will read as follows:

‘Discrimination of persons on grounds of ethnic origin, race, colour, religion or other beliefs, age, disability or sexual orientation is prohibited.’

The bill does not include any further details on the scope of application of the Equal Treatment Act.

### **Key points of analysis:**

Bill No. 189 does not change the protection against discrimination on the grounds and within the scope provided in the Directives 2000/43/EC and 2000/78/EC. However, new provisions may be useful in case of multiple discrimination (e.g. ethnic origin / EU citizenship).

In its turn, Bill No. 196 modifies and expands the current regulatory regime. If adopted, discrimination on the grounds of ethnic origin, race, colour, religion or other beliefs, age, disability or sexual orientation will be banned in all spheres of life regulated by law.

### **Internet link source:**

Bill No. 189 - <http://www.riigikogu.ee/tegevus/eelnoud/eelnou/48b33a89-0846-4f6a-adeb-2fc41314cbd4/Võrdse%20kohtlemise%20seaduse%20muutmise%20seadus/> (in Estonian);

Bill No. 196 - <http://www.riigikogu.ee/tegevus/eelnoud/eelnou/64ae9c3f-5192-44b7-9496-de257be81db7/Võrdse%20kohtlemise%20seaduse%20muutmise%20seadus/> (in Estonian);

All last accessed 18/04/2016.

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<sup>4</sup> Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers Text with EEA relevance. Official Journal L 128, 30/4/2014, pp. 8–14.