



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

NEWS REPORT

Country:	Belgium
Title:	The Brussels Parliament adopts an ordinance setting up new anti-discrimination tools on the job market
Date	23 October 2017
Expert:	Bribosia Emmanuelle
<u>Context</u>	
Issue at stake:	Legislative Bill voted by the Brussels Parliament allowing new methods for labour inspectors to struggle against discrimination on the job market
Ground of discrimination:	Age, disability, religious beliefs, gender, ethnic origin, sexual orientation, etc.
Source:	Brussels Parliament
Field:	Employment
Applicable law:	Ordinance fighting against discrimination on the job market in Brussels (already voted, still to be signed and to be published to come into force)

Content

On 13 October 2017, the Brussels Parliament adopted a new ordinance (statutory law) allowing labour inspectors of the Brussels Region to use "discriminatory tests" to fight against discrimination in employment. There are two kinds of "discriminatory tests" explicitly mentioned in the ordinance. First, the "situation testing" which is based on the sending of pairs of equivalent CVs with a variable criterion measuring discrimination (ethnic origin, age, disability, etc.). Second, the "mystery call" where a labour inspector calls, with a false identity, a job intermediary to see whether s/he obeys discriminatory demands of a potential client. The latter chiefly concerns authorized companies getting public funding (*entreprises de titre-service*) that put in contact individuals looking for domestic help and housekeepers.

To be valid, these "discriminatory tests" should meet several conditions: (1) they cannot amount to provocation and should be in line with fairness of proof standards; (2) they cannot be purely proactive or used randomly: they should follow several complaints or reporting (*signalements*), for instance, before UNIA (the Inter-federal Center for Equal Opportunities) and be based on serious indications of practices likely to be qualified as direct or indirect discrimination within a particular place or a sector of activity.

Key points of analysis: The socio-economic monitoring carried out in 2015 by UNIA and the FPS Employment, Labor and Social Dialogue, under the heading "Labor market and origin", strongly confirms the unequal participation of people of foreign origin to the labor market. In Brussels, the figures are very striking in this respect. This is the background of the ordinance proposal fighting against discrimination on the job market in Brussels. One has to keep in mind that the competence of the Regions (Brussels, Wallonia, Flanders) in the field of employment is limited. The federal State is chiefly

competent in this matter. A similar text is in preparation at the federal level.

Internet link source:

<http://weblex.irisnet.be/data/crb/doc/2017-18/133065/images.pdf>.