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(Final version)

Discrimination in access to employment

Contents	Page
A. Draft Resolution	2

A. Draft Resolution

1. The right to work is a fundamental right, guaranteed by many international fundamental rights instruments, including the European Social Charter (revised) (ETS No. 163). Access to the labour market can, moreover, be a very powerful factor of integration and social cohesion.
2. The Parliamentary Assembly notes with concern that in a large number of European countries, developments in the labour market and the rise in job insecurity are making it increasingly difficult for individuals to have access to long-term employment. As a result, many people find themselves seeking a job more and more often and for longer and longer periods of time.
3. The Assembly is also concerned that for some people these problems are compounded by discrimination based on grounds such as the individual's sex, sexual orientation, gender identity, age, national, ethnic or social origin, belonging to a national or ethnic minority, colour, language, family name, religion, political opinions, trade union activities, pregnancy, disability, state of health or physical appearance or any other real or supposed situation.
4. Discrimination can have dramatic consequences and irreversibly impact the victims' career path, prompting them to give up on an occupation linked to their qualifications or to leave their country to find a better job abroad. For States, this represents not only a waste of human resources but also an economic burden and highlights the urgent need to take action to step up the fight against discrimination in access to employment.
5. The Assembly has already made a number of recommendations to member States of the Council of Europe aimed at remedying the structural inequalities affecting certain groups within our societies who find it harder than others to access employment or who are more subject to discrimination in this field. Several recent resolutions address these issues, such as Resolution 2235 (2018) on empowering women in the economy, Resolution 2153 (2017) on promoting the inclusion of Roma and Travellers, Resolution 2039 (2015) on equality and inclusion for people with disabilities, Resolution 1958 (2013) on combating discrimination against older persons on the labour market, Resolution 2014 (2014) on raising the status of vocational education and training, and Resolution 1993 (2014) on decent work for all.
6. In order to combat effectively discrimination in access to employment, States must take both general measures to promote access to employment for groups that are disadvantaged in this field and measures to encourage employers, both public and private, to eliminate all forms of discrimination in their recruitment procedures. These measures must also take account of the increasing role played by artificial intelligence, based on algorithms, in the shortlisting of applicants used in large and medium-sized enterprises and in the civil service.

7. In the light of the foregoing, the Assembly calls on Council of Europe member and observer States and States whose parliaments enjoy observer or partner for democracy status with the Parliamentary Assembly to:
 - 7.1. in order to identify the most urgent measures, collect data regularly on access to employment, broken down according to as wide a range of grounds of discrimination as possible and at least according to all the grounds recognised at national level;
 - 7.2. ensure that anti-discrimination law is complete, covering all grounds of discrimination, and includes accessible and effective legal remedies for people who are victims of discrimination in access to employment;
 - 7.3. adopt an integrated policy designed to promote access to employment for disadvantaged groups in this area, and in this context to:
 - 7.3.1. promote access to education and training for members of disadvantaged groups in the field of employment;
 - 7.3.2. take effective measures to help long-term unemployed people to return to work;
 - 7.3.3. help people learn the official language or languages of the country or region in which they reside;
 - 7.3.4. bearing in mind that employers have the same prejudices as the general public, combat these prejudices and the stereotypes that prevail among the population;
 - 7.4. take measures actively to encourage employers to identify and bring to a halt all discrimination in their recruitment procedures and, to this end, to:
 - 7.4.1. make it compulsory for large and medium-sized enterprises to use anonymous CVs, and encourage them to use standardised application forms and design all algorithms used in these procedures in such a way as to eliminate the risks of discrimination;
 - 7.4.2. promote optional unconscious bias training and the establishment of standardised interviews;
 - 7.4.3. promote the introduction by public and private companies of diversity auditing;
 - 7.4.4. support various measures liable to have an indirect positive impact on access to employment for people who are disadvantaged in this field, such as recruitment grants, employment intermediaries or diversity labels, and carry out regular evaluations of the effectiveness of these measures;

Amendment 1

Tabled by Mr Jaak MADISON, Mr Martin GRAF, Ms Monika MÜHLWERTH, Mr Jiří KOBZA, Mr Roman HAIDER, Mr Marc BERNHARD, Mr Koloman BRENNER, Mr Martin HEBNER

In the draft resolution, paragraph 7.4.3, after the words "diversity auditing", insert the words "on a voluntary basis".

Amendment 2

Tabled by Mr Jaak MADISON, Mr Martin GRAF, Ms Monika MÜHLWERTH, Mr Jiří KOBZA, Mr Roman HAIDER, Mr Marc BERNHARD, Mr Koloman BRENNER, Mr Martin HEBNER

In the draft resolution, paragraph 7.4.4, after the words "of these measures", insert the following

- 7.4.5. introduce a legal obligation for public sector employers to promote diversity;

words: ", while ensuring that these measures do not discriminate against other job applicants".

Amendment 3

Tabled by Mr Jaak MADISON, Mr Martin GRAF, Ms Monika MÜHLWERTH, Mr Jiří KOBZA, Mr Roman HAIDER, Mr Marc BERNHARD, Mr Koloman BRENNER, Mr Martin HEBNER

In the draft resolution, paragraph 7.4.5, replace the word "obligation" with the word "possibility".

- 7.4.6. support voluntary initiatives by public and private companies to promote diversity and convey positive messages about diversity in society, placing particular emphasis on initiatives which incorporate regular reporting on the results obtained.

Amendment 4

Tabled by Mr Jaak MADISON, Mr Martin GRAF, Ms Monika MÜHLWERTH, Mr Jiří KOBZA, Mr Roman HAIDER, Mr Marc BERNHARD, Mr Koloman BRENNER, Mr Martin HEBNER

In the draft resolution, paragraph 7.4.6, replace the words: "promote diversity and convey positive messages about" with the following words: "research positive and negative impacts of".

- 7.5. with regard to the Council of Europe member States, ratify the European Social Charter (revised) and the Additional Protocol to the European Social Charter providing for a system of collective complaints (ETS No. 158), if they have not already done so.