

Combating sexual orientation discrimination in employment: legislation in fifteen EU member states

Report of the *European Group of Experts
on Combating Sexual Orientation Discrimination*¹

about the implementation up to April 2004 of
*Directive 2000/78/EC establishing a general framework
for equal treatment in employment and occupation*

18 Comparative overview

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The contents of the Group's report do not necessarily reflect the opinion or position of national authorities or of the European Commission. The report, submitted in November 2004, aims to represent the law as it was at the end of April 2004; only occasionally have later developments been taken into account.

The full text of the report (including English versions of all 20 chapters and French versions of most chapters, plus summaries of all chapters both in English and French) will be published on the website just mentioned; links to it will be given on www.emmeijers.nl/experts.

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18.1 General legal situation

This comparative overview consists of nine comparative tables and of some introductory text to the tables themselves. The answers given in the tables are based on information provided in the national chapters (3 to 17), which also supply additional explanations and comments to the items listed in the tables. Information encompasses the state of the law up to July 2004. In the tables, each column refers to a country and indicates its name and the number of the relevant chapter; each row contains the item and indicates the paragraph where sources and a thorough discussion of that point can be found. By crossing the first with the second number the reader will be able to easily locate where the relevant information can be found in this report.

The tables aim to highlight the characteristics of the *explicit* prohibition of sexual orientation discrimination. To this end, the existence of only general constitutional, criminal, private and/or labour law, or regional legislation has not been considered a 'Yes' (see below). For tackling the position of federal systems, by capturing the differences that might arise as a consequence of the division of powers, six codes have been created. Furthermore, the given answers refer not only to existing legislation, but also to bills of which the content has been made public.

The list of codes used in the tables, including explanation of their meaning, is the following:

Yes	item is covered in national legislation in force
Bill	item is covered in legislative proposal that is still in parliamentary procedure (or adopted but not yet in force)
Yes,but	item is covered by national legislation but not completely
Uncl	it is unclear whether this item is covered in existing, proposed or expected legislation
No,but	item is not covered in any existing, proposed or expected piece of legislation, but is regulated to a limited degree by implication of other general written or unwritten rules
No	item is not covered in any existing, proposed or expected piece of national legislation
All reg	for this item implementation needs to take place at the regional level, and all regions have acted
Some reg	for this item implementation needs to take place at the regional level, and only some regions have acted
No reg	for this item implementation needs to take place at the regional level, and no region has acted
Only reg	for this item implementation needs to take place both at the national and regional levels, but only some or all regions have acted
Only nat	for this item implementation needs to take place both at the national and regional levels, but only national legislature (or national legislature and some regions) has acted
Reg	for this item no implementation is required, but some or all regions (or the national legislature) have acted
n/i	expert has not been able to give information on this point
–	item not applicable

The list of country abbreviations used throughout this report, including the tables, is the following:

AUS	Austria
BEL	Belgium
DNK	Denmark
FIN	Finland
FRA	France
DEU	Germany
GRC	Greece
IRL	Ireland
ITA	Italy
LUX	Luxembourg
NLD	Netherlands
PRT	Portugal
ESP	Spain
SWE	Sweden
UK	United Kingdom

For the purposes of the mentioned codes, concepts of ‘legislation’ and ‘bill’ also refer to governmental regulations and decrees. Table 2 also indicates years of entry into force of national legislation pre-existing the directive and, especially, of the main piece of implementing legislation.

A number of codes, such as *Uncl* are meant to adequately reflect uncertainties in the interpretation of the law. Other codes, such as *No,but*, are meant to incorporate the fact that in some circumstances there is a lack of explicit prohibition of sexual orientation discrimination, but the item could be considered covered by other rules of law; or, such as *Yes,but*, that the item is not fully covered by existing provisions.

Codes like *Yes* and *No* are not intended to express an assessment on the conformity of national rules with the Directive. They only indicate whether certain rules exist; a critical review of their content and on adequate implementation follows in chapter 19.

Some problematic situations arose when it came to assigning codes especially in tables 5, 6, and 9. Table 5 refers to the personal scope of applicability of the prohibition of discrimination (including harassment): given the frequent presence of only general statements in national law, several experts found it problematic to supply a precise assessment on the persons who are subject to the prohibition (e.g. contractual employer, boss/manager, co-workers, clients, job agencies).

Nevertheless, some experts did offer some clarification. In uncertain cases I chose to consider at least the contractual employer always responsible, whilst for other individuals the code would be *n/i* or *Uncl*. The same sort of problems resurfaced in table 9 (sanctions). The problems with applicability of sanctions is all the more evident in the case of harassment, and even more so when the prohibition is only of criminal nature. While some countries clarified that contractual employers have a duty of care and could be held responsible for the harassing conduct of a manager, a colleague or a client, in some countries the situation is less clear. Therefore I suggest the reader to refer to the relevant paragraphs of each national chapter in order to grasp the more subtle details that a code necessarily does not reflect.

Finally, table 6 (forms of discrimination covered by the prohibition) by its nature does not always invite clear-cut answers, because it consists of fact-situations that may or may not have been dealt with by the legislature, by case law or by legal scholars. Unless evidence to the contrary was indicated by the experts, I chose to consider

that a general prohibition of sexual orientation discrimination in national law would almost certainly encompass:

- discrimination on grounds of homosexual preference *and* conduct;
- discrimination between same-sex and different-sex partners of the same legal status;
- discrimination on grounds of a mistaken assumption regarding sexual orientation;
- discrimination on grounds of heterosexual *and* on grounds of bisexual orientation.

For even less clear forms of differential treatment (e.g. coming out, association with homosexual people, participation in homosexual groups or organisations, discrimination against homosexual groups, information or events, etc.) it would be almost impossible to trace a similar line, because some countries only foresee criminal provisions that can hardly be extended to cover them, or because the issue never arose before judges or, generally, because a precise prediction would not be possible. Again, the reader is advised to refer to the relevant paragraph of each national chapter.

At a first glance, the general legal situation could be photographed as follows:

(a) Constitutional equality clauses:

DEU, ESP, FIN, FRA, GRC, IRL, ITA, LUX, NLD, PRT, BEL, AUS and SWE protect equality through their written Constitution; no written constitutional protection exists in the UK.

Existing equality clauses implicitly cover sexual orientation in ESP, FIN, NLD, ITA, and SWE (where also an explicit instruction to promote equal treatment on grounds of sexual orientation exists). Sexual orientation is explicitly covered in the Constitution of PRT. Table 1 shows existing constitutional guarantees of equality.

(b) Anti-discrimination legislation in the field of employment:

- *existing legislation*

Existing legislation against sexual orientation discrimination in employment may be found - up until July 2004 - in thirteen countries: AUS, BEL, ESP, FIN, FRA, LUX, SWE, DNK, IRL, NLD, ITA, UK, and PRT. This legislation has been forming itself through time: in some countries it pre-existed before the Directive was adopted in 2000, in some others it came into force after the adoption of the Directive, or even after the Directive's implementation deadline of 2 December 2003 had passed (see Table 2 for specific dates).

In some of these countries protection against discrimination takes the form of criminal prohibitions, in others that of civil law rules, whilst others chose mixed approaches. Criminal prohibitions exist in ESP, FIN, FRA, NLD and LUX. Some countries have chosen for specific legislation against (sexual orientation) discrimination (AUS, DNK, IRL, SWE, NLD, ITA, UK, FIN, ESP), while other countries (FRA, FIN, IRL, PRT, ITA and ESP) have (also) chosen for protection through general labour legislation. For an overview see Table 2 below.

- *no legislation yet*

No legislation against sexual orientation discrimination in employment exists in DEU and GRC.

(c) Anti-discrimination legislation in other fields:

With respect to provision of goods and services, discrimination based on sexual orientation is forbidden in nine countries: ESP, FIN, FRA, IRL, LUX, NLD, SWE, BEL, and DNK.

Table 1: Constitutional guarantees of equality

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Equality clause in Constitution (<i>para. 0.1.1</i>)	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes, but	–
Sex. orientation explicitly covered in equality clause (<i>para. 0.1.1</i>)	No	No	–	No	No	Reg	No	No	No	No	No	Yes	No	No, but	–
Sex. orientation implicitly covered in equality clause (<i>para. 0.1.1</i>)	Yes	Yes	–	Yes	Uncl	No	Uncl	Uncl	Yes	No	Yes	Uncl	Yes	Yes	–
Equality clause binding on legislature (<i>para. 0.1.1</i>)	Yes	Yes	–	Yes	Yes	Yes	n/i	Yes	Yes	n/i	Yes, but	Yes	Yes	No	–
Equality clause binding on public employers (<i>para. 0.1.1</i>)	Yes	Yes	–	Yes	n/i	Yes	n/i	Yes	Yes	n/i	Yes	Yes	Yes	No, but	–
Equality clause binding on private employers (<i>para. 0.1.1</i>)	No	Uncl	–	Uncl	n/i	n/l	n/i	Uncl	No	No	Uncl	Yes	Yes	No	–
Constitutional instruction to promote equality (<i>para. 0.1.2</i>)	No	No	–	n/i	n/i	n/i	n/i	No	Yes	No	No	Yes	Yes	Yes	–
Equality clause (interpreted as) covering substantive equality (<i>para. 0.1.2</i>)	n/i	Yes	–	Yes	n/i	Yes	n/i	No	Yes	n/i	Uncl	Yes	Yes	Yes	–
Applicability of ECHR in national courts (<i>para. 0.1.1</i>)	Yes	N/l	n/i	Yes	Yes	Yes, but	n/i	Yes	Yes	Yes	Yes	Yes	n/i	Yes	Yes, but

Table 2: *Anti-discrimination legislation with respect to sexual orientation*

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Explicit provisions on sex. orientation discrimination in employment in Penal Code (<i>para. 0.1.5</i>)	No	No	No	Yes 1995	Yes 1985 2001	No	No	No	No	Yes 1997	Yes 1992	No	Yes 1995	No	No
Explicit provisions on sex. orientation discrimination in general private employment legislation (<i>para. 0.1.5</i>)	No	No, but 1999	No	Yes 2001 2004	Yes 1986 2001	No	No	Yes 1993	Yes 2003	No	No	Yes 2003	Yes 2003	No	No
Explicit provisions on sex. orientation discrimination in general public employment legislation (<i>para. 0.1.5</i>)	No	No, but 1999	No	No, but 2004	Yes 2001	Only reg	No	No, but	Yes 2003	No	No	Yes 2003	Yes 2003	No	No
Explicit provisions on sex. orientation discrimination in employment in special anti-discrimination law (<i>para. 0.1.5</i>)	Yes 2004	Yes 2003	Yes 1996 2004	Yes 2004	No	No	No	Yes 1998 2004	Yes 2003	Bill	Yes 1994 2004	No	Yes 2003	Yes 1999 2003	Yes 2003
Explicit provisions on sex. orientation discrimination with respect to goods / services (<i>para. 0.1.8</i>)	No	Yes 2003	Yes 1987	Yes 1995	Yes 1985 2002	Reg	No	Yes 2000 2004	No	Yes 1997	Yes 1992 1994 2004	No	Yes 1995	Yes 1987 2002 2003	No
Entry into force of main piece of implementing legislation	July 2004	Mar. 2003	April 2004	Feb. 2004	Nov. 2001	No	No	July 2004	Aug. 2003	Bill	April 2004	Dec. 2003	Jan. 2004	July 2003	Dec. 2003

18.1 The prohibition of discrimination required by the Directive

By July 2004 thirteen countries already had in place laws to fight sexual orientation discrimination. In one of these countries bills are still being discussed in Parliament to bring the law in line with the Directive (LUX).

On the contrary DEU and GRC do not have yet any legislation in force.

Table 3 shows the prohibition of the main types of discrimination.

Table 4 shows the material scope of applicability of the explicit prohibition of sexual orientation discrimination in employment.

Table 5 shows the personal scope of applicability of the explicit prohibition of employment sexual orientation discrimination.

Table 3: Explicit prohibition of main types of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Direct discrimination (para. 0.2.3)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Indirect discrimination (para. 0.2.4)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Bill	Yes	Yes	Yes	Yes	Yes
Instruction to discriminate (para. 0.2.6)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	No, but / Bill	Yes	Yes	Yes	Yes, but	No
Harassment (purpose) (para. 0.3.8)	No	Yes	Yes	Yes	No, but	No, but	–	Yes	Yes	No, but / Bill	Yes	Yes	Yes	No	Yes
Harassment (effect) (para. 0.3.8)	Only nat	Yes	Yes	Yes	No	–	–	Yes	Yes	No, but / Bill	Yes	Yes	Yes	Yes	Yes

Table 4: Material scope of applicability of explicit prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Conditions for access to employment, selection, recruitment (para. 0.2.7)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes / Bill	Yes	Yes	Yes	Yes	Yes
Conditions for access to self-employment (para. 0.2.7)	Only nat	Yes	Yes	Yes	No	–	–	Yes	Yes	Yes	Yes	No	Yes	Yes, but	Uncl
Promotion (para. 0.2.7)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Bill	Yes	Yes	Yes	Yes	Yes
Vocational guidance and training, practical work experience (para. 0.2.7)	Only nat	Some reg	Yes	Yes	Yes	–	–	Yes	Yes	Bill	Yes	Yes	Uncl	Yes	Yes
Working conditions (para. 0.2.7)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Bill	Yes	Yes	Yes	No	Yes
Pay and other conditions of employment (para. 0.2.7)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Bill	Yes	Yes	Yes	Yes	Yes
Dismissals (para. 0.2.7)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes / Bill	Yes	Yes	Uncl	Yes	Yes
Membership of and involvement in organisations of workers or employers (para. 0.2.7)	Only nat	Yes	Yes	Yes	No	–	–	Yes	Yes	Bill	Yes	Yes	Yes	Yes, but	Yes

Table 5: Personal scope of applicability of the explicit prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Contractual employer (para. 0.2.8)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Bill	Yes	Yes	Yes	Yes	Yes
Boss/manager (para. 0.2.8)	Only nat	Yes	No	Yes	Yes	–	–	Uncl	Uncl	Yes	Uncl	No, but	Yes	Yes	Yes
Co-workers (para. 0.2.8)	Only nat	Yes	No	Yes	n/i	–	–	Uncl	No	Uncl	Uncl	No, but	Uncl	No, but	Yes
Clients (para. 0.2.8)	Only nat	Yes	No	Uncl	n/i	–	–	Uncl	No	Uncl	Uncl	No	Uncl	No	Uncl
Job agencies (para. 0.2.8)	Only nat	n/i	n/i	Uncl	Uncl	–	–	Yes	Yes	n/i	Yes	n/i	n/i	Yes	Yes

18.2 What forms of conduct in the field of employment are prohibited as sexual orientation discrimination?

Table 6, parts I and II, indicate what forms of conduct in the field of employment are prohibited as sexual orientation discrimination.

Table 6 (Part I): Forms of discrimination covered by the explicit prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Discr. on ground of homosexual preference (<i>para. 0.3.1</i>)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Discr. on ground of homosexual conduct (<i>para. 0.3.1</i>)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Discr. on ground of coming out as homosexual (<i>par.0.3.2</i>)	Only nat	Uncl	Uncl	Uncl	Yes	–	–	Yes	Yes	Uncl	Yes	Uncl	Uncl	Yes	Uncl
Discr. on ground of mistaken assumption of sex. orientation (<i>para. 0.3.1</i>)	Only nat	Yes	Uncl	Yes	Yes	–	–	Yes	Yes	Uncl	Yes	Uncl	No	Yes	Yes
Discr. on ground of heterosexual orientation (<i>para. 0.3.1</i>)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Discr. on ground of bisexual orientation (<i>para. 0.3.1</i>)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Discr. on ground of other orientation than homo-, hetero-, bisexual (<i>para. 0.3.1</i>)	No	N/i	Yes	No, but	No	–	–	No	No	n/i	No	No	n/i	No	No
Discr. between same-sex and different-sex partners (<i>para. 0.3.3</i>)	Only nat	Yes	n/i	Yes	Uncl	–	–	Uncl	Yes	Yes	Yes	Uncl	Yes	Yes	Yes
Discr. between unmarried and married partners (<i>para. 0.3.3</i>)	No	No, but	Yes, but	Uncl	Uncl	–	–	No	No	n/i	No, but	No	No	No, but	No
Discr. between married and registered partners (<i>para. 0.3.3</i>)	–	No, but	Yes, but	Uncl	Uncl	–	–	–	–	–	No, but	–	–	Yes	–

Table 6 (Part II): Forms of discrimination covered by the explicit prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Discr. on ground of association with homosexual people (<i>para. 0.3.4</i>)	Only nat	n/i	n/i	Uncl	Uncl	–	–	Yes	Yes	Uncl	Yes	Uncl	Uncl	Yes	Yes
Discr. on ground of association with homosexual organisations (<i>para. 0.3.4</i>)	Only nat	Uncl	No, but	Uncl	Uncl	–	–	Uncl	Yes	No, but	Yes	Uncl	Uncl	Yes	Uncl
Discr. against homosexual groups (<i>para. 0.3.5</i>)	Only nat	No, but	Uncl	Uncl	No, but	–	–	Uncl	Uncl	Yes	Yes	Uncl	No, but	No	Uncl
Discrimination against info or events (<i>para. 0.3.5</i>)	Only nat	n/i	Uncl	Uncl	Uncl	–	–	Uncl	Uncl	No, but	Yes	Uncl	No, but	No	Uncl
Discr. on ground of not or wrongly answering a question about sex. orientation (<i>para. 0.3.6</i>)	Only nat	No, but	Yes	Yes	No, but	–	–	Yes	Yes	No, but	Yes	Uncl	No, but	Yes	Uncl
Discr. on ground of previous conviction for homosexual criminal offence (<i>para. 0.3.7</i>)	Only nat	No, but	–	Uncl	No	–	–	Uncl	–	n/i	Uncl	Uncl	Uncl	–	Uncl

18.3 Exceptions to the prohibition of discrimination

Table 7 shows the exceptions to the prohibition of discrimination.

Table 7: Exceptions to the prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Public security (para. 0.4.2)	No	No	No	No	No	–	–	No	No	No	No	No	No	No	Yes
Maintenance of public order (para. 0.4.2)	No	No	No	No	No	–	–	No	No	No	No	No	No	No	Yes
Prevention of criminal offences (para. 0.4.2)	No	No	No	No	No	–	–	Yes	No	No	No	No	No	No	No
Protection of health (para. 0.4.2)	No	No	No	No	No	–	–	No	No	No	No	No	No	No	No
Protection of rights of others (para. 0.4.2)	No	Yes	No	No	No	–	–	No	No	No	Yes	No	No	No	No
Genuine occupational requirements (para. 0.4.4)	Reg	Yes	Yes	Yes	No	–	–	Yes	Yes	Bill	No	Yes	Yes	Yes	Yes
Loyalty to an organisation's religious ethos (para. 0.4.5)	No	No, but	Yes	Uncl	No, but	–	–	Yes	Yes	Bill	Yes	No, but	Uncl	No	Yes
Positive action (para. 0.4.6)	Reg	Yes	No	Yes	No	–	–	Yes	No	Bill	No	No	Yes	No	Yes
Exceptions beyond the Directive (para. 0.4.7)	No	Uncl	No	No	No	–	–	Yes	Yes	Uncl	No, but	No	No	No	No

18.4 Remedies and enforcement

Table 8 shows the mechanisms of enforcement of the explicit prohibition of sexual orientation discrimination.

Table 9 shows sanctions on the explicit prohibition of sexual orientation discrimination.

Table 8: Enforcement of explicit prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Specific enforcement body for discr. on several grounds incl. sex. orientation (<i>para. 0.5.2</i>)	Reg	Yes	No	No, but	Bill	–	–	Yes	No, but	No, but	Yes	No	No, but	No	No
Specific enforcement body for sex. orientation discr. (<i>para. 0.5.2</i>)	No	No	No	No	No	–	–	No	No	No	No	No	No	Yes	No
Specific body gives binding decisions (<i>para. 0.5.2</i>)	No	No	–	–	n/i	–	–	Yes	–	–	No	–	–	No	–
Specific body gives non-binding opinions (<i>para. 0.5.2</i>)	Reg	No	–	–	n/i	–	–	Yes	–	–	Yes	–	–	Yes	–
Specific body can (help) bring cases to court (<i>para. 0.5.2</i>)	n/i	Yes	–	–	Bill	–	–	Yes	–	–	Yes	–	–	Yes	–
Interest group can (help) bring cases to court (<i>para. 0.5.7</i>)	No	Yes	n/i	No	Yes	–	–	Yes, but	Yes, but	Yes + Bill	Yes	Yes	Yes, but	Yes, but	No, but
Shift of the burden of proof (<i>para. 0.5.8</i>)	Only nat	Yes	Yes	Yes	Yes, but	–	–	Yes	No	Bill	Yes	Yes	Yes	Yes	Yes
Victimisation covered (<i>para. 0.5.10</i>)	Only nat	Yes	Yes	Yes	Yes, but	No, but	–	Yes	Yes	Bill	Yes	Yes	Yes	Yes	Yes

Table 9: Sanctions on the explicit prohibition of sexual orientation discrimination in employment

	3. AUS	4. BEL	5. DNK	6. FIN	7. FRA	8. DEU	9. GRC	10. IRL	11. ITA	12. LUX	13. NLD	14. PRT	15. ESP	16. SWE	17. UK
Civil sanctions (para. 0.5.4)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Criminal sanctions (para. 0.5.4)	No	Yes	Uncl	Yes	Yes	–	–	Yes	Yes	Yes	Yes	No	Yes	Yes, but	No
Administrative sanctions (para. 0.5.4)	Only nat	No	No	No	Yes	–	–	No	Yes	No	Yes	Yes	Yes	Yes, but	No
Sanctions applicable to formal employer (para. 0.5.5)	Only nat	Yes	Yes	Yes	Yes	–	–	Yes	Yes	Yes, but	Yes	Yes	Yes	Yes	Yes
Sanctions applicable to boss/manager (para. 0.5.5)	Only nat	Yes	No	No	Yes	–	–	Uncl	Uncl	Uncl	Uncl	Uncl	n/i	Yes, but	Yes

18.5 Conclusion

The aim of the previous tables was to summarise the main features of existing or proposed legislation in fifteen member states, without assessing to what degree national legislation is in conformity with the requirements of the Directive. Such a critical assessment is the subject matter of chapter 19, which is summarised in chapter 20. At the end of chapter 20, a table can be found with the main shortcomings in the implementation of the Directive in the individual member states (table 14).

