



# TOGETHER FOR A FAIR DEAL FOR WORKERS

EL/LR

Brussels, 1 April 2025

**Mr Norman Thatcher Scharpf**  
Chargé d'Affaires a.i. at the U.S.  
Mission to the European Union

[Letter sent by e-mail]

## **Urgent message from the ETUC regarding the US Government letter “Certification regarding compliance with applicable federal anti-discrimination law”**

Dear Mr Norman Thatcher Scharpf,

I am contacting you to ask for a meeting as a matter of urgency, to discuss the recent letter issued by the US to companies in Europe who have contracts with the US government.

The letter requires companies to *"not operate any programs promoting Diversity, Equity, and Inclusion that violate any applicable Federal anti-discrimination laws"*.

The ETUC respectfully calls for the US to recall the letter. The request to end equality, diversity and inclusiveness practices is, in our assessment, an unlawful request. The demand to jettison equality at work is inappropriate and against the interests of workers in the EU. The vast majority of workers in Europe believe in respect for all workers and over several decades, from the 1960 onwards, have asked their trade unions to negotiate equality agreements at company, national and sector level with employers.

The EU Treaties guarantee equality and non-discrimination. Equal pay between men and women is a founding principle, this means discrimination against pregnant workers is also prohibited. Non-discrimination is included in the Charter of Fundamental Rights, along with Article 19 of the EU Treaties, it prohibits discrimination on grounds like sex, race, religion, disability, age, and sexual orientation. There are a range of EU laws and directives that require companies to put in place policies and practices to ensure equality and to protect against unfair discrimination.

Inclusivity also has legal underpinning, for example, compliance with the principle of equal treatment in relation to persons with disabilities, set out in the Employment Equality Directive requires that 'reasonable accommodation' must be provided. This means that employers must take appropriate and proportionate measures to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training.



Throughout Europe companies work with the trade unions to develop equality and diversity agreements. The purpose of these agreements is to build workplaces based on equality, excellence and merit not on unfair discrimination, harassment and bullying. These collectively bargained equality, equality, diversity and inclusivity agreements ensure that the companies policies and everyday practices are fully in line with EU legislation.

Removing collectively bargained equality agreements and the associated diversity and inclusivity policies and practices is not only unlawful, but it will be resisted by workers, their trade unions, employers and the wider community.

Experience in Europe shows how dangerous discrimination can be, harming workers and society by limiting opportunities, and fostering division. Attempts to re-introduce 1950 style sexism, unequal pay, or discrimination against workers because of their disability, where they come from or who their parents are, or because of who they love, or the religion they practice is not in workers' or business interests. Recruitment and promotion should always be on the basis of merit not who your parents are.

The practical reality is that workplace approaches are needed beyond legal requirements, for example it is still the case that if you're from a working-class family, the odds are still stacked against you and getting a job. That is why we negotiate with companies to include in equality agreements measures, such as fair recruitment to ensure workers who live in disadvantaged communities are not ruled out on the basis of their address. Everyone should have a chance to get a foot on the ladder.

Social dialogue and collectively bargained equality agreements represent a shared commitment to end top down favouritism, harassment and discrimination and instead to work together on the basis of equality and respect.

To put it simply, no company in Europe can be required to tear up the collective agreement on equality, or to breach EU equality rules or to ignore the duty to promote equality.

I hope that you will reconsider and withdraw the letter to companies in Europe.

Finally, I take this opportunity to raise our grave concern about the impact on our sister trade unions in the US arising from the Executive Order aimed at stripping collective bargaining and union rights from government employees whose work include national security aspects.

Removing collective bargaining rights never brings about any improvement to the services, rather the opposite. Denying workers a voice on the job or the ability to organize with their coworkers for better conditions at work so they can efficiently provide the services the public relies upon will result in worse outcomes not better.



I understand that the AFGE is preparing immediate legal action. The ETUC will take every action available to us to support the AFL-CIO and the millions of hard working government employees they represent, many of whom are veterans.

Our united labor movement's job is to work for equality and respect at work, to win a fair days pay for a fair days work along with the fundamental right to unionise and bargain, for working people everywhere.

I look forward to hearing a positive reply.

Yours sincerely,

A handwritten signature in purple ink that reads "Esther Lynch".

Esther Lynch,

General Secretary of the European Trade Union Confederation – representing 45 million workers, their trade unions and federations