

Compendium of practice on Non-Discrimination/Equality Mainstreaming



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Foreword

Non-discrimination/equality mainstreaming is a valuable new means of advancing equality while combating discrimination. Legislation to prohibit discrimination is an important foundation for this work. However, legislation alone will not secure the achievement of equality and the elimination of discrimination. A wider framework for action on equality is required that can achieve the cultural, behavioural, institutional and structural changes required for a more equal Europe. Non-discrimination/equality mainstreaming is a key part of this wider strategic framework for action on equality.

Non-discrimination/equality mainstreaming places equality and non-discrimination at the heart of policy making, policy implementation and policy review. It supports the goals of equality and non-discrimination and the benefits their achievement bring to our societies. It enhances the policy process and improves the potential for public policy to achieve its objectives. It merits investment of time, creativity and resources at all levels.

Non-discrimination/equality mainstreaming is a challenging concept to implement. This compendium is designed to assist policy makers and programme managers, in all policy fields, to implement this mainstreaming as an integral part of their work. It offers guidance on supporting and implementing this mainstreaming and sets out a broad range of practice examples from different Member States.

This compendium was commissioned by the European Commission as a consequence of a recommendation from the Non-Discrimination Governmental Expert Group good practice exchange seminar on non-discrimination/equality mainstreaming. This seminar was held in Helsinki in September 2009. It concluded that there was an inconsistent understanding of the concept of non-discrimination/equality mainstreaming across the Member States and that there was only limited implementation of this mainstreaming in the policy processes at Member State level. It highlighted the need for European Union level guidance to further the practice of non-discrimination/equality mainstreaming.

This compendium was made possible by the generous assistance of the members of the Non-Discrimination Governmental Expert Group. Members identified practices of non-discrimination/equality mainstreaming at national, regional and local levels in their countries and made the necessary links with the officials engaged in implementing this mainstreaming. These officials took time from their busy schedules to write up their practice of implementing non-discrimination/equality mainstreaming and the quality of the compendium owes much to their diligence and commitment.

This compendium will hopefully serve to support a wider practice of non-discrimination/equality mainstreaming in the policy processes of the Member States and the European Commission.



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Contents

Executive summary	4
Part 1 – Guidance for non-discrimination/equality mainstreaming.	6
Chapter 1 – Defining non-discrimination/equality mainstreaming	8
1.1 Definition.	8
1.2 A European Union framework for non-discrimination/equality mainstreaming	9
1.3 European Commission guidance.	9
1.4 Learning from experience at the European Union level	9
Chapter 2 – A strategic approach to non-discrimination/equality mainstreaming	13
2.1 Objectives	13
2.2 Action plan.	13
2.3 Communication	14
Chapter 3 – Making the case for non-discrimination/equality mainstreaming	15
3.1 The case	15
3.2 Demonstrating the case	15
Chapter 4 – Gender mainstreaming as guide and gateway	16
Chapter 5 – Non-discrimination/equality mainstreaming in policy making	18
Chapter 6 – Non-discrimination/equality mainstreaming in policy implementation	20
Chapter 7 – Non-discrimination/equality mainstreaming in policy review.	23
Chapter 8 – Supporting non-discrimination/equality mainstreaming	24
Chapter 9 – Conclusion.	26

Part 2 – The practice of non-discrimination/equality mainstreaming	28
Chapter 10 – Non-discrimination/equality mainstreaming in policy making	30
10.1 Non-discrimination/equality mainstreaming in policy making at the national level	30
■ Case study 1 – A multi-ground equality duty, United Kingdom	30
■ Case study 2 – Mainstreaming of the Integration Act, Finland	32
10.2 Non-discrimination/equality mainstreaming in policy making at the regional/local level	34
■ Case study 3 – The Open Method of Coordination of the Flemish Government, Belgium	34
■ Case study 4 – Mainstreaming in an Adult Education Plan in Donegal, Ireland	36
Chapter 11 – Non-discrimination/equality mainstreaming in policy implementation	38
11.1 Non-discrimination/equality mainstreaming in policy implementation at the national level	38
■ Case study 5 – Anti-discrimination in public procurement, Sweden	38
■ Case study 6 – LGBT mainstreaming, the Netherlands	40
■ Case study 7 – The Diversity Label, France	42
11.2 Non-discrimination /equality mainstreaming in policy implementation at regional/local level	44
■ Case study 8 – The Equality Plan of Vantaa, Finland	44
■ Case study 9 – Mainstreaming in service provision of the city of Copenhagen, Denmark	46
■ Case study 10 – The Equal Opportunities Programme of Budapest Municipality, Hungary	48
■ Case study 11 – The Society Integration Programme of Jelgava, Latvia	50
■ Case study 12 – Cross cutting programme for harmonious interaction in Terrassa, Spain	52
Chapter 12 – Non-discrimination/equality mainstreaming in policy review	54
12.1 Non-discrimination/equality mainstreaming in policy review at national level	54
■ Case study 13 – Technical review of the Social Welfare Code, Ireland	54
■ Case study 14 – Equality analysis of spending review, the United Kingdom	56
Bibliography	58



Executive summary

Non-discrimination/equality mainstreaming is the systematic incorporation of non-discrimination and equality concerns into all stages of the policy process. It is implemented on the six grounds of gender, racial or ethnic origin, disability, age, religion or belief and sexual orientation. Article 10 of the European Treaty provides a legal basis for advancing this mainstreaming at European Union level. This requires that *'in defining and implementing its policies and activities the Union shall aim to combat discrimination'* on these six grounds.

There are three stages in the policy process where non-discrimination/equality mainstreaming can usefully be implemented. These are at the point of designing and making the policy, of implementing the policy, and of evaluating and reviewing the policy.

A menu of objectives can be identified for this non-discrimination/equality mainstreaming:

1. To ensure compliance of the policy with the provisions of equal treatment legislation.
2. To eliminate any barriers for groups experiencing inequality which limit the impact of the policy on these groups.
3. To adapt the policy to the specific experience, situation and identity of different groups experiencing inequality.
4. To advance equality for groups experiencing inequality in the area covered by the policy.

5. To foster good relations between the wider society and groups experiencing inequality.

Non-discrimination/equality mainstreaming holds significant potential in that it can:

1. Enable public policy to advance equality and to combat discrimination.
2. Support better policy development and better policy responses by enhancing the capacity of public policy to meet the needs of people who experience inequality.
3. Underpin coherence in public policy by ensuring that all public policies make an appropriate contribution to non-discrimination/equality objectives.
4. Make the public policy process open and transparent. This contributes to good governance and builds greater support for policies.
5. Introduce a culture of impact assessment, monitoring and review into the public policy process and thus enhance the effectiveness of this policy.

It is important to take a proportionate approach to non-discrimination/equality mainstreaming. It is a process designed to ensure that equality is considered as a matter of course in the policy process. As such it should be kept simple while sufficiently rigorous to ensure new outcomes from public policy for those groups and people who experience inequality. It should form part of everyday

policy work and be developed in a manner that sits coherently and easily within the policy making cycle.

In policy making, this mainstreaming places considerations of equality and non-discrimination at the heart of decision making by public authorities. Five core tools can be used in this mainstreaming:

1. **Screening** to assess if there is a need to implement this mainstreaming. Screening is done when the policy is at proposal stage.
2. **Equality Impact Assessment** to establish the potential impact of a policy on advancing equality and eliminating discrimination for groups experiencing inequality.
3. **Participation** of organisations representing groups experiencing inequality to bring their knowledge, information and perspectives into the policy process.
4. **Equality Plans** to provide a standard against which to assess all policies being developed by the public authority. Elements of the equality plan can be built into all new policies.
5. **Equality data** to provide a basis from which to establish equality objectives, assess the potential impact of policy and track the actual impact of policy on groups experiencing inequality.

In policy implementation, this mainstreaming places considerations of equality and non-discrimination at the heart of practice by public authorities. Five core tools can be used for this mainstreaming:

1. **Standards** require or encourage organisations to implement a planned and systematic approach to equality.
2. **Expert Centres** provide expertise to organisations to implement planned and systematic approaches to equality.
3. **An organisational Equality Review and Action Plan** creates the conditions for a planned and systematic approach to equality by the organisation.
4. **Equality Plans or Programmes** at national, regional or local level provide a framework within which individual organisations implement actions to advance equality.
5. **Monitoring** establishes the equality situation to be addressed by organisations and tracks outcomes from their policy and programmes.

In policy review, this mainstreaming places considerations of equality and non-discrimination at the heart of the

evaluation of policy by public authorities. The tools used for this are similar to those in policy making except that the focus is on existing policy rather than draft policy. They include **screening, equality impact assessment and participation**.

Non-discrimination/equality mainstreaming requires a support infrastructure if it is to fully realise its potential benefits. This includes leadership, coordination structures, guidance materials, training, expert support, participation, legislative requirements, and data. This support infrastructure can be built over time as progress is made on implementing mainstreaming.

Part 1





GUIDANCE FOR
non-discrimination/equality mainstreaming



Chapter 1

Defining non-discrimination/ equality mainstreaming

1.1 Definition

Non-discrimination/equality mainstreaming is the systematic incorporation of non-discrimination and equality concerns into all stages of the policy process¹. It addresses the grounds of gender, racial or ethnic origin, disability, age, religion or belief and sexual orientation. It is implemented in policy making, policy implementation and policy review.

Non-discrimination/equality mainstreaming is, therefore, a mechanism that is:

- *Systematic* – built into the policy cycle and applied at all stages of the policy process.
- *Broad of Scope* – seeking both to eliminate discrimination and to advance equality.
- *Comprehensive* – covering the six discrimination grounds.
- *Holistic* – applied in the drafting, implementation, and evaluation of policy.

1.2 A European Union framework for non-discrimination/equality mainstreaming

Article 10 of the European Treaty provides a legal basis for advancing non-discrimination/equality mainstreaming at European Union level. This Article requires that *'in defining and implementing its policies and activities the Union shall aim to combat discrimination'* on the grounds of gender, racial or ethnic origin, disability, age, religion or belief and sexual orientation.

Non-discrimination/equality mainstreaming has its origins in gender mainstreaming. The European Commission has defined gender mainstreaming² as *'mobilising all policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women'*.

Mainstreaming on the ground of disability in relevant Community policies and processes was identified as one of the three strategic objectives for the first European Union disability strategy³. This mainstreaming is defined as the *'integration of the disability perspective into every stage of the policy process — from design and implementation to monitoring and evaluation — with a view to promoting equal opportunities for people with disabilities.'*

Non-discrimination/equality mainstreaming was first defined⁴ by the European Commission in terms of a commitment to *'promoting the systematic incorporation of non-discrimination and equal opportunity concerns (on the grounds of gender, racial or ethnic origin, disability, age, religion or belief and sexual orientation) into all policies, in particular within existing coordination mechanisms for employment, social inclusion, education and training'*.

1 This definition is based on 'Non-discrimination and equal opportunities: A renewed commitment' Communication from the Commission, COM(2008)420.

2 European Commission, 'Incorporating Equal Opportunities for Women and Men into all Community Policies', COM(1996)67.

3 European Commission, 'Equal Opportunities for People with Disabilities: A European Action Plan', COM(2003)650.

4 European Commission, 'Non-Discrimination and Equal Opportunities: A Renewed Commitment', COM(2008)420.

1.3 European Commission guidance

The European Commission has developed guidance for these different mainstreaming mechanisms that holds valuable insights for the implementation of non-discrimination/equality mainstreaming. This guidance has been developed in relation to gender mainstreaming (Box 2 below) and disability mainstreaming (Box 3 below). The European Commission has published guidance materials for gender mainstreaming and disability mainstreaming including:

- *'Manual for Gender Mainstreaming, Employment, Social Inclusion and Social Protection Policies'*.
- *'A Guide to Gender Impact Assessment'*.
- *'Ensuring Accessibility and Non-Discrimination of People with Disabilities: Toolkit for Using EU Structural and Cohesion Funds'*.

The European Commission has also developed guidance in relation to mainstreaming fundamental rights issues (Box 4 below) and in relation to mainstreaming social considerations in public procurement (Box 5 below). This guidance offers useful insights for the development of non-discrimination/equality mainstreaming though only dealing indirectly with equality and non-discrimination:

- *'Strategy for the Effective Implementation of the Charter of Fundamental Rights by the European Union'*.

- *'Buying Social: A Guide to Taking Account of Social Considerations in Public Procurement'*.

1.4 Learning from experience at the European Union level

This European Union guidance offers five key lessons for non-discrimination/equality mainstreaming:

1. Create a supportive organisational culture (Box 2 and Box 4 below)

An organisational culture supportive of mainstreaming is required. This involves:

- training staff on non-discrimination and equality issues,
- providing guidance materials to support staff to implement mainstreaming,
- ensuring non-discrimination and equality issues are given prominence for staff,
- making external expertise on these issues available to staff.

BOX 1 – Key Concepts⁵

Discrimination is defined in the equal treatment Directives⁶. Direct discrimination occurs where *'one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds'* covered by the Directive.

Indirect discrimination occurs where *'an apparently neutral provision, criterion or practice would put'* persons (of one sex) or having a particular racial or ethnic origin or having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation *'at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate or necessary'*.

Diversity is the difference that exists between groups covered by the grounds of gender, ethnic or racial origin, disability, religion or belief, age and sexual orientation and their wider society. There are three key dimensions to this difference:

- *The situation of the group*: the resources, such as wealth, incomes, and qualifications of, and the influence available to, the particular group.
- *The experience of the group*: the nature and quality of the relationships between the particular group and their wider society.
- *The identity of the group*: the values and norms, beliefs and aspirations held by a particular group that shape their attitudes and behaviours.

Equality involves the interlinked elements of:

- **Resources**: Equality in access to and distribution of income, wealth, jobs, health, education and accommodation.
- **Representation**: Equality in access to and distribution of power, influence and having a say in decision making.
- **Recognition**: Equality in access to and distribution of status and in having adjustments made to accommodate one's difference.
- **Respect**: Equality in access to sustaining relationships of love, care, solidarity, and respect.

5 Crowley N., *An Ambition for Equality*, Irish Academic Press, Dublin, 2006.

6 Council Directives 2000/43/EC, 2000/78/EC and 2006/54/EC.

BOX 2 – Gender Mainstreaming at European Union Level

The European Commission guidance on gender mainstreaming offers the following insights for implementing non-discrimination/equality mainstreaming:

1. The Four Steps of Gender Mainstreaming⁷

■ Getting organised

It is important to create:

- a structural and cultural basis for equal opportunities by formulating equality objectives and targets, making a plan, drawing up a budget and defining responsibilities, and establishing the accountability of different actors.
- gender awareness and expertise by providing training.
- ownership where staff consider gender mainstreaming part of their work.

■ Learning about gender differences

Data needs to be collected to describe the situation of women and men so as to assess actual gender (in) equality and to prioritise areas for attention. Four dimensions of difference need to be considered:

- Participation – the share of men and women among the target group.
- Resources – the differences between men and women in their access to, or the distribution of, resources such as time, information, money, political and economic power, qualifications, transport, use of public services, etc.

- Norms and values – the social norms and values that shape gender roles, the gender division of labour, and the attitudes and behaviours of women and men.
- Rights – human rights and the rights to non-discrimination for women and men and access to justice for women and men in relation to these rights.

■ Assessing the policy impact

The potential gender impact of the policy should be assessed with reference to the four dimensions of participation, resources, norms and values, and rights.

■ Redesigning policy

The policy needs to be changed where the policy proposal is assessed to have a negative impact on gender equality or to be broadly gender neutral.

2. Checking for Gender Relevance⁸

Policies which appear gender neutral may turn out to affect women and men differently. This is because there are substantial differences in the lives of women and men in most policy fields. To establish whether gender is relevant to the policy proposal it is necessary to study gender disaggregated data to assess:

- Does the proposal concern one or more target groups? Will it affect the daily life of a part, or parts, of the population?
- Are there differences between women and men in this policy field with regard to participation, resources, norms and values, and rights?

If the answer to either question is positive gender is relevant to the policy proposal and an assessment of gender impact should be made.

2. Develop knowledge about difference (Box 2)

Learning about difference requires the gathering and analysing of data on groups experiencing inequality. This data allows a comparison between these groups and the general population. The knowledge required about difference includes information on:

- the presence or participation of people from these groups within the target population for the policy,
- the access to resources for people from these groups,
- the norms and values that shape the attitudes and behaviours of people from these groups,
- the rights held by people from these groups and their ability to access justice.

3. Screen policies to assess their relevance for mainstreaming (Box 2)

Screening policies involves testing whether a policy proposal should be a focus for non-discrimination/equality mainstreaming. This test is based on whether:

- the policy affects the daily life of a part of the population,
- there are differences in this policy field with regard to the participation, resources, norms and values, and rights of people from groups experiencing inequality when compared to the general population.

7 European Commission, Manual for Gender Mainstreaming Employment, Social Inclusion and Social Protection Policies, Brussels, 2008.

8 European Commission, A Guide to Gender Impact Assessment, Brussels.

BOX 3 – Disability Mainstreaming at European Union Level

The European Commission guidance on disability mainstreaming⁹ offers the following insight for implementing non-discrimination/equality mainstreaming:

Checklist

A useful checklist is presented in this guidance to ensure the proper application of non-discrimination and accessibility requirements in the management process of the Funds. This checklist includes an emphasis on:

- Partnership instruments – the inclusion of organisations representing people with disabilities on monitoring committees, on committees selecting activities for funding and in defining criteria for selecting these activities.

- Procurement instruments – including accessibility for people with disabilities in public procurement criteria for qualitative selection, contract award and performance standards.
- Programme management – providing non-discrimination and disability training for stakeholders; using technical assistance funding to build capacity of disability organisations; and sensitising the public and relevant authorities about the needs of people with disabilities.
- Monitoring and evaluation – using non-discrimination and accessibility criteria for monitoring and evaluating programmes, and conducting an analysis of the impact of programmes on people with disabilities.

4. Partnership with stakeholders (Box 3)

This partnership requires both supporting and securing the participation in implementing mainstreaming of organisations that represent groups experiencing inequality.

5. A strategic approach to mainstreaming (Box 2 and Box 5)

A strategic approach to mainstreaming requires:

- securing political leadership for mainstreaming,
- establishing objectives and an action plan for this mainstreaming,
- raising stakeholder awareness of this mainstreaming approach.

BOX 4 – Mainstreaming Fundamental Rights at European Union Level

The European Commission strategy to implement the Charter of Fundamental Rights¹⁰ offers the following insight for implementing non-discrimination/equality mainstreaming:

Organisational Culture

The Commission is committed to promoting a 'fundamental rights culture' at all stages of the legislative process.

Measures are identified to develop this organisational culture:

- Internal training for staff on fundamental rights.
- Operational guidance for staff to ensure the development of a mainstreamed approach.
- The impact assessment process that accompanies all Commission proposals is to give prominence to any effects on fundamental rights.
- The relevant Commission Departments will actively make available their fundamental rights expertise to support a focus of fundamental rights in this impact assessment.

9 European Commission, Ensuring Accessibility and Non-Discrimination of People with Disabilities: Toolkit for Using EU Structural and Cohesion Funds, Brussels, 2009.

10 European Commission, Strategy for the Effective Implementation of the Charter of Fundamental Rights by the European Union, COM(2010)573/4.

BOX 5 – Mainstreaming in Public Procurement at European Union Level

The European Commission defines socially responsible public procurement as procurement operations that take into account a wide range of social considerations including equal opportunities¹¹. The guidance developed in this area offers the following insight for implementing non-discrimination/equality mainstreaming:

A Strategic Approach

A strategy to mainstream social considerations in public procurement is set out:

- Identify national and local priorities relevant to socially responsible public procurement.
- Review the organisation's procurement strategy. Identify how socially responsible public procurement

links to the overarching objectives and approaches of the organisation. Establish how socially responsible public procurement can help achieve these objectives and deliver value for money for the organisation. Provide high level political commitment and leadership for socially responsible public procurement.

- Identify the products and services the contracting authority procures that pose the greatest social risk and/or have the greatest capacity to enhance social outcomes.
- Develop objectives and an action plan to address social issues in procurement.
- Raise awareness of socially responsible procurement among stakeholders.
- Ensure that procurement practices are open to bodies like small and medium sized enterprises, social economy enterprises and voluntary and community sector organisations.

¹¹ European Commission, Strategy for the Effective Implementation of the Charter of Fundamental Rights by the European Union, COM(2010)573/4.



Chapter 2

A strategic approach to non-discrimination/ equality mainstreaming

A strategic approach to non-discrimination/equality mainstreaming involves:

- establishing clear and agreed objectives for this mainstreaming.
- developing an action plan to support this mainstreaming.
- communicating this commitment and approach to all stakeholders.

2.1 Objectives¹²

The objectives selected for non-discrimination/equality mainstreaming can vary in ambition and scope. A menu of objectives can be identified:

1. To ensure compliance with equal treatment legislation

Mainstreaming could aim to ensure there is no prohibited direct or indirect discrimination against people contained within the design or implementation of the policy.

2. To eliminate barriers for groups experiencing inequality

Mainstreaming could seek to eliminate barriers that would prevent individuals from groups experiencing inequality from benefiting from the policy. These barriers could lie in:

- the design and implementation of the policy,
- the situation and experience of people from these groups,
- the values held by people from these groups.

3. To take account of diversity

Mainstreaming could aim to adjust the design and implementation of policy to take account of the practical implications of difference within the target group. Differences in the identity, experience and situation of people within the target group could be addressed.

4. To advance equality for groups experiencing inequality

Mainstreaming could seek to ensure that the policy contributes to achieving equality for people from groups currently experiencing inequality. This would be in terms of enhancing their access to resources, power and influence, status, and relationships of care and solidarity.

¹² Crowley N., Final Seminar Report: Good Practice Exchange Seminar on Non-Discrimination Mainstreaming, October 2009, <http://ec.europa.eu/social/BlobServlet?docId=4656&langId=en>

5. To foster good relations between the wider society and groups experiencing inequality

Mainstreaming could aim to ensure that the policy contributes to more positive attitudes towards equality and diversity and to improved interactions between groups experiencing inequality and their wider society.

staff and for the organisations of groups experiencing inequality that will be involved in this mainstreaming. The general communication materials of the organisation should make reference to this commitment to mainstreaming and the reasons for its implementation so as to ensure the public served by the organisation are informed.

2.2 Action plan

A simple action plan for non-discrimination/equality mainstreaming ensures best use of the limited resources available. It enables timely and appropriate supports to be made available to those responsible for implementing this mainstreaming. It ensures a sustained approach to mainstreaming over the long term. This action plan would set out:

1. **Objectives** – What objectives does the organisation select to achieve through this mainstreaming?
2. **Screening** – What is the test to determine which policies and which discrimination grounds will be a focus for this mainstreaming?
3. **Actions** – What are the steps that will be taken to implement this mainstreaming as a coherent part of the policy cycle? What tools will be used?
4. **Responsibility** – Who is responsible for taking the different steps outlined?
5. **Participation by Stakeholders** – Which organisations should participate in this mainstreaming? How will this participation be organised and supported?
6. **Supports** – What guidance materials, specialist expertise and data resources are available to those responsible for this mainstreaming and how do they access these supports?

2.3 Communication

The commitment and approach to non-discrimination/equality mainstreaming needs to be communicated to staff, the organisations of groups experiencing inequality, and the public served by the organisation. This communication builds:

- Ownership by staff of this approach to the policy process.
- Practical engagement by relevant stakeholders in implementing this mainstreaming.
- Support for this mainstreaming from the public served by the organisation.
- Public acknowledgement for the commitment of the organisation to this mainstreaming.

This should not be a complex or costly communication exercise. Specific information materials, briefing opportunities and training events are required for the



Chapter 3

Making the case for non-discrimination/ equality mainstreaming

Non-discrimination/equality mainstreaming requires change in how organisations conduct their business. It demands time and effort from staff. It needs resources to develop guidance materials and access expertise. It is, therefore, important to build political, administrative and popular support for non-discrimination/equality mainstreaming. A convincing case for implementing this mainstreaming needs to be developed and effectively communicated.

3.1 The case¹³

A strong case for non-discrimination/equality mainstreaming has been developed. This mainstreaming:

1. Enables public policy to more effectively advance equality and eliminate discrimination in society, in organisations and in public sector programmes.
2. Supports better policy development and better policy responses by ensuring that policy meets the needs of people who experience inequality and has a positive impact on them.
3. Underpins coherence in the policy process by ensuring that all policies make their appropriate contribution to non-discrimination/equality objectives.
4. Makes policy-making an open and transparent process which contributes to good governance and builds greater support for policies.

3.2 Demonstrating the case

The impact of non-discrimination/equality mainstreaming needs to be tracked in order to demonstrate that there is a dividend actually gained from this practice so as to justify any costs or inconvenience involved. The impact of this mainstreaming can best be tracked in:

- Improvements in the situation and experience of people from groups experiencing inequality due to additional benefits to them as a consequence of this mainstreaming in the policy process.
- Changes in the culture of the organisation and manner in which it conducts its business. These changes can be tracked in staff attitudes and behaviours and in organisational systems and procedures.

¹³ Crowley N., Final Seminar Report: Good Practice Exchange Seminar on Non-Discrimination Mainstreaming, 2009, <http://ec.europa.eu/social/BlobServlet?docId=4656&langId=en>



Chapter 4

Gender mainstreaming as guide and gateway

In some Member States there are evolved institutional arrangements, a developed expertise, and a range of supports for gender mainstreaming. This gender mainstreaming infrastructure can be of assistance in developing non-discrimination/equality mainstreaming. It is possible to:

1. Expand the remit of the gender mainstreaming infrastructure to develop an integrated mainstreaming approach such that the one infrastructure covers all the grounds of gender, racial or ethnic origin, disability, religion or belief, age and sexual orientation.
2. Use the gender mainstreaming approach as the model to develop a similar mainstreaming infrastructure for other individual grounds or for an integrated approach that covers all the grounds of sexual orientation, racial or ethnic origin, age, religion or belief and disability.

3. Use the gender mainstreaming approach as the standard and adapt some of the structures, tools and supports for use in non-discrimination/equality mainstreaming.

The Netherlands offers an example of an evolved gender mainstreaming infrastructure. The approach to gender mainstreaming there (Box 6 below) has been used to develop a mainstreaming approach on the ground of sexual orientation (Case study 6).

BOX 6 - Gender Mainstreaming in the Netherlands

Objectives for Gender Mainstreaming

The overarching objective of gender mainstreaming in the Netherlands is to close the gap between the equal rights of women and men and the social reality of women and men. This gender mainstreaming is an ongoing process.

Institutional Architecture for Gender Mainstreaming

- The Minister of Education, Culture and Science holds political responsibility for gender mainstreaming as the Minister for Emancipation Policy.
- Each Government Minister has the responsibility for achieving women's emancipation goals in the policy area they are responsible for.
- A Department for the Coordination of Emancipation Policy in the Ministry of Education, Culture and Science is the key actor. It is responsible for developing women's emancipation policy, putting emancipation issues on the political agenda, and supporting and monitoring these issues.
- An Inter-ministerial Commission for Emancipation Policy is made up of representatives from each Ministry and serves to coordinate work on gender mainstreaming.
- An Auditing Committee was requested by the Minister for Emancipation Policy in 2005/6 to assess the level of attention paid by different Ministries to the emancipation of women.

Gender Mainstreaming Tools

Government Memorandum on Gender Mainstreaming: Gender mainstreaming is understood in terms of anchoring emancipation policy in the work of different Ministries. Five conditions for successful gender mainstreaming are identified in the memorandum:

- The commitment of administrative and political management to emancipation policy within the Ministry.
- A clear allocation of responsibilities for emancipation policy among staff.
- The availability of expertise on emancipation policy to the Ministry.
- The use of women's emancipation instruments in the work of the Ministry.
- The existence of targets and resources for women's emancipation within the Ministry.

An Emancipation Memorandum 2008-2011: This plan¹⁴, 'More Opportunities for Women', serves to focus the emancipation process around four themes – increasing the labour force participation of women and their presence in top positions, offering opportunities to and using the talents of women from minority ethnic groups, preventing and combating sexual violence against girls and women, and contributing to the structural improvement of the position of women globally. Targets and measures are set out in relation to these four themes. A new plan is currently in preparation.

An Audit of Performance: The Auditing Committee carried out its activities in two visitation rounds to all Ministries. It concluded that expertise in the area of emancipation policy and the structural anchoring of emancipation policy within the Ministries was lacking.

Supports for Gender Mainstreaming

The Minister for Emancipation Policy comes to customised agreements with Ministries on collaboration and support in reinforcing their emancipation policies. The Minister provides funding as a consequence of these agreements. This funding is to enhance the expertise on women's emancipation available to Ministries and to enable them to better anchor emancipation policy in their work.

The Inter-ministerial Committee for Emancipation Policy supports cooperation on the integration of a gender focus in training and in diversity policies and on sharing information on good examples of emancipation instruments.

Factors for Success

Political leadership is reflected in the role of a Minister for Emancipation Policy. The Minister presented the Emancipation Memorandum 2008-2011 to Parliament. Parliament also received the response of each Ministry to the report of the Auditing Committee along with a report from each Ministry on how they will better anchor emancipation policy in their work. Midway through the implementation of the Emancipation Memorandum every Minister sends a review to Parliament of their policy results for the period and new opportunities to be taken.

Further information: Charles de Vries, Senior Policy Advisor, Ministry of Education, Culture and Science, c.devries@minocw.nl.

¹⁴ This is available in Dutch at <http://www.rijksoverheid.nl/onderwerpen/vrouwenemancipatie>



Chapter 5

Non-discrimination/equality mainstreaming in policy making

Non-discrimination/equality mainstreaming in policy making places considerations of equality and non-discrimination at the heart of decision making by public authorities.

This mainstreaming needs to be an integral part of the drafting process of a new policy. It should be carried out by those responsible for drafting the policy. It is often necessary to make expert assistance on issues of non-discrimination and equality available to them.

There are five core tools for implementing this mainstreaming in policy making:

1. Screening (Case studies 1 and 2)

Purpose: Screening is an exercise to assess if there is a need to implement non-discrimination/equality mainstreaming. It is done when the policy is at proposal stage.

Description: A simple test can be carried out to examine the following questions:

- Are members of groups that experience inequality present among the population that is being targeted by the policy or that will be affected by the policy?
- Are there differences in the area covered by the policy between the situation, experience and identity of members of the groups experiencing inequality and the wider population being targeted or affected by the policy?

Guidance: If the answer to either question is yes, then non-discrimination/equality mainstreaming is required.

2. Equality Impact Assessment (Case studies 1 and 4)

Purpose: Equality impact assessment is an exercise to assess the potential impact of a policy on advancing equality, eliminating discrimination, and improving the situation and experience of groups experiencing inequality. It is done at the draft stage of policy.

Description: The **first step** is to gather relevant data in relation to the situation, experience and identity of groups experiencing inequality. This needs to establish:

- The **SITUATION** of these groups in the policy area that is being addressed. The data would establish the presence of the group in the target population for the policy. It would identify relevant resources available to the group. This would include economic resources such as labour market position or educational status, and political resources such as power or influence.
- The **EXPERIENCE** of these groups in terms of their relationships with the wider society and in particular with those responsible for implementing the policy. This data will be more qualitative. It would establish the attitudes and behaviours of the wider society towards the group. It would identify how these are likely to find expression within the organisations that would implement the policy.
- The **IDENTITY** of these groups in terms of the norms and values, beliefs and aspirations they hold. This data will be more qualitative. It would establish the perspective of the group on the policy area. It would identify the potential behaviours of the group in response to the policy proposed.

The **second step** is to analyse this data on difference – on the situation, experience and identity of the groups experiencing inequality. This is necessary to assess the potential impact on these groups of the policy as currently designed.

- Does the policy as designed take account of the particular situation, experience and identity of groups experiencing inequality within the target population?
- Will the policy improve the situation and experience of these groups?
- Is there any provision in the policy that could be discriminatory against members of these groups?
- What changes are required to enhance impact, better take account of difference, eliminate discrimination and/or alleviate any adverse impact?

The **third step** is to review this analysis and the quality of the data gathered with organisations that represent the groups that are a focus for this impact assessment.

Guidance: This is a specific exercise carried out at a defined moment in the policy drafting process.

3. Participation (Case studies 1, 2, 3 and 4)

Purpose: Participation of organisations representing groups experiencing inequality is a tool for the implementation of non-discrimination/equality mainstreaming in its own right (Case study 2). This participation is also a feature in implementing other mainstreaming tools such as equality impact assessment and gathering equality data (Case studies 1, 3 and 4).

Description: Where participation is the mainstreaming tool, organisations representing groups experiencing inequality are convened in committee to develop a dialogue with the policy makers and to make an input to the policy over the period that it is being drafted. Where participation is a feature of other mainstreaming tools, organisations of groups experiencing inequality are involved through focus groups, on-line consultation and meetings convened to discuss the outputs from these mainstreaming tools.

Guidance: This participation allows the perspectives and knowledge of groups that experience inequality to inform policy makers. Organisations representing these groups can set parameters to guide the development of the policy. Policy makers can test out drafts of the policy with these organisations. It is necessary to support and resource the capacity of these organisations to participate in mainstreaming.

4. Equality Plans (Case study 3)

Purpose: Equality plans provide a standard against which to assess policies being developed by the public authority in other policy areas. New policy can be assessed for its contribution to the objectives of the equality plan. Elements of the equality plan can be built into new policy.

Description: Equality plans establish the objectives of a public authority in promoting equality. They set out actions to advance equality for each of the groups experiencing inequality. They establish targets, timescales to achieve targets, responsibilities for implementing actions, and indicators of progress in relation to equality.

Guidance: Equality plans give coherence to policy making by ensuring that all policy making furthers the equality objectives established in the plan. An institutional structure to link the full range of public authorities involved is required to secure this coherence.

5. Equality data (Case studies 1 and 4)

Purpose: Equality data provides a basis to establish equality objectives, to assess the potential impact of a policy on groups experiencing inequality and to track the actual impact of a policy on these groups.

Description: Equality data includes data on:

- the societal context for groups experiencing inequality,
- the participation of and outcomes for these groups in different policy areas,
- the difference between these groups and the wider society – difference in their situation, experience and identity,
- the practice and impact of the policy making organisation in promoting equality.

Guidance: The availability of equality data can be limited. The data used in mainstreaming will, therefore, need to be both qualitative and quantitative. It should draw from a range of sources – academic research, administrative data gathering by public bodies, and research and survey work of non-governmental organisations. It is also important to recognise that in most circumstances enough data is actually available for the type of decisions that have to be made.

Non-discrimination/equality mainstreaming is implemented in policy making at national, regional and local levels in many Member States. This mainstreaming needs to be an ongoing process for all policy making by public authorities. However, in the current stage of development of this mainstreaming there are important examples of one-off exercises in non-discrimination/equality mainstreaming. These one-off exercises are valuable in building a mainstreaming capacity within public authorities. They are useful in building a body of experience within public authorities which will, in time, enable a longer term ongoing process of mainstreaming. Practice examples of non-discrimination/equality mainstreaming in policy making at national, regional and local levels are described in Chapter Ten.



Chapter 6

Non-discrimination/equality mainstreaming in policy implementation

Non-discrimination/equality mainstreaming in policy implementation places considerations of equality and non-discrimination at the heart of practice by public authorities.

This mainstreaming involves a planned and systematic approach to equality within public sector organisations responsible for implementing policy. This planned and systematic approach to equality:

- Stimulates a culture that is positive to equality and non-discrimination/equality mainstreaming within an organisation.
- Ensures that considerations of equality, diversity and non-discrimination are integral to the internal policies, procedures and practices of these organisations in their roles of employer, service provider, and procurer of goods and services.
- Supports a capacity among staff of the organisation to promote equality, make adjustments for diversity and eliminate discrimination. It enables staff to mainstream non-discrimination and equality considerations within their daily routines and practice.

A planned and systematic approach to equality involves organisations in putting in place:

1. An **equality policy** that sets out its commitment to equality, diversity and non-discrimination and establishes the standards it wishes to reach in relation to these issues.
2. **Equality and diversity training** for all staff that builds awareness and support for the equality policy and that develops the skills necessary to implement the equality policy.

3. An **equality action plan** that sets out equality objectives for the organisation and the steps that will be taken to achieve these objectives.
4. An **officer who is responsible** for stimulating a commitment from all sections of the organisation to advance equality, make adjustments for diversity and eliminate discrimination.
5. **Administrative data** that is collected on groups experiencing inequality and discrimination. This data is analysed to enable evidence-based decision making.
6. **Participatory decision making** that involves organisations of people experiencing inequality in planning, policy making, programme design and service delivery.
7. A process of **equality impact assessment** of all new plans, policies and programmes of the organisation.

There are five core tools for implementing non-discrimination/equality mainstreaming in policy implementation:

1. Standards (Case studies 5, 7, 8 and 10)

Purpose: A planned and systematic approach to equality can be stimulated or required within organisations by externally established standards.

Description: Standards for equality and non-discrimination can take the form of:

- Regulation which requires action by an organisation to put in place some or all of the elements of a planned and systematic approach to equality.
- Anti-discrimination clauses in public procurement contracts which stipulate requirements on supplier organisations to be planned and systematic in their approach to equality.
- Standards for a planned and systematic approach to equality which are met on a voluntary basis by organisations.

Guidance: Regulation and anti-discrimination clauses in public contracts need to be accompanied by follow up to ensure that requirements are implemented. Effective sanctions are also required where the requirements are not implemented. The certification process for voluntary standards needs to be rigorous. A monitoring process is needed to ensure that the standards are maintained by the organisation over time. These voluntary standards need to be endorsed at a high level that ensures public recognition for organisations that are awarded the standard.

2. Expert Centres (Case studies 6, 9 and 10)

Purpose: Bodies with an expertise in promoting equality, making adjustments for diversity and combating discrimination can support organisations to implement planned and systematic approaches to equality.

Description: The contribution of these expert centres is needed where the necessary expertise on equality, diversity and non-discrimination is not available within the organisation responsible for policy implementation. These expert centres can be directly funded, contracted or established by the public sector. They can be:

- Non-governmental organisations.
- Equality bodies established under equal treatment legislation.
- Specialised units within public sector organisations.

Guidance: The expert centre can provide equality expertise directly to the organisation but it should also assist in building this expertise within the organisation.

3. Organisational Equality Review and Action Plan (Case studies 7 and 9)

Purpose: Conducting an equality review within an organisation and implementing an equality action plan creates the basis for a planned and systematic approach to equality in an organisation.

Description: An equality review assesses:

- The situation in the organisation of equality, diversity and discrimination in relation to service users and/or employees from groups experiencing inequality.
- The contribution of organisational policies, procedures and practices to this situation and any barriers these present to improving this situation.

- The equality challenges posed by this situation for the organisation.

An equality action plan is prepared as a consequence of this equality review and establishes:

- The objectives to be achieved by the organisation in terms of equality, diversity and non-discrimination for service users and/or employees.
- The steps that will be taken to meet the equality challenges identified in the equality review.
- The timescales within which these steps will be implemented and who is responsible for their implementation.
- The manner in which progress will be monitored and reported on within the organisation.

Guidance: The purpose of an equality review and action plan needs to be well communicated to all staff. It can be useful for this review and plan to address both employment and service provision by the organisation.

4. Equality Plans or Programmes (Case studies 6, 8, 10, 11 and 12)

Purpose: Equality plans or programmes to promote equality and combat discrimination can enable non-discrimination/equality mainstreaming in policy implementation by:

- Securing a commitment to objectives of equality, diversity and non-discrimination from public authorities providing services to the general public.
- Involving public authorities in a dialogue with organisations representing groups experiencing inequality. This dialogue can be about the needs and perspectives of these groups, the services provided by the public authorities, and equality goals to be pursued by the public authority.
- Supporting a capacity to promote equality, make adjustments for diversity, and combat discrimination within public authorities implementing the plan.

Description: Equality plans can be national, regional or local in scope. They are based on a needs assessment of the groups experiencing inequality which are being targeted by the plan. They establish objectives to be achieved, actions to be taken in pursuit of these objectives and systems of monitoring and reporting on progress made.

Guidance: Participation by organisations representing groups experiencing inequality in elaborating and monitoring these plans is valuable. Indicators and data collection systems to monitor progress and outcomes from these plans are important.

5. Monitoring (Case studies 6, 7, 9 and 10)

Purpose: Monitoring can establish the current equality situation being addressed by organisations. It can enable outcomes from policy and programmes to be tracked.

Description: Data gathering is key to effective monitoring. It can take place at the start of the mainstreaming process to assess:

- the needs and situation of groups experiencing inequality,
- the operating environment of the organisation,
- existing policies and procedures of an organisation,
- equality challenges facing an organisation.

It can take place during and after the mainstreaming exercise to:

- evaluate progress being made on equality within an organisation,
- track outcomes achieved for groups experiencing inequality from policy and programmes.

Guidance: Monitoring should be structured into the mainstreaming exercise. Data gathered will need to be both quantitative and qualitative.

Non-discrimination/equality mainstreaming is achieved in policy implementation at national, regional and local levels in many Member States. This mainstreaming needs to be an ongoing process in policy implementation by public authorities. However, in the current stage of development of this mainstreaming there are important examples of one-off exercises in non-discrimination/equality mainstreaming in policy implementation. These one-off exercises are valuable in building a mainstreaming capacity within public authorities. They are useful in building a body of experience within public authorities will, in time, enable a longer term ongoing process of mainstreaming. Practice examples of non-discrimination/equality mainstreaming in policy implementation at national, regional and local levels are described in Chapter Eleven.



Chapter 7

Non-discrimination/equality mainstreaming in policy review

Non-discrimination/equality mainstreaming in policy review places considerations of equality and non-discrimination at the heart of evaluation by public authorities.

There are two approaches to implementing this mainstreaming in policy review:

- Conduct a review of an existing policy directly from a non-discrimination/equality perspective (**Case study 13**).
- Include a non-discrimination/equality perspective into a broader review of existing policy (**Case study 14**).

The tools used in mainstreaming in policy review are similar to those used in mainstreaming in policy making

except that the focus is on an existing policy rather than a draft policy. These tools are:

- *Screening* to test if the existing policy requires this mainstreaming.
- *Equality impact assessment* becomes an equality analysis as the actual impact of existing policy can be assessed.
- *Participation* of organisations representing groups experiencing inequality in the review.

Practice examples of non-discrimination/equality mainstreaming in policy review at national level are described in Chapter Twelve.



Chapter 8

Supporting non-discrimination/ equality mainstreaming

Non-discrimination/equality mainstreaming requires a support infrastructure if it is to be effectively implemented and if it is to fully realise its potential benefits. This infrastructure can be developed over time as the practice of this mainstreaming is developed and implemented. It includes:

1. Leadership

Leadership for this mainstreaming needs to be well informed and to come from a high level. Political leadership establishes the commitment to equality. It creates the necessary conditions to implement effective mainstreaming. Administrative leadership establishes a high level of ambition for this mainstreaming. It ensures competence in executing this mainstreaming.

2. Coordination structures

Mainstreaming is required across a broad range of policy areas. It encompasses a wide range of equality grounds. Responsibility for these policy areas and for these different equality grounds is often fragmented across a range of Ministries and state agencies. Coordination of effort and approach is required for effective mainstreaming. One organisation can be designated to drive and manage this coordination. An institutional structure, in the form of a committee for example, can bring the relevant organisations together to ensure coordination behind agreed equality objectives. This can also secure a shared understanding of these objectives. It can support good practice in mainstreaming through peer review of practice.

3. Guidance materials

Guidance materials can provide step by step guidance on screening for relevance; conducting an equality impact assessment; preparing an equality plan; conducting an organisational equality review and action plan; organising stakeholder participation; gathering and analysing equality data; and meeting equality standards. Other types of guidance materials can provide qualitative and quantitative information on the different experience, situation and identity of groups that experience inequality across the discrimination grounds.

4. Training provision

Training courses and events build the capacity of staff to implement mainstreaming. Training develops awareness and knowledge of issues of equality, diversity and discrimination. It provides information on equal treatment legislation and strategies to promote equality. It builds skills in applying the tools used in mainstreaming. Non-governmental organisations and public administration training schools often provide this training.

5. Expert support

Mainstreaming is a recent development. Those who are responsible for the different phases of the policy process might not have the specific knowledge and skills required. It is useful to provide support to them from external bodies that hold the knowledge and skills required to implement this mainstreaming. These bodies can also

build the knowledge and skills of those responsible for the policy process so that they can implement this mainstreaming in the longer term.

6. Participation

The participation of organisations representing groups experiencing inequality in mainstreaming provides necessary knowledge and information to those responsible for the policy process. This participation assists an assessment of the impact of policy on these groups by bringing their perspective to the design, delivery and review of policy. Participation by these organisations needs to be supported. The provision of training will build their ability to make a relevant contribution to mainstreaming. Core funding to these organisations will ensure their ongoing and effective representation of groups that experience inequality.

7. Legislative requirements

Legal or regulatory requirements to implement mainstreaming secure a uniform application of this process across public bodies and sustain mainstreaming practice over the long term. These requirements ensure that mainstreaming is afforded a priority by busy people. They enable clarity among all involved on what mainstreaming requires. These legal requirements need to be followed up to ensure they are implemented and enforced where they are not being implemented.

8. Data

Mainstreaming should be evidence based. Sufficient equality data is needed to assess, monitor and evaluate the impact of policy on each of the groups experiencing inequality. Data is also needed to provide a sufficient knowledge base about difference between groups for effective mainstreaming. Equality data can be either quantitative or qualitative.





Chapter 9

Conclusion

Non-discrimination/equality mainstreaming ensures that equality and non-discrimination are considered as a matter of course in all policies and at all stages of the policy process. This makes for better policy development and policy responses and contributes to good governance.

This mainstreaming can appear daunting where the required support infrastructure has yet to be put in place. However, what is important is to **get the process started**, even if it is not perfect. Lessons can be learned from gender mainstreaming to assist. Lessons will be learned just from doing mainstreaming however imperfectly. The support infrastructure can be built over time. The necessary resources can also be secured over time as the process develops and gains traction.

It is important to take a **proportionate approach** to non-discrimination/equality mainstreaming. It should be kept simple while sufficiently rigorous to ensure new outcomes from public policy for groups and people who experience inequality. It should form part of everyday policy work and be developed in a manner that sits coherently and easily within the policy making cycle.

It is important to **communicate the case** for non-discrimination/equality mainstreaming. This will build informed political and administrative leadership for the process. It will help develop understanding and ownership of the process among all staff. It is also important to build an understanding of mainstreaming among groups that experience inequality and to secure the support and involvement of their organisations.

There are pitfalls that need to be avoided¹⁵. The people involved in this mainstreaming can have differing understandings of key equality concepts and of mainstreaming itself. They can hold different objectives for mainstreaming. It is useful to **establish a shared understanding of equality and of non-discrimination/equality mainstreaming** among all involved.

The lack of necessary data and indicators can block non-discrimination/equality mainstreaming. The **lack of data can limit but should not block progress and only sufficient data for the decision to be made is required**. Qualitative data can be employed where quantitative data is not available. Alternative sources of data are often available from non-governmental organisations at local level. The knowledge and experience of people who experience inequality can be harnessed through their organisations to minimise the impact of data deficits.

Non-discrimination/equality mainstreaming must not become an end in itself. Care is required to ensure it does not degenerate into a formulaic or tick box exercise. **Mainstreaming is about achieving better outcomes from policy for groups experiencing inequality**. It is about securing the organisational change necessary to better promote equality and combat discrimination. These are the goals to concentrate on and to measure success against.

¹⁵ Crowley N., Final Seminar Report: Good Practice Exchange Seminar on Non-Discrimination Mainstreaming, October 2009, <http://ec.europa.eu/social/BlobServlet?docId=4656&langId=en>

Part 2





THE PRACTICE OF
non-discrimination/equality mainstreaming



Chapter 10

Non-discrimination/equality mainstreaming in policy making

This chapter sets out examples of the practice of non-discrimination/equality mainstreaming in policy making at Member State level. The first two examples are at national level and the second two examples are at regional and local levels.

10.1 Non-discrimination/equality mainstreaming in policy making at the national level

Case study 1

A multi-ground equality duty, United Kingdom

The Equality Act 2010 includes a general duty on listed public bodies to have due regard to equality and good relations. Further specific duties are placed on most of these bodies in relation to the process of implementing the equality duty. The Equality and Human Rights Commission have published guides to assist public bodies in implementing this duty. This is to be an ongoing process of mainstreaming. It uses the tools of screening, equality impact assessment, participation and equality data.

Objective

The equality duty requires public bodies in exercising their functions to have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and

other conduct prohibited by the Equality Act 2010.

- Advancing equality of opportunity between people who share a protected characteristic¹⁶ and those who do not.
- Fostering good relations between people who share a protected characteristic and those who do not.

Advancing equality of opportunity is defined in terms of:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups

where these are different from the needs of other people.

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Eight protected characteristics, or grounds, are covered by the equality duty – age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Institutional architecture

- The Government Equalities Office is responsible for the legislative framework for equality. This framework is primarily set out in the Equality Act 2010.

¹⁶ Protected characteristic is the term used in the Equality Act 2010 and is the equivalent of protected ground used in other jurisdictions.

- The Equality and Human Rights Commission (EHRC) provides information, advice, guidance and capacity building on the equality duty. It works to promote compliance with the equality duty and has statutory powers to enforce it.
- Public bodies covered by the equality duty include government departments, local authorities, education bodies (including schools), health bodies and police, fire and transport authorities. The functions covered by the equality duty include decisions about budgetary decisions, public appointments, allocation of resources, regulation, service provision, employment of staff and procurement of goods and services.
- Scoping to assess how the aims of the policy relate to equality and to identify which protected groups and which of the equality objectives are most relevant. The scoping should also identify the equality information available for the impact assessment and the people that should be engaged with during the process.
- Analysing what will happen or not happen in relation to equality and good relations if the policy is designed in the manner proposed.
- Documenting and publishing this equality analysis.
- Monitoring and reviewing the effects of the policy on the groups covered by the equality duty as the policy is implemented.

Tools

Equality Information: Public bodies are required to prepare and publish initial information on the effect their policies and practices have had on the groups covered by the equality duty. This should include information on the extent to which they have furthered the objectives of the equality duty for their employees and for others with an interest in the way it performs its functions. Public bodies with less than 150 employees do not have to consider the effect on their employees. The public bodies must publish details of the engagement they undertook in this process with people who have an interest in furthering the objectives of the duty.

Equality Objectives: Every four years public bodies are required to publish specific and measurable equality objectives to meet one or more of the objectives established for the equality duty. They must publish details of their engagement with relevant people in establishing these objectives.

Equality Analysis: When public bodies start to develop or review a policy, they are required to analyse its potential impact on equality and good relations. This should continue throughout the policy process. The equality analysis involves:

- Screening to check if the policy is relevant to equality issues.

Supports

The EHRC builds awareness and understanding of the equality duty and provide advice and guidance on its implementation. They assist in capacity building for its implementation. The EHRC has published a number of guides on implementing the equality duty¹⁷.

The EHRC is preparing a statutory Code of Practice on the equality duty. This is to go out for consultation and will be laid before the UK Parliament.

The equality duty requires public bodies to undertake an engagement with people with an interest in their equality performance. This participation involves activities from formal public consultation to direct engagement with people from groups covered by the equality duty.

Barriers

There is no information on barriers as of yet.

Factors for success

The requirements of the Equality Act 2010 provide a long term stimulus for the implementation of this mainstreaming.

¹⁷ These guides are available on www.equalityhumanrights.com.

The EHRC ensures that expert supports are available to public bodies to enable them to fulfil the requirements of the equality duty.

The equality duty can be enforced by the EHRC by issuing compliance notices on, entering into formal agreements with, and applying to the High Court for judicial review of public bodies that they deem to be in breach of the equality duty.

Gender

Gender is identified as one of the protected characteristics under the equality duty. Maternity and pregnancy are further identified as a protected characteristic.

Costs

The regulatory impact assessment for the public sector equality duty¹⁸ currently estimates that the public sector will bear costs of between 23 and 30 million pounds sterling (€26.3m to €34.4m) which figure includes significant start up costs.

Further information

Ekpe Attah, Government Equalities Office, ekpe.attah@geo.gsi.gov.uk.

¹⁸ This is set out in a consultation document on the public sector equality duty of the Government Equalities Office which is available from http://www.equalities.gov.uk/pdf/402461_GEO_EqualityAct2010_ThePublicSectorEqualityDuty_acc.pdf

Case study 2

Mainstreaming of the Integration Act, Finland

The Equality Act 2004 places a general obligation on public authorities to promote equality. This, in essence, requires the mainstreaming of equality considerations on the grounds of age, ethnic and national origin, nationality, language, religion, belief, disability, state of health, sexual orientation, and 'any other status'. In 2009 the Ministry of the Interior piloted this mainstreaming in drawing up a new Integration Act. This was a one-off exercise. Participation was the tool used in this initiative. Screening is also to be used when a long term approach is established.

Objective

The objective of non-discrimination/equality mainstreaming of the Integration Act was to ensure that the Act supported good ethnic relations. It also aimed to promote equality for a diversity of immigrants, through positive action and measures to advance their representation at all levels.

Institutional architecture

The Ministry of the Interior established a broad based steering committee for this mainstreaming. Members were drawn from relevant Ministries, regional and local administrations, non-governmental organisations,

equality bodies, social partners and others. Five different sub-groups were established including one on 'Equality and good ethnic relations'. This subgroup involved non-governmental organisations representing people with disabilities, older people, immigrants, and young people. The sub-group:

- Prepared guidelines on equality and non-discrimination for the new Act.
- Analysed the draft Act from an equality perspective and proposed changes in the draft Act to the steering committee.
- Carried out a gender impact assessment and an equality impact assessment on the new Act.



Tools

Screening: It is envisaged that, in the longer term, screening will be used to assess which pieces of legislation should be subject to this mainstreaming. This screening will be based on assessing if there are inequalities in the policy area or if there are opportunities for promoting equality through the policy area.

Participation: The participation of non-governmental organisations is the central tool in this approach to non-discrimination/equality mainstreaming. Non-governmental organisations provided information, knowledge and analysis to the policy making process through the 'Equality and good ethnic relations' subgroup. Broader consultation to discuss and react to the draft Act was also organised with the general public, non-governmental organisations, researchers and local authorities.

Supports

The Government is preparing a guide for the equality impact assessment of new legislation. The approach developed for the new Integration Act provides learning for this guide. A guide on gender impact assessment is already available.

Barriers

There were difficulties experienced in relation to the terminology. The language suggested by the sub-group was not taken up by the steering committee in the drafting of the final Act.

Factors for success

The Equality Act 2004 obliges public authorities to promote equality. This underpins this process of non-discrimination/equality mainstreaming.

The participation of the target groups for the Integration Act in the drafting process is key to the success of this approach.

Gender

A gender impact assessment was carried out alongside the equality impact assessment by the sub-group on 'Equality and good ethnic relations'.

Costs

The lead civil servant worked for the equivalent of twenty days on this mainstreaming.

Further information

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Case study 3

The Open Method of Coordination of the Flemish Government, Belgium

The Flemish Government implements an Open Method of Coordination process to mainstream equality into all policy areas. The three themes for this process were gender, lesbian, gay and bisexual people and physical accessibility issues. Transgender people and people with disabilities have been added as themes and will be included in the 2011 objectives. This is an ongoing process of mainstreaming. It uses the tools of participation and equality plan.

Objective

The objective of this mainstreaming is to integrate an equal opportunities perspective into all policy areas. This is done to increase the number of equal opportunities initiatives and to enhance their social impact. The stimulation of a balanced participation by the groups covered in all social domains is set out as one of the equal opportunities goals in the 10th July 2008 Decree Holding the Framework for the Flemish Equal Opportunities and Equal Treatment Policy.

Institutional architecture

- The Flemish Minister for Equal Opportunities is responsible for the Open Method of Coordination process. A framework of equal opportunities objectives is agreed by the Flemish Government. All Ministers are responsible for the realisation of these objectives in their area of competence.
- The Equal Opportunities Commission is made up of civil servants representing the thirteen different Flemish policy domains. It supports the development of the framework of equal opportunity objectives and the preparation of

departmental action plans to realise these objectives. It gives coherence to this departmental planning process, monitors implementation of the plans and evaluates the impact of the process. It meets five times a year. The chairperson meets with departments to assist them in preparing their plans.

- Equal Opportunities in Flanders is a team of civil servants within the government administration. It executes, evaluates and coordinates the Flemish equal opportunities policy. The chairperson of the Equal Opportunities Commission works for Equal Opportunities in Flanders.
- All departments of the Flemish Authority draw up action plans based on the framework of equal opportunities objectives to realise these objectives in their area of competence.

Tools

Framework of equal opportunities objectives: A framework of equal opportunities objectives is prepared by Equal Opportunities in Flanders in negotiation with the Equal Opportunities Commission. This is approved by the Flemish Government. It lays down a small number of strategic objectives for all policy domains in relation to each of the themes. More specific operational objectives are then identified for each strategic objective.

Departmental Action Plans: Action plans are prepared by each Department to achieve the framework of equal opportunities objectives in their area of competence.

Participation: Civil society organisations participate in identifying

bottlenecks constraining equal opportunities, the problems facing target groups and their expectations of the Flemish Government. This informs the preparation of the framework of equal opportunities objectives.

Supports

The meetings of the Equal Opportunities Commission enable a peer review process between Departments on the preparation, implementation and impact of their individual action plans.

During each meeting of the Equal Opportunities Commission there is in-depth discussion of the themes – gender, sexual orientation, physical accessibility, transgender and disability. This is assisted by civil servants, researchers or organisations working on the theme.

Barriers

There are difficulties in the development of indicators to monitor progress and impact in relation to the equal opportunities objectives.

There is a constant challenge to enhance and develop the expertise in equal opportunities of the members of the Equal Opportunities Commission. This is not their area of primary expertise. This places a significant responsibility and work load on the chairperson of the Commission.

Factors for success

The political leadership for this process involves approval of the framework of equal opportunities objectives by the Flemish Government

and coordination of the Open Method of Coordination by the Minister of Equal Opportunities.

Civil society organisations are involved in the initial drafting of the framework of equal opportunities objectives.

The work of different policy departments is integrated into a coherent approach through their membership of the Equal Opportunities Commission. There is extensive bilateral contact and support between the representatives of the different policy domains and Equal Opportunities Flanders.

The Flemish Government is required by the 10th July 2008 Decree Holding the Framework for the Flemish Equal Opportunities and Equal Treatment Policy to set strategic and operational objectives for equal opportunities

and to prepare an action plan to implement these objectives.

Gender

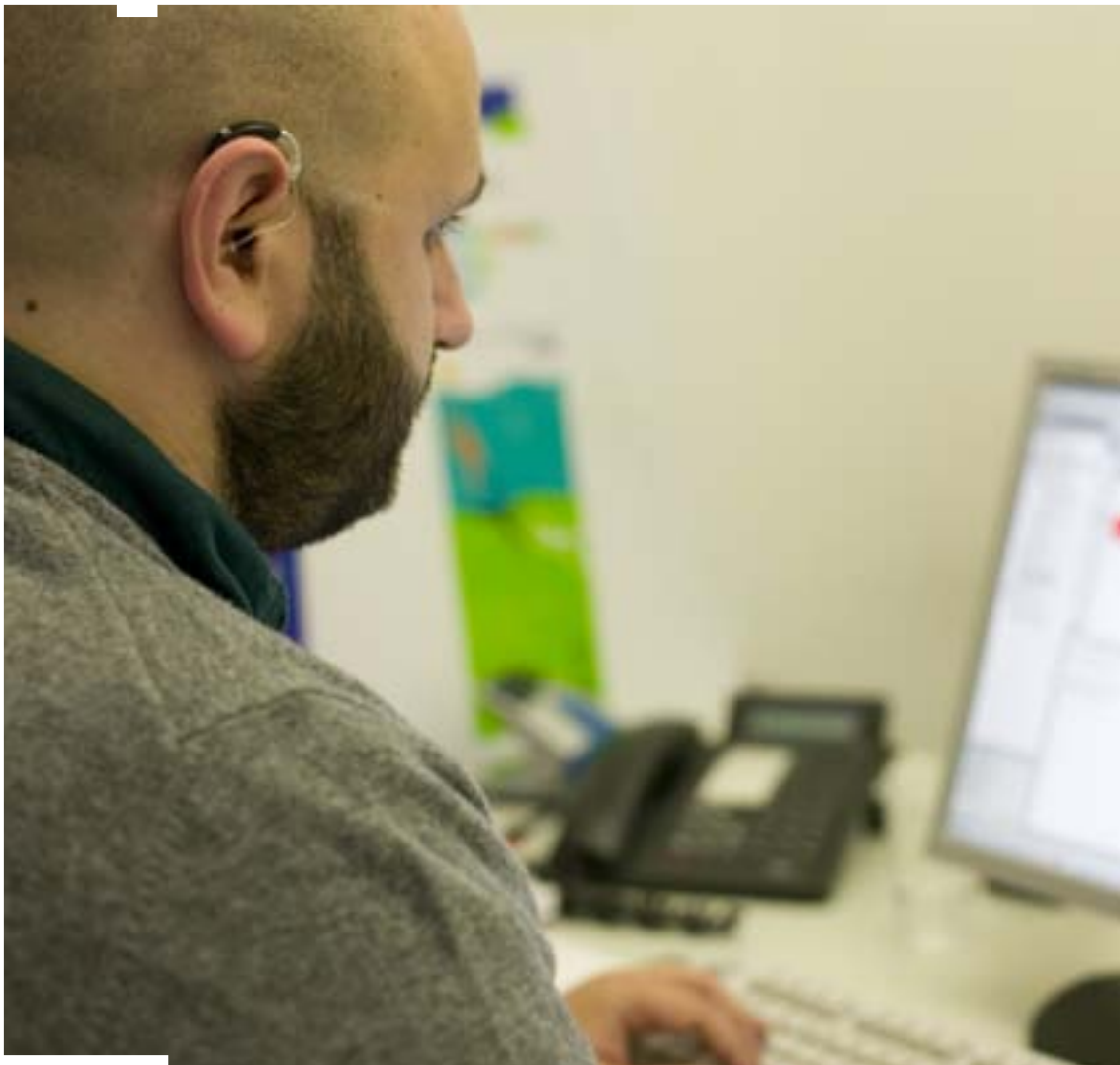
Gender is one of the stated themes for the framework of equal opportunities objectives. Work is also done on the intersection of gender with other themes, in particular sexual orientation and ethnicity. This intersectional work is to be further developed in relation to gender and disability.

Costs

The chairperson of the Equal Opportunities Commission spends about half of a full time post on the Open Method of Coordination.

Further information

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Case study 4

Mainstreaming in an Adult Education Plan in Donegal, Ireland

The Adult Education Service of Donegal Vocational Education Committee (VEC) conducted a non-discrimination/equality mainstreaming exercise as part of the preparation of a Strategic Plan for 2010 to 2014. The equality legislation prohibits discrimination in employment and vocational training, and in the provision of goods and services, accommodation and education. Discrimination is prohibited on the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community. The mainstreaming exercise covered all these grounds. This was a one-off mainstreaming exercise. It used the tools of equality impact assessment, participation and equality data.

Objective

The objective of this mainstreaming was to further improve access to, participation in and outcomes from adult education for the diverse population of adult learners in Donegal.

Institutional architecture

- Donegal VEC is a public body responsible for a wide range of educational services at a local authority level. Its Adult Education Service provides educational programmes and support services for more than twelve thousand adult learners each year.
- The Equality Authority was established under equality legislation to promote equality and combat discrimination. It provided expert support and financial assistance to Donegal VEC for this mainstreaming exercise.
- An external consultant prepared the contextual report, assisted in the engagement with stakeholders

and recorded the consultations with stakeholders.

Tools

Capacity building: A workshop was conducted for the senior staff team prior to this mainstreaming exercise. This provided the awareness, information and skills for senior staff to have an ownership of and to engage in the mainstreaming exercise.

Contextual Review: Desk research was carried out and focus groups were organised to prepare a report on the groups across the nine grounds that experience inequality in Donegal. This used both quantitative and qualitative data. It included national data and data specific to Donegal where this was available. Recommendations

for the strategic plan were made in this report.

Stakeholder consultation: Four focus groups were organised with student groups, five with staff related groups and one with external stakeholders. These focus groups provided information for the preparation of the contextual review. A formal consultation exercise was later carried out with organisations of groups experiencing inequality under the nine grounds. This was focused on the content of the draft plan and on the outcomes of the initial equality impact assessment.

Equality impact assessment: The senior staff team in the Adult Education Service prepared a draft plan using the consultations with stakeholders and the contextual review. An equality



impact assessment was carried out on the plan by the senior staff team and the consultant. This assessment used guidelines developed by the Equality Authority/Irish Vocational Education Association¹⁹. The draft plan was revised as a consequence of the equality impact assessment. The impact was assessed on the basis of three questions:

1. Does the plan ensure that no groups covered by the nine grounds are put at a disadvantage and that there is no discrimination on any of the nine grounds?
2. Does the plan take account of the needs of each of the groups covered by the nine grounds in terms of the situation, experience and identity of the group?
3. Does the plan advance the achievement of equality for each of the groups covered by the nine grounds?

Supports

Guidelines were published by the Irish Vocational Education Association and the Equality Authority. These set out what an equality impact assessment involved and when it should be implemented.

The Equality Authority provided funding for the external expert to assist the initiative. Equality Authority staff provided additional expert support and encouragement.

Barriers

Staff buy-in to the mainstreaming initiative was difficult to build.

The engagement with organisations representing groups experiencing inequality was difficult to secure despite significant mobilisation by those involved in the mainstreaming initiative.

Factors for success

The equality legislation provided a context to stimulate this initiative and a framework of nine grounds to shape the approach. The Equality Authority provided expert and financial support.

The external expert provided additional knowledge and skills to the mainstreaming initiative and enabled senior staff to cope with the time demands of the initiative.

Gender

The contextual review and the equality impact assessment included a focus on gender.

Costs

The consultant contract cost €10,000 and the staff time input was estimated to cost €5,000.

Further information

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¹⁹ 'Guidelines for Conducting Equality Impact Assessments on IVEA and VEC Plans, Policies and Programmes' are available on www.equality.ie.



Chapter 11

Non-discrimination/equality mainstreaming in policy implementation

This chapter sets out examples of the practice of non-discrimination/equality mainstreaming in policy implementation at Member State level. The first three examples are at national level and the second five examples are at regional and local levels.

11.1 Non-discrimination/equality mainstreaming in policy implementation at the national level

Case study 5

Anti-discrimination in public procurement, Sweden

The Swedish Ordinance on Anti-Discrimination Clauses in Public Procurement Contracts (2006:260) obliges around thirty of the largest public authorities to include anti-discrimination clauses to ensure compliance with anti-discrimination legislation by suppliers. The obligation only applies to service and work contracts for a minimum of eight months and above a value of 750,000 SEK (about €85,000). The Swedish Competition Authority evaluated its implementation in 2007 and pointed to failures to follow up on the contract conditions and to use sanctions when these conditions were not met²⁰.

The Swedish Competition Authority recommended the Ordinance be abandoned, but this proved controversial and was not accepted by Government. This is an ongoing process of mainstreaming. It uses the tool of standards.

A public authority previously responsible for some Government procurement and still involved in procurement for its own central, regional and local offices included the required clauses in Government contracts and its own contracts. They monitored the contracts, received the required documents (equality plans) and never had to make use of fines. They received few queries from suppliers about these requirements.

Objective

The objective of this public authority in including the required clauses is to ensure compliance with the anti-discrimination legislation and to counteract all violations of the legislation that concern the supplier which are relevant to the performance of the public contract.

Institutional architecture

- Around thirty of the largest state agencies, as well as this public authority, are required to include an anti-discrimination clause as a condition in contracts they award. They should monitor implementation of this clause by the suppliers and apply sanctions where this is not happening satisfactorily.

20 This is available in Swedish at http://www.konkurrensverket.se/upload/Filer/Trycksaker/Rapporter/rap_2009-2.pdf.

- The Swedish Competition Authority is the supervisory body for public procurement and for this Ordinance²¹. It provides a guideline²² ('General Advice') for the implementation of the Ordinance by contracting authorities.
- When the supplier organisation signs the contract they are agreeing to abide by the Anti-Discrimination Act. This Act prohibits discrimination on the grounds of gender, transgender identity or expression, ethnic origin, religion or belief, disability, sexual orientation and age in the fields of employment, goods and services and public appointments. The supplier is required to provide the contracting authority with an equality plan which should identify how the supplier promotes equality and non-discrimination in employment and in the provision of services they supply.
- The Office of the Ombudsman against Discrimination is responsible for evaluating and assessing the equality plans of organisations required under anti-discrimination law.

Tools

Contract: The public authority included the anti-discrimination clause in contracts issued to suppliers. It received the required equality plans from these suppliers. The public authority is not required to evaluate the received equality plans. This is viewed positively by the public authority as it would require additional personnel and knowledge to do this. The Ombudsman against Discrimination has a role to assess equality plans required under anti-discrimination legislation.

Supports

The public authority joined a legal network that received specific information from the Board of Public

Procurement (formerly the supervisory authority for public procurement and the Ordinance) when the Ordinance came into force.

The public authority conducted internal training on the Ordinance and created special forms and templates to be used when the anti-discrimination clauses were used in contracts.

The Swedish Competition Authority has provided 'General Advice for the Application of the Ordinance (2006:26) about Anti-Discrimination Clauses in Public Contracts' for public authorities on placing and monitoring the anti-discrimination clause in contracts.

Barriers

The public authority found that it was difficult to find out if a supplier company had previously violated anti-discrimination law as there is no central system recording judgements of the Courts.

The evaluation by the Swedish Competition Authority found that 33% of the contracting public authorities believed that the anti-discrimination clause had negatively affected the ability of small and medium sized enterprises to submit bids, but 87% of the suppliers who responded said they would not be discouraged in the future. However, the majority of those who said they would be discouraged were small and medium sized enterprises.

In the evaluation over half of public authorities said they had not carried out any follow up to the anti-discrimination clause. Suppliers confirmed that follow up rarely takes place.

Factors for success

The Ordinance on Anti-Discrimination Clauses in Public Procurement Contracts provides a stimulus for action on discrimination by supplier organisations.

The guide developed by the Swedish Competition Authority enables implementation.

Gender

Gender is one of the grounds included in the anti-discrimination clause.

Costs

The public authority reported no costs as this is just one of several duties related to ensuring good contract performance in public procurement. The evaluation of the Swedish Competition Authority found that costs and time consumed varied between different public authorities.

Further information

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21 Information on the Ordinance is available in Swedish at <http://www.notisum.se/rnp/sls/lag/20060260.HTM>

22 The 'General Advice' is available in Swedish at http://www.konkurrensverket.se/t/Page_2631.aspx

Case study 6

LGBT mainstreaming, the Netherlands

The Government of the Netherlands has set four policy targets in relation to LGBT equality:

- Safety for and empowerment of LGBT people in society.
- Social acceptance of LGBT people by the general public.
- A level playing field for LGBT people and for same sex couples.
- An active international role in promoting universal human rights.

A National LGBT Policy Working Group has been established to insert a capacity to advance LGBT and Gender Identity issues in the practice of public sector organisations, to secure coherence in Government policy in

relation to LGBT equality, and to mainstream LGBT equality as part of the responsibility of all relevant Government Departments. This is an ongoing process of mainstreaming. It uses the tools of expert centres, equality plan and monitoring.

Objective

The objective of this non-discrimination/equality mainstreaming is to combat discrimination on the ground of sexual orientation and to promote the social acceptance of LGBT people.

Institutional architecture

- The Ministry for LGBT and Gender Equality, currently positioned at the Ministry of Education, Culture and Science, leads this mainstreaming and the preparation of the LGBT and Gender Equality Policy Plan.
- The LGBT equality team is a small team of civil servants working to the Minister for LGBT and Gender Equality to advance the Minister's responsibilities for LGBT equality and to make sure policy can be put into practice. The team works closely with peers in the other relevant Ministries.
- The National LGBT Policy Working Group is made up from nine Ministries along with the Ministry for LGBT and Gender Equality and the National Social Research Institute. It monitors the implementation of LGBT policies in each Ministry, convenes roundtable meetings with field and advocacy organisations and experts, and provides peer support to those working on LGBT equality in the Ministries. It meets three to four times a year.
- LGBT roundtable meetings with field and advocacy organisations and experts are chaired by the Minister for LGBT and Gender Equality. These meetings discuss policy targets, the contribution of Non-Governmental Organisations to LGBT equality objectives, and the expectations of Government held by these organisations. They subsequently discuss how satisfied these organisations are with the implementation of LGBT equality policy and with the policy instruments used in the LGBT equality policy.



Tools

Policy Plan: The LGBT and Gender Equality Policy Plan²³ sets out specific policy targets for LGBT equality. It is coordinated by the Minister for LGBT and Gender Equality and includes contributions from all relevant Ministries.

National Expert Centre: The National Expert Centre, MOVISIE, includes an LGBT expert centre. It is an autonomous publicly financed organisation. It provides advice and expertise on LGBT equality policy and practice to municipalities and local public authorities. The outcomes of the work of MOVISIE are discussed by the National LGBT Policy Working Group.

National LGBT Equality Monitors: A periodic National LGBT Monitor of the general attitude and behaviour of the public towards LGBT and about safety of LGBT people is carried out by the National Social Research Institute (SCP). A periodic National LGBT Monitor of local LGBT equality policies is carried out by MOVISIE. These Monitor results are discussed in the National LGBT Policy Working Group.

Supports

There is an explicit LGBT and Gender Equality paragraph in the Coalition Agreement of the Government. The LGBT and Gender Equality Policy Plan and its mid-term review are presented to Parliament as are the results of the National LGBT Monitor.

The Minister for LGBT and Gender Equality provides co-funding and 'seed' funding to other Ministries to implement LGBT equality projects.

Barriers

The financial and economic downturn has meant that it is not possible to set priorities to address all the key issues facing LGBT people.

There is opposition from the more orthodox faith based/religious groups and communities to LGBT equality.

Factors for success

Government Ministers offer visible support for LGBT equality on public occasions such as International Day against Homophobia and Transphobia, and National Gay Pride canal parade.

A level playing field is provided through the General Equal Treatment Act which prohibits discrimination on grounds including sexual orientation and an institutional infrastructure to support implementation of the legislation made up of the Equal Treatment Commission and the Municipal Anti-Discrimination Provisions Act.

Active support is given to this mainstreaming approach from LGBT people and their organisations in different areas of society.

Gender

One Minister has the portfolio for both gender and LGBT equality and there is one Policy Plan for Gender and LGBT Equality.

Costs

There are five full time equivalent posts on the LGBT equality team. There is an annual budget of about €5 million dedicated to the Government's LGBT equality policy.

Further information

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²³ This is available at <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2008/05/08/simply-gay.html>

Case study 7

The Diversity Label, France

The Diversity Label was created by decree of the Government. This is a standard on diversity in recruitment and human resources management that covers eighteen grounds of discrimination. It has a focus on employment policies and practices in private and public sector organisations. The label has been awarded to 255 organisations since 2009. This includes four public bodies – one Ministry, one large city and two job centres. The label is awarded for three years with a review after eighteen months. This is an ongoing process of mainstreaming. It uses the tools of standards, organisational equality review and action plan, and monitoring.

Objective

The Diversity Label seeks to prevent discrimination, to give formal recognition to good practice in managing diversity and to increase employment rates for groups experiencing inequality.

Institutional architecture

- AFNOR Certification is the certification agency which guides, manages and coordinates all aspects of the French standardisation system. AFNOR Certification is responsible for the Diversity Label. AFNOR Certification prepared this standard on diversity in recruitment and human resources management with the assistance of companies, the French authorities, recruitment agencies, employers, trade unions and others. AFNOR Certification evaluates applications for the label.
- An Awards Commission, created and chaired by the French authorities, decides whether or not to award the Diversity Label based on a report prepared by AFNOR Certification. This Commission includes representation of relevant Ministries, trade unions, employer associations, and the National Association of Human Resource Managers.



Tools

A Standard: The standard for the Diversity Label that is applied by AFNOR Certification²⁴ requires organisations to take action around five criteria:

1. Assess the situation regarding diversity and discrimination within the organisation.
2. Implement a diversity policy and action plan.
3. Develop internal communication, awareness raising and training within the organisation to support

the implementation of the diversity policy and action plan.

4. Incorporate a focus on diversity and non-discrimination into all business activities.
5. Evaluate and report on progress and identify ways to improve the diversity effort.

Supports

AFNOR Certification published three terms of reference for the award of the label – a general terms of reference, one for small and medium sized enterprises and one for public bodies.

AFNOR Certification has developed guidance for small and medium enterprises on meeting the requirements for the label, a brochure to promote

²⁴ For further information in French see the Diversity Label website www.afnor.org/certification/lbh004.

the Diversity Label, and on line self diagnosis to reduce the time required for the audit and thus the cost of applying for the Diversity Label.

Small and medium enterprises obtain technical support from chambers of commerce and industry to prepare for the label. Subsidies are given to business networks to provide this support.

Further information

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Barriers

The diversity of organisations which can apply for the Diversity Label presents a challenge to ensure that it can be adapted into a range of very different contexts.

There is a challenge to convince small and medium sized enterprises to engage with issues of diversity and to invest time and financial resources to these issues.

Factors for success

The French state has played a key role in developing a standing for the Diversity Label. The Diversity Label is underpinned by Decree.

The power of example plays a valuable role in supporting the Diversity Label when several organisations within a sector are awarded the label.

The support of significant economic actors is important to the success of the Diversity Label. These actors include professional organisations, employer organisations and trade unions.

Gender

The Diversity Label covers gender, but this is already covered by the Equality label, on employment and on conciliation between work and family life.

Costs

The direct cost to the state for implementation of the label was about €50,000. Around €100,000 is made available annually in subsidies to business networks to promote the label and to prepare organisations for the diversity label.

Case study 8

The Equality Plan of Vantaa, Finland

The Equality Act 2004 places a duty on public authorities to draw up an equality plan to promote ethnic equality. The Ministry of the Interior evaluated these equality plans in 2008/2009 and found that 54% of public authorities had adopted equality plans and 12% were in the process of adopting one. A number of equality plans were found to be too general and lacking in specific measures to be effective. The evaluation found that for some public authorities the meaning of equality or equal treatment was still not clear. Some 78% of equality plans were found to have gone beyond the requirement to address ethnic equality to include a wider range of grounds. The municipality of Vantaa provides a positive example of this approach²⁵. Vantaa has 200,000 inhabitants and the municipality has 11,000 employees and a budget of €1.4 bn. This is an ongoing process of mainstreaming. It uses the tools of standards and equality plans.

Objective

The objective of the Vantaa equality plan is to promote equality and to raise awareness of and combat discrimination across all grounds in its internal work as an employer and in its operational work as a service provider. In service provision the plan seeks, among other objectives, to promote fairness, enhance inclusion, increase accessibility, take diversity into account, respect privacy, and ensure accountability.

25 Artemjeff P. & Henriksson K. (eds), 'Mainstreaming Equality and Non-Discrimination in Theory and Practice: Experiences from the Join in Project', Chapter by Henriksson K. & Syrjanen M., Helsinki, 2006.

Institutional architecture

- The Ministry of the Interior provides recommendations and guidance for the preparation and content of equality plans by public authorities²⁶. Gender equality issues are coordinated in the Ministry of Social Affairs and Health.
- The municipality of Vantaa is responsible for organising most social services including social welfare and health services, education and cultural services. In addition the municipality is the most important employer in the area. The municipality published its equality plan in 2005.
- One of the City Boards is responsible for following up implementation of the equality plan. The plan was assessed in 2009 with a report to the City Council. The focus for 2010-2012 is on ongoing equality impact assessment of Resolutions of the Boards and of the City Council. The emphasis is on gender equality in service provision.

Tools

Survey of the Equality Situation: The preparation of the Vantaa equality plan started with a survey that examined its work and operations from an equality perspective and included:

- An examination of how existing strategies, guidelines and plans addressed issues of equality and non-discrimination.
- Data gathering on the operating environment for Vantaa municipality and on the staff composition of the organisation.

26 Further information available on www.equality.fi and http://www.yhdenvertaisuus.fi/welcome_to_equality_fi/equality-planning/

- Equality surveys of staff and clients for their perspectives and experiences.

Equality Plan: The plan²⁷ seeks to bring an equality perspective into all strategic and steering documents of the municipality. It sets out actions to advance equality in the work of the Vantaa municipality as a service provider and as an employer. It includes all grounds of discrimination.

Equality Impact Assessment: A permanent process of equality impact assessment has been implemented as a consequence of the equality plan.

Participation: The preparation and implementation of the Vantaa equality plan involves non-governmental organisations as stakeholders and as experts.

Supports

The Ministry of the Interior published an 'Equality Planning Guide'. This defines key concepts, and identifies how to draw up an equality plan, what to put in it and how to monitor it.

Staff participation in developing the equality plan enables existing good practice to be respected and opens up a valuable discussion on equality with workers in the field.

Equality is a focus in the staff training strategy.

27 Information on the plan is available from www.vantaa.fi and specifically at http://www.vantaa.fi/en/i_perusdokumentti.asp?path=110;2508;2510;44868;42803. This is part of a "Workbook on Equality and Non-Discrimination" in Finnish which is available from http://www.vantaa.fi/i_liitetiedosto.asp?path=1;2031;20717;45648;46225

The Ministry of the Interior has prepared process and content indicators for equality planning.

Barriers

There can be an overload of plans and requirements on public authorities. Communication and marketing is essential to ensure sufficient attention is given to the equality plans.

The work of the municipality covers a broad range of professional sectors. It is necessary to adapt the concept of equality so that it is relevant in a range of different professional paradigms.

Factors for success

Political engagement is important to the success of this approach. Equality planning involves a genuine political discussion as to what politicians are ready to commit to. There is a political monitoring of the implementation of the equality plan.

Genuine cooperation with the organisations representing the groups exposed to discrimination is essential to ensure the credibility of the planning process.

The legal obligation in the Equality Act 2004 is an important stimulus to the preparation and implementation of equality plans. However, a legal obligation alone is not seen as sufficient to secure social change and a wide process of debate is required for success.

Gender

The Vantaa municipality has a separate gender equality plan. A gender equality impact assessment is carried out on the Financial Plan of the City Council. A gender equality perspective is built into the equality plan.

Costs

The planning process in this initiative is estimated to require six months work from the representatives of the municipality and six months work from non-governmental organisations in total. In Vantaa the planning was conducted within a separate EU funded project (JOIN-IN).

Further information

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Case study 9

Mainstreaming in service provision of the city of Copenhagen, Denmark

In 2010 the City of Copenhagen and the Danish Institute for Human Rights developed a pilot project to assess and enhance the impact of equal treatment in services provided by eleven of the City's organisations. These organisations include day care centres for people with disabilities, a home for senior citizens, a food kitchen serving 6000 citizens, a public after school youth centre, a centre for employment, a citizen service centre and a cleaning unit responsible for streets and public toilets. It is intended to develop this approach with other municipalities. This is a one-off initiative. It uses the tools of expert centre, organisational equality review and action plan and monitoring.

Objective

This mainstreaming aims to ensure that all citizens have equal opportunities to access the services of the City of Copenhagen irrespective of gender, racial or ethnic origin, disability, age, religion or belief, sexual orientation or an intersection of these grounds. It seeks to ensure that organisations understand the principle of equal treatment, are aware of their duty to ensure equal treatment of citizens in planning and implementing policies and procedures, and know how to take account of equal treatment when they provide services for the citizens.

Institutional architecture

- The Danish Institute for Human Rights has responsibility for project management, implementation and development. Their team consists of a chief adviser, a project manager, a process trainer, a student assistant and a trainee.
- The City of Copenhagen is a partner. A municipality policy officer works with the Danish Institute for Human Rights on the project. This

officer is based in a unit directly reporting to the Mayor responsible for the area.

- Non-governmental organisations representing people from the six discrimination grounds participate in an advisory committee convened by the Danish Institute for Human Rights. The advisory committee comments on materials without meeting.

Tools

Equality Situation Assessment: The project team met with the ten participating organisations to introduce the project and to gather information on the institution. Two day observation visits, a focus group interview with key staff and interviews with randomly selected service users were carried out in each organisation. A report was prepared on each organisation that describes the organisation, sets out the type of services provided, identifies who the service users are and establishes the equality challenges that face the organisation. It makes some recommendations as to how these challenges might be met.

Equality Scheme: Staff from each organisation participate in a one day workshop to introduce the principle of equal treatment, present the anti-discrimination legislation and explore the equality challenges identified for their organisation. The workshop aims to assist them to draft an equality scheme to meet these equality challenges. In the workshop staff are guided to identify actions to meet the equality challenges, timeframes for implementing these actions and responsibilities for implementing them. A chart is prepared that sets out the decisions and minutes of the workshop. This is placed in a visible place in the organisation as a reminder to all staff and serves as

the equality scheme for the organisation. The ambitions established in the equality scheme are chosen to be realistic and operational. This is to enable the organisations to have an experience of success in taking on equality challenges.

Mid-Term Evaluation: Staff from the organisations are invited to a mid-term evaluation meeting after about three months. At this meeting the organisations can learn about each other's equality schemes. This meeting provides an opportunity to make adjustments to the equality schemes.

Final Project Report: In the final phase of the project the organisations are assessed to see if the actions taken to meet the equality challenges have had an impact or not. A report is prepared for each organisation as a consequence of interviews with staff and randomly selected service users.

Supports

The Danish Institute for Human Rights made use of the tools developed by the Equality Commission for Northern Ireland for the implementation of the statutory duty in Northern Ireland on public bodies to have due regard to equality in carrying out their functions.

Barriers

The ambitions of the project have been pitched at a high level. The number of organisations involved in the project is too high to allow an in-depth approach within each one. The timeframe of one year for the project is too short to enable all phases to be thoroughly implemented.

Difficulties have been encountered where:

- The decision to take part in the project was taken by senior managers without being adequately communicated to all staff.
- The project was focused exclusively on service users, when there were equality challenges in relation to the staff which in some cases dominated the discussions.
- The staff are bound by guidelines and policies, set outside their organisation, that they have no control over and that shape and even create the equality challenges that they face.

Factors for success

The training of staff in the organisations enabled them to develop a focus on the principle of equal treatment in their organisation and to draw up an equality scheme for their organisation.

The ownership developed by staff of the equality scheme for their organisation was important alongside their ownership of successes achieved as a consequence of this equality scheme.

The leadership and commitment of senior managers in the organisations ensured a follow up to the equality schemes devised and will ensure a follow up to the project itself.

Gender

Gender is mainstreamed in all elements of the project and inter-sectionality between gender and the other five discrimination grounds is also taken into account.

Costs

The costs for the Danish Institute for Human Rights were 400,000 Danish Crowns (€54.000).

Further information

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Case study 10

The Equal Opportunities Programme of Budapest Municipality, Hungary

The Municipality of Budapest has produced an Equal Opportunities Programme to sensitise inhabitants and employers on discrimination, diversity and equal opportunities and to make the services of the local government more customer friendly. In the initial stages the focus has been on actions to sensitise people to equal opportunities. It is hoped that this work will expand and spread to other municipalities. This is an ongoing process of mainstreaming. It uses the tools of standards, expert centres, equality programme and monitoring.

Objective

The objective of this mainstreaming initiative is to eliminate discrimination, to support the social inclusion of minorities and disadvantaged people, and to promote good practice on these issues.

Institutional architecture

- The Municipality of Budapest leads this initiative.
- Budapest Esély Nonprofit Ltd. is an organisation of the Municipality with responsibility for public employment and equal opportunity. The Municipality of Budapest has delegated to Budapest Esély the coordination and implementation of this initiative.

Tools

Needs Analysis: Budapest Esély organised a professional survey of the needs of women, disabled people, disadvantaged children, older people, Roma people, families with children and homeless people. This survey identified nearly one hundred problems for groups at risk of discrimination in Budapest. It covered the areas of social services, healthcare system,

education, cultural and sports facilities, employment and public services including transport and housing.

Municipal Equal Opportunity Programme: This programme was developed by Budapest Esély and approved by the General Assembly, the highest decision making body of the city of Budapest. It was drafted on the basis of professional workshops, consultations and on-line discussions. 152 organisations, in twelve sectoral workshops, expressed opinions on the draft programme through the Civil Coordination Council of the Municipality.

The programme seeks to respond to the problems identified in the needs analysis. It is focused on public organisations, public services and public spaces. It seeks to provide protection and support to disabled people, Roma people, women, families with



children, disadvantaged children, older people and homeless people. The first year of the programme emphasises developing sensitivity towards diversity and equal opportunities. Feedback is encouraged for what is designed to be a constantly evolving programme. A monitoring system is being developed.

Training: Specialised training courses are organised for the employees of the Municipality. These courses aim to develop a sensitivity, awareness and consciousness among employees towards equal opportunities. Budapest Esély has worked with civil society organisations to develop a sensitivity training package providing information on the needs of different groups.

Employers are targeted with training to eliminate discrimination in the workplace and to create an accepting workplace. Social service providers are targeted with training to eliminate discrimination in service provision and to create customer friendly services.

Supports

Stakeholders were involved in the drafting process for the Equal Opportunities Programme. Different non-governmental organisations have been involved as partners with Budapest Esély in awareness campaigns and the preparation of guidance materials under the Programme.

Expertise is made available to the initiative through Budapest Esély²⁸. They have developed and provided guidance for good practice using online materials, training and expert support.

Barriers

There are difficulties in organising cooperation between non-governmental organisations and public authorities due to the dependency of many non-governmental organisations on public funds. There has

not been a strategy or tradition of cooperation as equal partners in Hungary.

It has been difficult to develop a monitoring system as there are no databases for equality issues and limited tools for measuring progress.

Equal opportunities require long term investment but public authorities plan for the short term.

Factors for success

The commitment of the Municipality of Budapest is important and can bring the necessary financial and institutional tools to the initiative. Budapest Esély has the expertise, knowledge and skills to implement this initiative.

Legislative requirements, under CXXV/2003 Law on Equal Treatment (Anti-Discrimination) and Forwarding of Equal Opportunities prohibiting discrimination on a range of grounds and requiring local authorities to prepare equality plans enable this initiative.

Gender

Gender is included as a category within the equality programme. However, gender mainstreaming is a new issue in Hungary and simple actions are required to get support for this.

Costs

Budapest Esély has one full time worker and three part time workers on this project. A full time contact person in the Municipality also works on this project. The budget for the equality programme is €70,000 including staff costs, training events, anti-discrimination campaigns and other material expenditure.

Further information

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²⁸ Further information available from www.pestesely.hu with information in English at <http://www.pestesely.hu/index.php?pageid=menueng>

Case study 11

The Society Integration Programme of Jelgava, Latvia

Local government has responsibility for a wide range of policy areas in Latvia. Local government society integration commissions which participate in implementing society integration programmes play a role in promoting the integration of minority ethnic groups. This approach has been developed in a number of municipalities with varying degrees of ambition and progress. The City of Jelgava is one positive example. This integration process enables a mainstreaming of non-discrimination/equality considerations in relation to minority ethnic and religious groups into key areas of local government service provision. This is an ongoing process of mainstreaming. It uses the tool of equality programme.



Objective

The objectives of this mainstreaming initiative are to promote equality for minority ethnic groups and to prevent ethnic division in Jelgava.

Institutional architecture

- The Society Integration Department of Jelgava municipality coordinates the Society Integration Programme and engages with minority ethnic organisations.
- The Society Integration Commission is a partnership developed to support the preparation and implementation of the Society Integration Programme. This Commission includes municipal and state institutions and non-governmental organisations.
- The Ethnic Minority NGO Association cooperates with the municipality of Jelgava in devising and implementing the Society Integration Programme. This combines seven non-governmental organisations representing Russian,

Polish, Ukrainian, Byelorussian, Lithuanian, Jewish and Roma people.

- Accessibility of sporting activities to minority ethnic groups.
- Social integration.
- Ethnic and religious diversity.

Tools

*The Society Integration Programme of Jelgava 2008-2013*²⁹: This sets out guidelines and actions to advance integration in a context of ethnic and religious diversity. It promotes:

- Fostering civic participation by minority ethnic groups.
- Accessibility of education to minority ethnic groups.
- Accessibility of cultural services to minority ethnic groups.

Training: Courses and training events, seminars, opportunities to exchange experience and public events are organised as part of the Society Integration Programme.

Participation: The involvement of minority ethnic organisations is structured within the Society Integration Commission of Jelgava. This is enabled through the Ethnic Minority NGO Association, and supported by funding from the municipality.

Supports

Guidelines are being developed for societal integration. These are to replace the previous 'Integration of Society' programme of 2001 at national level.

²⁹ This is available in Latvian at <http://jelgava.lv/pasvaldiba/dokumenti/dokumenti0/attistibas-planosana/jelgavas-pilsetas-attistibas-planosanas-dokum1/> under title "Jelgavas pilsētas Sabiedrības integrācijas programma 2008.-2013. gadam".

Minority ethnic organisations attract financial support for projects from the Jelgava Municipality and from other sources including foundations, Ministries and voluntary contributions from their members. This enables their participation in the Society Integration Programme.

Barriers

Public opinion is not well attuned to equality and non-discrimination for marginalised groups.

Factors for success

The availability of adequate finance is vital to the effective implementation of the Society Integration Programme in Jelgava.

The active participation of organisations of minority ethnic people and of the wider society is important for the impact of the Society Integration Programme in Jelgava.

Gender

Gender is not a specific focus within the Society Integration Programme in Jelgava. However, the organisation of events under the programme takes account of the principles of gender equality.

Costs

Jelgava City Municipality assigned 20,000 Latts (€28,300) for integration activities in 2010/11.

Further Information

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Case study 12

Cross cutting programme for harmonious interaction in Terrassa, Spain

The foreign population in Terrassa doubled between 2004 and 2009 alongside an increase in the Spanish population. The population reached over 213,000 with 22,000 people in District II. The Plan de Barrios (Neighbourhood Plan) of Terrassa City Council covers broad urban, economic and social activities. The Programa de Fomento de la Convivencia (Programme to Foster Harmonious Interaction) forms part of the Plan de Barrios in District II and has a mainstreaming effect on the other programmes in the Plan de Barrios. The programme ran from 2004 to 2008 and has, in part, continued through a Plan de Continuidad which runs from 2009 to July 2011. This is a one-off initiative. It uses the tool of equality plan.

Objective

This initiative was focused on building good relations between different ethnic groups with the objective to

improve the quality of life in District II by:

- encouraging civil citizenship and tackling conflict in interaction in public spaces and common areas of housing units,
- strengthening networking among formal and informal associations,
- raising awareness among the District's services, organisations and public institutions working on migration

Institutional architecture

- Terrassa City Council Plan de Barrios Office is responsible for the Neighbourhood Plan. The Citizenship and Civil Rights Service of the City Council coordinates the Programme to Foster Harmonious Interaction.
- The Citizenship Working Group involves experts from the different City Council services in the area and the different organisations in

District II as well as individuals. It diagnoses problems in relation to harmonious interaction and advances activities in response.

- A range of civil society organisations are involved in the activities. These include District II neighbourhood associations, the Red Cross Terrassa and the Terrassa Bar Association.

Tools

Programa de Fomento de la Convivencia: The Programme to foster Harmonious Interaction is a cross cutting plan under the broader Plan de Barrios (Neighbourhood Plan). It seeks to tackle social conflict in public areas and the common areas of housing units. It is based on one-on-one grassroots work through education, prevention and community education work on the streets.



Coordination: The Plan de Barrios involves inter-programme coordination which includes the team of all the people in charge of all of the Plan's programmes. This enables a prioritisation of groups of citizens experiencing the greatest amount of difficulty and a combating of social marginalisation. The initiative reports noteworthy progress in developing joint comprehensive programmes in the City Council with a capacity to contribute to harmonious interaction.

Supports

Good practice in other municipalities enabled this initiative and visits were arranged to examine this good practice.

The initiative drew on professionals from a range of disciplines and this multi-disciplinary approach benefited the initiative.

Barriers

There were difficulties in comprehensively tackling problems of harmonious interaction and in working in a cross cutting manner within public administration.

There were some rumours and perceptions that the City Council only benefitted immigrants.

There was a lack of shared responsibility for the initiative from the different communities and the different organisations involved.

Factors for success

The economic resources made available for the initiative enabled innovative measures to be implemented within the Programme to Foster Harmonious Interaction and allowed a broad range of professionals to work on its implementation.

Gender

Gender was not a specific focus but a local women's association was involved in some activities.

Costs

Thirty managers and technical experts have been involved in this initiative on a full time basis over a two year period. Funding was provided by the Government of Catalonia, Terrassa City Council and the Ministry of Labour and Immigration.

Further information

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Chapter 12

Non-discrimination/equality mainstreaming in policy review

This chapter sets out examples of the practice of non-discrimination/equality mainstreaming in policy review at Member State level. The two examples are at national level.

12.1 Non-discrimination/equality mainstreaming in policy review at national level

Case study 13

Technical review of the Social Welfare Code, Ireland

The Equal Status Acts 2000-2008 prohibit discrimination in the provision of goods and services, accommodation and education. This prohibition covers nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community. The Department of Social and Family Affairs conducted an extensive review of the Social Welfare Code to examine its compliance with the Equal Status Acts. This reflected a commitment given by the Minister to parliament. This commitment was made as a consequence of the settlement of a discrimination case taken against the Department by a same sex couple which was supported by the Equality Authority. This was a one-off exercise. It used the tools of equality impact assessment and participation.

Objective

The objective of the review was to eliminate discrimination. All schemes and services provided for in social welfare legislation and administrative schemes were examined. This examination was to identify any instances of direct discrimination on any of the nine grounds, or any instances of indirect discrimination on any of these grounds which could not be justified by a legitimate social policy objective or where the means of achieving that objective were either unnecessary or inappropriate.

Institutional architecture

- The Department of Social and Family Affairs commissioned the review by public contract. A project board was established with

officers from the relevant sections of the Department and from the Department responsible for the equality legislation.

- External consultants conducted the review.
- Non-governmental organisations were invited to make submissions to the review and to identify any legislation or regulation or administrative rule of the social welfare code which may disadvantage people due to their membership of one of the grounds covered by the Equal Status Acts.

Tools

Expert Consultants: The public tender for the review was won by external consultants. This consortium brought together expertise in the social welfare code, equality legislation and

equality issues, legal issues and statistical analysis.

Scoping Exercise: A scoping exercise was implemented from February to September 2006, to establish the most appropriate approach to and methodology for the review. This was to ensure that the review would be robust and verifiable. The results of the scoping exercise formed the basis of the terms of reference for the main review.

Review: A second tender issued for the main review was won by the same external consultants with an expanded team of experts. This was conducted from mid 2007 to late 2008. All statutory and non-statutory social welfare schemes, the Social Welfare Acts, all social welfare regulations and all administrative guidelines were examined. In each policy area the consultants:

- Carried out a textual review of the relevant legislation and guidelines and met key personnel in the Department to discuss possible issues arising.
- Considered external submissions and consulted staff working in the policy area.
- Examined data on the impact of the scheme on different groups where available.
- Drafted an equality framework to identify issues for further discussion or research and met key personnel to discuss these issues.
- Formulated conclusions on the legal aspects and submitted a final report.

Consultation: Organisations representing groups experiencing inequality made written submissions on foot of advertisements in the national print media. Meetings were held with Departmental staff responsible for the different schemes and a questionnaire was issued to front line staff to identify equality issues.

Supports

The availability of financial resources to implement the project and of staff resources to manage the project and liaise between the consultants

and key Department personnel was important.

Barriers

In many instances data was not available on the nine grounds and it was difficult to identify possible instances of indirect discrimination. Further, the data held tended to refer to successful claims for welfare assistance rather than refused claims which might have been more informative.

Factors for success

The provisions of the Equal Status Acts and the successful pursuit of discrimination cases in relation to the social welfare code provided the key stimulus for this review.

Gender

Gender was one of the grounds for the review.

Costs

The scoping exercise cost €32,800 (plus VAT) and the main review cost €203,500 (plus VAT).

Further information

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Case study 14

Equality analysis of spending review, the United Kingdom



The government carried out a spending review in 2010 in response to a significant public deficit. HM Treasury was responsible for the spending review. The Treasury was required under equal treatment legislation to have due regard to the promotion of equality on the grounds of gender, race and disability under equal treatment legislation. The broader equality duty under the Equality Act 2010 had not yet come into force. This was the first time that the Government had produced an analysis of this kind for a spending review. This is an ongoing process of mainstreaming. It uses the tool of equality impact assessment.

Objective

The Treasury considered the impact of the spending review as a whole on women and men, minority ethnic groups and people with disabilities. The management and distribution

of spending within Government Departments was deemed to lie outside this assessment. These Departments in turn were required to have due regard to equality in carrying out their functions.

Institutional architecture

- HM Treasury, the economics and finance ministry, was responsible for the Government Spending Review in 2010. The Treasury conducted an equality impact assessment of this spending review on the grounds of gender, race and disability. It published an overview of this equality impact when the spending review was announced.
- The Equality and Human Rights Commission monitors and enforces equality duties in the equality legislation. The Commission announced a formal independent assessment of the extent to which

the Treasury had met its legal obligations to consider the impact on protected groups of decisions contained in the spending review. The Commission clarified that initiating this assessment should not be taken as an indication that the Treasury had not met its legal obligations. It pointed out that the assessment was an opportunity for the Commission to continue its ongoing constructive work with the Treasury to evaluate what steps it had taken to comply with equality legislation and to identify any potential opportunities for improvement.

Tools

Equalities Impact Analysis: The Treasury published an 'Overview of the impact of Spending Review 2010 on equalities'. This was based on a qualitative analysis of the allocation

of resources between Government Departments in the 2010 spending review. The analysis was based on differing consumption of public services by women and men, minority ethnic groups and people with disabilities. The analysis found that:

- women use some public services more than men, in particular health, social care, and early years and childcare.
- minority ethnic groups are more likely to use services targeted on people on low incomes and services in areas where minority ethnic groups are clustered.
- people with disabilities use some public services more than the general population in particular health, social care, services targeted on people with low incomes and the Disabled Facilities Grant.

The analysis concluded that decisions have been taken which relatively protect most of these services but that in protecting these areas of spending savings have to be made in other areas.

Supports

The Treasury had previously, as required under the equality legislation, published a Single Equality Scheme for 2009 to 2011. This sets out the commitments of the Treasury to equality and diversity, the steps it will take to fulfil the equality duty and the arrangements for gathering information and assessing impact. This Scheme provides staff with analyses of the impact on equality of key strategic functions of the Treasury. These functions are public spending, taxation and policies to promote productivity and growth. These analyses are to inform judgements made about measures in pre-budget reports, budgets and spending reviews.

Barriers

The spending review process is complex as it involves decisions by the Treasury that interlink with budgetary decisions made by other Government departments. The impact of the spending review results from the interaction of these different decision

making processes. Impact will also be determined by policy decisions made by Government departments after the spending review.

Factors for success

The requirements on public authorities under equality legislation to pay due regard to equality and consider any disproportionate impact on protected groups when making decisions was the stimulus for mainstreaming equality considerations in the spending review.

Gender

Gender was one of the grounds specifically covered in the equalities impact review.

Costs

There is no information available on costs.

Further information

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Non-discrimination/equality mainstreaming is the systematic incorporation of non-discrimination and equality concerns into all stages of the policy process. It is implemented on the six grounds of gender, racial or ethnic origin, disability, age, religion or belief and sexual orientation. But non-discrimination/equality mainstreaming is a challenging concept to implement. This compendium is designed to assist policy makers and programme managers, in all policy fields, to implement this mainstreaming as an integral part of their work. It offers guidance on supporting and implementing mainstreaming and sets out a broad range of practice examples from different Member States.

For more information please visit: <http://ec.europa.eu/antidiscrimination>



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