**EQUALITY IMPACT ASSESSMENT**

**AN INTRODUCTION**

**NIALL CROWLEY**

**ACTING DIRECTOR, EQUINET**

**APRIL 2010**

**WHY SHOULD EQUALIT IMPACT ASSESSMENT BE ON OUR AGENDA?**

1. The Communication of the European Commission ‘Non Discrimination and Equal Opportunities: Renewed Commitment’ (COM (2008) 420 Final) commits the European Commission to ‘promoting the systematic incorporation of non-discrimination and equal opportunity concerns on all Article 13 grounds into all policies, in particular within existing coordination mechanisms for employment, social inclusion, education and training’.
2. The General Regulation governing the Structural Funds (Council Regulation (EC) No. 1083/2006) sets out the general provisions governing the ERDF, the ESF and the Cohesion Fund. Article 16 requires that ‘The Member States and the Commission shall take appropriate steps to prevent discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them’.
3. The Regulation governing the ESF is more explicit in requiring that ‘Member States shall ensure that operational programmes include a description of how gender equality and equal opportunities are promoted in the preparation, implementation, monitoring and evaluation of operational programmes’ (Article 6).
4. A new article 10 of the Lisbon Treaty sets out that ‘in defining and implementing its policies and activities the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’.
5. In September 2009 the European Commission convened the first good practice exchange seminar of the Non-Discrimination Governmental Expert Group in Finland. The focus for the seminar was ‘Non-Discrimination Mainstreaming’.

Equality and/or non-discrimination mainstreaming is being emphasized by the European Union as a key direction for equality strategies.

Equality and/or non-discrimination mainstreaming is about putting considerations of equality, diversity and non-discrimination at the heart of policy making and of organizational procedures and practices.

An equality impact assessment is the means by which equality, diversity and non-discrimination considerations are put at the heart of policy making and organizational procedures and practices.

**WHAT IS EQUALITY IMPACT ASSESSMENT?**

1. An equality impact assessment is a means of systematically incorporating non-discrimination, diversity and equality concerns on the grounds of gender, race, religion, age, disability and sexual orientation into:-
   1. all policies, legislation and programmes, and
   2. into all organizational policies, procedures and practices.
2. Equality impact assessment should be an **integral** part of the policy making process. It is an **anticipatory or ex-ante** exercise carried out on a proposed design or delivery of a new policy, piece of legislation or programme. It can assess the policy, legislation or programme for:
   1. compliance with equal treatment legislation,
   2. its capacity to take account of diverse groups, and/or
   3. its ability to advance equality

across the grounds of gender, race, religion, sexual orientation, disability and age. It is a **participatory** exercise that involves the organisations of people who experience inequality. If the impact of the policy, legislation or programme is found to be neutral or adverse for groups experiencing inequality then changes can be made in their design or remedial measures can be designed and included.

1. Equality impact assessment should be part of developing the manner in which an organization conducts its business as an employer and and as a service provider. The situation and experience of customers/clients and employees from across the six grounds within the organisation is assessed. The **policies, procedures and practices** of the organization are assessed for compliance with equal treatment legislation, their capacity to take account of diverse groups and their ability to advance equality across the grounds of gender, race, sexual orientation, age, religion and disability. An equality plan is usually prepared on foot of this assessment to address the issues raised and to advance equality within the organization.

An equality impact assessment is a tool for the promotion of equality through policy making and through the operation and practice of organisations.

An equality impact assessment is key to the pursuit of a planned and systematic approach to equality, diversity, and non-discrimination.

**WHAT DOES AN IMPACT ON EQUALITY MEAN?**

1. An equality impact assessment needs to be based on a broad understanding of equality that involves a number of interlinked objectives:-
   1. **Redistribution.** Equality is concerned with access to jobs and income and with access to public goods such as education, housing and health. The key questions in an equality impact assessment are:-
      1. Who will benefit from the policy, legislation or programme if it is designed and delivered in this way?
      2. Who gets to participate in the organization as an employee, what is their experience and who gets to progress their careers?
      3. Who gets to be a customer/client of the organization, what is their experience and what benefit do they secure?
   2. **Recognition.** Equality is concerned with access to status and standing for different groups in society. Status and standing for groups can be seen in how their identity is recognized and how their particular needs are responded to. The key questions in an equality impact assessment are:-
      1. Is the policy, legislation, or programme designed in a manner that recognizes the diverse identities of groups across the six grounds and that accommodates the different needs that arise from this diversity of identities?
      2. Do the policies, procedures and practices of the organization recognise the diverse identities of their employees and customers across the six grounds and do they accommodate the different needs that arise from this diversity of identities?
   3. **Representation.** Equality is concerned with access to power and influence. Power and influence can be visible in terms of who gets to have a say in decision making around policy, legislation or programmes and around the policies, procedures and practices of organisations. The key questions in an equality impact assessment are:-
      1. Does the policy, legislation or programme enable groups experiencing inequality have a greater say in decisions that impact on them? In particular is the policy, legislation or programme designed in a manner to empower these groups in the implementation processes envisaged?
      2. Do the policy, procedures and practices of the organization enable customers and employees from across the six grounds have a say in decision making? In particular do these employees and customers have a say in relation to the design of these policies, procedures and practices?

**WHAT ARE THE TOOLS FOR ASSESSMENT?**

1. **Data.** Data is required on groups experiencing inequality across the six grounds. This is required at a societal or sectoral level in assessing policy making, legislation or programmes and at an organizational level in assessing the policies procedures and practices of the organization. Data is required on the situation of the groups, on their experience or relationship with other groups, and on their identity or values and aspirations. Data gathering has to be done in a practical and proportionate way given the paucity of data on a number of the grounds.
2. **Participation.** The Equality impact assessment process is participatory. The participation of groups experiencing inequality and their representative organisations brings valuable information to the process of assessing impact. Non-governmental organisations provide the key channels for this participation. It is important to ensure they are supported to develop and apply necessary tools and skills.
3. **Screening.** Screening it the process whereby it is decided whether or not to do an equality impact assessment. This is not an issue for equality impact assessment in organisations. It is an issue for impact assessment in policy making, legislative work or programme design. Two guiding principles should assist in making this decision:-
   1. The scope of the policy, programme or legislation. If the scope is the whole community then it can be particularly important to assess its impact on equality.
   2. The scale of the policy, programme or legislation. If the scale is significant and involves a large budget then it can be particularly important to assess its impact on equality.
4. **Equality Plans.** Within organisations equality plans are usually prepared on foot of the equality impact assessment. The equality impact assessment throws up a number of issues which can then be addressed through an equality plan with clear objectives and actions defined by the organisation. An equality plan prepared before equality impact assessments are carried out can however assist the impact assessment process in policy making, legislation and programme design. The objectives set and actions identified in the equality plan provide a benchmark against which to equality impact assess new policy, legislation and programmes.
5. **Monitoring.** Monitoring the actual impact of policy, legislation or programmes on groups experiencing inequality and monitoring the ongoing performance of an organization in relation to equality are important to assess the quality of the equality impact assessment done and to make changes that might be necessary.
6. **Supports.** . Equality impact assessment is an internal process integral to the systems of the organization involved. However they can be valuably assisted by the development of support materials and by the provision of external practical support and advice.

**WHAT ARE THE OBJECTIVES OF AN EQUALITY IMPACT ASSESSMENT?**

It is important to give consideration to what the equality impact assessment is trying to achieve. This will influence what you invest in the process, the standards you set for the process and the measurement of success for the process you might use. It is a matter of ambition and the greater the ambition the better for groups experiencing inequality. A number of different objectives can be identified. All or some can be pursued simultaneously. The possible objectives are:

1. To advance equality in terms of redistribution, recognition or representation for different groups across the six grounds.
2. To remove the economic, social or institutional barriers to equality experienced by different groups across the six grounds.
3. To ensure the practical implications of diversity are taken into account and necessary adjustments are made to accommodate these.
4. To foster good relations between groups experiencing inequality and other groups in society and to ensure an experience free from harassment or abuse.
5. To ensure compliance with equal treatment legislation.

**WHY DO EQUALITY IMPACT ASSESSMENT?**

Equality impact assessment in policy making, legislation and programme development:-

1. Enables new policy, legislation and programmes to advance equality and eliminate discrimination.
2. Makes policy making, legislative development and programme design transparent and open and thus contributes to good governance.
3. Builds a new culture in policy making, legislation and programme development that improves effectiveness through a focus on impact assessment, monitoring and evaluation processes.
4. Contributes to quality in policy making, legislation and programme development by enhancing its capacity to meet and respond to the needs of, and to have a positive impact on, groups experiencing inequality.
5. Secures a better use of resources by ensuring policy, legislation and programmes are better attuned to the situation, experience and identity of groups that experience inequality.

Equality impact assessment in organisations:-

1. Enables organisations to advance equality and eliminate discrimination for their employees and customers.
2. Builds a planned and systematic approach to equality within organisations that is effective and coherent with their other business systems.
3. Enables employees to be more productive, creative and loyal to the organization.
4. Builds a wider market share and customer base for the organization.
5. Enhances the image of the organization as modern and forward looking.

It is important to show that equality impact assessment makes a difference. Monitoring the impact of equality impact assessment itself is valuable in this regard.

**WHAT WILL DRIVE PROGRESS ON EQUALITY IMPACT ASSESSMENT?**

1. **Legal duties.** There are requirements in equal treatment legislation in some Member States on the public sector to have due regard to equality in carrying out their functions. There are also a number of requirements on the private sector to be proactive in advancing workplace equality. These legal requirements serve as a driving force for conducting equality impact assessments in policy making and within organisations.
2. **Business case.** There is a strong business case for equality. This has been developed at a societal level where it has been shown that greater equality will diminish a wide range of health and social problems faced by societies. It has been developed at an economy level where it has been shown that a gender equal labour market will stimulate growth in GDP by an average of some 38% across the EU. It has been developed at an organizational level where it has been shown that investment in equality and diversity systems leads to greater productivity, innovation and organizational loyalty. A planned and systematic approach to equality is required to realize this business case. The equality impact assessment is key to securing a planned and systematic approach.
3. **Equal treatment legislation.** The equal treatment legislation sets a valuable minimum standard of non-discrimination for all organisations. Equality impact assessment supports compliance with this standard. Equality impact assessment is a valuable tool for the prevention of discrimination.
4. **EQUALITY BODIES.** Equality bodies have played and can play a wide range of roles in securing the implementation of equality impact assessments within policy making and within organisations. These include:-
   1. Promoting the business case for equality impact assessment and promoting a practice of equality impact assessment in policy making and in organisations.
   2. Supporting the practice of equality impact assessment in policy making and in organisations and developing guidance materials for this practice.
   3. Providing a source of knowledge and expertise on equality impact assessment and offering training and other opportunities to disseminate this expertise and knowledge.
   4. Developing and promoting standards for equality impact assessment to ensure it is implemented effectively to both advance equality and combat discrimination.
   5. Stimulating and supporting the collection of data on the situation, experience and identity of groups experiencing inequality across the six grounds.
   6. Supporting the implementation of positives duties in equal treatment legislation.