

New Tools for Promoting Equality

An Equinet Opinion on a European Commission Communication on New Tools
for Promoting Equality

An Equinet Opinion
September 2008

New Tools for Promoting Equality is published by Equinet, the European Network of Equality Bodies.

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ISBN 978-92-95067-12-7
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This publication is supported by the European Community Programme for Employment and Social Solidarity - PROGRESS (2007-2013). The Decision n°1672/2006 establishing a Community programme for employment and social solidarity – PROGRESS was adopted by the European Parliament and the Council on 24 October 2006 and published in the OJ on 15 November 2006. Its overall aim is to support financially the implementation of the objectives of the European Union in the employment and social affairs area as set out in the Social Agenda and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

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Introduction

Equinet welcomes this opportunity to provide an opinion to the European Commission on their forthcoming Communication on new tools for promoting equality. **Equinet** is the European network of specialised equality bodies. This opinion draws from the experience and expertise of these specialised equality bodies in their work of implementing equality legislation at Member State level.

This opinion builds on two previous opinions provided by **Equinet** to the European Commission. The first of these opinions focused on the need for a long term and practical legacy from the European Year of Equal Opportunities and on the elements that should form part of this legacy. The second of these opinions is focused on the commitment from the European Commission to take initiatives on equal treatment outside the labour market on the grounds of gender, religion, age, sexual orientation, and disability and on the imperative for and content of a new equal treatment directive that covered all of these grounds in the areas outside of the labour market.

The commitment of the European Commission to publish a Communication on new tools for promoting equality is both timely and important. This Communication should play a key role in giving effect to the conclusions of the Council of the European Union on the follow up to the European Year of Equal Opportunities for All. These conclusions emphasised the need to:

- ▶ strengthen efforts to prevent and combat discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation, inside and outside the labour market;
- ▶ secure and strengthen the effectiveness of specialised equality bodies;
- ▶ ensure mainstreaming of non-discrimination and equality issues;
- ▶ make full use of the possibilities for pursuing positive action.

Objective

The Communication could usefully establish a framework of equality objectives that would guide the future development of equality, diversity and non-discrimination strategies at European Union level. This framework could be developed around the objectives established for the European Year of Equal Opportunities for All of Rights, Representation, Recognition and Respect.

The ambition for equality that should be established within each of the objectives in a framework of equality objectives should be substantive. It should be set out in terms of achieving full equality in practice. This would establish the ambition in terms already enshrined in the EU Equal Treatment Directives.

Equinet proposes the following framework of equality objectives be established within the forthcoming communication:

- ▶ Rights and accessing rights under equality legislation in a timely and effective manner, including the right to protection against multiple discrimination.
- ▶ Recognition and achieving equality in status and standing for groups across the grounds through a celebration, a valuing and an accommodation of diversity.
- ▶ Respect and achieving equality in access to relationships of respect, care and solidarity through processes of social cohesion.

- ▶ Representation and achieving equality in access to power and positions of decision making for groups experiencing inequality in all sectors of society.
- ▶ Resources and achieving equality in access to employment, income and economic development; and in access to public goods such as health, education and accommodation.

Governance

Governance has been identified as a potential theme within this forthcoming Communication. This focus on decision making and structures for decision making is important both in terms of decision making on issues of promoting equality and combating discrimination, and in terms of embedding a focus on equality in decision making processes on other policy areas. In this regard the theme of governance should emphasises the importance of creating the conditions for a dialogue

- within the European Union institutions,
- between the European Commission and the Member States,
- and within the Member States,

to support the achievement of the above framework of equality objectives.

Equinet proposes that the Communication should include commitments to:

- ▶ Establishing a structure for dialogue within the European Commission, between key officials in each of the Directorates General to drive forward equality mainstreaming or equality impact assessment methodologies in the development of EU policies, plans and programmes and to achieve a coordinated approach to achieving the framework of equality objectives.
- ▶ Establishing a committee at European Union level that brings together officials from the relevant Government departments in each Member State to explore and support the development and implementation of effective equality, diversity and non-discrimination policies and programmes at European Union level. This committee should have a particular contribution to make in the further development of equal treatment legislation, of key policy tools such as equality mainstreaming/equality impact assessment methodologies, of programmes of positive action targeting groups experiencing inequality, of responses to multiple discrimination, and of new strategies for data collection. The committee will be comprised of officials from Government departments but it would be important that there are formal links established so that networks such as **Equinet**, NGO networks and the social partners can engage effectively with the work and dialogue of the committee.
- ▶ Organising a regular peer review exercise within the Social Protection Committee to share experience and expertise, and to establish best practice, in implementing a multi-ground equality focus within the Open Method of Coordination on Social Inclusion and Social Protection in particular in relation to social inclusion policies and programmes.
- ▶ Organising a regular peer review exercise within the Economic Policy Committee to share experience and expertise, and to establish best practice, in implementing a multi-ground equality focus within economic and budgetary policies that form part of Member State National Reform Programmes.
- ▶ Ensuring the Annual Equality Summit is a key arena for a dialogue between the European Union Institutions and the Member States to support the achievement of the framework of equality objectives. The Annual Equality Summit should establish a working agenda around which to sustain a dialogue through the ensuing year between the European Commission and the Member States in progressing the objectives established in the communication.

- ▶ Developing and supporting an Open Method of Coordination on achieving full equality in practice. Guidelines should be developed to shape Member State action plans on achieving full equality in practice across the six grounds. These action plans could focus on the development and application by Member States of a range of policy tools to promote equality and combat discrimination. They could further focus on the development and implementation of positive action programmes targeting specific groups experiencing inequality from across the nine grounds. A process of peer review should be developed around the design and implementation of these action plans. An annual progress report should be prepared in relation to the content and implementation of these action plans. An advisory committee drawn from the Member States should serve as a coordinating mechanism.
- ▶ Stimulating and supporting a multi-ground focus on equality within the social dialogue. Agreed action plans could be developed by the social partners with support provided for their implementation.
- ▶ Supporting a networking for equality of the specialised equality bodies through **Equinet** and a networking of non-governmental organisations from across the six grounds. Systems of dialogue should continue between the European Commission and these networks.
- ▶ Stimulating and supporting a dialogue at Member State level on achieving the framework of equality objectives. The structures for this dialogue should include the state sector, the representative organisations from across the six grounds, trade union and business sectors and specialised equality bodies. These structures should build on the organisation at Member State level to support the European Year of Equal Opportunities for All. It is important that these structures have access to resources and play a proactive part in supporting and promoting the implementation of effective equality and diversity strategies at Member State level.

Key Policy Tools

Key policy tools are identified as a further potential theme for the Communication. The development of policy tools should be focused on further evolving all elements of the strategic framework for action on equality that has been put in place at European Union level. This framework involves legislation, institutions and institutional development, equality mainstreaming and equality impact assessment, targeting and positive action, agenda setting, participation and monitoring mechanisms. The Communication should include commitment to:

- ▶ Further legislative developments such that the equal treatment Directives provide coherent protection from discrimination and to the same legal standard on each of the six grounds. **Equinet** would emphasise the importance of introducing a new equal treatment directive that covers areas outside of the labour market, that encompasses the grounds of disability, religion, age and sexual orientation, and that addresses the deficits in relation to the gender ground. This will enable a coherent approach to equality for all groups without hierarchies and **Equinet** has previously provided an opinion on the possible content for such a Directive.
- ▶ Further legislative development such that specialised equality bodies at Member State level are empowered to cover all six grounds in the fields of both employment and service provision. A European standard for the independence and effectiveness of specialised equality bodies should be established and monitored by the European Commission.
- ▶ An infrastructure within the European Commission to support equality mainstreaming through the conduct of an equality impact assessment at design stage of all European Union plans, policies and programmes. This infrastructure should develop and promote new methodologies for equality impact assessment and new

materials to support a practice of equality impact assessment. Equality impact assessment methodologies should be required at Member State level through the Open Method of Coordination, the National Reform Programmes and the investment of Structural Funds. Standards for equality impact assessment should be established and monitored.

► Positive action to target resources on achieving equality objectives for groups experiencing inequality. Work should be carried out at European Union level to clarify the scope for positive action that is now permissible under the Equal Treatment Directives. Further guidance material should be developed by the European Commission on effective positive action strategies in employment and in the provision of services. Structural funds should have a ring fenced budget for investment in positive action initiatives across the six grounds at Member State level.

► Developing agendas for the achievement of full equality in practice for groups experiencing inequality across the six grounds. These should be published by the European Commission in the form of a multi annual roadmap for equality that encompasses all six grounds. This roadmap should be monitored with progress towards targets and timescales reported on annually.

► Developing a business case agenda for equality. European Union level studies should be developed to identify and quantify the impact on public and private sector organisations of diversity and equality strategies in employment and in service provision. Initiatives at a local authority level could be developed to explore the linkage between diversity, the recognition of diversity and achievement of equality in urban settings and creativity and economic progress in those urban settings.

► Developing regular survey work in each Member State to establish

- the scale of discrimination experienced across the six grounds;
- the areas in which discrimination is experienced across the six grounds;
- the level of awareness of rights under equality legislation across the six grounds;
- the nature of the response, if any, from individuals who experience discrimination across the six grounds.

This survey work will build a database to benchmark progress in combating discrimination and to assess the scale and effectiveness of the strategic framework for action on equality in combating this discrimination.

Implementing Equality Legislation

The final potential theme identified for the Communication is that of implementing equality legislation. This is a key theme in a context where survey work has shown that there are low levels of information on rights among groups experiencing discrimination and that the majority of those who experience discrimination take no formal or legal action on foot of that experience. The Communication should therefore include commitments to:

► Promoting, devising and piloting a range of strategies to improve the levels of awareness of rights under equality legislation among groups experiencing inequality and discrimination. These strategies should support innovation in this area and the development of standards for good practice. The specialised equality bodies, trade unions and non-governmental organisations should be identified as key actors in these initiatives.

► Promoting, devising and piloting a range of advocacy supports that would enable individuals who have experienced discrimination to take legal action under equality legislation and that would contribute to a culture of compliance with this legislation among employers and service providers. The specialised equality bodies, trade unions and non-governmental organisations should be identified as key actors in these strategies.

- ▶ Promoting, devising and piloting training initiatives to build a skills base for compliance with equality legislation among employers and service providers. This work should be developed in a manner that stimulates the emergence of an adequate training infrastructure on these skills areas within the Member States. The specialised equality bodies, statutory training bodies, employer organisations and non-governmental organisations should be identified as key factors in these initiatives.

Conclusion

Equinet looks forward to a positive response to this opinion. **Equinet** hopes that it can continue to contribute to the development of this Communication through deepening the analysis and detail of any of the suggestions put forward in this opinion where this is found to be useful.

The promised Communication of the European Commission on new tools for the promotion of equality affords a valuable moment to reflect on and celebrate progress made alongside a valuable launching pad for the new initiatives, commitments and practices required in a context of inequalities that are both significant and persistent. **Equinet** is pleased to contribute to this endeavour and looks forward to its successful conclusion.