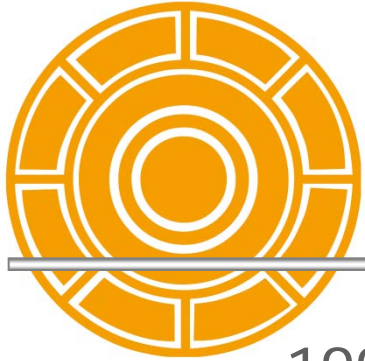




Expanding Discrimination Grounds

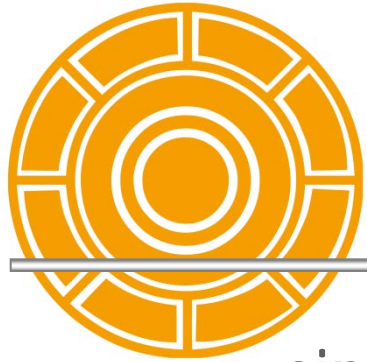
Ingrid Nikolay-Leitner

**From Gender Equality Body to
Comprehensive Equality
Institution**



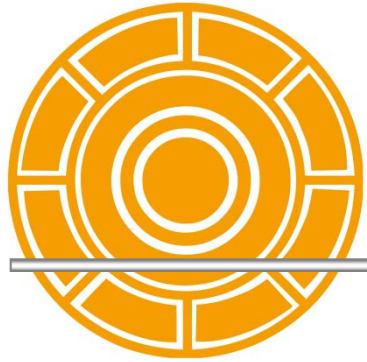
History

- 1991: Start as „**ombudsperson**“ for equality between women and men at work + deputy/assistant
- between 1998 and 2002: Four **regional ombudspersons** (each with deputy and assistant)
- 2004: two new titles of ETA and **two ombudspersons** (2 persons) **added to gender body**
 - „other grounds“ at work (except disability)
 - Ethnic discrimination (later sex discr.), goods and services
- 2005 – 2015: development of comprehensive body



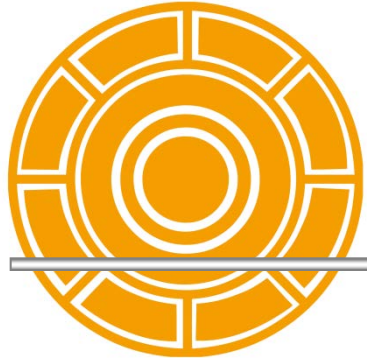
Advantages of the former single ground body in Austria

- simple, understandable **legal provisions** (ETA 1979: 12 sections)
- concentration on **few discrimination issues**
- easier to get **public attention** (especially in early years when most issues were new)
- easier to get **attention of target group**
- **structural discrimination** became visible sooner and easier (similar cases, similar arguments)



Advantages of the comprehensive equality institution now

- better **accepted as part of the legal system** (contrary to „one-ground-lobbying“)
- **accessability and support** for target groups that usually do not get much attention
- handling of **multiple discrimination** issues
- **standard of permanent discussion** between experts for different areas



Main Problems after expansion of grounds

- **disappointment of women** who had the feeling to loose „their“ body
- **connotation** of equality body as „**gender-issues-oriented**“
 - affiliation to ministry for womens issues, imbalance of regional resources, director connotated as „gender person“)
- **legal independence** of specialised parts of equality body versus **unique structure**



Spillover Effects

- extremely **complex ETA** with different wording in the three titles
- **different levels of protection** for different grounds
- EB still „**female**“ institution:
 - lack of diversity of employees
 - more female than male clients in all areas of action
 - imbalance of resources for different discrimination grounds in regional offices



Present situation

- **EB accepted as comprehensive institution** in public and legal environment
- **central stakeholder** in situation with fragmented equality law and numerous institutions dealing with equal treatment on federal and provincial level
- since 2014 **Subordinated Office of the Federal Chancellery**, independent with regard to scope of legal competences



Top Items on the Agenda of EB

- **levelling** up of legal provisions
- **appointment** of **regional ombudspersons** for title II and III of ETA
Plan B: regional offices take over tasks for all discrimination grounds, additional resources for tasks in connection with transposition of Dir 2014/54/EU
- **legal powers** and financial resources for EB to participate in **court proceedings**