

Equality Duties State of Play in Europe

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Types

Duty	Focus	Sector	Ambition	Change
Preventive	Take measures to prevent discrimination	Public and Private	Formal equality	Institutional
Institutional	Develop systems to promote equality for employees and people using the service	Public and Private	Substantive equality	Institutional
Mainstreaming	Have (due) regard to the need to promote equality and combat discrimination in implementing functions	Public	Substantive equality	Societal Institutional

Institutional Duties

- Employment equality focus in six jurisdictions
 - Equality plan of measures to promote equality
- Education equality focus in four of these jurisdictions
 - Equality plan of measures to promote equality
- Service provision focus in no jurisdiction

Institutional Duties

- Ambition not always explicit
 - Stretches beyond formal equality to substantive equality
 - ✓ Achieve equality; goal oriented approach; proportional participation; affirmative action
- Coverage
 - Predominantly public sector but private sector employers
 - Mainly multi-ground approach - single gender ground evident

Institutional Duties

- Limited evaluation of impact
 - Quantity and quality of gender equality plans in education establishments with modest results found (Finland)
 - Study of how employers address duty in relation to equal pay. Found a broad variation in procedures and that success depended on how the duty was implemented (Sweden)
 - Formulaic approach with employers seeing no added value in equality plans (Hungary)

Mainstreaming Duties

Type	Definition
Equality impact assessment approach - five jurisdictions	Assessment of impact on equality on all grounds of policy at draft stage
Equality plan approach - three jurisdictions	Planning for action on equality on all grounds
Coordination approach - one jurisdiction	Structure for coordination of planning and action on equality on all grounds
Process approach - three jurisdictions	Incorporate an equality focus in organisational processes, strategic plans

Mainstreaming Duties

- Ambition not always explicit
 - Substantive equality
 - ✓ Advance equal opportunity, remove disadvantage, meet specific needs, encourage participation and good relations; advance equality and change circumstances that prevent its attainment; balanced participation by different social groups
- Coverage
 - Public sector
 - Mainly multi-ground approach – single gender ground evident

Mainstreaming Duties

- Key impacts (evaluations from Northern Ireland, Britain, Wales, and Scotland)
 - Institutional change
 - ✓ Organisational culture
 - ✓ Decision-making
 - ✓ Consultation mechanisms
 - ✓ Resource allocation.
 - ✓ Coherent, evidence-based and inclusive policy making process
 - Societal change
 - ✓ Improved outcomes in employment and from service provision

Implementation: Supports

- Potential often remains to be realised due to poor implementation
- Implementation is assisted where
 - More explicit provision on implementation in the legislation
 - Structures for coordination for mainstreaming duties
 - Sanctions, peer pressure, and mutual support
 - Expert support, training, and awareness raising
 - Explicit role for equality body to support, guide, set standards, monitor and enforce

Implementation: Barriers

- Barriers to implementation
 - Duty bearers
 - ✓ See no added value from the statutory duty
 - ✓ Hold limited understanding of equality
 - ✓ Have limited capacity
 - Formulaic implementation with emphasis on process rather than outcomes
 - Lack of supports put in place for duty bearers
 - Issue of sanctions

Implementation: Equality Bodies

Role	Definition
Enforce	Monitor implementation, deploy standards, call up stimuli
Promote	Build awareness among the public and stakeholders about the duty and create demand and motivation for implementation
Set standards	Provide a standard to be met in implementing the statutory duty that includes the specific steps required in its implementation
Support	Provide training, mentoring, support and guidance material
Champion	Make recommendations to develop or enhance statutory duties

Future Perspectives: Statutory Duties

- At a European level
 - Promote and support standards and good practice in legislating for and implementing duties
 - Stimulate legal provision that
 - ✓ Covers all grounds
 - ✓ Makes detailed provisions
 - ✓ Provides for sanctions
 - ✓ Empowers equality bodies
 - ✓ Secures participation of those experiencing inequality and their organisations in implementing the duty

Future Perspectives: Statutory Duties

- At Member State level
 - Build new traditions and mind-sets for proactive and systemic approaches to equality
 - Create the conditions for effective implementation – data systems, participative processes, and monitoring actual impacts
 - Provide the supports for effective implementation
 - Establish structures to coordinate and network duty bearers

Future Perspectives: Equality Bodies

- Equality bodies to
 - Be proactive in promoting development and implementation of duties
 - Be to the forefront in providing guidance and capacity building
 - Set standards
 - Monitor and evaluate implementation and impact of the duties