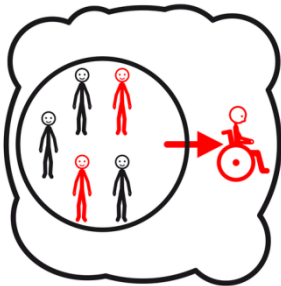


EASY TO READ SUMMARY



On the 4 May 2017, Equinet had a conference in Brussels, Belgium. A conference is a big meeting. People came to talk about how best to fight special kinds of unfair treatment that we call discrimination.



It is against the law to discriminate against someone just because, for example, they are a woman, disabled or believe in a different god than most other people. But it still happens sometimes.



Is it better to wait for someone to complain because they have been discriminated? Or should someone try to help before discrimination happens? And if someone can help, how can they do that? These were the main questions we talked about.

Many of the people at the conference work in special offices called equality bodies. People who feel discriminated can go to these offices for help. These offices also work with others, like companies, to help them treat people in a fair way.



There are many things companies and countries can do to make sure people are treated fairly. A company can, for example, write a report saying what they do to make sure everyone in their company is treated



fairly. When companies have to write reports like that, it can be called an equality duty. The purpose of the conference was for people to learn more about equality duties like that.

An example of an equality duty can be to have companies check if there are differences in how much they pay women and men. If they see that men make more money, the company should do something to make sure women are paid equally.

Another example can be when the Government should think about if a new law will have a bad effect for some people, for example persons with disabilities. Even though there could be a good reason for the new law, it might be discriminatory for some people. If the Government has to think about that before making a new law, it can be called an equality duty.



There were many good speakers at the conference to teach us about equality duties. We also sat in smaller groups discussing and learning from each other. Understanding what equality duties are can be a bit confusing, since there are so many different types. But we did our best to help each other understand more, and learn from the different kinds of equality duties we have in our different countries



ABOUT THE CONFERENCE

In 2016, Equinet commissioned research assessing the prevalence and state of play of equality duties in Europe. The study [“Making Europe More Equal: A Legal Duty?”](#) identify three categories of statutory duties in place in Europe today; preventive, institutional and mainstreaming duties. The study highlights that “[t]here is an uneven spread and development of these statutory duties. Their geographical spread is significant but not comprehensive. Their ambition differs in different jurisdictions. A broad diversity of approaches in devising and implementing statutory duties is evident.”

Based on the findings in this study, Equinet organised the conference to **explore the potential and current context for such duties**, looking at what is in place across Europe and how the learning from this can be used to contribute to institutional and societal change. The conference set out to share the **experiences of implementing equality duties, as well as good practice examples and discuss possibilities and challenges** in introducing such duties in other jurisdictions.

In particular, the conference aimed to:

- Provide a platform to discuss the experiences obtained in implementing equality duties
- Present the conclusions of the 2016 Equinet research “Making Europe More Equal: A Legal Duty?”
- Promote equality duties as an effective tool to advance equality in all jurisdictions

The conference was aimed at experts from national equality bodies, as well as from EU and international institutions and agencies, representatives from NGOs, national ministries, NHRIs and Ombudsman institutions, policy and legal experts, social partners and other organisations active in the field of equality.

Conference organization and summary: Katrine Steinfeld and Ingrid Egeland Thorsnes

Easy to Read summary: Senada Halilčević (EPSA, Inclusion Europe) and Ingrid Egeland Thorsnes

Administration: Yannick Godin

Input and support: Tamas Kadar, Jessica Machacova, Sarah Cooke O’Dowd, Matthew Augusteyns

Pictures: Thierry Maroit



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OPENING SESSION

The importance of equality duties in a challenging context

Evelyn Collins, Chair of Equinet and Chief Executive of the [Equality Commission for Northern Ireland](#)

Evelyn Collins welcomed the participants to the conference, and shared some of the history of equality duties in Northern Ireland, a jurisdiction where such duties have been in force for over 20 years. Ms. Collins said the **aim of the conference** was to provide a **platform for information exchange** and peer learning to spread equality duties in Europe, and underlined that now is a **crucial time** to discuss how to move forward and **ensure equality** and reassert the **fundamental values of the EU and the right to equality** in a context of economic and political challenges.



“The obligation to promote equality should be a part of national constitutions”

Stefano Valenti, External Relations Officer, [European Commission against Racism and Intolerance \(ECRI\)](#)



Stefano Valenti gave the keynote address from the perspective of ECRI. With reference to [ECRI’s General Policy Recommendation no. 7](#), he argued that the **constitution should enshrine the principle of equal treatment** and the commitment of the State to **promote equality** as well as the right of individuals to be free from discrimination. Such provisions should also be outlined as clearly as possible in the general legislation. Further on, Valentini described the **“stick and carrot”** approach towards duty bearers as set forward in [ECRI’s General Policy Recommendation no. 14](#), where ECRI recommends that national

legislation should provide genuine protection against direct and indirect discrimination. Legislation must be **implemented in practice**, inter alia through **encouragement of self-regulation** of the private sector. The same recommendation also points to **equality data**, and how such research is key to knowing what measures should be implemented and what effect they might have. Throughout his presentation, Valentini highlighted the important **role of equality bodies** when developing new and enforcing existing equality duties, and he pointed to the ongoing process of revising its [General Policy Recommendation no. 2](#) concerning equality bodies.

Recommendations to national authorities:

1. Equality duties should be part of national legislation, including Constitutions.
2. Equality bodies should be involved in the work of developing and enforcing equality duties.



SESSION 1

Setting the Scene – State of Play of Equality Duties in Europe

The unrealised potential of equality duties

Niall Crowley, Independent Expert

Mr. Crowley presented the Equinet Paper *Making Europe More Equal: A Legal Duty?*, where he identified three different kinds of statutory equality duties: **1) preventive, 2) institutional and 3) mainstreaming** duties. Crowley found that the impact of the two latter ones are better than the preventive regulations, but that their potential often remains to be realised due to **poor implementation**. Barriers to implementation can *inter alia* be a failure to see the added value of statutory duties, a limited understanding of equality, and limited capacity to implement duties where such duties exist. Concerning the further development of equality duties, Mr Crowley made the following recommendations:



..to National Governments:

1. Build new traditions and mind-sets for proactive and systemic approaches to equality
2. Create the conditions for effective implementation – data systems, participative processes, and monitoring actual impacts
3. Provide the supports for effective implementation
4. Establish structures to coordinate and network duty bearers

..to National Equality Bodies:

1. Be proactive in promoting development and implementation of duties
2. Be at the forefront in providing guidance and capacity building
3. Set standards
4. Monitor and evaluate implementation and impact of the duties

Niall Crowley's presentation can be found [here](#).



“Equality data is key to effective implementation”

Rita Žemaitytė-Tack, Ministry of Social Security and Labour, Lithuania

Ms. Žemaitytė-Tack presented the Lithuanian legal framework, including the legal obligations for public and municipal institutions and agencies to ensure that equal rights for women and men are guaranteed in all legislation. Further on, she spoke of the duty to develop and implement programmes and measures aimed at ensuring equal opportunities, and to incorporate such measures in strategic plans. Concerning the implementation and development of positive duties Žemaitytė-Tack underlined the **importance of equality data** to ensure the effective implementation of such duties. She further highlighted the **important role of equality bodies** in giving advice to the Government in their development of new equal treatment legislation and policies.

Rita Žemaitytė-Tack's presentation can be found [here](#).



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“We need to go further in order to allow a true embedding of equality”

Louise Warde Hunter, Deputy Secretary, Department for Communities, Northern Ireland Civil Service

Ms. Warde Hunter presented her experience with equality duties from the perspective of being a civil servant in Northern Ireland. She underlined the duty of **national authorities to have due regard** to equality with the aim of changing existing law and policy making. Public authorities in Northern Ireland are obliged to be **proactive by law**; however, civil servants are also subject to political governance. To make real change, it is therefore necessary to have **support from the highest levels of leadership**. The highest levels in the civil service in Northern Ireland are still very homogenous. To see **real change**, proactive measures must be enforced, and it is necessary to keep going further in order to break this **glass ceiling**, and to be able to **truly embed equality for all**.



“Equality duties need to strike the right balance between specific requirements and autonomy”

Claire Lesko, Equality and Human Rights Commission (EHRC), Great Britain



Ms. Lesko presented the Great Britain Public Sector Equality Duty, which requires public authorities and others carrying out a public function to **consider equality in their day to day work**. This general equality duty requires public authorities and those who exercise public functions across Great Britain to have **‘due regard’** to the need to inter alia eliminate discrimination. Lesko further presented qualitative research conducted in 2014/15, addressing awareness and understanding of the equality duties, and the guidance published by the EHRC for staff working in public authorities in Great Britain. Among the key findings were that the civil servants had a preference for shorter and practical guidance that explains what the equality duty means within specific **sectors, contexts and circumstances**. When developing new equality duties, Lesko recommended to carefully consider the balance the duty needs to strike between 1) providing organisations with **detailed** enough requirements to help civil servants think through equality issues effectively and 2) leaving them with **sufficient autonomy** to tailor their approach to their context and to address equality and good relations issues the way they see fit.

Claire Lesko’s presentation can be found [here](#).



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“30 % of employers find gender-related pay differences in their undertakings”

Johanna Kumlin, Equality Ombudsman, Sweden

Ms. Kumlin presented the legal framework of equal pay surveys in Sweden. In order to discover, remedy and prevent **unfair gender differences** in pay and other terms of employment, the employer is obliged to **survey and analyse key factors** related to the equal pay situation of the undertaking **every year**. Approx. 30 % of employers discover and document pay differences that are associated with employees’ gender. In 2016, the Equality Ombudsman published a research paper on equal pay, where they found that **broad variation** in employer procedures creates different prerequisites for employers to discover, remedy and prevent unjustified gender-related pay differences. The success of employers’ actions to counteract unjustified gender pay differences depends on how the employers’ work is carried out.

Johanna Kumlin’s presentation can be found [here](#).

SESSION 2 – Panel discussion

Looking Forward – Possibilities for Introducing Equality Duties

In the panel discussion the focus was on the next steps when it comes to equality duties. The panel was chaired by **Catherine Naughton** from the European Disability Forum.

The participants in the panel were:

- **Alvaro Oliveira**, European Commission
- **Stefano Valenti**, ECRI
- **Louise Warde Hunter**, Northern Ireland Civil Service
- **Rita Žemaitytė-Tack**, Ministry of Social Security and Labour, Lithuania
- **Eileen Lavery**, Equality Commission for Northern Ireland
- **Eva Hodges**, Permanent Representation of the Slovak Republic of the EU

Key messages from the discussion:

Eileen Lavery , Equality Commission for Northern Ireland	After many years of experience with equality duties (Northern Ireland), there is a need to keep evaluating the quality of the measures. After a review in 2007, the Equality Commission has moved the focus from process to impact of equality duties .
Rita Žemaitytė-Tack , Ministry of Social Security and Labour, Lithuania	Support and dedication from relevant political leadership is key to achieve equality in practice, also for the use and development of equality duties.
Louise Warde Hunter , Northern Ireland Civil Service	Consultation with stakeholders is important, but one has to beware of consultation fatigue. It is important to ask the right questions to the right people. Further on, monitoring is key, to assess policy impacts and



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	<p>outcomes and be able to prove it.</p> <p>Lessons learned: 1) To make progress reviews 2) Early engagement 3) Draw data from different sources 4) Dedicated equality unit in the relevant ministry 5) Consultation with the right people – the people that you will affect 6) Develop data and monitoring systems</p>
Stefano Valenti, ECRI	<p>Private sector needs to be convinced that these duties work, and this can happen using a mix of incentives and sanctions. The functioning of the national equality bodies are key, and there is a need to improve standards for equality bodies, because stronger equality bodies will lead to better implementation.</p>
Alvaro Oliveira, European Commission	<p>The Commission can and should support the promotion of equality duties everywhere; however, it is not realistic to include new provisions in the equal treatment directives. The European Accessibility Act includes a mainstreaming duty; in many cases duty bearers mean well, but need better guidance.</p>
Eva Hodges, Permanent Representation of the Slovak Republic of the EU	<p>The Slovak Republic has a wide-ranging and comprehensive equal treatment act, but implementation is an issue. Furthermore, wider society needs to be convinced that equality duties have a positive effect for the population in general. Soft initiatives are not as effective as statutory duties, and community-based measures are very useful.</p>
Catherine Naughton, European Disability Forum	<p>The Director of the European Disability Forum moderated the panel debate, and concluded that there is an important potential in equality duties. While the gender ground has often led the way in many countries, positive duties for reasonable accommodation on the ground of disability are now coming to the fore as a crucial measure in the inclusion of persons with disabilities. This work could be pioneering for other grounds of discrimination.</p>



CONCLUDING SESSION

Summary of discussions

Niall Crowley, Independent Expert

Mr. Crowley gave a summary of the discussions, where he argued that equality duties can in fact change peoples' lives. To be able to make such changes, duties have to be **action-based**. The **balance between stimulus and sanctions** need to be struck to make duty bearers implement the duties effectively. Mr Crowley also underlined the need for **stronger institutional mechanisms, including equality bodies**. Concerning current challenges, Crowley pointed to:

- the need for **tools** ensuring evidence based policies;
- **lack of resources** for implementation;
- the need to move beyond formulaic approaches while being aware of **tensions** between no guidance and too detailed guidance (again leading to formulaic approaches)
- **support from political and administrative leadership**.

Crowley concluded by pointing to the importance of the engagement of the European Commission, and that all stakeholders working for the promotion of equality bodies need to communicate that equality duties are a good idea and worth exploring further.



Concluding remarks

Anne Gaspard, Executive Director Equinet



Executive Director Anne Gaspard gave thanks to speakers and participants, and a special thanks to Niall Crowley for the important work with authoring the Equinet paper, and for his highly appreciated involvement in the preparation and execution of the conference. In her remarks, Ms Gaspard highlighted the **key role equality bodies play in promoting, monitoring and enforcing equality duties**. She said equality bodies should be at the forefront in developing and disseminating guidance materials, supporting capacity building for duty bearers, and **giving direct support** to organisations whose good examples would generate peer pressure for effective implementation by others. However, to be able to conduct this work, Equality bodies need to have the necessary **human and financial resources**, and there

is thus a link to the importance of developing strong standards for Equality bodies. The director concluded with welcoming participants to the capacity building session taking place the same day, with the aim of further developing our skills and share good practices and knowledge on equality duties.



WORKSHOPS ON EQUALITY DUTIES

Workshop I:

Equality impact assessment based approaches

Chair: Eileen Lavery, Equality Commission for Northern Ireland

Ms. Lavery presented the Northern Ireland legislation concerning the duty to assess the possible discriminatory effect of any new law or policy. The participants in the group were eager to learn more about the well-developed system of equality duties in Northern Ireland. The participants also shared some experiences from their own countries, and described different kinds of equality duties including mainstreaming duties. However, they met many challenges in realising these rights in practice, including lack of knowledge among duty-bearers and lack of sanctions.



Workshop II:

Support and guidance to duty bearers

Chair: Tena Šimonović Einwalter, Office of the Ombudswoman, Croatia

Ms. Šimonović Einwalter described how equality duties are regulated in Croatia as a starting point for the discussion. The participants then shared experiences and discussed the effectiveness of such measures among other topics. Based on the discussions in the group, the Chair concluded that equality bodies are key actors in interacting and supporting duty bearers. Good practises should therefore be shared, and the equality bodies could facilitate trainings to increase knowledge and raise awareness among civil

servants.

Workshop III:

Employment & education equality focused approaches

Chair: Kirsi Pimiä, Non-Discrimination Ombudsman, Finland

The group discussed different forms of equality duties and experiences in the respective countries of the participants. It was noted that there still are no real results or data concerning the actual effect of positive duties in Sweden/Finland, where equality plans are obligatory. However, surveys are carried out and monitoring does happen. Few participants felt that employers undertake monitoring equality issues voluntarily, so the workshop concluded that employers need incentives, as well as help and support in implementing active measures.





Workshop IV : Mainstreaming duties

Chairs: Carine Joly and Jeroen Decuyper, Belgian Institute for the Equality of Women and Men

The Belgian Institute for the Equality of Women and Men opened the workshop with a description of the institutional set up and monitoring mechanism for gender mainstreaming under the Belgian federal act. Participants exchanged views on the different institutional designs for mainstreaming duties in their respective countries, addressing the national and regional levels, as well as comparing the public and private sectors. Discussion touched upon the advantages and challenges of the various models, the critical factors leading to success where mainstreaming has been successful, as well as upon the possibilities for replicating a given institutional set up in another context. Political and institutional support, as well as societal acceptance were discussed as important enabling factors.

KEY LEARNING FROM THE CONFERENCE

Key learning from the presentations and discussions during the conference:

- **What are equality duties:** Institutional and mainstreaming duties, putting positive obligations on the authorities or private entities to combat and prevent discrimination and promote equality.
- **New concept:** The concept of equality duties is relatively new, and there remains a lot of unrealised potential in the development and enforcement of such duties. Both national authorities and equality bodies can do more to promote such duties.
- **Advocacy:** There is a need to convince key decision makers and the broader public about the advantages and potential that lies in equality duties.
- **Legislation:** National legislation should provide a framework for equality duties. Such legislation needs to find a balance between “soft” and “hard” measures. Currently there is not much prospect of developing new legislation concerning equality duties at European level, and the main focus is therefore on national jurisdictions.
- **In practice:** Equality duty legislation must be implemented in practice, inter alia through encouragement of self-regulation of the private sector. How well legislation works in practice can depend on how duties are carried out by duty bearers.
- **Developing equality duties:** When developing new or amending existing equality duties, a balance needs to be struck between providing organisations with detailed enough requirements to help them think through equality issues effectively, while at the same time leaving them with sufficient autonomy to tailor their approach to their context and to address equality and good relations issues the way they see fit.
- **Equality bodies:** Equality bodies play a key role in promoting, monitoring and enforcing equality duties. Standards are needed to ensure strong and independent bodies.



- **Equality data:** Good and reliable equality data is necessary to develop accurate equality duties, and to ensure the effective implementation of such duties.
- **Decision makers:** To develop strong and effective equality duties, it is necessary to have support from high level leadership. Furthermore, decision makers need to have knowledge of equality duties and resources must be set aside so develop and enforce implementation measures.
- **Monitoring and improvement:** When legislation is in place, there is still a need to keep on monitoring and improving duties to make them as effective as possible. Stakeholder consultations are key in this regard.

- The speakers' presentations are all available [here](#).

Equinet would like to thank all the speakers and participants for contributing to the success of the conference!

Presentations and pictures of the event are available on the [Equinet website](#).

For more information, please contact Katrine.Steinfeldt@equineteurope.org

EQUINET PUBLICATIONS

- [Making Europe more Equal: A Legal Duty?](#)
- [Equinet Working Paper on Developing Standards for Equality Bodies](#)

INTERNATIONAL ORGANISATIONS

- [ECRI's General Policy Recommendation no. 7](#)
- [ECRI 's General Policy Recommendation no. 14](#)
- [ECRI's General Policy Recommendation no. 2](#)

