



## European Sectoral Social Dialogue Committee on Local and Regional Government

### CEMR/EPSU GUIDELINES TO DRAWING UP GENDER EQUALITY ACTION PLANS IN LOCAL AND REGIONAL GOVERNMENT

*(As adopted by the plenary of 14 December 2007)*

#### 1) Introduction

These guidelines have been drafted by the CEMR / EPSU working group that met on 27 April and 9 November 2007. While recognizing the importance of gender equality in all spheres of public life and the key role of local and regional authorities in promoting gender equality in their communities, both as employers and service providers, the present guidelines exclusively address the employment and working conditions aspects of gender equality in local and regional administration.

The guidelines reflect national and European experience, and in particular draw on the following documents:

- EIRO 2004 survey on gender equality plans<sup>1</sup>
- The CEMR European Charter for Equality of Women and Men<sup>2</sup>
- The cross-sectoral social partners' framework of actions on gender equality<sup>3</sup>
- The electricity sector toolkit on equality<sup>4</sup>
- The 1976 Directive, and especially Article 8 (b) as amended by the 2002 Directive that encourages social partners' initiatives<sup>5</sup>

#### 2) Why gender equality is a priority in local and regional government

Equality is about creating a fair society, where everyone can participate equally and where everyone has the opportunity to fulfill their potential. Gender equality means giving equal freedom of choice, empowerment and participation to women and men in all spheres of public and private life. Equality can be pursued in two main ways. This is known as the dual approach and each process is complementary to the other. This includes:

- Positive action: specific policies to address gender inequalities and promote equal opportunities;
- Gender mainstreaming<sup>6</sup>: active steps are taken to have gender equality incorporated into all areas of policy, in all areas of activity and at all levels.

The EPSU/CEMR guidelines aim to support regional and local initiatives on equality, and to encourage a joint, long-term and sustained approach to equality by EPSU and CEMR members. As such EPSU / CEMR will provide a framework to develop best practice and to check progress.

<sup>1</sup> EIRO study on equality plans <http://eurofound.europa.eu/eiro/2004/02/study/index.html#contentpage>

<sup>2</sup> CEMR equality charter [http://www.ccre.org/docs/banner\\_charter\\_en.doc](http://www.ccre.org/docs/banner_charter_en.doc) - available in 15 languages

<sup>3</sup> Social partners framework of actions on gender equality (available in English and French):

<http://www.busesseurope.eu/content/default.asp?Pagelid=467>

<sup>4</sup> The electricity social partners' gender equality toolkit <http://www.eurelectric.org/EqualityDiversity/>

<sup>5</sup> [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=32002L0073&lg=en](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=32002L0073&lg=en)

<sup>6</sup> See Appendix 1 for definition of gender mainstreaming

Appendix 2 sets out an equality checklist that can be used to assess equality performance over time. Equality plans are also a useful tool to help better implement equality legislation or other equality objectives. A template for a gender equality plan is proposed in Appendix 3.

### **3) EU legislation and social partner agreements on equality**

There are a wide range of EU legal instruments that support gender equality. These are listed in Appendix 4.

The social partners at the national and European levels have been instrumental in negotiating agreements that contribute to gender equality, including directives on part-time work (1997) and parental leave (1994), and a Framework of Actions on Gender Equality (2005).

The Framework of Actions on Gender Equality, agreed between the social partners ETUC, CEEP and BUSINESSEUROPE-UEAPME, has specified actions in four areas:

- Addressing gender roles
- Promoting women in decision-making
- Supporting work-life balance
- Tackling the gender pay gap

The framework highlights actions that need to be taken by employers, trade unions and governments in achieving gender equality and meeting the Lisbon Strategy (2000) objectives. Social partners are required to address gender gaps and inequalities, and to promote a more balanced participation of women and men in decision-making. Annual reports are provided from each country on the implementation of actions under the four broad headings. The EU sectoral social partners can also contribute to the reporting process.

The 1976 Directive on equal treatment in employment, vocational training, promotion and working conditions encourages the social partners to introduce provisions on equality. In 2002 the Directive was revised, and now encourages the drawing up of equality plans. In particular, it encourages promoting equal treatment for men and women in the workplace in a planned and systematic way as a way of implementing equality in the workplace through a social partnership approach.

In some countries there is specific legislation obliging public and/or private sector employers to draw up and implement equality plans (see Appendix 5). Last, the European Council of 22-23 March 2006 adopted a European pact for gender equality that, among other things, recommends to further develop gender disaggregated statistics and indicators.

### **4) Gender equality action plans**

Equality plans can be drawn up at local, sectoral, and/or national level. They can take into account the situation of both direct employees and other workers providing services for which local and regional government has responsibility.

Equality plans should be drawn up and implemented by employers in cooperation and in dialogue with trade unions and employees and have the support of all levels of leadership. Having a clear and strong political backing is essential to ensure the successful development and implementation of gender equality plans.

### **Steps to take in preparing a gender equality plan:**

#### *Step 1: Set up a joint employer / trade union working group:*

The group should discuss and agree the objectives, methodology and content for the equality plan. The group can organise focus groups, surveys or interviews with workers from all grades. This can help capture attitudes to, and perceptions of, equality in the workplace, and any experiences of discrimination or inequality. It is important that information is sex disaggregated.

#### *Step 2: Identify the gender composition of the workforce:*

Identify the percentages of women and men in each occupational group or grade. Which jobs are male dominated (e.g., with over 70% men) and which are female dominated (e.g., with over 70% women). Highlight issues such as the distribution of working time patterns e.g. of full-time, part-time, type of employment contract, civil service status, pay levels, career development and training opportunities, and health and safety issues. Consider including information about workers in companies and other organisations providing services to the local authority.

#### *Step 3: Identify where inequalities exist:*

From your baseline data, it should be possible to identify specific areas of potential inequality, for example, unequal pay because of bonuses paid to employees who work a certain number of hours or in certain occupations, or poor access to promotion, education and training experienced by part-time workers or women's occupations. Identifying inequality patterns is a difficult task, which requires a considerable amount of time and a careful analysis of the data.

#### *Step 4: Develop a set of actions to resolve the inequalities identified:*

These can take the form of an action plan, which highlights policies that need to be developed, priorities, areas for action, and includes a short and a longer timeframe for implementing actions. The plan should identify who is responsible, how the measures are going to be implemented, and what resources are required to implement the actions.

#### *Step 5: Monitor, report on, and evaluate progress:*

Regularly review the progress in implementing actions in the joint social partners' working group, and ensure that there is an annual reporting system, for example, to the senior management team and to social partner/works council bodies, including the EU social dialogue Committee for local and regional government. This monitoring should also allow for the revision of priorities and objectives with a view to adapt to changes or new developments over time.

Examples of issues that can be addressed in equality plans:

- ✓ *Recruitment and terms and conditions of employment:* Are women recruited equally at all levels? Are there differences in employment contracts?
- ✓ *Training:* Who benefits from training? Do women benefit equally to men? If not, how can this be rectified? Are part-time workers included in training? Is training held at times that are convenient to women?
- ✓ *Reconciliation of work and family responsibilities:* what are the maternity, paternity and parental leave arrangements? How many men take up leave possibilities and if not many why? What about working time arrangements?
- ✓ *Health and safety:* What are the issues that impact on women and men? Are specific health and safety issues raised concerning pregnant or breastfeeding women?
- ✓ *Sexual and other forms of harassment:* How is this addressed? This issue can be identified for example through a questionnaire / survey together with other questions (see Step 1)
- ✓ *Changes in work organisation or working methods:* What is the impact of this on women's participation in the workforce? Will this encourage or discourage women's participation? How are women involved in discussions about work organisation? What retraining measures are planned? Are they adapted to women's situations?

- ✓ *Collection of sex disaggregated data (quantitative and qualitative):* Data is an essential part of equality action plans and enables baseline positions to be established, progress to be tracked and monitored, and trends and changes to be marked. It is important that data collection covers all working conditions, including pay and pension schemes
- ✓ *Equal pay and job evaluation and effects of performance-related criteria for pay and promotion:* Do pay structures discriminate against women? How many women compared with men achieve performance related pay criteria? How many women compared to men achieve promotion?
- ✓ *Restructuring (e.g. inter-municipal cooperation, outsourcing, privatisation):* Which groups will be most affected? What is the impact on women and men? Are there special measures that can be put in place to support the vocational training of women who are affected?
- ✓ *Public procurement:* Do public tenders include equality criteria?
- ✓ *Monitoring the implementation:* This is important for accountability and for measuring the impact and progress of policies and initiatives.

Appendix 3 provides EPSU and CEMR members with a template for a gender equality plan.

## **5. Conclusion**

There is a real “added-value” to take up the issue of equality plans in the social dialogue Committee for local and regional government. Even where equality plans are obligatory, they can be absent in practice especially as there is often a lack of sanctions.

Through joint exchange and cooperation of the social partners at local/regional, national and European level equality plans can become a key instrument to achieve gender equality.

## **Appendix 1: Glossary**

**Gender mainstreaming:** it can be defined as the promotion of gender equality in all policy areas and activities<sup>7</sup>. In its Communication on '*Incorporating equal opportunities for women and men into all Community policies and activities*', published in 2004, the Commission defined gender mainstreaming as follows:

*"Gender mainstreaming involves not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them."*

**Gender pay gap:** it measures the relative difference in the average gross hourly earnings of women and men within the economy as a whole. Eurostat defines the gender pay gap as follows:

*"The gender pay gap is given as the difference between average gross hourly earnings of male paid employees and of female paid employees as a percentage of average gross hourly earnings of male paid employees."*

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<sup>7</sup> COM (2006) 92: A Roadmap for Equality between Women and Men.

## **Appendix 2: An example of a equality checklist**

### **Creating an equality local and regional authority**

- Do you have an equality statement committing the organisation to promoting equality in its structures, policies and services?
- Do you have an equality policy?
- Are management and trade unions committed to promoting equality?
- Are equality initiatives costed into the budgeting processes of the organisation?
- Are there effective processes for managing equality within the structures of the organisation and in companies providing services on behalf of the authority?
- Do you have a policy on equality in customer and citizen service?
- Does staff know about the policies on equality?
- Are the mechanisms in place to ensure that equality issues communicated clearly to staff?
- Has staff been trained in equality issues?
- Are unions and staff involved in developing equality actions in the organisation?
- Have you considered conducting an equality audit or review of your employment structure and of your services?

### **Mainstreaming equality into service provision**

- How does the authority evaluate how best to serve its citizens?
- Is equality built into the vision, planning and processes of services?
- Do local authorities practice “social” procurement, for example by including equality clause in public contracts?
- Has equality been incorporated into frontline services provision and into customer services?
- Are services provided to meet the needs of a diverse community?
- Are frontline service providers aware of situations where discrimination occurs?
- Are service staff resourced and supported to accommodate equality?

### **Data**

- Are recruitment and existing positions in local authorities monitored by gender (and also by age, disability and ethnicity)?
- Does data collection take place in a sensitive and consensual manner with staff?
- Is data on performance fed back to staff?
- Is data used to assess equality policies and outcomes?
- Is data collected on impact of outsourcing and restructuring on men and women?

### **Sustaining equality**

- Are there short-term and long-term targets established to promote a rolling programme of improvement?
- Are there sufficient financial and human resources to ensure the sustainability of the equality programme?
- Is there a pool of expertise in equality forming in the authority?

**Appendix 3: Equality Action Plan template**

<b>Equality action plan</b>						
<b>Priority</b>	<b>Area of activity</b>	<b>Actions</b>	<b>Timeframe</b>	<b>Responsibility</b>	<b>Resources</b>	<b>Monitoring/review</b>
1.						
2.						
3.						
4.						
5.						

<b>Summary of areas requiring action</b>	<b>Summary of planned actions</b>
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

#### **Appendix 4: EU legislation on equality and anti-discrimination<sup>8</sup>**

The prohibition of discrimination on the grounds of sex and the promotion of gender equality are covered under Articles 21 and 23 of the Charter of Fundamental Rights of the European Union. Article 3(2) of the Treaty sets out the objective of eliminating inequality between women and men. Specific gender equality initiatives include directives, gender mainstreaming and a framework of actions on gender equality providing for an integrated approach and action programme agreed between the social partners (ETUC, CEEP and UNICE), action programmes to raise awareness and build capacity. Particular attention is given to cooperation with the social partners in order to avoid gender segregation in the labour market and to reduce the gender pay gap; to address childcare, the reconciling of work and family life, pension systems in the future; to increase women's labour market participation; to promote employment for immigrant women; and to promote measures to combat violence against women (CEC 2005).

#### **EU legislation: Directives on equal treatment between women and men:**

75/117/EEC approximation of the laws of the member states relating to the application of the principle of equal pay for men and women (repealed and recast by 2006/54/EC)

76/207/EEC implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (repealed and recast by 2006/54/EC)

79/7/EEC progressive implementation of the principle of equal treatment for men and women in matters of social security

86/378/EEC implementation of the principle of equal treatment for men and women in occupational social security schemes (repealed and recast by 2006/54/EC)

86/613/EEC application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood

92/85/EEC introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

96/34/EC framework agreement on parental leave

96/97/EC implementation of the principle of equal treatment for men and women in occupational social security schemes (amendment Dir 86/378) (repealed and recast by 2006/54/EC)

Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

97/80/EC burden of proof in cases of discrimination based on sex (repealed and recast by 2006/54/EC)

2002/73/EC implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (repealed and recast by 2006/54/EC)

2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services

2006/54/EC on the implementation of the principles of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

Note: this replaces a number of previous directives and amending Directives by bringing together those provisions in a single Directive with effect from 15 August 2009.

Note: the European Commission's work programme for 2008 announces a proposal for a Directive amending Directive 92/85/EEC. The objective of the proposed revision of the Directive will be to promote work-life balance by improving existing maternity protection provisions.

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<sup>8</sup> Further information on EU legislation and policy on gender equality can be found on the website of the European Commission's Directorate-General for Employment, Social Affairs and Equal Opportunities:  
[http://ec.europa.eu/employment\\_social/gender\\_equality/index\\_en.html](http://ec.europa.eu/employment_social/gender_equality/index_en.html)

## **Appendix 5: National legislation on equality plans**

Austria: the Act on Equal Treatment for Men and Women in the Public Service provides for preferential hiring, treatment, promotion and training of women (through quotas).

Belgium: private sector employers may voluntarily draw up equality action plans, although in cases of company restructuring this is obligatory. It is obligatory for all public sector employers to draw up equality action plans.

Denmark: legislation requires that the public sector, state institutions and state-owned companies incorporate equal opportunities in the planning and administration, including a report on equality every two years where there are more than 50 employees. It is estimated that 80% of municipalities have a written equality policy, and 90% of councils. Improving women's representation in senior posts in local and regional government has been identified as a significant challenge.

Estonia: the Gender Equality Act, passed in April 2004, places on state and local government agencies a duty to promote gender equality. This implies taking into account gender equality issues when planning, implementing and assessing strategies, policies and action plans.

Finland: about 80 % of workplaces in the local government sector have equality plans.

France: legislation introduced in 1983 provides a legal framework for voluntary equality plans, and legislation passed in 2001 requires companies with 50 or more employees to draw up an annual report on the position of women and men; specific equality bargaining is required at company level. Since 2006, a new law encourages collective bargaining on all aspects of gender equality in local and regional government and provides for the adoption of multi-annual plans relating to access to managerial posts. Such plans will be subject to consultation of a bipartite committee.

Germany: legislation passed in 2001 requires the public sector to draw up equality plans, which also allow there to be preferential treatment of women in areas where they are under-represented, including gender mainstreaming measures.

Greece: although there are not specific legal provisions on gender equality plans, collective bargaining agreements contain measures to promote gender equality. These mainly concern measures of protection of maternity (limited working hours, possibility of early retirement, benefits, child care structures, summer camps, etc).

Hungary: legislation requires state-owned companies with over 50 employees to draw up annual gender equality plans.

Iceland: in existing gender equality laws, there is a provision that stipulates that municipalities shall do gender equality plans. In 2006, 24 out of 79 municipalities had already made their plans and 16 were in the process of doing them.

The Bill of Law that has been presented to the parliament goes further than the existing laws. It says that:

Local governments shall, after elections, nominate a committee on equal opportunities that deals with gender equality within each particular municipality. Each committee shall be responsible for making gender equality plans for the following four years, where it is put forward how gender mainstreaming will be implemented in all fields. The gender equality plans shall also include an action plan on how to correct discrimination between men and women within the municipality. Gender equality plans shall be accepted by the council within one year from the elections. The committee shall, every second year, send a report on development in gender equality in the municipality to the Centre for Gender equality.

Italy: companies can apply for funding for positive action plans, whilst in the public sector positive action plans are an obligation.

Lithuania: the Law on Equal Opportunities came into existence in Lithuania from January 1, 2005. It introduced general and specific requirements for equality, concerning age, gender, disability, ethnicity, religion and beliefs. The mentioned legislation determined the system of implementation of the equality principles as well as delegated certain functions to the municipalities and different state and private institutions in following and implementing the principles of equal opportunities. State and Municipality institutions are obliged to make and implement programs aimed at implementation of equal opportunities.

Norway: there is a general duty on employers to promote gender equality; companies have to report on equality activities in their annual reports.

Slovakia: although there is no obligation to give gender equality plans, there have been positive developments on equality, including changes to the Labour Code and the creation of a consultative body on gender equality.

Slovenia: public authorities have to produce plans and biannual reports on the implementation of the National Programme for Equal Opportunities for Women and Men.

Spain: new legislation passed in 2006 establishes the obligation to develop and implement equality plans in the following cases: companies with more than 250 staff and companies that are under a duty to apply such plans under a sector-wide collective agreement. The development and implementation of equality plans will be voluntary for all other companies.

Sweden: legislation requires all employers with 10 or more employees to draw up annual equal opportunities plans. 75% of public authorities have such plans.

UK: in the UK there is a Gender Equality Duty that applies to most of the public sector. Local authorities are obliged to assess all their policies and practices from a gender perspective, to set objectives, monitor and report against those objectives and review objectives every 3 years.