



Non-discrimination mainstreaming:

Instruments, case studies and way forwards

Supporting annex (case studies and survey work)

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**Centre for
Strategy & Evaluation Services**

P O Box 159
Sevenoaks
Kent TN14 5WT
United Kingdom
www.cses.co.uk

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This publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The Action Programme has three main objectives:

1. To improve understanding of issues related to discrimination
2. To develop the capacity to tackle discrimination effectively
3. To promote the values underlying the fight against discrimination

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This document is an annex to a report for the European Commission ‘Non-discrimination mainstreaming – instruments, case studies and the way forwards’. The work has been carried out on behalf of DG Employment, Social Affairs and Equal Opportunities by the Centre for Strategy and Evaluation Services.

The report intends to support and further stimulate non-discrimination mainstreaming at both Member State and European level by proposing practical mainstreaming instruments that could be utilised to promote greater consideration of non-discrimination and equal opportunity concerns in the formulation and implementation of policies, legislation and programmes.

This document contains a full list of case studies carried out during the assignment as well as the results of a survey on non-discrimination mainstreaming undertaken at Member State level.

1.1 Case studies - mainstreaming in the formulation of policies, legislation and programmes

In order to support the instruments detailed in the main report, CSES undertook a number of case studies to examine current practices in relation to non-discrimination mainstreaming at Member State level in those countries where such an approach is already being adopted.

Case studies demonstrating the integration of non-discrimination concerns into the **formulation** of policies, legislation and programmes are highlighted below:

<i>No.</i>	<i>Member State</i>	<i>Case study title</i>	<i>Equality strand(s)</i>
1.	UK	Role of Equality Impact Assessments and of an Equality Scheme in mainstreaming non-discrimination in a UK government department (Department for Education & Skills)	Race
2.	FIN	Helsinki City Authority – the role of Equality Plans in non-discrimination mainstreaming at regional level	All
3.	FIN	Join-in project in Finland: mainstreaming equality and non-discrimination	All
4.	SWE	Integration Policy in Sweden – mainstreaming race and ethnicity into policy making and practice	Race/ ethnicity/ religion
5.	IRE	The role of a specialised equality body in embedding equality mainstreaming – the case of Ireland	All
6.	EU	Mainstreaming disability in the European Employment Strategy (EES)	Disability

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7.	UK	Supporting activity to embed awareness and understanding of the 2003 Employment Equality (sexual orientation, religion or belief) Regulations (Department for Trade & Industry)	Sexual orientation, religion or belief
8.	Northern Ireland	Implementing equality mainstreaming in Northern Ireland – the role of a specialised equality body and the consultation process	All

On the subsequent pages, these case studies are set out in full.

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Example 1: *The role of Equality Schemes and Equality Impact Assessments in mainstreaming non-discrimination in a UK government department (Department for Education & Skills)*

Equality strand	Race
Region/country	Great Britain (Note: Northern Ireland has separate equality legislation)
Organisation and address	Department for Education & Skills (DfES)
Type of organisation	Government department
Website	http://www.dfes.gov.uk/
Contact person	Linda Barwell
Telephone / e-mail	Linda.BARWELL@dfes.gsi.gov.uk
1. Background on organisation	
<p>The Department for Education & Skills (DfES) is responsible within government for education, training and skills policy. This embraces a number of key policy areas including school education (5-19 years), higher education, adult learners and learning and skills development.</p>	
2. Summary overview of instruments	
<p>This case study focuses on the legal requirement in Great Britain for all government departments to produce a race equality scheme (or equality plan) setting out how they will embed equality and diversity into their internal- and external-facing activities.</p> <p>The role of two instruments facilitating mainstreaming within government is considered, the DfES' Race Equality Scheme (RES) and some of the actions contained within it: notably the race equality impact assessment procedure.</p>	
3. Detailed description of instruments	
<p><i>Legal context on public duty – applicable to all government departments/ public authorities</i></p> <p>Under the Race Relations (Amendment) Act 2000 (hereafter 'the Act'), public authorities have a 'positive duty' to promote race equality. The duty was introduced as a way of making race equality a central part of the way in which public authorities operate in all areas including external-facing activities such as policy making and public service delivery as well as internal-facing activities such as employment practice.</p> <p>In the Act, there is a 'general duty' on public bodies to ensure that discrimination on the grounds of race or ethnicity (direct/ indirect) is eliminated and that race equality is promoted. Underpinning the general duty are 'specific duties' which provide a framework through which public bodies can meet their obligations under the general duty.</p> <p>One of the specific duties on public bodies is a requirement to produce a three-yearly <i>Race Equality Scheme (RES)</i>. This involves undertaking a comprehensive review of all activities to ensure both that discrimination is outlawed and that appropriate arrangements are put in place to promote race equality. In late 2006, this requirement will be extended to other equality strands including gender and disability. Eventually, it is envisaged that public authorities will produce a single integrated Equality Scheme.</p>	

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Under the specific duty, government departments are required to identify their key functions and areas of policy responsibility and then to assess the likely potential impact of these on race equality. They must then set out arrangements in order to:

- Meet their obligations under the general and specific duties
- Assess which functions are relevant to the general duty
- Assess and consult on the impact of policies on race equality
- Monitor policies for any adverse impacts
- Publish the results of these assessments and undertake consultation and monitoring
- Ensure public access to information and services

Race equality impact assessments (REIA)

The Commission for Racial Equality (Great Britain) defines race equality impact assessment as ‘systematically and thoroughly assessing, and consulting on, the effects that a proposed policy is likely to have on people, depending on their racial group’. The purpose of an REIA is therefore to analyse in advance how a policy or legislative proposal will affect people from different groups.

REIA is mandatory in instances where a given policy or legislative proposal is identified as potentially having an impact (intended/ unintended) on race equality. To establish whether an REIA is needed, equality screening is carried out of all policy or legislative proposals to see if they are relevant from the perspective of race equality.

If an REIA is deemed necessary in particular policy areas, the second stage in the process involves undertaking a detailed assessment of the policies in questions to make sure that they do not have adverse effects on particular racial groups and that, if inequalities are identified, concrete, positive steps are taken to address problems identified.

Instrument 1 - Race Equality Schemes at DfES

The DfES produced its first Race Equality Scheme (RES) in 2002. The Scheme was updated in 2005 and it is the 2005 RES that this case study focuses on as well as on the annual update on its implementation (2006). The 2005 RES includes a number of key elements:

- A description of the key functions and areas of policy responsibility of the DfES;
- An assessment of the extent to which the policy areas are relevant from a race equality perspective (the RES states that ‘all the Department’s major policy areas are relevant to the promotion of race equality as they affect the lives of so many people’);
- An explanation of the role of race impact assessments in meeting the Department’s responsibilities in respect of the general and specific duties on public bodies;
- Sources of advice, guidance and further information as well as good practice materials for civil servants in policy teams on how to carry out race equality impact assessments (notably signposting to DfES ‘Fair Way’ intranet site);

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- A description of the consultation procedures applied by the DfES stressing the need for the process to take account of any adverse impacts on different race or ethnic groups;
- A review of monitoring and evaluation arrangements put in place to monitor the implementation of the RES;
- A detailed explanation of how the Department will meet its obligations as an employer under the ‘specific employment duties’ of the Act including how diversity and equality issues will be mainstreamed into recruitment and retention strategies as well as training;
- A summary of Race Impact Assessments and Actions carried out previously.

Instrument 2 – REIAs at DfES

REIAs are an integral component of the concrete activities listed in DfES’ Race Equality Scheme 2005. Summaries of race impact assessments are published annually as an annex to the Race Equality Scheme and are made available on the DfES website. A number of REIAs were included, for example, in DfES’ annual update on the 2005 RES published in 2006.

To assist civil servants in carrying out race equality impact assessments, guidance has been produced by the Equality and Diversity Unit (EDU) within DfES which is made available through ‘Fair Way’, a DfES intranet site which provides, amongst other guidance and information for its staff: an online equality impact assessment tool, examples of previous race impact assessments and case study materials highlighting good practices. Consideration is being given to making the intranet tools available externally via the main DfES website.

Turning to specific examples, an REIA was undertaken in 2005 in respect of *Children and Early Years*, one of DfES’ key policy areas. The *Five Year Strategy for Children and Learners* (July 2004) which committed DfES to delivering better support for children and families in order to give every child the best possible start in life was reviewed from a race equality perspective. Consequently, a number of relevant challenges were identified. These included:

- Low take-up of childcare (including early education), especially by Gypsy/Roma, Pakistani, Bangladeshi and Black African families, and the resulting impact of this on lower than average achievement by those groups in the Foundation Stage at age 5;
- The over-representation, especially of young Black people, amongst those who are not in education, employment or training (NEET); and
- The need to create a more diverse and ethnically and culturally sensitive workforce to deal with children to ensure that front-line practice more effectively meets the needs of children, young people and families from minority ethnic communities.
- Extending current data collection to establish a baseline assessment of ethnicity, gender, age and disability at all levels of the children’s workforce; collection and dissemination of good practice materials on ethnic and cultural sensitivity.

Following the REIA, DfES prioritised a number of actions in order to address the problems highlighted above. These included:

- Placing a new statutory duty on local authorities to secure sufficient childcare to support all parents in work or in the transition to work and funding new pilots aimed at delivering free early years provision to 12,000 disadvantaged two year olds;

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<ul style="list-style-type: none"> • Emphasising the importance of recording ethnicity with front-line staff, and training the staff in the collection and recording of information; explaining to young people why this is important; recruitment of personal advisers to work with young people from specific black and minority ethnic communities (to make them more approachable to the youngsters, many advisers are themselves from minority backgrounds ;
<p>4. Evidence of good practice in mainstreaming</p>
<p><i>Instrument 1 – DfES Race Equality Scheme</i></p> <p>While public authorities are required by law to produce a Race Equality Scheme, this particular approach demonstrates a number of good practices, namely:</p> <ul style="list-style-type: none"> • Drawing up a RES has assisted in institutionalising mainstreaming due to the fact that, for the RES to be effective and workable, there must be an organisation-wide commitment across different organisational functions, policy areas and areas of service delivery to ensuring that equality is actively promoted and that all activities are equality-proofed; • The RES is underpinned by concrete actions and progress towards objectives can be ‘measured’ through regular monitoring and annual progress reporting in a way which is not possible with informal approaches to mainstreaming; • External organisations with an interest in particular equality issues can obtain a clear understanding through the RES of the way in which DfES is dealing with its statutory responsibilities under the public duty to promote race equality. This transparent approach encourages stakeholders such as NGOs and specialised equality bodies to contribute fully to the consultation process in respect of new policies/ legislation.
<p><i>Instrument 2 – DfES Race Equality Impact Assessment</i></p> <ul style="list-style-type: none"> • Carrying out REIAs helps identify unintended impacts on race equality that might not have been foreseen without an in-depth analysis. This in turn leads to better policy making and legislation; • Systematically drawing up REIAs has assisted in institutionalising mainstreaming within DfES, since the procedure requires all policy teams to fully consider the implications on race equality of new and existing policies/ legislation; • The REIA demonstrates to external stakeholders that policy/ legislation has been fully thought through and enables them to make a contribution to promoting race equality through the consultation process.
<p>5. Institutional mechanism for mainstreaming</p>
<p>Within DfES, the Equality and Diversity Unit (EDU) has responsibility for co-ordinating the preparation of the three-yearly Race Equality Scheme and the annual updates. It also has primary responsibility for the provision of advice and guidance on how to carry out an REIA.</p> <p>EDU works closely together with policy teams and provides hands-on support and advice on equality and diversity issues including how to ensure that legal obligations under the Race Equality (amendment) Act 2000 are adhered to. It emphasises that embedding equality and diversity is a continuous process and not a one-off activity.</p>

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6. Monitoring and evaluation

Monitoring procedures are outlined in the Race Equality Scheme. These describe the Department's overall approach to monitoring, evaluation and performance measurement as well as set out specific arrangements to ensure that delivery against actions in the RES is monitored. A key element of the monitoring framework is that REIAs are carried out for each policy area for which DfES is responsible, and the results are included in the annual update on the RES.

Other means of monitoring performance delivery on equality and diversity are mainly statistical. The Department requires all policies to be monitored using statistical evidence disaggregated wherever possible by race, gender, disability and age. The *'rule of thumb for success in terms of equality is that the results should be proportional to representation in the target population. Disproportionate results lead to further investigation, such as research and specific targeting of groups found to be at a disadvantage compared to others in the population'*.

DfES also monitors the representation of minority groups within delivery workforces and encourages good practices from delivery partners in improving the representation and career progression of any under-represented groups. For example, local education authorities (LEAs) are required to monitor teaching staff by ethnic group.

7. Replicability of approach

The public duty originated in Northern Ireland, which has separate equality legislation from Great Britain. A gradual formalisation of a similar procedure including the preparation of Equality Schemes and Equality Impact Assessments has since emerged in Great Britain. Similar requirements to produce an Equality Plan for public authorities can be found in a small number of other Member States, such as Finland (gender and race equality plans).

There are human and financial resources involved in adopting such a comprehensive approach to mainstreaming. In some Member States, undertaking a separate Equality Impact Assessment for all policy instruments may be considered administratively burdensome. An alternative would be to integrate an equality dimension into wider Regulatory Impact Assessment procedures which are used in several Member States.

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<i>Example 2: Helsinki City Authority – the role of Equality Plans in non-discrimination mainstreaming at regional level</i>	
Equality strands	All
Region/country	Finland
Organisation and address	Helsinki City Authority City Council, City Board and City Administration Centre: Pohjoisesplanadi 11-13, Helsinki, Finland
Type of organisation	Local authority
http://www.hel.fi/	http://www.hel.fi/
Contact person	Ms Anu Riila, Social Services Department
Telephone / e-mail	Tel. +358 9 310 42303 anu.riila@helsinki.fi
1. Background on organisation	
<p>Helsinki City Authority is the local authority for Helsinki, the largest city in Finland with more than 500,000 inhabitants. The wider Helsinki region – including Vantaa and Espoo (with which Helsinki co-operates closely on non-discrimination mainstreaming matters) has a population of 1.2 million.</p> <p>The City Authority is responsible for delivering a wide range of services to Helsinki residents including education, health and social welfare services, public transport, public housing and other support services.</p>	
2. Organisational arrangements for mainstreaming non-discrimination	
<p>The City Council does not have a dedicated equality unit. Overall responsibility for equalities issues is co-ordinated by the human resource department. Each department is then responsible on a decentralised basis for mainstreaming equalities issues into its activities.</p> <p>In terms of resourcing, at the departmental level while there are no dedicated equality specialists working full-time, some officials do have considerable expertise in equalities matters (in some cases their job function involves dealing with equalities issues).</p> <p>Some departments have set up informal structures on equalities issues. For example, the social services department has set up an equality steering group to monitor the implementation of the equality plan which meets four times a year to review progress against objectives, to exchange experiences and to share good practices.</p>	
3. Mainstreaming tools to ensure respect of non-discrimination principles	
<p>This case study focuses on the role of Equality Plans as a mainstreaming tool in local government in Finland.</p>	

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Legal context

Under the 2004 Equality Act, Finnish public bodies have responsibility to systematically promote equality in all their activities as well as to take remedial steps to tackle obstacles to the realisation of equality. A practical means of promoting equality of opportunity provided for by the Act is the requirement on public authorities to draw up an Equality Plan. While there has been a statutory duty on public bodies to draw up a Gender Equality Plan since 1995, the 2004 Equality Act introduced an additional requirement to produce a separate plan on race and ethnicity.

Prior to the introduction of the statutory duty on public bodies introduced by the 2004 Equality Act, some mainstreaming in the area of race and ethnicity was already taking place following the implementation of a national programme adopted by the Finnish government in 1997 to promote the integration of ethnic minorities and recent immigrants

National guidance on drawing up an equality plan

The Finnish Ministry of Labour produced national level guidance for public bodies on how to prepare an equality plan. This guidance together with complementary tools such as the development of an Equality Portal for local authorities (www.equality.fi) financed through the *EU's Community Action Programme to Combat Discrimination 2001-06*, were perceived as useful in supporting the work of local authorities in preparing equality plans.

The web portal provides guidance on equality planning, equality toolkits for local authorities, as well as guidance on training for equality.

Helsinki City Authority – preparation of an equality plan

Helsinki City Authority was required under the 2004 Act to produce an equality plan on race and ethnic background. While the implementation of the Plan is monitored annually through self-evaluation against a number of qualitative indicators, the plan has no fixed timeframe.

Internal guidelines for each of the departments on the preparation of the equality plan were drawn up by Helsinki City Authority's Human Resource department in October 2004. These set out minimum requirements on what should be included in the Equality Plan.

Each of the six departments within the City Authority (social services, education, housing, health, employment and human resources) then drew up their own equality plans, which were then combined in an overarching Equality Plan for Helsinki City Authority.

While the guidelines focused on race and ethnicity, individual departments were able to adopt a broader approach covering a wider range of equality strands if appropriate. For example, the equality plan for the social services department encompasses disabilities, age and children's rights as well as race/ ethnicity.

While other equality strands – particularly disabilities – were taken into account at the departmental level, there is no statutory duty to draw up an equality plan in respect of the other equality strands covered by the Equal Treatment Directives.

Objectives of the Equality Plan

The preparation of an Equality Plan has a number of specific objectives, namely to:

- Promote equality and prevent direct and indirect discrimination and harassment
- Support authorities in the development of strategies and working practices that are based on non-discrimination principles

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- Help service providers ensure that they develop services that meet the needs of different customer groups including those at risk of discrimination
- Ensure that the realisation of equality is taken into consideration in planning activities, information sharing, the allocation of resources and in working practices
- Enable activities and/or services provided to be monitored and evaluated so that their impact on different minority groups can be properly assessed
- Help identify risks that may lead to discrimination (irrespective of whether unintended).

Measures included in the Equality Plan

All six departments within the City Authority prepared equality plans and were asked to include a number of concrete measures to promote equality. The overarching Equality Plan collectively contains 25 separate measures to mainstream equality of opportunity.

Examples include the development of guidelines on how to take equalities issues into account in public service provision, facilitating access to public facilities for those with disabilities and a number of awareness raising activities. The Equality Plan also includes a number of positive actions, such as furthering the equal participation of ethnic minorities and immigrants in the economic, social, cultural and political life of the City.

Mainstreaming non-discrimination – in internal activities and external service provision

Non-discrimination principles are mainstreamed both in relation to internal activities and through external service provision:

- *Internal* – the need for increased representation of under-represented groups such as ethnic minorities on the staff of the City Authority is emphasised in the HR strategy. Non-discrimination principles are closely integrated into recruitment processes and procedures
- *External* – the needs of particular groups at risk of discrimination – in employment and in service provision – are carefully taken on board in planning service provision.

4. Performance monitoring

Each department must submit an annual progress report outlining progress in delivering the Equality Plan. The submission of an annual report is seen as a useful instrument in helping to improve mainstreaming. Although the progress update involves self-evaluation, the annual review process is useful in highlighting areas where progress has been made and conversely signalling areas where further action needs to be taken.

To date, performance monitoring has largely been qualitative. Going forward, there is recognition that measuring performance in mainstreaming equality of opportunity will need to be underpinned by quantitative and qualitative indicators. The social services department for example has recently started the process of defining quantitative indicators. An example is the percentage increase in the number of employees from an ethnic minority background.

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5. Success factors

- Annual *progress reporting* was viewed as being key to monitoring how effectively the Equality Plan has been implemented. Quantitative as well as qualitative indicators should be included in the performance measurement framework;
- The setting up of an *equality steering group* to monitor the implementation of the equality plan in the social services department has helped mainstreaming by ensuring that equalities issues are regularly discussed. The group meets four times per year;
- *Training* on how to incorporate non-discrimination principles into the activities of the local authority was regarded as critical to the success of mainstreaming. It was recognised, however, that training needs to become more systematic and delivered organisation-wide – at present training on non-discrimination is delivered ad hoc;
- Provided an appropriate framework is put in place as to how to go about mainstreaming, all civil servants should be able to take due account of non-discrimination principles in their everyday work. However, for mainstreaming to be effective, it must be combined with *specialist support and guidance*;
- Mainstreaming is an *ongoing, continuous and long-term process*. The challenge is in ensuring that good practices already present in some departments are transferred throughout the organisation;
- The fact that non-discrimination is mainstreamed into both *internal activities and external service provision* has helped to ensure that non-discrimination principles are closely integrated into the working practices of the Authority.

6. Links with other organisations of relevance to mainstreaming

Co-operation between local authorities

The *National Advisory Board on Immigration and the Integration of Ethnic Minorities* (which was set up in 1995 and also has a regional presence through several regional boards) recently set up a working group for the Helsinki metropolitan area bringing together representatives from Helsinki City Authority and from Espoo and Vantaa - neighbouring local authorities in the wider Helsinki metropolitan area.

Close co-operation between local authorities is viewed as having been an important catalyst in strengthening capacity at local level to mainstream non-discrimination principles by encouraging wider discussion of equality and diversity issues, the sharing of good practices etc.

Co-operation with NGOs

The City Authority also maintains close links with NGOs – such as the Finnish Disability Forum and the Finnish League for Human Rights. Again, this was viewed as being helpful in ensuring that there was adequate ‘connectedness’ between local authorities and those involved at the grassroots level in working with particular social groups.

NGOs have also played an important role in helping to strengthen mainstreaming through their involvement in delivering targeted training to employees of the City Authority. NGOs were involved, for example, in delivering training to staff sitting on five regional advisory boards of primary and secondary schools. Training was provided on how to mainstream equalities issues in an educational context. Additional training was delivered to those in four regional social services and health centres with regard to ensuring equality in health service provision.

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7. Impact
As the statutory duty on public bodies in Finland to produce separate equality plans on race and ethnicity was only introduced by the 2004 Equality Act, it is still too early to get a full picture of the impact of the Act. However, as the case study shows, a number of success factors have already been identified in the implementation of the scheme. The planned introduction of qualitative performance indicators is also bound to influence the future measurement of impact.
8. Replicability of approach
Equality plans have been used as a mainstreaming tool in a number of countries – including Finland, Great Britain and Northern Ireland. The approach is certainly therefore replicable, providing resources are made available to ensure that equality specialists are able to work alongside their policy colleagues in putting together an equality plan.

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Example 3: Join In Project in Finland: Mainstreaming Equality and Non-Discrimination	
Equality strands	Ethnic origin, disability, age, religion and sexual orientation
Region/country	Project implemented in Finland, Greece, Hungary, Italy, Spain and Sweden.
Organisation and address	The project is coordinated by the State Provincial Office of Southern Finland. The partner organisations are public authorities, regional administrations and NGOs.
Type of organisation	Regional Authority
Website	www.join-in.info
Contact person	Dr. Antero Heloma, State Provincial Office of Southern Finland
Telephone / e-mail	antero.heloma@eslh.intermin.fi + 358 20 5163179
1. Background on organisation	
The State Provincial Office of Southern Finland functions as the regional authority of the State in Southern Finland, and is steered by seven ministries. The task of the office is to promote the welfare of the province's inhabitants and to support the local authorities in the provision and development of basic services. Approximately 380 persons are employed by the office, with service units in three Finnish cities.	
2. Summary overview of measure	
The purpose of the Join In project is to create transferable models on how equality and non-discrimination can be mainstreamed in strategic planning, service production and working practices in the sectors of social welfare and health, education and employment. The aim is to support and enhance co-operation between authorities and civil society actors. The project was coordinated by the State Provincial Office of Southern Finland. Activities took place in three cities in Finland as part of the project (Helsinki, Vantaa and Hämeenlinna). Projects also took place in Greece, Hungary, Italy, Spain and Sweden.	
3. Target group and beneficiaries	
Public authorities, regional administrations, representatives of groups in risk of being discriminated against, NGOs and local politicians.	
4. Duration of measure, funding and funding source	
The Join In project was funded by the European Union as a part of the community action programme to combat discrimination 2001-2006. In Finland the project also received funding from the Finnish Ministry of Labour. The annual budget was EUR 290 000, of which EUR 110 000 was provided by the Ministry. The project consisted of a six month preparatory phase (1.3.-31.8.2004), and a two year implementation phase, starting 1.12.2004.	

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5. Detailed description of measure

The overall objective of the project was to create a transferable model on how existing strategy papers, programmes and guidelines in the fields of **social welfare and health, education and employment** can be revised at all levels by the identification of discriminative elements and by the inclusion of alternative positive actions.

In order to promote mainstreaming of equality and anti-discrimination policy within the above-mentioned three sectors, different kinds of strategy papers, programmes and guidelines have been analysed against non-discrimination provisions and norms, and concrete steps have been designed on how to revise them accordingly. This work has been carried out through the co-operation between public authorities and civil society actors, and by involving decision-makers at different phases of the process. This work has been carried out at **regional and national levels** by the **National Working Groups**. The NWGs were also responsible for the collecting revised strategies, programmes and guidelines as good examples, attached to the final publication.

Local expert groups, responsible for sector based development procedures at local level, were also established and provided with training. The local expert groups consisted of representatives of different minorities, authorities from three sectors and organisations representing civil society and social partners. The groups have examined relevant policy papers in the three target areas, **made suggestions for non-discrimination mainstreaming** and **held meetings** with local decision-makers and administrators.

Under the project a **Final Publication** has been produced, entitled *Mainstreaming Equality in Theory and Practice: Experiences from the European level project Join In*. The publication is available to download from the project website www.join-in.info.

6. Example of a national project: Vantaa, Finland

National level activities

At a national level, **three expert groups** were formed, focusing on the sectors of education, employment and social affairs. The expert groups were composed of representatives from ministries, NGOs and regional authorities. Their task was the analysis of already existing strategy papers, programmes and guidelines from the point of view of non-discrimination mainstreaming. Documents from national, regional and local levels were analysed based on evaluation criteria that had been developed to examine, for example, the ways in which clients from different groups are visible in the documents, and how the needs of different minorities are addressed.

Based on the analysis, a series of recommendations were produced by the groups on how such programmes and guidelines should be drawn up in the future, so as to take account different groups who are under the risk of being discriminated against.

Activities in the City of Vantaa

One of the three cities where the Join In project took place in Finland was the City of Vantaa, with the City Authority being the responsible partner. The aim was to **support the equality planning process of the city authority** through cross-administrative cooperation. Thus, a **cross-administrative non-discrimination working group** was formed, which was in charge of the local activities. In addition to Join In project workers, the working group was composed of members of NGOs, representatives from the administrations for social affairs and health, employment and education, as well as the immigrant services for the city.

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The non-discrimination group contributed into the process of drawing up an **Equality Plan** for the City of Vantaa. According to the Finnish **Equality Act** of 2004, based on the EU directives of 2000, Finnish public bodies have a duty to systematically promote equality in all their activities, as well as to take remedial steps to tackle obstacles to the realisation of equality. A practical measure provided by the Act is the requirement for public authorities to draw up an equality plan for the grounds of race and ethnicity. (For further information on equality plans in Finland, see www.equality.fi).

The Equality Plan of the City of Vantaa goes beyond the minimum requirements of the Equality Act in a number of ways. In addition to the required grounds of race and ethnicity, the Equality Plan includes the grounds of sexual orientation, age, disability, religion and belief. As well as covering the external services of the authority, the Plan also aims to further equality and prevent discrimination in the internal practices of the authority, such as recruitment and personnel policies.

The **local council** of the City of Vantaa approved the Equality Plan, which is therefore politically binding and under a requirement of an annual review by the council. All services provided by the city authorities in Vantaa are subject to be reviewed against the requirements of the Equality Plan. The Equality Plan has also been integrated into the financial planning strategy of the City.

The Equality Plan also binds particular administrations to draw up their own plans for equality. In order to assist administrations in drawing up of these plans, the non-discrimination group has also drawn up a **Guide to Non-Discrimination**, which lays out information on the principles of non-discrimination and the legal background.

In addition to, and in support of, work being conducted on drawing up Equality Plans in Vantaa, the Join-In project has conducted an **NGO Training Programme**. Training is provided to authorities, schools and social affairs and health units in Vantaa. Equality training is aimed at increasing officials' knowledge in matters concerning minorities and discrimination in Finland, as well as developments in legislation.

The training gives concrete tools for officials to draw up equality plans. A **transferable training package** targeting small working units has been created in close cooperation with NGOs. The principles of the training stem from human rights and a horizontal approach to non-discrimination. Training is itself provided by four NGOs: Finnish League for Human Rights, Finnish Disability Forum, Sexual Equality of Finland and ENAR Finland. A training programme for the instructors from the NGOs was also provided, so as to equip them for the provision of training.

7. Evidence of good practice and of mainstreaming

- The Equality Plan of the City of Vantaa has been incorporated into a political programme, bringing non-discrimination into the political decision making sphere and the City of Vantaa's official strategy. Local politicians are involved in monitoring;
- A participative approach has been developed, involving representatives of NGOs in the evaluation of policy papers, and in drawing up new ones;
- Representatives of NGOs provide training for authorities, and have been provided with capacity building through training and financial resources to provide the training; and
- Direct contact between NGOs and municipal authorities has been facilitated, so as to guarantee communication between different actors of society, and providing NGOs access to the heart of the partner cities' administrations.

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8. Results and impacts
<ul style="list-style-type: none">• The implementation of the Equality Plan for the City of Vantaa is subject to an annual review by the local council;• An evaluation of the Join-In project will be available on the project website www.join-in.info.
9. Replicability of measure
<ul style="list-style-type: none">• Measures have already been used over a number of equality strands, and also in different countries under the Join In project;• The training packages which have been produced are generally speaking directly transferable, although consideration would need to be given to differences in national legislation and conditions;• Drawing up similar kinds of expert groups, if resources allow, could be replicated to cover different kinds of administrations and fields.

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<i>Example 4: Integration Policy in Sweden – mainstreaming race and ethnicity into policy making and practice</i>	
Equality strands	Race, Ethnicity, Religion
Region/country	Sweden
Organisation and address	Swedish Integration Board (Integrationsverket), Kristinagatan 12, Box 633, SE-601 14 Norrköping
Type of organisation	Governmental Agency
Website	www.integrationsverket.se
Contact persons	Saleh Sallar, Head of the Development Department Stig Kattilakoski, Deputy Head of Department
Telephone / e-mail	+46 11 36 13 00 +46 11-36 13 36 / 11-36 13 25 (direct numbers)
1. Background on organisation	
<p>The Swedish Integration Board is a governmental organisation and the central administrative agency for integration issues. It operates at national level and provides support to local authorities in their efforts to integrate immigrants and refugees into Swedish society and into the labour market. The Integration Board was founded on 1998 with the aims of:</p> <ul style="list-style-type: none"> • promoting integration and preventing and counteracting ethnic discrimination, xenophobia and racism • monitoring and analysing developments and progress toward the objectives of Swedish Integration Policy within the various sectors of society • developing procedures for the arrival of new immigrants and refugees. <p>The Integration Board has overall responsibility for ensuring that the visions and goals of Sweden's integration policies have an impact at all levels of society.</p>	
2. Summary overview of policy instrument	
<p>With 12.2% of the overall population born elsewhere, Sweden is an immigrant country. This is comparable with the immigration rate of countries such as the USA and Germany, and higher than the Netherlands, France and the United Kingdom. In the past 20 years, Sweden has had an annual immigration average of more than 50 000 people.</p> <p>Integration Policy in Sweden is based on the principle of ensuring equal rights and opportunities for all in society, irrespective of their ethnic, religious or cultural background. With employment making up the backbone of Swedish welfare-policy, the starting point for Integration Policy is to promote equal opportunities for immigrants in accessing and making progress in the labour market. The Policy aims to encourage individuals to support themselves and take part in society.</p> <p>The case is an interesting example of how a Member State at an early stage has chosen to develop a comprehensive national integration strategy, something which the European Commission has recently encouraged all Member States to do through a set of guidelines and recommendations for action presented in the 2005 Communication 'A Common Agenda for Integration'.</p>	
3. Detailed description of policy instrument	

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Swedish Integration Policy – overview

Swedish Integration Policy was initially introduced in 1997 by means of a government bill: ‘Sweden, the future and diversity – from immigrant policy to integration policy’. Government and Parliament have drawn up three overall objectives for the Integration Policy. These are:

- Equal rights, responsibilities and opportunities for all, regardless of ethnic or cultural background
- A community based on diversity
- A society characterised by mutual respect and tolerance, in which every one can take an active and responsible part, irrespective of background.

The Policy also seeks to protect fundamental democratic values, to promote equal opportunities of men and women and to combat discrimination, hostility towards foreigners and racism.

Although the Integration Board has overall responsibility for Swedish Integration Policy, a number of other government agencies have defined responsibilities in contributing to the achievement of the policy.

A key feature of Integration Policy is to ensure that recent immigrants are integrated into society and the labour market as soon as possible. To this end, local authorities organise introduction periods for all newly arrived immigrants covering issues such as language learning, children’s education, health and support for the elderly, employment opportunities etc.

Immigrants receive tailored support to enable them to achieve their potential and to ensure that they are able to support themselves and participate fully in society. Amongst the aims of the training are to increase the confidence and motivation of immigrants, develop various skills including problem-solving abilities and to foster a sense of civic responsibility.

Integration Targets

All newly arrived immigrants and refugees have to go through an introduction period. The introduction is governed by a set of targets defined in a national strategy which individual local authorities must follow. The strategy and targets were developed in collaboration between local authorities, parliament and national authorities within the areas of the labour market, the health service, social security, schooling and migration.

While they must try and achieve national targets, local authorities retain a certain freedom to set their own objectives in collaboration with local businesses, schools and civil society. New immigrants themselves are responsible for completing the introductory period successfully.

At the end of the introduction period, each individual has their educational and professional competence evaluated and has received an insight into how Swedish society and economic life functions. An understanding of the country’s democratic values and the schooling system is also required.

Furthermore, newcomers’ command of Swedish has to be sufficient for everyday communication. As the road to employment differs from one individual to another, the Integration Board has recently demanded that introductory sessions be adapted to individual cases when it comes to labour market integration.

Individual targets have also been introduced for children, the elderly and disabled persons. Finally, in an attempt to counteract increasing segregation in cities and towns, particular development initiatives for metropolitan regions have been introduced into the Integration Policy.

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Integration Policy has over the past few years increasingly focused on anti-discrimination matters. Instead of only looking at the target audience of the policy, government is now focusing on other key players like companies, employers and service providers. These improvements to the Integration Policy have also been transferred to Swedish anti-discrimination policy, where the government has lately started to look further into structural and institutional discrimination.

4. Duration of policy instrument, funding and funding source

Launched in 1997, Swedish Integration Policy is an on-going state policy without any fixed implementation period. In order to help fulfil the goals of the policy, the Swedish Integration Board was set up in 1998.

As an example of the sort of expenditure that goes into Swedish Integration Policy, the Integration Board in 2006 paid 2.6 billion SEK (EUR) 287 million as state reimbursement to local authorities and county councils that had received refugees and immigrants for introduction and a further 6.5 million SEK (EUR 716,000) to fund different project aimed at furthering integration and combating discrimination.

5. Evidence of good practice and of mainstreaming

Swedish Integration Policy demonstrates a number of good practices. Amongst these are:

- The involvement of all relevant stakeholders in policy formulation and implementation (national authorities responsible for employment, health, social security, schooling, migration etc., local authorities and civil society);
- The allocation of considerable resources (both financial and human) to setting up a nationwide system for the integration of newcomers to Sweden and organising specific integration courses/periods for all immigrants and refugees when they first arrive;
- The identification of a detailed set of targets for the successful integration of individuals;
- Flexibility in the system allowing introduction courses to take account of the particular nature of each individual;
- The emphasis on employment as a starting point for successful integration and the encouragement of individuals to support themselves and take part in society.

The government is working to systematically ensure that the Integration Policy is mainstreamed to involve all policy areas. A screening system is in place by which all new legislative or policy proposals are systematically examined by various authorities and organisations to ensure that they take account of the particular considerations that are linked to the integration of ethnic and religious minorities. In case the proposed law or policy is found lacking from a diversity or discrimination point of view, the system ensures that the government is informed hereof and that any shortcomings are corrected before the bill is carried any further.

6. Monitoring and evaluation

To give support to the integration agenda, two Commissions have recently been set up. The *Commission on power, integration and structural discrimination* has been looking into all levels of discrimination in Swedish society and has made a proposal of different ways of counting structural discrimination. The findings are presented in a report including proposals for positive actions, ways to merge most the various equality related ombudsmen into a single organisation, as well as other ways of making anti-discrimination measures more efficient and effective.

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Secondly, a *Parliamentary Committee* was set up to conduct a review of the objectives, orientation, organisation and effectiveness of the Integration Policy. The committee is to present its report by 1 June 2007.

7. Replicability of measure

The main principles that lie behind the Swedish Integration Policy of putting the emphasis on integration through employment, providing equal opportunities for access to and progress in the labour market and encouraging individuals to support themselves and take part in society, are all factors that, in principle, could be replicated in other countries.

However, the effectiveness of the system is contingent upon cooperation being developed between all relevant stakeholders and the allocation of considerable resources, which would require serious dedication and organisation at political level on the part of others wishing to adopt a similar approach.

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Example 5: Ireland – the role of a specialised equality body in embedding equality mainstreaming	
Equality strands	Nine equality strands covered by the Equal Status Act 2000 including all six covered by Article 13
Region/country	Dublin, Ireland
Organisation and address	The Equality Authority 2 Clonmel Street Dublin 2 - Ireland
Type of organisation	Equality Body
Website	www.equality.ie
Contact person	Niall Crowley
Telephone / e-mail	Tel: +353 1 4173333
1. Background on organisation	
<p>The Equality Authority is an independent body set up under the Employment Equality Act 1998. Its functions and powers were further expanded under the Equal Status Act 2000 and the Equality Act 2004. Its mission is to ‘achieve positive change in the situation and experience of those groups and individuals experiencing inequality by stimulating and supporting a commitment to equality:</p> <ul style="list-style-type: none"> • Within the systems and practices of key organisations and institutions. • As part of the cultural values espoused by society. • As a dimension to individual attitudes and actions.’ <p>Amongst the responsibilities of the Equality Authority are to monitor and enforce the implementation of equality legislation, and to provide an information service on the legal obligations of employers and service providers under the Equal Status Act, 2000 (see below).</p>	
2. Legal background	
<p>The Equal Status Act, 2000, outlaws discrimination in employment, vocational training, advertising, collective agreements and in the provision of goods and services on nine distinct grounds. These include: gender, marital status, family status, age, disability, race, sexual orientation, religious belief and membership of the Traveller Community.</p>	
3. Summary of mainstreaming instrument	
<p>This case study examines the role of the Equality Authority Ireland in embedding non-discrimination mainstreaming and equal opportunity principles in public sector institutions and in policy making as well as in promoting equality and diversity in wider society.</p>	
<p>In particular, it examines the role of the <i>Strategic Action Plan for 2006-08 ‘Embedding Equality’</i> through which equality mainstreaming activities can take place. The strategic plan seeks to further develop the concept of a national strategic framework for action on equality in Ireland.</p>	

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4. Detailed assessment of mainstreaming instrument

'*Embedding Equality 2006-08*' is the third strategic plan of the Equality Authority. It envisages the Equality Authority playing a key supporting role in engendering a culture of equality in public institutions and throughout society.

The Equality Authority's approach to equality mainstreaming has evolved. The first strategic plan (2000-02) mainly focused on embedding the new legal framework in respect of equality. The second strategic plan (2003-05) advocated an active approach to promoting equality. In particular, it emphasised the need for a strategic framework to promote equality combining equality legislation and enforcement with equality mainstreaming in key areas having greatest potential to impact on equality outcomes e.g. in the workplace, in education and health and in public sector service provision more widely.

The third strategic plan (2006-08) goes further still and emphasises '*the contribution of individual action, organisational practice and societal values in promoting equality and in combating discrimination and seeks to embed a long-term commitment to equality*'.

Strategic objectives to embed equality

Five **key strategic objectives** are included in the strategy to embed non-discrimination and equal opportunity principles. In summary, these are to:

1. Stimulate and support initiatives that enable the systems and practices of key organisations and institutions to promote and achieve full equality in practice.
2. Maintain and further develop a culture of compliance with equality legislation.
3. Contribute to the further development of a strategic framework for action on equality.
4. Stimulate and support a response to core equality issues for specific groups experiencing inequality.
5. Sustain and further develop the standing expertise and capacity of the Equality Authority at international, national and local levels.

Each strategic objective is then underpinned by a **number of goals**. For example, under the first objective (which focuses on the workplace and on organisations with responsibilities for education, healthcare, accommodation provision and for the delivery of labour market measures), the main goals are identified as being to:

- Encourage and facilitate planned and systematic approaches to workplace equality.
- Stimulate and support policy development and school practice that seeks to achieve inclusive schools and maintain a partnership with the relevant partners in education in this work.
- Promote and contribute to policy development and organisational systems and practices for equality competent health service provision.
- Promote equality and diversity in labour market measures through supporting organisations to accommodate diversity in the provision of education, training and employment services.
- Explore strategies to promote equality within accommodation policy and provision.

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The Equality Authority commits itself in the Strategic Plan to **concrete activities** through which these goals will be achieved. For example, taking the fourth goal above as an example, actions envisaged include:

- Contributing to policy development that stimulates and secures equality and diversity in the labour market.
- Working with providers of labour market measures to review the design and delivery of these measures for their ability to achieve full equality in practice and to accommodate diversity, and to take steps to enhance this ability.

Under each strategic objective, **key performance indicators** are identified. These are mainly qualitative and seek to outline concrete outcomes that will be achieved as a result of implementing concrete actions specific to each strategic objective. For example, under the first strategic objective, anticipated outcomes from activities carried out under each of the five goals include:

- Working relationships will be developed with key organisations and institutions in each sector.
- Research and other knowledge development in relation to equality, diversity and discrimination issues in each sector.
- Practical guidance materials developed for different sectors.
- Practical initiatives, systems and policies developed by organisations and institutions in each sector that promote full equality in practice, accommodate diversity and combat discrimination.

The third strategic objective seeks to ‘contribute to the further development of a strategic framework for action on equality’. This provides a good example of the way in which the Equality Authority is seeking to promote a holistic approach to equality mainstreaming. **7 key elements of an integrated approach to mainstreaming** are identified in the Plan. These include:

- Legislation and in particular equality legislation to promote equality and to combat discrimination.
- Institutions and in particular institutions to secure the effective implementation of equality legislation.
- Mainstreaming including processes to ensure that all public sector policies and programmes contribute to achieving equality objectives.
- Targeting which involves investment of resources to address the impact of discrimination on particular groups, to provide for needs that are specific to a group and to support equality outcomes from mainstream provision for groups experiencing inequality.
- Participation which includes the involvement in decision making processes of organisations that articulate the interests of groups experiencing inequality.
- Agenda-setting by developing and agreeing action agendas to enhance the experience and situation of groups experiencing inequality.

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- Monitoring including gathering and analysing equality data.

A **number of goals** have been set to underpin the realisation of a strategic equality framework. These include a commitment to:

1. Promote and support the further development of equality legislation.
2. Further develop and support approaches to equality proof public sector plans, policies and programmes at national and local level.
3. Further promote and support the collection and analysis of equality data.
4. Explore and identify the boundaries for, and to promote the use of, positive action.
5. Stimulate, engage with and support public debate on a societal commitment to equality and diversity.
6. Engage with the implementation of the EU Year of Equal Opportunities for All 2007.

5. Evidence of good practice

- The Strategic Plan provides a good illustration of the important role specialised equality bodies can play in embedding equality mainstreaming amongst public institutions responsible for policy making and for service provision.
- It seeks to achieve this in practical ways, such as drawing up guidance on how public authorities can fulfil their legal obligations under equality legislation as well as on the steps needed to ensure their institution becomes ‘equality competent’.
- The strategy advocates a holistic approach to the promotion of non-discrimination and equal opportunity principles (combining equality legislation and legal enforcement with equality mainstreaming and active measures). The Equality Authority’s support for a national equality strategic framework appears to have been effective.

- The Plan is well structured with clear linkages between strategic objectives, goals underpinning each objective and concrete, practical actions to achieve those objectives.
- Key performance indicators are included under each strategic objective. These set out clearly what outcomes the implementation of each objective are designed to achieve.
- There is regular monitoring of progress towards objectives and of outcomes achieved.
- Extensive consultation took place with key stakeholders in drawing up the Strategic Plan. Securing the buy-in of a diverse range of stakeholders during the preparation of the strategy - should increase the likelihood of its successful implementation.

6. Replicability of measure

The Equality Authority’s Strategic Plan can be seen as playing an important contribution in the development of a national strategic equality framework in Ireland through which non-discrimination and equal opportunity principles can be promoted at all levels of society and governance.

This approach could be adopted in other countries provided that equality bodies are equipped with appropriate resources – human and financial - for them to deliver on its successful implementation.

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Example 6: Disability mainstreaming in the European Employment Strategy	
Equality strand	Disability
Geographic sphere	Community level
Organisation and address	DG Employment, Social Affairs and Equal Opportunities (DG EMPL)
Type of organisation	Directorate General of the European Commission
Website	http://ec.europa.eu/employment_social/disability/contact_en.html
Contact person	Elizabeth Straw or Wallis Goelen
Telephone / e-mail	Elizabeth.Straw@ec.europa.eu or Wallis.Goelen@ec.europa.eu
1. Background on organisation	
<p>Following the implementation of the <i>European Year of People with Disabilities 2003</i>, DG EMPL set up a unit dealing specifically with disability issues, the Unit for the Integration of People with Disabilities. The Unit has responsibility for delivering on the Commission's commitment to achieving the aims of the EU Disability Strategy.</p> <p>The Unit's responsibilities include overseeing the implementation of the <i>European Action Plan for People with Disabilities</i> which is published every two years (the latest Action Plan covers 2006 and 2007).</p>	
2. Summary overview of instrument	
<p>In order to encourage the spread of good practices within the Commission on disability mainstreaming the disability unit has produced a working paper on <i>Disability Mainstreaming in the European Employment Strategy (EES)</i>.</p> <p><i>Background on the EES and linkages with disabilities</i></p> <p>The EES was established in 1997 so as to better co-ordinate the employment policies of the Member States. Since its inception, close attention has been paid to addressing the needs of people at risk of social exclusion from the labour market, including disabled people. One of the key challenges identified in the EES was the need to raise employment levels amongst people with disabilities.</p> <p>An evaluation conducted on the first five years of the EES found that, while it had helped stimulate the adoption of active labour market measures and anti-discrimination policies at Member State level, the evidence remained inconclusive with regard to the impact of these new approaches on improving the situation of disadvantaged people in the labour market.</p>	
3. Detailed description of instrument	
<p>'Disability Mainstreaming in the European Employment Strategy' (EMCO/11/290605) was published in July 2005 and was one of the concrete actions envisaged in the European Action Plan on Disabilities for 2004 and 2005.</p>	

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The rationale for producing a guide on disability mainstreaming in the EES was driven by recent developments in the area of employment and social policies, in particular the launch of the renewed Lisbon Strategy and the adoption of the new Integrated Employment Guidelines (2005-2008). It was therefore considered timely to reconsider the relevance of the EES and to reassess its potential for improving the situation in respect of disabled people in the labour market.

Target audience, aims and objectives

The document is primarily targeted at policy makers at Member State level. The objectives of the paper are to:

- Underline the importance of addressing, in the context of the revised EES, the barriers faced by people with disabilities with regard to labour market participation and career progression;
- Outline good practices in disability mainstreaming that have already been implemented at Member State level, including approaches developed with the support of the European Social Fund (ESF) and EQUAL Community Initiative;
- Encourage Member States to mainstream disability more systematically through the inclusion of such concerns in national employment policies;
- Provide guidance for Member States on how to design more effective policies that successfully address the specific labour market needs of disabled people, with particular reference to the ESF programme 2007-13 (the new ESF Regulations include reference to the importance of ‘pathways to integration in employment’ for disabled people).

Preparation of working paper

As part of the process leading to the preparation of the working paper, DG EMPL conducted a survey among members of the MISEP (Mutual Information System on Employment Policies in Europe) network, the European Social Partners and EU-level NGOs in the field of disability. As part of the survey exercise, examples of good practices on disability mainstreaming were requested from respondents.

Content of working paper

Mainstreaming is defined in the working paper as the ‘systematic consideration of the specific needs of disabled people when setting up any policy measures aimed at the promotion of employment. Mainstreaming means that the needs of disadvantaged people need to be taken into account in the design of all policies and measures’.

The paper is divided into three parts:

- Part 1 – provides an explanation of mainstreaming as a concept and of its potential to influence policy making and so improve the situation of people with disabilities
- Part 2 – provides an analysis of how the Employment Guidelines (the operational part of the EES) can be implemented in a way that ensures that disability issues are mainstreamed through employment policies
- Part 3 – conclusions in respect of the extent to which mainstreaming is currently taking place in EES in the area of disability

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With regard to the second point, the paper includes an assessment of the potential of the Employment Guidelines 2005-2008 to improve the situation in respect of disabled people in the labour market. To this end, it provides an analysis of the extent to which each Guideline is relevant from the perspective of disability mainstreaming. It also examines linkages between the Integrated Employment Guidelines and the Lisbon (employment) objectives, which are closely inter-related, and again considers these from the perspective of improving the situation of disabled people in the labour market.

Under Guideline 16, for example (which seeks to ‘Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion’), an analysis is provided of key issues relating to disability mainstreaming. The way that these will contribute to the achievement of key Lisbon employment objectives.(including ‘full employment’ and ‘improving quality and productivity at work’) is also assessed.

Taking ‘full employment’ as an example, the paper points out that employment rates amongst the disabled are comparatively low and that this must be addressed in order to achieve the overall EU employment rate target of 70% by 2010 - all the more so since ‘as many as one in six of the working-age population in the EU has a disability of some sort’.

Turning to the aim of ‘improving quality and productivity at work’, this is identified as being particularly relevant for disabled people. A recent survey carried out by European and national disability organisations found that ‘disabled workers are proportionately more likely to be in low paid jobs and are at higher risk of being discriminated against in access to training and career promotion’.

The paper also assesses the extent to which mainstreaming is currently taking place at Member State level in the EES. It emphasises that while the systematic incorporation of a disability perspective is a powerful means of improving the integration of disabled people in the labour market, in practice, mainstreaming is still rarely applied:

‘Many responses to the questionnaire pointed out measures and small-scale projects which target disabled persons in a rather isolated manner, but which are not linked to larger employment policy strategies. It seems that the concept of disability mainstreaming is still not yet well enough known to key policy makers and that consequently it is not applied’.

4. Mainstreaming examples

The paper makes reference to a number of practical examples of disability mainstreaming in practice. These are taken from the Member State level and were identified through survey work. Under each of the Employment Guidelines included in the EES, practical examples of approaches to disability mainstreaming are provided. Below selected examples of these initiatives are provided.

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Under Guideline 19, ‘Improving the matching of labour market needs’, several examples of disability mainstreaming are provided. These include:

- A training course for employment consultants in the public employment service in the Czech Republic designed to improve the skills and competences of employment consultants in providing career counselling to disabled people
- In Hungary, labour market programmes designed to promote the employment of disadvantaged groups, including people with disabilities

Under Guideline 16, (aspects relating to strengthening social and territorial cohesion), various examples of adopted approaches to mainstreaming through EQUAL Development Partnerships (DPs) are highlighted. Examples include:

- Pilot programmes in Hungary to promote disability mainstreaming that have involved close partnership and co-operation between the Hungarian Ministry of Employment and NGOs
- A capacity building project so that Unizo (the Flemish Federation of SMEs) one stop shop points will in future be able to assist Flemish employers in drawing up diversity plans.

5. Evidence of good practice in mainstreaming instrument

The working paper demonstrates a number of good practices. These include:

- The inclusion of a clear definition of what mainstreaming is (a term often misunderstood);
- The inclusion of practical examples on how disability issues can be mainstreamed in the formulation and implementation of employment policies (difficulties often exist in identifying simple examples of how mainstreaming has made a difference);
- The identification of critical success factors in effective disability mainstreaming, such as the need for close co-operation between public and private sector actors;
- The identification of clear linkages between improving the situation of disabled people in the labour market, disability mainstreaming in employment policies and the achievement of key EU policy priorities, notably the Lisbon employment objectives (more and better jobs, full employment etc.);
- The involvement of the social partners, public authorities, civil society, NGOs and other relevant actors in producing the working paper. Examples included are persuasive;
- The strong emphasis on the economic benefits of disability mainstreaming. It is important to encourage policy makers at national level to ‘buy in’ to non-discrimination mainstreaming from an economic as well a social perspective.

6. Monitoring and evaluation

No monitoring and evaluation work was foreseen *per se* in the disability mainstreaming document. However, monitoring the implementation of the two yearly Disability Action Plan is a central element of the approach to mainstreaming by the Disability Unit.

7. Replicability of approach

The working document could easily be adapted to other Community policy areas. It could also be expanded to include other areas of non-discrimination.

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<i>Example 7: Supporting activity to embed awareness and understanding of the 2003 Employment Equality (sexual orientation, religion or belief) Regulations</i>	
Equality strand(s)	Sexual orientation, religion or belief
Region/country	National programme covering Great Britain
Organisation and address	DTI
Type of organisation	Government Ministry
Website	http://www.dti.gov.uk/employment/discrimination/index.html
Contact person	Justine Jeffrey, Women and Equality Unit, DTI
Telephone / e-mail	Tel: +44(0)207215 5390 Email: justine.jeffrey@dti.gsi.gov.uk
1. Background on organisation(s)	
<p>The Department for Trade and Industry (DTI) is responsible for a number of key policy areas including employment, science and innovation.</p> <p>As part of its remit, it has responsibility for tackling discrimination in employment. It also had the lead within government for the transposition of several of the equality strands covered by the <i>Equal Treatment in Employment Directive</i> – including the 2003 Employment Equality (sexual orientation, religion or belief [SORB]) Regulations, which came into force in December 2003 and the Employment Equality (age) Regulations which came into force on 1st October 2006.</p> <p>The process of transposing the different strands covered by the 2000 Directives involved extensive consultation with key social partners. The new regulations apply GB-wide. Northern Ireland has its own equalities legislation.</p>	
2. Summary overview of measure(s)	
<p>This case study examines the way in which the DTI mainstreamed non-discrimination principles following the transposition of the 2003 Employment Equality (sexual orientation, religion or belief [SORB]) Regulations. In particular, the following measures are examined:</p> <ul style="list-style-type: none"> • Capacity-building programme supporting activity to raise awareness and understanding of the Regulations involving the distribution of grants to intermediary organisations between 2003-05 • Projects supported were wide-ranging and included training, the production of advice packs for employers and individuals, good practice guides, conferences, regional networks and financial support for organisations providing advice • The current ongoing funding programme for 2005-07 is also considered 	

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<p>3. Target group and beneficiaries</p> <p>Funding programmes supported in 2003-05 and 2005-07 were targeted at intermediary organisations (employers' organisations, trade unions, voluntary and community bodies) firstly in recognition of their important role in supporting the practical application of new legislation and secondly because for some of the new equality strands, there was greater expertise outside government than within. Similarly, the three existing statutory equality bodies, which focus on race, gender and disabilities, lacked appropriate expertise to advise on the new strands.</p> <p>While this will change in time with the implementation of the 2006 Equality Bill and the establishment of a single new equality body, the <i>Commission for Equality and Human Rights (CEHR)</i>, from October 2007, it was felt that a funding programme working through intermediaries was a more effective mainstreaming mechanism to help implement and spread awareness about new legislation than alternative approaches.</p> <p>The ultimate beneficiaries of the capacity-building programme will be individuals receiving training or advice from those intermediary organisations such as NGOs, trade unions etc. that received financing through the capacity building scheme.</p>
<p>4. Duration of measure, funding (€) and funding source(s)</p> <p>In the financial year 2003-04 the DTI gave £625,000 in grants to a number of organisations. This was increased to £1.4 m in 2004-05. For the 2005-07 period 18 organisations will be funded with a budgetary allocation of £2.5m.</p>
<p>5. Detailed description of measure(s)</p> <p>The DTI recognised that new legislation in its own right would be insufficient to improve equality outcomes. A funding programme was therefore set up to support a number of capacity-building and awareness-raising initiatives in respect of the Employment Equality (SORB) Regulations. The objectives of the funding programme were to:</p> <ul style="list-style-type: none"> • Provide information and advice about the rights of individuals and the responsibilities of employers under the new legislation • Help raise awareness about the new legal framework so as to maximise its likely impact • Complement the DTI's own awareness-raising activities carried out in advance of the Regulations coming into force. These ranged from media campaigns to information seminars for intermediaries to the production of information materials • Support the longer term embedding of the Regulations amongst as wide as possible a range of organisations <p>Support capacity development of the soon to be established <i>Commission for Equality and Human Rights (CEHR)</i> in respect of the following discrimination strands: sexual orientation, religion and belief</p>
<p>In the initial funding programme (2003-04), key intermediaries with knowledge of the 2003 regulations were invited to apply for funding. Various types of organisations benefited from funding including <i>NGOs</i> (e.g. Stonewall, Network of Sikh Organisations UK), <i>trade unions</i> (e.g. Trade Unions' Congress, Transport and General Workers Union), <i>employers' organisations</i> (e.g. Employers' Forum on Age, Equality and Diversity Forum), <i>business support organisations</i> (e.g. Federation of Small Businesses, Chambers of Commerce) and <i>regional bodies</i> (e.g. Fair Play Partnership in the Yorkshire and Humber region).</p>

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The types of projects supported ranged from seminars, conferences and information roadshows to the production and distribution of guides and leaflets to help businesses and individuals understand their new rights and responsibilities under the regulations. Other projects involved the development of good practice guides, advice packs for employers and individuals and support for regional networks and organisations providing advice on the new regulations.

In the new 2005-07 funding programme, similar projects were run but with an emphasis on linking projects with capacity building to support the establishment of the CEHR. Guidance for applicants states that projects should help develop the services that the CEHR will need to deliver for areas of discrimination law relating to sexual orientation, religion or belief with a view to future partnership-working with the CEHR.

6. Example of project supported through DTI financing programme

An example of a project supported and the dissemination mechanisms for raising awareness about the SORB regulations is a capacity building project led by the *Citizens Advice Bureau (CAB)*, one of the UK's leading providers in independent, impartial and confidential advice. It has 21,000 trained advisers in 480 Citizens Advice Bureaux..

The project received DTI funding of £529,520. It involved the development of generalist as well as specialist advisory capacities within CAB on equalities issues.

With regard to the development of 'generalist' capacity, the objective was to train CAB staff to identify potential cases of discrimination that could go forward to an employment tribunal. Some financing will be used to develop specialist capacity to be able to provide detailed advice to victims of discrimination in employment and to undertake casework. This will include the training and development of advisory staff and the dissemination of resources and advisory materials.

CAB will also be piloting methodologies for developing regional discrimination advisory expertise and networks by piloting projects in five bureaux in England and Wales, and by strengthening cooperation and joint-working with local religion and belief and LGBT groups. A network of CAB advisers, including those from faith and LGBT communities, will be developed and trained in media skills to conduct local, regional and specialist radio interviews and phone-ins on the regulations and to signpost external sources of advice and further information.

Project-related good practices

Taking the above project as an example of the sort of projects financed by the DTI, good practices include:

- The development of generalist and specialist skills so as to have the capacity to deal with enquiries and individual support needs resulting from the implementation of the Employment Equality (SORB) Regulations
- The multiplier effect of the project – particularly training staff at local and regional level in media skills to as to raise awareness with regard to the rights of individuals and the obligations of employers under new anti-discrimination legislation

The development of a regional network of equality specialists having the capacity to offer specialist advice to individuals that have suffered discrimination at local and regional levels

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<p>7. Evidence of good practice(s) and of mainstreaming</p> <p><i>Good practices in mainstreaming – institutional level</i></p> <p>The capacity building programme financed by the DTI demonstrates a number of good practices in successful mainstreaming:</p> <ul style="list-style-type: none"> • Rather than adopting a ‘top-down’ approach, the DTI has chosen a ‘bottom-up’ approach which involves working through relevant intermediary organisations to deliver information to individuals and employers on new anti-discrimination laws. • This should help ‘mainstream’ the implementation of the Regulations and raise awareness about the rights of individuals and the obligations of employers. It should help avoid a dichotomy emerging between legislation and practice • Making funding allocation in the 2005-07 programme for intermediary organisations conditional upon close partnership working with the new Commission for Equality and Human Rights (CEHR) should help ensure that the capacity gap to deal with new equality strands both in government and amongst the existing specialised equality bodies is plugged and that appropriate expertise is developed
<p>8. Results and impacts (<i>include quantitative /qualitative indicators – evaluation /surveys</i>)</p> <p>The funding schemes have yet to be evaluated but the above analysis suggests that the funding programme has achieved positive results and has had a beneficial impact in terms of improving the effectiveness of the implementation of anti-discrimination legislation.</p>
<p>9. Replicability of measure (<i>to other policy areas/equality strands or to other countries/regions</i>)</p> <p>In some other Member States, while the 2000 anti-discrimination directives have been transposed into national legislation, there has been a failure to accompany new legislation with appropriate awareness-raising activities and institutional capacity building. Consequently, there is a danger that a gap emerges between legislative protection and reality from the perspective of individuals at risk of discrimination, particularly in respect of those equality strands where there was previously no legal protection.</p> <p>The approach adopted by the DTI – whereby intermediary organisations have been used as the main conduit to ‘mainstream’ non-discrimination principles in the implementation of legislation - could be replicated in other Member States in order to ensure that legal protection for individuals has a tangible positive benefit in improving equality outcomes.</p>

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Example 8: Implementing equality mainstreaming in Northern Ireland – the role of a Specialised Equality Body and the consultation process

Equality strand(s)	Religious belief, political opinion, racial group, age, marital status, sexual orientation, gender, disability, persons with dependants
Region/country	Northern Ireland, UK (note that Northern Ireland has different equality legislation to Great Britain)
Organisation and address	Equality Commission for Northern Ireland Equality House 7 – 9 Shaftesbury Square Belfast BT2 7DP
Type of organisation	Equality Body
Website	www.equalityni.org
Contact person	Antoinette McKeown
Telephone / e-mail	Tel: +44 (0)28 9050 0600

1. Background on organisation

The Equality Commission for Northern Ireland ('the Equality Commission') is an independent public body established under the Northern Ireland Act 1998. Amongst its functions are to work towards the elimination of discrimination, promote equality of opportunity, promote affirmative / positive action and oversee the implementation and effectiveness of the statutory duty on public authorities. The existing anti-discrimination bodies (FEC, EOC, CRE, and Disability Council) were amalgamated into a new Equality Commission for Northern Ireland in the autumn of 1999.

2. Legal background

The duties on public authorities to promote equality of opportunity and good relations in the Northern Ireland Act 1998 ('the Act'), grew out of attempts to make the earlier non-statutory Policy Appraisal and Fair Treatment (PAFT) initiative more effective, and also result from the Agreement reached in the multi-party talks held on Northern Ireland. It should be noted that the equality legislation in force in Northern Ireland is different to that of Great Britain.

Section 75 of the 1998 Act introduced two statutory duties on public bodies:

- to have, in carrying out their functions, 'due regard' to provide **equal opportunities** for persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with a disability and persons without, and between persons with dependants and persons without.
- to have 'regard' to the desirability of promoting '**good relations**' between persons of different religious belief, political opinion or racial group.

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3. Summary of mainstreaming instruments

The Equality Commission is committed to ensuring and monitoring the effective implementation of the statutory duties. The Commission is required to:

- keep under review the effectiveness of the duties imposed by Section 75;
- offer advice to public authorities and others in connection with those duties; and
- carry out other functions such as preparation of guidelines on equality schemes, approving equality schemes, investigating complaints of failure to comply with an approved scheme and in certain cases, referral of equality schemes to the Secretary of State.

The Equality Commission is required to produce an annual report on the operation of the equality duties, and in particular the steps taken during the year by the Commission and by other public authorities to promote equality of opportunity. The Equality Commission also identifies ‘good practice’ on the development and implementation of equality schemes, and shares this information with public authorities and affected groups.

The Equality Commission has produced a **guide for public bodies** ‘*Section 75 of the Northern Ireland Act 1998: A Guide to the Statutory Duties*’ on how to comply with the statutory duties under the Act. The guidance states that ‘*Equality considerations must be central to public policy processes. The main aim of Section 75 is to ensure that equality of opportunity is ‘mainstreamed’ by public authorities in policy making, policy implementation and policy review*’.

Under the Act, public authorities are required to:

- produce an **Equality Scheme** for all the policy areas under their competence;
- undertake an equality **screening process** indicating which policies may have an impact on equal opportunities;
- outline a timescale for conducting **Equality Impact Assessments (EQIA)** on those policies requiring a full impact assessment; and
- monitor adverse impact of any policies for the purposes of equality of opportunity.

The Equality Commission has issued detailed practical guidance on each of these procedures and has statutory responsibility for the approval of all Equality Schemes.

Public authorities are legally obliged to implement the Scheme once it has been adopted by the authority and approved by the Equality Commission. At the heart of the impact assessment process is the identification of adverse impact of policy in terms of the nine equality strands covered by the legislation and/or identification of alternative policy options that better promote equality and good relations.

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Public authorities are also required to undertake effective **consultation** with relevant voluntary and community groups at all stages of the process. In order to measure progress in respect of the implementation of the public duty under Section 75, the Equality Commission has requested **annual progress reports** from public authorities regarding the implementation of their statutory duties. In order to assist the public authorities in reporting progress, the Equality Commission has produced a **reporting template**, which is revised annually to take into account feedback received from various stakeholders.

The Equality Commission has the power to investigate complaints and alleged failures by public authorities to comply with approved Equality Schemes. Should public authorities fail in their public duty under Section 75, they may be **subject to formal investigation**. The Equality Commission has undertaken a number of formal investigations in response to complaints received since public authorities were obliged to submit an Equality Scheme in 2000.

4. Target group and beneficiaries

- Public authorities in Northern Ireland
- Groups at risk of being discriminated against or further excluded through public policy decisions (more than discrimination)

5. Example of mainstreaming tool – the role of consultation as part of the Equality Impact Assessment process

The legislation requires that **consultation** should become an integral part of the policy-making process and should play an important role in feeding into equality impact assessments. Consultation is required to be “*meaningful and inclusive, in that all persons likely to be affected by a policy should have the opportunity to engage with the public authority*”.¹ The process aims to identify any adverse impact of policies or proposed policies at the earliest possible stage.

Accordingly, public authorities are required to encourage participation in the consultation process by groups representing those that will be potentially affected by a given policy or piece of legislation, as far as possible. This is designed to ensure more direct, face-to face engagement with such groups and the development of working relationships. The **benefits of a participative approach to consultation** for public authorities are seen to lie in directly engaging with those groups representing those potentially at risk of discrimination, as well as gaining access to communication mechanisms, skills and understanding within the affected groups.

¹ Equality Commission for Northern Ireland, 2005. *Section 75 of the Northern Ireland Act 1998: Guide to the Statutory Duties*.

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To support the groups involved in the consultation process, the Equality Commission maintains regular contact within the voluntary sector and the community. In addition, so as to ensure that consultation is arranged efficiently and effectively, the Equality Commission has produced clear **Guidelines** for public authorities, including Guiding Principles on Consultation, as well as providing advice on the process.

For example, according to the guidance², a Department had approached the Equality Commission to discuss its consultation arrangements. Following this, it was “*agreed that when initiating an EQIA the Department would place advertisements in relevant newspapers and press to ensure adequate information throughout all regions and amongst all sections of society in Northern Ireland. The Department would write to all representative groups specified in its equality scheme asking the groups if they wished to be consulted on any of the EQIAs which may be initiated over a two year timescale. When initiating an EQIA the Department also sends a reminder notification to all representative groups informing them of the forthcoming EQIA*”.

The Guidelines note that targeted consultation with representatives of those most affected by a policy has been found to be beneficial, particularly when carried out sufficiently **early in the policy planning process**. According to feedback from consultees, as described in the Guidelines, the mass mailing of a full consultation document to all groups on a list of consultees is not effective. Instead, large consultation documents should be distributed in executive summary, so that consultees can decide whether or not they would like to obtain the full document or respond to the consultation.

The Guidelines suggest that a **management information system** should be developed, containing information on past, present and planned consultations. This can improve the efficiency of the consultation process from the point of view of both the consultees and the policy-making body, as well as ensuring that questions do not need to be asked more than once. The Guidelines suggest that ‘centralised’ methods should not be used where consultation is carried out on behalf of policy makers, effectively placing them at one step removed from the consultation process.

6. Evidence of good practice(s) and of mainstreaming

- The **statutory positive duty** on public authorities to promote ‘equality of opportunity and good relations’ is viewed as having been an important catalyst in promoting effective equality mainstreaming;
- Mainstreaming is integrated into the policy making process from the beginning through the systematic use of equality screening procedures and Equality Impact Assessment;
- The Equality Commission is **properly resourced** with approximately 150 staff working across a full range of functions relating to its remit in respect of anti-discrimination legislation and Section 75, which is important in supporting an integrated approach to addressing discrimination and promoting equality of opportunity and good relations ;

² Equality Commission for Northern Ireland, 2005. *Section 75 of the Northern Ireland Act 1998: Practical Guidance on Equality Impact Assessment*.

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- The recommended consultation process is **well targeted** and mechanisms exist to **develop the capacity** of the consultees;
- Clear **guidelines and reporting templates** are provided to public authorities by the Commission in order to ensure that mainstreaming takes place and is properly followed.

7. Impact and results

The statutory positive duties in Northern Ireland underpin and influence policy-making in all spheres and at all levels of Government activity and public policy decision-making. The Commission views Section 75 as having been beneficial for public authorities from a number of perspectives. Specifically, it has enabled them to:

- mainstream equality and good relations considerations into policy formulation and review to deliver improved public services through the use of mainstreaming instruments including equality screening, equality impact assessment and participative consultation processes leading to improved public policy decisions particularly in respect of ‘front line’ public service delivery;
- focus on monitoring as a means of ensuring that equality mainstreaming takes place (equality objectives and associated performance indicators have been incorporated into Strategic and Operational Plans of public authorities).

8. Replicability of measure

- The production of Guidelines on different stages of the non-discrimination mainstreaming process could be transferable to different region and levels; and
- More participative consultation processes could be introduced by the European Commission and in other countries, particularly with regard to ensuring that the representatives of those groups at risk of discrimination are consulted. However, a balance must be struck in ensuring that the consultation process is manageable and useful from the perspective of public authorities but not overbearing for consultees, many of which have human and financial resource constraints.

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1.2 Case studies - mainstreaming in the implementation of policies, legislation and programmes

A complete list of case studies relate to the integration of non-discrimination concerns into the **implementation** of policies, legislation and programmes is now provided:

<i>No.</i>	<i>Member State</i>	<i>Case study title</i>	<i>Equality strand(s)</i>
1.	UK	Horizontal approach to non-discrimination mainstreaming in the implementation of Structural Funds (Wales, UK)	All
2.	FR	PACTE - Combating social exclusion in Civil Service Employment	Socially excluded groups
3.	DK	URBAN programme for Denmark ‘Neighbourhood in Movement’ – empowerment programme promoting social inclusions and equality	Race/ethnicity
4.	D	Promoting the employment of older workers – mainstreaming ‘active ageing’ through the European Employment Strategy	Age
5.	D	Job - Jobs ohne Barrieren (jobs without barriers)	Age
6.	PT	The role of the EQUAL Community Initiative in promoting non-discrimination mainstreaming through closer Government/NGO co-operation in Portugal	Race, ethnic origin
7.	ES	“Almería Observatory for Diversity” - Almería City Council	All, but particularly race, ethnic origin

The case studies are set out on the following pages.

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<i>Example 1: Horizontal approach to non-discrimination mainstreaming in the implementation of Structural Funds (Wales, UK)</i>	
Equality strands	Gender, disability, ethnic origin, Welsh / non-Welsh speakers
Region/country	Wales, UK
Organisation and address	Welsh European Funding Office Merthyr Tydfil, CF48 1UZ
Type of organisation	Government agency
Website	www.wefo.wales.gov.uk
Contact person	Ms. Chriss O'Connell
Telephone / e-mail	Tel: 01685729332 E-mail: chriss.oconnell@wales.gsi.gov.uk
1. Background on organisation	
<p>The Welsh European Funding Office (WEFO) is responsible for administering Structural Funds in Wales. In the 2000-06 programming period, it was responsible for a number of programmes including Objective 1, Objective 2, URBAN, EQUAL etc.</p> <p>WEFO is responsible for fostering the development of a high quality pipeline of new projects, appraising and making decisions on applications for financing support, paying grants and for the audit and control, monitoring and evaluation functions. It is also responsible for publicising the impacts of Structural Funds in Wales. WEFO is part of the Welsh Assembly Government's Enterprise, Innovation and Networks Department.</p>	
2. Summary overview of measure(s)	
<p>This case study examines the way in which Equal Opportunities have been mainstreamed into Structural Fund programmes in Wales in the 2000-06 period, with reference to developments in the 2007-2013 period. This makes a particularly interesting case study because the Welsh programmes have gone beyond the requirement in the Structural Funds regulations to promote equality between men and women, and have sought to interpret the mainstreaming of equality of opportunity as a cross-cutting theme in the programmes in a much broader context, following from Welsh legislation.</p> <p>In particular, the role of WEFO in providing information and guidance for project applicants and promoters is examined.</p>	

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<p>3. Target group and beneficiaries</p> <ul style="list-style-type: none"> • Project promoters and applicants for Structural Fund Programmes in Wales; • Project participants and beneficiaries representing groups at risk of being discriminated against.
<p>4. Duration of measure, funding and funding source</p> <p>WEFO is a permanent body, and a part of the Welsh Assembly Government's Enterprise, Innovation and Networks Department.</p>
<p>5. Detailed description of measure(s)</p> <p><i>Policy background</i></p> <p>'Equal opportunities' have been mainstreamed as one of the three cross-cutting themes in Structural Funds since the 1994-99 programming period and so Equal Opportunities have to be incorporated into all projects supported by the funds. The focus has generally been on the promotion of equality between women and men, as reflected in the Structural Funds Regulations for the programmes.</p> <p>However, a broader interpretation of non-discrimination mainstreaming has been adopted for Structural Funds in Wales, with the inclusion of a horizontal approach to mainstreaming. This is linked to the policies adopted by the Welsh Assembly Government on equality of opportunity, which go beyond those required by the Structural Funds Regulations.</p> <p>According to Section 120 of the Government of Wales Act, 1998 "The Assembly shall make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people". The equal opportunities perspective is, then, applied to all policies and practices supported by the Funds, including the individual project level. A key role in ensuring that the perspective is accounted for is played by the Welsh European Funding Office (WEFO).</p> <p><i>Role of Welsh European Funding Office in promoting non-discrimination mainstreaming</i></p> <p>WEFO is strongly committed to promoting equal opportunities through the implementation of Structural Funds programmes and projects. The Office has set up a Cross-cutting Themes Unit with dedicated resources for equalities issues in the form of two Equality Officers. The Equality Officers support the Programme Monitoring Committee in ensuring that equal opportunities are implemented into the Funds, and give advice to applicants and project promoters on how best to integrate equal opportunity concerns into all aspects of the planning and implementation of projects. The Equality Officers are also involved in the appraisal of projects, supporting WEFO staff on equalities questions, the provision of training and awareness raising on equality mainstreaming within WEFO, as well as conducting research and monitoring on equality mainstreaming.</p>

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Guidance to Project Applicants and Promoters

A variety of documents have been produced to provide guidance on non-discrimination questions, and are available on the section of WEFO's website dedicated to Equal Opportunities. These include a series of Fact Sheets which provide information on specific equality issues and how they are taken into account in Structural Funds programmes in Wales (Disability, Welsh language and Support for Black and Minority Ethnic people in Wales).

An Equal Opportunities Monitoring Form is provided, which has been specifically developed for Structural Funds Programmes in Wales, and is used to help WEFO in collecting information on those benefiting from the programmes in Wales.

The website also includes a set of **Guidelines** (*Equal Opportunities Guidelines for European Programmes in Wales, Welsh European Equality Partnership, 2000*) on the promotion of equal opportunities in European Programmes in Wales. The Guidelines explain the basic principles behind non-discrimination, such as cross cutting themes, mainstreaming and equality barriers. Practical advice is provided on how to apply the principle of equal opportunities to projects, from good practice checklists to advice on how to fill in application forms.

Consideration is given to questions that should be taken into account to when forming an **equality strategy**, including how to go about putting one together. The Guidelines note that it will be necessary for the project promoters to set **equality disaggregated targets** for projects, reflecting the percentage of targeted groups that are reasonably expected to benefit from the project, based on local / national data.

Suggestions given in the Guidelines also include setting up **equality audits** to check how a policy works in practice. As the Guidelines explain, "gender audits are considered to be good practice by the European Commission. Equality audits are the same as gender audits but include disabled people and people from ethnic minorities or any other group whose progress you might wish to monitor within your organisation."

In the 2007-2013 programmes in Wales WEFO, in addition to the Equality Officers, are intending to have **Development Officers** working with the projects throughout their implementation. As part of their role, the Development Officers are to provide reminders and guidance of the cross-cutting themes to project promoters. In order to ensure capacity to undertake this role, the officers receive in-depth training in equalities issues. This training takes place in addition to the basic training on cross-cutting themes, including equality, which has been provided to all employees of WEFO.

Consultation Processes

For the programming period of 2007-2013, specific **expert user groups** comprising of representatives of groups at risk of being discriminated against, are to be set up. The groups will provide consultation advice on the equality impact assessments being undertaken for this programming period. Impact assessments will be carried out throughout the programmes at regular intervals, with equality mainstreaming being taken into account from the point of inception.

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In addition to the expert user groups, WEFO works closely with an external **Cross-cutting Themes Group**. The Group is comprised of approximately 25 representatives of external agencies (both governmental and non-governmental) working on equality and environmental issues in Wales. WEFO is also represented in the Group. The Group was set up at the beginning of the 2000-2006 programming period as a lobbying group so as to ensure that equality mainstreaming takes place within structural funds. However, the Group has increasingly focused on providing WEFO with support on cross-cutting themes and information on how to relate developments at WEFO with what is happening in the field.

6. Dissemination mechanism

Guidance and information for project applicants and promoters is provided through the WEFO website, as well as directly through Programme leaders and Equality Officers. In addition, information is disseminated through the external Cross-cutting Themes Group, comprising of representatives of Agencies working on equalities issues in Wales.

7. Evidence of good practice(s) and of mainstreaming

- Dedicated resources are allocated for equalities - two full-time Equality officers;
- Training of WEFO staff and a continued provision of advice on mainstreaming equality for project applicants and promoters help to ensure that equality mainstreaming is thoroughly integrated into project application, promotion and monitoring;
- Cooperation with the external Cross-cutting themes Group means that WEFO is provided with external expert support, as well as a check to ensure that equalities issues are taken into account in the appropriate manner;
- In 2007-2013 more emphasis will be placed on ensuring that equality mainstreaming takes place from the inception of the programmes

8. Impact and results

On-going monitoring takes place on how well equality targets are being reached, and regular reports are provided to relevant committees at the Welsh Assembly on progress. It is recognised, however, that certain groups can be difficult to reach in terms of gathering information, and project promoters are particularly encouraged to attain the necessary information.

A study was conducted in 2006 on the cross cutting themes (including Equal Opportunities) in Structural Funds Programmes operating in Wales between 2000 and 2006.¹ According to the study, more **women** have benefited under the Objective 1 Programme than might have been anticipated based on the representation of women in the labour market more generally.

¹ *Cross Cutting Themes Research Project (Objectives 1 &3), ECOTEC 2006*

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With regard to **black and minority ethnic beneficiaries**, their representation is reported to be higher than the working age population comparators. The levels of participation amongst **disabled people** and **Welsh speakers** were found to be low when compared with the situation in the labour market more generally. However, it was suspected that this might be partly due to differences in the definitions used.

The interviewee noted that particularly good results have been achieved through the possibility of combining horizontal measures which take place throughout the programmes with vertical, specific measures which ensure that resources are also targeted at areas where particular action is required.

9. Replicability of measure

- Language dimension of Welsh and non-Welsh speaking people could be used in other countries and areas with significant linguistic minorities;
- Other regions implementing Structural Funds programmes in 2007-13 could also adopt a more ambitious approach to promoting equal opportunities as a horizontal theme which encompasses the six strands covered by Article 13

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<i>Example 2: PACTE – combating social exclusion in Civil Service employment –(France)</i>	
Equality strands	‘Socially excluded sectors of society’
Region/country	France
Organisation and address	Ministry for the Civil Service, Directorate-General for the Administration and the Civil Service (DG AFP)
Type of organisation	National Ministry
Website	www.fonction-publique.gouv.fr/rubrique83.html
Contact person	Cécile BERSON-PRAT, responsible for communication Secretariat-General of the DG AFP
Telephone / e-mail	Tel: +33-1- 42 75 80 00
1. Background on organisation	
<p>After undergoing a restructuring, the Ministry for the Civil Service today consists of a Central Administration Directorate and the Directorate-General for the Administration and the Civil Service. The Ministry is under the overall authority of the Prime Minister and at the service of the Minister for Civil Service, Mr. Christian Jacob.</p>	
2. Summary overview of measure	
<p>Introduced by the French government in August 2005, PACTE (<i>Parcours d'accès aux carrières territoriales et de l'Etat</i>) is a scheme to ease entry into the Civil Service and to combat discrimination and exclusion.</p> <p>The overall goal of the scheme is to re-integrate the most socially excluded sectors of society and to make the French civil service representative of the society that it serves. The PACTE scheme consists of a ‘sandwich’ course (combination of theoretical and practical training) for young people between 16 and 25 years who face difficulties in starting a career. After having been through a two-year course consisting of alternating on-the-job training and study periods, the candidates will have the opportunity to secure a long-term tenure job in the Civil Service by taking a vocational aptitude test.</p>	
3. Detailed description of measure	

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Background

Most new recruits to the Civil Service are young university graduates and every year 30% of graduates from higher education start a career in the Civil Service. This can be partly explained by the nature of the jobs, but selection by entrance examination also leads to the exclusion of some sections of the population from this career path. Despite efforts to make the tests less academic, better qualified applicants continue to enjoy a decisive advantage. This makes the Civil Service less and less representative of the society it is meant to serve, but the situation also impedes efforts to attain social justice and equality via employment.

To combat these problems, two approaches were considered:

- 1) providing support to help applicants from underprivileged backgrounds prepare for Civil Service entrance examinations. The support takes the form of information, coaching and general support through an examination preparation centre; and
- 2) changing the recruitment system for certain social groups, replacing entrance examinations altogether with a system of contracts leading to long-term employment after completion of the relevant training. It is this second approach that is being applied in the PACTE scheme.

Under the first scheme, which was introduced in 2003, ten experimental examination preparation centres were set up in educationally under-performing areas (*ZEPs*) and information campaigns were mounted. Although 300 paid work placements were offered, only around hundred people signed up – many of whom had already decided to apply for the Civil Service anyway.

It was therefore decided that, in order to make the Civil Service accessible to young people from deprived backgrounds, recruitment should not be based on entrance examinations.

Details of the PACTE scheme

Under the PACTE scheme, which was institutionalised through ‘*Ordonnance 2005 – 901* of 5th August 2005, applicants are provided with two years of alternating on-the-job training and study at the end of which they will go through an aptitude test giving them the opportunity to secure a career within one of the three functions of the Civil Service (State, hospital sector and local authorities).

The scheme gives young people with few or no qualifications the opportunity to build a career in category C posts, including the following two areas in particular:

- posts not requiring a high level of academic qualifications
- posts for which low-level technical qualifications are required.

Being designed so as not to take away jobs normally destined for graduate applicants, the system is not discriminatory, but instead it prevents such graduates taking up posts unsuited to their level of qualifications and career potential. Although conventional work-placement contracts already exist in the Civil Service, the PACTE scheme is different in that it usually leads to a long-term job.

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By signing the PACTE contract, the employer and the candidate mutually agree on the contents of the alternating training course and on the post that the training will lead to. The candidate commits to completing the full period of the PACTE contract. A contract is also entered into with a vocational training centre by which the State engages itself to cover the cost of the training. A tutor is assigned to follow each new recruit during the full period of their PACTE traineeship, in both the theoretical and the practical parts. The tutors are experienced officials of the Civil Service who have been trained for this particular role and who will help the recruits to integrate fully into their place of work.

The scheme is seen as having advantages for both the employer and the beneficiary. As new recruits are trained in the job that they will eventually take on, loyalty is created towards the employer. Furthermore, the gross salary paid during the PACTE training period only corresponds to 55-70% of the minimum Civil Service salary depending on the age of the recruit.

For the new recruits, the PACTE scheme is beneficial in that it guarantees access to a quality job in the Civil Service based on secure, long-term tenure in contrast to jobs in the private sector. Furthermore, for those under 18 the salary corresponds to 55% of the minimum wage as opposed to 25% of the minimum wage which is traditionally offered to apprentices in the public sector.

The PACTE scheme is included in the French government's '*Plan for jobs*' that was adopted in August 2005. It has attracted a high degree of interest showing that it does indeed meet a real need, that of having a Civil Service which reflects the society it serves.

The first 155 recruitment contracts for tenure posts in the French Civil Service resulting from the PACTE scheme were signed by the Ministry for the Civil Service in February 2006 after the candidates had completed their two-year training period.

5. Dissemination mechanism

Targeted promotion and information brochures on the PACTE scheme have been produced both for State employers and other Civil Service employers, as well as for the attention of potential young candidates. The scheme is also being promoted through the websites of the Ministry for the Civil Service, the Ministry for Employment, Social Cohesion and Housing, the National Employment Office and the National Association for Vocational Training, as well as through the Portal of the French administration '*Service-Publique.fr*'.

6. Evidence of good practice and of mainstreaming

In order for national governments to be credible in their attempts to mainstream equality and anti-discrimination principles into the functioning of society across the board, it is essential that they apply these same principles for employment within the national and local public authorities, so that these services are representative of the society that they serve. For civil services that apply recruitment through entry examinations, which tend to, by nature, be discriminatory, it is even more important to find alternative methods of recruitment that will enable them to apply equality principles within their own staff.

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In this light, the PACTE scheme demonstrates a number of good practices:

- By providing young people with few or no qualifications with the opportunity to build a career, the scheme improves labour market inclusion and helps combat social exclusion and discrimination;
- The principle of providing a vocational training programme adapted to a particular function within the Civil Service is a very good way of developing exactly the type of qualifications that are right for the job;
- The prospect of a tenure post within the Civil Service creates an incentive for the trainees to stay focused during their training and creates loyalty towards the employer;
- The scheme is cheaper to the public sector than traditional apprenticeships and is likely to save money on unemployment benefits.

7. Impact and results

As the first 155 permanent Civil Service posts resulting from the PACTE scheme were only filled in February 2006, it is still too early to evaluate the impact and results of the PACTE scheme. However, it is estimated that around 10% of the State's future recruitments will be filled by candidates who have been through the PACTE training scheme.

A *senior* version of the scheme is also envisaged to cater for the long-term unemployed over 50 years old.

8. Replicability of measure

- Seeing as the PACTE scheme aims to ease entry into French Civil Service and to make it more representative of the society that it serves, it is certainly replicable to other countries in so far as their civil service recruitment system is similar that in place in France, i.e. based on entry examinations.
- Even for countries that use other recruitment systems for their civil service, certain aspects of the PACTE scheme might still be of interest, e.g. the idea of introducing vocational training programmes directly designed and adapted to various functions within the civil service. This would allow the public employer to test potential employees in their day-to-day work environment and through the promise of a long-term post as a result would create loyalty towards the employing service. Certain aspects could also be adopted by the European Commission.

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Example 3: URBAN Programme– ‘Neighbourhood in Movement’: empowerment programme promoting social inclusion and equality (Denmark)	
Equality strand	Ethnicity
Region/country	Århus West, Denmark
Organisation and address	Urban II Programme, Århus Municipality
Type of organisation	Local authority - Joint Århus-EU framework programme with active involvement of civil society and local citizens
Website	http://www.urbanbydel.dk
Contact person	Sonja Mikkelsen, Secretariat, ‘Bydel i Bevægelse’ (<i>‘Neighbourhood in Movement’</i>)
Telephone / e-mail	Tel: +45 894 876 00 E-mail: bydel@urban.aarhus.dk
1. Background on organisation	
<p>Århus Municipality is the local authority for Århus, the second biggest city of Denmark with almost 300,000 inhabitants. The Urban programme is run for the neighbourhood of Århus West, which has 20,000 citizens and represents around 7 % of the total population of Århus. In 2000, half the inhabitants in this part of the city were either refugees, immigrants or their descendents, 4 out of 5 citizens in the neighbourhood live in social housing from the 60s and 70s, 40% of citizens were under 20 years old, 73% of the neighbourhood’s adults with an ethnic minority background are unemployed or economically inactive, and one third of all recipients of state benefits in Århus live in this part of the city.</p>	
2. Summary overview of measure	
<p>Although not exclusively a practice of the Danish public sector, the Urban programme for West Århus, which is co-funded by the EU and the Municipality of Århus, provides an example of good practice in the mainstreaming of anti-discrimination principles.</p> <p>The programme combines a number of elements including activities to promote labour market participation and social inclusion amongst particular social groups and the active involvement of the community under the overall umbrella of empowerment.</p> <p>The Municipality of Århus formulated the Urban programme ‘Neighbourhood in Movement’ in 2000 and applied to the Community Initiative of the European Regional Development Fund (ERDF) for about 40 million DKK (EUR 5.2 million) in urban regeneration support. Århus Municipality matched the funding with 46 million DKK. The Urban programme had three main priorities:</p> <ol style="list-style-type: none"> 1) Skills, competences and jobs - improving the skills of the inhabitants and increasing their labour market participation; 2) Strengthening social and organisational resources in the neighbourhood - involving citizens in the Urban programme; 3) Integration through leisure and culture - integrating the large ethnic minority population socially 	

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In practice, the programme has financed projects and initiatives with local citizens serving as initiators and as the core driving force.

The programme has three main dimensions: an economic dimension (projects to stimulate entrepreneurial culture, education and IT development), a social dimension (projects to promote employment, equality, social protection, citizens' involvement and empowerment, crime prevention etc.) and an environmental dimension (projects to create recreational spaces, leisure and cultural facilities etc.).

A recent, independent mid-term evaluation shows widespread acknowledgment by the targeted population of the positive impacts achieved by the programme. Based on its experiences in implementing the Urban programme, the programme secretariat has developed a framework model for the initiation and implementation of empowerment programmes, which provides an alternative to a top-down policy approach to the promotion of equality and integration.

3. Target group and beneficiaries

Projects supported by the Urban programme were targeted at local firms, local people, public institutions and other project promoters. An important feature of the programme is that, all initiatives must originate from local citizens – or they must as a minimum involve formal co-operation with project promoters.

The beneficiaries of the programme include citizens living in the targeted area. This includes individuals receiving training or getting jobs and residents in the neighbourhood which has less crime than a few years ago, greater social cohesion and a sense of belonging.

4. Duration of measure, funding and funding source

The Urban programme for Denmark ran from 2001 to the end of 2006. Over this period, the total expense has been EUR 12,174,861 co-funded by Århus Municipality and the European Commission.

5. Detailed description of measure

This funding programme was set up in recognition of the need for a model to develop deprived neighbourhoods. At the centre of all projects and initiatives is citizen inclusion and the strengthening of the citizens' own abilities to engage (empowerment).

The main objective of the programme was to create a sustainable urban area where the notion of self-reliance is of major importance and where creative thinking leads to new forms of citizen involvement and integration.

The types of projects that have received support have been wide ranging. Examples include: developing new networks between Danish people in work and unemployed immigrants by organising dinners in private homes; coordinating and informing about leisure activities for youngsters in order to reach a higher level of youth participation in spare time activities (e.g. leisure time jobs in local companies); informing unemployed female immigrants about the training possibilities offered by the community; establishing a centre for entrepreneurship; involving local citizens in creating a recreational area; and the development of a democratic forum in which local citizens can meet and take decisions of relevance to the Urban area.

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6. Example of project supported through Urban-programme in Århus

An example of a project having received funding from the programme is ‘Team 2002’ which was led by a local sports association. The main purpose of the project was to create job and educational opportunities for 21 marginalized, ethnic minority youngsters on social benefits.

The project, which was linked to a 26-week course, provided the youths with a set of goal-driven social competences and skills preparing them for employment, apprenticeship or education and giving them an understanding of the functioning and particular culture adherent to life in an association in an attempt to motivate them to take active part in club life as members and/or sports leaders.

As a result of the course, 15 of the 21 participants are now in jobs or apprenticeships or have started an education that would qualify them for the labour market. Another outcome is that two thirds of the youngsters have continued to be linked to various associations. Participation in sports, leisure or cultural associations is considered a very important tool to promote integration in Denmark.

Project-related good practices

- Success in cooperation between the municipality and other local actors in preparing deprived youngsters for the labour market
- Associations taking part in work with deprived youngsters has had a positive effect on integration in the rest of the society.

7. Evidence of good practice and of mainstreaming

The Urban programme demonstrates a number of good practices in mainstreaming non-discrimination and equal opportunities principles, mainly of an institutional character.

- Rather than adopting a ‘top-down’ approach to ensuring the inclusion of citizens, the Urban programme involves a ‘bottom-up’ approach based on the active involvement of citizens and cooperation between local authorities, civil society organisations and the citizens.
- In the words of the programme secretary: “Alfa and omega in such a model is citizen inclusion. Without the citizens’ active participation, one goes nowhere. It is the citizens’ own dreams for the future, their hopes and visions that should create the basis for a better future for socially deprived neighbourhoods.”
- In a Danish context, this type of approach was quite new. It has changed the attitudes of public authorities when working with deprived neighbourhoods and marginalized immigrant populations. Instead of focusing on the problems and on what divides people, they now concentrate on what brings them together.
- During the implementation of the Urban programme and projects, a number of different cooperation forms and support strategies have been applied. The institutional framework has encouraged close ongoing interaction between the municipality and civil society as equal partners making it easier to set up the appropriate financial and organisational structures before a specific project is launched.

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- The programme has helped promote an integrated approach to equality mainstreaming. Whereas the development of this neighbourhood was earlier considered as an urban development problem *à part*, it is today included in the strategic and political considerations for the development of the whole city.
- Local associations were given a lead role in project activities which has helped ensure the sustainability of activities supported.

8. Results and impacts

The evaluation of project-specific outcomes to date is positive particularly projects that have taken place in the areas of culture, leisure and citizen participation.

Many of the projects supported have involved ethnic minority youth, which is seen as having had a beneficial impact in promoting social inclusion and in fostering innovative ways of promoting inclusion.

With regard to the extent to which the three key priorities have been achieved, in relation to the **first priority** ‘competences and jobs’, progress has been more challenging than anticipated.

However, there has been considerable progress in respect of the **second priority** which aimed to strengthen the social and organisational resources in the neighbourhood to prevent criminality and abuse and to increase citizen involvement amongst all ethnic groups. There were close linkages here with the **third priority** of promoting the integration of ethnic minorities through leisure and cultural activities.

Despite the fact that the area’s overall socio-economic situation has neither changed in a positive nor a negative direction within the last four years, evaluation work suggests that the programme has a positive impact on improving neighbourhood relations.

9. Replicability of measure

The approach adopted by the Urban programme – empowering disadvantaged groups through cooperation between all local actors: citizens, local authorities, local associations and businesses and politicians – could easily be replicated in other Member States as part of a bottom up approach to promoting social cohesion.

The programme is regarded as a best practice model in Denmark, which has inspired other urban regeneration initiatives in other deprived areas of Denmark, including Vollsmose in Odense, the Nord-Vest of Copenhagen, Varbergparken in Haderslev and several others.

The empowerment methods, and the overall framework employed by the Århus Urban programme have influenced the understanding in Denmark of how to tackle the challenge of inequality.

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Example 4: Promoting the employment of older workers – mainstreaming ‘active ageing’ through the European Employment Strategy (Germany)	
Equality strand	Age
Country/region	Germany
Organisation	Federal Ministry of Labour and Social Affairs (formerly Federal Ministry of Economy and Labour)
Type of organisation	Government Ministry
Website	http://www.perspektive50plus.de/
Contact person	Christiane Voß-Gundlach
Telephone / e-mail	
1. Background on organisation	
The Federal Ministry of Labour and Social Affairs is responsible for labour market policy, employment promotion, labour law and health and safety at work.	
2. Summary overview of instrument	
<p>In this case study, we mainly focus on the ‘<i>Employment pacts for older workers</i>’ initiative (now part of the wider ‘<i>Perspektive 50 plus</i>’ initiative) led by the Federal Ministry of Labour and Social Affairs within the framework of the European Employment Strategy to improve the employability of older workers.</p> <p>The policy approach to enhancing the employability of older workers in Germany focuses on education and training measures on the one hand and measures to encourage companies to recruit older workers (and to retain existing workers) in the workplace.</p>	
3. Detailed description of instrument	
<p><i>Background</i></p> <p>Like many European countries, Germany is faced with limited labour supply due to ageing demographics. Indeed, an estimated 50% of businesses in Germany do not employ any workers over the age of 50 and 55% of people aged over 55 are no longer in employment.</p> <p>Within the framework of the European Employment Strategy, Germany has therefore set ambitious national targets of increasing the employment rate of older workers (55-64 year-olds) to 50% from present levels (approximately 40%) and of raising average exit age from the labour market by 5 years by 2010.</p> <p>In order to achieve these goals, a number of initiatives have been launched including ‘<i>Employment pacts for older workers in the regions</i>’ launched in 2005. These pacts involve close co-operation between the public employment service (Bundesagentur für Arbeit), trade unions, employers’ organisations and local authorities to implement projects designed to help train and reintegrate people aged over 50 back into the workplace. This initiative has now been integrated into ‘<i>Perspektive 50 plus</i>’, a new federal programme which will consolidate a number of initiatives under a single umbrella.</p>	

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Aims, objectives and beneficiaries

The 'Employment pacts' initiative aims to encourage a more active approach to enhancing the employability of older workers at regional level through close partnership working between key actors. 62 employment pacts were selected from across Germany which brought together 93 joint agencies and local authorities. The employment pacts were then entitled to apply for grant funding to implement projects designed to promote employability.

The sorts of projects that have been supported through the initial two year grant period for the employment pacts for older workers have included:

- Projects to support the establishment and operation of regional networks between key actors involved in promoting the employability of older workers
- Projects that directly target employers to encourage them to recruit more older workers and to look at ways in which they can retain older workers in the workplace
- Projects that link active labour market policies targeting older workers with other policy objectives, such as environmental ones (examples here include projects in the housing sector and in energy renewables)
- EQUAL-type projects that involve testing the effectiveness of new instruments and of combinations of existing instruments in order to develop more effective strategies for the integration of older workers in the labour market

Beneficiaries of 'Employment Pacts for older workers in the regions' include joint agencies, trade unions and local authorities. The final beneficiaries of projects implemented through the Employment Pacts are older workers themselves.

4. Results and impacts

Results and impacts to date include:

- Some 250m EUR in project funding has been allocated to employment pacts for older workers
- New jobs have been found for approximately 2,500 job-seekers over 50 and approximately 28,000 concrete job offers have been made through the pacts
- Approximately 40,000 wage subsidies per annum have been granted of between 20-40% of salary costs to employers taking on older workers as part of 'Perspective 50 plus'. The subsidy, which is a discretionary entitlement, can be paid for up to 2 years

Regional networks between projects have been formed to encourage the exchange of good practices and dialogue between key actors involved in the promotion of the employability of older workers (the employment pacts can apply for funding to form regional associations).

5. Evidence of good practices

Amongst the key success factors are:

- Using pilot projects to test the effectiveness of different active labour market measures to enhance the employability of older workers which are then subject to systematic evaluation and monitoring

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- The strong emphasis on partnership working between local and regional actors as being key to mainstreaming the needs of older workers in the workplace into employment policies
- The emphasis on regional and intra-regional networking between projects to encourage the exchange of good practices with regard to the development of effective active labour market measures for older workers
- The adoption of a holistic approach combining specific initiatives designed to enhance employability of older workers such as '*Perspective 50 plus*' and '*Employment Pacts for older workers in the regions*' with policy measures designed to encourage the actual employment of older workers such as wage subsidies of up to 2 years for employers recruiting from amongst the over 50s, wage guarantee subsidies for older workers and measures to eliminate favourable social support for workers taking early retirement.

6. Employment policies that help mainstream the employment of older workers

The '*Perspective 50 plus*' initiative of the federal government includes a number of concrete measures to promote the employment of older workers. A key dimension of the mainstreaming approach however is that these are not standalone measures but are underpinned by a number of active labour market policy measures that either encourage employers to recruit older workers or discourage workers from taking early retirement. These include:

These include both measures to encourage employers to recruit older workers as well as measures to discourage workers from taking early retirement. These include:

- Various legislative reforms have taken place including changes to pension arrangements and raising the retirement age. The eligibility period for older workers to receive unemployment benefits has also been reduced from 32 to 18 months (these various measures entered into force in 2006).
- The German Public Employment Service (*Bundesagentur für Arbeit*) finances the training costs of older workers to obtain new qualifications provided companies continue to pay their salaries during training
- Employers that provide jobs to those aged over 50 for a minimum period of one year can receive wage subsidies towards the cost of employing the older worker corresponding to between 20-40% of the salary cost for a maximum of 2 years;
- Wage guarantee subsidies ("*Entgeltsicherung*") are available for workers to compensate those amongst them that take up lower paid work. To qualify for the wage guarantee subsidies workers have to be aged 50 and over and be either unemployed or threatened by unemployment, but willing to take up employment which is significantly worse paid than their previous employment.

7. Monitoring and evaluation

The '*Perspective 50 plus*' programme is currently about half way through implementation. It is due to operate for a period of two years - ending in November 2007. An evaluation of the initiative is underway but no information is currently available on its initial findings.

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8. Replicability of approach

Other Member States have adopted similar programmes designed to actively promote the reintegration of older workers in the labour market. Examples include the UK, where the *New Deal 50 plus* scheme, which is part of the Government's Welfare Work Strategy and has helped approximately 100,000 people back into work since 2003.

Clearly, active labour market approaches such as '*Perspective 50 plus*' have strong potential to promote the employment of older workers and to change attitudes with regard to older workers in the workplace and early retirement. This is critical in mainstreaming anti-age discrimination in practice.

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<i>Disability mainstreaming to facilitate participation in working life: the 'JOB – Jobs ohne Barrieren' initiative</i>	
Equality strand(s)	Disability
Geographic sphere	Germany
Organisation	Federal Ministry of Labour and Social Affairs
Type of organisation	Government Ministry
Website	http://www.bmas.bund.de/BMAS/Navigation/Teilhabe-behinderter-Menschen/jobs-ohne-barrieren,did=85966.html
Contact person	Mrs Karsti?
Telephone / e-mail	+49 (0)3018 5272857 Switchboard - +49 (0)3018 527 0
1. Background on organisation(s)	
The Federal Ministry of Labour and Social Affairs is responsible for labour market policy, employment promotion, labour law and health and safety at work.	
2. Summary overview of instrument (s)	
<p>Jobs Without Barriers' (Jobs ohne Barrieren) is an initiative launched by the Federal Ministry of Health and Social Security in cooperation with employers, Trade Unions, Disability Associations and Organisations, the Federal Employment Agency, agencies responsible for funding rehabilitation, the Council for the Integration of People with Disabilities, as well as some other organisations.</p> <p>The main aim of the initiative is to enable disabled (and severely disabled) people to access employment opportunities and thereby to encourage higher labour participation rates amongst the disabled. As such, it can be seen as a good example of disability mainstreaming into employment policies.</p> <p>Research by the Ministry suggests that while there are approximately 800,000 people with disabilities in employment in Germany, many disabled people in general and severely disabled people in particular still experience difficulties in entering and remaining in the labour market. This is of growing importance as much for economic reasons (ageing demographics, tight labour supply and the need for skilled workers), as for social reasons (equal opportunities, the prevention of social exclusion etc).</p> <p>An attempt has been made by the Ministry to estimate the costs to the German economy of lost capacity due to unemployment and under-employment amongst disabled and severely disabled people. This was estimated at circa EUR 40 billion per year.</p>	
3. Detailed description of instrument(s)	

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Background

The initiative was developed as a result of a draft bill on the promotion of training and the employment of people with severe disabilities. In the bill, it was noted that improvements with regard to the situation of severely disabled people in the labour market cannot be achieved through legislation alone. In light of this, the Ministry took a number of steps, including:

- Recognising the need to modify the legal framework in respect of the occupational integration of disabled people;
- Providing governmental backing for the development of a co-ordinated, ‘joined-up’ approach to the occupational integration of the disabled and severely disabled. This involved close joint working and co-operation between public authorities, Trade Unions, employers’ organisations, rehabilitation agencies and association of people with disabilities;
- Making a request to the *Council for the Integration of People with Disabilities* to develop a practical initiative to promote the training and employment of disabled people as well as preventative workplace measures.

These steps led to the development of the ‘JOB - Jobs without Barriers’ initiative. The Council for the Integration of People with Disabilities appointed a focus group to work on each of the initiative’s three main themes (training, employment, prevention) and made EUR 500,000 per year available from national funding sources in 2004, 2005 and 2006. This was supplemented in 2005 and 2006 with an additional EUR 500,000 per year financial allocation financed through the European Social Fund.

Target audience, aims and objectives

The initiative aims to help encourage the rehabilitation and (re)integration of the disabled and severely disabled into the employment market. It is targeted at both public and private sector employers. More specifically, the objectives of the *Jobs without Barriers* initiative are defined by the Ministry as being to:

- Promote the training of disabled and severely disabled young people, with the aim of providing workplace training to the maximum possible number of disabled and severely disabled young people in search of a training position;
- Improving the employment chances of people with severe disabilities, particularly in small and medium-sized enterprises. The aim is to ensure that all employers who are required by law to employ disabled and severely disabled people actually do so in practice;
- Maintaining and promoting employees’ long-term health and working capacity and preventing early labour market exit

From a policy perspective, the objective of the initiative was also to strengthen co-ordination between key actors (public authorities, Trade Unions, employers’ organisations, associations of people with disabilities) in respect of the occupational integration of disabled and severely disabled people in the German labour market.

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Management aspects

With regard to management and implementation aspects of Jobs without Barriers, a board has appointed with managerial responsibility for the initiative. The board meets once every three months. It is composed of an industry representative (BDA), a labour representative (DGB), a representative from welfare and disabled people's organisations (German Disability Council) and a representative from the Federal Ministry of Health and Social Security (BMGS). Its mandate includes decisions on project funding and responsibility for monitoring and evaluation.

4. Mainstreaming in the implementation of policy – examples

Through the Jobs without Barriers initiative, financing is available to support activities that help advance the objectives of the initiative (see previous section). Projects eligible for support include those that:

- Ensure that people in positions of responsibility in public and private-sector employers are informed and educated about the possibilities for training and employing disabled people;
- Involve the implementation of 'best practice' activities which are likely to serve as a model that can be copied by other employers;
- Strengthen cooperative relationships between disabled people, (potential) employers, state agencies and organisations working with disabled people;
- Deliver a lasting improvement in the training and employment situation of disabled and severely disabled people.

In order to ensure that value for money is achieved and that only quality projects are supported, funding is only available for innovative projects. The projects must also include quantifiable targets that support the preparation and/or implementation of workplace-related activities connected with the training and employment of disabled and severely disabled people.

5. Evidence of good practice in mainstreaming instrument

Amongst the identifiable key success factors are:

- The mainstreaming into employment policies of specific measures that address the structural barriers faced by disabled people in accessing the labour market;
- The emphasis on the economic benefits of disability mainstreaming which is helpful in securing the 'buy in' of private sector employers and employers' organisations;
- The close involvement of key actors in developing and implementing projects. These include the social partners, public authorities, civil society, disabled associations and organisations working for the occupational integration and rehabilitation of the disabled and severely disabled in the workplace;
- The emphasis on innovation and on using financing to support 'demonstration projects' with the potential to have a catalytic, multiplier effect;
- The emphasis on monitoring and evaluation, including the use of quantifiable targets as a means of ensuring value for money and value added.

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1**6. Monitoring and evaluation**

The Board appointed to oversee the management and implementation of the Jobs without Barriers initiative is also responsible for aspects relating to monitoring and evaluation. Project monitoring procedures include the use of quantifiable targets.

7. Replicability of approach

Some other Member States have also instigated programmes and initiatives that seek to promote the occupational integration of disabled people in the labour market. This particular initiative with its strong emphasis on joint co-operation between actors working with disabled people to promote their integration and rehabilitation into the workplace and public and private sector employers could be replicated and adopted by other Member States.

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Example 6: The role of the EQUAL Community Initiative in promoting non-discrimination mainstreaming through closer Government/NGO co-operation in Portugal

Equality strands	Race/ethnicity
Region/country	Portugal
Organisation	The High Commission for Immigration and Ethnic Minorities (ACIME)
Type of organisation	Government Agency
Website	www.acime.gov.pt
Contact persons	Duarte Mendès Julia Bentès
Telephone / e-mail	+351 21 321 95 01 +351 213 54 68 31

1. Background on organisation

Alto Comissariado para a Imigração e Minorias Étnicas (ACIME - High Commission for immigration and ethnic minorities) is an interdepartmental structure of the Government established in 2002 to provide support and advice on immigration issues. A major area of action is the reinforcement of the intervention capacity of immigrant associations. ACIME has legal powers to enforce legislation relating to discrimination on the grounds of race, nationality and ethnicity. The Commission is made up of representatives of Government, members of Parliament and officers of associations active in the fields of human rights and racial discrimination.

ACIME supports immigrant associations in Portugal in combating discrimination and in encouraging active participation in national life by ethnic minority and immigrant groups. It reviews all government legislation in relation to the rights of these groups and monitors the effectiveness of the implementation of EU directives in relation to race, nationality and ethnicity.

ACIME is not responsible for combating discrimination at work. This responsibility which lies with the General Inspectorate for Labour. This is perceived by ACIME as a limiting factor in relation to their effectiveness in mainstreaming non-discrimination.

ACIME has participated in a number of EQUAL projects in the past with a range of NGOs representing those at risk of discrimination, particularly ethnic minorities and recent immigrants.

2. Summary overview of mainstreaming initiative

This case study focuses on the **EQUAL Project: ‘Vamos Utopiar’ (Let us create Utopia)** in which ACIME co-operates with a number of other organisations to promote non-discrimination and equal opportunities.

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The project is based on partnerships in each partner country between different organisations from civil society interested in coming together to tackle racism and xenophobia. In Portugal. This includes ACIME, GRAAL (a women's movement active in social, educational and community development programmes), a number of associations of immigrant communities in deprived urban areas and the Portuguese Girl Guide Movement.

3. Detailed description of the mainstreaming measure

Objectives

The 'Vamos Utopiar' project aims in particular to:

- Develop solutions to contribute to the prevention of and combat against racism and xenophobia
- Promote a strengthening of the participation of immigrants and minority ethnic groups in the host society and in the labour market
- Create a pro-active network of immigrant associations, which can effectively address issues of concern and enable people from these communities to play their full part in society, combating discrimination and disadvantage.

The project is financed by the Community Initiative EQUAL, within the 'Employability' priority and in the area of intervention devoted to 'the prevention of racial and ethnic discrimination'.

Project partners

In addition to ACIME, Portuguese project partners include:

GRAAL (The Grail) - an international women's movement, founded in the 1920s in Holland. It seeks to promote gender equality and women's empowerment. GRAAL has a long experience in promoting social development and combating discrimination and has worked on both a European and a broader international level in promoting non-discrimination, particularly through its involvement in EQUAL projects.

The *Associação de Melhoramentos e Recreativo do Talude (AMRT)* - originated from a commission set up within the Talude military district with the purpose of improving conditions for all inhabitants, particularly immigrant children, young people and adults.

Luso Temp - a temporary work agency with a particular specialisation in civil construction. It currently has a temporary workforce of more than 2000 members, most of whom are immigrants. It undertakes support and advisory work amongst the immigrant community.

The *Associação de Guias de Portugal (Girl Guides Association)* – works with groups of young people in both the immigrant and the mainstream communities, establishing mutual contact and friendship.

Project activities include:

- Meeting cycles within the immigrants associations' network and creation of a network website – encourages reflection and debate on common problems previously identified;
- Critical awareness meetings - inspires critical reflection within different minority ethnic groups on situations where they encounter discrimination - particularly in the labour market - and helps them formulate solutions and strategies for change;

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- Intercultural Forum - groups involved in the project present and share their experiences, perspectives and proposals for concrete actions to bring about changes in conditions of immigrant and minority ethnic groups;
- Interaction between young girls from the Girl Guides Association and their parents and young girls/parents from the Talude Quarter - intended to promote an intercultural dialogue and facilitate the inclusion of young girls from the Talude Quarter into the guide movement on an equal basis;
- Childhood Support Service (SAI) in the Talude Quarter - children explore various questions related to their identity, prepare presentations of themselves, of their daily life experiences in their family and in the district, in order to share them with their families and with other children's groups from outside the quarter. This promotes decision-making, cooperation and self-representation.

In various meetings of immigrant groups, they develop their own projects. In various ways, a 'collective testimony about life in deprived urban immigrant communities in Portugal thus emerges. An example is the film about 'Coming out of the ghetto'.

The trans-national dimension of the project is provided through joint development work with groups of similar organisations in Austria and Hungary. The project is part of a broader network of several related projects, which includes organisations in Italy and France. In this Forum, discussions are in progress in relation to lobbying European governments to introducing more effective legislation concerning immigration and the rights of immigrants.

4. Evidence of good practice and of mainstreaming

ACIME is working with the NGO partners in the '*Vamos Utopiar*' project to help create an equal society in which societal integration and non-discrimination can become realities – through building the capacity of immigrant and ethnic minority associations, supporting them in finding their own solutions to issues of discrimination – and seeking to build non-discrimination into the fabric of legislation and the operation of government and society at all levels.

The project is part of a wider trans-national network of EQUAL projects involved in ongoing discussions on the nature and effect of the legislation governing immigration in various countries and attempting to make proposals for new improved immigration legislation.

5. Monitoring and evaluation

- The framework of an EQUAL project provides a structure to activities and a mechanism for both monitoring and evaluation of mainstreaming effects;
- At the level of the project (the Development Partnership), an evaluation process is established, the results of which must be presented to the national managing authority;

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- The effectiveness of the project is also evaluated at national level, by professional and independent evaluators;
- At European level, independent evaluators extract the essential facts from the national evaluations and carry out their own research on the basis of specific terms of reference.

6. Success factors

- The European trans-national aspect of the project helps to put problems and issues in a wider context and provides an impetus for action. ACIME was invited to participate in the conference on “EQUAL: Free Movement of Good Ideas”, Warsaw, February 2005. The aim was to provide a platform for sharing knowledge, experiences and setting up networks on a European level, based on the experiences of all Member States throughout the 1st Phase of the EQUAL Initiative;
- The project is seen as more prestigious, given its trans-national dimension and the imprimatur of the European Union;
- Excellent relationship with immigrant communities in the target area. Organisations involved are known by and trusted by the immigrant communities;
- Direct involvement of immigrant populations in the project: they have ownership of the activities creating motivation and embedding the initiatives in the target communities;
- Philosophy and values are clearly defined and there is acknowledgement of differing agendas and differing cultural norms of various groups;
- The participating partners’ extensive knowledge of political and socio-economic contexts and involvement of the Government itself – together with various governmental and non-governmental agencies;
- The beginnings of a culture of monitoring and evaluation are being developed and ACIME participates in the EQUAL Initiative Committee, which focuses on monitoring and assessment.

7. Impact

The project partners have been very successful in building an effective working relationship with immigrant organisations and key individuals involved in project activities. The key elements of this relationship have been:

- Respect for the cultural backgrounds and belief systems of all groups
- Clear emphasis on inclusivity and democratic values
- Active involvement of immigrant groups in all activities, as leaders and initiators
- Informal personal relationships developed within the project teams
- An emphasis on self-expression and using the creativity of all concerned
- Continuity of activities
- An awareness on the part of the immigrant associations that project partners are well connected with government (central and local) and can help to effect real change in people’s daily lives

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- A sense of being part of a wider European project to implement equality.

However, lasting and effective change will depend on assuring an integrated and systematic approach to monitoring and assessing impact of non-discrimination mainstreaming across the whole of government activity and in relation to all equality strands.

8. Replicability of approach

- The promotion of non-discrimination by means of large-scale European projects involving a range of NGOs, working closely also with governmental agencies, can be an effective model for implanting change in practice, attitude and possibly also in the legislative framework for equality.
- This model can be implemented in any country – and it will always draw strength both from the trans-national dimension of the project – and from the prestige of European Union approval, as well as from European Union funding.
- This approach may represent an intermediate stage in the process of implementing non-discrimination, leading to the establishment of a more systematic approach to implementation and monitoring across the whole range of governmental interventions in society.

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“Almería Observatory for Diversity” - Almería City Council	
Equality strand(s)	All
Region/country	Spain
Organisation and address	Almería City Council, Department of Human Resources, Organisation and Development Plaza Marín s/n. 6 Planta 04001 Almería, SPAIN
Type of organisation	Local administration
Website	www.aytoalmeria.es
Contact person	Rebeca Gómez Gázquez
Telephone / e-mail	Tel: 34 950 013974 E-mail: rgomez@aytoalmeria.es
1. Background on organisation(s)	
<p>The Department of Human Resources, Organisation and Development is a critical unit of the Almería City Council. It promotes diversity and inclusion practices in favour of creating an environment of equal access to employment and a sustainable improvement of the general social environment and the human resource management of the City Council.</p>	
2. Summary overview of measure(s)	
<p>As a strategy for local development and to promote the inclusion of the city’s diverse population, the City Council of Almería has decided to set up an ‘Observatory for Diversity’.</p> <p>Under the umbrella of the Observatory, the Council has developed a number of inclusion practices that promote diversity of culture and behaviour, create an environment of equal opportunities for everyone to access the labour market regardless of background and that provide all citizens with the services and support they need to make Almería a preferred place to live, work and invest. There are also tools to facilitate the reconciliation of professional and family life in a Work/Life balance.</p>	
3. Target group and beneficiaries	
<p>The citizens of the municipality of Almería constitute the main target group and beneficiaries of the activities of the Observatory. Activities are promoted in three core areas: 1) Enterprises, 2) Local administration, and 3) Civil society.</p>	
4. Duration of measure, funding (€) and funding source(s)	
<p>The ‘Observatory of Diversity’ initiative is funded with around 70.000 EUR each year. The measure is annually renewable.</p>	

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5. Detailed description of measure(s)

The overall objective of the Almería Observatory for Diversity is to analyse developments within the City of Almería through a detailed analysis of the trends governing the efficient management of human resources and the participation of civil society. Other objectives are to include diversity management as a key strategy for local development and to improve the management of human resources within the local administration and to develop and implement new tools that can facilitate work/ life balance for all workers in the Almería City Council

Through scientific research they have developed a **series of indicators** (the 4 ‘i’s: inclusión, inteligencia, inversión, innovación) to measure quantitative and qualitative behaviours and have been able to establish the cause and effect of diversity inclusion and regional development. These indicators highlight the strength and weakness, opportunities and challenges that the citizens and socio-economic agents must address in order to develop in a sustainable way through efficient inclusion of the diversities of its population. The indicators are also a very valuable tool for analysis, dissemination, training and information. **Groups of experts** are also involved in analysing the core issues the City must address in order to develop through Inclusion.

One of the basic strategic elements for local development is the implementation of a quality system for human resource management, that at the same time promotes the **active participation of the civil society** in the process of decision making, setting policies and strategies.

Under the Observatory ‘umbrella’ several **programmes** are being implemented to provide momentum to the initiative’s overall objectives.

The programme ‘**Companies with Talent**’ aims to detect and promote best practice in human resource management in Almería-based companies through the bestowal of an Award. Local enterprises are invited to participate by sending in a self-nomination form. A jury made up of representatives of major economic and social actors decide on the ranking of the top 25 companies to be awarded and recognised for their operations and policies. There is high visibility around the Award-giving event and the selection parameters are turned into a benchmark for good practice in diversity and inclusion management.

The programme ‘**Citizens with Talent**’ invites citizens to suggest which initiatives, services or institutions they feel contribute most to the well-being of their neighbourhood, e.g. a day care centre for the elderly, an employment service, an association dedicated to the understanding of different cultural values, a sport centre etc. The objective is to identify what makes a local community dynamic and well-functioning with a view to replicating such concepts to other parts of the city. The programme should act as a catalyst for good practice in the field of social inclusion and looking after the needs of citizens with diverse profiles.

6. Dissemination mechanism(s)

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A number of different ways of disseminating information about the results of the Observatory for Diversity have been used, including mass media, the City council's web site, reports on research that has been carried out around the set of indicators, reports resulting from each of the different programmes ('Enterprises with Talent', 'Citizens with Talent', 'Administration Proximity') and training and educational programmes.

7. Evidence of good practice(s) and of mainstreaming

The Observatory of Diversity demonstrates a number of good practices in mainstreaming non-discrimination and equal opportunities principles, mainly of an institutional character.

- The Scheme has combined a 'top-down' and a 'bottom-up' approach by on the one hand making sure that the strategic development of the scheme was solidly based on the theoretical knowledge and experience of experts within the field, but on the other hand that local citizens and companies were also given plenty of opportunity to actively participate and take initiative.
- An example of the knowledge-based institutional strategy governing the Observatory is the development of the indicator set, *the 4 'i's* (inclusión, inteligencia, inversión, innovación) that have been successful in measuring the scheme's strengths and weaknesses, both quantitatively and qualitatively, and establishing cause and effect relationships between diversity inclusion and regional development.
- As part of the programmes run under the Observatory umbrella, the two Awards: 'Companies with Talent' and 'Citizens with Talent' illustrate good practice in how to engage the local population.
- Similarly, by letting council employees participate in the decision making process in the field of citizen services and let them evaluate their own services to citizens, the 'Administration Proximity' programme shows an extremely interesting way of involving the employees in their capacity as local citizens.

8. Results and impacts

- The Observatory has allowed persons with some sort of difficulty, and therefore at risk of being excluded, the opportunity to access the labour market whether in the administration or in private companies.
- The scheme has equally made sure that a number of policies and programmes related to diversity inclusion management have been implemented in the local companies.
- Through this initiative the participation of the civil society in decision and polity making has been increased.
- Finally, the City Council has advocated the contribution of experts in the development of strategies to promote the sustainable development of the city.

9. Replicability of measure

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The main idea behind the Almería Observatory of Diversity and its various activities, namely to develop a number of inclusion practices that promote diversity of culture and behaviour and create an environment of equal opportunities for everyone, is something that can be set up in any country and city. It is a valuable tool in helping to create awareness of the need to include diversity as a core practice and a policy that can promote sustainable development at regional level.

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2.1 Survey work on non-discrimination mainstreaming

A survey was carried out in June 2006 as part of the study on non-discrimination mainstreaming. The aims of the survey were to:

- Ascertain the extent to which a non-discrimination mainstreaming approach is being adopted to the formulation and implementation of policies at Member State level
- Identify any obstacles and challenges hindering the wider usage of a non-discrimination mainstreaming approach
- Identify examples of good practice
- Assess the impact that the transposition into national legislation of the Equal Treatment Directives stemming from Article 13 of the Treaty of Amsterdam has had in promoting non-discrimination mainstreaming

Given that different types of organisations at Member State level will have differing viewpoints on the extent to which non-discrimination mainstreaming is taking place, three different tailored surveys were launched, targeted at:

- 1) Public Authorities involved in policy making at national (and regional) level,
- 2) NGOs, Specialised Equality Bodies, Charities etc., and
- 3) Trade Unions and Employers' Organisations.

The responses by type of organisation are set out below.

Table 1: Summary of responses by organisation type

	Number of responses	Organisations sent to	% returns
Public Authorities	40	111	36.0
NGOs / Specialised Equality Bodies	71	240	29.6
Trade Unions / Employers' Organisations	18	88	20.4
Total	129	439	29.4

A breakdown of the three types of respondents by location can be seen in the following table. The largest number of responses originated from Brussels-based European organisations, mostly NGOs, and from Spain (both at 14.7%), followed by organisations from Denmark (12.4%) and the UK (9.3%).

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Table 2: Summary of responses by location

Questionnaire Returns				
Country	PAs	NGOs	TUs	Total
Austria	6	3	0	9
Belgium	2	1	0	3
Cyprus	1	1	0	2
Czech Republic	1	2	1	4
Denmark	2	13	1	16
EU org. (Brussels)	0	16	3	19
Finland	3	1	1	5
France	0	1	0	1
Germany	2	0	1	3
Greece	2	2	0	4
Hungary	1	0	0	1
Ireland	0	2	0	2
Italy	0	2	1	3
Lithuania	3	3	0	6
Luxembourg	0	2	0	2
Malta	1	1	0	2
Netherlands	1	1	2	4
Norway	0	1	1	2
Poland	0	0	1	1
Portugal	0	1	0	1
Romania	0	1	0	1
Slovenia	1	0	0	1
Spain	7	10	2	19
Sweden	5	0	1	6
UK	2	7	3	12
Total	40	71	18	129

The questionnaires for the three target groups were all different, although some questions occurred in all three questionnaires. The analysis will concentrate on the questions that were presented to all target groups, although some of the individual questions will also be presented. The questionnaires included a certain number of open questions. It would be impossible to fully include the replies to these, but a representative selection highlighting the most interesting answers will be presented.

2.2 Key survey findings

Over half of all respondents (56.9%) stated that they applied an **active approach to promoting non-discrimination** principles through activities such as:

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- Awareness-raising and conferences, identifying best practice, developing equality action plans and guidance, training and capacity building, setting up equality working groups, pro-active relations with NGOs, lobbying policy-makers, providing finance to equality-related projects, etc.

The non-discrimination principles of the **Equal Treatment Directives** appear to have been taken into account quite extensively in the:

- Formulation of national legislation: 58.3% (to a high degree) - 38.9% (to some extent)
- Development of policies: 40.5% (to a high degree) – 56.8% (to some extent)

A number of concrete **examples of mainstreaming initiatives** were put forward, some of which have led to the case studies presented in this report (appendix A).

The **equality strands** most frequently dealt with were *Race* and *Disability*:

- 70.6% of public authorities and 72.6% of NGOs/social partners address *race* and 61.8% of public authorities and 53.5% of NGO/social partners deal with *disability*
- Public authorities seem to deal regularly with all equality strands, whereas 20.9% of NGOs/social partners never dealt with *sexual orientation* and 16.2% never dealt with *religion or belief*

Respondents identified a number of **potential obstacles to the process of mainstreaming**. The most important categories of obstacles identified were:

- Institutional problems, lack of awareness and understanding, lack of political will, prejudice and attitudes of society, insufficient pressure from interest groups, lack of human and financial resources and conflicts of interest

The **transposition** of the **Equal Treatment Directives** into national legislation seems to have had a particularly **positive impact** on promoting mainstreaming in the equality strands of *Disability* and *Race*.

- *Disability*: 60.2% of respondents stated that the transposition had had a very positive impact and 14.6% some positive impact
- *Race*: the corresponding figures in respect of race were 56.3% (very positive impact) and 15.5% (some positive impact)

With regard to the impact of the Directives on **different stages of the policy-making process**

- 19.3% of NGOs and social partners and 51.3% of public authorities felt that there had been a very positive impact on the development of national legislation, whereas 53% and 46.2% respectively acknowledged that the Equal Treatment Directives had had some positive influence

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- 63.1% of NGOs and social partners said that the impact on the development of national policies had been positive, whereas 94.9% of public authorities expressed a positive view in this respect
- Perhaps surprisingly, 40% of NGOs and social partners stated that the Equal Treatment Directives have made no change on the implementation of policies.
- 77.3% of respondents agreed that the Directives have raised the profile of non-discrimination issues among policy-makers and raised awareness about individual rights (73.6%)
- 69.5% of respondents felt that the Directives had been influential in integrating non-discrimination concerns more closely into policy-making and the formulation of legislation, whilst 58.4% said that they are starting to make a difference to equality outcomes

A very high percentage of respondents (86.5%) agreed that it would be helpful for the **EU to take further steps to promote non-discrimination mainstreaming** principles, particularly in the following policy areas:

- European Employment Strategy (85.3%)
- EU education, training and youth programmes (84.3%)
- Justice, Freedom and Security (67.6%)
- EU Structural Funds (64.7%)

2.3 Respondents' involvement in different policy areas and equality strands

The respondents were asked initially which policy areas their organisations dealt with in their non-discrimination work. The replies can be found in the table 3 below. It should be noted that respondents were free to choose more than one field.

Table 3: Policy areas dealt with by responding organisations (all)

Policy area	Number	%
Employment	99	76.7
Education and training	90	69.8
Industry	50	38.8
Enterprise and competitiveness	52	40.3
Regional policy	50	38.8
Small business (SME) development	48	37.2
Research and development	66	51.2
Information society	58	45.0
Transport	46	35.7
Justice and home affairs	74	57.4
Defence	38	29.5
Environment	49	38.0
Health	71	55.0

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Energy	44	34.1
Agriculture and rural development	42	32.6
Other	59	45.7

Given that the European Directives that form the legislative base for anti-discrimination policy across Europe deal mainly with discrimination in relation to *Employment*, it is perhaps not surprising that this policy area comes top of the list with 76.7% of respondents stating that their work on anti-discrimination deals with *Employment*. A large majority of organisations (69.8%) also deal with non-discrimination in the area of *Education and training*. Other areas that are well represented in the work on anti-discrimination are *Justice and home affairs* (57.4%) and *Health* (55%).

Respondents from public authorities were also asked whether equal opportunities and diversity formed the major part of their job responsibilities. This was the case for 85% of public authority respondents, corresponding to 34 people. In terms of the different equality strands that these people had responsibility for, the distribution can be seen in table 4. Most respondents chose more than one equality strand.

Table 4: Responsibility for equality strands among public authority respondents

	Number	%	Total
Gender	20	58.8	34
Age	19	55.9	34
Disability	21	61.8	34
Race or ethnicity	24	70.6	34
Sexual orientation	20	58.8	34
Religion or belief	18	52.9	34

With 70.6%, race is the equality strand that is most frequently dealt with by public authorities, closely followed by disability with 61.8% and gender with 58.8%.

The two other target groups (NGOs/Specialised Equality Bodies (SEBs) and social partners), were equally requested to indicate the extent to which their organisations give consideration to the various equality strands in their work.

Table 5: Extent to which equality strands are dealt with by organisation (NGOs/social partners)

	Always/A lot		To some extent		Not at all		Not applicable		Total
	Number	%	Number	%	Number	%	Number	%	
Gender	40	57.1	26	37.1	2	2.9	2	2.9	70
Age	31	44.3	33	47.1	4	5.7	2	2.9	70
Disability	37	53.6	24	34.8	6	8.7	2	2.9	69
Race or ethnicity	53	72.6	15	20.5	3	4.1	2	2.7	73
Sexual orientation	31	46.3	17	25.4	14	20.9	5	7.5	67
Religion or belief	35	51.5	16	23.5	11	16.2	6	8.8	68

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There appears to be a reasonably even spread across the six different equality strands, although responding organisations appear to deal with race, gender and disability on the most frequent basis. It is interesting to note that a relatively large proportion of respondents (20.9% and 16.2% respectively) do not at all deal with discrimination in the fields of sexual orientation or religion.

2.4 Activities in the field of mainstreaming and non-discrimination

One question to public authorities asked which effect the implementation of the 2000 Equal Treatment Directives had had on the extent to which non-discrimination principles were included in their various activities.

Table 6: Extent to which non-discrimination concerns are taken account of in various activities (public authorities only)

	To a high degree		To some extent		Not at all		Not applicable		Total
	Number	%	Number	%	Number	%	Number	%	
Formulation of national legislation	21	58.3	14	38.9	1	2.8	0	0.0	36
Development of policies at a national level	15	40.5	21	56.8	1	2.7	0	0.0	37
Development of policies at a local or regional level	5	15.2	22	66.7	2	6.1	4	12.1	33
Planning and implementation of national publicly financed programmes	8	22.2	21	58.3	7	19.4	0	0.0	36
Planning and implementation of EU policies and programmes	15	42.9	18	51.4	2	5.7	0	0.0	35
Awareness-raising activities	10	27.8	24	66.7	2	5.6	0	0.0	36

Given the nature of European directives, it is only natural that the Equal Treatment Directives should be taken account of in the formulation of national legislation and, as table 6 shows, practically all respondents (97.2%) say that the directives have been taken into consideration in formulating legislation, either to a large degree (58.3%) or to some extent (38.9%). However, it appears that the directives are also very much taken into account in the development of national policies, either to a high degree (40.5%) or to some extent (56.8%).

This question was linked to one about the extent to which anti-discrimination measures were mainly put in place as a matter of complying with existing legislation or whether a more active approach was taken.

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Table 7: Compliance-driven vs active approach among public authorities and social partners

Response	Number	%
Non-discrimination principles are seen mainly as a compliance issue (i.e. meeting legislative demands alone)	2	3.4
Non-discrimination issues are viewed as a compliance issue - but the potential social and economic benefits of diversity are understood	22	37.9
An active approach has been adopted to the promotion of non-discrimination principles (e.g. going beyond legal requirements)	33	56.9
No response	1	1.7
Total	58	100.0

It is interesting to note that only two organisations see anti-discrimination matters as being a strictly compliance-driven activity. More than half (56.9%) claim to adopt an active approach to mainstreaming and among the examples of activities that were cited by public authorities, the following main categories can be identified:

Active approaches to mainstreaming – main categories

- Awareness-raising activities and promotion campaigns
- Pro-active relations and dialogue with NGOs and funding their activities
- Action Plans to promote equal opportunities
- Instructions to government/authorities on how to promote diversity
- Drafting anti-discrimination legislation (over and above EU directives) and policy proposals
- Assisting the practical implementation of legislation
- Research activities – identification of best practice
- Training of staff to increase knowledge and understanding
- Setting up working group and committee on equality issues
- Financing equality related projects

The detail given in these examples of active approaches was of varying quality and in many cases quite superficial.

However, in order to obtain leads to interesting mainstreaming policies and measures that could be used for case studies, we also requested respondents to give concrete *examples of non-discrimination mainstreaming activities* undertaken by stakeholders in their countries. Around one third of respondents forwarded examples, although many simply attached a website link without any further explanations. Some of the measures that were cited have been presented below:

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Examples of policies and initiatives to mainstream non-discrimination concerns

- Action Plan to Promote Equal Treatment and Diversity and Combat Racism; Integration Plan ‘A New Chance for Everybody’; Campaign ‘We Need All Youngsters’; financing of educational material on citizenship and civic virtues; ‘Show Racism the Red Card’ – campaign conducted by professional football players; continuous dialogue between Minister and ethnic minorities (Ministry for Refugee, Immigration and Integration Affairs, DK)
- ‘Security, Respect and Responsibility’ - the prohibition of discrimination and other degrading treatment of children and pupils; a Committee has proposed to review the ‘Prohibition and other Measures against Discrimination Act’ (Ministry of Health and Social Affairs, SE)
- The ‘Article 13 project’ aiming to integrate non-discrimination issues into training for works councils, SMEs and HR-professionals; a similar project ‘Age and Employment’ financed by the ministry and carried out by Expertisecentrum LEEFTijd; NGOs have been assigned to create an instrument (‘Scholingsmand’) for trainers of works councils. (Ministry of Social Affairs, NL)
- Government Immigration Policy Programme (proposal); Accessibility Programme of Culture and Arts (Ministry of Education, FI)
- Detailed Mainstreaming Strategy; 8 National Thematic Networks to influence national and (ideally) European non-discrimination policies (EQUAL Managing Authority, GR)
- The ‘Disability Discrimination Act’ (1995) introducing statutory duty in the field with significant amendments planned for Dec. 2006 and Sept. 2007 on civil rights for disabled people and their rights to education; 20 year strategy ‘Improving the Life Chances of Disabled People’ (Department for Work and Pension, Disability Rights division, UK)
- Non-Discrimination Act (Romani Advisory Board, Ministry of Social Affairs, FI)
- National program for the social integration of people with disabilities for 2003-2012; Law on "Equal rights of women and men" (1998); Center for Equality Advancement - key actor in non-discrimination area (Government Information Society Committee, LT)
- The Employment & Industrial Relations Act (National Commission for Disability, MT)
- Integrated Law on Gender Violence; Law on the Equality of men and women; Reform of the Civil Code - Spanish legislation has been changed to allow for marriages of same sex couples providing equal rights to those of heterosexual couples (Direccion general de las Familias y la Infancia, ES)
- In companies with over 50 workers, 2% of the workforce must be disabled employees, or services and production must be subcontracted to organisations whose workers are disabled persons (Ministry of Labour and Social Affairs, ES)
- Policy of Parity representation between men and women 40/60% in decision-making positions (not discriminating on age, religion and race) is established both in political organisations as well as in private companies (Boards of Directors) (Ministry of Labour and Social Affairs, ES)

Additional research was carried out in the course of the national fieldwork, as a result of which a number of good practice case studies were developed. Some of these, and in particular those that relate directly to non-discrimination mainstreaming, can be found in appendix A.

NGOs and Specialised Equality Bodies were asked to specify the sort of mainstreaming activities that their organisation had undertaken over the past 2 years.

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Table 8: NGO activities to help mainstream non-discrimination principles (71 respondents)

Responses	Number	%
Development of good practice guidance (on mainstreaming non-discrimination principles)	26	36.6
Development of voluntary codes of practice	13	18.3
Development of toolkits focusing on equality and diversity issues (e.g. on-line support tools for regional authorities, equality portals)	20	28.2
Conferences to discuss problems relating to tackling discrimination and / or the promotion of equal opportunities and diversity	48	67.6
Lobbying government to take greater consideration of equalities/ diversity/ non-discrimination issues in policy formulation and implementation through mainstreaming	43	60.6
Mainstreaming-related capacity building	27	38.0
Other activities	10	14.1
My organisation is not involved in mainstreaming non-discrimination principles	0	0.0

Among this target audience, awareness-raising activities dominate the picture with 67.6% of NGOs having organised conferences to promote equal opportunities and tackle discrimination. In natural prolongation of their typical remit, a large proportion of NGOs and SEBs (60.6%) have also been involved in lobbying government to consider non-discrimination principles in the formulation of policies and their implementation. 38% of this group have undertaken training and capacity-building activities and the development of good practice guidance also figure relatively highly with 36.6% of NGOs being involved in this activity.

Both the NGO questionnaire and the one for Social Partners requested respondents to give examples of specific initiatives they had undertaken to promote non-discrimination.

Most have simply given a website reference in order to obtain further information on such initiatives, but some have given concrete examples. Among the most interesting are:

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Examples of specific initiatives to promote non-discrimination (NGOs/ social partners)

- Establishing an equal treatment committee covering all equality strands to ensure that a horizontal mainstreaming perspective is taken at national level in policies, studies and projects; National action plan for the promotion of equal treatment; Campaign and Award: 'Diversity in the Work Place' (Human Rights Institute, DK).
- Equality mainstreaming exercises on the National Employment Action Plan under the EU Employment Strategy and on the National Action Plan Against Poverty and Social Exclusion 2003-2005; support for local authorities to develop equality mainstreaming in their strategy plans (guidance documents, training, pilot projects); organising an equality proofing working group made up of social partners to support the development of equality mainstreaming (Equality Authority, IE).
- Conducting anti-discrimination audits and training in private companies and public authorities, forming the basis for the development of codes of conduct to prevent racism at the workplace (ZARA, AT).
- Annual National Round Table in order to introduce new debate on discrimination issues and open up the discussions to as many of society's stakeholders as possible (ANIGONE, GR)
- Establishment of the Information and Mutual Assistance Centre for employed and unemployed lesbians, gays and bisexuals of all ages incl. educational activities; capacity building activities in the field of discrimination prevention for specific target groups and the public at large; seminars and discussions with employers, local authorities, decision makers (Office of the Equal Opportunities Ombudsman, LT)
- Several Recommendations to collective bargainers: Action programme on Equal Treatment of Men and Women (Feb. 2006); Discrimination on Age in Collective Agreements (Jan. 2006) and on Participation of Ethnic Minorities (Labour Foundation, NL - national consultative body of 3 trade union federations and employers' associations)
- Comprehensive Equality Audit of all affiliated unions on a biennial basis; four equality conferences every year (women, black workers, disabled workers and lesbian/gay/bisexual/transgender (lgbt); two national briefings for union equality officers each year and an annual conference on discrimination law; "one-off" events, e.g. a national briefing conference on age discrimination (TUC, UK)

We asked NGOs and SEBs, as the only target group, whether they had participated in the Commission's *Community Action Programme to Combat Discrimination 2001-2006*. As table 9 shows, only 36.6% of the respondents in this category had actually taken part in the Programme that was put in place to finance non-discrimination activities across Europe.

Table 9: NGOs Participation in the Community Action Programme to Combat Discrimination 2001-2006

	Number	%
Yes	26	36.6
No	31	43.7
No response	14	19.7
Total	71	100.0

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The ones that had participated were requested to give examples of the projects that they had received funding for. A few examples are given below, but the Commission should already be aware of the activities funded under the Programme. Some organisations also informed us that their annual subvention grant was funded through the Action Programme.

Examples of projects funded by the Community Action Programme

- Anti-discrimination education for public administration officers (CZ)
- Equinet project. 'Eurequality' project. 'Fighting for our rights' project (BE)
- "Youth and Discrimination in Work Environment" Project, 'Fight against and Prevention of Discrimination in Austria' (workshops), INTERkulturLOTSSEN Austria - EQUAL initiative (AT)
- 'Fighting for our rights' project (EU)
- 'Join in', 'Disability Rights Activist' and 'Advocates training programme' Projects (FI)
- Annual Anti Racist Workplace Week (joint trade unions and employer initiative involving public awareness work and good practice) (IE)
- 'Capacity building civil society dealing with anti-discrimination' (training for leaders) (LT)
- 'Minority representation in police organisations: transnational measures for the exchange of information and good practice' (GR)
- 'Your home Your office in e-uropé' (EQUAL) - survey within endangered group (older 50+) about opportunities of applying at labour market within new forms of work settlement (SK)
- 'Open and save at work.lt' - Development partnership (EQUAL) and 'Current legislative and observance of older people's rights' (LT)
- MIA 'Diversity in the Work Place' (DK)

In order to obtain a wider basis for nationally based desk research in the area of non-discrimination policy and mainstreaming, an open question was put to respondents asking them to inform us about *any specific research or studies* that their organisation might have undertaken. There was a relatively limited response to this question with some 40 organisations replying. From website links and other information provided, it appears that such research and studies are, in most cases, in national language which will make some of the material difficult to access.

2.5 Obstacles to the mainstreaming of non-discrimination concerns

In order to get an impression of why mainstreaming of non-discrimination principles does not happen to a larger extent in many Member States, we asked respondents what in their view constituted the greatest obstacles to the process of mainstreaming. Respondents appear to have felt very strongly about this question and a large number of remarks were received.

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When it comes to obstacles to mainstreaming of non-discrimination principles into the *formulation of national legislation and policies*, the many comments received can broadly be divided into the following main categories:

Table 10: Obstacles to mainstreaming in the formulation of national legislation

<i>Category of obstacles</i>	<i>Incidence of comments</i>
• Institutional problems	28
• Lack of awareness and understanding of the issues involved	20
• Lack of political interest and will	22
• Attitudes of society in general and prejudices	17
• Lack of human and financial resources	8
• Conflicts of interest (competition between different equality strands and conflicts with other constitutional rights)	8
• Low priority and insufficient pressure from interested parties	7

Problems at institutional level appear to be the main perceived obstacle for the process of mainstreaming. The examples that were highlighted as being at the root of the problem included: the absence of a legal requirement to engage in equality mainstreaming and the lack of an institutional infrastructure to allow for it – there is a vertical organisation within many ministries and insufficient horizontal contacts. Furthermore, there is a segregated approach to equality and related issues such as human rights, education, social inclusion etc., which makes horizontal coordination difficult. It is also felt that institutions lack capacity in the field which is linked both to a lack of understanding and of dedicated resources (see below).

The fact that there are no formal mechanisms for collaboration between politicians and minority groups and insufficient public debate about legislation in the field also appear to cause problems in some countries. The prevailing ‘targeting’ culture within many authorities is equally cited as a cause for concern in this context. Although non-discrimination policies are in place in most EU countries by now, there is still some way to go before legislation is translated into equal treatment in practice. Finally, there appears to be a lack of data on non-discrimination issues and poor data collection systems.

Lack of political will - several respondents replied that non-discrimination concerns were not given sufficient priority among policy makers, typically because public stimulus is not strong enough and other issues of higher public interest tend to be given more political attention. To change this pattern and give equal opportunities a higher profile, more awareness raising and sensitisation about the topic would possibly help.

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A more cynical voice uttered that changes in the area would not happen until some incident involving one or another aspect of discrimination would occur and there would be a public demand for a new approach to solving the problem. Several people highlighted the fact that there is political concern about the reaction of employers and how non-discrimination mainstreaming might affect business. In a couple of countries the resistance of relatively traditional and conservative politicians also appear to constitute an obstacle to mainstreaming.

Lack of awareness and understanding – this problem applies both to the institutional level, to the political level and to society in general. At all levels there is typically a poor understanding of discrimination issues but also of the importance of mainstreaming and how to go about it. A representative of a public authority regretted that there appears to be a lack of understanding of the importance of these issues to society at large and the impact they have on the ground, e.g. in companies.

Attitudes within society are mentioned frequently as an obstacle to mainstreaming of non-discrimination principles. Prejudice prevails against certain discriminated groups and in some countries there is reluctance in certain religious and social circles about enhancing non-discrimination legislation around gender and sexual orientation. Often equality issues are not recognised as a problem and there is a tendency to stereotype. There is apparently also an attitude problem among many employers who circumvent labour legislation where they can.

Low priority and lack of pressure from interest groups - Other political issues are considered more important than equal opportunities. The argument is put forward that the area of non-discrimination is perceived only to concern certain specific officials, not the administration as a whole. In some countries the low priority of equal opportunities is due to a perception that the situation is already so good that nothing more is needed. There is also an issue of interested parties (NGOs, minority groups etc) not providing sufficient pressure vis-à-vis politicians and a lack of capacity at NGO level to express their views more forcefully.

Lack of human and financial resources – The problem of insufficient resources, both human and financial, are bound to figure in an analysis of the obstacles to mainstreaming non-discrimination concerns. It is however surprising that this argument has not been raised more frequently by respondents. It is particularly the uncertainty about financial implications of mainstreaming that has been voiced.

Conflicts of interest – Several respondents mention that they perceive a kind of competition between the many different equality issues to be mainstreamed and a conflict between certain fundamental rights principles, such as freedom of speech and freedom of religion. There is also a perceived lack of coherence between anti-discrimination policy and wider competitiveness and liberalisation policies.

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A number of examples of comments given in relation to the obstacles to non-discrimination mainstreaming in the formulation of legislation and policies can be found below:

Examples of comments on obstacles to mainstreaming (formulation of legislation)

- The existing European and national legislation in this area is more than sufficient and is much too detailed. Therefore there is no room left for tailor-made solutions and initiatives for the member states
- The complex legislation about non-discriminations is an obstacle to promoting the benefits of a diversity policy. A positive approach is better than a repressive policy.
- There is a generalized view that non-discrimination problems are not central political concerns - and this view seems to be shared by the public at large
- Concern among politicians about the reactions of employers, in particular the small firms
- There is a lack of public sensitivity to issues like sexual and ethnic discrimination
- Lack of support to develop the capacity of NGOs to engage in mainstreaming activities
- A change in the attitude of society is needed towards respectful recognition of individuals with complex dependency needs
- There is a nervousness about financial implications
- Non-discrimination principles often do conflict with each other, e.g. freedom of speech and freedom of religion, as well as with other principles. This causes a lot of political debate about whether to maintain the main non-discrimination concern, namely the mentioning of the principle of equal treatment in the first article of the Constitution.
- Lack of coherence between anti-discrimination policy on the one hand and wider competition, liberalisation and anti-trade union policy
- This is not a problem in the UK - equality issues are mainstreamed. However, a strand-by-strand approach remains appropriate in many situations
- There are obstacles from some social and religious sectors regarding the changes being made in legislation to increase non-discrimination for sexual orientation and gender.

Obstacles in relation to the *implementation of EU legislation and policies at national level* are broadly perceived to centre around the same main categories as is the case for obstacles to the formulation of national legislation around mainstreaming. However, there is a much larger concentration of remarks around *institutional problems*, especially to do with the differences between the legal approaches in EU legislation and national legislation, problems to do with the transposition of the EU legislation and the enforcement mechanisms in place and attitudes towards legislation originating from Brussels.

Table 11: Obstacles to mainstreaming in the implementation of EU legislation

<i>Category of obstacles</i>	<i>Incidence of comments</i>
• Institutional problems	19
• Lack of awareness and understanding of the issues involved	13

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• Lack of political interest and will	8
• Attitudes of society in general and prejudices	9
• Lack of human and financial resources	5
• Conflicts of interest	3
• Low priority and insufficient pressure from interested parties	2

Below are some examples of remarks received on the issue of the implementation of EU legislation and policies at national level:

Examples of comments on obstacles to mainstreaming (implementation of EU legislation)

- Some provisions of EU legislation are not similar with the classic methodological approaches of national legislations (e.g. reversal of burden of proof or litigation on behalf of NGOs), which makes the national governments reluctant to implement fully and correctly all the aspects of the new legal framework
- Poor transposition of the directive, resulting in weak legislation that cannot bring about any significant improvements for victims of discrimination; lack of monitoring; poor communication channels between various agencies/bodies responsible for implementing anti-discrimination legislation
- Non-discrimination concerns are not high enough in the political EU agenda, when compared - for instance - with financial concerns
- Coordination between all actors (within and between EU institutions) is hard to achieve; need to really empower civil society organisations on non discrimination issues; need for greater ownership and knowledge of impact assessment mechanisms
- The penalties associated with the lack of implementation of EU legislation are insufficient - because they are frequently ignored. The problem of other national priorities also applies
- The major problem is that the law enforcement is not ready to effectively employ existing legal instruments. It is essential to train police officers, lawyers, prosecutors and judges so that they are equipped with thorough knowledge of the provisions in force against discrimination
- There is no need for further EU legislation. We can better spend our time promoting non-discrimination principles than in explaining and implementing new legislation. The rules of the burden of proof are felt as unjust. They create a defensive attitude instead of an active approach of diversity.
- Equal treatment becomes more and more a compliance issue
- The EU legislation has been implemented and knowledge is fairly high. However, an attitude change is still necessary. The social partners have a great responsibility in that respect
- In general, some of the obstacles could be associated with our cultural values and conservative attitude towards some aspects of EU legislation concerning non-discrimination
- General lack of knowledge and deep understanding of new legal instruments and policies at national level

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- Short-sighted perspectives regarding the economic values and benefits of integration and non-discrimination
- One of the main obstacles to implementation of the disability-related provisions is the lack of awareness of these provisions among businesses, particularly small and medium-sized businesses

2.6 Impact of the Community Framework on non-discrimination

A question put to all three target groups concerned the impact that the transposition of the Equal Treatment Directives has had on the extent to which non-discrimination principles are taken into account by national policy-makers in relation to particular equality strands. The view of respondents was mainly quite positive in all areas (see table 12) with nearly three quarters (74.8%) of respondents finding that there has been either very positive or some positive impact in the field of disability, and almost as many saying the same for race or ethnicity (71.8%).

Table 12: Impact of Equal Treatment Directives on policy-making in particular non-discrimination fields

Field	Very positive impact		Some positive impact		No change		Negative impact		Not applicable	
	Number	%	Number	%	Number	%	Number	%	Number	%
Age	13	12.6	52	50.5	18	17.5	3	2.9	17	16.5
Disability	15	14.6	62	60.2	12	11.7	3	2.9	14	13.6
Race or ethnicity	16	15.5	58	56.3	18	17.5	1	1.0	12	11.7
Sexual orientation	15	14.6	50	48.5	20	19.4	2	1.9	17	16.5
Religion or belief	7	6.8	52	50.5	21	20.4	3	2.9	20	19.4

The three target groups were equally asked their views on the perceived impact of the transposition of the Equal Treatment Directives on the extent to which non-discrimination principles are taken account of by national policy-makers at different stages of the policy-making process. The results in relation to public authorities can be found on the next page.

Table 13: Impact of Equal Treatment Directives on different stages of policy-making process (NGOs and social partners)

	Very positive impact		Some positive impact		No change		Negative impact		Don't know	
	No.	%	No.	%	No.	%	No.	%	No.	%
The development of national legislation	16	19.3	44	53.0	17	20.5	1	1.2	5	6.0
The development of national policies	3	3.6	50	59.5	24	28.6	3	3.6	4	4.8

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The implementation of policies	1	1.3	40	50.0	32	40.0	2	2.5	5	6.3
The implementation of funding programmes, including EU funding	8	9.9	33	40.7	20	24.7	3	3.7	17	21.0
The formulation of other national programmes / initiatives designed to tackle discrimination	3	3.8	47	59.5	20	25.3	1	1.3	8	10.1

An encouraging 19.3% felt there has been a very positive impact as far as the development of national legislation is concerned with a further 53% acknowledging some degree of positivism. However, whilst 63.1% felt positively about the impact on the development of national policies, 40% said there was no change when it came to implementing the policies.

Table 14: Impact of Equal Treatment Directives on different stages policy-making process (public authorities)

	Very positive impact		Some positive impact		No change		Negative impact		Not applicable	
	No.	%	No.	%	No.	%	No.	%	No.	%
The formulation of national legislation	20	51.3	18	46.2	1	2.6	0	0.0	0	0.0
National policy development	12	30.8	25	64.1	2	5.1	0	0.0	0	0.0
The development of policies at a local or regional level	9	25.0	18	50.0	5	13.9	0	0.0	4	11.1
The planning and implementation of publicly financed programmes	7	18.9	20	54.1	9	24.3	0	0.0	1	2.7
The planning and implementation of EU policies and programmes	12	32.4	16	43.2	9	24.3	0	0.0	0	0.0

As it can be seen from these results, the public authorities generally appear to be even more positive about the impact of the Equal Treatment Directives than the NGOs and Social Partners. Over half of respondents in this group (51.3%) find that the Directives have had a very positive impact on the formulation of national legislation, and 30.8% said that the impact on the development of national policies had been very positive.

Equally on the issue of how the Equal Treatment Directives have impacted on non-discrimination issues at national level, respondents were asked to comment on a number of statements regarding the effect of the Directives in different respects.

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Table 15: General Impact of the Equal Treatment Directives

	Agree strongly		Agree		Disagree somewhat		Disagree strongly		Don't know	
	No.	%	No.	%	No.	%	No.	%	No.	%
The Directives have raised the profile of non-discrimination issues amongst policy makers	13	11.8	72	65.5	18	16.4	3	2.7	4	3.6
The Directives have raised awareness about individual rights relating to non-discrimination	9	8.5	69	65.1	19	17.9	5	4.7	4	3.8
The Directives have been influential in more closely integrating non-discrimination concerns into policy making and the formulation of legislation	8	7.6	65	61.9	22	21.0	4	3.8	6	5.7
The Directives are beginning to make a difference to equality outcomes	6	5.6	57	52.8	31	28.7	3	2.8	11	10.2

As table 15 shows, around three quarters of respondents agreed that the Directives have raised the profile of non-discrimination issues among policy-makers (77.3%) and raised awareness about individual rights (73.6%). 69.5% of respondents felt that the Directives have been influential in integrating non-discrimination concerns more closely into policy-making and the formulation of legislation, whilst 58.4% say they are starting to make a difference to equality outcomes.

When asked to consider if it would be helpful for the EU to take further steps to promote non-discrimination mainstreaming principles, 86.5% agreed that it would, most of whom felt strongly about this, as the table below shows.

Table 16: Should EU promote mainstreaming principles further?

Response options	Number	%
Agree strongly	67	56.8
Agree	35	29.7
Disagree somewhat	4	3.4
Disagree strongly	4	3.4
Don't know	8	6.8
Total	118	100.0

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Those that agreed that further Community actions would be helpful were asked to state which policy areas and programmes they thought required further action the most. A majority of respondents have proposed further action in relation to non-discrimination mainstreaming to be taken within policies and programmes relating to employment and education, suggested by 85.3% and 84.3% respectively.

Table 17: Policy areas and programmes requiring further action

Policy areas	Number	%
European Employment Strategy	87	85.3
EU Structural Funds	66	64.7
EU programmes in the areas of education, training and youth	86	84.3
Transport policy	35	34.3
Enterprise and competitiveness	43	42.2
Justice, Freedom and Security	69	67.6
Research	57	55.9
Information Society	50	49.0