INVESTING IN EQUALITY AND NON-DISCRIMINATION: TOWARDS MORE EFFICIENT AND INCLUSIVE PUBLIC POLICY

Training handbook on how to mainstream the principle of equality and non- discrimination into public policy design, implementation and assessment

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The only useful knowledge is that which betters us
(Socratic wisdom)

This training handbook provides a key tool with which to improve the professional skills and performance of personnel who, from their senior and pre-senior management positions, are able to influence the decision-making processes that affect public policy design and implementation, irrespective of the sphere in which they work.

The title chosen reflects our intention to take on board the findings of recent studies that indicate that, as the World Bank has been suggesting for some time, failing to apply pro-equality policies incurs a high economic cost.

Sustainable economic growth and well-being are only achievable in a country when public policy firmly endorses social cohesion and equality. Our experience in Spain confirms that investing in social programmes not only improves the situation for the target groups, but also that the return generated on the resources invested has a considerable impact on the national economy.

Providing appropriate training to personnel employed in public authorities makes implementation of public policy more effective and efficient and, consequently, acts as a stimulus on the economy that has a powerful capacity to redistribute and generate wealth while, above all, driving social progress.

In recent years, Spain's public authorities have provided training intended to address specific grounds of discrimination, such as gender, disability and, to a lesser extent, racial or ethnic origin. However, they have not provided training that holistically addresses discrimination's full extent and complexity. Such an approach needs to include discrimination on grounds of

sexual orientation or identity, age, and religion or belief, among others, as well as what is known as multiple or intersectional discrimination.

It is the need to address this that underpins our commitment to this training project, which has received additional financial support from the European Commission's PROGRESS programme.

Among other activities, the project allowed us to perform extensive diagnosis of the state of training on equality and non-discrimination in this country, as well as giving us the opportunity to organise an international seminar to share good practice in June 2013 and to hold several national seminars with key partners and authorities.

These earlier actions have guided drafting and production of this handbook and training programme intended to explore and systematise the theoretical and practical knowledge needed to advance towards more efficient, comprehensive and egalitarian public policy; towards better management of public services that take Spanish society's diversity into account; and towards better management of diversity among public sector personnel.

Both the training programme and the handbook constitute an innovative initiative within the broader sphere of equality, non-discrimination and diversity management and demonstrate a clear commitment to participative and interactive learning that encourages those taking part to share the benefits of their knowledge and experience. The content can be adapted to the needs of each particular department and each individual trainee, as well as to a variety of teaching and learning modes. Without seeking to provide exhaustive information, we have selected what we believe to be the key themes and have presented the basic tools that need to be familiar to anybody involved in public policy design, implementation and assessment.

I would particularly like to thank, and praise, three of the project's strategic institutional partners for their support — *the Instituto Nacional de Administración Pública* (INAP), the *Instituto de la Mujer* (Inmujer) and the *Federación Española de Municipios y Provincias* (FEMP).

I would also like to thank the many organisations, bodies and authorities (national, regional and local) that provided valuable information about their learning experiences, needs, motivations, interests and expectations by actively participating in the information-gathering seminars, discussion groups and personal interviews held at the start of the project.

Thank you all for your invaluable input.

Carmen Plaza Martín
Director-General for Equal Opportunities
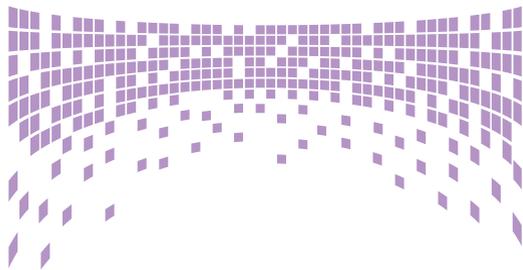
Equality of opportunity, and in particular the principle of equality and non-discrimination, is one of the founding tenets of the constitution that guarantees democracy and the rule of law within the Spanish State. It is a basic principle of justice and a fundamental right that, furthermore, when applied properly, also favours social cohesion and sustainable economic development and increases the legitimacy of public action.

Efforts to transform public authorities and strengthen their legitimacy have to address the public's needs and further the common good. Moreover, this focus on social demands has to acknowledge the nature of society itself, which has become more diverse and complex as a result of the country's changing demographics and far-reaching social shifts. Society's complexity calls for public policy that mainstreams the principle of equality and non-discrimination and bolsters the effectiveness, efficiency, quality, transparency, equity and accountability of public actions and decisions.

Public authorities' senior and pre-senior managers have an essential role to play in fulfilling this objective. Public sector managers participate in designing, implementing and assessing public policy, as well as administering public services and co-ordinating human resources. However, we have noticed that managers often lack specific training in how to apply the principle of equality and non-discrimination comprehensively to public policy.

In response, I would like to take the opportunity to reaffirm the INAP's commitment to developing and enhancing those managers' skills and expertise as part of the drive to mainstream the principle of equality and non-discrimination into the design, implementation and assessment of public policy, programmes and projects.

Finally, I would also like to underline that it is a source of enormous satisfaction that this project is the outcome of a collaborative inter-authority initiative firmly supported by both the Directorate-General for Equal Opportunities at the Secretariat of State for Social Services and Equality, reporting to the Ministry of Health, Social Services and Equality, and the FEMP.

Manuel Arenilla Sáez
INAP Director
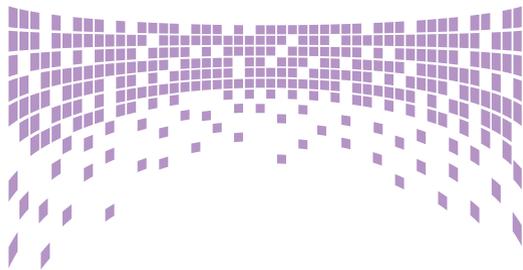
Article 9.2 of the Spanish constitution makes it mandatory for public authorities to promote conditions conducive to achieving real and effective freedom and equality for all.

Work to uphold this right is perpetual, occurs in many different spheres and fulfils the duty of Spain's public authorities to respond to the demands of the country's diverse and heterogeneous society.

In this context, public sector managers have a responsibility to promote application of the principle of equality and non-discrimination.

At the FEMP, we believe that these two principles have to be at the heart of all policy implemented by local authorities and must be applied to every sphere of public service management. To achieve this, it is necessary to provide training and information to managers involved in designing, applying and assessing public policy, programmes and projects.

And that is the reason for creating this handbook.

Preliminary diagnosis of the needs in the public sector revealed that many public authorities are calling for guidelines and tools to help them apply the principle of equality and non-discrimination effectively.

This handbook, provided in a flexible format, written in straightforward and pragmatic language, and given a strongly visual structure, is intended to guide public sector managers' approach to public policy design, implementation and assessment and to help them incorporate the guidelines it contains into their professional practice.

I am absolutely convinced that this handbook will be extremely useful to the huge number of local authorities that are firmly committed to defending the public's right to equality, as was evidenced by the first of the resolutions passed on this subject by the FEMP at its 10th Assembly.

Ángel Fernández Díaz
FEMP Secretary-General

INTRODUCTION >>>

Why create this Handbook?

Handbook structure

How do I use this Handbook?

Why create this Handbook?
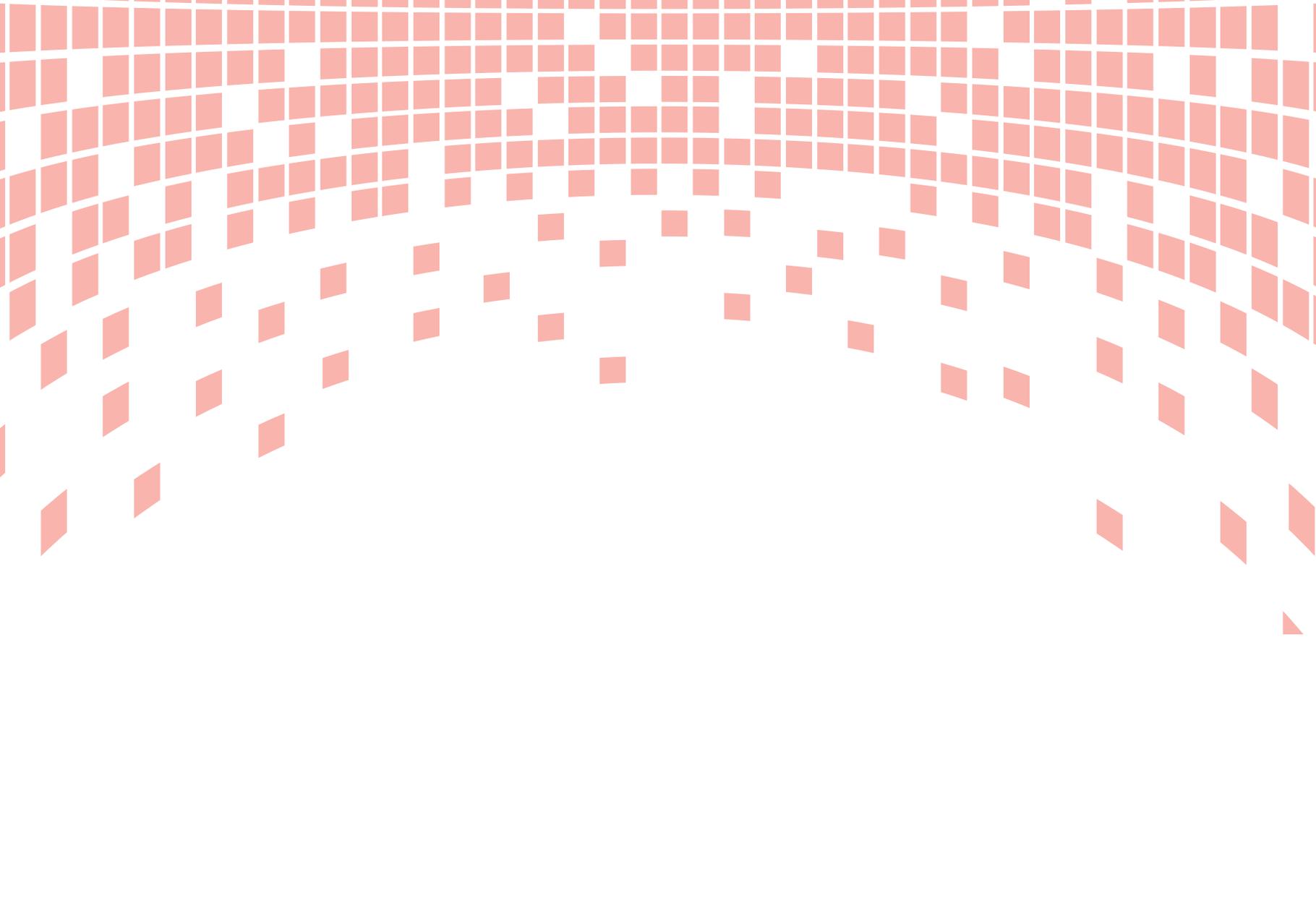
WHY CREATE THIS HANDBOOK?

Diagnosis of mainstreaming of the principle of equality and non-discrimination in public policy has **revealed not only growing interest in the issue** among public sector personnel (officers and managers), but also that an **increasing number of initiatives are under way** in public authorities.

However, according to the information gathered, **many public authorities do not have a reference handbook** providing guidelines on how to mainstream this cross-cutting principle effectively and, in many cases, they are unaware of initiatives being carried out elsewhere.

Consequently, the *Dirección General de Igualdad de Oportunidades* (DGIO, Spain's directorate-general for equal opportunities), which reports to the *Ministerio de Sanidad, Servicios Sociales e Igualdad* (MSSSI, the country's ministry of health, social policy and equality), has produced this handbook in the hope that it will serve as a guide for public authorities wishing to carry out initiatives in this sphere.

This handbook also **complements a learning programme**, available to any department that wishes to organise training courses or sessions on the subject, designed to teach public sector managers how to mainstream the principle of equality and non-discrimination effectively.

In producing this handbook, the authors have combined two methodologies — an **analytical approach** based on secondary sources and a **participative approach** based on stakeholder input. The latter approach draws on qualitative social research and debate and involved more than **150 people**, principally representatives from public authorities (national, regional and local) and key partners (unions, state-owned companies and NGOs). We would therefore like to thank everybody who contributed to the seminars, discussion groups and interviews for their time and **valuable and enlightening input**. In particular, we

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Why create this Handbook?

would like to thank the members of the project's management committee, the *Instituto Nacional de Administración Pública* (INAP, Spain's national institute of public administration), the *Federación Española de Municipios y Provincias* (FEMP, Spanish federation of municipalities and provinces), the *Instituto de la Mujer* (Inmujer, the country's institute for women's affairs), and the *Federación de Mujeres Progresistas* (FMP, the federation of progressive women), for their active involvement throughout the project.

INTRODUCTION >>>

Handbook structure

THIS HANDBOOK IS DIVIDED INTO 2 COMPLEMENTARY BLOCKS

Block 1 'Learning more about equality...' introduces the theme and provides key information. The 6 sections that make up this block present an overview of the main issues and provide references for further reading on each of them.

Block 2 'Practical tools for mainstreaming the principle of equality and non-discrimination' describes a series of instruments that can be used to design, implement and assess public policy and to manage public services, teams and human resources departments. It includes examples of and references to experiences that show how the various tools presented can be used in practice.

BLOCK 1: 'Learning more about equality...'

Key concepts

The benefits of mainstreaming the principle of equality and non-discrimination

Existing legislation

Equality and non-discrimination institutions and bodies

Discrimination in Spain: information sources and ways of measuring discrimination

Why talk about diversity?

BLOCK 2: 'Practical tools for mainstreaming the principle of equality and non-discrimination in my work'

Before getting started

Designing, implementing and assessing public policy

Managing public services for citizenship and diverse society

Managing human resources

Further reading ... a bibliographic on-line resource containing references to handbooks, publications, documents and recommended literature to help readers find out more about the areas that most interest them.

How do I use this Handbook?

HOW DO I USE THIS HANDBOOK?

I WANT TO KNOW ...	WHERE CAN I FIND IT?
What challenges does Spain face when it comes to non-discrimination?	I want to know more > Discrimination in Spain > What do the data tell us? Practical tools > Before getting started > The challenges
What do we mean by discrimination?	I want to know more > Key concepts I want to know more > Existing legislation
How do I launch awareness-raising initiatives?	I want to know more > The benefits of diversity I want to know more > Why talk about diversity? Practical tools > Before getting started > Financial resources Practical tools > Tool 8: Information, communication and awareness-raising actions
How can I measure the outcomes of my equality and non-discrimination initiatives?	I want to know more > Discrimination in Spain > How can I measure discrimination? Practical tools > Tool 5: Research, reports and studies
How can I fund my actions?	Practical tools > Financial resources
How can I make changes in my organisation/department to mainstream equality?	Practical tools > Before getting started Practical tools > Designing, implementing and assessing public policy Practical tools > Managing public services Practical tools > Managing human resources

INTRODUCTION >>>

How do I use this Handbook?

I WANT TO KNOW ...	WHERE CAN I FIND IT?
How can I incorporate equality and non-discrimination into internal protocols?	Practical tools > For departments responsible for public services > Tool 1: Action protocols
What kind of collaborative mechanism can I establish with partners to reinforce my actions?	Practical tools > Tool 9: Institutional coordination and collaboration Practical tools > Tool 10: Key partner dialogue Practical tools > Tool 11: Expert committees
What kind of collaborative mechanism can I establish with partners to reinforce my actions?	Practical tools > Managing human resources > Six-step inclusive talent-management strategy
Initiatives implemented by other public authorities	Practical tools > Public policy > Learning from practice ... (positive experiences worth taking into account)

1. LEARNING MORE ABOUT EQUALITY ... >>>

Key concepts

The benefits of mainstreaming the principle of equality and non-discrimination

Existing legislation

Equality and non-discrimination institutions and bodies

Discrimination in Spain

Why talk about diversity?

LEARNING MORE ABOUT EQUALITY ...

Key concepts

WHEN WE SPEAK ABOUT ...	WE MEAN ...
Mainstreaming equality and non-discrimination	Systematic incorporation of the equality and non-discrimination perspective in every phase of public policy development, from planning through to assessment. This covers all grounds of discrimination (sex, racial or ethnic origin, disability, age, religion or belief, and sexual orientation) Mainstreaming addresses equality ➤ **Systematically**: It forms part of the policy-making cycle and is applied at every stage of the policy development process ➤ **Broadly**: It seeks to eliminate discrimination and achieve greater equality ➤ **Comprehensively**: It covers the 6 grounds of discrimination (sex, racial or ethnic origin, disability, sexual orientation, age, and religion or belief) ➤ **Holistically**: It is applied to design, planning, implementation and assessment of public policy.
Equality or equal treatment and non-discrimination	When the text refers to the principle of equality and non-discrimination, it refers to all 6 grounds of discrimination
Cross-cutting approach	References in the text to cross-cutting approaches refer to actions (policies, initiatives and training) that have been designed, implemented and/or assessed from the perspective of the 6 grounds of discrimination and/or all of the spheres potentially affected (employment, education, health, housing, social services, etc.)
Stereotype	Image or idea commonly associated with a group

LEARNING MORE ABOUT EQUALITY ...

Key concepts

WHEN WE SPEAK ABOUT ...	WE MEAN ...
Prejudice	Prior judgement made by a person about another person, group or situation
Discriminatory incident	Any incident perceived as discriminatory by the victim or anybody else

LEARNING MORE ABOUT EQUALITY ...

Key concepts

DIRECT DISCRIMINATION	INDIRECT DISCRIMINATION
This form of discrimination occurs when one person is treated less favourably than another would be in a comparable situation	This occurs when an apparently neutral provision, criterion or practice puts, or could put, one of more persons at a particular disadvantage compared with other persons
The key to this definition lies in what is known as the 'comparator', i.e. proving that in the same situation, or in a comparable one, one person has been treated differently and worse than another For example, in a merit-based selection procedure to fill a grade 29 post, the CVs of all female candidates aged 30–35 are rejected Case analysis as per the definition: ➲ Person(s) analysed: All women aged between 30 and 35 who have submitted their curriculum as part of the selection process	This form of discrimination is difficult to detect because, *a priori*, the neutral criteria applied are objective and usually meet or are justified by specific requirements For example, a local authority opens a competitive selection process to recruit gardening staff. One of the criteria is to have passed the national exams required to enter university, even though the work itself does not require those qualifications Case analysis: ➲ Apparently neutral provision, criterion or practice: National qualifications required to enter university

Key concepts

DIRECT DISCRIMINATION	INDIRECT DISCRIMINATION
➲ Unfavourable treatment: Automatic rejection of all female candidates aged between 30 and 35, without applying the same criterion to men of the same age	➲ Persons potentially affected by this neutral criterion: Those less likely to hold the required qualifications (immigrants, Roma people, people with disabilities, etc.)
➲ Comparator: Men aged between 30 and 35 who submitted their curriculums as part of the selection process	➲ Particular disadvantage: A group of persons with certain characteristics (immigrants, Roma people, people with disabilities, etc.) are excluded from the recruitment process for not meeting a requirement that is not relevant to the work performed
Receiving treatment that we consider to be unfair or inappropriate does not in itself constitute direct discrimination. For direct discrimination to exist, it must be proved that one person has been treated less favourably than another person or group of persons.	➲ Comparator: Population of people of Spanish, non-Roma origin without disabilities

In addition to direct and indirect discrimination, several **other concepts** are included that usually accompany direct or indirect discrimination. For example, a case of alleged direct discrimination may be accompanied by discriminatory harassment or an instruction to discriminate. Likewise, a case of indirect discrimination may be combined with multiple or erroneous discrimination.

LEARNING MORE ABOUT EQUALITY … >

Key concepts

WHEN WE SPEAK ABOUT…	WE MEAN…
Discriminatory harassment	Any form of conduct carried out with the intention or effect of undermining the dignity of a person, or of the group to which that person belongs, and of creating an intimidating, hostile, degrading, humiliating or offensive environment *For example, if in a state-owned company one person constantly refers to another person's disability in a disparaging way, the first person may be creating a hostile, humiliating or offensive environment for the second person. This situation may be exacerbated if, furthermore, that person is assigned the worst working hours, does not receive e-mails sent to the rest of the staff, or is assigned tasks for which that person is not trained*
Instruction to discriminate	Any inducement, order or instruction to discriminate *For example, if public service staff responsible for dealing with members of the public were to receive instructions to reduce the number of appointments given to persons of Maghrebi origin, but not to reduce the number given to anybody else, this would constitute an instruction to discriminate*
Discrimination by association	When a person or group receives discriminatory treatment due to their relationship with another person or group *For example, after several years of satisfactory work as a secretary in the directorate-general of a regional ministry, a woman is dismissed and replaced by another civil servant. A few months earlier, in an informal conversation, her boss had discovered that the woman had a child with a disability.* *A similar case occurred in England in a law practice (***Coleman vs Attridge, 2006)** *and reached the European Court of Justice, where it was proved that the woman had suffered discrimination by association with a person with a disability. It was proved that she had been dismissed because her superiors believed that her role in caring for a person with disabilities would make her more likely to be absent from work.*

Key concepts

WHEN WE SPEAK ABOUT...	WE MEAN...
Discrimination by perception	When a person or group receives discriminatory treatment due to the perception of that person or group. *For example, a father goes to enrol his daughter in a local state school. When he hands over the papers, the school secretary tells him that immigrant families have to enrol their children in the other local school, despite the fact that neither the father nor the daughter are immigrants or are of immigrant descent. In this case, the school secretary thought that the father or daughter were immigrants (because of the colour of their skin or hair or for other reasons) and therefore discriminated against them based on that perception. In fact, in Spain it is against the law to segregate pupils on the grounds of racial or ethnic origin*
Multiple discrimination	When a person suffers discriminatory treatment in which various grounds of discrimination coincide or interact. It is not equivalent to the sum of all of the grounds of discrimination, but is rather the interaction of these on each person or social group and reflects the power structures that exist within society. As a result, in recent years the term **'intersectionality'** has entered the vocabulary to describe the process of analysing **simultaneous interaction between the various forms of discrimination** that a person may suffer and that make up that person's identity *For example, if an immigrant female wheelchair user is not able to enter her local council offices because the building is not provided with a ramp, that woman is being discriminated against on the grounds of her disability, but not on the grounds of being an immigrant or a woman. On the other hand, if a black male homosexual is not allowed to enter a nightclub because the club does not admit either blacks or homosexuals, then multiple discrimination exists because that person is treated less favourably than another would be in a comparable situation on the grounds of being black and homosexual*

LEARNING MORE ABOUT EQUALITY ...

Key concepts

WHEN WE SPEAK ABOUT...	WE MEAN...
Multiple discrimination	Important note: This is one of the hardest forms of discrimination to detect because, although people may be susceptible to being discriminated against on various grounds (for being an immigrant female; for being an immigrant with a disability; for being a black homosexual, etc.), for this form of discrimination to exist it must be proved that discrimination occurred on at least two grounds
Positive action measures	All differential treatment intended to prevent, eliminate or, if applicable, compensate for any form of collective or social discrimination is considered positive action. These measures will be applicable for as long as the discriminatory situations that justify them persist. They must be reasonable and proportionate to both the means available to implement them and to the objectives they pursue *Examples include use of quotas to encourage recruitment of people with disabilities; subsidies to favour recruitment of women in spheres in which they are not as well represented as men; legal initiatives to eliminate discrimination against women and to prevent situations of discrimination and violence against them (e.g. the Spanish law providing comprehensive protection against gender-based violence); and campaigns to raise awareness about equality and emphasise the value and benefits of diversity*
Reasonable adjustments	Necessary and appropriate modification and adaptation of the physical, social and attitudinal spheres to meet the specific needs of people with disabilities, provided that meeting those needs does not constitute a disproportionate or undue burden. In each particular case, the adjustments should facilitate effective and practical access and participation for people with disabilities and ensure that they enjoy and exercise the same rights, and on equal terms, as the rest of society *For example, this may mean adapting the environment in the workplace to facilitate wheelchair access (ramps, desks, etc.)*

KEY CONCEPTS: GROUNDS OF DISCRIMINATION ADDRESSED IN THIS HANDBOOK

WHEN WE SPEAK ABOUT...	WE MEAN...
Sex and gender	**Sex** refers to the **biological differences** between men and women. It persists over time and exists in identical form in all human societies. It is a **universal reference** **Gender** is the **social construct** that defines masculine and feminine traits and determines all human relations in all societies and cultures Gender is variable over time and space. It influences and determines behaviour by allocating different roles and **social responsibilities** to women and men
Sexual orientation	Refers to individual capacity to feel emotional, affectional and sexual attraction to persons of a different sex, of the same sex, or of more than one sex, and to maintain intimate and sexual relations with them

LEARNING MORE ABOUT EQUALITY ... >

Key concepts

WHEN WE SPEAK ABOUT...	WE MEAN...
Gender identity	Refers to individual deeply felt internal experience of gender. It may or may not correspond with sex at the moment of birth and includes personal sense of the body (which may involve modification of bodily appearance or function via medical, surgical or other means, provided that such modification is freely chosen) and other expressions of gender, including dress, speech and mannerisms. References are also often made to **sexual identity**, above all in legal texts, reflecting the above-mentioned distinction between sex and gender Spanish law 3/2007, of 15 March, regulating changes of registry entries mentioning an individual's sex, establishes the requisites for changing the sex recorded in the civil register when that entry does not correspond with the affected party's true gender identity. It also allows for a change of name should that person's name be inconsistent with the sex claimed
Racial or ethnic origin	Although the European Union does not have an official definition of racial or ethnic origin, this usually refers to membership of a minority group that shares common characteristics such as language, culture, geographical region, belief, etc. When talking about this type of discrimination, it is advisable to avoid using the term race because, although it is commonly employed when referring to groups of different racial or ethnic origin, it no longer has taxonomical validity and is only applied to domestic animals. According to Esther Rebato, doctor of life sciences, anthropology expert and member of the department of genetics, physical anthropology and animal physiology in the faculty of science and technology at the UPV/EHU (Universidad del País Vasco-Euskal Herriko Unibertsitatea) in the Basque Country, it is very hard to segregate (or group) people based on biological traits (skin colour, stature, blood group, etc.). For example, there is greater genetic similarity between Europeans and sub-Saharan Africans than there is between Africans and Melanesians, even though both latter groups share similarly dark skin. Consequently, racial

Key concepts

WHEN WE SPEAK ABOUT...	WE MEAN...
Racial or ethnic origin	models are largely incompatible with the majority of genetic differences between human populations. Given that it is extremely hard to separate biology from culture in human beings, many practitioners prefer to talk about ethnic groups. The adjective 'ethnic' refers to membership of a group characterised by specific cultural patterns. However, ethnicity is significantly more complex than that and includes biology, history, cultural customs and practices, language, religion and way of life
Disability	Under Spain's royal legislative decree 1/2013, of 29 November, approving the recast text of the general law on the rights of people with disabilities and on social inclusion thereof, disability refers to the situation resulting from interaction between people with foreseeably permanent disabilities and any type of barrier that restricts or prevents full and effective participation in society on equal terms with the rest of its members It is important to underline that since adoption of the country's law on promotion of personal autonomy and care for dependent persons in 2006, **legislative texts may no longer refer to persons as 'handicapped', 'crippled', 'mentally deficient' or 'disabled'. The correct term is 'people with disabilities**'. It is advisable to use this as it is more respectful and does not have the pejorative or disparaging connotations of other terms
Religion or belief	Refers to a person's religion or belief as understood from a personal and subjective perspective and which need not be associated with an organised institution-based faith. The law provides equal protection to people with religious beliefs; those who are atheists, agnostics, sceptics, etc.; and those whose beliefs are not associated with a specific religion

LEARNING MORE ABOUT EQUALITY ...

Key concepts

WHEN WE SPEAK ABOUT...	WE MEAN...
Age	Refers to a person's age. Discrimination on this ground usually occurs for belonging to a specific age group, wich means that both, the older as the younger, can be treated less favourably

HANDBOOK
CASE-LAW UPDATE

Handbook on European
non-discrimination law:
Case-law update
July 2010-December 2011

FRA

For more information about these definitions, see the *Handbook on European non-discrimination law* published by the FRA (European Union Agency for Fundamental Rights) in 2011 (page 91 onwards)

The benefits

Encouraging or promoting public policy and actions in any sphere may require public authorities to invest public resources. Some people tend to think that public spending on social and equality policies generates fewer benefits than other types of spending, or that significant resources have to be invested to achieve worthwhile outcomes. However, there is plenty of evidence that the opposite is true:

REASON	BENEFITS
1. The law prohibits discrimination and obliges public authorities to respect and encourage equality	› It ensures that policies, services and actions extend to all of society, and particularly to those who most need them › It ensures that everybody has access to the same opportunities and upholds the values of liberty, equality and justice › It makes public authorities more efficient, as it ensures they provide services accessible to all citizens, especially society's most vulnerable members
2. It is a **cost-effective investment** if the right tools are used	› It helps to: • **Increase the size of the working population**: It encourages everybody to enter employment, including those who face most barriers; • **It reduces social expenditure**: Preventing discrimination reduces the risks of poverty and social exclusion. Combating discrimination is a way of lowering spending on benefits and social measures; and • **It boosts the economy**: Proper management of diversity takes full advantage of the potential, talent and creativity in every member of society. This helps create new businesses and open new markets. In short, it boosts consumption and the tax revenue that generates

LEARNING MORE ABOUT EQUALITY ...

The benefits

REASON	BENEFITS
3. It does not require major investment — you can make a major impact with just a few resources and simple actions	› It makes public authorities more efficient — a large number of the tools that can be used to encourage and promote equality and non-discrimination already exist and are being used to implement other policies. In many cases, with a little adaptation and the right training, public management can be made much more efficient
4. They improve social co-hesion within increasingly diverse societies	› It creates a positive social climate — improving relations between communities and enhancing social relations between diverse individuals prevent and reduce conflict and avoid formation of ghettos, all of which help to create more open societies › They encourage people, particularly those most vulnerable, to participate in society

LEARNING MORE ABOUT EQUALITY ...

The benefits

"Since drawing up a policy to manage internal and external diversity, we devote fewer resources to resolving conflicts and are now rated by users as one of the best public services in Barcelona."

Raúl Casas
Transports Metropolitans de Barcelona

Equal participation by men and women in the workforce would have enormous economic benefit for world economies. In some cases, GDP could grow by as much as 34%.

"Women, Work, and the Economy: Macroeconomic Gains from Gender Equity*",*
International Monetary Fund, 2013

Preventing and reducing discrimination against and social exclusion of the Roma in Central and Eastern Europe could increase GDP by €9.9 billion per year and generate €3.5 billion per year in tax

*"***Roma Inclusion: An Economic Opportunity for Bulgaria, Czech Republic, Romania and Serbia - Policy Note",**
World Bank, 2010

LEARNING MORE ABOUT EQUALITY ... >

The benefits

DID YOU KNOW ...?

**The European Social Fund's Operational Programme to Combat Discrimination has been
a cost-effective social investment.**

The Operational Programme to Combat Discrimination is one of 22 operational programmes run by the ESF (European Social Fund) and has been under way in Spain since 2000. It aims to foster social and human development by promoting active inclusion, equal opportunities, gender equality, and better education and training for society's most vulnerable members

In 2013, four of the bodies leading the programme (*Caritas Española, Cruz Roja Española, Fundación ONCE* and *Fundación Secretariado Gitano*) published a **study on its impact on the economic, social, labour and institutional spheres. To analyse its economic impact, the team of researchers** from the UAH (Universidad de Alcalá), UCLM (Universidad de Castilla-La Mancha) and the UCM (Universidad Complutense de Madrid) **used the Hermín-España model**

The study **assessed the programme's economic return**, reaching the conclusion that it represented a cost-effective investment and demonstrating that in its modest way, it has contributed to the Spanish economy (output, employment and public savings). The €40 million invested over 2006–2011 generated the following outcomes:

› **An increase of €340 million** (€56 million per annum) in real output — **every €1 invested generated a return of €1.38**
› Creation of 19,673 jobs (5,167 direct jobs and 14,673 indirect jobs)
› **Revenue for public authorities of €39 million per year** in tax and social security contributions and a **saving of €9 million** by replacing benefits with direct jobs

Further information and link to the study (Spanish)

Existing legislation

WHAT SPECIFIC EQUALITY AND NON-DISCRIMINATION LEGISLATION EXISTS?

EUROPEAN UNION	
TREATY ON EUROPEAN UNION, 2009	**Article 3**: "the Union is, inter alia, to combat social exclusion and discrimination and is to promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child."
TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, 2009	**Article 19**: "the Council […] may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."
CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION	**Article 21**: "1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited."
DIRECTIVES	› Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of **equal treatment between men and women engaged in an activity in a self-employed capacity** and repealing Council Directive 86/613/EEC › Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on **parental leave** concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC

LEARNING MORE ABOUT EQUALITY ... ›

Existing legislation

EUROPEAN UNION	
DIRECTIVES	› Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and **equal treatment of men and women in matters of employment and occupation** (recast) › Council Directive 2004/113/EC of 13 December 2004 implementing the principle of **equal treatment between men and women in the access to and supply of goods and services** › Council Directive 2000/43/EC implementing the principle of **equal treatment between persons irrespective of racial or ethnic origin** › Directive 2000/78/EC establishing a **general framework for equal treatment in employment and occupation**
PROPOSAL FOR A DIRECTIVE	› Proposal for a Council Directive on implementing the principle of **equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation**

SPAIN	
SPANISH CONSTITUTION	› **Article 1.1:** "Spain is hereby established as a social and democratic State, subject to the rule of law, which advocates freedom, justice, equality and political pluralism as highest values of its legal system." › **Article 14**: "Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance."

Existing legislation

SPAIN

SPANISH CONSTITUTION	› **Article 9.2:** "It is the responsibility of the public authorities to promote conditions ensuring that freedom and equality of individuals and of the groups to which they belong are real and effective, to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life." › **Article 23.1**: "They also have the right to accede under conditions of equality to public functions and positions, in accordance with the requirements laid down by the law." › **Article 149.1.1**: "The State shall have exclusive competence over […] Regulation of basic conditions guaranteeing the equality of all Spaniards in the exercise of their rights and in the fulfilment of their constitutional duties." **Rulings of the constitutional court** applicable to interpretation of article 14: › **Ruling 62/2008**, of 26 May 2008 (First Chamber), which considers illness a circumstance protected under article 14 › **Ruling 41/2006,** of 13 February 2006 (Second Chamber), which considers sexual orientation a circumstance protected under article 14 › **Ruling 75/1983**, of 3 August 1983 (Plenary Session), which acknowledges age as one of the circumstances protected under "any other personal or social condition or circumstance".

Existing legislation

SPAIN

SPECIFIC EQUALITY LEGISLATION

Gender equality

› Organic law 3/2007, of 22 March, on **effective equality between women and men**

› Organic law 1/2004, of 28 December, on measures to **provide comprehensive protection against gender-based violence**

› Law 39/1999, of 5 November, on **balancing work and family life** among people in employment

Racial or ethnic origin

› Law 19/2007, of 11 July, on measures to combat violence, racism, xenophobia and intolerance in **sport**

› Law 62/2003, of 30 December, on fiscal, administrative and public order measures (**incorporation into national law of Directive 2000/43**)

Religion and belief

› Organic law 10/1995, on the criminal code (articles 522 to 526 list **crimes against freedom of conscience, religious belief and respect for the deceased**)

› Organic law 7/1980, of 5 July, on **freedom of religion**

Sexual orientation

› Law 3/2007, of 15 March, regulating **changing of registry entries** mentioning an individual's sex

› Law 13/2005, of 1 July, amending the civil code with regard to the **right to enter into marriage**

Disability

› Royal legislative decree 1/2013, of 29 November, approving the **recast text of the general law on the rights of people with disabilities and on social inclusion thereof**

› Law 26/2011, of 1 August, on **adaptation of legislation to the International Convention on the Rights of Persons with Disabilities**

Existing legislation

SPAIN

› Royal legislative decree 3/2011, approving the recast text of the **law on public sector procurement:**

- **Article 118 on special conditions of contract performance**: Contracting entities may lay down special conditions relating to the performance of a contract, provided that these are compatible with Community law and are indicated in the contract notices and documents. These performance conditions may refer, in particular, to environmental or social considerations with a view to promoting employment of persons encountering particular difficulty in entering the labour market, eliminating inequalities between men and women therein, combating unemployment, favouring training in the workplace, or for other purposes

- **Article 134 on proposal assessment criteria**: 1. When assessing proposals and identifying the most economically advantageous offer, criteria directly related to the object of the contract should be taken into account, such as quality, price, formula used to review recompense linked to provision of the work or service, date of performance or delivery, cost of use, environmental features or **features related to satisfaction of social demands in response to requirements set forth in the contract specifications specific to the categories of particularly disadvantaged groups to which the users or beneficiaries of the goods or services contracted belong**, cost-effectiveness, technical value, aesthetic or functional features, availability and cost of replacement parts, maintenance, technical support, after-sales service and similar

- **Additional Provision 4, on entering into contracts with companies that employ people with disabilities or who are in situations of social exclusion and on entering into contracts with not-for-profit organisations**. This provision establishes that, in the case that two companies should submit equally advantageous proposals, the one that employs most people with disabilities or contracts most via companies set up to improve their employability, shall be given preference. The contracting entity may also establish preferences in favour of non-governmental organisations

- **Additional Provision 5, on reserved contracts**: Contracting entities may reserve the right to participate in contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes where 70 per cent of the employees concerned are people with disabilities who, by reason of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions. The contract notice shall make reference to this provision

Existing legislation

SPAIN

SPECIFIC PUBLIC SECTOR LEGISLATION

› Law 7/2007, of 12 April, on the **civil service statute**:

- **Article 14, on individual rights**: Civil servants have the following individual rights deriving from the legal nature of their employment relationship: i) to not be discriminated against on account of birth, racial or ethnic origin, gender, sex or sexual orientation, religion or belief, opinion, disability, age or any other personal or social condition or circumstance
- **Article 20, on performance appraisal**: 2. Performance appraisal systems shall meet, notwithstanding, the criteria of transparency, objectivity, impartiality and non-discrimination and shall be applied without detriment to the rights of civil servants.
- **Article 53, on ethical principles among civil servants**: 4. Their conduct shall be based on respect for fundamental rights and public freedoms, eschewing any act that may result in discrimination on account of birth, racial or ethnic origin, gender, sex, sexual orientation, religion or belief, opinion, disability, age or any other personal or social condition or circumstance
- **Article 59, on access to employment within the civil service by people with disabilities:** 1. Offers of employment within the civil service shall reserve a quota of no less than five per cent of open posts for people with disabilities [...], provided that these pass the selection processes and accredit both their disability and its compatibility with performance of the tasks required of the post, so as to increase progressively the percentage of people with disabilities within each public authority until they account for two per cent of all human resources
- **Article 61, on selection processes**: These shall be open and shall ensure free competition, without prejudice to that stipulated with regard to internal promotion and to the positive discrimination measures set forth in the statute
- **Article 95, on disciplinary offences**: 2. The following are considered severe offences: b) Any act that supposes discrimination on account of racial or ethnic origin, religion or belief, disability, age or sexual orientation, language, opinion, place of birth, sex or any other personal or social condition or circumstance, as well as harassment on account of racial or ethnic origin, religion or belief, disability, age or sexual orientation, harassment on account of sex, and psychological and sexual harassment

Existing legislation

FURTHER READING

Dossier on equal treatment and non-discrimination legislation, including:

- Texts and documents published by international bodies, the Council of Europe and the European Union
- Legislation, case law and documents of EU member countries

link

Ministerio de Sanidad, Servicios Sociales e Igualdad, in Spanish, 2011

Analytical handbook accompanying the project, including a detailed description of Spanish (national and regional) and European legislation.

link

Ministerio de Sanidad, Servicios Sociales e Igualdad, in Spanish, 2011

LEARNING MORE ABOUT EQUALITY ... >

Existing legislation

Handbook on European non-discrimination law, including:

- Introduction to European non-discrimination law: context, evolution and key principles
- Key concepts related to discrimination
- Spheres and grounds protected by European legislation
- Evidential issues in non-discrimination law
- Case law references

link

European Union Agency for Fundamental Rights, in English, 2011
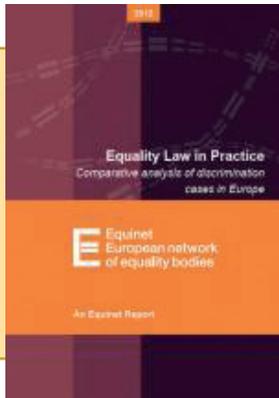
Equality law in practice, including:

- Texts and documents published by international bodies, the Council of Europe and the European Union
- Legislation, case law and documents of EU member countries

link

European Network of Equality Bodies, in English, 2012

STATE INSTITUTIONS AND BODIES PROMOTING EQUALITY AND NON-DISCRIMINATION

Following passing of specific legislation on equality and non-discrimination, public authorities have gradually created specialist departments and bodies responsible for designing, implementing and assessing public policy specifically aimed at promoting equality and non-discrimination.

However, creation of these departments has been uneven across European Union member states and they have developed differently in each country. In most cases, specialist departments have been set up to cover each of the grounds of discrimination. The longest-established departments and bodies are those that promote equality between women and men, followed by those that focus on the grounds of disability and racial or ethnic origin, particularly since passing of Directives 2000/43 and 2000/78 on equality. Recently, the tendency in Europe has been to set up a single department or body to lead and coordinate equality and non-discrimination initiatives on all grounds from a cross-cutting perspective (see Tool 3: Personnel and services specialising in equality and non-discrimination).

In Spain, this trend started in 1983 with creation of Inmujer. Today, similar bodies exist in all of the country's autonomous regions. Over the last 10 years, public authorities have created other departments and bodies specialising in other grounds of discrimination, such as the DGIO, the *Observatorio Español del Racismo y la Xenofobia* (Oberaxe, an observatory on racism and xenophobia, set up in 2004), the *Consejo para la Promoción de la Igualdad de Trato y la No Discriminación de las Personas por el Origen Racial o Étnico* (CPITND, the council for the promotion of equal treatment and non-discrimination of persons on the grounds of racial or ethnic origin, created in 2008), and the *Oficina de Atención a la Discapacidad* (OADIS, an office providing support for people with disabilities). At regional and local levels, although there are some departments responsible for policies promoting social inclusion of certain groups, creation of departments and bodies specialising in other grounds of discrimination is still in the early stages.

LEARNING MORE ABOUT EQUALITY ... ❯

Institutions

National government: designs, plans and co-ordinates equality and non-discrimination policy at national level

- *Dirección General de Igualdad de Oportunidades (*reporting to the *Secretaría de Estado de Servicios Sociales e Igualdad* at the *Ministerio de Sanidad, Servicios Sociales e Igualdad)*

Its task is to mainstream the principle of equality and non-discrimination in national government in partnership with regional governments and other public and private bodies

Equality bodies created to implement EU anti-discrimination directives

- *Consejo para la Promoción de la Igualdad de Trato y No Discriminación de las Personas por el Origin Racial o Étnico.* Among other functions, this council provides a support service for victims of discrimination and operates support centres in all of Spain's autonomous regions
- Instituto de la Mujer

Other executive bodies, units and affiliated organisations promoting equality on specific grounds and in particular spheres

› Delegación del Gobierno para la Violencia de Género (government office for gender-based violence reporting to the secretariat of state for social services and equality at the MSSSI)
› Dirección General de Políticas de Apoyo a la Discapacidad (directorate-general for disability support policy reporting to the secretariat of state for social services and equality at the MSSSI)
› Oficina de Atención a la Discapacidad (OADIS, disability support office reporting to the national disability council; affiliate body)
› Real Patronato sobre Discapacidad (royal disability board attached to the MSSSI)
› Subdirección General de Programas Sociales, Dirección General de Servicios para la Familia y la Infancia (subdirectorate-general for social programmes at the directorate-general for family and child services reporting to the secretariat of state for social services and equality at the MSSSI)
› Consejo Estatal del Pueblo Gitano (CEPG, national Roma council; affiliate body)
› Instituto de la Juventud (Injuve, youth institute attached to the MSSSI)
› Consejo de la Juventud (youth council; affiliated body)
› Instituto de Mayores y Servicios Sociales (Imserso, institute for the elderly and social services attached to the MSSSI)
› Consejo Estatal de Personas Mayores (CEPM, national council for the elderly; affiliate body)
› Consejo de Participación de la Mujer (CPM, council for female participation; affiliate body)
› Observatorio Español del Racismo y la Xenofobia (Oberaxe, Spanish observatory on racism and xenophobia reporting to the secretariat-general for immigration and emigration at the ministry of employment and social security)
› Foro para la Integración Social de los Inmigrantes (FISI, forum on social integration of immigrants at the ministry of employment and social security; affiliate body)
› Subdirección General de Relaciones con las Confesiones, Dirección General de Cooperación Jurídica Internacional y Relaciones con las Confesiones (subdirectorate-general for relations with religious denominations at the directorate-general for international legal co-operation and relations with religious denominations)
› Fundación Pluralismo y Convivencia (public sector body promoting religious freedom and diversity). The Fundación Pluralismo y Convivencia, the FEMP and the ministry of justice make up the Observatorio del Pluralismo Religioso (observatory on religious pluralism)
› Comisión Asesora de Libertad Religiosa (advisory committee on religious freedom; affiliate body)

Discrimination in Spain

WHY MEASURE DISCRIMINATION?

In recent years, the **European Union has sponsored study of equality and non-discrimination**. In fact, the European Commission and the FRA have carried out extensive research into the phenomenon.

A few public bodies that record discriminatory incidents and publish reports on the phenomenon

‣ Ministry of the Interior
‣ CPITND
‣ Deputy public prosecutor´s office for protection of the principle of equal treatment and non-discrimination
‣ OND at Barcelona's city council

In line with the EU, **research of this type carried out or sponsored by public authorities is increasingly common in Spain**, especially in relation to the issue of discrimination on the grounds of gender or racial or ethnic origin. At state level, a significant proportion of the studies carried out have been led by the DGIO and Inmujer (both of which report to the MSSSI); by the Oberaxe, which reports to the *Ministerio de Empleo y Seguridad Social* (MESS, the ministry of employment and social security); and by the CPITND.

As regards **data about discriminatory incidents, it is increasingly common to** find bodies that, as they have specific protocols in place to record such data, collate and publish this sort of information.

It is important to remember that producing studies or reports measuring discrimination in a country, region or town/city gives public authorities information that they can then use to adjust, adapt or prioritise the objectives of the public policies implemented to address the issue. When a phenomenon like this is not measured, public authorities lack valuable information about its extent, causes and consequences. Furthermore, failure to measure the phenomenon not only fosters a lack of awareness of the problems it may be causing in society, but also makes it difficult to measure the outcomes of any initiatives that are undertaken.

LEARNING MORE ABOUT EQUALITY …

Discrimination in Spain

Measuring discrimination tells

1. The reasons why and grounds on which discrimination occurs most frequently
2. The spheres in which it occurs most frequently
3. The impact of the actions carried out, allowing us to review priorities and make improvements

Discrimination in Spain

WAYS OF MEASURING AND STUDYING DISCRIMINATION OVER TIME

As with any other phenomenon, **there are various ways and methods** of studying and measuring discrimination over time. Early studies published by public institutions in Spain and Europe principally measured social perceptions of discrimination. In other words, they analysed society's opinion of the issue. More recently, other methods have been used to complement these studies, such as carrying out analyses of the phenomenon from the perspective of victims' experience of discrimination and examining the perceptions of people susceptible to it. When producing studies and reports on this complex phenomenon, **it is advisable to combine various complementary methods to maximise data quality**.

Discrimination in Spain

Method	Type Of Information Obtained		Bodies That Have Published This Type Of Study
Opinion polls from official statistics sources	**1. Society's general opinion about discrimination**, in other words, social perceptions of the phenomenon Note that it is not necessary to conduct a specific survey on discrimination. Rather, a series of questions about discrimination could be included in surveys already being carried out	**EU**	⟩ At European level, several Eurobarometer opinion polls have been conducted. ⟩ Similar studies have also been carried out in several EU countries: - Ireland: **Equality Awareness Survey** (2012) - Romania: **Discrimination in Romania — Perceptions and Attitudes**
		Spain	⟩ *Centro de Investigaciones Sociológicas* (CIS, a sociological research centre) ⟩ Inmujer ⟩ DGIO, at the MSSSI ⟩ Oberaxe, at the MESS
	2. Majority opinion among groups most susceptible to discrimination possessing one of the characteristics protected by law To conduct this type of study it is necessary to carry out specific surveys of people who possess characteristics that make them more vulnerable to discrimination	**EU**	FRA
		Spain	⟩ CPITND

Discrimination in Spain

Method	Type Of Information Obtained		Bodies That Have Published This Type Of Study
Informes sobre incidentes discriminatorios	Perceptions of people who feel they have been discriminated against, based on analysis of **discriminatory incidents recorded by public bodies and private organisations**. This type of report provides a more detailed view of the type of discriminatory incidents that occur, indicating which are most frequent, in which spheres they take place, and why they occur, all based on real cases investigated by the bodies that record this type of incident	**EU**	No Europe-wide body exists to record this type of incident. However, many EU countries have national bodies that regularly publish reports on discrimination › Irish Equality Authority: **Casework Report 2011**
	A discriminatory incident is defined as any incident **perceived** as discriminatory **by the victim or any other person**. Occurrence of a discriminatory incident does not necessarily mean that discrimination exists. Rather, it means that the person involved has felt or perceived themselves to be discriminated against. Bodies that record this type of incident usually investigate the claims to confirm that discrimination has actually taken place. These organisations are usually public bodies, but others, such as NGOs, unions and companies, can also record this type of information	**Spain**	› CPITND › OADIS, at the MSSSI › OND, at Barcelona's city council

Discrimination in Spain

Method	Type Of Information Obtained	Bodies That Have Published This Type Of Study	
Reports on formal complaints of discrimination	Perceptions of people who feel they have been discriminated against, based on analysis of formal complaints recorded by public prosecutors' offices and security forces. This type of report provides a more detailed view of the type of cases that occur, indicating which are most frequent, in which spheres they take place, and why they occur, all based on real cases investigated by the bodies that record this type of incident	**EU**	No Europe-wide body exists to record this type of incident. However, some EU countries have national bodies that regularly publish reports on discrimination › Home Office (United Kingdom): **Racist incidents, England and Wales 2011/2012**
		Spain	› *Ministerio de Interior* (MI, Spain's ministry of the interior): **2012 statistical yearbook** (Spanish) › Barcelona's provincial public prosecutor's office
Reports on rulings	Rulings on cases of discrimination. These provide information about use of legal instruments to remedy discrimination and analyse the frequency with which it occurs, the reasons for it and the type of proof and legal argument used, etc., based on court rulings	**EU**	› FRA › Equinet
		Spain	› DGIO at the MSSSI

Discrimination in Spain

Method	Type Of Information Obtained	Bodies That Have Published This Type Of Study	
Quantitative and qualitative research analysing specific issues	Specific information about a particular issue that permits deeper analysis of one or more aspects related to discrimination	EU	› FRA › European Commission › Equinet.
		Spain	› DGIO at the MSSSI › Oberaxe, at the MESS › Inmujer › CPITND

COMPILATION OF EQUALITY DATA UNDER SPAIN'S ORGANIC LAW ON DATA PROTECTION

➲ **Compiling data can be a very useful way of measuring the causes and consequences of discrimination and of assessing the effectiveness of public policy**. Data can be compiled from various information sources, such as official statistics, research and records of discriminatory incidents and cases.

➲ In fact, article 20 of organic law 3/2007, of 22 March, on effective equality between women and men, introduces several important new means of effectively incorporating the gender perspective into production of studies and statistics by public authorities. These include the **obligation to include the sex variable systematically in statistics, surveys and data collection**.

➲ On many occasions, **compiling data also means processing personal data considered sensitive**. Examples of this include personal information (individuals' names and surnames, telephone numbers and addresses) about Roma living in a town or city and information about the beliefs or sexual orientation of individuals living within an autonomous region. There is a difference between carrying out a statistical study that does not cross-reference responses with personal data on the people surveyed and creating a record containing personal data about, for example, homosexuals or people of a certain racial or ethnic origin.

➲ It is therefore important to understand that **certain guarantees must be made** when compiling data and producing studies about discrimination that involve processing personal data in order to avoid improper use of that data, as has happened in the past (expulsion of certain groups).

EXISTING LEGISLATION

- Directive 95/46/EC of the European Parliament and of the Council, of 24 October 1995, on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

- Organic law 15/1999, of 13 December, on protection of personal data.

CONDITIONS THAT MUST BE MET WHEN COMPILING DATA

Data on ideology, religion or belief	To compile and process this type of data, the authority must have the individual's express written consent Exception: Files held by political parties, unions, churches, religious denominations and communities, associations, foundations and other not-for-profit bodies whose purpose is political, philosophical, religious or union-related, when those files contain data about members, <u>on the condition that the data are provided with the individual's prior consent</u>
Racial origin, health and sex life	This type of data may be compiled, processed and shared in the following cases: › For reasons of public interest, as stipulated by law › With the individual's express consent Note: It is unlawful to create files for the exclusive purpose of storing personal data about ideology, union membership, religion, belief, racial or ethnic origin or sex life

LEARNING MORE ABOUT EQUALITY …

Discrimination in Spain

If you work in a public authority and are going to compile data about discrimination, remember that there are ways of doing so without infringing existing legislation

› Differentiate between compiling personal data and using statistical information that does not identify individuals or reveal contact details

› Make sure that the data compiled are of public interest and that you comply with the law

› Databases must always be provided with the levels of protection established by the country's data protection agency to prevent improper use

› It is extremely important to explain to individuals the purpose of and reasons for compiling their data, emphasising the benefits of doing so (to improve public policy and address the issues detected)

› If you compile data provided by a not-for-profit organisation, make sure that the data are anonymous; in other words, make sure that personal data are not included in the information shared

Measuring Discrimination
Data Collection and EU Equality Law
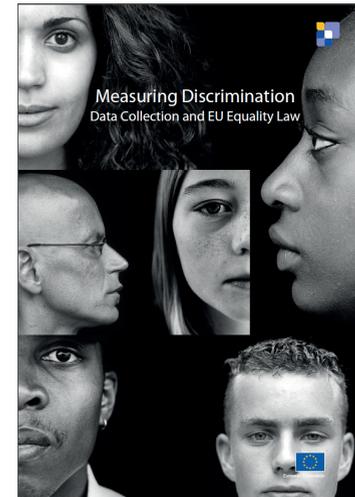
For further information:

Measuring Discrimination - Data Collection and Equality EU Law, 2007

Discrimination in Spain

BODIES THAT MEASURE DISCRIMINATION

Although there are not many public bodies that measure discrimination systematically, it is increasingly common to find data and studies on this phenomenon. A list of these bodies and their analytical tools is included below.

EUROPEAN UNION		

	EUROBAROMETER	Discrimination in the European Union
		• **Special Eurobarometer 393**, 2012
		  Fact sheet on Spain (Spanish)
		• **Special Eurobarometer 317**, 2009
		  Fact sheet on Spain (Spanish)
		• **Special Eurobarometer 263**, 2007
		  Fact sheet on Spain (English)

	FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS	**Religion and belief** Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of anti-Semitism, 2013 **link**
		Sexual orientation • European Union lesbian, gay, bisexual and transgender survey, 2013 **link** • Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity • 2011: **link** 2010: **link**

Discrimination in Spain

EUROPEAN UNION

Racial or ethnic origin
- Racism, ethnic discrimination and exclusion of migrants and minorities in sport, 2010 **link**
- European Union Minorities and Discrimination Survey, 2009 **link to full report in English link to full report in Spanish**

Multiple discrimination and health

Inequalities and multiple discrimination in access to and quality of healthcare, 2013 **link**

Access to justice

Access to justice in cases of discrimination in the EU, 2012 **link**

Discrimination in Spain

BODIES THAT MEASURE DISCRIMINATION

SPAIN	MINISTERIO DE SANIDAD, SERVICIOS SOCIALES E IGUALDAD — SECRETARÍA DE ESTADO DE SERVICIOS SOCIALES E IGUALDAD / DIRECCIÓN GENERAL PARA LA IGUALDAD DE OPORTUNIDADES	• Survey on perceptions of discrimination in Spain, carried out in partnership with the CIS (publication scheduled for 2014) • Diagnostic Study of Secondary Sources about Discrimination in Spain, 2013 **Full report in Spanish link executive summary in Spanish link executive summary in English link** • Facts and figures on women (data provided and updated by the Inmujer) **link** (Spanish)
	GOBIERNO DE ESPAÑA — MINISTERIO DE EMPLEO Y SEGURIDAD SOCIAL / SECRETARÍA GENERAL DE INMIGRACIÓN Y EMIGRACIÓN	Trends in racism and xenophobia in Spain (Spanish) **2011 link 2010 link 2009 link 2008 link**

Discrimination in Spain

EUROPEAN UNION

Consejo para la Promoción
de la Igualdad de Trato y
No Discriminación de las Personas
por el Origen Racial o Étnico

- Study of discrimination on the grounds of racial or ethnic origin: potential victims' perceptions
  2013 (being drafted) (Spanish) **2011 link** (Spanish) **2010 link** (Spanish)

- Annual report on discrimination and application in Spain of the principle of equal treatment irrespective of racial or ethnic origin
  2012 link (Spanish) **2011 link** (Spanish) **2010 link** (Spanish)

Other public bodies that publish reports and studies on the issue

CIS (Centro de Investigaciones Sociológicas)	INE (Instituto Nacional de Estadística)	Ombudsman	MI (Ministerio del Interior)	CGPJ (Consejo General del Poder Judicial)

Discrimination in Spain

TRENDS: WHAT DO THE DATA TELL US?

Awareness of the right to equality and non-discrimination *Source: Eurobarometer — Discrimination in the EU in 2012 (fieldwork carried out in 2011)*	⮑ 61% of the people surveyed said they were aware of their rights in the event of discrimination or harassment, seven percentage points up on the 2009 finding (54%) ⮑ However, people who suffer discrimination frequently do not exercise their rights, principally because they do not know how to or because they do not believe it would achieve anything.
Most frequent grounds of discrimination *Source: Eurobarometer — Discrimination in the EU in 2012 (fieldwork carried out in 2011)*	**What is the most common ground of discrimination in Spain?** **General public opinion** 1. Racial or ethnic origin 2. Sexual identity 3. Age (over 55 years old) **Opinion of people who say they have suffered discrimination** 1. Age 2. Sex 3. Racial or ethnic origin
Spheres in which discrimination occurs most frequently	**Workplace: sphere in which greatest discrimination is perceived** ⮑ According to the 2012 Eurobarometer, 51% of people stated that the crisis is contributing to a rise in discrimination in the workplace on grounds of sex ⮑ According to the annual study of perceptions of discrimination on grounds of racial or ethnic origin among the main ethnic minorities, the workplace is where greatest discrimination is perceived. The Roma, sub-Saharan and Maghrebi populations perceive higher levels of discrimination in the employment sphere (over 50% in all cases) than other minority groups

Discrimination in Spain

Spheres in which discrimination occurs most frequently	**Conventional and social media** This sphere contains two strands. On the one hand, it can potentially act as an agent of discrimination and, on the other, it can channel prejudices, stereotypes and racist and hate-based discourse. This field is particularly concerning given that webpages, fora, blogs, etc. on digital channels and networks that feature racist and hate-based content are proliferating. The various prejudices and stereotypes affecting certain groups are reinforced by the media, which in turn affects acceptance of diversity among majority groups within the population. Furthermore, it is a sphere in which there is insufficient representation of diversity, especially in the case of racial or ethnic origin Advertising sometimes directly or subliminally conveys sexist messages that, in Spain, can be reported to, among others, the *Observatorio de la Imagen de las Mujeres* (OIM, an observatory on images of women) that reports to Inmujer **Access to public services** Various studies show that there is a tendency among the wider population to perceive discrimination in public services like health care and education and in treatment received from the security forces
Effectiveness of public equality and non-discrimination policies *Source: Eurobarometer — Discrimination in the EU in 2012 (fieldwork carried out in 2011)*	So far, public policy to foster equality and non-discrimination has not been particularly effective or prioritised ⮫ 32% of the Spanish population believe that public authorities' efforts to combat all forms of discrimination are ineffective, 34% believe that they are moderately effective and 27% believe that they are effective ⮫ 67% of the population believe that, in the context of the ongoing crisis, policies in this sphere are assigned less importance and receive fewer resources (EU 27 average: 54%) It is worth noting that promoting equality and non-discrimination affects multiple departments within public authorities, which means that it requires extensive co-ordination, a task that is far from easy given the way Spain's administrative units are organised

Why talk about diversity?

WHAT DOES DIVERSITY REALLY MEAN?

We tend to think that diversity refers solely to visible characteristics (sex, ethnic origin, etc.) or to the six characteristics protected by European directives to combat discrimination in the workplace. However, diversity spans a much broader range of areas, which include ways of working and family status. No organisational strategy will be complete or genuinely effective if we ignore the true extent of diversity.

Differences between people can take various forms:

Personality	Internal	External	Organisational
Patterns of organisational behaviour are a product of the characteristics most repeated and/or valued by the organisation's most influential executives	These characteristics are inherent to the individual and the individual has no possibilities to change them. They include: › Age › Gender › Sexual orientation › Gender identity or sexual identity › Disability or functional diversity › Ethnic origin › Cultural origin	Unlike internal differences, these are acquired and individuals can change them during the course of their lives. They include: › Geographic location › Income and socio-economic status › Personal habits › Leisure habits › Religion or belief › Formal education (qualifications) › Work experience › Physical appearance › Parental/family status › Marital status	› Hierarchical position › Field of work and/or sector › Division/department/work-group › Seniority › Physical workplace › Political and/or union affiliation › Executive status

Why talk about diversity?

Organisational dimensions

External dimensions

Internal dimensions

Personality
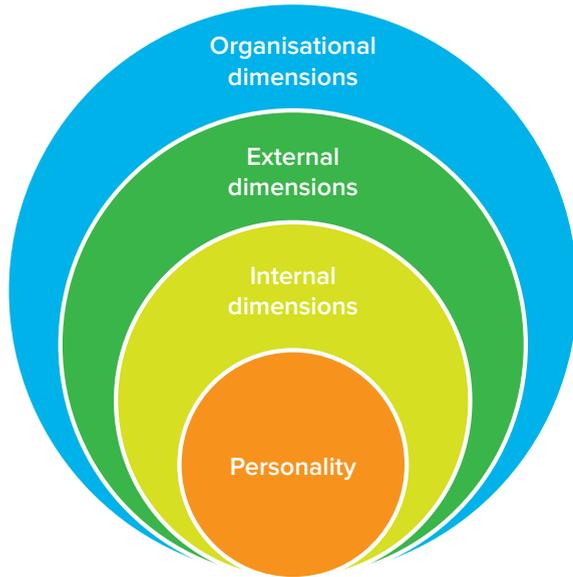
Each individual is a unique combination of the above-mentioned characteristics. Thus, we need to strike a **balance** between the need to segment our HR policies (e.g. paying attention to gender issues) and the need to give them sufficient scope and depth so as to avoid, wherever possible, the perception of giving some groups greater privileges than others. The main message to get across is that diversity concerns and affects everybody ('we are all diverse') to a greater or lesser extent depending on our individual characteristics (equal opportunities). This explains the effectiveness of internal talent-development programmes like mentoring and coaching.

To **strengthen internal arguments** when implementing diversity and inclusion policies, it can be useful to recall how **organisational thinking on this issue has progressed through three stages**:

1. Considering legal compliance as the main aspect to work on, ensuring that both policies and internal processes are free of discrimination and favour equal opportunities;

2. Combining the presence of internal diversity with improvements in services provided to users and/or the public. This approach therefore involves improving representation; and

Why talk about diversity?

3. Creating workplaces in which individual differences are valued and aligned with the organisation's overall objectives. In other words, creating a corporate culture that draws deeply on its members' knowledge and learns from it.

It is not a case of choosing one or adopting the latest as the best, but of making sure we incorporate all of the advances made in each of them. Team managers (with support from HR personnel and senior management) should set the most realistic and/or applicable objectives in each particular case. The most important thing is not choosing where to start, but not stopping once you have started.

Is it true that diversity favours innovation?

Scott Page, political scientist and economist at the University of Michigan (USA) developed a mathematical model to ascertain whether profile diversity had a positive impact on organisations. To do so, he analysed two types of diversity:

› Cognitive or heuristic, deriving from the existence of different points of view; and

› Identity, deriving from membership of a group (men/women, young people, ethnic minorities, etc.)

His findings produced two thought-provoking conclusions:

■ No significant differences exist between homogeneous and heterogeneous groups when performing simple tasks (e.g., making hamburgers)

■ However, for complex tasks, cognitive diversity is directly correlative to a group's problem-solving capacity

This suggests a need to create participatory workplaces in which all individual contributions are heard and taken into account

Why talk about diversity?

SPANISH SOCIETY IS ALREADY DIVERSE!

Some aspects of diversity that went largely unnoticed in the past have recently become much more visible, such as the progressive ageing of the country's population, the existence of ethnic groups or groups of non-Spanish origin, diverse religions and beliefs, and sexual diversity.

- ➲ 1 in 4 Spaniards consider themselves non-believers, atheists or belong to a religion other than Catholicism.
- ➲ The foreign population resident in Spain is shrinking, but it continues to account for over 10% of the total, i.e. almost 5 million people.
- ➲ Sexual minorities (LGBT) are estimated to account for 5–10% of Spain's population, i.e. between 2.3 and 4.5 million people.
- ➲ Almost 5% of the Spanish population of working age has some kind of disability.
- ➲ The rate of employment among women is lower than it is among men, although unemployment is higher among the female men and unemployment is higher among the female population (EPA figures, 2013).
- ➲ According to INE projections, 50% of the population will be above or below working age by 2049.

What implications does this situation have for the public sector?

Firstly, it means **accepting that the 'average' citizen traditionally targeted by public policy** no longer exists. **Moreover, that citizen is not likely to exist in the future either.** One case that exemplifies this is education, which has had to find new ways of doing things to address diversity in the classroom.

Why talk about diversity?

Secondly, we know that **internal diversity** (when acknowledged and managed appropriately) **facilitates comprehension of citizens' needs and improves the quality of the services provided**. In the words of an senior manager at a state-owned firm who took part in the sessions during which this handbook was created, "*having someone different on our staff* (in this case a person with impaired vision) *gave us a much better understanding of our service users' needs. Thanks to that person, we learnt how to do our job better*."

This reveals the **need to have an internal talent-management strategy** in place that assigns each public sector employee wherever he or she can do the best job. Studies show that supporting, valuing and promoting people with differing profiles is positive for organisations, as it increases levels of motivation, commitment and engagement among employees and translates into better organisational performance and effectiveness.

If the public sector wants to remain a **role model**, it needs to accept the responsibility of providing a mirror in which other organisations can see themselves reflected by leading and exemplifying how diversity should be understood and addressed. That will not only improve public sector employees' commitment and effectiveness, but will also help to improve the quality of the public services provided and public perceptions of them.

Did you know ...?

Making diversity part of public service management allows us to:
- Provide better service to a diverse society
- Understand citizens' needs better
- Offer personalised services
- Draw on and make cost-effective use of internal expertise
- Have human resources capable of tackling society's new challenges

2 PRACTICAL TOOLS >>>

FOR MAINSTREAMING THE PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION

Before getting started

Designing, implementing and assessing public policy

Managing public services

Managing human resources

PRACTICAL TOOLS >>>

Before getting started
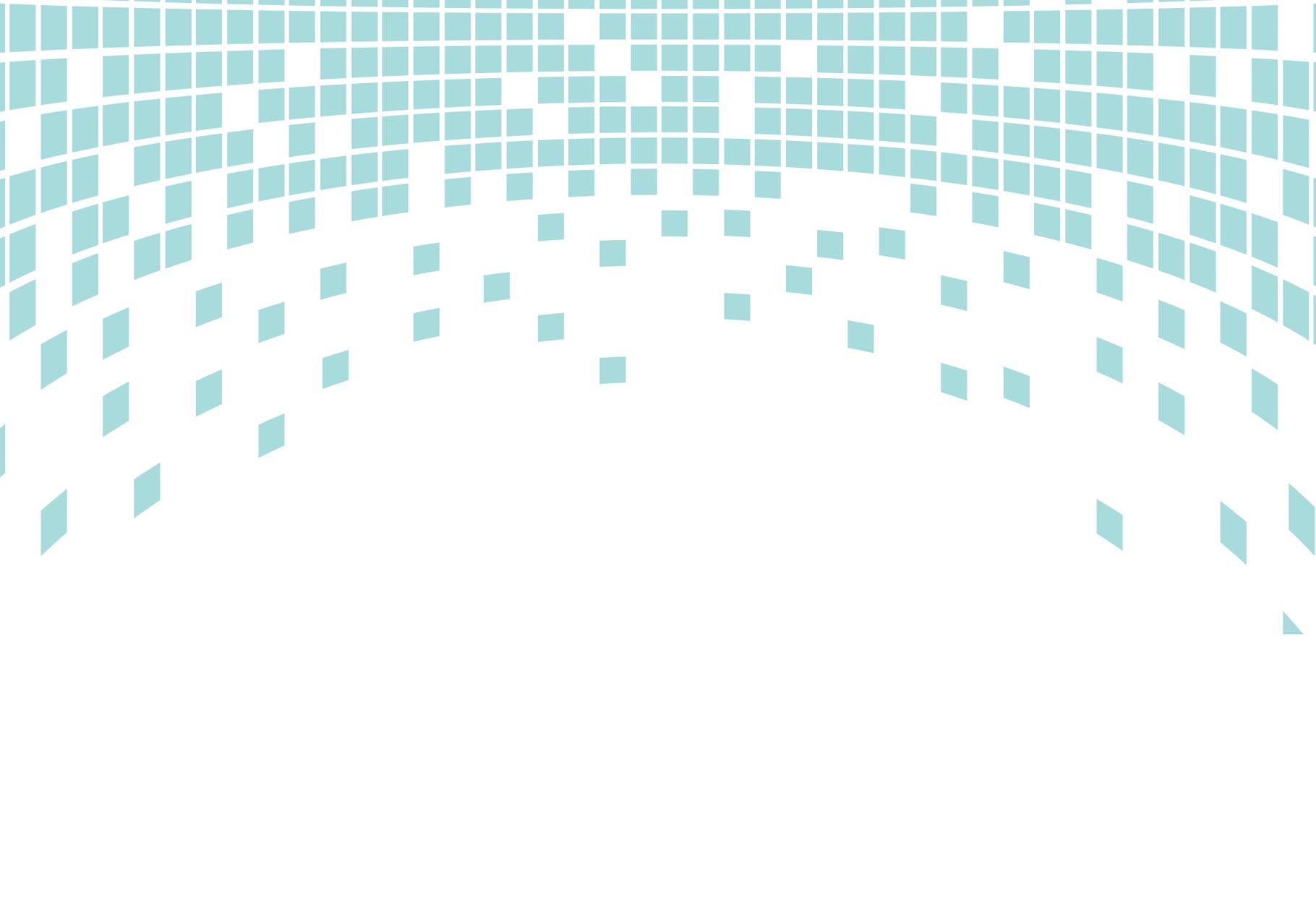
WHAT HAS BEEN THE EXPERIENCE IN YOUR DEPARTMENT?

Our recommendations	Tools available
Review the department's policies, programmes and projects to see if they have an impact on equality and non-discrimination	Tool 13 (public policy): Equality screening Tool 1 (public services): Action protocols
Ask key partners (staff who work in your department, people who use your service, organisations representing the groups most vulnerable to discrimination, members of those groups, etc.) how they perceive application of the principle of equality and non-discrimination in your actions and if they have any specific needs that require addressing	Tool 9 (public policy): Institutional coordination and collaboration Tool 2 (public services): Joint activities with vulnerable groups Tool 3 (public services): User satisfaction surveys
Ask specialist equality and non-discrimination departments how you can collaborate with or participate in initiatives already under way	Tool 10 (public policy): Key partner dialogue
Participate in seminars and take training courses to find out more about this issue	Tool 12 (public policy): Training and capacity-building

Little history and few resources

PRACTICAL TOOLS >>>

Before getting started

	Our recommendations	Tools available
Some history and experience, a few functions addressing the issue and a small budget	Make sure that staff in your department receive specific and appropriate training about equality, non-discrimination and diversity management	Tool 12 (public policy): Training and capacity-building
	Propose implementing a strategy or action plan based on diagnosis of specific needs, objectives and actions, followed up by systematic monitoring and assessment	Tool 2 (public policy): Strategies, plans and actions
	Draw up a policy to promote equality, non-discrimination and diversity management in your department or service and assess the outcomes regularly	Tool 2 (public policy): Strategies, plans and actions Tool 6 (human resources): Assess the outcomes
Extensive experience and a team with specific expertise and a dedicated budget	Analyse the effectiveness and impact of existing legislation from the perspective of equality and non-discrimination to ascertain if there is a need to reform the legislation or carry out initiatives to improve its application, e.g. a strategy or action plan	Tool 1 (public policy): Passing and reviewing equality and non-discrimination legislation
	Develop a system to make sure that the principle of equality is applied systematically in all policies	Tool 10 (public policy): Key partner dialogue Tool 11 (public policy): Expert committees Tool 12 (public policy): Training and capacity-building Tool 4 (public policy): Data compilation Tool 5 (public policy): Research, reports and studies

PRACTICAL TOOLS >>>

Before getting started

	Our recommendations	Tools available
Extensive experience and a team with specific expertise and a dedicated budget		Tool 6 (public policy): Handbooks, guides, guidelines, procedures and protocols Tool 7 (public policy): Dealing with discriminatory incidents Tool 15 (public policy): Encouraging ethical recruitment and procurement
	Carry out information, communication, awareness-raising and training initiatives to increase knowledge about application of the principle of equality and non-discrimination among key partners and throughout society in general	Tool 8 (public policy): Information, communication and awareness-raising actions

Remember, you can also contact the **subdirectorate-general for equal treatment and non-discrimination** at the DGIO (MSSSI) if you need more information or specific advice about any of these issues

Before getting started

WHAT NON-DISCRIMINATION CHALLENGES DOES SPAIN FACE?

Identify needs for and the impact of intervention by **producing studies and reports and compiling data.**

Improve diversity management in public service provision.

Improve regulatory effectiveness of anti-discrimination legislation.

Inform the public and raise awareness about the right to equality and non-discrimination and about the benefits of diversity.

Train staff and build capacity in this issue within public authorities.

CHALLENGES

Improve diversity management within public authorities, particularly by recruiting diverse personnel.

Before getting started

WHAT CAN I DO TO ADDRESS THESE CHALLENGES?

CHALLENGE	TOOLS
1. Train staff and build capacity within public authorities	• Specific continuing professional development. Regularly check the training on offer from the INAP and local and regional civil-service schools, as well as training programmes provided by other departments and social partners. If the type of training needed is not available, propose providing it or request it via the established channels • Training on equality and non-discrimination within other courses: designing public policy, serving the public, managing human resources, etc. • Specific module on equality, non-discrimination and diversity management in civil-service exam preparation courses • Workshops, seminars and conferences • Inclusion of the themes of equality and non-discrimination, the right to equality and non-discrimination in public policy, and managing diverse teams, etc. in civil-service examination syllabi • Assessment of knowledge of this sphere in selected merit-based competitive exams
2. Improve regulatory effectiveness of anti-discrimination legislation	• Adoption and implementation: ⮑ Propose modifying or updating laws and regulations to make sure they adopt a cross-cutting approach to the principle of equality and non-discrimination. Depending on the sphere, it can be included as a guiding principle, as an objective, as specific actions, etc.

Before getting started

CHALLENGE	TOOLS
2. Improve regulatory effectiveness of anti-discrimination legislation	➲ Issue guidelines, memos and directives to provide public authorities with guidance on how to improve application of existing legislation ➲ Propose incorporating the principle of equal treatment and non-discrimination in sectoral measures, strategies, plans and actions. Depending on the sphere, it can be included as a guiding principle, as an objective, as specific actions, etc. ➲ Propose approving a roadmap, commitment, plan or strategy specifically to promote equality and non-discrimination jointly with key partners (other departments and regional authorities, social partners, NGOs, etc.) and assess the impact and outcomes achieved • Assign functions to promote equality and non-discrimination to a team, unit or department similar to the equality units found in all of the country's national ministries • Allocate specific budgets to actions designed to promote equality and non-discrimination • Establish a service to deal with discriminatory incidents (by assigning this function to existing gender equality units, for example) or incorporate a specific procedure to handle this type of incident in complaint procedures (e.g., by adding a specific checkbox to identify complaints made on the grounds of discrimination) • Provide information and training about anti-discrimination legislation to subdirectorates responsible for legislation, secretariats-general responsible for designing specifications, departments' legal services, etc.

PRACTICAL TOOLS >>>

Before getting started

CHALLENGE	TOOLS
3. Identify needs for and the impact of intervention by producing studies and reports and compiling data	• Perform a diagnosis of the current situation and analyse the principal challenges based on up-to-date information. This may be a way of defining which action areas should be prioritised and of assessing policy effectiveness • Compile regular reports on discriminatory incidents, informal and formal complaints, and rulings related to cases of discrimination on any grounds • Conduct opinion polls on discrimination and include related questions in general user satisfaction surveys • Compile data about access to public services by the groups most vulnerable to discrimination • Create mechanisms to facilitate communication with discrimination experts (equality bodies, NGOs, unions, universities, etc.).
4. Improve diversity management in public service provision	• Review existing public-service provision protocols or approve new ones that improve the way diversity is managed and that prevent discriminatory incidents occurring in public service provision • Publish specific guides on how to address and prevent discrimination and promote diversity management • Set up committees and commissions to work with NGOs to promote equality and non-discrimination in public-service provision units

PRACTICAL TOOLS >>>

Before getting started

CHALLENGE	TOOLS
5. Inform the public and raise awareness about the right to equality and non-discrimination and about the benefits of diversity	• Carry out information and awareness-raising actions to break down prejudices and stereotypes, particularly in spheres in which discriminatory attitudes are most likely to be present — the workplace, the media and access to public services (health, law enforcement and education) • Carry out information and awareness-raising actions to demonstrate the benefits of diversity.
6. Improve diversity management within public authorities, particularly by recruiting diverse personnel	• Approve internal protocols to promote an inclusive work atmosphere within teams • Initiatives to attract talent with diverse profiles

Before getting started

HOW CAN I INCORPORATE EQUALITY AND NON-DISCRIMINATION INTO MY WORK?

Public authorities have a duty to serve every member of society. Adopting this principle in our work is a way of making sure that everybody enjoys the rights they are entitled to on equal terms. It means not only recognising diversity within society, but also recognising that some people have characteristics that make them more vulnerable to discrimination and, as a consequence, do not enjoy the rights they are entitled to on the same terms as the majority of the population.

There are various ways of encouraging cross-cutting application of the principle of equality and non-discrimination in the work done by public authorities:

INCORPORATING EQUALITY AND NON-DISCRIMINATION INTO MY WORK
Incorporate or integrate this principle into every action carried out, irrespective if this is designing, implementing or assessing public policy, managing public services or managing human resources.

CARRYING OUT SPECIFIC ACTIONS
Carry out specific actions in spheres in which discriminatory situations occur or may occur most frequently and intensely.

Both options are compatible and reinforce one another.

This chapter provides examples of practical tools that can be used by any department that adopts these two perspectives

Before getting started

ARE SPECIFIC FINANCIAL RESOURCES AVAILABLE TO PROMOTE EQUALITY AND NON-DISCRIMINATION?

Remember, you need very few resources to launch an equality initiative.
Below are a few examples that require little investment:

- Encourage staff reporting to you to do equality and non-discrimination training. You can create a custom-designed course or access the continuing professional development on offer from the INAP and other civil-service schools. If the type of training needed is not available, propose providing it or request it via the established channels
- If you work in a public service, incorporate the principle of equality and non-discrimination into its service provision protocols and check if you need to carry out specific actions to make sure that everybody can access the service
- If you encounter certain prejudices or stereotypes associated with a group, encourage activities to facilitate mutual understanding, such as open days and discussion groups

If you are interested in leading actions and projects that require more resources, you can contact the public bodies below:

- ➲ **In Spain**, public authorities may have specific budget items within **local, regional or national budgets**.
- ➲ **The European Union makes specific funds available** to public authorities to co-finance actions to promote equality and non-discrimination:

PRACTICAL TOOLS >>>

Before getting started

Fund type	Institution	Fund name	Type of projects funded	How can I access it?
Community Programmes	**European Commission** (Directorate-General for Justice)	Over **2014–2020**, these grants will be provided via the **Rights and Citizenship programme**. Between 2007 and 2013, they were provided via PROGRESS (Programme for Employment and Social Solidarity).	Under this programme, the EC usually holds annual or biannual grant application procedures for **transnational projects** related to: • Analysis, study and research; and • Knowledge transfer and mutual learning.	By checking the **DG for Justice's website** for news of grant application procedures
Structural and Investment Funds (EIF) 2014–2020	Although these funds come from the European Union, they are transferred to Member States and managed by the respective countries' public authorities. In the case of Spain, these are: **National government:** • Directorate-general for Community funds at the *Ministerio de Hacienda*	• European Social Fund • European Regional Development Fund (ERDF) • European Agricultural Fund for Rural Development (EAFRD)	These funds usually finance a wide variety of projects generally implemented nationally or locally	• Check if your department or ministry receives EIF funds with a view to proposing financing actions within the programme

Before getting started

Fund type	Institution	Fund name	Type of projects funded	How can I access it?
Structural and Investment Funds (EIF) 2014–2020	*y Administraciones Públicas (MINHAP, the ministry of public finance and public administration); and* • European Social Fund (ESF): *Unidad Administradora del Fondo Social Europeo* (UAFSE, the administrative unit responsible for managing finance from the ESF) **Regional government:** • Directorates-general responsible for Community funds (usually located in regional ministries of public finance)		All project types are eligible, including: • Information, communication and awareness-raising campaigns; • Training and capacity-building; • Guides, handbooks, reports, studies and research; • Grants for NGO projects; and • echnical support	• If you work in the employment, education or social inclusion spheres, contact the UAFSE or the directorate-general responsible for Community funds in your region to find out how you can access ESF funds

PRACTICAL TOOLS　>>>>

Before getting started

In addition**, equality and non-discrimination** (on the grounds of sex, racial or ethnic origin, sexual orientation, age, disability, religion or belief) **is one of the 6 investment priorities under thematic objective 9 — promoting social inclusion and combating poverty and any other form of discrimination — of the EIF 2014–2020 provided from the ESF**.

Priority actions under ESF investment priority 3 — combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation — (thematic objective 9: social inclusion)
• **Awareness-raising** and commitment to helping local communities and companies combat discrimination and promote **intercultural activities** • **Specific actions targeting persons at risk of discrimination** and people with disabilities or chronic diseases with a view to increasing their participation in the labour market, improving their inclusion in society and reducing inequalities in levels of education and state of health

Over 2007–2013, dozens of programmes and projects were financed by European funds. **Recent examples include**:

PROGRESS	**BEAMS** — *Breaking Down European Attitudes Towards Migrants/Minority Stereotypes*
	This two-year project was led by the Veneto region (Italy) and received contributions from 13 partners from 10 European countries, among them the directorate-general for immigration in the regional government of Madrid's ministry of social affairs
	The project aimed to broaden analysis of stereotypes of minorities (Roma and Sinti, migrants, ethnic/religious groups) to include various realms of popular culture and society. In doing so, it aspired to change racist trends, create a positive culture, promote intercultural understanding and improve tolerance within the EU

PRACTICAL TOOLS >>>

Before getting started

PROGRESS	Project participants comprise professionals, experts and researchers from 10 European countries. The 15 participating bodies include public authorities, media and NGOs supporting human rights, migrants and other minorities. For further information about the project, see (**English**)
ESF	**'Combating Discrimination' Multi-Regional Operational Programme, managed by ten public and private bodies** This is one of 22 ESF operational programmes and has been under way in Spain since 2000. It aims to contribute towards social and human development by promoting active inclusion, equal opportunities, gender equality, and better education and training for society's most vulnerable members **Further information** (spanish)
	Survey of perceptions of discrimination (CIS Study 3000/2013) Spain's DGIO, reporting to the MSSSI, used finance provided by the ESF's 'Technical Assistance' Operational Programme 2007–2013 to commission the CIS to conduct an extensive survey of perceptions of discrimination in Spain. The survey pays special attention to the employment sphere because of its relevance from the perspective of discrimination and because, in addition, it made it possible to obtain co-financing from the aforementioned Operational Programme Furthermore, the DGIO also conducted, among other actions co-financed by the same Operational Programme, a *Diagnostic study of secondary sources abour discrimination in Spain*, and a study of the data collected by the CIS survey, paying special attention to the employment sphere

PRACTICAL TOOLS >>>

Before getting started

	RPI equality policy network The *Red de Políticas de Igualdad* (RPI, an equality policy network) is a forum for debate and analysis created in Spain intended to facilitate real and effective mainstreaming of the gender perspective in actions co-financed by the structural (ESF and ERDF) and cohesion (CF) funds. The various materials and tools produced by this network are available via the **Inmujer website**
ERDF	**Construction of Line 3 of Bilbao's metro system (Basque Country)** The gender perspective was incorporated into construction of this metro line right from the start. For further information about the experience (in Spanish), see: **http://www.inmujer.gob.es/areasTematicas/redPoliticas/actividadesRed/docs/0059-BBPPFEDER.pdf**

Before getting started

ARE THERE ANY SPECIFIC TOOLS FOR MAINSTREAMING APPLICATION OF THE PRINCIPLE OF EQUAL TREATMENT AND NON-DISCRIMINATION?

The methods and tools to mainstream the principle of equality and non-discrimination are multiple and these vary depending on the scope of application.

Public policy

- They influence decision-making processes in public authorities' executive centres.
- They influence the way those public policies are implemented and how the outcomes are assessed and made public.

Managing public services

- They influence design and implementation of public service provision.
- They influence the way the public receives services.

Managing human resources

- They influence recruitment and internal promotion processes (how diversity is incorporated into public authorities).
- They influence how internal diversity is addressed within public authorities

Success factors

- A **clear regulatory framework** that obliges public authorities to promote strategies, plans and actions to combat discrimination and mainstream equality and non-discrimination in their own sectoral strategies, plans and actions. In some cases, the regulatory framework makes it compulsory to introduce equality plans

- A **consistent political mandate** to encourage a cross-cutting approach to promoting equal treatment and non-discrimination

- Access to **sufficient and appropriate resources**, including co-financing under EU programmes

- **Participation in and support for initiatives by social partners** and civil society, above all organisations that represent people most vulnerable to discrimination

- **Support from external specialists**, expert committees and bodies specialising in designing, implementing and assessing initiatives

- **Thorough diagnosis** that analyses particular groups' representation and participation in public services by compiling disaggregated data

Before getting started

DIFFERENT TOOLS FOR DIFFERENT FUNCTIONS

I work in a department responsible for a specific public policy	I work in a department responsible for a specific public policy	I am responsible for a team in a department responsible for providing an administrative service
1. Passing or reviewing legislation 2. Strategies, plans and actions 3. Specialist equality and non-discrimination personnel and services 4. Data compilation 5. Research, reports and studies 6. Handbooks, guides, guidelines, procedures and protocols 7. Processes for dealing with discriminatory incidents 8. Communication and awareness-raising actions 9. Institutional coordination and collaboration 10. Key partner dialogue 11. Expert committees 12. Training and capacity-building 13. Equality screening 14. Equality impact assessment 15. Encouraging ethical recruitment and procurement	1. Action protocols 2. Joint activities with vulnerable groups 3. User satisfaction surveys	Six-step inclusive talent-management strategy: 1. Take existing barriers into account 2. Be ready to tackle the challenges 3. Attract talent with diverse profiles 4. Identify existing talent within the organization 5. Develop the talent 6. Initiatives to assess outcomes

Public policy

TOOLS FOR DESIGNING, IMPLEMENTING, MONITORING AND ASSESSING PUBLIC POLICY

Mainstreaming the principle of equality and non-discrimination in public policy needs to take into account every stage in the policy cycle: design, planning, implementation, monitoring and assessment.

There are many tools available for use depending on each department's expertise, needs and resources. It is important to remember that, irrespective of both the department you work in and your responsibilities, there are lots of advantages to incorporating the principle of equality and non-discrimination into your work.

Nevertheless, it is also true that the objectives and tools will vary according to each individual department's responsibilities.

- Departments with **specific responsibility for areas related to equality and non-discrimination**: The objectives and tools will be more related to developing and co-ordinating an appropriate political and legislative framework and on carrying out actions to communicate and raise awareness of this principle.
- Departments with **responsibilities for areas related to other sectoral policies**, such as employment, education, health, economy or housing. The objectives and tools will be more related to contributing to effective application of this principle in the policies in place in each of these areas, as well as to avoiding or preventing potentially discriminatory situations.

The tools described in this chapter are a few of the instruments most widely used to implement specific public equality and non-discrimination policy. It is also habitual practice to use them to mainstream the principle of equal treatment and non-discrimination in public policy in general.

Public policy

As mentioned in 'Before getting started', **all of these tools can be used by any public authority's management team**, irrespective of the type of public policy being implemented. The only differences would be the way of addressing the issue and the intensity or specificity of the actions undertaken.

Design and planning

Equality and non-discrimination

Monitoring and assessment

Implementation

Awareness and communications

Dept. with specific expertise

Regulatory framework and effective policy

Avoid and prevent discriminatory situations

Dept. with expertise related to other sectoral policies

Effective application of the principle
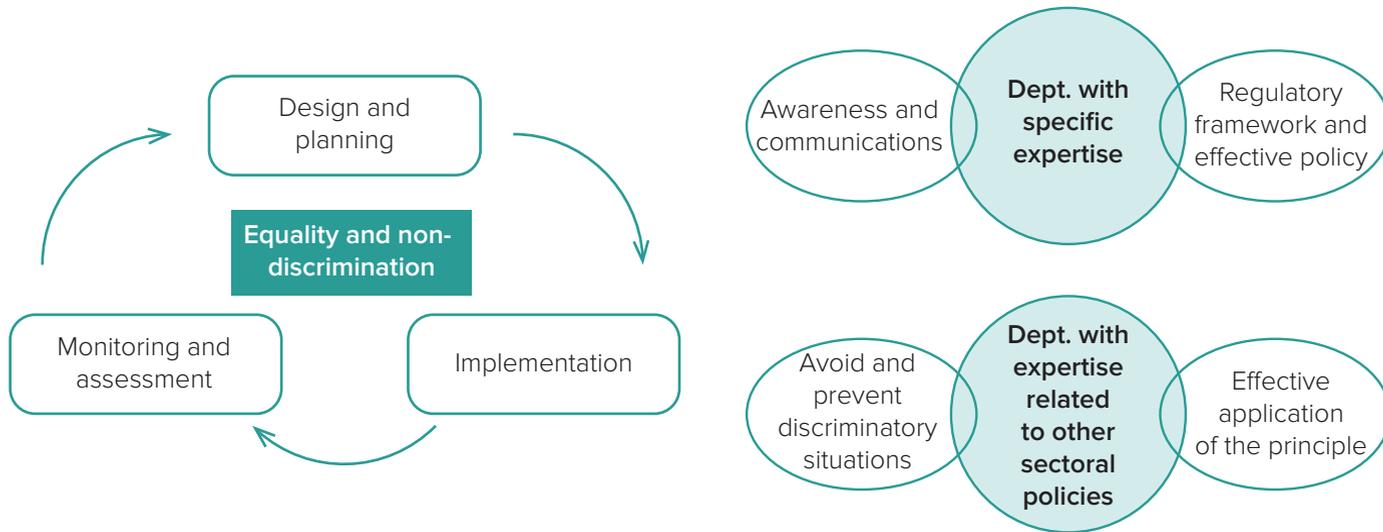
Public policy

Below is a comparison in the case of COMMUNICATION AND AWARENESS-RAISING ACTIONS:

What would a **director-general with specific responsibility for equality and non-discrimination** do?

→ Carry out awareness-raising actions designed to promote and encourage tolerance and the benefits of diversity

What would a **director-general with responsibility for development policy** do?

→ Make sure diversity is a cross-cutting theme within her communication and awareness-raising actions and that these fully reach all of society

PRACTICAL TOOLS >>>

Public policy

Each of the tools is described in detail below. Several of them are especially useful for establishing the right conditions for effective application of the principle of equality and non-discrimination, while others make a particularly valuable contribution to designing, planning, implementing and assessing public policy from a specific perspective. In other words, they can be used to complement sectoral policy.

TOOLS FOR CREATING THE RIGHT CONDITIONS FOR EFFECTIVE APPLICATION OF THE PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION	TOOLS FOR DESIGNING, PLANNING, IMPLEMENTING AND ASSESSING PUBLIC POLICY
1. Passing or reviewing legislation 3. Specialist equality and non-discrimination personnel and services 6. Handbooks, guides, guidelines, procedures and protocols 7. Dealing with discriminatory incidents 8. Information, communication and awareness-raising actions 12. Training and capacity-building 15. Encouraging ethical recruitment and procurement	2. Strategies, plans and actions 4. Data compilation 5. Research, reports and studies 13. Equality screening 14. Equality impact assessment 9. Institutional coordination and collaboration 10. Key partner dialogue 11. Expert committees

Public policy

TOOL 1: PASSING AND REVIEWING EQUALITY AND NON-DISCRIMINATION LEGISLATION

As described in the section on specific legislation in 'Learning more about equality…', **equality and non-discrimination** are an important part of the Spanish Constitution. **Together, they constitute a fundamental right and one of the founding principles of the Spanish State and its public authorities**.

Instruments you can use to guarantee these fundamental rights and principles	Adopt and implement legislation
	Ensure regulatory effectiveness
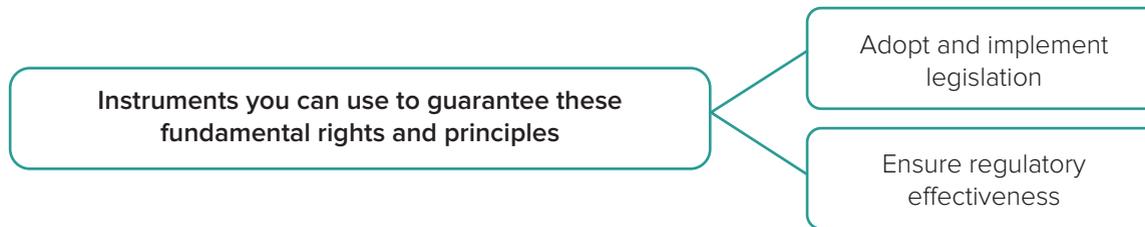
Developing and adopting legislation →

There are two ways of addressing the fundamental right and principle of equality and non-discrimination via legislation:

1. Pass specific laws and regulations on equality and non-discrimination	**1. Pass specific laws or regulations**, such as organic law 3/2007, of 22 March, on effective equality between women and men; or royal legislative decree 1/2013, of 29 November, approving the recast text of the general law on the rights of people with disabilities and on social inclusion thereof; or pass comprehensive and general legislation to combat all types of discrimination on all grounds.

Public policy

2. Incorporate specific articles into sectoral laws and regulations

2. Incorporate specific articles into sectoral laws and regulations, such as adding the principle of equality and non-discrimination, or a specific objective related to non-discrimination, to a law on public procurement or to a regulation implementing a law to encourage housing rental or to develop the rural environment.

What has been the tendency in Spain?

Specific legislation on this right is scarce and focuses principally on equality between men and women. It was not until the so-called 'equality directives' were passed by the European Union that a more specific legal framework was developed. This tendency is similar to that seen in several other European countries, although some, among them the United Kingdom, Denmark, Holland and France, do have a much longer history of legislating on this issue.

Existing legislation implements the minimum content stipulated in the European directives which, when passed into Spanish law, were applied from two perspectives — **by grounds of discrimination** (directive on equality between women and men and directive on equality on the grounds of racial or ethnic origin) and **by sphere** (directive on equality in the employment sphere). Consequently, the situation in Spain is as follows:

Specific legislation on grounds of discrimination
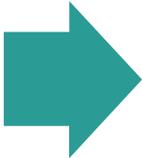
• Organic law 3/2007, of 22 March, on effective equality between women and men. section 2, on measures to ensure equal treatment and non-discrimination on grounds of racial or ethnic origin, of law 62/2003, of 30 December, on fiscal, administrative and public order measures (incorporation into national law of EC Directive 2000/43)
• Royal legislative decree 1/2013, of 29 November, approving the recast text of the general law on the rights of people with disabilities and on social inclusion thereof

Public policy

Specific legislation on spheres of discrimination

- Section 3, on measures to ensure equal treatment and non-discrimination in the workplace, of law 62/2003, of 30 December, on fiscal, administrative and public order measures (incorporation into national law of EC Directive 2000/78)

Other EU countries have followed other models that, in the majority of cases, have also developed from specific or sectoral legislation. **This has led to passing of comprehensive equality laws that address all grounds and spheres of discrimination** to offer a better legal response to situations like multiple discrimination. This is the case in the United Kingdom, Finland, France, Sweden, Germany, Holland, Bulgaria and the Czech Republic, among others.

Further information on legislation in force in other european countries (pp. 134–139):

Developing Anti-discrimination Law in Europe. The 27 EU Member States, Croatia, Former Yugoslav Republic of Macedonia, Iceland, Liechtenstein, Norway and Turkey compared

As regards incorporation of specific equality and non-discrimination articles in sectoral legislation, **a lot of progress has been made in the gender equality and disability spheres** and specific articles have been added to many laws and regulations to guarantee equitable and equal enjoyment of individual rights. In some cases, articles intended to compensate for disadvantages have been added, as in the example of female representation on corporate boards of directors or in that of the presence of people with disabilities in companies and their access to public and private services.

PRACTICAL TOOLS >>>

Public policy

For example...

Spain's Inmujer has a gender-mainstreaming programme in place. Its objective is to mainstream gender into the various spheres in which public policy intervenes by advising government decision-making centres (equality units) and other public bodies, such as transnational and regional networks. **Further information**

Specific legislation, comprehensive legislation or sectoral regulations?

- ⮑ **Advantages of specific legislation** (by grounds or spheres of discrimination):
  - Provides remedies for specific situations related to particular grounds or spheres of discrimination
  - Commonly used for grounds such as disability or racial or ethnic origin, or for spheres particularly susceptible to discrimination, such as employment
- ⮑ **Advantages of comprehensive legislation**:
  - Creates a broader framework and avoids legislative dissipation
  - Addresses situations like multiple discrimination
  - Avoids legislative duplication, improving regulatory effectiveness
  - Usually passed in countries with some history of introducing legislation on the issue
- ⮑ **Advantages of incorporating the principle of equality and non-discrimination into sectoral regulations**:
  - Adapts the principle to the needs of each sphere of action (employment, development, fisheries, agriculture, transport, housing, health, education, etc.)
  - Encourages incorporation of the principle not only in sectoral legislation, but also in implementation of sectoral public policy based on application of that legislation

Public policy

What can sectoral legislation include?

FOR EXAMPLE...
A **reference to the principle of equality and non-discrimination** in the legislation's principles, primary objectives and sphere of application
Explicit introduction of the right to non-discrimination in selected legislation

A **reference to the principle of equality and non-discrimination** in the legislation's principles, primary objectives and sphere of application

- Law 19/2007, of 11 July, on combating violence, racism, xenophobia and intolerance in sport, introduces in article 1, among other objectives, that of eradicating racism and racial discrimination and guaranteeing the principle of equal treatment in sport
- Law 7/2010, of 31 March, on audiovisual communication, states in article 4.2 that audiovisual communication must never incite hatred or discrimination on the grounds of gender or any other personal or social circumstance, and must respect human dignity and constitutional values, paying special attention to eradicating behaviour conducive to situations of female inequality

Explicit introduction of the right to non-discrimination in selected legislation

- **In the employment sphere:**
  - Law 62/2003, of 30 December, on fiscal, administrative and public order measures (article 34), introduces the right to non-discrimination in access to employment and affiliation with and participation in union and business organisations
  - Royal legislative decree 1/1995, of 24 March, approving the recast text of the law passing the statute of workers' rights establishes workers' right not to be discriminated against (articles 4.2, 16.2, 17 and 54.2)
  - Law 7/2007, of 12 April, on the civil service statute, establishes in article 14 the right of public sector employees to non-discrimination and respect of their privacy, sexual orientation, appearance and dignity in the workplace, especially in relation to sexual or psychological harassment, bullying in the workplace and harassment on the grounds of sex. Furthermore, article 53.4 establishes, among other ethical principles guiding the conduct of public sector employees, respect for fundamental rights and public freedoms and avoidance of any action that may result in discrimination

PRACTICAL TOOLS 〉〉〉

Public policy

	FOR EXAMPLE...
	• **In the health sphere**, article 10 of Law 14/1986, of 25 April, on health, establishes patients' right to non-discrimination • Within the armed forces, article 4 of organic law 9/2011, of 27 July, on the rights and duties of members of the armed forces, defines the principle of equality
Include definitions of key concepts, such as direct and indirect discrimination	• Royal legislative decree 1/2013, of 29 November, approving the recast text of the general law on the rights of people with disabilities and on social inclusion thereof • Article 2 of Law 19/2007, on measures to combat violence, racism, xenophobia and intolerance in sport, defines what constitute racist, xenophobic and intolerant acts in sport

Provide for positive action for particularly disadvantaged groups	• Law 62/2003, of 30 December, on fiscal, administrative and public order measures, permits adoption of specific positive action measures in favour of particular groups in order to prevent or compensate for disadvantages affecting them and to guarantee full equality in practice irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation.
	• Royal legislative decree 3/2011, of 14 November, approving the recast text of the law on public sector contracts also establishes specific measures, such as
	  ➲ Article 177.1, establishing that contracts' technical specifications will take into account, to the extent possible, the criteria of universal accessibility and design for all
	  ➲ Article 188.1, establishing that contracting bodies may establish special conditions. These performance conditions may refer, in particular, to environmental or social considerations with a view to promoting employment of persons encountering particular difficulty in entering the labour market and eliminating inequalities between men and women in that market

PRACTICAL TOOLS >>>

Public policy

	FOR EXAMPLE...
Create administrative offences and penalties for discriminatory acts	• Royal legislative decree 5/2000, of 4 August, approving the recast text of the law on public order offences and penalties (article 8, sections 12, 13 and 13a; 10a 2, 16.2, 40, 46 and 46a) • Article 95 of the civil service statute considers any discriminatory act a severe disciplinary offence • Title I of organic law 4/2010, of 20 May, on disciplinary measures within the national police force, establishes a series of discriminatory offences and penalties • Title II of Law 19/2007, on measures to combat violence, racism, xenophobia and intolerance in sport, establishes a series of penalties • Article 22.4 of the criminal code considers as an aggravating circumstance committal of an offence on racial or anti-Semitic grounds or on the grounds of any other form of discrimination in relation to ideology, religion or belief of the victim; ethnic, racial or national group to which the victim belongs; sex, sexual orientation or sexual identity; disease or disability, and establishes a range of criminal offences on the grounds of discrimination (articles 161, 170.1, 174, 197.6, 314, 510.1, 510.2, 511, 512, 515.5, 522–525, 607 and 607a.)

Public policy

Regulatory effectiveness →

Irrespective of existing legislation, **much of current debate among equality specialists focuses more on regulatory effectiveness**. In fact, some people argue that Spain's set of laws is sufficiently broad already and that it is more important to ensure effective application of it.

In this respect, **use of the following tools is particularly important**:

- **Specific legal mandates for public authorities** containing specific instructions and guidelines on equality and non-discrimination, as in the case, for example, of the equality duty in the United Kingdom.

- **Orders, directives and memos:** These are administrative documents approved by departments specifying the way in which existing legislation should be applied or explaining how to conduct service provision. This tool can be a

Equality Duty in the United Kingdom

In 2010, the British Parliament passed the **_Equality Act_**, which included the equality duty for public authorities. This measure to ensure transparency, which came into force in April 2011, aims to ensure that public policy incorporates effective and evidence-based equality and non-discrimination. The objective is to encourage public authorities to make fairer and more specific decisions, including those related to the way in which public budgets are produced

This duty guarantees that public spending is more effective, that public authorities are more transparent in their decision-making, and that public policy targets the people who need it most. It obliges public authorities to assess whether the policies they implement have an adverse effect on more vulnerable groups and, consequently, if it is appropriate to implement them or whether they should include measures that compensate for potential disadvantages

The Equality and Human Rights Commission has the power to assess compliance with this legal mandate (see Tool 5, page XX)

Public policy

useful way of informing public sector employees how to address and deal with issues related to encouraging equality and preventing discrimination. In Spain, this type of tool has been used by the hate crimes and non-discrimination service in Barcelona's provincial public prosecutor's office which, in 2009, approved directive 01/09 on co-ordinated handling of cases related to hate crimes and non-discrimination.

• **Progress reports on application of existing legislation:** These analyse application of legislation and its effectiveness (usage, utility, remedial effect, etc.). This type of report assesses whether current legislation requires reviewing or updating.

In any event, **it is advisable to introduce both anti-discrimination clauses that explicitly establish the main grounds of discrimination, and a general open clause**. This avoids delays and doubts over interpretation about whether any of the main grounds of discrimination are proscribed. It also allows for inclusion of others, as per the open clause in article 14 of the Spanish Constitution, to adapt to changes in social perceptions of discrimination (e.g., multiple discrimination).

Furthermore, in specific legislation on discrimination **it is advisable to introduce a provision referring to multiple discrimination** to provide for this specific form of discrimination produced by the concurrence or intersection of two or more grounds of discrimination.

Progress report on equality and non-discrimination by Northamptonshire County Council (United Kingdom)

In this annual report, the County Council assesses its achievements in applying the Equality Act

Document structure:

• Background
• What have we done?
• Who have we involved?
• Our success stories
• What do the data tell us?
• What have we done to address information gaps on some issues?

Further information

Public policy

By way of example ...

The explanatory memorandum accompanying organic law 3/2007, of 22 March, on effective equality between women and men, makes special provision for cases of alleged double discrimination and the unique difficulties that women face and that make them particularly vulnerable.

Specifically, for the purpose of making the provisions of the law effective and of guaranteeing effective mainstreaming of the gender perspective in day-to-day activity, article 20 establishes that public authorities, when producing studies and statistics, should design and introduce all indicators and mechanisms needed to understand the impact of other variables with which concurrence may result in situations of multiple discrimination in the various spheres of intervention. This and other provisions could contribute to improving public authorities' response to situations of multiple discrimination.

Anti-discrimination clauses: recommended text

"The right to equal treatment and non-discrimination is hereby acknowledged. Nobody may be discriminated against on the grounds of birth, racial or ethnic origin, sex, religion or belief, age, disability, sexual orientation or identity, disease or any other personal or social condition or circumstance"

Public policy

TOOL 2: STRATEGIES, PLANS AND ACTIONS

Various planning tools can be used to implement public policy. These include strategies, strategic and action plans, actions and measures, roadmaps, etc. These tools are designed to facilitate strategic and operational planning and are used to describe systematically and in detail the objectives and the actions to carry out in specific spheres and areas. They usually list the objectives to achieve, the people targeted, the actions and expected outcomes, the performance indicators, the budget and the monitoring and assessment system.

As is the case with adoption and implementation of legislation, there are many ways of planning and programming measures and actions related to equality and non-discrimination:

	RECOMMENDED FOR ...
Specific equality and non-discrimination strategies and plans	Departments with specific responsibilities in the areas of equality and non-discrimination that seek: • To achieve greater co-ordination with other departments carrying out equality and non-discrimination actions within their areas of responsibility • To achieve greater impact and more cost-effective use of resources and to raise the issue's profile in the public domain

PRACTICAL TOOLS >>>

Public policy

	RECOMMENDED FOR ...
Specific equality and non-discrimination roadmaps and actions	Departments with specific responsibilities in the areas of equality and non-discrimination, or with sectoral responsibilities, that seek: • To carry out equality and non-discrimination actions within their area of responsibility adapted to their strategic requirements and designed to achieve specific impacts • To systematise (plan, monitor and assess) use of resources allocated to equality and non-discrimination
Include equality and non-discrimination actions in sectoral strategies and plans	Departments with sectoral responsibilities that seek: • To contribute to mainstreaming the principle of equality and non-discrimination by carrying out specific actions or by incorporating this principle into planning, implementation and assessment of public policy for which they are responsible

A few examples of specific equality and non-discrimination strategies and plans ...

National	• *Strategic plan to ensure equal opportunities for women and men 2014–2016* • *Comprehensive strategy to combat racism, racial discrimination, xenophobia and other related forms of intolerance* • *National strategy to ensure social inclusion of the Roma population 2012–2020* • *Spanish disability strategy 2012–2020* • *Strategic plan to ensure equal opportunities 2014–2016* (recently approved) • *Human rights plan 2008–2011* (new plan currently being drafted) • *1st and 2nd strategic plans to ensure citizenship and integration* (2007–2010 and 2011–2014, resp)

PRACTICAL TOOLS >>>

Public policy

Regional	• *1st action plan by local police forces within the Valencia region to combat racism and xenophobia*
Local	• *Barcelona city council's municipal plan for LGTBs*

Strategy or action plan template

1. Diagnosis of the situation: data on discrimination in my sphere of action
2. Objectives
3. Actions and measures
4. Monitoring indicators
   - Performance indicators (actions)
   - Performance indicators (outcomes)
   - Performance indicators (desired impact)
5. Governance
   - Implementation, monitoring and assessment process
   - Key partners and responsibilities
6. Estimated budget
7. Timeline
8. Glossary (optional)

Further information

Methodological guide to combating discrimination at local level (in Spanish)

Published jointly by the MSSSI and FEMP, 2012

Public policy

A FEW SPECIFIC EXAMPLES OF EQUALITY AND NON-DISCRIMINATION ACTIONS INTEGRATED INTO SECTORAL STRATEGIES AND PLANS ...

Equality and non-discrimination in the regulations governing access to the EU's structural and investment funds 2014–2020

As mentioned in 'Before getting started' in this second part of the handbook, the principle of equality and non-discrimination is one of the three cross-cutting principles applicable to the EIF 2014–2020. This means that when planning, programming, implementing and assessing the way in which EIFs are used in Member States, this is one of the principles that should not only inspire all the actions carried out, but that the public authorities that allocate these funds should report on how this principle has been applied and on the improvements achieved in practice.

Master plan for Spanish co-operation 2013–2016

This makes special mention of multiple discrimination against women (II.5. Promoting the rights of women and gender equality), as does the strategic plan to ensure equal opportunities 2008–2011, which, as strategic objective 8, makes specific provision for female victims of double discrimination. Likewise, the Spanish disability strategy 2012–2020 includes among its primary objectives making special provision for people with disabilities susceptible to multiple discrimination.

PRACTICAL TOOLS >>>

Public policy

GOOD PRACTICE

- Introduce objectives, principles or specific actions designed to promote equality and non-discrimination in sectoral plans and strategies with the aim of explicitly mainstreaming the principle of equality and non-discrimination *on the grounds of birth, racial or ethnic origin, sex, religion or belief, age, disability, sexual orientation or identity, disease or any other personal or social condition or circumstance*

- Include a provision referring to **multiple discrimination**, making it possible to address this specific form of discrimination produced by the concurrence or intersection of two or more grounds of discrimination

Public policy

Learning from other countries...

Diversity and Equality Strategy, London Metropolitan Police
(United Kingdom)
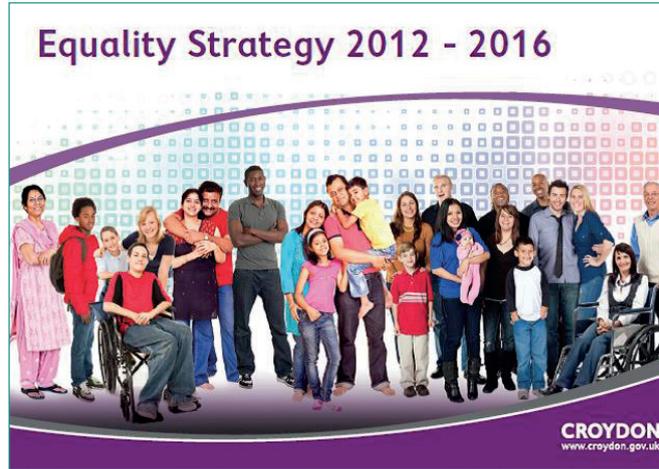
Equality Strategy 2012–2016, Croydon Council
(United Kingdom)
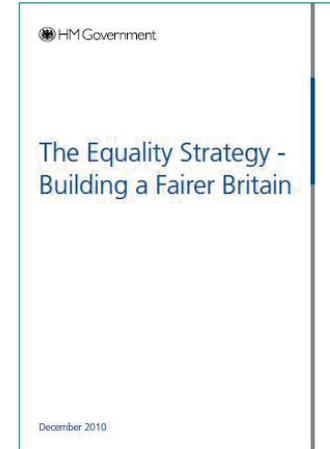
The Equality Strategy — Building a Fairer Britain
(United Kingdom)

Public policy

TOOL 3: SPECIALIST EQUALITY AND NON-DISCRIMINATION PERSONNEL AND SERVICES

Specialist equality and non-discrimination personnel and services are able to provide expert input when designing, implementing and assessing actions performed in this sphere. There are various ways of gaining access to qualified personnel depending on your department's areas of responsibility and the intensity of the actions carried out.

	RECOMMENDED FOR …	EXAMPLES
A co-ordinator within a unit	Departments with responsibilities for sectors in which application of the principle of equality and non-discrimination has little history, as a way of guaranteeing application of that principle	• A member of a regional ministry who advises on and co-ordinates issues related to equality and non-discrimination • Partners and promoters of equality between women and men
A unit within a department	Departments with responsibilities for sectors in which application of the principle of equality and non-discrimination is closely related to the policies implemented (employment, social services and social inclusion, health, education, housing, etc.). This unit would be responsible for actions carried out to guarantee application of the principle of equality and non-discrimination	• Equality units attached to all national ministries to guarantee application of gender equality • Local authorities' equality departments

PRACTICAL TOOLS >>>

Public policy

	RECOMMENDED FOR ...	EXAMPLES
A department within a wider structure	Structures with specific responsibilities for equality and non-discrimination and for designing, implementing and assessing specific public equality and non-discrimination policies	• Subdirectorate-general for equal treatment and non-discrimination at the MSSSI • Inmujer • Directorate D-Equality, reporting to the Directorate-General for Justice at the European Commission

Public policy

Learning from practice ....

Specialist hate-crime and non-discrimination services

Deputy public prosecutor's office reporting to the public prosecutor for protection of the principle of equality and non-discrimination (in operation since 2012)

Description and objectives

In 2009, Barcelona's provincial public prosecutor's office created a hate-crime and discrimination service. In 2013, this specialist service was extended to the rest of Spain's national territory following appointment of a deputy public prosecutor within the state prosecution service to protect the principle of equality and non-discrimination. Its functions will be to co-ordinate and create specialist services for this sphere in all of the country's provincial prosecutor's offices. In March 2013, deputy public prosecutors were appointed in each provincial capital and were specifically charged with leading and co-ordinating actions instigated by the state prosecution service against hate crimes. As a result, Spain now has over 50 people specifically assigned to this issue throughout the entire country working, on legal imperative, to unified criteria in interpreting and applying legislation. These services' actions extend to all unlawful activities of this type occurring on any of the grounds of discrimination envisaged under Spain's criminal code.

Institutions/organisations involved

State public prosecutor's office, via the deputy public prosecutor responsible for protecting the principle of equality and non-discrimination, and via the corresponding specialist provincial services.

Methods and tools used

➲ Leading and actively participating in criminal investigation and trial of these offences and acting in co-ordination with counterparts when these offences produce effects in more than one province.

PRACTICAL TOOLS >>>

Public policy

- ⮑ Unification of criteria in interpreting and applying legislation.
- ⮑ Co-ordination with national and provincial police forces.
- ⮑ Encouraging relationships with victims, associations, organisations and public and private institutions operating in this sphere.

Gender perspective
This perspective is taken into account in all actions performed.

SUCCESS FACTORS	MAIN BARRIERS
⮑ Internal co-ordination and application of uniform criteria favour consistent treatment of this criminal phenomenon throughout Spain's national territory ⮑ It facilitates direct formal complaint of unlawful conduct to the national public prosecutor's office ⮑ It reinforces protection of victims of these crimes ⮑ It provides statistical monitoring of these procedures at provincial and national level	⮑ Difficulty identifying appropriate procedures for prosecuting unlawful acts of this nature ⮑ Shortcomings in IT systems prevent satisfactory monitoring of formal complaints and proceedings ⮑ The services lack sufficient personnel and resources. ⮑ Training gaps

Public policy

Equality bodies: objectives and functions

In addition to these options, and in line with European directives on equality, every country in the European Union has equality bodies that pursue the following primary objectives:

1. Support victims of discrimination;
2. Encourage analysis, study and research of equality and non-discrimination; and
3. Encourage actions to increase information and raise awareness about equality and non-discrimination.

Equality bodies in Spain that, among other functions, support victims of discrimination
• Inmujer • Government office for gender-based violence • CPITND • OADIS, at the MSSSI

PRACTICAL TOOLS >>>

Public policy

Equality body types	A FEW EXAMPLES	ADVANTAGES
Specialists in a specific ground or sphere of discrimination	**in Spain:** ➲ Inmujer and regional equality bodies ➲ CPITND ➲ OADIS **In Europe:** ➲ National office for racial discrimination (Italy) ➲ Commission for equality in the workplace (Portugal)	Allows specialisation in a particular ground or sphere of discrimination that requires specific support as it targets a group especially susceptible to discrimination or a sphere in which discrimination is especially frequent or intense
Comprehensive bodies that cover all grounds of discrimination	**in Spain:** ➲ OND, at Barcelona's city council **In Europe:** ➲ Equality Commission (Northern Ireland) ➲ Equality and Human Rights Commission (United Kingdom) ➲ Equality Authority (Ireland)	Permits comprehensive and co-ordinated support, as well as making more cost-effective use of the tools and resources allocated Provides a way of addressing complex situations like multiple discrimination

PRACTICAL TOOLS >>>

Public policy

Equality body types	A FEW EXAMPLES	ADVANTAGES
	⮩ Commission for protection against discrimination (Bulgaria) ⮩ National anti-discrimination council (Romania)	
Integrated into other bodies, such as ombudsmen and human rights bodies	**in Europe:** ⮩ Institute of human rights (Denmark) ⮩ Institute of human rights (Holland) ⮩ Ombudsman (Sweden) ⮩ Rights ombudsman (France)	Provides a way of addressing the right to equal treatment and non-discrimination as a fundamental right in co-ordination with defence of other fundamental rights

For further information about equality bodies, see the publications and material available on the Equinet (European Network of Equality Bodies) website: **www.equineteurope.org**.

Most relevant material:

Newsletter   Publications   Case law   Map of equality bodies

Other bodies with responsibility for areas related to those covered by equality bodies

- Ombudsman
- Fundación Pluralismo y Convivencia

PRACTICAL TOOLS >>>

Public policy

Learning from practice ....

OND

Barcelona's city council (in operation since 1998)

Description and objectives

In 1998, Barcelona's city council created the OND to mainstream human rights into public policy and municipal management. This office provides the following services: 1) basic information and guidance on human rights, 2) conflict resolution (mediation, intermediation, etc.) when discriminatory incidents occur, 3) specialist legal advice and psychological counselling, 4) training on equality and the fight against discrimination. It addresses all grounds of discrimination.

Institutions/organisations involved
➲ Barcelona's city council.
➲ Social partners (unions and companies).
➲ Barcelona's provincial public prosecutor's office.
➲ NGOs.
➲ Barcelona's college of lawyers.

Methods and tools used
➲ Discriminatory incident support service.
➲ Compilation of data on discriminatory acts.
➲ Reports, studies, manuals, handbooks and guidelines.
➲ Workshops on reflection and empowerment.
➲ Preventive and awareness-raising action.

PRACTICAL TOOLS >>>

Public policy

Gender perspective

The OND works to promote equal rights and non-discrimination for all citizens and, consequently, between women and men.

SUCCESS FACTORS	MAIN BARRIERS
⮕ Adopting a positive discourse based on living together in harmony, respecting others' rights and resolving conflict ⮕ Maintaining over time a comprehensive victim support service specialising in mediation and intermediation ⮕ Looking out for and identifying incipient infringements of rights and taking preventive action	⮕ Lack of public awareness of rights. ⮕ Clarifying what constitutes a discriminatory act and what does not ⮕ People frequently do not feel themselves to be victims and therefore do not believe that anything can change ⮕ Lack of power to penalise discriminatory acts when the situation demands

PRACTICAL TOOLS >>>

Public policy

Learning from practice ....

Observatorio del Pluralismo Religioso en España (OPRE, Spain's observatory on religious pluralism)

Ministry of Justice, FEMP and Fundación Pluralismo y Convivencia (in operation since 2011)

Description and objectives

The OPRE supports public management of religious diversity. It was set up in 2011 to meet the public management challenges raised by the increase in religious diversity in Spanish society. Its purpose is to provide public authorities with guidance on how to implement actions and create management models that guarantee the right to freedom of religious belief and maintain social cohesion.

Institutions/organisations involved

➲ Created at the instance of the *Ministerio de Justicia* (MJ, Spain's ministry of justice), FEMP and Fundación Pluralismo y Convivencia.

➲ Long-standing contributors include the ministry of the presidency, regional governments belonging to the Fundación Pluralismo y Convivencia's advisory committee, well-established religious denominations granted 'notorio arraigo' status, and renowned researchers and experts in the field.

Methods and tools used

To support public management of religious diversity, the OPRE makes the following resources available to public authorities via its website (www.observatorioreligion.es):

➲ Information and tools to support decision-making and action implementation: directory of places of worship, information about religious denominations and their institutional structures, thematic management guides, reference legislation, good practice, and survey database.

PRACTICAL TOOLS >>>

Public policy

➲ Public authority advisory service. This service specifically targets local and regional government and educational centres. It includes services such as query handling, training adapted to applicants' needs, advice on dealing with and resolving specific situations, advice on designing and implementing religious-diversity management actions and/or plans.

➲ Other resources designed to improve awareness and promotion of effective exercise of the right to freedom of religious belief, publications, interviews, training and research agendas, and newsletters.

Gender perspective
Cross-cutting application in all of the OPRE's actions and resources.

SUCCESS FACTORS	MAIN BARRIERS
➲ It centralises knowledge about religious pluralism generated by research conducted in Spain and channels that knowledge into public policy ➲ It works in co-ordination with religious denominations, public authorities and experts in the various fields ➲ It provides a continually updated source of information with a flexible structure designed to meet public authorities' needs	➲ Novelty of many of the circumstances and demands related to the exercise of freedom of religious belief ➲ Apparent lack of expertise in the field among regional and local authorities ➲ Confusion between public management of religious diversity and management of immigration and/or cultural diversity

Public policy

TOOL 4: DATA COMPILATION

As mentioned in 'Ways of measuring discrimination' in 'Learning more about equality…', carrying out comprehensive diagnosis of discrimination in Spain is a way of ensuring that public policy design and planning addresses actual needs and problems.

Public authorities play a major role in compiling the data needed to make an accurate diagnosis. This can be done in two ways:

- Via a **specific data compilation system or process**, such as the one implemented by the CPITND in collaboration with the discrimination victim support service that compiles data on discriminatory incidents.

- Via **other bodies' data compilation systems and processes**, such as the one implemented by the Catalonian regional police force's hate-crime and discrimination service, which compiles data on formal complaints related to these offences.

PRACTICAL TOOLS >>>

Public policy

What type of information is it important to compile?

Data type	Who	System
Discriminatory incidents	⮑ Equality bodies and discrimination victim support services	Approval of a specific data compilation protocol in accordance with existing legislation
Formal complaints of discriminatory situations	⮑ Security forces ⮑ Provincial public prosecutor's offices	Inclusion of a specific field for hate and discrimination offences and crimes in crime statistics systems maintained by the security forces and in the databases maintained by provincial public prosecutor's offices
Administrative complaints of discriminatory situations	⮑ Citizen support services ⮑ Departments responsible for handling administrative complaints and appeals	Inclusion of a specific field for administrative complaints related to discrimination in the databases maintained by citizen support services and by departments responsible for handling administrative complaints and appeals
Rulings on discriminatory situations	⮑ *Consejo General del Poder Judicial* (CGPJ, Spain's general council of the judiciary)	Inclusion of a specific field for judicial rulings related to discrimination in the database maintained by the country's courts

PRACTICAL TOOLS >>>

Public policy

Data type	Who	System
Statistics on public perceptions	➲ National and other statistics centres, like the INE ➲ National and other sociological research centres, like the CIS ➲ National and regional ministries, departments, etc.	Inclusion of a section containing questions related to equality and non-discrimination in wider surveys

Annual reports by the hate-crime and non-discrimination service at Barcelona's provincial public prosecutor's office	**Spanish Ministry of Interior crime statistics**
Following approval of directive 01/09 establishing the way in which formal complaints and cases related to hate crimes and discrimination would be handled by Barcelona's provincial public prosecutor's office, a data compilation system was created that has since been used to produce annual reports on the formal complaints and cases handled by that office This annually published report provides extensive information on the complaints and cases reported (most frequent grounds of discrimination, percentage of crimes and offences, territorial distribution, most severe cases and most common situations). It also makes it possible to monitor application of existing legislation by courts and counsels for the defence	This crime statistics system collects data on victims and alleged offenders by nationality, sex, age, etc. These data are used to create statistical yearbooks that include a specific section on crimes, offences, arrests, charges and victims in relation to racism and xenophobia **2012 report 2013 report** The MI is currently working with the MSSSI to include other grounds of discrimination in the crime statistics system as part of a project "Map of discrimination in Spain"

Public policy

TOOL 5: RESEARCH, REPORTS AND STUDIES

Accurate diagnosis and in-depth knowledge of the issues affecting equality and non-discrimination is key to developing more effective public policy, as better management of information about the issue makes it possible to identify the main problems and challenges. It also helps authorities to measure how the phenomenon is evolving and allows them to ascertain if the policies being implemented are achieving the impacts and outcomes desired.

There are many ways of studying discrimination:

	A few relevant examples …	Type of information obtained
Research and studies based on primary sources (data compiled by public authorities)	⮩ Annual report by the hate-crime and non-discrimination service at Barcelona's provincial public prosecutor's office ⮩ Annual report of the OADIS **link to all reports since 2005 (Spanish)** ⮩ Irish Equality Authority: **Casework Report 2011** ⮩ Home Office (United Kingdom): **Racist incidents, England and Wales 2011/2012** Reports by the network of support centres for victims of discrimination on the grounds of racial or ethnic origin **link** (Spanish)	**Profile of real incidents and cases recorded** by public authorities: trends (number and intensity), most frequent grounds and spheres, most frequent situations, most vulnerable groups, etc.

PRACTICAL TOOLS >>>

Public policy

	A few relevant examples ...	**Type of information obtained**
Research and studies based on secondary sources	➲ Diagnostic Study of Secondary Sources about Discrimination in Spain, 2013 full report (Spanish) **link** executive summary (Spanish) **link** executive summary (English) **link** ➲ Reports on the situation regarding discrimination and application of the principle of equal treatment on the grounds of racial or ethnic origin in Spain (Spanish) **link**	Comparative analysis of secondary sources made available by public authorities and other bodies. Makes it possible to analyse **trends and check the information compiled** by public authorities to see if it is similar to that compiled by other bodies.
Quantitative and qualitative research	➲ Eurobarometer **2012** (English) **Spain fact sheet (Spanish)**; **2009** (English) **Spain fact sheet (Spanish)**; **2007 (English) Spain fact sheet** (Spanish) ➲ EU FRA (see 'Further reading') ➲ Ireland: **Equality Awareness Survey** (2012) ➲ Romania: **Discrimination in Romania — Perceptions and Attitudes** ➲ Survey on perceptions of discrimination in Spain, carried out by the DGIO at the MSSSI in partnership with the CIS (publication scheduled for June 2014)	In-depth study of the extent of a specific aspect of equality and non-discrimination: › Social perceptions of the phenomenon and its development (frequency, intensity, grounds, spheres, etc.) › Especially vulnerable groups' perceptions of the phenomenon and its development (frequency, intensity, grounds, spheres, etc.) › Comparison of information about specific issues related to discrimination in particular spheres or on particular grounds.

PRACTICAL TOOLS >>>

Public policy

	A few relevant examples ...	Type of information obtained
Quantitative and qualitative research	➲ Facts and figures on women (Inmujer) **link** (Spanish) ➲ Trends in racism and xenophobia in Spain (Spanish) **2011 link 2010 link 2009 link 2008 link**	
Progress and assessment reports	➲ Inquiries and assessments conducted by the United Kingdom's Equality and Human Rights Commission (English) **link** ➲ Reports on implementation in Spain of organic law 3/2007, of 23 March, on effective equality between women and men ➲ Report on cases of police stop-and-search by ethnic profile in Spain, produced by the UV (Universidad de Valencia) (Spanish) **link**	Information about application of existing equality and non-discrimination legislation (appropriate incorporation into national law, implementation and evaluation) Information about the outcomes and effectiveness of implementing a strategy, plan or action

PRACTICAL TOOLS >>>

Public policy

Inquiries carried out by the United Kingdom's Equality and Human Rights Commission

In 2010, the British Parliament passed the **Equality Act**, which included the equality duty for public authorities. This measure to ensure transparency, which came into force in April 2011, aims to ensure that public policy incorporates effective and evidence-based equality and non-discrimination. The objective is to encourage public authorities to make fairer and more specific decisions, including those related to the way in which public budgets are produced

This duty guarantees that public spending is more effective, that public authorities are more transparent in their decision-making, and that public policy targets the people who need it most. It obliges public authorities to assess whether the policies they implement have an adverse effect on more vulnerable groups and, consequently, if it is appropriate to implement them or whether they should include measures that compensate for potential disadvantages

Under the Equality Act, the Equality and Human Rights Commission has the power to conduct inquiries into performance of this duty, report on it and make recommendations that public authorities must take into account. If they fail to do so, the commission has the power to issue notice demanding compliance

Under this legislation, the Equality and Human Rights Commission has conducted the following inquiries:

- Assessment of HM Treasury (2010 Spending Review)
- Inquiry into home care for older people
- Inquiry into disability-related harassment
- Gender discrimination in the finance sector
- Inquiry into human trafficking in Scotland
- Inquiry into recruitment and employment in the meat and poultry processing sector
- Inquiry into recruitment of ethnic minorities in the construction industry

Further information

Public policy

TOOL 6: HANDBOOKS, GUIDES, GUIDELINES, PROCEDURES AND PROTOCOLS

Although Spain has little history of passing legislation or implementing public policy on equality and non-discrimination, interest in the issue among public authorities is growing. Many reports coincide in pointing out that legislation in this sphere is little known and little applied, meaning that its regulatory effectiveness is limited. One way of making progress in this respect is to produce handbooks, guides, guidelines and protocols to help public sector employees apply the law appropriately.

As is the case with legislation and with drawing up strategies, plans and roadmaps, this type of tool can be used in two ways:

■ By producing **specific documents** on how to apply the principle of equality and non-discrimination, both generally and in specific spheres:

For example ...
- *Action protocol created by Barcelona's provincial public prosecutor's office to deal with formal complaints and cases related to hate crimes and discrimination*
- *Protocol for mainstreaming gender into public policy (Spanish)* **link**
- *Catalonian regional police force's procedure for dealing with incidents related to hate and discrimination* (Spanish) **link**

PRACTICAL TOOLS >>>

Public policy

- *Fuenlabrada local police force's procedure for dealing with criminal offences on the grounds of discriminatory treatment* (Spanish) **link**
- *Protocol for dealing with discriminatory incidents drawn up by the support service for victims of discrimination on the grounds of racial or ethnic origin*
- *TODOiMÁS analytical handbook:* description and analysis of discrimination in Spain — grounds and spheres of discrimination, existing legislation (European, national and regional), and public policy (Spanish) **link**
- *Proposed methodology for combating discrimination in the local sphere, by the MSSSI and FEMP* (Spanish) **link**
- *Guide to police management of diversity by the platform for police management of diversity* (Spanish) **link**
- *Security force training handbook on identifying and recording racist and xenophobic incidents* (Spanish) **link**
- *Handbook on municipal management of religious diversity, by the OPRE* (Spanish) **link**
- *Protocol for implementing the gender mainstreaming process* (Spanish) **link**

■ **By including specific references** to equality and non-discrimination in **sectoral documents**

For example ...
Protocol followed by Fuenlabrada local police when stopping and searching members of the public in the street

PRACTICAL TOOLS >>>

Public policy

As part of the European *STEPSS* project, Fuenlabrada's local police drew up a protocol that required officers stopping and searching members of the public in the street to submit a document to the person stopped stating the reason for the search, the person's rights and obligations and the mechanisms by which to submit a complaint. Police effectiveness improved notably within three months of implementing this protocol — the number of people stopped and searched fell by 50% (from 8,000 to 4,000) and the rate of effectiveness rose (3 out of every 10 people stopped were identified by police as having committed an offence)

See page of 'Tools for managing public services' for a more detailed description of the experience

For example ...

Action protocol for dealing with bullying in the workplace within Spain's national government. **link** (in Spanish) to the decision of 5 May 2011, of the secretariat of state for the civil service, approving and publishing the agreement of 6 April 2011 of the national government's general negotiating board

Public policy

Harassment complaint form template (Appendix 3)			
Submitted by	Person affected Health and safety committee Prevention service/area Prevention officer Human resources Other Management unit affected	**Harassment type**	Psychological/workplace bullying Sexual On grounds of sex On grounds of sexual orientation Other discrimination (please specify)
Personal details of person affected	Name and surname ID number Sex Contact phone number	**Employment details of person affected**	Workplace Management unit Employment status (civil servant, statutory, intern, permanent contract, temporary contract, group, grade and seniority)
Description of incident(s)			
Documentation attached	Yes No		
Formal request	I request initiation of the action protocol to combat harassment		
Location, date and signature of the person making the formal request			

Public policy

Learning from practice ....

Guides to public management of religious diversity

OPRE (available since 2011)

Description

Collection of thematic guides supporting public management of religious diversity. Their objective is to provide information about applicable legislation, about specific issues and demands in relation to religious denominations, and to propose good management practice. They primarily target policymakers and officers in public authorities and institutions. They are produced by experts in the various fields and prior to publication the content is reviewed and validated by the authorities involved, by the institutional structures of religious denominations with 'notorio arraigo' status, and by the OPRE commission.

Institutions/organisations involved

- ⮩ MJ
- ⮩ FEMP
- ⮩ Fundación Pluralismo y Convivencia.
- ⮩ OPRE commission.
- ⮩ Religious denominations with 'notorio arraigo' status.
- ⮩ Renowned experts.
- ⮩ Other public authorities and institutions with expertise in the areas covered by the guides.

Methods and tools used link

To date, the OPRE has published guides on the following subjects:

PRACTICAL TOOLS >>>

Public policy

- ⮕ Managing religious diversity in cemeteries and funeral services.
- ⮕ Public space and religious freedom.
- ⮕ The register of religious bodies.
- ⮕ Places of worship and town and city planning.
- ⮕ Supporting management of religious diversity.
- ⮕ Managing religious diversity in hospitals.
- ⮕ Creating and managing multi-faith spaces.
- ⮕ Supporting public management of religious diversity in the food sphere.
- ⮕ Municipal management of religious diversity.

Gender perspective
All the guides adopt a cross-cutting approach to gender.

SUCCESS FACTORS	MAIN BARRIERS
⮕ They address issues that are generating most challenges in terms of public management of religious diversity ⮕ They facilitate access to legal criteria spread across a relatively wide number of laws ⮕ The management proposals made aim to guarantee both the right to freedom of religious belief and social cohesion ⮕ The content review and validation process achieves a high degree of consensus	⮕ The content requires continual updating ⮕ Difficult to define good practice due to the phenomenon's relative novelty

Public policy

TOOL 7: DEALING WITH DISCRIMINATORY INCIDENTS

As set out in the legislation on incorporation into national law of European equality directives, public authorities must put mechanisms in place to support victims of discrimination. Because of their specific nature, these support mechanisms are usually implemented by the equality bodies envisaged in the directives, although they can also form part of other support processes.

Spain currently has 5 national public bodies with the specific expertise needed to support victims of discrimination. All of them follow specific protocols and procedures.

OADIS	**Inmujer**	**OND, at Barcelona's city council**
State prosecution service, via hate-crime and non-dis-crimination services at provincial public prosecutor's offices	**CPITND, via the support service for victims of discrimination on grounds of racial or ethnic origin**	

Providing Independent Assistance to Victims of Discrimination

Equinet
European network of equality bodies

An Equinet Report
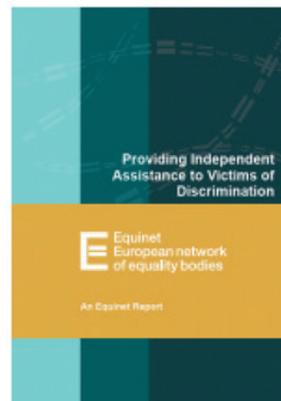
Providing Independent Assistance to Victims of Discrimination
link
Equinet, 2011

PRACTICAL TOOLS >>>

Public policy

Which issues need to be taken into account when providing assistance to victims of discrimination?

- ■ It is advisable to **work with personnel specialising in assisting victims of discrimination** who are familiar with the circumstances of those people most susceptible to it. Likewise, it is advisable for the service to have access to **jurists** specialising in anti-discrimination legislation, as well as to people able to provide expert **psychological counselling**.
- ■ It is advisable to **use a protocol or procedure for providing assistance to victims of discrimination** that is familiar to personnel providing that ssupport.

Model for drafting a protocol for providing assistance to victims of discrimination

1. Key concepts related to discrimination
2. Responsibilities of the people providing assistance to victims of discrimination
3. Rights of victims of discrimination
4. Summary of the protocol
5. Detection: guidelines on how to detect discriminatory incidents
6. Investigation: guidelines on how to investigate discriminatory incidents
7. Action strategy to follow:
   - When the discriminatory incident is confirmed
   - When the discriminatory incident is unconfirmed

8. Types of action strategy:
   - Intermediation and negotiation
   - Legal advice
   - Mediation and reconciliation
   - Claim and formal complaint
   - Psychological support
   - Guidance and referral
9. Management and monitoring tools
   - Case record forms
   - Database of recorded cases
   - Case monitoring forms
   - Model annual report
10. Key partners to involve
11. Glossary

Public policy

Learning from practice ....

Information and support programme for homosexuals and transsexuals in the autonomous region of Madrid

Regional government of Madrid
(in operation since 2002)

Description

The *information and support programme for homosexuals and transsexuals* in the autonomous region of Madrid specifically targets homosexuals, bisexuals, transsexuals and transgenders and their family and close circles. It provides training, information and advice and carries out awareness-raising actions aimed both at staff working in the field and at the population in general. The programme's objective is to provide comprehensive specialised support delivered by a multidisciplinary team working in the following areas: 1) admission and information, 2) social support, 3) psychological support, 4) group support, 5) legal support, 6) awareness-raising and training. It also manages a documentation centre and media and bibliotherapy services.

Institutions/organisations involved

➲ Directorate-general for social services at the regional government of Madrid's ministry of social affairs.

Methods and tools used

➲ Assistance provision protocol: Initial support is provided by two social workers (a man and a woman, allowing the user to choose the gender they prefer). Support is mainly provided in person, although it is possible to provide some assistance by telephone and e-mail. The programme's admission unit can refer users to internal resources (psychological, group, and legal support and awareness-raising areas) or external ones, referring them to other public and private bodies that the unit works closely with. Support can be provided to individuals, couples, families or groups.

Public policy

- ⟳ Reporting: The first sociological study of Spain's transsexual population was produced and published in 2006 under this programme. Entitled 'La transexualidad, diversidad de una realidad' it examines transsexuality, diversity and social reality.
- ⟳ Awareness-raising actions: Courses/talks/presentations on sexual and gender diversity given, above all, to personnel working in public and private bodies (Madrid city council's social services, professional colleges, universities, national police force, primary care centres, etc.). So far, over 5,000 members of staff have received training on the subject.

Gender perspective

Gender is a cross-cutting theme in all of the actions carried out. It is included as an analysis and intervention factor alongside other grounds of discrimination (principally those deriving from sexual orientation and identity)

SUCCESS FACTORS	MAIN BARRIERS
⟳ First public service in Spain to target LGTBs (lesbians, gays, transgenders and bisexuals) and their close circles ⟳ Pioneer in addressing homo-, bi- and transphobia. Intervention on over 50,000 occasions. Actions carried out in all of Spain's autonomous regions and participation in various international networks ⟳ Intensive campaigns to raise awareness about the issues surrounding LGTBs and to provide training on sexual diversity	⟳ Difficulty mitigating the wide variety of forms that homo-, bi- and transphobia take in society

Public policy

TOOL 8: INFORMATION, COMMUNICATION AND AWARENESS-RAISING ACTIONS

Information, communication and awareness-raising actions are frequently used by public authorities to address and challenge prejudices and stereotypes associated with a group of people who share particular characteristics (e.g. they believe in a certain religion, have a certain origin or ethnicity, are a certain age, have a disability, have a certain sexual orientation, have a certain physical appearance — skin colour, dress, etc.).

There are many ways of performing information, communication and awareness-raising actions:

Objectives	Action type	Examples
Inform	Websites, blogs and webpages	⮞ Non-discrimination section of the MSSSI website: **http://www.msssi.gob.es/ssi/igualdadOportunidades/noDiscriminacion/** ⮞ Inmujer website **http://www.inmujer.gob.es/** and regional equality bodies' websites ⮞ CPITND website: **www.igualdadynodiscriminacion.org**

PRACTICAL TOOLS >>>

Public policy

Objectives	Action type	Examples
Inform	Websites, blogs and webpages	⮕ OND section on Barcelona city council's website **(link)** ⮕ Anti-rumour networks: • Barcelona city council's anti-rumour network **(www.bcnantirumors.cat)** • 'Desmontando rumores' anti-rumour campaign run by the regional government of Catalonia's directorate-general for immigration **(link)** • Anti-rumour projects implemented by local authorities **(www.antirumores.com)** • 'Frena el rumor' anti-rumour campaign run by the Basque regional government **(www.frenaelrumor.org)** ⮕ Section on municipal management of religious diversity on the OPRE website **(www.observatorioreligion.es/recursos-gestion-municipal)** ⮕ Section on raising awareness about non-discrimination on the European Commission's Directorate-General for Justice website **(http://ec.europa.eu/justice/discrimination/awareness/index_en.htm)**
	Electronic newsletters and news services	⮕ European Union Agency for Fundamental Rights **(http://fra.europa.eu/en/news-and-events/newsletters)** ⮕ Equinet **(http://www.equineteurope.org/-Equinet-Newsletters-)**
	Pamphlets and posters	⮕ 'La diversidad nos enriquece' visual material produced by the DGIO (MSSSI) and FEMP ⮕ Material for the adolescent awareness-raising project 'Yo soy tú. Mézclate' run by the DGIO (MSSSI) **(http://www.mezclate.es/herramientas/material-grafico)**

Public policy

Objectives	Action type	Examples
Communicate	Advertising campaigns	➲ 'Hay salida a la violencia de género' (Spanish) **link** ➲ 'No te saltes las señales, elige vivir' (Spanish) **link** Examples of inclusive sectoral campaigns: ➲ '¿Controlan las drogas tu vida?' (Spanish) **(link)** ➲ 'La prevención, nuestra mejor empresa' (Spanish) **link** ➲ 'Lo nuestro son las personas' (Spanish) **link**
	Educational guides	➲ Dosta! guide to combating stereotypes about the Roma community, a campaign run by the Council of Europe in partnership with the MSSSI, MAEC, CEPG and Fundación Secretariado Gitano **link**. ➲ TODOiMÁS awareness-raising guide: 'La igualdad empieza en ti' (Spanish) **link** ➲ Regional government of Extremadura's guide to tolerance (Spanish) **link**
Raise awareness	Interactive awareness- raising programmes	➲ 'Sal a escena contra la discriminación' campaign and contest ➲ 'Yo soy tu: mézclate' campaign and contest: **www.mezclate.es** ➲ Biscay provincial council's campaign against homophobia **link** ➲ Regional government of Galicia's campaign against racial bullying and xenophobia **link** ➲ 'Valladolid, la igualdad en un click' campaign **link**
	Standards and seals	➲ 'Diversity charter listing companies that encourage diversity management in business **link** ➲ ''Igualdad en la Empresa' seal awarded by the MSSSI **link**

PRACTICAL TOOLS >>>

Public policy

Other relevant material ...

Rap against racism **link**
Reggae against intolerance **link**
Movimiento contra la Intolerancia

La población gitana en España
link
Fundación Secretariado Gitano

El racismo en México **link**
Consejo Nacional para prevenir la Discriminación de México

Kids react to gay marriage **link**

En realidad no tiene gracia **link**
Spanish Red Cross

Conócelos antes de juzgarlos **link**
Fundación Secretariado Gitano

Public policy

How do I know which channel or product will be most effective?

When designing and planning information, communication and awareness-raising actions it is important to remember that combating prejudices and stereotypes is by no means easy. By definition:

- ➲ A stereotype is an immutable image or idea commonly accepted by a group or society (i.e., a belief that will not be changed easily).
- ➲ A prejudice is a prior and persistent opinion about something that is not fully known (i.e., a belief founded on ignorance).

In both cases, the task is to modify beliefs, which are based on individuals' upbringing and experiences and, consequently, will require use of various means to change:

INFORMATION based on reports, statistics and real data	TESTIMONIALS based on real cases reported by victims of stereotyping	COMMON EXPERIENCES based on comparing predominantly negative personal experiences in particular groups with positive ones
• Example: News of data and statistics that refute stereotypes	• Example: Roma participation in civil servant training programmes	• Example: To break down prejudices among some groups, Fuenlabrada police organised a series of sporting events and meetings to encourage dialogue and better mutual understanding

PRACTICAL TOOLS >>>

Public policy

When designing actions, it is important to know which type of audience you are targeting:

➲ **Aware**: Highly familiar with the context and concepts of equality and non-discrimination.

➲ **Aware of democratic values and rights**: Not aware of the scope of equality and discrimination, but sensitive to it because of his/her democratic convictions.

➲ **Unaware**: Does not believe in equality, does not think there is anything wrong with discrimination and does not believe he/she will ever be discriminated against.

➲ **Openly racist:** Does not believe in equality and is in favour of discrimination. Usually hates diversity and difference.

Public policy

TOOL 9: INSTITUTIONAL COORDINATION AND COLLABORATION

As mentioned in 'Learning more about equality…', the principle of equality and non-discrimination is one of the founding pre-cepts of the Spanish State and, as such, affects all public authorities, irrespective of their areas of responsibility. In practice, what usually happens is that various departments and authorities (national, regional and local) launch initiatives, strategies and actions to promote equality and non-discrimination that, occasionally, duplicate one another or simply fail to have the desired impact due to lack of awareness of them.

One of the ways of improving co-ordination to increase effectiveness and efficiency and to learn from initiatives undertaken by others is to encourage creation of spaces for inter-departmental and inter-authority dialogue and co-ordination, for example via:

⮩ **Bodies affiliated with public authorities**. These are usually divided into various departments at various territorial levels (national, regional and local) and work with groups most vulnerable to discrimination. These include:
  - CPITND.
  - CEPG and similar regional bodies.
  - FISI, and similar regional bodies.
  - CPM, and similar regional bodies.
  - National council of social action NGOs and similar regional bodies.
  - Councils and bodies specialising in other grounds of discrimination.

PRACTICAL TOOLS >>>

Public policy

- **Sectorial equality conferences** with representatives from national and regional ministries and departments with responsibility for equality, and the *Conferencia Delegada del Gobierno para Políticas de Igualdad* (CDGPI, a government delegate conference on equality policy) affiliated with the national government that includes ministers and other high-ranking civil servants with responsibility for equality.

- Creation of **thematic networks** that organise analysis, mutual learning and capacity-building activities and publish the outcomes in handbooks, guides, notes, etc. designed to provide practical tools for anybody wishing to apply the principle of equality and non-discrimination from a cross-cutting perspective.

- Creation of *ad hoc* spaces for dialogue and debate. In these, participants can publicise the initiatives they are carrying out to encourage mutual learning and knowledge transfer.

A few examples of thematic networks	Other relevant regional and local bodies in Spain	Other relevant national public bodies in Spain
• Network for application of equality policy to structural and cohesion funds 2007–2013: **http://www.inmujer.gob.es/areasTematicas/redPoliticas/home.htm** • European Community of Practice on Gender Mainstreaming: **http://www.gendercop.com/**	• Catalonian regional government's council of lesbians, gays and bisexual and transsexual men and women • Barcelona city council's municipal council of gays, lesbians and transsexual women and men • Basque regional government's service for lesbians, gays, bisexuals and transsexuals • Extremadura's committee against racism, xenophobia and intolerance	• Fundación Pluralismo y Convivencia • Oberaxe • Injuve • Imserso • Directorate-general for family and child services • Inmujer • Directorate-general for disability support policy

Public policy

Learning from practice ....

Open co-ordination method in Flanders, Belgium

Flemish ministry of equal opportunities, 2009

Description

With a view to reinforcing the country's law on equal opportunities and treatment passed in 2008, the Flemish ministry of equal opportunities co-ordinated preparation and monitoring of a series of plans to promote equal treatment in all ministerial departments. The aims were to 1) mainstream equal opportunities in all policy spheres, and 2) increase equal opportunity initiatives and heighten their social impact. This experience addressed discrimination on the grounds of gender, sexual orientation and identity, and disability.

Institutions/organisations involved

➲ The ministry set up an equal opportunities commission composed of representatives from 13 ministerial departments.

➲ With the commission's support, each minister was tasked with drawing up an action plan featuring equal opportunities targets within his or her area of responsibility.

➲ NGOs and social partners contributed to the process of identifying the equal opportunities targets.

Methods and tools used

➲ Common government-approved policy framework: The ministry and the commission created the framework for the equal opportunities targets. This was approved by the government and defined strategic targets in each policy sphere and thematic area. It formed the basis for each ministerial department's action plan.

➲ Consultative committee set up with NGOs and social partners to identify the issues affecting the various groups.

Public policy

Gender perspective

The intersection between gender and other grounds of discrimination, like sexual orientation, ethnicity and disability, was brought to the fore.

SUCCESS FACTORS	MAIN BARRIERS
➲ Existence of a regulatory framework (decree of 10 July 2008) that creates a mandate for public authorities to promote equality ➲ Participation by representatives of civil society and collaboration between various departments via the commission created greater consensus about each action plan's objectives	➲ Difficulties in developing the monitoring indicators ➲ Lack of awareness about equal opportunities in the various departments

Public policy

Learning from practice ....

Drafting of Finland's law on integration

Finnish ministry of the interior, 2009

Description
To draft its new law on integration, Finland's ministry of the interior set up a steering committee made up of 5 working groups to advise the ministry on how to ensure mainstreaming of the principle of equality and non-discrimination.

Institutions/organisations involved
➲ Other ministerial departments with responsibilities related to equality and non-discrimination
➲ Representatives from regional and local authorities
➲ NGOs and social partners
➲ Equality bodies

➲ Screening: production of an analytical report to identify which aspects of existing legislation required mainstreaming of equal treatment and non-discrimination.
➲ Consultation and dialogue with:
  - Stakeholder groups via the NGOs on the steering committee
  - General public
  - Researchers
  - Local authorities

Gender perspective
The subgroup working on equality and good ethnic relations carried out gender and equality impact assessments.

PRACTICAL TOOLS >>>

Public policy

SUCCESS FACTORS	MAIN BARRIERS
⮑ Existence of a regulatory framework (law on equality, 2004) that creates a mandate for public authorities to promote equality ⮑ Participation by all stakeholders closely aligned the law with the target populations' needs	⮑ Failure to reach agreement among the steering committee's various subgroups about the most suitable terminology with which to define some aspects related to equality, non-discrimination and diversity

Public policy

TOOL 10: KEY PARTNER DIALOGUE

As occurs in public authorities' various departments, many key partners (NGOs, unions, companies, universities, etc.) also carry out initiatives to promote equality and non-discrimination.

Creating spaces for co-ordination and dialogue between public authorities and other partners makes it possible to:

⮑ Optimise existing resources and encourage mutual learning and awareness, avoiding duplicating efforts and actions that are already under way elsewhere; and

⮑ Gain a greater understanding of the needs of people susceptible to discrimination and so be in a position to design public policies that better match these groups' real circumstances. While it is important to produce scientifically based reports and studies, it is equally important to create opportunities to see the situations that people suffer from the perspective of the victims' personal experience.

Public policy

How can I get key partners involved?

Consultative committees in Barcelona's provincial public prosecutor's office

After creating the hate and discrimination crimes service, two consultative committees were set up on (1) sexual orientation and (2) racism and xenophobia. The members were specialist NGOs, Barcelona city council's OND and Catalonia's regional police force

These committees meet every 3 or 4 months to share information and knowledge about the situations and cases detected

⮆ **Via bodies affiliated with public authorities** in which NGOs, unions and companies, among others, are usually represented (see Tool 9).

⮆ **Consultative committees and commissions:** These spaces are populated by representatives from public authorities and key partners and are set up to consult on public policy development and implementation. They provide a way of examining the actions undertaken to ensure that they fully address the needs and issues faced by the most vulnerable groups. It is advisable to involve these committees throughout the entire cycle — design, planning, implementation, monitoring and assessment.

⮆ **Spaces for *ad hoc*** dialogue and debate: In these, participants can publicise the initiatives they are carrying out to encourage mutual learning and knowledge transfer.

PRACTICAL TOOLS >>>

Public policy

Learning from practice ....

**TODOiMÁS equality
and non-discrimination forum**

MSSSI, 2011

Final report and learning outcomes

Description and objectives
Project to raise awareness about, analyse and debate equality and non-discrimination legislation and policy at national and regional level with representatives from national, regional and local public authorities and key partners, particularly NGOs. The main objectives are 1) share information and raise awareness about anti-discrimination legislation within public authorities (at national, regional and local level) and NGOs, 2) identify and share good practice in promoting equality and combating discrimination on the 5 grounds protected by EC legislation, and 3) Encourage co-ordination between authorities and with other key partners, particularly NGOs. This experience addresses all grounds of discrimination.

Institutions/organisations involved
➲ MSSSI.
➲ Departments responsible for equality and non-discrimination policy in Spain's autonomous regions.
➲ NGOs operating at national, regional and local levels.
➲ Other partners (unions, companies, universities).

Methods and tools used
➲ Consultative and expert committees to steer design of the project's activities (seminars and materials). In total, 10 meetings were held.
➲ National and regional meetings and seminars to debate the issues with key partners. In total, 2 national and 6 regional seminars were held, involving almost 600 people over the length of a year.

PRACTICAL TOOLS >>>

Public policy

➲ Informative and awareness-raising material: 1,000 copies of the analytic handbook and 10,000 copies of the guide to raising awareness were distributed at all of the events held as part of the project and via all participating institutions and organisations.

Gender perspective
Gender was a cross-cutting theme in all the actions carried out (use of inclusive and non-sexist language, selection of experiences that addressed this ground, among others, etc.).

SUCCESS FACTORS	MAIN BARRIERS
➲ Involvement of key partners (regional representatives responsible for equality and non-discrimination policy, and NGOs) right from the start of the project: 80% of participants rated the materials as good or very good; 93% said they had used the materials in their work; and 98% said they would recommend the materials to others	➲ Gaining involvement by all key partners right from the start required considerable effort, which delayed implementation. ➲ Maintaining commitment levels among all partners throughout the project's entire duration (1 year)

Public policy

TOOL 11: EXPERT COMMITTEES

As has been seen in this section, there are plenty of mechanisms and tools available with which to put equality policy into practice. Some of these are simple, while others occasionally require specialist knowledge. Having access to an expert committee or team able to advise and steer a department when carrying out a particular initiative can be very useful when undertaking more complex actions or when carrying out projects that have not been implemented before.

The various ways of involving specialists are listed below:

■ **Creation of *ad hoc* committees:** The department requiring support asks specialists in particular areas to participate in the project.

For example ...
When designing, implementing and publishing the *Map of discrimination in Spain*, the DGIO was supported by a committee of specialists in social research into equality and non-discrimination

PRACTICAL TOOLS　>>>

Public policy

■ **Advice from specialist bodies**: The department requiring support asks representatives from departments and bodies specialising in implementing equality and non-discrimination actions to participate in the project.

For example ...
In 2012, Madrid's local police force requested advice from the DGIO when designing and participating in a training course on diversity management in police forces. More recently, in 2013, it also requested advice from the *Platform for diversity management* within the police on how best to design an appropriate learning programme

On several occasions, the CPITND has advised various departments and organisations on how to design learning programmes on providing support for victims of discrimination, as well as helping prepare support protocols

The Inmujer has long been running training courses on the social value of equality between women and men, as well as on how to develop methodologies and tools to mainstream the gender perspective in public authorities' policies, programmes and actions

Public policy

TOOL 12: TRAINING AND CAPACITY-BUILDING

Training and capacity-building are vital tools when implementing equality and non-discrimination strategies and actions. In fact, during the diagnosis phase prior to production of this handbook, a need was detected for more specific and practical training designed to reinforce the following areas:

Knowledge (What do I need to know?)

- The legislative and institutional framework supporting the right to equal treatment and non-discrimination
- The context of diversity in Spain and diversity in public authorities

Skills (What do I need to know how to do?)

Learn how to mainstream the principle of equality and non-discrimination in my work, and improve application:
- When I'm designing, implementing and assessing public policy;
- When I'm managing a public service and I want to make sure it's inclusive; and
- When I'm managing a team and I want to make sure that I do it inclusively and that I fully develop every member's talent

Attitudes (Why should I do it?)

- Stress the utility of mainstreaming the principle of equal treatment and non-discrimination
- Stress personal attitudes to diversity: how to overcome prejudices and stereotypes

PRACTICAL TOOLS >>>

Public policy

A few of the bodies and organisations that have carried out specific training on equality, non-discrimination and diversity management

- DGIO, in partnership with Inmujer
- FEMP
- CPITND
- Fundación Pluralismo y Convivencia
- Fuenlabrada local police
- Madrid local police
- *Instituto Nacional de Seguridad Social* (INSS, Spain's national institute of social security)
- State prosecution service
- Valencian regional government (policing)
- I*nstituto Valenciano de Administración Pública* (IVAP, the Valencian institute of public administration)
- *Ministerio del Interior* (MI, Spain's ministry of the interior)
- Oberaxe, reporting to the MESS
- Basque regional government
- Basque regional police
- Navarran regional government
- Catalonian regional government
- Directorate-general for religious affairs, in partnership with the *Escuela de Administración Pública de Cataluña* (EAPC), Catalonia's school of public administration)
- TMB

PRACTICAL TOOLS >>>

Public policy

Learning from practice ....

Local plan for comprehensive action against discrimination

FEMP and MSSSI, 2010–2011

Description and objectives

Project to provide local authorities with practical tools with which to develop comprehensive plans to ensure equal treatment and combat all forms of discrimination. The actions were designed to provide local authorities with methodological and organisational tools with which to implement policies and actions to prevent and eliminate discrimination at local level. This experience addressed all grounds of discrimination.

Institutions/organisations involved

➲ FEMP and MSSSI.
➲ 6 local bodies.
➲ European Anti-Poverty Network Spain (EAPN-ES)

Methods and tools used

➲ Diagnostic study of discrimination's most common forms, situations, grounds and spheres, based on fieldwork on a significant sample of local bodies that also made it possible to identify and share good local practice.
➲ Production of training material and provision of classroom training and an on-line course to representatives of local bodies.
➲ 'Luchemos contra la discriminación' awareness-raising campaign to combat discrimination.

PRACTICAL TOOLS >>>

Public policy

⊃ Production of a **methodological proposal for combating discrimination at local level** (Spanish) aimed at personnel working in local bodies (legislative and conceptual framework; practical recommendations; guidance on diagnosing and auditing discrimination at local level; actions, projects and plans to combat discrimination; methods, conditions and criteria).

Gender perspective
Gender was a cross-cutting theme in all actions carried out and was included as an analysis factor alongside other grounds of discrimination.

SUCCESS FACTORS	MAIN BARRIERS
⊃ Performance of comprehensive diagnosis before-hand and identification of good practice ⊃ Collaboration between the MSSSI, FEMP and local bodies when implementing comprehensive cross-cutting actions adapted to those local bodies' context and circumstances ⊃ Active participation and commitment by the local bodies' representatives ⊃ Emphasis on cross-cutting application to make local implementation consistent and far-reaching ⊃ Public participation given an essential role	⊃ Identification of multiple forms of discrimination, spheres in which it occurs and characteristics of the victims and perpetrators ⊃ Lack of resources in smaller local bodies

Public policy

TOOL 13: EQUALITY SCREENING

Brief report assessing whether it is necessary to carry out an equality impact assessment when designing or planning a piece of legislation, a strategy, a plan or a measure. It involves filling in a short questionnaire that identifies if the legislation, policy, action or measure that is going to be put into practice could have an impact on equality and non-discrimination within a vulnerable group.

This type of tool has been used principally in the United Kingdom prior to carrying out an equality impact assessment.

What type of questions does equality screening ask?

Usual practice is for each institution or department to design a model based on its own areas of responsibility. Nevertheless, most models analyse the following aspects:

➲ What are the main objectives, purposes and expected outcomes of the legislation, policy, action or measure and how do they relate to the institution/department's mandate? How will the outcomes and impact be measured?
➲ What impact could this legislation, policy, action or measure have on the following?
  • Promotion of equal opportunities;
  • Prevention of discrimination and harassment;
  • Encouragement of good community relations;
  • Encouragement of participation by all members of society, particularly the most vulnerable ones (people with disabilities; people of all ages, religions, racial or ethnic origins; LGBTs).

PRACTICAL TOOLS >>>

Public policy

- Promotion of positive attitudes towards people who are different (people with disabilities; people of all ages, religions, sexual orientations, origins, etc.).

➲ What aspects of the policy, including the way it is implemented, could create situations in which some people may find themselves in a position of inequality?

➲ Will the legislation, policy, action or measure have an impact (positive or negative) on people's lives, especially in the most vulnerable communities and groups? What evidence is there of this?

➲ What different needs, experiences or attitudes could particular groups have in relation to this legislation, policy, action or measure?

Further information and reference models are available in the *Equality Benefits Tool* produced by Ireland's Equality Authority
http://www.equality.ie/Files/Your-Customers-and-You.pdf

For example ...
Northern Ireland's Department of the Environment has an equality unit responsible for overseeing compliance with equality legislation. Among other initiatives, the department has an equality screening protocol and model

Public policy

Form model content

1. Policy scoping: Asks for details about the policy, measure, procedure or practice being screened and asks what available information and evidence has been gathered to produce the report

2. Screening questions: Asks about the likely impact of the policy, measure, procedure or practice on the groups most vulnerable to discrimination. It asks for details of the consultations carried out among groups likely to be affected. This includes references to multiple discrimination and relations with the groups

3. Screening decision: Provides the department with guidance about how to reach a screening decision as to whether there is a need to carry out an equality impact assessment

4. Monitoring: Establishes monitoring mechanisms

5. Approval and authorisation: Includes the entire approval and authorisation process. All screening templates must be signed off by the relevant policymaker, approved by a senior manager responsible for the policy and forwarded to the department's equality team for quality assurance, approval and publication on the department's website

6. Equality team: Contact details for the people on the equality team

link to form model.

Public policy

TOOL 14: EQUALITY IMPACT ASSESSMENT

What is an equality impact assessment?

It is an analytical report that describes in detail the likely impact of a piece of legislation, a strategy, a plan, a programme or a project on groups of people who meet certain characteristics that place them in a socially disadvantaged position. This report seeks to do the following:

⮞ Analyse if the legislation, policy, project or service to be implemented could place one or more groups at a disadvantage; and
⮞ Provide recommendations on how to adapt the legislation, policy, project or service to ensure better application of the principle of equality and non-discrimination.

In Spain, this tool has frequently been used in the gender equality sphere — article 19 of organic law 3/2007, on effective equality between women and men, establishes that drafts of general provisions and plans of special economic, social, cultural and artistic relevance submitted to the council of ministers for approval must include a report on their impact on the gender sphere.

Is an equality impact assessment template available?

Equality impact assessments vary depending on whether they examine a piece of legislation, a public policy, a service or a specific action. Usual practice is for each institution and department, according to its areas of responsibility, to develop its own template. Nonetheless, several key questions are usually applicable to all equality impact assessments:

PRACTICAL TOOLS >>>

:

- ⮞ Could the legislation, policy, service or project that I am going to implement have a negative impact on a vulnerable group (people of varying ages, people with disabilities, immigrants or members of specific ethnic groups, members of a specific religion, LGBTs, etc.)?
- ⮞ Could that negative impact constitute a breach of the principle of equality and non-discrimination and generate a situation of direct or indirect discrimination?
- ⮞ How could the legislation, policy, service or project that I am about to implement be amended or extended to compensate for possible situations of initial disadvantage?
- ⮞ Which key partners do I need to involve to ensure access on equal terms to the decision-making process?

For further recommendations and templates of the equality impact assessments drawn up by the Equality and Human Rights Commission, see
http://www.equalityhumanrights. com/wales/equality-impact-assessments/

What are the advantages of carrying out these assessments?

- ⮞ Greater equality: They make it possible to detect potential disadvantages and take steps to ensure greater equality of opportunity.
- ⮞ Greater transparency: They encourage consultation and dialogue with key partners and with representatives of the groups that could be affected by the decision. This helps to generate a climate of trust and a feeling of ownership among key partners in relation to the decisions made.
- ⮞ Greater effectiveness and efficiency: They make it possible to focus spending decisions on the people who most need the investment and, in doing so, they help meet pre-established objectives.

Advantages of equality impact assessments
+ Greater equality
+ Greater transparency
+ Greater effectiveness and efficiency

PRACTICAL TOOLS >>>

Public policy

Myths about equality impact assessments

1. **They don't affect my work**
   Every decision made by public authorities could have an impact on society's most vulnerable groups. This type of tool provides a very useful way of identifying if the principle of equality is being complied with and makes it possible to develop public policy based on evidence and on the needs of society's most vulnerable groups

2. **They slow down the decision-making process**
   It is likely that conducting an equality impact assessment will mean extending decision-making deadlines. However, it is worth noting that spending this time on the design and planning process helps ensure that the measures undertaken are appropriate and meet the needs of the entire population, especially those of its most vulnerable members. In a context dominated by economic crisis, it is important to invest resources where they are most needed

3. **I don't have enough information to carry out an equality impact assessment**
   An increasing number of studies and reports on equality and non-discrimination, as well as on the needs of people in situations of social exclusion, is available in Spain. This information provides a good starting point. It is also advisable to encourage participation by key partners, especially NGOs able to make valuable contributions to the process

4. **It's better to conduct these assessments after implementing the actions**
   Carrying out this type of assessment at the end of a project or after implementing legislation or public policy can provide information that may be extremely useful when considering future measures. However, only doing so at the end of the process prevents you making adjustments that could help make the measures taken more effective and equitable

5. **It's not a cost-effective use of public money, it's just more bureaucracy and paperwork**
   Conducting an equality impact assessment does not require major investment, provided it is done systematically and involves the key partners in the process, who could provide all the information needed. In fact, it is a way of preventing future ineffectiveness and conflicts that could arise from not having included compensatory measures or actions adapted to the circumstances of society's most vulnerable members. For example, the investment needed to ensure accessibility for people with disabilities will be much lower if it is made during construction rather than modifying a building after work has been completed

Public policy

TOOL 15: ENCOURAGING ETHICAL RECRUITMENT AND PROCUREMENT

Encouraging ethical recruitment and procurement in public authorities is an extremely useful way of promoting equality and non-discrimination, as it supports initiatives that favour social and labour-market inclusion among society's most vulnerable members and those in situations of poverty and social exclusion.

The legal grounds for using this type of tool are extensive:

Buying better outcomes

Mainstreaming equality considerations in procurement

A guide for public authorities in England

⮞ **Spanish Constitution**
  · **Article 9.2**: Makes it mandatory for public authorities to promote conditions conducive to achieving real and effective freedom and equality for all.
  · **Article 40.1**: Obliges public authorities to promote social and economic progress, more equitable distribution of personal and regional income and full employment.

⮞ Organic law 3/2007, of 23 March, on effective equality between women and men: Article 33 establishes that public authorities, within their respective areas of responsibility, shall, via their procurement bodies and in relation to contract

"Buying better outcomes"
Study carried out by the United Kingdom's Equality and Human Rights Commission demonstrating that promoting ethical recruitment and procurement not only generates social benefits but also economic ones by promoting inclusion in the labour market of society's most vulnerable groups. These then contribute to the economy via consumption and taxes whilst, at the same time, reducing the amount spent on benefits and social measures
Further information

performance, establish special conditions to promote equality between women and men in the labour market, in accordance with that established in legislation governing public-sector recruitment and procurement.

➲ Royal legislative decree 3/2011, of 14 November, approving the recast text of the **law on public sector procurement**, includes several provisions that envisage the possibility of including in public contracts aspects such as equal opportunities between men and women, stable and dignified employment, fair trade and ethical procurement within government, as well as encouraging corporate social responsibility (articles 118, 134, additional provisions 4 and 5, see 'Existing legislation' in 'Learning more about equality...').

Use of public sector contracts to encourage more ethical and inclusive recruitment and procurement

Encouraging recruitment of people with disabilities	• Contracting bodies have to give special weighting to tenderers that demonstrate that at least 2% of their employees are people with disabilities (or that adopt the corresponding alternative measures) when this is made a compulsory condition. The clause in the tender specifications stipulating the documentation submitted by tenderers may include the requirement to submit a certificate stating the total number of members of staff and the exact number of employees with disabilities. In the case of opting to comply with the legally envisaged alternative measures, they should submit a declaration of exemption and a statement of the specific measures applied to that end • Contracting bodies may indicate in the tender specifications a preference to award contracts to public or private organisations that, when providing proof of their technical capacity, demonstrate that at least 2% of their staff are people with disabilities, provided that the proposals submitted match the terms of the most advantageous proposals based on the criteria that establish the award conditions

Public policy

	• If several tenderers' submissions that would have received equal consideration as the most advantageous proposal demonstrate that people with disabilities make up over 2% of their staff, the tenderer with the highest percentage of permanent staff with disabilities will be preferred for award of the contract
Encouraging recruitment and procurement from social enterprises, not-for-profit bodies and sheltered workshops	• Preference in the award of contracts may be established, provided the bid matches the terms of the most economically advantageous ones, for proposals submitted by social enterprises complying with the provisions of Law 44/2007 • Preference may be given in the award of contracts relative to provision of social or support services to bids submitted by not-for-profit bodies incorporated as legal entities, provided that their object or activity, as stated in their respective statutes or founding articles, is directly related to the object of the contract and provided that they are listed in the corresponding official register • Contracting entities may reserve the right to participate in contract award procedures to sheltered workshops or provide for such contracts to be performed in the context of sheltered employment programmes in which at least 70 per cent of the employees concerned are people with disabilities who, by reason of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions. The contract notice must make reference to this provision

Public policy

Learning from practice ....

| **Non-discrimination in public procurement in Sweden** |
| Swedish competition authority, 2009 |

Description and objectives

Approval of a decree on clauses to prevent discrimination in public procurement that obliges the country's 30 biggest public authorities to include non-discrimination clauses in public tenders. This initiative complements and reinforces the country's 2006 law on non-discrimination and guarantees compliance with legislation on non-discrimination in public procurement.

This experience addresses all grounds of discrimination.

Institutions/organisations involved
- The competition authority is responsible for overseeing compliance with the legislation and for producing guidelines on application of it by public authorities.
- Public authorities are obliged to: 1) include non-discrimination clauses in procurement processes, 2) monitor compliance with these clauses and apply penalties in the case of non-compliance.
- Suppliers signing a contract are obliged to submit an equality plan specifying how they will promote equality and non-discrimination in the workplace and in the services they provide.
- The discrimination ombudsman, which assesses all equality plans submitted.

Methods and tools used
- Adoption and implementation of legislation.
- Creation of guidelines to facilitate application of the clauses by the competition authority.
- Assessment of suppliers' equality plans by the ombudsman.

Public policy

Gender perspective:
Respect for gender equality was one of the grounds included in the clauses.

SUCCESS FACTORS	MAIN BARRIERS
➲ The decree encouraged suppliers to carry out actions to promote equality ➲ The guidelines created by the competition authority facilitated application of the clauses in public authorities ➲ Involvement of a specialist body in review of suppliers' equality plans facilitated public authorities' task, as they did not require additional personnel and the input supported capacity-building	➲ Difficulty of determining whether a supplier had failed to comply with the law in the past because a central database of rulings did not exist ➲ Negative impact on SMEs' capacity to submit bids. ➲ Lack of monitoring of suppliers' equality plans by public authorities

PRACTICAL TOOLS >>>

Managing public services

TOOLS FOR MANAGING PUBLIC SERVICES FOR A DIVERSE SOCIETY

In many cases, management of public services is a consequence of implementing legislation and public policy introduced by public authorities. Therefore, many of the tools included in 'Designing, implementing, monitoring and assessing public policy' can also be used by executive bodies responsible for public services such as training and capacity-building; creation of inter-departmental, consultative and expert committees; and communication and awareness-raising actions.

Nevertheless, several of the tools specific to management of public services may be useful. These tools are described below:

1. Public service provision protocols
2. Joint activities with vulnerable groups
3. User satisfaction surveys

Article 9.2 of the Spanish Constitution

"It is the responsibility of the public authorities to promote conditions ensuring that freedom and equality of individuals and of the groups to which they belong are real and effective, to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life."

Managing public services

TOOL 1: ACTION PROTOCOLS

Following public service provision protocols that address the way public services are delivered is a means of ensuring that public services are efficient and effective and, at the same time, that they respect the principle of equality and non-discrimination. Many of the service provision protocols implemented since Spain's transition to democracy are based on serving a society largely viewed as homogeneous. However, data and statistics show a different reality; they reveal that Spanish society is increasingly diverse and that it therefore requires services better suited to its new needs.

Experiences in Spain and other EU countries have been very positive and show that incorporating management of a diverse society into service provision protocols provides the following benefits:

⊃ More effective management of the public services provided, irrespective of their nature (employment and social security, health centres, educational centres, housing services, social services, etc.).
⊃ Ensures that everybody is able to access the services, particularly those who need them most.
⊃ Reduces prejudices and stereotypical views among people in contact with the public.

"*Approval of the protocol for stopping and searching people in the street increased the effectiveness of Fuenlabrada's local police force: officers stopped and searched fewer people and 3 out of every 10 searches revealed that the person stopped had committed a criminal or administrative offence*"

Fuenlabrada local police

Serving a culturally diverse public Course for information service staff at Spain's INSS

This course has been run since 2010 as part of an INSS initiative. It has been rated very positively by the people taking part, who believe that they are now better prepared to serve people from other cultures

PRACTICAL TOOLS >>>

Managing public services

◑ Increases respect for and legitimacy of public services in the minds of all members of society.
◑ Brings public institutions into closer contact with especially vulnerable groups.

Adapting public service provision protocols does not require major financial resources, as it is frequently only a case of adapting the protocols currently in force and of avoiding ***ad hoc*** processes. Nevertheless, **it is advisable to complement these with a training programme** intended, above all to:

◑ Raise awareness about existing legislation and the current context of discrimination; and
◑ Remove or counteract prejudices and stereotypes likely to be associated with some groups.

It is important to note that **this process becomes much simpler when public authorities promote inclusive sectoral policies**, as these inspire the way in which public services are managed.

For example,
the Basque regional government has a *Strategic plan in place to address diversity as part of an inclusive schooling initiative for the period 2012–2016*

Strategic Plan Content

1. Part one: Background
   - Description of an inclusive school
   - Outline of what managing an inclusive school entails: creation of inclusive cultures, production of inclusive policies, development of inclusive practices

Managing public services

- Priorities in inclusive schools

2. Part two: Strategic plan
- Analysis of the situation
- Mission and vision for inclusive schooling in the Basque Country
- Objectives, goals and actions
- Assessment of the plan

3. Appendix and annexes: pupils with specific needs for learning support, glossary, references and timeline

link

For example,

the MSSSI has a *National strategy for health equality* in place and has set up a national commission to reduce social health inequalities in Spain.

National Strategy Content

1. Introduction and background
- Health inequalities: what are they and why do they exist?
- Health inequalities in Spain and their determinants
- Policies to reduce health inequalities in other countries
- Policies to reduce health inequalities in Spain: health plans and good practice

PRACTICAL TOOLS >>>

Managing public services

2. Recommendations
- Distribution of power, wealth and resources
- Life-long daily living and working conditions
- Healthy environments
- Health care services
- Information, monitoring, research and education

3. Priority policies and intervention areas in the health care sector

link

Managing public services

Learning from practice ...

Protocol for stopping and searching people in the street

Fuenlabrada local police (in operation since 2008)

Description and objectives

As part of the European *STEPSS* (Strategies for Effective Police Stop and Search) project, the local police drew up a protocol for stopping and searching people in the street. Officers have to give the person stopped a document stating the reason for the search, citizens' rights and duties, and the mechanisms by which to submit a complaint if they believe that the police have not treated them appropriately. The objectives were to 1) prevent and reduce possible discriminatory bias (phenotypes, appearance, etc.) when stopping and searching people in the street, 2) encourage greater specificity and effectiveness when stopping and searching people in the street, and 3) manage diversity in the population better. Police effectiveness improved notably within three months of implementing this protocol — the annual number of stops and searches fell by 50% (from 8,000 to 4,000) and the rate of effectiveness rose (3 out of every 10 searches enabled the police to identify people who had committed an offence). In comparison, in London's Metropolitan Police, which enjoy very good results and operate in a different legal context (e.g. the UK does not have identity cards), the rate of police stop-and-search effectiveness is 1 in 10.

Institutions/organisations involved

➲ Fuenlabrada local police board.

Methods and tools used

➲ Approval of a protocol that improves service provision quality and effectiveness (guaranteeing that everybody's rights are respected and preventing potentially discriminatory situations).

PRACTICAL TOOLS >>>

Managing public services

Gender perspective

This perspective is taken into account in all actions performed.

SUCCESS FACTORS	MAIN BARRIERS
➲ Involvement of the town's minority groups in local police training and leisure activities ➲ Mutual understanding between officers and minority groups ➲ Demonstrating how the changes to the protocol quickly produced positive results and improved police effectiveness in the town	➲ Initial resistance by local police to introduction of a new form and of greater supervision of their activities by the local police board ➲ Prejudices and stereotypes associated with some groups

Managing public services

Learning from practice ...

Handbook for training: security forces in identifying and recording racist or xenophobic incidents

MESS and MI (2012)

Description

This handbook was published as part of a project to train Spain's security forces how to identify and record racist and xenophobic incidents. The aim was to improve security force training on how to combat racism, racial discrimination, xenophobia and other similar forms of intolerance. It was designed to provide them with tools to deliver specific training on the criteria applied by the various forces to detect and record effectively racist and/or xenophobic incidents. Another aim was to share the training received to help raise awareness among the various stakeholders involved, particularly security force personnel.

Institutions/organisations/experts involved
- Secretariat-general for immigration and emigration, via the Oberaxe at the MESS
- Co-ordination and studies office, reporting to the secretariat of state for security at the MI
- Representatives from Spain's civil guard and national police, Catalonian regional police, Basque regional police, Navarran regional police and the FEMP (representing local police forces).
- Experts from the University of Salamanca, UNED (Spain's national distance-learning university), the hate crimes and non-discrimination service at Barcelona's provincial public prosecutor's office, and the MI's crime statistics service.

Methods and tools used
- Working groups made up of representatives of the various institutions involved, set up to develop the training sessions' methodology, content, etc.

Managing public services

◗ Four 'trainer training' days, in which 165 trainer trainers from all of the country's security forces took part.
◗ Publication of a handbook available in **Spanish** and **English**.

Gender perspective:
Gender was a cross-cutting theme in all the actions carried out.

SUCCESS FACTORS	MAIN BARRIERS
◗ Enabled security force training academies to incorporate the material into their cascaded training modules. The above-mentioned 165 trainer trainers have since trained over 20,000 specialists working in the civil guard and national police, Basque regional police, Catalonian regional police, Navarran regional police and local police forces	◗ Identifying key partners ◗ Raising awareness of the hidden number of unreported offences committed

Managing public services

What relevant information does the handbook contain?

- It provides **detailed information about the theme's key concepts**, about national and international approaches to identifying and recording racist and xenophobic incidents, and about the relevant articles in Spain's criminal code and in other related legislation and case law (pages 60 to 93)

- It provides guidelines on **how to codify the criminal code's articles so that they can be captured in the crime statistics system** (pages 99 to 107). In this regard, polarisation indicators play an important role. These are forms of evidence that the police should duly gather and include in their reports to provide prosecutors and judges with legally sufficient evidence to bring charges and, where applicable, make convictions (pages 103 to 105)

- It details the **reasons why victims do not report racist or xenophobic incidents to the police and public authorities**, highlighting the difficulties victims face in establishing a racial motivation for the incident (pages 31 to 32)

- It includes recommendations to help police obtain the information needed from the victims and witnesses to establish that motivation, e.g. by conducting cognitive interviews (pages 131 to 136)

- It emphasises the need for collaboration between the police and civil society, stressing the importance of collaboration with social services providing support to victims and witnesses, NGOs, immigrants' organisations and minority ethnic groups, cultural and religious representatives and leaders, and community groups working to prevent racism, xenophobia and other similar forms of intolerance, or that support and represent immigrants and other vulnerable groups (pages 36 and 37)

- Finally, it includes an overview of good police practice and makes recommendations on how to draw up a police protocol for dealing with racist or xenophobic incidents, as well as featuring a CD-ROM containing relevant legislation and documentation

PRACTICAL TOOLS >>>

Managing public services

Learning from practice ...

Course on serving a culturally diverse public

INSS (in operation since 2009)

Description

In light of the possibility that public sector personnel providing information to users may not possess the skills needed to achieve effective interaction with people with different points of cultural reference, and with the ultimate aim of ensuring that those people are able to exercise their rights with regard to social security, it was decided to provide staff with appropriate training. This was intended to minimise potential differences between the need for services among people with other points of cultural reference and the ability of public-facing staff to meet it. The course aims to meet a dual need — that of citizens, who should receive an appropriate response to their requirements and expectations in line with their cultural identity, and that of public-facing staff who, by strengthening their professional skills in dealing with cultural diversity will be better qualified to perform their work whilst experiencing less stress and avoiding undesired conflict.

Institutions/organisations involved

➲ INSS:
  - Subdirectorate-general for human and material resources
  - Information and support centers-CAISS, reporting to the provincial directorate in Madrid

Methods and tools used

➲ Working group made up of the provincial secretary, the CAISS training co-ordinator, and CAISS personnel with professional experience of both this area and training.

Managing public services

- ➲ Training course. Since 2009, the course has been run 9 times in the format of 10 hours' training split over two 5-hour days. Module I: Culture and cultural diversity, multiculturalism and interculturalism, conceptual approach; Module II: Professional intercultural skills; Module III: Intercultural communication and barriers to it; Module IV: Managing multicultural conflict in public service provision.
- ➲ Assessment report summarising the project, describing course design and content, and assessing outcomes and impact.

Gender perspective

Gender is viewed as another variable within the diversity encountered in members of the public visiting authorities' offices. Special mention is made of how masculine and feminine roles are interpreted differently in different cultures and should always be treated with respect whilst observing human rights.

SUCCESS FACTORS	MAIN BARRIERS
➲ Civil servants recorded lower stress levels when carrying out their tasks ➲ The number of conflicts decreased and those that arose were managed better ➲ The need for intercultural skills cuts across all work done by public-facing civil servants ➲ Personnel showed a strong interest in finding out more about other cultures	➲ Difficulty in acknowledging that our own culture presents an obstacle to interacting with people from other cultures ➲ Resistance to elimination of prejudices and ethnocentrism

Managing public services

TOOL 2: JOINT ACTIVITIES WITH VULNERABLE GROUPS

Many sociological studies, as well as various studies and reports on discrimination, demonstrate that everybody has prejudices and stereotypical views of people with particular characteristics. This is because that is how the human brain sorts information and, although people working in public authorities have a duty to ensure equality and non-discrimination for all, that does not mean that they do not have prejudices or stereotypical views.

These may have been formed either by individuals' personal experiences and upbringing, or by professional experience of working with particular groups within society. The same thing occurs within vulnerable groups, which also have prejudices about and stereotypical views of public authorities and the people who work in them.

> **Activities to foster relations with a diverse society carried out by Fuenlbrada's local police**
>
> To improve the service provided to a diverse public by Fuenlabrada's local police, the following activities have been carried out to facilitate better and mutual understanding between the police and the town's various minority groups
>
> - Creation of a commission for public safety in a diverse society designed to allow these social groups express their opinion about how the local police go about their work and to raise the problems they encounter in the spheres of public safety and harmonious coexistence
> - Organisation of road safety education events in minority groups' meeting places (mosques, association headquarters, etc.)
>
> These activities, which require few resources, considerably improved relations between the police and minority groups

PRACTICAL TOOLS >>>

Managing public services

One way of fostering rapprochement and mutual understanding is to create informal spaces in which people can meet and compare personal and professional experiences, such as:

⮕ Open days
⮕ Cultural and sporting events
⮕ Spaces for communication and debate
⮕ Consultative committees involving NGOs and associations representing minority groups able to communicate these groups' needs and provide key information about public services.

These types of activity have been highly effective and positive, especially when encouraged by institutions like the security forces.

Managing public services

TOOL 3: USER SATISFACTION SURVEYS

Conducting user satisfaction surveys is a way of measuring the effectiveness of and public satisfaction with public service provision. These tools can be a useful means of assessing the scope of public services and identifying the extent to which they reach all of society. This is articulated in royal decree 951/2005, of 29 July, establishing the general framework for improving quality of government.

This royal decree establishes a series of programmes to foster better quality government that can be enormously useful when assessing the extent to which services are inclusive and preventing possible discriminatory situations:

1. User demand and satisfaction assessment programme
2. Service charters programme
3. Complaints and suggestions programme
4. Organisational quality assessment programme
5. Inspection programme
6. *Observatorio de la Calidad de los Servicios Públicos* (OCSP, an observatory on public service quality)

As is the case with many of the tools mentioned in this handbook, there is no need to create specific equality and non-discrimination surveys, although that may sometimes be worthwhile. Instead, there are plenty of existing mechanisms that you can use.

Tools for measuring user satisfaction with public services

- User satisfaction surveys
- Complaints and claims procedures
- Focus groups
- Interviews with vulnerable groups

Managing public services

For example:

➲ Including **questions** about equality and non-discrimination in **generic user-satisfaction surveys** already carried out (user satisfaction studies, analyses of complaints and claims, focus groups, etc., following the provisions of royal decree 951/2005).

➲ Including references to equality, non-discrimination and diversity in the service charters approved by various ministries. The MJ's service charter, for example, refers to equality between men and women, as well as to people with disabilities and to supporting diversity.

What sort of worthwhile information can be gathered from this type of survey?

Questions can be designed to reveal:

➲ Diversity among service users, respecting data protection legislation (see 'How to compile data' in 'Learning more about equality…').

➲ Degree of user satisfaction with the service received, especially when supporting diversity and difference.

➲ Survey respondents' perceptions of the degree of respect shown to equality, non-discrimination and diversity by public-facing civil servants.

➲ Whether survey respondents have any recommendations that could improve the way people are served or that would require some sort of adaptation.

Managing human resources

TOOLS FOR MANAGING HUMAN RESOURCES IN PUBLIC AUTHORITIES:

TOWARDS A DIVERSITY AND INCLUSION STRATEGY IN THE PUBLIC SECTOR

To achieve genuine mainstreaming of the principle of equal treatment and non-discrimination within public authorities, a clear reference framework needs to exist with well-defined objectives and medium- and long-term aims, not just short-term goals. When designing this **diversity strategy**, the following **elements**, at the very least, need to be taken into account:

1. Inclusive culture	This involves a change of culture and behaviour and consists of making sure that the way we treat our human resources and the public: • Is free of all discrimination; • Is characterised by respect for individual dignity; • Values everybody irrespective of their personal characteristics and socio-economic status; and • Creates an inclusive working environment in which everybody can realise their full potential
2. Senior management commitment and transparency	Without transparent management and visible and direct commitment by senior management to diversity policies it will be very difficult to achieve a satisfactory degree of compliance. In this respect, it is particularly useful to create stable interdepartmental groups and networks made up of senior public-service managers committed to and aware of diversity. A good approach used in neighbouring countries is to create diversity champions

Managing human resources

3. Talent management systems	In the words of one of the contributors to this handbook, "We can't tackle the challenges of the 21st century with 19th-century management models and structures." Although there is a wide variety of personnel management models in place in the public sector (e.g., compare those applied in ministries that have little contact with the public against those applied by public-facing and regional bodies), it is undeniable that greater professionalisation of human resource management systems can only produce better results. As mentioned earlier, this would not only improve satisfaction among public sector employees, but would also enhance public perceptions. To do so, we need to attract, develop and motivate the best talent
4. Sustainability and representativeness	Society is continually changing. Therefore, to anticipate and meet the challenges it presents us with, public authorities' internal composition needs to reflect the society it aims to serve. This not only improves service provision, but also makes it possible to raise the standard of personal attention received. To achieve this, we have to value positive actions intended to increase representation among particular groups by establishing improvement targets, as is done in the private sector

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WHY IS TALENT MANAGEMENT SO IMPORTANT IN THE PUBLIC SECTOR?

The public and private sectors share many of the challenges and issues encountered in the workplace. One of these is the need to attract, identify, retain, promote and develop internal talent.

By talent, we mean the result of aligning capabilities ("I can do it"), commitment ("I want to do it") and action ("I am doing it"). In other words:

Talent = Capability × Commitment × Action

As the graphic shows, if we have the **capability** and **commitment** but fail to act, we lose the opportunity to develop our individual and organisational talent. If, on the other hand, we have the **capability** and go ahead and perform the **action** without the commitment needed, we will become demotivated. Finally, if we perform the **action** and have the **commitment** but lack the necessary capability, our well-intentioned work will be largely ineffective.

Further professionalising the way people are managed in the public sector is one of the biggest challenges facing public authorities. Essentially, the greater the talent among public sector personnel, the greater the quality of the services they provide. Professionalisation means "identifying, assessing and developing talent", as well as ad-

CAPABILITY
"I can do it"

Desmotivated

Missed opportunity

ACTION
"I am doing it"

COMMITMENT
"I want to do it"

Well-intentioned but ineffective

INDIVIDUAL TALENT

Source: ALLES, M., Desarrollo del talento humano basado en competencias, Montevideo, Ediciones Granica, 2005
Image: **enpositivocoaching.wordpress.com**

Managing human resources

dressing "the specific needs and expectations of the individual" (source: Change and Challenge in the Public Sector Workplace, Manpower). In short, it means managing staff diversity and encouraging an inclusive working environment, which is why we believe that **diversity management is talent management.**

Reasons for implementing inclusive talent management in public authorities:

Spanish Population Pyramids

Future Population Trend in Spain
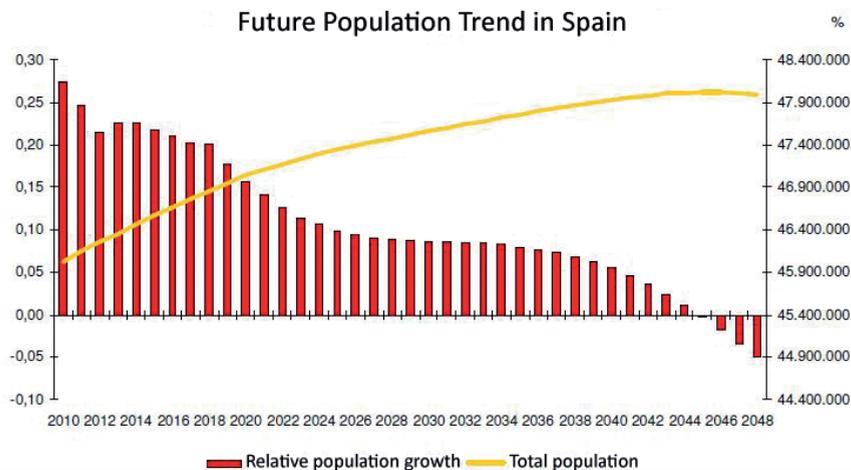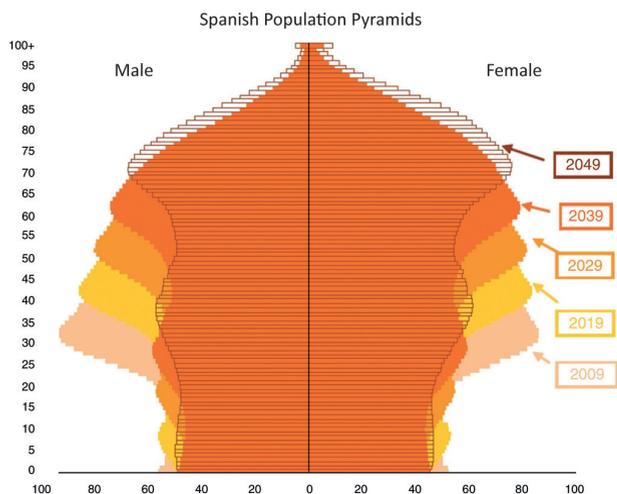
◐ **Demographic change:** It is an indisputable fact that we live longer and work until we are older (see the Spanish Population Pyramid and Future Population Trend in Spain graphs below). According to the INE's latest estimates, by 2049 only half the country's population will be of working age. At the same time as those born during Spain's baby boom reach retirement age, the birth rate will fall and the country will experience a net population loss, which will have a knock-on effect on the

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labour market. Within public authorities, in which average employee age is high, co-existence of various generations within the workforce is something that needs to be taken into account (e.g., the issues arising from people aged 30 managing teams with an average age of over 50). When the economic cycle returns to growth and competition from the private sector for talent becomes more intense, how can we make sure that the public sector attracts the best candidates? Will it be able to recruit the same profiles it has so far?

⊃ **Social change:** Individual expectations and norms have altered profoundly in recent years. There is now a marked trend towards greater flexibility in working hours and work location (working from home or remotely), and towards part-time work that makes it easier for men and women to balance work and family life, etc. According to studies, "the balance of power will begin to shift from employer to employee. The how, where and what of work will become key determinants of recruitment and retention" (source:

👆 **REMEMBER ...**

- Order APU/1981/2006, of 21 June, promotes implementation of pilot **teleworking** programmes in ministerial departments
- Likewise, two decisions addressing **harassment** have also been issued:
  a) The decision of 5 May 2011, issued by the secretariat of state for the civil service, approving and publishing the agreement reached on 6 April 2011 by the national government's general negotiating board on the **protocol for responding to workplace bullying** within national government
  b) The decision of 28 July 2011, issued by the secretariat of state for the civil service, approving and publishing the agreement reached on 27 July 2011 by the national government's general negotiating board on the **protocol for responding to sexual harassment and harassment on grounds of sex** within national government and public bodies affiliated with it

Both decisions refer to discriminatory harassment

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Manpower, 2010). We also need to remember that these new work models do not only benefit staff; they can also lead to better and more personalised public-service provision by adapting to the public's working hours and needs.

➲ **Changes in the public sector:** If the public sector wants to remain an attractive employer, it will need to manage existing diversity properly, as well as communicating that to the public.

What are the advantages of implementing a talent management policy?	
For staff ...	**For the organisation ...**
• It generates the feeling that our contribution is valued and taken into account • It improves the effectiveness and impact of our work • We feel more satisfied with the work we do • We feel committed to the organisation's overall objectives (institutional loyalty) • We recommend our organisation to others	• It aligns personal objectives with overall ones • It helps achieve better outcomes (organisational effectiveness) • It encourages a culture of learning and continual improvement • It generates intangible values that increase user and staff loyalty • It improves our reputation as an employer

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I WANT TO CREATE AN INCLUSIVE WORKING ENVIRONMENT. HOW DO I DO IT?

3. Launch initiatives to **attract talent with diverse profiles**

4. **Identify existing talent** within the organisation

5. **Develop the talent**

2. Be ready to **tackle the challenges**

1. **Take barriers into account**

Inclusive talent management strategy

6. **Assess the outcomes**

Managing human resources
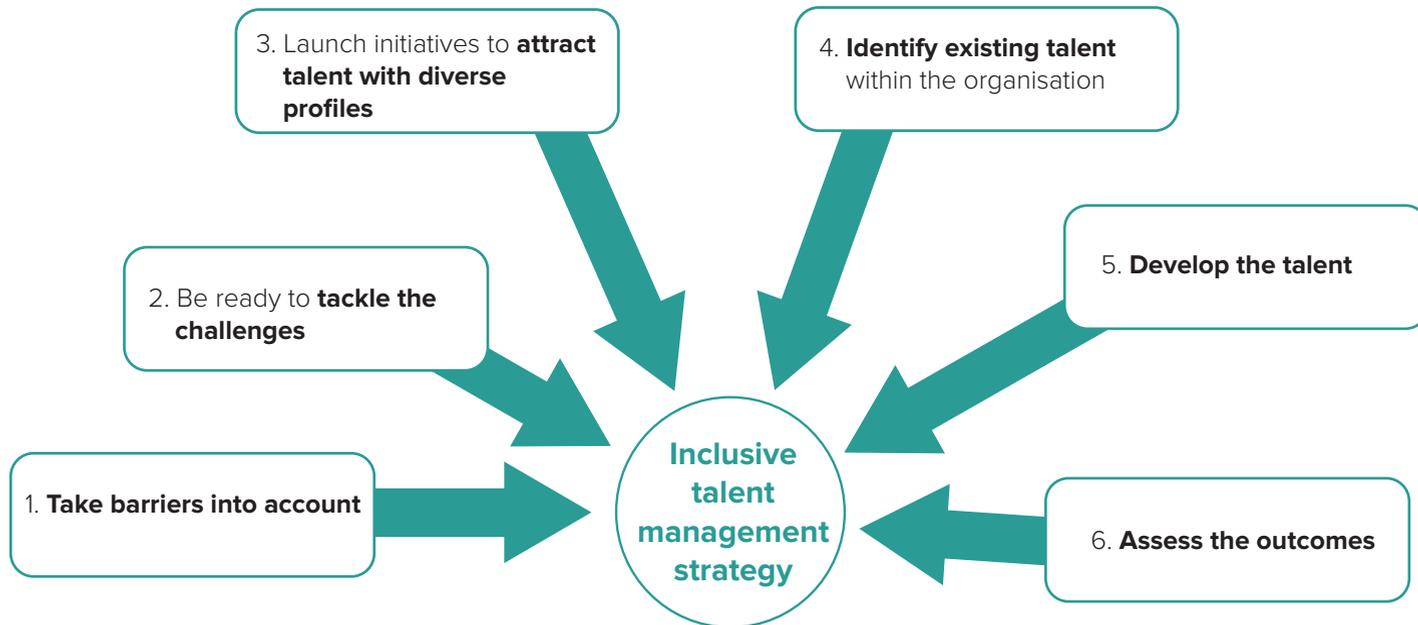
1. TAKE EXISTING BARRIERS INTO ACCOUNT

In addition to the barriers mentioned in the chapters on service provision and public policy design, personnel management also comes up against several others:

- Lack of points of reference or role models within organisations, grades and functions able to exert a positive influence on professional aspirations among particular groups.

- Difficulty accessing informal networks via which to express an interest in certain posts and/or jobs.

- The public sector's image as an employer (something increasingly valued by younger generations).

- Lack of confidence when applying for certain posts or promotions among particular groups.

- Recruitment processes that unintentionally exclude particular groups.

PRACTICAL TOOLS >>>

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2. BE READY TO TACKLE THE CHALLENGES

- Existence of unconscious bias in recruitment and promotion decisions (e.g., possible preference for younger candidates for secondments and provisional appointments).

- Lack of awareness of the business case that positively correlates team diversity with innovation, problem-solving and productivity.

- In particular, it is essential to train team leaders, especially middle managers, to identify staff with talent even if their profiles are different to their own or to the organisational norm.

- Lack of visible leadership and clear and effective communication of organisational commitment to diversity.

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3. ATTRACT DIVERSE TALENT

On paper, recruitment processes within public authorities are governed by exclusively merit-based criteria. But, how can we make sure that people with diverse profiles or members of particular groups do actually compete for public sector positions on equal terms? What is the public sector's reputation among these groups? Do they see it as an attractive and prejudice-free working environment?

There is clearly a need to make more effort to communicate public authorities' commitment to diversity and equal opportunities and to emphasise the advantages of working in this environment for groups that have traditionally suffered direct or indirect discrimination in the workplace.

Therefore, it is vital that we **inform and educate** these minority groups. For them, collaborating with the NGOs that work with them can be especially beneficial. It is worth remembering the earlier example provided by the TMB, Barcelona's municipal transport authority, which ran a campaign to encourage recruitment of female city-bus drivers, even providing them with the training and qualifications (driving licence) needed to meet the admission criteria.

In the case of **gender**, the aforementioned equality law establishes balanced male and female representation (minimum 40%, maximum 60%) in all areas within public authorities. In addition, the MSSSI provides a series of resources to help companies implement equality plans (in Spanish) **(http://www.igualdadenlaempresa.es/faq/home.htm)**.

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REMEMBER ...

The following legislation regulates recruitment and employment of diverse talent in Spain:

Organic law 3/2007, of 22 March, on effective equality between women and men	Title V, on the principle of equality in public sector employment, regulates: • Operating criteria in public authorities (article 51); • The principle of balanced representation within national government and public bodies affiliated with or reporting to it (articles 52 to 54); and • Measures to ensure equality in employment within national government and public bodies affiliated with or reporting to it (articles 55 to 64) This law establishes that balanced male and female representation (minimum 40%, maximum 60%) should exist in all areas within public authorities
Law 7/2007, of 12 April, on the civil service statute	Article 59 establishes that offers of public sector employment should reserve a quota of no less than 7% of vacant posts for people with disabilities. The 7% quota stated above should be achieved in such a way that 2% of the posts offered are covered by people with recognised mental disabilities and that 5% of the posts offered are covered by people with any other type of recognised disability

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Royal decree 2271/2004, of 3 December, regulating access to public sector employment and provision of posts for people with disabilities	This royal decree is divided into 5 chapters: 1. General provisions 2. Quota reserved for people with disabilities 3. Recruitment processes 4. Posts 5. Other measures favouring integration The royal decree sets forth the following measures: • Offers of public sector employment should reserve a quota of no less than 5% of vacant posts for people with disabilities recognised as being equal to or greater than 33% of full function • Calls for applications from people with disabilities may be made outside established recruitment cycles

There are various options when it comes to complying with the aforementioned law on **functional diversity and disability**:

- Procuring goods from sheltered workshops or self-employed people with disabilities.

- Signing employment or service contracts with sheltered workshops or self-employed people with disabilities to provide third-party services outside the organisation's usual sphere of work.

- Donations or sponsorship.

- Creating sheltered workshops and workplaces (Royal Degree 290/2007, of 20 February)

Managing human resources

When drawing up **job descriptions**, it is important to make sure that the text is not influenced by indirect discrimination and unconscious bias (see textbox). For example, you cannot ask for qualifications above those genuinely required by the post (see 'Key concepts').

Below we mention a few international initiatives that exemplify how the public sector can become a benchmark in promoting equal opportunities and diversity management through public sector employment and procurement.

"I didn't know I was doing it". The power of unconscious bias and its influence on decision-making

Hidden and unconscious bias are two of the most recently identified issues in diversity management policy and, consequently, have not yet been extensively addressed. We can define them as mental associations that we make without realising it and, therefore, without intending to (e.g., the association we make between a person's intelligence and another individual characteristic like socio-economic status, qualifications, introverted or extroverted character, etc.)

The Vienna Philharmonic Orchestra (famous for its televised performance of its New Year's concert) has recently been criticised for its lack of female performers. The criticism is well founded, as women were not even allowed to join it until 1997, which partly explains why currently only 7 of its 126 permanent members are women (5%). One of the explanations suggested for this is that despite 'blind' auditions (held behind a curtain), which is habitual practice nowadays in all of the world's great orchestras, the Vienna Philharmonic Orchestra still holds a final face-to-face audition that filters out undesired candidates

As winner of the Nobel Prize in Economic Sciences Daniel Kahneman reminds us, we all possess two thought systems — fast (unconscious and susceptible to generalisation and stereotyping) and slow (logical, but requiring more effort). Because of this, we constantly need to train ourselves to see beyond what our prior experience tells us, in other words, to detect talent where we least expect to find it

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Learning from practice ...

Attracting minority talent

Department for Work and Pensions
(United Kingdom)

Description and objectives
The Department for Work and Pensions' Reach programme is aimed administrative staff and middle managers from ethnic minorities (Black/Asian) and/or with disabilities.

The programme's overall objective is to make sure that the department's staff is as diverse as its user base, one of the country's biggest, as it is one of the government's main departments serving the public.

Its specific objectives are as follows:

➲ To provide people with tools and techniques to overcome existing barriers constructively and compete for promotion opportunities on equal terms.
➲ To maximise the potential of its diverse workforce.
➲ To address under-representation in the organisation's higher hierarchical levels.

Institutions/organisations involved
Department for Work and Pensions (United Kingdom).

Methods and tools used
➲ Development Centre (similar to the Assessment Centre, but focusing on identifying talent for succession and/or promotion).
➲ Skill clinics.

Managing human resources

⮑ Mentoring.
⮑ Accreditation of the programme's actions by the Institute of Leadership & Management.

Gender perspective:
An equality impact assessment was carried out to analyse the relative percentage of applications expected from candidates of each sex according to variables such as disability benefits and average length of unemployment. The programme is aimed at both sexes, although applicant characteristics, including gender, are monitored.

SUCCESS FACTORS	MAIN BARRIERS
The Reach programme forms part of a wider talent-management strategy It has been recognised as one of the most innovative in its field by both the public and private sectors	Those always existing in relation to identifying talent within organisations (unconscious bias, etc.)

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Learning from practice …

Diversity-focused recruitment in Leeds (United Kingdom)
Vehicle and Operators Services Agency, 2009

Description and objectives

The Vehicle and Operators Services Agency and the Central Licensing Office joined forces to recruit local staff for their office in Harehills, Leeds (United Kingdom).

A series of open days were held to introduce the Agency to local candidates and efforts focused specifically on establishing communication with diverse groups. To do this, it contracted a local employment agency specialising in finding work for people at risk of exclusion.

Institutions/organisations involved

Vehicle and Operators Services Agency and the Central Licensing Office.

Methods and tools used

- ➲ Open days.
- ➲ Adverts in local media.
- ➲ Specialist employment agencies.
- ➲ Advertising campaign (posters and leaflets).

PRACTICAL TOOLS >>>

Managing human resources

Gender perspective: During the presentations, emphasis was placed on the organisations' flexible and family-friendly policies.

SUCCESS FACTORS

The results were excellent. The proportion of staff recruited from ethnic minorities practically doubled, rising from just 8.7% in 2006 to 15% in 2009

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4. IDENTIFYING EXISTING TALENT WITHIN THE ORGANISATION

Do we know how to spot existing talent within our organisation? This task is not solely the responsibility of the HR department; rather it is the responsibility of everybody in charge of a team. Ongoing demand for greater professionalisation within the public sector requires a more systematic approach to defining, assessing, motivating, recognising and developing talent. Otherwise, competition from the private sector will entice our most skilled, motivated and innovative human resources away in search of new professional challenges.

Spain's civil service statute itself refers to regular performance appraisal as an effective way of developing and motivating public sector staff. Although the experiences seen so far do not allow us to draw conclusions about the best way of measuring, and therefore improving, performance among public sector employees, they do clearly reveal growing pressure to make sure that the money collected in tax and spent on these resources produces the results expected in terms of effectiveness, service level, quality, etc. In line with this, several initiatives are under way to implement **competency-based management**, which explores the idea of aligning individual capabilities and skills with the public bodies' and services' needs and objectives.

The grid on the next page is an example of the type of **talent matrix** used in the private sector to perform this analysis. To apply it within the framework of a strategy that encourages diversity and inclusion, we need to analyse the **relative percentage of each of the various groups** in each cell to see if corrective action is required (e.g., the proportion of women in each cell and the changes that have occurred over the last year). This provides a dynamic overview of how talent is moving within the organisation.

Managing human resources

The shaded cells in the matrix's upper right-hand corner indicate priority areas when carrying out promotion and development initiatives.

POTENTIAL		Doesn't meet objectives	Meets objectives	Exceeds objectives
	High	**Enigma** Need more experience? Good fit for his/her current post/department?	**High Potential** Assess, recognise, reward, offer new challenges and develop	**Future Leaders** Draw up career/succession plan, recognise, reward and develop
	Average	**Dilemma** Little time in current post? Need new challenges? Offer coaching	**Core Personnel/Potential Leaders** What development needed (competencies, motivation) to reach next level?	**Developing Leaders** Motivate, recognise, reward, offer new challenges and develop
	Low	**Still Developing** Resistant to change? Need to improve his/her skills?	**Effective Professionals** Field/discipline specialist. Reached his/her full professional capacity? Been in his/her current post too long?	**Trusted Professionals** Field/discipline specialist. Reached his/her limit? Want to grow within the organisation?

PERFORMANCE LEVEL

5. DEVELOP THE TALENT

Coaching and mentoring: two powerful talent-development tools

'Coach' was first used to describe a means of transport: a carriage pulled by horses. Today, it still has that same meaning of taking something from A to B which, in corporate language, translates as moving from the current situation to a desired scenario. In practice, coaching is a conversation between two people in which one of them, the coach (usually someone from outside the organisation), asks the other, the coachee (usually a middle or senior manager), questions to help that person discover what is preventing him or her from achieving a self-set objective. That objective could be achieving the expected results, successfully leading a team, developing partners' capabilities, etc.

Unlike training, consultancy and technical support, which all impart knowledge believed not to exist or to be underdeveloped within the organisation, coaching does not make recommendations; rather it helps coachees to use their own resources to find satisfactory responses to the issues that concern them

Mentoring, meanwhile, is a relationship in which somebody with more experience or expertise within the organisation, the mentor, guides professional growth and development of a less experienced colleague, the mentee. This can be done by introducing the mentee to key people who can help advance his/her career, by providing guidelines on how to deal with particular situations, by using his/her influence to raise the mentee's profile, etc.

Both tools provide particularly useful means of advancing diversity within organisations, as they offer personalised support that complements other talent management policies

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As the Spanish saying goes, what isn't nurtured, withers. Expectations among both the public and public sector employees change over time, as do the needs and requirements met by the services that the public sector provides. It is therefore essential to carry out specific development actions aimed at improving employees' skills and, in particular, at enhancing those of public sector managers. A few examples of this type of initiative are listed below:

- Traditional training — either classroom-based or distance learning, or a blend of the two (e.g., management development programmes).

- Cross-cutting projects involving various departments and bodies that provide opportunities to interact with higher hierarchical levels.

- A day/week/etc. in the life of ... — temporary assignment to another department to improve horizontal co-operation between organisational divisions.

- Assessment centres that, through simulation, test employees' practical ability to resolve situations encountered in their day-to-day work.

- Actions carried out by affinity groups for employees belonging to particular groups (e.g., programmes designed to improve self-confidence and/or professional skills).

- Coaching and mentoring programmes.

Several development actions of this type are described in the next few pages.

Managing human resources

Learning from practice …

Home Office Mentoring Programme (United Kingdom)

Home Office, 2009

Description and objectives

The UK Home Office, in partnership with the National Mentoring Consortium and the Windsor Fellowship, ran a subprogramme to prepare members of ethnic minorities for entry into its Fast Stream development programme intended to provide access to posts higher up in the hierarchy.

Although the programme does not guarantee promotion, it does provide tools with which to improve the mentee's skill set and make him/her a potential candidate.

The programme consists of three workshops covering:

⮞ Interviews and report writing.
⮞ Recruitment techniques and tools and how to use them successfully.
⮞ Developing a realistic view of what it means to be part of the Fast Stream programme.

In addition, participants received 6 months' mentoring from Home Office civil servants. At the end of the programme, they joined the Keep in Touch scheme for ex-alumni.

Institutions/organisations involved

UK Home Office, in partnership with the National Mentoring Consortium and the Windsor Fellowship.

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Methods and tools used
- ➲ Three-day workshops examining the posts available and the recruitment process.
- ➲ Monthly mentoring sessions with civil service staff over a six-month period.
- ➲ Keep in Touch ex-alumni scheme.

Gender perspective: The programme was later extended to address the gender perspective among participants.

SUCCESS FACTORS	MAIN BARRIERS
Providing specialist support to minorities to strengthen the public sector's reputation among those groups as an attractive and prejudice-free employer	Maintaining funding over time

Managing human resources

Learning from practice ...

Ministry of Justice Coaching Programme (United Kingdom)

Ministry of Justice and Price Waterhouse Coopers

Description and objectives
The UK Ministry of Justice, in partnership with consultancy firm Price Waterhouse Coopers, set up a co-coaching programme designed to develop female talent. Due to its success, it was extended a few years later to include ethnic minorities, LGBTs and people with disabilities.

Institutions/organisations involved
UK Ministry of Justice, in partnership with consultancy firm Price Waterhouse Coopers.

Methods and tools used
Co-coaching, which paired senior level and pre-senior level executives from the two organisations with one another.

Gender perspective
Included.

PRACTICAL TOOLS >>>

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SUCCESS FACTORS

Programme participants highlighted that involvement had:

- ⮕ Helped them understand the different leadership styles in each of the two organisations
- ⮕ Given them the opportunity to work with an independent external coach (not biased by belonging to the same organisation)
- ⮕ Provided access to a wider network of professional contacts
- ⮕ Given them a better understanding of available career opportunities
- ⮕ Increased empowerment

The programme was listed as an example of good practice among public and private sector employers (Opportunity Now Exemplary Employers Index)

6. ASSESS THE OUTCOMES

How can we tell if initiatives to encourage diversity and inclusion within a talent management strategy are successful? As well as analysing the extent to which the initial objectives have been achieved, as is usually done with strategic plans, we particularly need to take into account the opinions of the people targeted by these initiatives.

Therefore, we need to ask ourselves:

How can we tell if we got it right?	
At individual level ...	**At organisational level ...**
➲ What is our assessment of the experience? ➲ What have we learned? ➲ What changes have we seen? ➲ What changes have our colleagues seen? ➲ What consequences has it had for my professional development?	➲ How many people applied to take part? ➲ What proportion of priority groups have seen an improvement in their situation? ➲ Has the working environment and atmosphere improved? ➲ Do we have succession plans in place for critical posts? ➲ What outcomes does an equality impact assessment reveal?

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PERSONAL AND ORGANISATIONAL INITIATIVES

Sometimes, raising awareness about diversity's potential is accompanied by doubts about our own ability to manage it. In other words, even once we become aware, we still find it hard to take the first step. It is worth remembering here that **complexity and/or difference are not an excuse**. Our job as public sector employees is to narrow the gap between different positions and to find creative solutions to society's problems. The good news is that this job of developing diversity's potential is not something that could ever be done by a machine or computer, which means there is no danger of us becoming obsolete, at least not for the time being.

In conclusion, mere awareness of diversity is not enough; we need to learn to manage it, to resolve cultural dilemmas, to anticipate potential misunderstandings and, above all, to strive to make sure that work and leadership styles serve organisational objectives and strategies beyond our own personal preferences and habits. This challenge has two components — organisational and personal.

Here a few of the things we can do:

⮑ **From an organisational point of view (as executives or HR managers):**

- Communicate the significance and importance of formal career-development processes. Remember that the best indicator of a person's level of commitment, irrespective of their post, is that person's relationship with their direct boss. Make sure you provide the latter with the training and tools he/she needs to develop his/her team.
- In meetings, designate a moderator (ideally somebody other than the person who called the meeting) tasked with making sure that everybody makes a relevant contribution, with preventing the most outspoken participants from dominating, and with minimising interruptions.

PRACTICAL TOOLS >>>

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- All adaptation to change includes an organisational component: review your processes, formal policies and habitual practices from the other person's perspective. Remember that our objective is not merely co-existence within the company, but rather to learn constantly from one another to maintain our competitive advantage.

➲ **From a professional point of view**:

- Analyse your potential biases and things that could trigger them. We all have them, and self-deception is not conducive to growth. Knowing what they are and working on them is what separates the best from the rest. That is the only way to make sure that our decisions are based on facts and not on perceptions.
- Thinking that the organisation is to blame for everything or waiting for your boss to make a start is impractical and, as a source of motivation, demoralising. If you really want to change things, start by making a change yourself and leading by example.
- Leave your comfort zone. Operating in a global market means learning to live with uncertainty, ambiguity and something widely feared, particularly by Spaniards: potential ridicule.
- Contact people with similar objectives, or join thematic networks, like:
  - Gaylespol: **http://www.gaylespol.es/nosotros/**
  - Diversity Network, Belgian federal police. **Further information (p. 26)**.
  - Diversity Champions Network, British-Africans In Government, Civil Service Disability Network, The Minority Ethnic Talent Association (META), Civil Service Muslim Network, Civil Service Rainbow Alliance, Christians in Government (United Kingdom). **Further information**.

PRACTICAL TOOLS >>>

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Paying attention to small details: micro-discrimination in the workplace

"No thanks. I don't smoke." An apparently harmless and most likely sincere reply to an offer. However, when it's your boss who asks the question, and when one of your colleagues eagerly accepts, it can become much more than that. Every day as you watch them walk outside to share a cigarette, you ask yourself: "Am I missing something? Are they really only making idle chit-chat for those 10 minutes?" A while later, you realise that sometimes decisions have already been made before you discuss them, even though you, and only you, are in charge of that area. What's going on? Quite simply, you're experiencing what experts call subtle or micro-inequalities

A few examples:

- When in your boss's office, you ask him/her what he/she did at the weekend and get a curt reply. Later, the colleague you share a desk with goes in and you hear them laughing about yesterday's match
- You're introducing two members of your team to important visitors. You play tennis with one of them at weekends, but have had hardly any personal contact with the other, despite the fact that she joined the team a year ago. You say: "Let me introduce Rose, one of our top analysts. And this is Natalie, who's been with us since January"
- You've just been appointed supervisor. On your first day, of the 50 people who make up your new team, you only greet those who raise their heads or speak to you as you pass by
- You arrive at a meeting with people from another department, but sit next to the colleagues you're closest to or have most in common with

Managing human resources

Learning from practice ...

Internal and external diversity management policy, Spain

TMB (in operation since 2001)

Description and objectives

The diversity management policy implemented by the TMB has two strands — internal, which means working with a well-integrated team, irrespective of gender, racial or ethnic origin, age, disability or belief, and guaranteeing equal opportunities for access, promotion and recognition; and external, which means offering an inclusive service adapted to the needs of all members of society. Internally, the TMB employs 191 people with disabilities (92 in the metropolitan rail authority, equivalent to 2.8%; and 99 in the transport authority, equivalent to 2.2%). Employees have a wide range of racial or ethnic origins: European (France, Italy, Germany, Portugal, United Kingdom and Switzerland) and non-European (Peru, Venezuela, Uruguay, Argentina, Chile, Pakistan, Morocco, Colombia, Ecuador, Mexico, Cuba, Brazil, Philippines, Equatorial Guinea and Israel). Externally, the organisation has protocols in place to meet the needs of a diverse society.

It addresses all grounds of discrimination.

Institutions/organisations involved

➲ TMB
➲ OND
➲ NGOs representing various groups.

Methods and tools used

➲ Inclusive recruitment and promotion processes that include positive action to attract under-represented groups.

PRACTICAL TOOLS >>>

Managing human resources

- ⮑ Public statement of the ethical criteria applied to human resource management designed to embrace diversity and manage it successfully.
- ⮑ Policy designed to balance employees' work and family lives.
- ⮑ Master plan to ensure universal accessibility. Master plan to encourage co-operation and solidarity.
- ⮑ Protocol for meeting the needs of a diverse society.

Gender perspective
Gender equality is addressed through equality plans (measures to ensure equality in access; measures to balance employees' work and family lives; measures to ensure equal pay and working conditions; and measures to ensure use of non-sexist communication and language). Today, just over 50% of train drivers on Barcelona's metro system are women, although to date they only account for 5% of bus drivers.

SUCCESS FACTORS	MAIN BARRIERS
⮑ A strong relationship with workers' representatives and an emphasis on meeting stakeholders' needs. According to local surveys, public transport is one of the services most highly valued by the public	⮑ Current economic and social climate, which limits capacity for action. For example, very few women in the labour market currently have the driving licence required to do the job

FURTHER READING >>>

Reference documents

FURTHER READING >>>
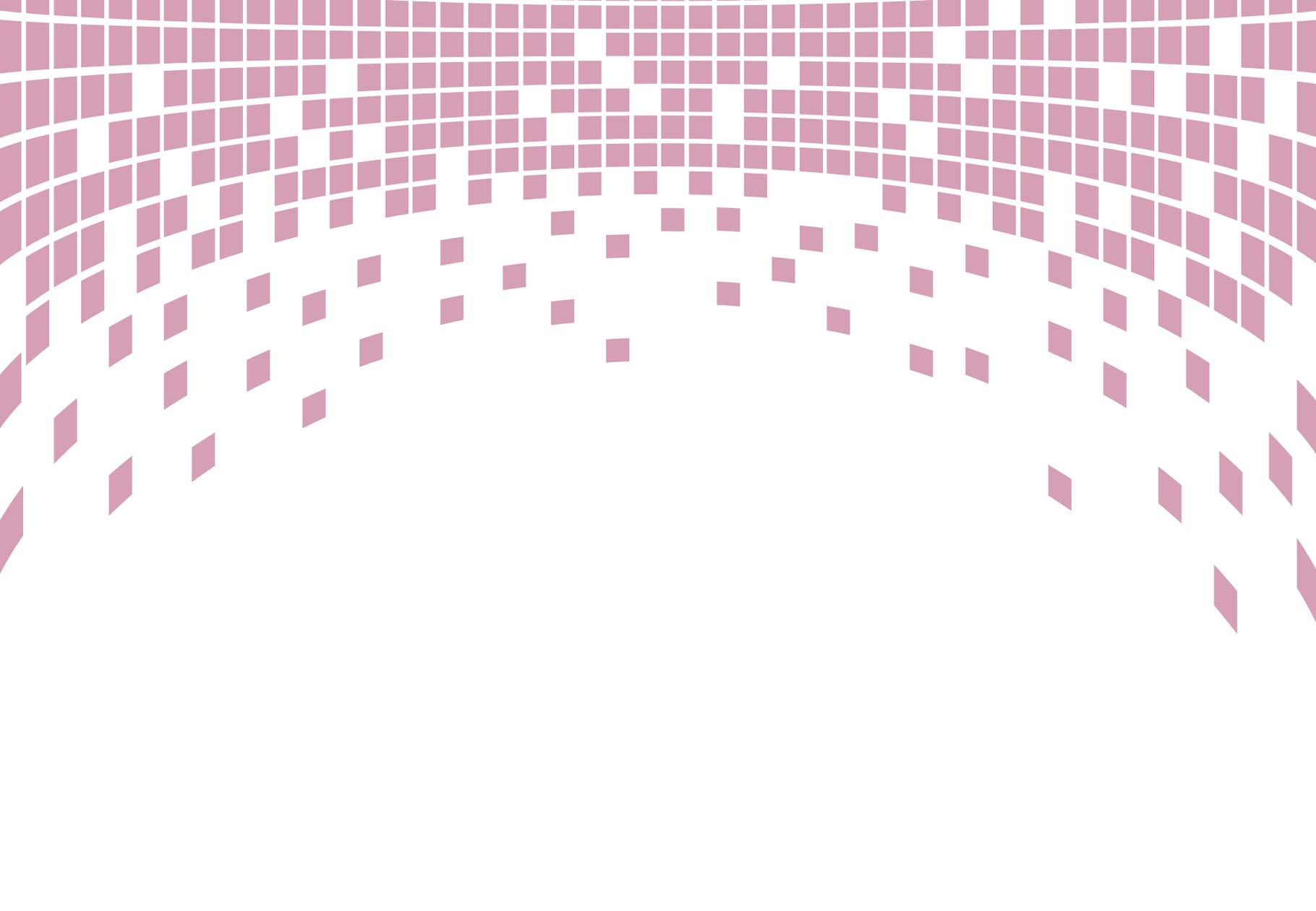
Reference documents

LEGISLATIVE COMPILATIONS AND ANALYSES

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