



European Union

European Structural
and Investment Funds

ESIF Gender Equality and Equal Opportunities Mainstreaming Plan

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Contents

1. Aim of this plan	3
2. Policy and legislative context of this plan	3
ESF 5	
ERDF	7
Equality Principles.....	8
Ex ante assessment.....	9
3. Equality Targets.....	10
ESF EQUALITY TARGETS OVERVIEW	11
ERDF – Equality Reporting	17
4. ESIF Equality Mainstreaming Action Plan	19
Reporting against progress	19
Action Plan.....	20
Annex 1 - Structural Fund Regulations & Equal Opportunities	27
Annex 2 - Legislation (Domestic and International).....	29

1. Aim of this plan

This plan aims to:

- reinforce and support the **commitments** made in the 2014-2020 ESIF Operational Programmes to promote gender equality and equal opportunities;
- provide the national ESIF Equality and Diversity Sub Committee with a **management tool** and **point of reference** for assessing progress in mainstreaming gender equality and equal opportunities;
- propose objectives which support the achievement of **equality targets in ESF and ERDF**.

This plan will be published on the national Gov.UK website for the information of all ESF partners and stakeholders.

2. Policy and legislative context of this plan

The mainstreaming approach – (i) UK ESIF Partnership Agreement

The UK ESIF Partnership Agreement explains that:

“ In general, activities supported by the ESI Funds will address the needs of each person as an individual. Where men or women face specific barriers because of their gender, ESI Funds may be used to address these. For example, there may be actions to help men or women enter sectors or occupations where they are under-represented, in order to increase their employment rate and career opportunities, and to help employers address their need for skilled labour. These will be supported within other investment priorities rather than using the specific investment priority on equality between men and women.” Therefore the people being targeted by the programme include men and women who share one or more of the following Protected Characteristics:

- long term unemployed;
- inactive;
- lone parents;
- disabled;
- from ethnic minorities;
- ex-offenders;
- young and old

Output targets have been set to ensure that we help appropriate numbers of these people. The strategy section makes clear that as the economy improves our focus will increasingly be on those who face multiple disadvantages.

The mainstreaming approach – (ii) England ESF Operational Programme

The England ESF Operational Programme explains that: the following principles will be followed in order to help integrate equality into the preparation, implementation, monitoring and evaluation actions of the programme:

- no exclusion on the grounds of protected characteristics;
- projects are designed to meet the needs of all potential participants;
- services are responsive to the needs of all communities and under-represented groups;
- support is targeted towards under-represented communities where relevant;
- the programme will be responsive to, and inclusive of, under-represented groups.

Examples of actions that could support the above principles include:

- undertaking an equality survey to help prepare the operational programme with annual updates;
- integrating equality into the project selection process including requirements for equality policies and implementation plans to be assessed and monitored during delivery;
- projects using appropriate recruitment and publicity materials that promote equality through the use of inclusive imagery and language – e.g. gender-sensitive language;
- providers using accessible premises / facilities (e.g. for disabled people);
- use of positive action (where justified);
- promoting disclosure of disability (in a positive way) when enrolling participants;
- use of innovative outreach methods to promote access to hard to reach and under-represented / marginalised groups;

- flexible delivery arrangements including help with childcare if it is a barrier to ESF support;
- support that is tailored to meet individual needs as far as possible including the use of specialised support services;
- delivery projects liaising closely with appropriate referral agencies;
- staff development and training in diversity and equality; and
- equality integrated into the evaluation of ESF programme by ensuring that, as far as possible, groups with protected characteristics are covered in any evaluation reports.

ESF

The ESF Operational Programme makes the following commitments with regards to equality mainstreaming:

- The Managing Authority will prepare a programme-level equal opportunities and gender equality mainstreaming plan in consultation with the relevant Programme Monitoring Committee (PMC) sub-committee - performance will be regularly reported.
- The Managing Authority will ensure that equality is embedded in all relevant ESF guidance manuals, cross referring to existing good practice guidance and key lessons learned from the 2007-2013 programme.
- The Managing Authority will require all Co-financing Organisations, Intermediate Bodies and Local Action Groups to ensure that the principle of equal opportunities is embedded in project selection/procurement arrangements, contract management and monitoring. This requirement will also apply to the selection and management of projects which contract directly with the Managing Authority.
- The 2014-20 programme will build on the lessons learned from the 2007-13 programmes (i.e. the dual approach of mainstreaming equality by requiring all providers to have equality policies and implementation plans and also using ESF to provide specialist support where required).
- The good practice guidance in promoting gender equality includes a checklist which will be used to help inform core criteria for project selection along with other equality-related criteria.
- The Managing Authority will use ESF technical assistance funding to part-fund an equal opportunities awareness training programme for Managing Authority,

Intermediate Body and Co-financing Organisation procurement, contract management and monitoring staff during 2014-2020.

The Managing Authority, Co-financing Organisations, Intermediate Bodies and Local Action Groups will be required to promote gender equality when preparing their calls for proposals or procurement rounds. Project applicants submitting tenders or applications will be required to explain how they will actively promote gender equality through the design and delivery of their projects. For example, a tender specification for in-work training should require the applicant organisation to explain how it will ensure that female employees will have access to support, including those who may be working part-time and/or have childcare needs. Providers targeting disadvantaged people and other groups in the programme are also required under the Equality Act 2010 to do so with a corresponding gender focus. This will include actively encouraging more women to take part in the programme, as well as making sure that the type and nature of support offered is appropriate and helps meet the needs of women, including disadvantaged women. (Please refer to requirements set out in Annex 2 and, in particular the PSED requirement for advancing equality of opportunity between people who share a protected characteristic and those who do not.)

Programme providers will be expected to consider the needs of women in a number of key areas of design and delivery of their services, for example by:

- promoting gender equality throughout their recruitment process;
- offering information, advice and guidance;
- providing or procuring childcare support where this might be a barrier to participation;
- ensuring that the structure and content of the activities delivered are suitable and appropriate for women and men; and
- ensuring that provision is accessible, flexible and gender-sensitive where necessary.

The Managing Authority will ensure that there is regular monitoring of the participation rates for women and men. Results data will also be monitored and the Managing Authority will report on performance to the PMC and local ESIF committees.

The ESF Operational; programme explains that it will support **women** and, in particular, it will support:

- Inactive women from ethnic minorities, including those with child or elder care responsibilities, and who are often multiply disadvantaged.
- Lone parents.

- Disadvantaged older unemployed women. (IP 1.1)
- Women who are inactive but who would be interested in working (1.1).
- Women seeking career advancement and/or progressing from part-time to full-time work, or at least increasing their hours at work.(2.1)

The ESF Operational Programme explains that all ESF activities should be accessible to **disabled people** and responsive to their needs. (It should be noted that, in any event, the Equality Act 2010 places a duty on service providers to make reasonable adjustments.)

The investment priorities on access to employment and active inclusion can support activities focused on improving the employability of disabled people and **those with physical and mental health conditions**. The active inclusion investment priority will help those furthest from employment and who often experience other disadvantages.

The investment priority for the sustainable integration of **young people** will help those who are **NEET or at risk of being NEET** and have learning difficulties and disabilities.

People from **ethnic minorities** should be able to access ESF provision in all investment priorities. Interventions must be tailored to the needs of people from different ethnic minority groups in each locality, and where appropriate targeted on specific groups. There is a strong case for interventions targeted at groups with low employment and high inactivity rates in the access to employment and active inclusion investment priorities, e.g. **women of Pakistani and Bangladeshi origin, especially in areas with high concentrations of people from ethnic minorities**.

Activities in the access to employment, active inclusion and access to lifelong learning investment priorities will respond to the needs of **older people**. Specific activities will be delivered to help improve the participation of older women, depending on local needs.

The European Commission expect the ESF programme to play an important role in supporting the **Strategic engagement for gender equality 2016-2019** (published December 2015) and which is a follow up and prolongation of the Commission's Strategy for equality between women and Men (2011-2015).

ERDF

The Programme Monitoring Committee, as required by the Common Provisions Regulation (CPR), will take into account the general principles of the promotion of equality between men and women and non-discrimination and support the provision of advice and support to embed the cross-cutting theme of non-discrimination and

equality; promoting equality in accordance with European Union and national requirements.

The 2010 Equality Act provides a framework to effectively tackle disadvantage and discrimination. The Act protects nine characteristics – age, disability, gender reassignment, marital or civil partnership status, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

The Public Sector Equality Duty applies in the delivery of ERDF and means that delivery of the Operational Programme should consider the needs of all individuals and have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

Equality Principles

The broad equality principles of the Programme are:

- no beneficiaries are excluded from participation in the Programme on the grounds of their protected characteristics;
- the needs of all potential beneficiaries are considered at project design stage in order that the service is appropriately delivered;
- all physical regeneration, i.e. new buildings and upgrading existing premises, meets minimum accessibility requirements (Equality Act, Part M of Building Regulations and recommended British Standards for accessibility);
- services are responsive to the needs of all communities and under-represented groups;
- support is targeted towards under-represented communities where relevant;
- responsiveness to, and inclusiveness of, under-represented groups in delivery and management.

This will be done by:

- Setting up an Equalities sub-committee of the Growth Programme Board and embedding equalities considerations in the Terms of Reference of Local ESI Funds Committees;
- The preparation of programme-level equal opportunities and gender equality mainstreaming plans in consultation with equalities sub-committee;
- Building appropriate equality criteria into the investment application process;
- Using appraisal processes to check the extent to which equality is applied at project level, including for capital projects in relation to their accessibility;

- Using investment management processes, progress reporting, monitoring visits and evaluation to monitor equality progress at project level;
- Giving implementation staff appropriate equality training, with advice and guidance obtained where necessary from equality bodies or experts;
- Providing equality guidance to projects, including lessons learnt from other projects;

- Promoting equality to applicants by awareness-raising and signposting SMEs and support providers to equality advice;
- Monitoring and evaluating the equality impacts of the Programme, based primarily around the production of best practice case studies;
- The equalities sub-committee reviewing progress and monitoring and evaluating the equality impacts of the Programme on a regular basis and reporting progress to the Growth Programme Board.

Ex ante assessment

The Operational Programme has been informed by an ex ante assessment to assess potential equality impacts of the Operational Programme. This informs how equality issues are considered in the Programme and shaped implementation and administration arrangements. It identified opportunities to promote equality, proposed solutions for elimination of potential negative impacts and identified opportunities for monitoring:

- **Innovation** –science, technology and engineering, employment sectors with a particular gender bias and thereby impacting women more. Therefore projects under this theme will be expected to demonstrate measures that promote greater female participation in associated sectors. Physical infrastructure such as incubation space will take into account the needs of disabled people as regards access and use. Buildings will meet minimum accessibility requirements. Where possible, accessibility toolkits and undertaking pre- and post-build access audits will add quality to investments;
- **Information and Communications Technology (ICT)** – there are likely to be few significant impacts in relation to broadband access and higher internet speeds – in general, Information and Communications Technology issues are likely to impact more on older people and disabled people, so digital infrastructure investments will be accompanied by relevant skills support;
- **SMEs** – the focus on growth and entrepreneurial culture means there are likely to be more significant equality impacts. Some groups lack entrepreneurial understanding and appropriate skills and face entrenched attitudinal barriers. People in difficult social or economic circumstances face barriers to enterprise, but some groups have additional ones – for example women and black and minority ethnic groups are often under-represented in enterprise compared to the wider population, so investments will actively address barriers to business start-up and other types of business opportunities for such groups;
- **Low carbon, climate change adaptation and mitigation and environment protection** – there are likely to be few significant impacts for these priority axes, however investments will still be expected to promote equality where appropriate;
- **Sustainable transport** – there are potential impacts around general transportation and in road building – the needs of, in particular, young people,

older people and physically disabled people will be appropriately considered;

- **Social inclusion** – there are likely to be significant impacts for this priority axis.

3. Equality Targets

The ESF programme has a set of equality targets. The methodologies used to help set the targets incorporated the use of:

- (i) population statistics;
- (ii) unit costs; and
- (iii) various assumptions about future performance.

These targets were negotiated and agreed with the European Commission.

The tables in the next section set out the various equality targets for the ESF and ERDF programmes.

Reporting against targets

Progress against the targets will be reported at future equality subcommittee meetings and, performance reports will provide data by gender, age, race and disability.

ESF EQUALITY TARGETS OVERVIEW

Investment priority 1.1: Access to employment for job seekers and inactive people, including the long term unemployed and people far from the labour market, also through local employment initiatives and support for labour mobility.

Indicator ID	Indicator	Category of region	Total	Male	Female
01	Participants	Less developed	21,600	11,000	10,600
04	50 years +	Less developed	5,500		
	Ethnic minorities	Less developed	240		
	Disabled people	Less developed	6,500		
01	Participants	Transition	149,000	80,000	69,000
	50 years +	Transition	29,300		
	Ethnic minorities	Transition	11,500		
	Disabled people	Transition	38,400		
01	Participants	More developed	594,300	325,800	268,500
	50 years +	More developed	116,900		
	Ethnic minorities	More developed	130,800		
	Disabled people	More developed	153,300		

Investment priority 1.2: Sustainable integration of young people

Indicator ID	Indicator	Category of region	Total	Male	Female
02	Participants below 25 who are unemployed or inactive	Less developed	5,400	2,700	2,700
	Ethnic minorities	Less developed	60		
	Disabled people	Less developed	850		
02	Participants below 25 who are unemployed or inactive	Transition	21,200	11,400	9,800
	Ethnic minorities	Transition	1,600		
	Disabled people	Transition	2,100		
02	Participants below 25 who are unemployed or inactive	More developed	153,400	84,100	69,300
	Ethnic minorities	More developed	30,700		
	Disabled people	More developed	15,300		

Investment Priority 1.3: Sustainable integration into the labour market of young people (YEI) – data not broken down by category of region (not applicable for YEI)

Indicator ID	Indicator	Category of region	Total	Male	Female
YEI-O8	Participants below 25 who are unemployed or inactive (not in education or training)	Less developed	84,000	44,500	39,500
YEI-O3	Participants aged 25-29 (u/e or inactive)	Less developed	28,000	14,900	13,100
05	Ethnic minorities	Less developed	33,600		
YEI-O12	Disabled people	Less developed	11,200		

Investment priority 1.4: Active inclusion (this includes NOMS CFO support for prisoners – most of whom are male)

Indicator ID	Indicator	Category of region	Total	Male	Female
01	Participants	Less developed	11,900	6,000	5,900
04	50 years +	Less developed	2,400		
05	Ethnic minorities	Less developed	130		
ESF CO16	Disabled people	Less developed	4,200		
01	Participants	Transition	62,200	40,500	21,700
04	50 years +	Transition	8,700		
05	Ethnic minorities	Transition	6,800		
ESF CO16	Disabled people	Transition	13,700		
07	Participants who are offenders / ex-offenders	Transition	20,700		
01	Participants	More developed	228,500	150,700	77,800
04	50 years +	More developed	32,000		
05	Ethnic minorities	More developed	52,800		
ESF CO16	Disabled people	More developed	50,300		
07	Participants who are offenders / ex-offenders	More developed	75,800		

Investment Priority 1.5: Community Local Led Development Strategies (CLLDs)

Indicator ID	Indicator	Category of region	Total	Male	Female
01	Participants	Less developed	3,100	1,600	1,500
04	50 years +	Less developed	740		
05	Ethnic minorities	Less developed	30		
ESF-CO16	Disabled people	Less developed	900		
01	Participants	Transition	7,000	40,500	21,700
04	50 years +	Transition	1,200		
05	Ethnic minorities	Transition	770		
ESF-CO16	Disabled people	Transition	1,600		
01	Participants	More developed	32,000	17,500	14,500
04	50 years +	More developed	5,800		
05	Ethnic minorities	More developed	7,400		
ESF-CO16	Disabled people	More developed	7,400		

Investment priority 2.1: Enhancing equal access to lifelong learning.

Indicator ID	Indicator	Category of region	Total	Male	Female
01	Participants	Less developed	13,500	6,300	7,200
04	50 years +	Less developed	3,000		
05	Ethnic minorities	Less developed	300		
ESF- CO16	Disabled people	Less developed	1,400		
01	Participants	Transition	204,700	100,300	104,400
04	50 years +	Transition	40,900		
05	Ethnic minorities	Transition	13,500		
ESF-CO16	Disabled people	Transition	15,500		
01	Participants	More developed	709,100	347,400	361,700
04	50 years +	More developed	141,800		
05	Ethnic minorities	More developed	124,800		
ESF-CO16	Disabled people	More developed	55,900		

Investment Priority 2.2: Improving the labour market relevance of education and training systems facilitating the transition from education to work , and strengthening vocational education and training systems and their quality , including through mechanisms for skills anticipation , adaptation of curricula and the establishment and development of work based learning systems, including dual learning and apprenticeship systems

NB There are no equality targets set of this Investment Priority : instead, the indicators relate to number s of micro, small and medium sized enterprises completing projects relating to this investment priority.

ERDF – Equality Reporting

Recording equality and diversity data on individuals receiving support through ERDF ensures that there is no inherent bias in the provision of help through the funding stream and that it is accessible by all groups.

Effective monitoring of diversity characteristics is a legal requirement under the 2010 Equality Act, which sets out public sector equality duty in relation to the following protected characteristics the 2014-2020 ERDF programme equality and diversity data will be collected for the following output indicators by the relevant Priority, as identified below:

- C8: Employment increase in supported enterprises
- P11: Number of potential entrepreneurs assisted to be enterprise ready
- C25: Number of researchers working in improved research facilities

Projects with these outputs should provide basic information on the following characteristics:

- Gender
- Age
- Disability
- Ethnicity

This information should be submitted and collected as part of the claims process.

This does not represent the full list of protected characteristics under the 2010 Equality Act. Where a project has a particular objective to work with people with specific characteristics, this will be inherent in the project specification and the project will be asked to capture this as part of its project management.

ERDF Indicators

Indicator ID	Indicator	Measurement	Total by Priority Axis					Investment Priority 8	Total
			Investment Priority 1a	Investment Priority1b	Investment Priority 3	Investment Priority 3c	Investment Priority 3d		
C8	Employment increase in supported enterprises	Full Time Equivalentents	0	11964	7588	18970	11381	1735	51638
C25	Number of researchers working in improved research facilities	Full Time Equivalentents	602	0	0	0	0	0	602
P11	Number of potential entrepreneurs assisted to be enterprise ready	Persons	0	0	0	0	0	6480	6480

4. ESIF Equality Mainstreaming Action Plan

The following action plan includes a number of shared ESF / ERDF equality mainstreaming aims and objectives as well as some ESF programme-specific aims and objectives.

The action plan begins with a small number of aims and objectives relating to the setting-up of formal administrative structures which are essential for delivering the mainstreaming process.

Reporting against progress

Progress against this mainstreaming plan's aims and objectives (as set out in the action plan below) will be reported at each meeting of the national ESIF Equality and Diversity Sub Committee, An **annual mainstreaming progress report** which will be produced by the end of December each year. This annual mainstreaming progress report will be agreed by the subcommittee. The annual equality mainstreaming report will be published on the Gov.UK website.

The mainstreaming progress report will include a record of the progress made towards the various equality targets and progress made towards meeting the various mainstreaming commitments made in the respective operational programmes. The progress report should also include examples of good practice / case studies identified during the delivery of the programme.

Action Plan

Introduction

Aim 1: The ESF and ERDF Managing Authorities to develop and deliver a mainstreaming reporting mechanism for the national sub committee.

Objectives:	Deliverable / Indicator / deadline:	Comments (on progress / achievement)
<p>MAs to design and develop internal reporting mechanisms that will enable them to report on progress towards targets and other aspects of equality mainstreaming. Objectives could include:</p> <p>Develop internal monitoring systems – e.g. linking to annual implementation report reporting mechanisms (aim to avoid duplication / try to gather information `in one hit`)</p> <p>Promoting disclosure of disability (in-line with published good practice) to help improve the quality of equality performance reporting and avoid under-reporting disability.</p> <p>Sub Committee to agree reporting arrangements including:</p>	<p>Paper explaining how information will be obtained, should be available during 2018 / early 2019).</p> <p>Paper explaining format of MI tables and in-year monitoring / annual progress report (TBC - 2018).</p> <p>Number of in-year progress papers presented.</p> <p>Number of annual progress reports agreed by the sub committee</p>	<p>Monitoring system to be developed in-line with `Jaspersoft` Reporting system during 2018.</p> <p>Basic progress reports based upon application profiles currently being used).</p> <p>None to date – awaiting `actuals` data.</p>

Objectives:	Deliverable / Indicator / deadline:	Comments (on progress / achievement)
<p>Develop and agree MI reporting tables with subcommittee.</p> <p>Develop and agree main format and headings for in-year and annual progress reports.</p>		

Aim 2: The ESF and ERDF programmes to support the achievement of the various equality targets that have been negotiated and agreed with the European Commission and to take remedial action where it is appropriate to do so.

Objective:	Deliverable / Indicator / deadline:	Comments (on progress / achievement)
Key partners (such as co-financing organisations and IBs) to explain how they are promoting equality and, if necessary, explain any significant shortfalls against equality targets.	<p>Presentation / papers by CFOs and IBs explaining how they are promoting equality.</p> <p>Presentations to the subcommittee.</p>	(Presentations TBA during 2018 and beyond)
MA and partners to agree what kind of remedial action can be taken to address any shortfall against equality targets	Guidance to be produced by MA for partners on tackling shortfalls against equality targets – and how they should report on action they are taking. (TBA 2018)	This is partially being covered in `Workshop 2 `training workshops but separate guidelines will be produced during 2018.

Aim 3: Evaluation of equality and diversity in the ESF and ERDF programmes

Objective:	Deliverable / indicator / deadline	Progress
Evaluation teams to give a presentation to subcommittee and invite feedback on proposed evaluation strategy / arrangements	ESF presentation (deadline TBC) ERDF presentation (deadline TBC)	
To report on any key evaluation findings that have implications for equality.	Update on progress in evaluation during 2018 by ESF Evaluation Team - by December 2018	

Aim 4: Developing and sharing good practice / case studies (ESF and ERDF)

Objective:	Indicators / targets (T) / profiles (P)	Notes / Progress
To undertake desk-based research to identify existing good practice in promoting equality and produce a brief report setting out key findings and web-links	Produce paper by September 2018 paper outlining results / findings from desk-based research – and share this with key partners.	
To consider good practice guidance produced in previous programme period and update as necessary	Guidance updated by September 2018	
Invite specialist organisations (where relevant, alongside partner MA or LEP) to give presentation to sub committee on good practice in promoting equality and delivering good outcomes	Number of presentations – 2 per year	5 presentations since 2016

Aim 5: ESF and ERDF MA to set up an ESF project to deliver an equal opportunities and positive action awareness training programme for Managing Authority, Intermediate Body and Co-financing Organisation procurement, contract management and monitoring staff during 2014-2020.

Objective:	Indicators / targets (T) / profiles (P)	Notes / Progress
MA to prepare project brief for the proposed training.	<ul style="list-style-type: none"> - Project brief – with different options. 	Brief prepared April 2017
MA to appoint trainers and organise workshops	<ul style="list-style-type: none"> - Specification for work prepared (to include positive action, what it is, and how to apply it effectively) - Trainers appointed - Training needs - Workshop designed <p>(all above by February 2017)</p>	<p>Achieved March 2017</p> <p>Achieved March 2017</p> <p>Training needs discussed through joint ESF /ERDF meetings and preparatory work on guidance for workshop 2 during 2017</p> <p>June – September 2017</p>
Workshops delivered	<ul style="list-style-type: none"> - Number of workshop piloted - Number of workshops organised / delivered 	<p>28 workshops delivered (by end of 2017)</p> <p>9 workshops (by end of April 2018)</p>

Objective:	Indicators / targets (T) / profiles (P)	Notes / Progress
		The MA is currently trying to arrange further workshops for GLA IB and Big Lottery Fund – likely to be in mid-June.
In-house evaluation of workshops	<ul style="list-style-type: none"> - Final in-house evaluation report produced summarising work undertaken and progress made - Guidance updated in light of workshops where necessary 	<p>Produce by end of July 2018</p> <p>May 2018</p>

Annex 1 - Structural Fund Regulations & Equal Opportunities

The main General Provisions Regulation (covering all ESIF funds) and the ESF Structural Fund regulations that relate to gender equality and equal opportunities are:

- **GENERAL PROVISIONS REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

Article 7

Promotion of equality between men and women and non- discrimination

The Member States and the Commission shall ensure that equality between men and women and the integration of gender perspective are taken into account and promoted throughout the preparation and implementation of programmes, including in relation to monitoring, reporting and evaluation.

The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation and implementation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes.

- **REGULATION (EU) No 1304/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

Article 7: Promotion of equality between men and women

The Member States and the Commission shall promote equality between men and women through mainstreaming as referred to in Article 7 of Regulation (EU) No 1303/2013 throughout the preparation, implementation, monitoring and evaluation of the operational programmes. Through the ESF, the Member States and the Commission shall also support specific targeted actions within any of the investment priorities referred to in Article 3, and in particular Article 3(1)(a)(iv) of this Regulation, with the aim of increasing the sustainable participation and progress of women in employment, thus combating the feminisation of poverty, reducing gender-based segregation, combating gender stereotypes in the labour market and in education and training, and promoting the reconciliation of work and personal life for all as well as the equal sharing of care responsibilities between men and women.

Article 8: Promotion of equal opportunities and non-discrimination

The Member States and the Commission shall promote equal opportunities for all, without discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation through mainstreaming the principle of non-

discrimination, as referred to in Article 7 of Regulation (EU) No 1303/2013. Through the ESF, the Member States and the Commission shall also support specific actions within any of the investment priorities referred to in Article 3, and in particular Article 3(1)(b)(iii) of this Regulation. Such actions shall aim to combat all forms of discrimination as well as to improve accessibility for persons with disabilities, with a view to improving integration into employment, education and training, thereby enhancing social inclusion, reducing inequalities in terms of educational attainment and health status, and facilitating the transition from institutional to community-based care, in particular for those who face multiple discrimination.

Annex 2 - Legislation (Domestic and International)

Domestic Equality Legislation

Equality Act 2010

The Equality Act 2010 protects people from unlawful discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.

It is against the law to discriminate against anyone because of:

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy or maternity (including breastfeeding)
- race
- religion and belief
- sex
- sexual orientation

These are called 'protected characteristics'.

The Equality Act sets out different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and discriminating for a reason arising from a disability.

The Equality Act puts a positive duty on employers and others to make reasonable adjustments for disabled people.

The Act makes it lawful to take proportionate action to help people with a particular protected characteristic if they:

- are at a disadvantage
- have particular needs
- are under-represented in an activity or type of work

Public Sector Equality Duty

The Equality Act includes a Public Sector Equality Duty . There are two parts to the equality duty: the general equality duty and the specific duties (which are different for England, Scotland and Wales).

The **general duty** requires public bodies (including private and voluntary sector organisations carrying out a public function) to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the (Equality) Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It states that compliance with the duty may involve treating some people more favourably than others.

The equality duty supports good decision making by requiring equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

The **specific duties** require certain public bodies, including the Department of Work and Pensions, to be transparent about how they are meeting the general duty. The England specific duties require them to publish information relating to people who share a relevant protected characteristic and who are affected by its policies and practices. The specific duties in Wales and Scotland include more detailed requirements.

Human Rights Act 1998

The Human Rights Act 1998 sets out the fundamental rights and freedoms to which everyone in the UK is entitled. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law and requires public bodies - and others carrying out public functions - to respect and protect people's human rights.

The Act sets out people's human rights in a series of 'Articles'. Each Article deals with a different right, taken from the European Convention on Human Rights and commonly known as 'the Convention Rights'. For example:

- Article 3 Freedom from torture and inhuman or degrading treatment
- Article 4 Freedom from slavery and forced labour
- Article 6 Right to a fair trial
- Article 8 Respect for your private and family life, home and correspondence

- Article 9 Freedom of thought, belief and religion
- Article 10 Freedom of expression
- Article 14 Protection from discrimination in respect of these rights and freedoms

Article 14 gives people the right to protection against discrimination in relation to all the other rights guaranteed under the Convention. So, in the application of the other Convention rights, people have the right not to be treated differently because of their race, religion, sex, political views or any other status, unless there is an 'objective justification' for the difference in treatment. Article 14 only works to protect people from different treatment in exercising their other Convention rights. This means that a person needs to show that the facts of their case come within the scope of another Convention right in order to make use of the non-discrimination protection, for example a respect for private and family life.

The Equality and Human Rights Commission has produced a guide for public authorities on the Human Rights Act which is available from the web link below:

<https://www.equalityhumanrights.com/en/publication-download/human-rights-human-lives-guide-human-rights-act-public-authorities>

International Legislation

The right to non-discrimination is also recognised by key international legal instruments such as:

- the International Covenant on Civil and Political Rights (ICCPR);
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- the Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD)
- the Convention on the Elimination of All Forms of Racial Discrimination (CERD); and
- the International Labour Office (ILO) Discrimination (Employment and Occupation) Convention No 111.

By ratifying these United Nations human rights treaties and ILO conventions, the UK has pledged to make sure its domestic laws and policies comply with them.