

# Equinet Training on Positive Action Measures

16-17 October 2014

## AGENDA

### VENUE

Hotel Zira Beograd, Ruzveltova 35, 11000 Belgrade, Serbia

### OBJECTIVES

EU equal treatment legislation on all discrimination grounds allows Member States to introduce positive action measures in order to 'ensure full equality in practice'. However, the limits, the legality and the effectiveness of such measures are often debated in practice.

This Equinet training will build on the discussions in the working group *Equality Law in Practice* and it will analyse the legal questions relating to the application of positive action measures on the basis of EU Equal Treatment Directives by discussing concrete cases and policies on different grounds of discrimination. The training will take account of good practice examples as well as the effectiveness and impact of the existing legislation, policies and practices.

The training will feature presentations by eminent external speakers and experts of equality bodies as well as interactive workshop sessions.

This training will enable equality bodies' staff to:

- **Learn** about the legal concept of positive action measures
- **Familiarise** with the practice relating to positive action measures in different European and non-European countries
- **Share** their knowledge and experience both formally during the sessions and informally during the breaks
- **Learn** about good practice initiatives and projects by other equality bodies
- Return to their jobs better equipped to **judge** the legality and effectiveness of positive action measures
- Provide more informed **recommendations** to decision-makers
- Upon their return **inform** their colleagues about the lessons learned at the training

### PARTICIPANTS

This Equinet training is dedicated to an audience of approximately 50 staff members of equality bodies with responsibilities in dealing with case work and policies relating to positive action measures. The training programme is designed primarily for staff members with a **legal or policy background**.

### KEY THEMES

The following key topics will be addressed at the training.

- Legal framework, case law and preconditions – what is and what isn't positive action?
- Making the case for the use of positive action and improving the take up of such measures
- Good practice examples – positive action measures that work
- Ensuring and evaluating the effectiveness of positive action

# AGENDA

## DAY 1 (16 October)

08.30 – 09.00	<b>Registration and Welcome</b>	
	<b>Opening Address</b>	
09.00 – 09.20	<b>Evelyn Collins</b> – Chair of Equinet and Chief Executive of the Equality Commission for Northern Ireland <b>Nevena Petrušić</b> – Commissioner for the Protection of Equality, Serbia	
09.20 – 09.35	<b>Exercise – What is positive action?</b> This exercise will collect participants' key ideas and questions about positive action. The results of the exercise will be displayed during the training, allowing participants to compare their starting points with the new lessons learnt.	
09.35 – 09.45	<b>Introducing Equinet's work on positive action</b> <b>Tamás Kádár</b> – Equinet Secretariat	
<b>09.45 – 11.00</b>	<b>SESSION 1 – POSITIVE ACTION IN EUROPE AND IN THE WORLD</b> <b>Chair: Evelyn Collins, Chair of Equinet</b> <i>This introductory session will provide a comparative overview of positive or affirmative action in different countries and legal systems, including its objectives, its applications, its risks, its history and its future.</i>	
09.45 – 10.15	<b>International perspectives on positive action measures</b>	<b>Prof. Uduak Archibong</b> University of Bradford
10.15 – 10.45	<b>The experiences in the US</b>	<b>Peggy Mastroianni</b> U.S. Equal Employment Opportunity Commission
10.45 – 11.00	<b>Questions &amp; Answers – Discussion</b>	
11.00 – 11.30	<b>Coffee break</b>	
<b>11.30 – 13.00</b>	<b>SESSION 2 – CHALLENGES OF APPLYING POSITIVE ACTION</b> <b>Chair: Michiel Bonte, Member of the Equinet Executive Board (Belgium)</b> <i>This session will discuss some of the key legal and practical challenges of positive action, helping participants to differentiate it from other similar concepts such as reasonable accommodation or certain exceptions to discrimination.</i> <i>The plenary presentation will be followed by small group discussions.</i>	
11.30 – 12.00	<b>Legal preconditions of positive action in the EU legal order</b>	<b>Goran Selanec</b> Deputy Ombudsperson for Gender Equality, Croatia
12.00 – 13.00	<b>Small group discussions:</b> what are the key challenges for equality bodies in this field? What is the role of equality bodies in supporting appropriate positive action measures? <b>Hosts:</b> Tena Šimonović Einwalter, Office of the Ombudswoman, Croatia Ljiljana Lončar, Commissioner for Protection of Equality, Serbia Peggy Mastroianni, U.S. Equal Employment Opportunity Commission	

13.00 – 14.15	<b>Lunch</b>
<b>14.15 – 15.20</b>	<p><b>SESSION 3 – BENEFITS OF POSITIVE ACTION</b>  <b>Chair: Tamás Kádár, Equinet Secretariat</b></p> <p><i>This session will discuss the potential and the benefits of positive action. Representatives of stakeholders, such as policy-makers and civil society organisations will present and analyse their experiences in a panel discussion.</i></p> <p><b>Panel discussion on the potential and benefits of positive action</b>  Panellists:</p>
14.15 – 15.00	<ul style="list-style-type: none"> <li>❖ <b>Nicolas Iliopoulos</b> (European Commission, DG Justice)</li> <li>❖ <b>Rodolfo Cattani</b> (European Disability Forum)</li> <li>❖ <b>Danica Todorov</b> (Deputy Provincial Ombudsperson for Gender Equality, Serbia)</li> </ul>
15.00 – 15.20	<b>Questions &amp; Answers – Discussion</b>
15.20 – 15.45	<b>Coffee break</b>
<b>15.45 – 17.30</b>	<p><b>SESSION 4 – EXAMPLES OF POSITIVE ACTION (WORKSHOP)</b>  <i>This workshop session will focus on positive action measures from different jurisdictions, allowing participants to apply their knowledge and discuss the challenges and benefits of positive action using practical examples.</i>  <i>Participants will rotate between the different groups so that each participant gets to discuss two topics.</i></p> <p><b>4 groups discussing positive action on the basis of examples</b></p>
15.45 – 17.30	<p><b>Italy – Career days to foster diversity at work</b> (<i>Marco Buemi</i>)  <b>Norway – Positive measures in recruitment</b> (<i>Lars C. Kolberg</i>)  <b>Romania – Parliamentary representation of minorities</b> (<i>István Haller</i>)  <b>Sweden – Equality clauses in public contracts</b> (<i>Paul Lappalainen</i>)</p>
<b>18.30 – SOCIAL EVENT / DINNER</b>	
<b>DAY 2 (17 October)</b>	
<b>09.30 – 10.30</b>	<p><b>SESSION 5 – EXAMPLES OF POSITIVE ACTION (WORKSHOP)</b>  <i>This workshop session will focus on positive action measures from different jurisdictions, allowing participants to apply their knowledge and discuss the challenges and benefits of positive action using practical examples.</i></p> <p><b>3 discussion groups</b></p>
09.30 – 10.30	<p><b>Austria – Positive action in housing for women</b> (<i>Monika Groser</i>)  <b>Great Britain – Public sector equality duty and positive actions in education and healthcare</b> (<i>Claire Lesko</i>)  <b>Serbia – Measures to improve the position of women</b> (<i>Tijana Milošević - Milica Pavičević</i>)</p>
10.30 – 11.00	<b>Coffee break</b>
<b>11.00 – 12.45</b>	<p><b>SESSION 6 – THE EFFECTIVENESS OF POSITIVE ACTION MEASURES</b>  <b>Chair: Kosana Beker, Member of the Equinet Executive Board (Serbia)</b></p>

*This session will analyse the preconditions of making positive action measures effective. Contributions will consider the role of statistics and the role of equality bodies in monitoring and evaluating the implementation and effectiveness of positive action measures.*

*The plenary presentation will be followed by small group discussions.*

11.00 – 11.30 **Using statistics to monitor the implementation and effectiveness of positive action measures** **Patrick Simon**  
French National Institute of Demographic Studies (INED)

11.30 – 11.45 **The role of equality bodies in making positive action effective** **Aidan Fitzpatrick**  
Equality Commission for Northern Ireland

**Small group discussions:** How can we monitor and make positive action measures effective? How can equality bodies contribute?

**Hosts:**

11.45 – 12.45 Tena Šimonović Einwalter, Office of the Ombudswoman, Croatia  
Barbara Bos, Netherlands Institute for Human Rights  
Patrick Simon, French National Institute of Demographic Studies (INED)  
Aidan Fitzpatrick, Equality Commission for Northern Ireland

#### **CLOSING OF THE SEMINAR**

12.45 – 13.00 **Anne Gaspard** – Executive Director, Equinet Secretariat  
**Nevena Petrušić** – Commissioner for the Protection of Equality, Serbia

13.00

**Lunch**

#### **FOLLOW-UP**

Equinet will publish a summary report of the seminar and will upload the speakers' presentations on its website at:

**[www.equineteurope.org/activities/events](http://www.equineteurope.org/activities/events)**

In addition to visiting our **website**, you can also follow the work of Equinet and its 41 European member equality bodies by subscribing to our **monthly newsletter** from our homepage or by following us on **Facebook** ([facebook.com/EquinetEurope](https://facebook.com/EquinetEurope)) or **Twitter** (@equineteurope)



Co-funded by the PROGRESS Programme of the European Union