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Strengthening anti-discrimination policies

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**Monitoring Manual
Comprising Best Practices**

**Conducted in the framework of the
Twinning Project Poland - Austria
"Strengthening Anti-discrimination Policies"
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1 Introduction

This manual was written in the framework of the Twinning Project in Poland *Strengthening Anti-discrimination Policies*. It first of all gives an overview of best practices available regarding monitoring and auditing procedures for promoting equality and anti-discrimination policies within individual companies or public authorities. It has to be pointed out though that it is important not only to evaluate anti-discrimination policies but to monitor policies in general for what effects they have on members of vulnerable groups¹ and their relationship to the majority population. Among the most important policies that should be evaluated carefully are labour market, housing, social welfare, health, and education policies. Another aspect of monitoring is also included, which somehow cuts across many of the areas mentioned above – namely media monitoring. This is an essential part of monitoring as both written and spoken words convey images of people and attitudes towards people. Language can both indicate the importance of equality but also focus on exclusion. Therefore, it is important to recognise exclusionary and discriminatory trends in the media at a very early stage, because abusive language very often forms the basis for physical violence. The second part of this report screens these selected examples for aspects that could possibly be taken over by people doing monitoring or auditing with regard to discrimination based on race and ethnic origin in Poland.

The concept we have in mind when we speak about discrimination includes both – direct as well as indirect discrimination. For definitions of these concepts we revert to the Racial Equality Directive (2000/43/EC) and the Equal Treatment Directive (2000/78/EC). They define direct discrimination as occurring “where one person is treated less favourably than another is, has been, or would be treated in a comparable situation on grounds of racial or ethnic origin” or “religion or belief, disability or sexual orientation”, and indirect discrimination as occurring “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin” or “persons having a particular belief or religion, a particular disability, a particular age, or a particular sexual orientation” “at a particular disadvantage compared with other persons”.

Although the following definitions for barriers excluding vulnerable groups were developed for access to training², they might be defined in more general terms and refer to participation in certain markets (e.g., labour market, housing market), access to resources, services, goods and rights. Five areas of limiting access are specified which are quite helpful in determining where to look for indicators in relation to monitoring.

- **Contextual Barriers:** They include prevailing conditions and trends, the policy stance towards issues such as equality, the mix of programmes available as well as their target populations. They also include factors deriving from pre-

¹ People especially vulnerable are those which are likely to be discriminated on the grounds of racial/ethnic origin, religion/belief, sexual orientation, disability, age, or gender.

² Ronayne, T. (2000) *Reaching the “Hard-to-Reach”*. Paper presented at Vocational Training Opportunities Scheme 10th Anniversary Conference, Dublin [unpublished], cited in: Equality Authority (2003) *Accommodating Diversity in Labour Market Programmes*, available at: <http://www.esf.ie/publications/2004/Accommodating%20Diversity.PDF>, (22.03.2004), pp. 29-30.

vailing social attitudes and practices toward particular issues and groups of people.

- **Institutional Barriers:** They concern factors related to the image, ethos, administration and practices of service/goods providers.
- **Informational Barriers:** The third set of barriers concerns information about access to goods/services.
- **Situational Barriers:** Situational factors of members of vulnerable groups (like lack of time, family/care commitments ...) play an important role in restricting access.
- **Personal/Dispositional Barriers:** They arise from personal/dispositional factors. Included under this heading are demographics, particularly gender and age, initial educational levels and a range of experiential, attitudinal and motivational factors.

In order to find out more about what kind of monitoring procedures are already in place in Poland, we conducted interviews with representatives of Polish GOs and NGOs³. Based on their experiences and gap analysis, we tried to highlight those areas where monitoring should be continued or established and identified the five most important aspects of monitoring that should be observed.

³ Mr Maciej Geller (Open Republic – Association against Antisemitism and Xenophobia), Ms Agnieszka Mikulska (Helsinki Foundation for Human Rights), and Ms Barbara Rymaszewska (Ministry of Justice, Department of Training).

2 Best Practices

The best practices selected and presented in this sub-section give an overview on different levels of monitoring – covering the promotion of equality at the level of individual companies as well as public authorities but also at the level of public policies in terms of how they affect groups vulnerable to discrimination. The information displayed is an inventory of monitoring methods that have been applied at different levels of aggregation in various countries and try to enhance our knowledge about the strengths and weaknesses of the instruments used in particular and the monitoring process in general.

2.1 Promotion of equality in companies

2.1.1 Canadian⁴ practice

The **Employment Equity Act** 1995 requires employers such as federally regulated private sector organisations and Crown corporations as well as federal departments and agencies⁵ to develop and implement an employment equity programme to remove barriers for four designated groups⁶:

- women,
- members of visible minorities⁷,
- Aboriginal persons (Indians, Inuit or Métis),
- persons with disabilities.

It aims at achieving a **representative workforce** within corporations compared to the overall representation of members of each of these groups on the labour market the employers recruit from. Consultation and collaboration procedures with employee representatives are an important aspect of these equality policies. The Employment Equity Act clearly specifies the employers' responsibilities and gives the **Canadian Human Rights Commission** the authority to ensure compliance through the conduct of audits.

The audit process has six distinct phases

1. Notification phase

It involves the initial contact with a relevant representative of the organisation which has to undergo the audit procedure and *preparatory research* on the *industrial sector* and *structure* of the organisation.

⁴ For further information see: Canadian Human Rights Commission (2000) Framework for compliance audits under the Employment Equity Act, available at: http://www.chrc-cddp.ca/employment_equality/framework_compliance-en.asp, (22.03.2004).

⁵ Almost 900.000 employees are covered by the Employment Equity Act.

⁶ For a study on developing assessment tools that can be used to identify the extent and nature of systemic racism within the culture of an organisation cf. Agoos, Carol/Harish Jain (2001) Systemic Racism in Employment in Canada, available at:

http://www.crr.ca/en/Publications/ResearchReports/doc/ePub_Agoos_full.pdf, (22.03.2004).

⁷ Persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour.

2. Planning phase

Compliance review officers discuss *audit plans* incl. timelines and clarify requirements and expectations with the person responsible for the employment equity in the organisation. The employer is required to respond to a *survey questionnaire*⁸ and provide *background information* on the *organisation's employment equity programme*.

3. Survey phase

Based on the survey questionnaire a *preliminary assessment* is made of the degree to which the *employer's employment equity activities meet* established *statutory requirements*. Strengths and weaknesses are appraised and priorities for further analysis are established.

4. Verification phase

During *on-site visits* interviews with managers, union representatives, and designated employee representatives are conducted, additional documents necessary to validate initial findings are analysed and the employer is debriefed on *preliminary results*. Through on-site visits and a "walk-around" the officers can gain insight into

5. Reporting Phase

The compliance review officers draft a *report* and submit it to the employer. *Further steps* are negotiated, which should *enable the organisation to comply with the requirements of the Act* if required

- ⇒ special measures,
- ⇒ good faith efforts,
- ⇒ employees' knowledge of employment equity,
- ⇒ climate in the workplace,
- ⇒ unwritten policies/practices

6. Follow-up phase

The *employer's compliance with negotiated undertakings* is *verified*. This phase is only necessary in those cases in which non-compliance has been detected.

There are three different methods an employer has to apply to generate data showing how representative his/her workforce is with regard to the four groups mentioned above⁹.

⁸ Cf. Employment Equity: Survey Questionnaire, available at: http://www.chrc-ccdp.ca/employment_equality/survey-en.asp, (22.03.2004).

⁹ For a more detailed description of record keeping cf. Guideline 10: Record Keeping, available at: http://info.load_otea.hrdc_drch.gc.ca/workplace_equality/downloads/guide/gdln10.pdf, (22.03.2004).

1. **Workforce Survey & Data System**

The workforce survey is a self-identification questionnaire provided to all employees. It must include an employee identifier, the self-identification in one or more than one of the four designated groups as well as a listing of all occupational groups¹⁰ present in the organisation. Self-identification must nevertheless be voluntary. This survey must enable the employer to calculate representation of designated group members in each occupational group. In order to get a valid work force profile the return rate has to be very high. Measures have to be adopted to ensure that workforce-data is kept up-to date, which includes providing questionnaires to new employees as well as employees that want to change previously provided information. Furthermore a human resources data system has to be in place, which provides information on recruitment, applications, screening, selection, salary, training and development, promotion, termination. Especially the information whether an employee has self-identified or not has to be kept confidential and access to data has to be limited to staff involved in the implementation of employment equity in the workplace.

2. **Workforce Analysis**

The employer must analyse workforce data in order to determine the degree of under-representation of members of designated groups in each occupational group. For this purpose, the external representation of designated group members in each occupational group in the labour pool the employer is expected to recruit from has to be calculated. In each occupational group where under-representation of a designated group has been found the shares of hiring, promotions and terminations of employment have to be analysed. The results of this analysis are included in a summary report which forms the basis for the development of an employment equity plan.

3. **Employment Systems Review**

The employment systems review includes all employment policies and practices relating to

- | | |
|-----------------------------|-----------------------------|
| ⇒ recruitment, | ⇒ promotion, |
| ⇒ selection and hiring, | ⇒ retention and termination |
| ⇒ development and training, | ⇒ accommodation. |

Where these policies and practices may contribute to the under-representation of designated group members, they must be reviewed in order to identify employment barriers which may have an adverse effect on their employment opportunities. The results of this review must be documented, and provide probable explanations for the under-representation found in each occupational group. These explanations must also provide a reasonable basis for the employer to take corrective action. New policies and practices have to be assessed to ensure that they do not constitute a barrier.

¹⁰ E.g., senior managers, middle and other managers, professionals, semi-professionals and technicians, supervisors, supervisors: crafts and trades, administrative and senior clerical personnel, skilled sales and service personnel, skilled crafts and trades workers, clerical personnel, intermediate sales and service personnel, semi-skilled manual workers, other sales and service personnel, other manual workers.

Based on the findings of the three monitoring and reviewing procedures described above, the employer has to develop an employment equity plan. What are the requirements the employment equity plan has to fulfil?

1. Elimination of barriers

The plan must specify the short-term measures the employer will implement to eliminate barriers identified through its employment systems review and include a reasonable time-table¹¹ for the implementation of each of these measures. Newly introduced employment policies and practices will be assessed for possible barriers beforehand.

2. Accommodation

The plan must include provisions for the accommodation of the needs of the applicants and employees from the four designated groups. Accommodation

⇒ means that needs are accommodated up to the point of undue hardship,

⇒ can address both physical accessibility and the need for adjustments to policies/procedures,

⇒ is achieved through individual assessment,

⇒ respects individual dignity, minimises the individual's discomfort and maximises the employee's autonomy,

⇒ is provided by mechanisms such as written policy, adequate funding and a strategy for communication.

The measures included in the plan have to be accompanied by an implementation timetable.

3. Positive policies and practices

The plan must specify short-term positive policies (e.g., employment equity, harassment, support for integration into the workplace) and practices (e.g., proactive outreach, mentoring programmes), as well as special measures aimed at providing opportunity to members of under-represented designated groups with respect to hiring, training, promotion and retention. These special measures should be carefully tailored to a situation of demonstrable and significant disadvantage; explicitly temporary in nature and designed in a manner which prevents undue exclusionary effects on non-designated group members. The plan includes a timetable for implementation and the measures guarantee that short-term hiring and promotion goals as well as long-term representative goals are achieved.

4. Hiring and promotion goals

The plan must contain one- to three-year numerical goals (preferably as percentages) for the hiring and promotion of people from designated groups in each occupational group in which under-representation has been found, along with measures to be taken each year to achieve these goals. These goals should at least be equal to the availability estimates established in the workforce analysis. Goals have to be reviewed at least once during the three-year period.

¹¹ The significance of the measure, internal as well as external resource constraints, alternatives available and the complexity as well as costs of implementation have to be taken into account.

5. Representation goals

The plan must include longer-term numerical or non-numerical goals for increasing designated group representation in the employer's overall workforce, along with a strategy for achieving these goals.

6. Monitoring, review and revision plan

The employer must *monitor* its *employment equity plan* on a regular basis to *assess* whether reasonable *progress* is being achieved. At least once during the period covered by the short-term goals, the employer must review and revise its plan (e.g., updating goals, changes monitoring suggested due to changing circumstances).

7. Information to workforce

The employer must *provide information* to his/her *employees* on the purposes of employment equity and steps taken to implement employment equity. The material has to be kept *up-to-date* and brought to the *attention of all employees* at reasonable intervals. The information should be *clear* and presented in a *comprehensible* manner.

8. Consultation

The employer must seek the views of employee representatives on the development, implementation and revision of the employer's employment equity and the assistance with respect to communication and implementation of employment equity they can provide.

9. Maintenance of records

The employer must maintain *employment equity records* with respect to its workforce, its employment equity plan, and the implementation of employment equity in its workforce. The record of each employee must include

- ⇒ designated group membership,
- ⇒ occupational group classification,
- ⇒ salary and increases,
- ⇒ hiring, promotions and terminations.

For a period of two years after the period covered by the employment equity plan to which the records relate the following materials have to be stored:

- ⇒ copy of the workforce survey questionnaire,
- ⇒ summary report of the findings from the workforce analysis,
- ⇒ report describing the method and results of the employment systems review,
- ⇒ the employment equity plan,
- ⇒ activities related to monitoring activities, their results and any subsequent action,
- ⇒ documents related to communication or consultation activities by the employer and information provided to employees.

Confidentiality is an important issue in this context. Documents supplied to the Commission by the employer during the course of the audit are returned upon completion of the audit. Upon closing an audit, the Commission reviews the information and will keep on file only those documents that might be relevant for possible future audits. Especially information of financial/commercial nature, information which could result in material financial loss or gain, prejudice the competitive position or

interfere with contractual or other negotiations of third parties and information of a personal nature must be protected from public release.

What happens in case of non-compliance? There are three different cases of non-compliance which will sooner or later be referred to the Commission to consider the issuance of a direction. Before a direction is recommended to the Commission, the organisation will be provided with a copy of the request for direction and given up to 30 days to convey its position in writing. If a direction is issued the employer may request a review of the direction within either 30 or 60 days depending on the case of non-compliance. If an employer does not abide by the direction, a compliance review officer will again attempt to obtain full compliance over a period of no more than 30 days. If compliance does not result, the employer will be informed in writing that the matter is being referred to the Commission with a recommendation that an application be made to tribunal for an Order confirming direction. Should the tribunal agree with the Commission, the order may be registered in the Federal Court giving the full force of a Court Order. The decision of the tribunal is final and, except for judicial review by the Federal Court, is not subject to appeal or review by any other Court.

In the following a few examples of positive effects on employers and innovation caused by employment equity activities are listed. A very important aspect increasing reception of the measures and cooperation among staff members was the regular communication and consultation processes regarding employment equity activities.

Positive effects of employment equity measures on hiring/retention of employees as well as the business case¹²

- The workplace has become fairer and more pleasant not only for members of designated groups but for everyone.
- Larger pool of candidates as well as higher level of retention of qualified employees.
- Seek out referrals from present designated group member employees for similar candidates.
- Retention of employees has been boosted by increased accommodation measures (e.g., flexible time arrangements allowing for better balance of work and family life, vacation flexibility linked to religion/customs). This has contributed to a happier and more respectful workplace.
- Diversity has given the companies a competitive edge as it enables them to accommodate a vaster clientele.

¹² Cf. Human Resources Development Canada-Labour Canada (2001) Good practices of employers covered by the Employment Equity Act, available at: http://info.load_otea.brdc_drch.gc.ca/workplan_equity/downloads/good.pdf, (22.03.2004).

Innovation in the organisations as a consequence of employment equity activities¹³

- Hiring managers either receive training on employment equity or have human resource professionals participate in interview panels.
- Mentoring of new employees encourages sensitivity towards diversity and helped designated group members feel they are important to the workforce. It also helped to gain insight into “unwritten rules”.
- Employers have specifically put in place formal policies for dealing with employment equity, harassment and discrimination.
- Appointment of task forces to investigate success or failure of employment equity programme initiatives and sections in Human Resources departments are being devoted to employment equity.
- Employers have started to enter partnerships with aboriginal organisations to help with recruitment, retention of aboriginal employees and identifying/removing barriers.
- Many employers have become members in employment equity practitioners associations.

2.1.2 Initiative in Great Britain

Another interesting approach to promoting equality in companies is done by a British campaign¹⁴ called “Race for Opportunity” (RfO) which works with over 180 private and public sector organisations across the UK to realise their objectives on race, usually as part of their diversity programme¹⁵. The Campaign works in partnerships with these organisations to help them reap the business benefits of implementing an effective race and diversity action plan. The fundamental commitment in joining RfO is to benchmark with other organisation in the network, and to develop an action plan with RfO’s support. The benchmarking¹⁶ done by RfO is based on a self-evaluation of the companies that belong to this network.

- Do you have an action plan on race and diversity?
- Do you have a board level race champion?
- How effective is your champion?
- Does your champion have clear roles and responsibilities?
- Does your champion speak on internal/external strategic platforms?

¹³ See FN 12.

¹⁴ This campaign is part of a movement called Business in the Community. It has 700 member companies, with a further 1600 participating in programmes and campaigns. It operates through a network of 98 local business-led partnerships, as well as working with 45 global partners. Its purpose is to inspire, challenge, engage and support business in continually improving its positive impact on society.

¹⁵ For more information see

http://www.bitc.org.uk/programmes/programme_directory/race_for_opportunity/index.htm

(22.03.2004).

¹⁶ Race for Opportunity (2003) The Top 100 Report, London.

- Does your champion convene meetings with his/her internal reports to review progress against the action plan?
- Is your champion the vehicle by which the strategy and key developments are fed upwards to the board?
- Do you have an internal steering group at senior level from across different areas of business activity?
- How effective is this steering group?
- Is race integrated into the key performance indicators for senior managers?
- Do you have a clear business case (e.g. “employer of choice”)?
- Is your business case linked to business strategy and to the prevailing business challenges?
- Do you have an identifiable budget or other resources in terms of time and people to support the activity on race?
- Do you have development programmes (e.g. dedicated networks, mentoring) specifically for ethnic minority employees?
- Are your development programmes current and effective?
- Do you have development programmes for all?
- Can you track the take-up of development activity by ethnicity?
- Do you have an equal opportunities policy that includes race equality?
- Is the policy current and effective?
- Do you have a diversity policy including race equality?
- Do you regularly review your policies?
- Are the policies widely known and communicated across your organisation?
- Are the policies integral to good management practice throughout the organisation?
- Do you have a clear action plan linked to your business objectives?
- What do you monitor in terms of ethnicity?
 - ⇒ Who applies to organisation?
 - ⇒ Who works for organisation?
 - ⇒ Recruitment procedures?
 - ⇒ Performance management process?
 - ⇒ Seniority/grade?
- Do you have a communication strategy linked to your race activity?
- Do you use team/management briefings to cascade key messages and update colleagues on progress?
- Do you use internal websites/intranet?

- Do you share what you are doing on race with
 - ⇒ shareholders/investors – governors/advisors,
 - ⇒ customers and service user,
 - ⇒ suppliers and contractors,
 - ⇒ regulators/legislators,
 - ⇒ local communities,
 - ⇒ prospective as well as existing employees?
- Is your organisation committed to understanding and engaging a diverse customer/service user/stakeholder base?
- Does your organisation understand the values and aspirations of different ethnic minority customers/stakeholders?
- Does your organisation take differences of language and culture into account when targeting ethnic minority customers/stakeholders?
- Are your marketing teams/policy makers signed up to the organisation's overall commitment to race equality?
- Do you regularly review your advertising and promotional activity to ensure that the content and images used reflect your commitment to diversity?
- Have your marketing teams/policy makers evaluated the potential value of ethnic minority stakeholders?
- Do you include ethnic minority people in focus groups and evaluation programmes for promotional and marketing activity?
- Are line managers engaged with the organisation's race activity?
- Do line managers submit regular reports on progress against your race objectives?
- Do you involve ethnic minority employees in the design and delivery of action plans on race?
- Do you regularly seek the views of and feedback from ethnic minority employees?
- How do you collect and track feedback from ethnic minority employees?
 - ⇒ Use appraisals or performance management reviews,
 - ⇒ Use employee opinion surveys,
 - ⇒ Use focus groups.
- Do you use the feedback to change existing policies?
- Do you use the feedback as a baseline to formulate new policies?
- Is cultural awareness training mandatory for anyone engaged in recruitment and selection?
- Do you inform recruitment consultants and other sub-contractors about the desire to see diverse shortlists of candidates?
- Do you use demographic data to compare your work force to the local communities?
- Have you reviewed each stage of your selection process (e.g. assessment centres, interview questions, psychometric tests, application forms)?

- How do you get involved with ethnic minority communities?
 - ⇒ Sponsor local community initiatives involving ethnic minority people,
 - ⇒ Work with local training projects for ethnic minorities,
 - ⇒ Links with universities with a relatively high proportion of ethnic minority undergraduates,
 - ⇒ Link with schools in areas where ethnic minorities live,
 - ⇒ Provide training and work experience for young ethnic minority people,
 - ⇒ Allocate time/resources for employees to participate in race-related activities.
- Do you ensure that ethnic minority communities benefit alongside other stakeholders from your community activity?
- Have you reviewed and evaluated these programmes?
- Do you have a supplier diversity policy?
- Can you track the ethnicity of your suppliers?
- How do you work with ethnic minority businesses?
 - ⇒ Take multicultural issues in account when briefing suppliers,
 - ⇒ Provide feedback after an unsuccessful bid,
 - ⇒ Provide clear guidance on how to do business with organisation,
 - ⇒ Mentor ethnic minority business people,
 - ⇒ Invest in local regeneration activity in areas where there are high proportions of ethnic minority business,
 - ⇒ Provide advice with business planning.
- Does the work you are doing on race have any impact on your business?
 - ⇒ Enhance corporate reputation and profile in wider community,
 - ⇒ Positive impact on employee morale,
 - ⇒ Progress in being perceived as an “employer of choice”,
 - ⇒ Heightened brand awareness,
 - ⇒ Affected their bottom line.

The results of these self-evaluations are published and show which companies have been able to improve ethnic representation among their staff and to what extent.

2.1.3 Experiences from Ireland

The Irish Employment Equality Act 1998 covers the following aspects of employment: access to employment, conditions of employment, training or experience, promotion or regarding, classification of posts, vocational training, equal pay, may also apply in certain circumstances when the relationship has ended. And it applies to employers, employment agencies, trade unions, employer bodies and professional and trade organisations. Furthermore, it outlaws sexual harassment and harassment in the workplace and in the course of employment whether by an employer, another employee or by clients, customers or business contacts of an employer. Furthermore, legislation prohibits discrimination on nine grounds:

- gender,
- marital status,
- family status,

- sexual orientation,
- religious belief,
- age,
- disability,
- race,
- membership of the Traveller Community

The **Equality Authority** is an independent body, which was set up under the Employment Equality Act and was established in 1999. To promote equality on the labour market it supports enterprises in carrying out **employment equality reviews** and to **prepare equality action plans**. For this purpose the Framework Committee for Equal Opportunities at the Level of the Enterprise¹⁷ was established to assist enterprises on a voluntary basis in the development and implementation of equal opportunities policies and provide encouragement, training, information and support to employers and employee/trade union representatives.

Actions were supported under the following three themes¹⁸

1. Activities designed to support the putting in place, or further development of, an **equality infrastructure** within enterprises,
2. Activities designed to develop **practical approaches** to a **range of equality themes** (including some or all of the nine grounds in the legislation) within **clusters** or **networks of enterprises** and **organisations**,
3. Activities designed to **enhance** the **dissemination** of and **engagement** with current **equality initiatives**.

A significant area of work that was addressed under the Framework was information gathering. Research work sought to determine what motivates employers in the private sector, particularly those classified as small and medium sized employers (SMEs) to take action on equality issues. The research found that most employers in small and medium enterprises surveyed had no plans and procedures in place to address their company's liability if equality cases should arise, and most intended to deal with issues when and only if they should arise. None of the interviewees had specifically undertaken a formal review of policies and/or practices in light of the equality legislation. The results of the research show that the key factors that act as barriers to employers adopting an equality agenda largely relate to perceptions of the legislation, business needs and lack of resources within and available to the enterprise. Among the key supports identified by small to medium employers interviewed were among

¹⁷ Members of the Committee are the Irish Business and Employers' Confederation (IBEC), the Irish Congress of Trade Unions (ICTU), the Department of Justice, the Equality and Law Reform, the Civil Service Equality Unit/Department of Finance, the Equality Authority (Chair), the Health Services Employers Agency, the Local Government Management Services Board, and the Equal Opportunities Network.

¹⁸ Cf. Hegarty, Maria/Breda McNally (s.a.) Delivering Equal Opportunities at the Level of the Enterprise – Experience and Challenge, on behalf of the Framework Committee for Equal Opportunities at the Level of the Enterprise.

others support to review and monitor implementation of policies and procedures, and contacts to provide support and advice as well as draft equality policies¹⁹.

Employment Equality Reviews involve an examination of workplace policy, practice and procedures for their impact on equality across the nine grounds within the enterprise. On foot of this review the enterprise develops an equality action plan to enhance workplace equality. The Equality Authority launched a programme to support enterprises to carry out employment equality reviews and to prepare equality action plans. Enterprises involved in the programme are funded to engage a consultant from a panel of experts established by the Equality Authority to work with them to conduct the review and prepare the plan.

¹⁹ For further details of the research cf. McNally, Breda/Maria Hegarty (s.a) Promoting Equality of Opportunity in Small and Medium Sized Enterprises, on behalf of the Framework Committee for Equal Opportunities at the Level of the Enterprise.

2.2 *Equality in public authorities and policy-making*

2.2.1 British Approach

The **Race Relations Act** of 1976 amended in 2000 obliges local governments (among other public authorities) to fulfil a “general duty” aiming at the promotion of racial equality central to the work of the local authority, to take the lead in promoting equality of opportunity and good race relations, and preventing unlawful discrimination. This means that they must take account of racial equality in their day to day work of policy-making, service delivery, employment practice and other functions²⁰. The Act says that it is unlawful to discriminate against anyone on grounds of

- race,
- colour,
- nationality (incl. citizenship),
- ethnic origin,
- national origin²¹.

In addition to this general duty, public authorities are bound by the “employment duty”, which means that they must monitor, by ethnic group, their existing staff, and applicants for jobs, promotion and training and publish the results every year²². Therefore, the **Commission for Racial Equality** has developed a questionnaire auditing for equality at the local government level. It covers five levels of an equality policy (formulation of internal and external equality guidelines, ethnic monitoring, its consequences and the definition of targets within the authority and external representation of equality) in the areas of recruitment, personnel development, service delivery and corporate image²³.

²⁰ Cf. The duty to promote race-equality, available at: <http://www.cre.gov.uk/duty/index.html>, (22.03.2004).

²¹ It applies to: jobs, training, housing, education as well as the provision of goods, facilities and services. Cf. Race Relations Act, available at: <http://www.cre.gov.uk/legaladv/rra.html>, (22.03.2004).

²² Authorities with at least 150 full-time staff must also monitor grievances, disciplinary action, performance appraisals, training and dismissals. Cf. Specific duties on employment, available at: <http://www.cre.gov.uk/duty/index.html>, (22.03.2004).

²³ The questions are taken from the website of the Commission for Racial Equality, available at: http://www.cre.gov.uk/gdpract/govt_audit_key.html, (22.03.2004).

	Recruitment and selection	Developing and retaining staff	Service delivery and customer care	Marketing and corporate image
Level 1 Availability of guidelines	<ul style="list-style-type: none"> • Is the staff responsible for recruiting/selecting aware of non-discriminatory practices/procedures? • Is publicity for job vacancies and employment opportunities not restricted to sources that narrow range of applicants? • Are standard application forms/job descriptions and selection criteria/recruitment and selection procedures non-discriminatory? 	<ul style="list-style-type: none"> • Is the staff informed about relevant laws and implications of equality policy? • Are new staff informed about established networks/support groups? • Are equality principles incorporated into training plans for all staff? 	<ul style="list-style-type: none"> • Has an up-to-date policy on equality been endorsed by relevant committees and senior officers? • Does the policy comply with relevant laws? • Has the policy been subject to consultation with service users? 	<ul style="list-style-type: none"> • Are staff and potential staff informed about authority's equality policy statement? • Are all staff advised about relevant legislation? • Is the authority's commitment to equality and the implications of its equality policy made clear in the staff handbook, recruitment literature and induction training?
Level 2 Ethnic monitoring – development of an Action Plan	<ul style="list-style-type: none"> • What steps are taken to encourage applicants of vulnerable groups in areas where they are under-represented? • What mechanisms have been established for collecting data on applicants and recruits? • What guidance/training is given to interviewing staff on equality issues? • What steps are taken to reduce the potential for cultural bias in interviews? 	<ul style="list-style-type: none"> • Grievance/disciplinary procedures offering protection from harassment/victimisation? • Training and staff appraisal? • Recognition of religious and cultural needs? • Recognition of physical needs? • Health and safety? 	<ul style="list-style-type: none"> • Have members/senior officers endorsed the Action Plan resulting from equality policy? • Does Action Plan specify systematic activity within all sections of the authority? • Have appropriate consultation mechanisms been developed and used to establish the needs/ satisfaction levels of service users belonging to a vulnerable group? • Are translation and interpreting services provided, where appropriate? • Are staff trained to provide an appropriate and informed re- 	<ul style="list-style-type: none"> • Do the authority's advertisements and recruitment literature positively reflect equality/diversity? • Are these documents checked for discriminatory criteria and unwelcoming images? • Are external bodies (employment agencies, consultants, contractors) informed about the policy and its requirements? • Do staff receive literature advising them of their rights and responsibilities under the authority's equality policy? • Is guidance provided to key staff about the implications of the pol-

			<p>response to all service users?</p> <ul style="list-style-type: none"> • Do contracts with external providers include a requirement to deliver effective and appropriate services fairly? 	<p>icy for selection training and management?</p>
<p>Level 3</p> <p>Consequences of ethnic monitoring</p>	<ul style="list-style-type: none"> • Is data on applications/ appointments by grade analysed and used when reviewing appointments and establishing targets? • What positive action is taken to deal with the causes of disparate impact? 	<ul style="list-style-type: none"> • Has training been provided for managers on the detailed implications of the equality programme? • Is personal/professional development training provided to meet particular needs and enhance skills of under-represented groups? • Is data used to monitor the number of staff leaving the authority's employment and their reasons for leaving? 	<ul style="list-style-type: none"> • Is it a standard procedure to monitor take-up by members of vulnerable groups of all services? • Is this data used to inform policy review/target setting? • How does the department monitor the effectiveness of community consultation and its influence on service delivery? • Is demographic data from the Census used to establish targets/plan services? • What procedures are in place to review the implications for service users of any decision to increase/decrease/reallocate funding? • How does the department take account of the needs of vulnerable groups when planning new services? • What procedures are in place to consult with the relevant community organisations about the suitability of service provision? 	<ul style="list-style-type: none"> • Is the authority's successful equality work and policy implementation promoted in the media? • Do chief officers ensure that the authority's commitment to equality is reflected in internal and external communication? • Is minority media used to place advertisements and news items? • Has authority sponsored/funded community events reflecting its commitment to equality values? • Do public events organised by authority reflect and reinforce its commitment to equality? • Does the authority make full use of translation/interpreting services, where appropriate?

			<ul style="list-style-type: none"> • Has authority established and publicised its procedures for dealing with complaints of discrimination from members of the public? • Do staff job descriptions and contracts with external suppliers specify their obligation to deliver fair services and do they include systematic checks? • Is contract compliance guided by pre-contract evaluation? • Is staff training in equality formally linked to performance appraisal? 	
<p>Level 4</p> <p>Definition of targets</p>	<ul style="list-style-type: none"> • Are changes made to tests and selection procedures where unjustified disparate impact is evident? • What additional steps are taken to recruit members of under-represented groups? • Are objectives set for increasing the proportion of staff from under-represented groups at senior level? 	<ul style="list-style-type: none"> • Have staff development schemes been set up to support particular needs of minority staff? (mentoring, work shadowing, access to self-help/relevant networks) • Have consultation mechanisms been established to elicit feedback and ideas from minority staff? • Is it evaluated in the appraisal of line managers when they manage to retain and develop minority staff? 	<ul style="list-style-type: none"> • Are equality objectives built into the job descriptions and performance indicators of senior managers, and subject to the standard appraisal process? • Does authority make full use of external funding to maximise opportunities to deliver services to members of vulnerable groups? • Is the allocation of funds monitored to assess the impact on members of vulnerable groups? • Is progress on the equality Action Plan reported regularly to appropriate Committee Members? • Is meeting equality obligations a 	<ul style="list-style-type: none"> • Does the range of community events sponsored or funded by the authority reflect its commitment to equality? • Does the appraisal of senior media and communications managers include performance criteria relating to the promotion of equality? • Is there a media strategy to promote the authority as an exemplar of equality good practice? • Are recall surveys used to assess the authority's success in promoting awareness of its equality policy?

			<p>contractual requirement for external suppliers?</p> <ul style="list-style-type: none"> • Has the authority developed an approved list of suppliers based on their compliance with equality requirements? 	
<p>Level 5</p> <p>External representation</p>	<ul style="list-style-type: none"> • Are person specifications and applicant profiles constantly reviewed? • Have recruitment and selection targets resulted in an increase in the number of minority applicants and appointments? 	<ul style="list-style-type: none"> • How is the involvement of employees in the wider community recognised and valued? • Does the authority act as an exemplar of good employment practice, share its experience with other local authorities/agencies/service providers and provide support for them with the development of their own good practice? • Has the authority built or supported equality networks with other authorities at regional, national and international level? 	<ul style="list-style-type: none"> • Are equality objectives built into the job descriptions and performance indicators of all managerial staff, and subject to the standard appraisal procedure? • Is the authority considered an exemplar in its field? • Is experience shared with other authorities? • Does the authority provide guidance on how to achieve a suitable standard to external suppliers unable to provide sufficient evidence of effective equal opportunities policy? • Is appropriate action taken against contractors who fail to comply with equity requirements? • Have regional, national or international networks with other authorities been developed or supported? 	<ul style="list-style-type: none"> • Does the appraisal of all media and communications staff include performance criteria relating to the promotion of equality? • Are the results of awareness recall surveys used to inform the development and review of the media and communications policy? • Are minority staff involved in high profile public events? • Do chief executives/heads promote the authority's equality objectives and good practice in public statements, media interviews and at external events such as local government conferences?

2.2.2 Irish Approach

The Irish **Equality Authority** developed an **Equality Proofing Template** in close cooperation and consultation with equality representative groups. The Authority aims at supporting the City and County Development Boards (CDBs) with a practical template in order to enable them to equality proof their plans. The ultimate objective of equality proofing is to promote the development of a more equal society by assisting the CDBs and their partners to thread the equality agenda through their entire county development strategy and planning process. The template can be regarded as a lens through which these plans and strategies can take equality interests and issues across the nine grounds (see sub-section 2.1.3) of the equality legislation (Employment Equality Act 1998, Equal Status Act 2000²⁴) into account.

This template is an initial attempt of providing a set of guidelines, questions and actions supporting the boards to fulfil their commitment to equality proof their plans. It requires time, commitment and to make decisions that have implications in terms of targets, indicators, activities, monitoring and evaluation. Equality proofing involves placing equality at the centre of decision making, which facilitates the establishment of an equality dimension to all objectives. The equality dimension includes assessing the impact of plans on groups experiencing inequality, resourcing participation of those affected by inequality and focussing attention on equality outcomes.

The template consists of three linked stages²⁵

- **Pre-proofing – set the context for equality proofing**

The participation of groups experiencing inequality needs to be facilitated in the planning process.

Capacity building activities in relation to equality issues and strategies such as equality/diversity sensitivity trainings should be provided for the CDBs and working group members. It would help to explore how service provision can best reflect the different political, cultural, social and economic needs and identities of different vulnerable groups.

Identification of any existing data as well as data gaps across the nine grounds is necessary to inform the planning process. Strategies could be developed to address these data deficits, which should include the collection of both quantitative and qualitative data.

It is important to check proposed actions with other relevant developments to ensure consistency across policy developments and commitments nationally and regionally.

²⁴ The Equal Status Act moves the concept of the prohibition against discrimination beyond the workplace into the public arena, where people buy goods, use services, obtain accommodation and participate in educational establishments.

²⁵ Cf. Equality Authority (2002) An Equality Proofing Template For the City and County Development Boards.

- **The Proofing moment** – all stakeholders (incl. groups experiencing inequalities) must agree on how to proof the decision making. The questions set out below are applied to the plan, a chapter and/or recommendations. The answers are considered and a further development of the plan/chapter or recommendations is made on foot of the work done in answering the questions. The questions cover three areas:

1. Taking account of difference in terms of identity²⁶, experience²⁷ and situation²⁸:

Q1.1 Have we considered the relevance of difference, as it applies to each of the nine grounds, to the measures we are planning?

Q1.2 Have we involved groups experiencing inequalities in the identification of the practical implications of difference?

Q2.3 Have we taken account of difference and its practical implications in the design of the measures we are planning so that they are relevant and accessible to groups within each of the nine grounds?

2. Targeting²⁹

Q2.1 Have we identified the specific needs of lone parents, Black and minority ethnic groups including Travellers, religious minorities, people with disabilities, women, gay, lesbian and bisexual people, carers and older and younger people in the following areas:

- accommodation,
- education and training,
- welfare,
- health,
- culture,
- employment.

Q2.2 Have we allocated adequate resources in targeted measures to meet these needs?

Q2.3 Have we set targets and indicators relevant to each of these groups?

Q2.4 Have we agreed how these targets will be measured and outcomes evaluated?

3. Growing the equality agenda during the implementation of the plan

Q3.1 Do we make commitments to evolve a capacity within implementing organisations to realise equality outcomes?

Q3.2 Are there commitments to:

- Developing an equal status policy within organisations?
- Identifying a driver for equality within implementing organisations?

²⁶ Values/norms held by a particular group.

²⁷ Relationships between the group members and service providers and the wider society.

²⁸ The status of the group in terms of resources, housing, labour market, education, etc.

²⁹ Even if mainstream measures are designed and delivered in a manner which accommodates diversity, there may sometimes be a need for targeted initiatives that seek to address: The effects of a past history of exclusion, the resource needs that are specific to a particular group and the creation of conditions for groups to access mainstream measures.

- Q3.3 Do we make commitments to resourcing participation of equality interests in the implementation of our plan?
- Q3.4 Do we make commitments to conduct equality reviews and action plans with implementing organisations?
- Q3.5 Do we identify a number of mainstream measures which will be subject to a detailed Equality Impact Assessment exercise? These could be done on one measure under accommodation, training and education, welfare, employment, culture.

- **Post-proofing to further build the equality agenda and the equality proofing process**

Equality interests have to be involved in decision-making with reference to implementation and the evaluation of action. Critical in this regard is the monitoring and review of equality impacts and outcomes.

Monitoring and reviewing could be facilitated by further developing data collection across the nine grounds and by further applying an impact assessment at the planning and initial appraisal stages of activity.

Capacity building for those involved might include: Identification of models of good practice for mainstreaming purposes, the further development of senior management and staff capacity to address equality issues in relevant organisations through training and networking and the development and dissemination of equality materials and resources by service providers.

In order to find out whether the CDBs applied the equality proofing templates the Equality Authority completed a **mapping exercise** of all CBD Strategy Plans. All Strategy Plans make equality commitments to some degree. Most refer to equality either by signalling commitments to some of the grounds covered by the equality legislation or by including specific references to equality proofing mechanisms and equality impact assessments. The Equality Authority continues to work with a number of City/County Development Boards to support the implementation of their equality commitments. These guidelines for an equality impact assessment seek to build on this work and provide a first step tool in applying such an approach. The Implementation Phase of the City/County Development Board Strategy Plan presents an ideal opportunity to carry out an equality impact assessment. During this phase detailed action plans containing time frames, targets and indicators, will be drawn up by the relevant agencies to progress the commitments contained in the Strategy Plans. An Equality Impact Assessment is an ex-ante exercise carried out on the proposed design and delivery of an action to assess its potential to accommodate diversity. If an action does not accommodate diversity, it is likely that the action will have an adverse impact on the groups concerned.

Definition of equality impact assessment

It is an exercise that is carried out on the design and the approach to delivery of an agreed action. It aims to ensure that the action will benefit all groups covered by the equality legislation where relevant. It tests for potential adverse impact by determining the capacity of the action, in its design and delivery, to accommodate the diversity of identified groups across the nine grounds covered by the equality legislation.

Several steps have to be taken into account before the actual equality impact assessment can take place³⁰.

1. Selecting the action

Ideally all actions from the Strategy Plan should be assessed but due to time constraints and resources some actions have to be prioritised. It should be considered whether an action aims at benefiting all of the community and what the scale of the action is in terms of the resources identified to implement it.

2. Screening

Determine which of the nine grounds covered by the equality legislation should be included in an equality impact assessment. The following key characteristics or triggers are examples that should help to make these determinations.

Ethnicity

⇒ Travellers

“Travellers have a nomadic tradition and a means of communication, beliefs, values and practices distinct from the majority culture.”

⇒ Black and other minority ethnic groups

“Black and other minority ethnic groups have their own means of communication, beliefs, values and practices distinct from the majority culture.”

Religious Belief

“People have different religious beliefs and others have no religious belief. This can shape their values and practices.”

³⁰ For a case study on equality impact assessment in relation to programmes for adult literacy and second change education cf. Equality Authority (s.a.) Equality Impact Assessment: Initial Guidelines for the City & County Development Boards.

3. Collect relevant data on the identified grounds

After the grounds to be included have been identified, data across those grounds that have been identified as relevant to the selected action should be collected. The relevance of data relates to the proposed action in terms of its implementation. Each group's situation, experience and identity have to be considered. The data can be quantitative as well as qualitative. It is important to revert to research published by other agencies, the voluntary sector and representative organisations. Local data must not be forgotten.

4. Assessment of impact

Do the proposed design and method of delivery of the action accommodate diversity and thus have the capacity to have a positive impact on the relevant groups? If an action cannot accommodate diversity it is likely to have an adverse impact. If you determine that the action is not able to accommodate the identified diversity, then steps will need to be taken to redesign the action or redesign the delivery mechanism so that it takes account of issues identified. The following questions may help to guide this assessment.

- a) Given the data available, will the action accommodate the diversity of the identified grounds in its design and delivery?
- b) Does the action comply with equality legislation?
- c) Could the action be redesigned to better accommodate diversity and lessen any adverse impact?
- d) Could the method of delivery be re-designed to better accommodate diversity and lessen any adverse impact?
- e) Are there any further actions that could be taken to alleviate any adverse impact identified?

5. Formal consultation

Equality interests should be asked for views on the equality impact assessment carried out and on changes that are required to address any potential adverse impact.

6. The Decision

At this stage a well informed decision on how best to design and implement the action can be taken. A rationale for this decision should be clearly laid out. It is important that the results of the Equality Impact Assessment are available to the public.

7. Monitoring

It is important that the action is monitored for its impact in the future. Any results from the monitoring process should be considered when reviewing the action. It is important to put in place data collection mechanisms across the grounds identified as part of the equality impact assessment in order for monitoring to be effective.

2.3 Equality in the media

A Dutch NGO-network called On Line/More Colour in the Media (OL/MCM) in co-operation with Jessika ter Wal of the European Research Centre on Migration and Ethnic Relations (ERCOMER) initiated together with the European Monitoring Centre on Racism and Xenophobia (EUMC) a **European Day of Media Monitoring** on November 13, 2003. It aimed at a quantitative content analysis of the media representation of ethnic minority groups in the 15 Member States of the EU. The exercise covered 10 newspapers (including the three most important in terms of readership, seven additional main stream papers including local and free press) and a news bulletin from both a public as well as a commercial TV channel in each of the Member States. The coding necessary for this quantitative analysis was done by the RAXEN National Focal points in each of the fifteen Member States.

Phases of the Media Monitoring Project

1. Pre-Test Phase

The test-analysis was executed to refine the coding sheets, as results showed which questions did or did not work, which selections of choices and options yielded worthwhile results and which did not. Based on these results and on the feedback about the problems encountered, the coding sheets, the media selection criteria and instruction guidelines could be revised.

2. Training Session for Coders

The coders (one from each Member State) got the chance to exchange their experiences of the pre-test phase and were introduced to the refined coding sheets. Furthermore, the selection of newspapers and TV-channels to be coded in each country were discussed with the experts from OL/MCM and ER-COMER and decided on. Last but not least it was an important opportunity to compare the coding done on the same article by 15 different people and discuss the results.

3. Inter-Coder reliability test

As it was necessary to involve more than one coder in the actual monitoring procedure and not all of them were able to attend the training session, the reliability of all the coders was checked by having them all code one and the same article.

4. Survey Phase

On the European Day of Media Monitoring the National Focal Points acquired all the newspapers necessary and recorded the news bulletins. In a next step, the articles which were to be coded³¹, were selected and numbered and distributed to the different coders. The Focal Points were given a week to enter all the relevant data into the data base.

³¹ These included domestic news in all pages of main quire (excl. sports, finance) and domestic/local news on front page, editorials, and letters.

5. Report

The report³², which “highlights the standard of reporting ethnic minorities and immigrants by newspapers and television news³³”, was launched at a press conference in Brussels on March 15, 2004.

The coding sheets included the following categories.

Press	Broadcasting
Newspaper characteristics <ul style="list-style-type: none">• National/local paper• Importance in terms of readership• Political orientation• Number of columns on page• Total number of pages	TV-news bulletin characteristics <ul style="list-style-type: none">• Programme name• Channel name• Commercial/public• Time of transmission• Total duration of bulletin
Article characteristics <ul style="list-style-type: none">• Headline of article (in English)• Number of Columns• Article number• Coder number• Newspaper number• Page type (e.g., front page, news background supplement, local news pages first page ...)• Article type (e.g., news story, picture with caption, interview, announcing meeting/conference/ cultural event, feature article or special issue report, human interest story)	Item characteristics <ul style="list-style-type: none">• Item number• Coder number• Number of programme• Scope of reporting (national/local)• Length in minutes• Position of items in news bulletin (e.g., opening item, first item after the international news, first local item ...)• Images (yes/no)
	Reporter(s) visible in item <ul style="list-style-type: none">• Is a reporter/interviewer shown? (yes/no)• Gender of journalist• Is this journalist a member of majority ethnic group, minority ethnic group or is it impossible to establish?

³² Ter Wal, Jessika (2004) European Day of Media Monitoring: Quantitative analysis of daily press and TV contents in the 15 EU Member States - Pilot study in the framework of the Online/More Colour in the Media project “European Day of Media Monitoring”, available at: <http://www.grupbarnils.org/edom.pdf>, (02.05.2004).

³³ International Federation of Journalists/ On Line/More Colour in the Media (March 2004) Press release n 1: Challenge of Reporting Diversity Sparks Dialogue Between Journalists and Ethnic Groups to Improve Media Quality, available at: <http://www.multicultural.net/edmm/eulaunch.pdf>, (02.05.2004).

Story characteristics

- Subject (e.g., politics and government, EU affairs, international relations, immigration and asylum, legal affairs, labour issues, tragedies/accidents, education, social issues, religion, gender issues, public order/ security/ crime/ deviance ...)
- Ethnic dimension (e.g., yes prominent reference, yes but reference is only minor, no reference at all)
- Subject with ethnic dimension (e.g., legal/illegal immigration, immigration policies and control, asylum, integration/segregation, pro-immigrant/-asylum acts and positions, anti-immigrant/-asylum acts and positions, racial violence, other violence, crime and deviance, housing and neighbourhood conditions, family issues/child and parent relations, cultural and language issues, religious identity and practices, fundamentalism/extremism, position of women, discrimination and racism ...)

Two main actors whom the story is about – for each actor

- Name
- Type (e.g., individual actor, institution/organisation, group/category of people)
- Function (e.g., official actors/organisations, NGOs and associations, profession that is mentioned as relevant to the story, royalty and celebrities, common people, youth and children, criminals/crime suspects, deviants and marginalised ...)
- Group identity (e.g., majority ethnic group, minority ethnic group, mixed composition, impossible to establish ...)
- Ethnic minority origin (e.g., nationals of this country, Sinti/Roma/Travellers, Asian, North African, Other African, Middle East, Eastern Europe, South and Central American/Caribbean, Mixed, Black unspecified, not mentioned/shown ...)
- Portrayal (e.g., positively, negatively, neutrally, do not know)
- Ethnic minority labelling (e.g., none, legal/policy defined status, nationality, ethnicity, skin colour, other physical features, dress, first and or last name, different features together ...)
- Ethnic minority identification (e.g., images show skin colour/other physical features/dress, text mentions name, text mentions legal/policy status, text mentions nationality (country of origin), text mentions ethnic or racial identity, not applicable)
- Quoted (e.g., yes directly and prominently, yes directly but not prominently, yes indirectly but prominently, yes indirectly but not prominently, no not at all)
- Quoted (e.g., yes directly and prominently (in images), yes directly but not prominently, yes indirectly and prominently, yes indirectly not prominently (no images), no not quoted but depicted in images, no neither quoted nor shown)
- Actor shown in picture (yes/no)
- Quotation with credibility (asserted, questioned, no reference to credibility, cannot tell)

People in the story – groups quoted and shown	All quoted actors
<ul style="list-style-type: none"> • Number of minority actors total, quoted, shown in picture • Number of majority actors total, quoted, shown in picture • Number of mixed group actors total, quoted, shown in picture 	<ul style="list-style-type: none"> • How many majority actors quoted in total? How many majority actors shown not quoted? • How many minority actors quoted in total? How many minority actors shown not quoted? • How many mixed group actors quoted in total? How many mixed group actors shown not quoted?

It is the first EU-wide benchmark report on the representation of ethnic minorities in the media. It has to be kept in mind though that it is based on just a one-day monitoring of the media output of 15 different Member States, which only allows for an interpretation of the data at the European level and not for any comparisons between the Member States. Despite of that, the results of the monitoring process show the importance of involving minority organisations, journalists, editors and broadcasters in a plan of action to improve the quality in reporting on diversity in multicultural societies. This activity should be seen as an essential starting point for media-monitoring which should be done on a continuous basis including a wide spectrum of papers and broadcasts.

2.4 Conclusions

The best practices cited above differ with regard to the scope they try to assess namely the impact of policies aimed at enhancing equality within the workforce of an authority, a public enterprise or a private company versus the impact of different public policies like labour market, housing, health, education or social welfare on equality. **Equality** is defined differently as it encompasses the representation of diverse groups characterised as vulnerable. Discrimination may be prohibited on the grounds of

- gender,
- marital status,
- family status,
- age,
- disability,
- sexual orientation,
- religious belief,
- race,
- membership of a visible minority,
- being an Aboriginal person,
- membership of the Traveller Community.

The examples cited cover to a differing degree the grounds covered by the two EU Anti-Discrimination Directives (2000/43/EC and 2000/78/EC). A common characteristic shared by all three countries is that some kind of **equality legislation** is in force which requires authorities or other organisations to assess their policies' impact on equality or the representation of various vulnerable groups among their workforce. This results in the inclusion of equality commitments in Strategy or Action Plans, which have to contain verifiable targets that either show positive or negative effects on equality or success respectively failure in enhancing equality. Whether the level that has to be reached is higher or lower depends on how strict the rules provided by legislation are. Furthermore, when discrimination on specific grounds is legally forbidden, then the public image of organisations not complying is more likely to be adversely affected than in countries without such a legislation and could result in the reduction of the pool of applicants as well as clients/customers.

All the examples included in this report show that **monitoring** has to be a **continuous** and **regularly repeated process**. The outcomes of this process have to result in the correction of policies/practices that have adversely affected vulnerable groups, but can also contribute to setting qualitatively enhanced equality goals. Monitoring contributes to the constant refinement of strategy and action plans. It provides measures for performance/outcomes as well as progress in policy areas, helps to identify examples of good practice as well as weaknesses/gaps, can support setting bench marks and developing mechanisms for achieving pre-established targets.

The monitoring process needs a **starting line** from where it can go on. Therefore, monitoring depends to a great extent on the collection of data providing information on the status quo. In determining the status quo it is important to look for the right indicators that can be operationalised. Indicators must

- be simple,
- be measurable,
- be realistic,
- mirror the needs of target groups and/or participants.

Indicators also need to reflect the multidimensional nature of inequalities and the intersection of inequalities experienced by members of different vulnerable groups; they may also need to reflect both objective and subjective experiences of discrimination. There are also different kinds of **indicators** either referring to the **context** in which a policy, practice or programme operates or to activities under a specific policy, practice or **programme**.

Much of the **context indicators** is data generated by statistical offices, opinion researchers and academics from different fields analysing census data, labour market, education, housing, income as well as police statistics, case law, number and quality of complaints of people affected by discrimination to specialised anti-discrimination bodies or NGOs, data generated by focus groups with people experiencing inequalities, discrimination testing and surveys on experiences of discrimination in relation to the labour and housing market, the education and health system as well as access to other public services and goods. This data can be both qualitative and quantitative and encompass the national, regional and local levels. Using a large number of data sources can sometimes be insidious though as the sources need not necessarily be comparable. Furthermore, it is very important to keep track of which data is not available but would absolutely be essential for monitoring discrimination.

Programme indicators refer only to the unit or group that has been effectively reached. They try to monitor the direct and indirect effects of a policy or programme. They can be divided into three sub-categories:

- **output indicators** – which represent the product of the activity,
- **result indicators** – which represent the immediate advantage of an intervention for the direct addressees (direct beneficiaries),
- **impact indicators** – which represent the consequences of an intervention beyond its direct and immediate interaction with addressees.

Data availability to produce monitoring indicators for equality is usually better in the category of output indicators, not so good in the category of result indicators and worst for the generation of impact indicators. The **examples** cited provide a number of different **indicators**:

- labour market participation rates,
- unemployment,
- recruitment,
- selection and hiring,

- development and training,
- conditions of employment,
- accommodation,
- income,
- promotion,
- discipline and grievance procedures,
- harassment³⁴ (keep track of complaints and how they are solved),
- sickness absence;
- retention and termination,
- service delivery and customer care,
- marketing and corporate image,
- involvement of groups affected by inequalities.

Another important aspect that has to be taken into account is the difference between **self-evaluation** (e.g., by the Race for Opportunity network, the equality impact assessment or the workforce surveys conducted by Canadian employers) and an **auditing** process conducted by **external experts** (e.g. the compliance review officers of the Canadian Human Rights Commission, experts from the Equality Authority or experts from groups representing equality interests).

Confidentiality of data is a critical issue in relation to monitoring and auditing especially when personal data or highly sensitive business data is concerned. Self-identification with a certain vulnerable group regarding discrimination might be psychologically difficult, as people might not want to put themselves in the category of potential victims of discrimination. Perceiving discrimination as such first of all involves the reflection of the concept of discrimination in relation to one's own experiences. The next step is as difficult as the first one, namely to talk about personal discriminatory experiences in the presence of third parties. These psychological barriers may result in non-identification with a designated group.

Although some data has to be treated with care and sensitivity, **reporting** is an essential part of monitoring. First of all, these reports have to make clear what were the aims and the target group(s) of the monitoring procedure, what instruments were applied and which indicators were used. If it is a follow-up report, it is not only important to report on the progress but also on the targets that have not been reached and why it was impossible to achieve them. When public authorities or enterprises disseminate information on their monitoring procedures either aiming at the promotion of equality or of non-discrimination policies, they make the wider public aware of the issue of discrimination and make it an important aspect of the public image of either companies or public bodies. The more is known about monitoring and auditing procedures going on and about what kind of data is available or missing, the more these procedures can stimulate

³⁴ Harassment as defined by the Racial Equality Directive (art. 2 para. 3) means that an “unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”.

- progress in collating and disseminating data,
- research,
- the collection of specific statistical data,
- the development of tools for mainstreaming equal opportunities,
- the development of tools for monitoring progress to removing inequalities.

3 What levels and aspects of monitoring could be helpful in Poland?

3.1 Examples of previous and current monitoring in Poland

3.1.1 Evaluation of programmes targeted at minority groups (esp. Roma)

Monitoring in this area is done by the Helsinki Foundation for Human Rights. They follow a three step approach: Firstly, the legal situation of the relevant minority group is analysed. In a second step representatives of national and local authorities are interviewed. Their views are compared to and supplemented with interviews among representatives of the community. Thirdly, reports written by organisations representing the interests of the minority group are assessed. In a general report on the human rights situation the Foundation tried to find out what the main problems were and what kind of programmes had already been implemented to improve the situation of minorities.

Programme evaluation is another important aspect of the monitoring done by the Foundation. Very often, problems already occur at the very beginning of the implementation. For instance, the local media informed the population about a project specifically targeted at Roma. As members of the Roma community usually concentrate in very poor regions, where unemployment rates are rather high, the Polish community members turned very angry about the Roma receiving support from which they were excluded. Alarmed by this hostile attitude, the organisations involved in the project started to inform the public about the situation of the Roma and the necessity of improvement. The Foundation therefore closely observed how these programmes affected the relationship between the Roma and the Polish people and whether these changes differed from region to region. Moreover, these programmes are rather often adversely affected by a clash of interests between the national and local governments as well as the target group of the programme. So monitoring is absolutely necessary to guarantee that not so well-working aspects of the programme are adapted and that the aims set can be finally met.

3.1.2 Monitoring education

In 2002, a report on the education of minorities was done by the Helsinki Foundation. The aim was to monitor the right to education all over Poland with a focus on minorities. Questionnaires were sent to about 100 schools. When analysing the data generated by the survey, it became clear that minorities were not well represented in that sample. The quantitative data had to be supplemented by qualitative data based on interviews with representatives of the Ministry of Education and of Internal Affairs, school superintendents as well as representatives of the minorities. It turned out that the educational situation of Roma children was very different to those of other minority groups, as some of them did not attend school at all or dropped out after 4 or 5 years.

Another important element of the educational system are the books used for instruction. The NGO Open Republic asked a group of young academics (mainly historians, linguists, psychologists and sociologists) to evaluate Polish language, history and citi-

zen ship education books. They looked for multi-cultural attitudes to history and the Polish language, as well as for xenophobic and antisemitic aspects. Open Republic's general opinion was that the situation was not too bad, but that there were certain groups of books that were unsatisfactory³⁵. They supplied the Ministry of Education with their opinion, which resulted in the ministry's realisation that it was a good idea to have reviewers and to have a closer look at the content of the books. Besides that, two meetings for school teachers were organised in the Warsaw region to inform them and discuss with them the findings of this project. About 100 teachers attended each of the meetings.

3.1.3 RAXEN

In the framework of the PHARE RAXEN_CC Project, done on behalf of the European Monitoring Centre on Racism and Xenophobia (EUMC), the Polish Focal Point conducted a mapping exercise to find out who knows what about racism, xenophobia and antisemitism in Poland. 84 organisations were included in the mapping exercise, and more than 200 activities and publications. However, there are no organisations directly dealing with discrimination or racism: the main foci of interest are human rights, open society, multicultural issues, promotion of tolerance, support of refugees and prevention of the repetition of the Holocaust. The problem is that discrimination is not very visible, and that it is rather difficult for NGOs to get funding on these issues. The discussion on discrimination only started about two years ago. There is no big visible campaign on discrimination; moreover, information in newspapers is rare.
³⁶

3.1.4 Media monitoring

A book called *Zamiast Raport o mowie nienawisci procesu* (Instead of Trial – Report of Hate Speech) by Sergiusz Kowalski and Magdalena Tulli published in 2003 contains antisemitic citations from five different journals³⁷. These publictaions were observed daily during 2001. The aim of the project was to raise awareness for the content of these papers among the general public. The book was discussed in several monthly journals and the NGO Open Republic organised meetings to discuss this publication in different places. These discussions were targeted at journalists, teachers and representatives of the judicial system (lawyers, prosecutors, judges). Especially the latter group was described as being difficult to involve. Experience with prosecutors had shown that they were rather reluctant to investigate incidents of antisemitic hate speech and see whether they violated articles 256 and 257 of the Penal Code.

The NGO Open Republic also tries to monitor broadcastings of Radio Maria, which can be listened to all over Poland. Especially in the evenings, they broadcast discussions between representatives of the clergy and of right wing movements; listeners are given the opportunity of calling in. These broadcastings contain lots of nationalistic and antisemitic statements³⁸. Therefore, the NGO wants to visualise and make audible

³⁵ Interview with the representative of the NGO Open Republic on March 22, 2004.

³⁶ Interview with the representative of the Helsinki Foundation of Human Rights on March 22, 2004.

³⁷ Namely: *Nasz Dziennik* (Our Journal), *Nasz Polska* (Our Poland), *Głos* (Voice), *Najwyższy Czas* (The Highest Time) and *Tygodnik Solidarnose* (Weekly Solidarity).

³⁸ Interview with the representative of the NGO Open Republic on March 22, 2004.

representative statements recorded during the course of such broadcastings on their web-site. This monitoring process cannot be done on a continuous basis though, as the NGO very largely depends on voluntary contributions by their members that have incidentally picked up discriminatory statements when listening to or watching broadcastings.

3.2 Other areas of monitoring that would be essential

3.2.1 Anti-discrimination policies and other relevant policy areas

Anti-discrimination policies or aspects of anti-discrimination measures within the framework of other policies (see sub-section 3.2.2) have to be closely monitored to see whether the aims set can be reached or the measures taken have to be adapted in order to reach the goals established. Such policies should also allow for positive or affirmative action as suggested by the two EU directives. The latter one is seen as a way to overcome the effects of past societal discrimination by allocating jobs and resources to members of specific vulnerable groups. This is very often done by ways of quotas, which are a good starting point for monitoring, reporting and setting new targets. Positive action also targets specific groups of people who are under-represented in a particular sector for whatever reason, and gives them extra encouragement to take up training, i.e., it tries to empower members of vulnerable groups for easier access to certain sectors of society. Monitoring in this context would mean to evaluate the courses offered and see how many of the participants manage to e.g., get a job or get promoted. In order to check, whether these measures fulfil the principle of sustainability the participants would have to be monitored for a longer period of time.

Public authorities can furthermore define criteria for awarding contracts to service providers and other possible contractors. Such criteria could for instance include the existence of an equality or diversity action plan, the fulfilment of certain quotas for the representation of members of vulnerable groups, no sentences for violating anti-discrimination legislation during the past five years... One precondition for such measures is of course that the public authorities themselves comply with the suggested awarding criteria. This means that they would have to monitor their staff as well as applicants for jobs, promotion and training as well as develop an equality policy in the areas of service delivery and corporate image (as suggested in sub-section 2.2.1). For the sake of transparency and credibility the results of the monitoring process, both achievements and failures, should be published annually. Another prerequisite for implementing such measures is legislation prohibiting discrimination on the grounds explicated in Article 13 of the TEC and legislative incentives for the private sector to develop equality or diversity action plans (see sub-section 2.1.1 and 2.1.3), because only then all the relevant data for checking the compliance with the awarding criteria is available.

So far, programmes targeted at minority groups, especially the Roma, are monitored by the Helsinki Foundation of Human Rights. The NGO works with both qualitative and quantitative methods and this evaluation process allows for the adaptation of information policy as well as other measures within these programmes, in case subordinate targets cannot be reached.

A comprehensive monitoring approach would also have to take into account general policies as well as service delivery by public authorities not specifically aiming at promoting equality, because they both might affect members of vulnerable groups in one way or the other (see sub-section 2.2.2). Among the most essential policies that should be carefully evaluated are labour market, social welfare, health, education policies and housing.

Polish legislation sets principles regarding access to all the areas³⁹ mentioned above. The rights to social security, health care and education are guaranteed to all Polish citizens by the Constitution. Although the EU directives do not include nationality as a ground of discrimination, from a human rights point of view access to these rights should be granted to every person under the jurisdiction of the Polish Republic. Benefits from the health fund are for instance provided to Polish citizens residing in the territory of Poland as well as to foreigners having a permanent or temporary residence card. Article 35 of the Constitution provides that national and ethnic minorities shall have the right to establish educational and cultural institutions as well as to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. Articles 135 and 138 of the Code of Minor Offences could be interpreted as prohibiting discrimination concerning access to and supply of goods and services which are available to the public. Discrimination in the area of housing, i.e., refusal of a tenant contract, does however not fall under the scope of this provision.⁴⁰

These legislative provisions only set out the framework conditions for policy development in these areas. Therefore, it would be necessary to look into already established policies and their effects on vulnerable groups, which is for instance done in connection with education policy and its effects on the Roma. Furthermore, when developing new policies, aspects such as equality and diversity should be taken into account from the very beginning. To be able to do monitoring in all these areas both quantitative as well as qualitative data on vulnerable groups has to be available. Each group's situation, experience and identity have to be considered. It is important to revert to research published by other agencies, the voluntary sector and representative organisations, moreover, local data should not be forgotten. A very important resource for the data needed are those NGOs that offer services to members of vulnerable groups in these specific fields. They know what kind of discrimination their clients experience and therefore what kind of stereotypes and prejudices they face. They also see how general policies affect their clients' access to the labour market, to housing, to education, to the welfare and the health care system.

3.2.2 Implementation of the amended Labour Code

The Labour Code was amended in 2003 and came into force at the beginning of 2004. It includes a definition of direct and indirect discrimination, and prohibits discrimination in labour relations on the grounds of gender⁴¹, race, ethnic origin, religion and belief, disability, age, sexual orientation and trade union membership as well as dis-

³⁹ For the labour market see sub-section 3.2.2.

⁴⁰ Weyss, Birgit (2003) Analysis of the status quo of Polish Anti-Discrimination Legislation and Policies, Warsaw, pp. 36-40.

⁴¹ The anti-discrimination provision concerning gender has already been in force since 2001.

criminy harassment and instruction to discrimination.⁴² Articles 18^{3a} and 3^b outline the scope of equal treatment, i.e. prohibiting discrimination/differentiation on the grounds of gender, age, disability, racial or ethnic origin, religion, beliefs and sexual orientation

- when establishing/terminating employment relationships,
- regarding terms of employment,
- concerning promotions,
- in access to professional training aimed at improving professional qualifications,
- regarding the position of an employee,
- resulting in
 - the refusal to establish an employment relationship,
 - the termination of an employment relationship,
 - lower remuneration,
 - unfavourable working conditions,
 - unfavourable conditions for promotion or other benefits related to work.⁴³

Another important aspect of promoting equality on the labour market is the prohibition of discriminatory job postings which is specified in Article 12 of the Act on Employment and Counteracting Unemployment.⁴⁴

A first training of judges organised by the Ministry of Justice took place in March 2004. About 80 judges participated. Until the end of the year three trainings will be conducted. The first training was a more general one, presenting the jurisdiction of the European Court of Justice due to lacking jurisdiction in Poland. The last training in 2004 might be a follow-up training allowing for exchange of experience between the judges.

The amendment of the Code was covered by the media; however awareness of these legal remedies is still rather low. Polish courts for instance used to perceive discrimination only as a deliberate action. Besides unawareness the bad economic situation seems to be another reason for experts to believe that the amendments might not result in a big number of court cases. The unemployment rate is very high and therefore people might have the feeling to rather endure discrimination resulting in lower remuneration, unfavourable working conditions or unfavourable conditions for promotion than to jeopardise their current job by filing a complaint. The newly amended Labour Code provides for protection against victimisation; however it is rather restrictive as it only protects the plaintiff against dismissal but not against any adverse treatment or consequence affecting his/her employment situation.

These are just hypotheses regarding the barriers for potential victims to make use of the new legal situation promoting equal treatment in employment. An evaluation of

⁴² Weyss, Birgit (2003) op.cit, pp. 7/32/60.

⁴³ Weyss, Birgit (2003) op.cit, p. 34.

⁴⁴ Weyss, Birgit (2003) op.cit, p. 36.

the implementation of the amended Labour Code would be a good opportunity to find out more about potential barriers and the experiences of those actors involved. An essential pre-requisite for such an evaluation is the documentation of discriminatory incidents as well as the actions taken by representatives or organisations supporting people affected. These documentations would have to be supplemented by analysing court statistics as well as conducting qualitative interviews with relevant actors on the labour market, NGOs or law clinics as easily accessible units of counselling as well as legal experts.

- Are members of vulnerable groups, relevant actors on the labour market (e.g., labour inspectors, members of trade unions), members of NGOs and law clinics as well as legal experts informed about the amended Labour Code?
- What incidents of discrimination were (not) reported (e.g., discriminatory job postings, access to employment of professional training, promotion, differentiation regarding the position of an employee, termination of a contract) and why?
- What did the procedure of reporting look like?
- Who were the addressees of such reports?
- What incidents of discrimination were resolved by conciliation committees?
- What were the results of such amicable settlements?
- How many cases of alleged discrimination were taken to the labour courts?
- What did the cases result in?
- How did the victims of discrimination experience the work of the conciliation committees or the labour courts?
- How useful was the training the judges received for handling cases of discrimination in the labour courts?
- What positive and negative aspects of the amended Labour Code have the judges experienced in handling cases of discrimination?
- What were the reasons that so many/few cases were resolved by conciliation committees or taken to the labour courts?

A combination of quantitative and qualitative research taking into account the experiences of members of vulnerable groups, actors on the labour market, and representatives of NGOs working in the field of discrimination as well as judges would be a first step to evaluate the effectiveness of the amended Labour Code. The answers to all these questions should help to identify the strengths and weaknesses of the newly amended Labour Code and to frame recommendations for a target group oriented information policy, changes in implementation and new amendments to the Code. Recommendations and future aims to be achieved based on the findings could be the starting point for regularly reviewing, setting new aims and designing accompanying measures for preventing discrimination on the labour market.

It would also be a good opportunity to start awareness raising for the issue of discrimination among relevant labour market actors like representatives of placement agencies, of human resource departments in enterprises and organisations, of trade unions and labour inspectors. They should be able to recognise discriminatory struc-

tures and behaviour, know what should or could be done if an incident of discrimination is reported to them, and should be the driving forces in developing anti-discrimination measures, mediation processes and monitoring tools highlighting discriminatory incidents as well as reviewing aims set in connection with eliminating/preventing discrimination (for more detailed advice see sub-section 2.1).

3.2.3 Media Monitoring

Media are very influential in shaping people's opinions. Derogatory elements in both spoken and written language have a powerful potential of legitimising the creation of a hostile atmosphere towards members of vulnerable or marginalised groups. Therefore, both the press but also radio and TV broadcastings should be monitored for how they present members of vulnerable groups and how they deal with statements by politicians or other relevant actors that are sexist, racist, antisemitic or homophobic. Media monitoring should be done on a broad and continuous basis and accompanied by awareness raising among journalists and other relevant media representatives.

The Polish Act on Radio and Television determines that broadcastings should not include discriminatory contents with regard to race, gender or nationality, and should value the religious convictions of the audience. It also prohibits advertisements, which infringe upon human dignity, offend religious or political convictions or include discriminatory contents in regard to race, gender or nationality. Furthermore, public radio and television programmes should take into account the needs of national minorities and ethnic groups.⁴⁵

The Act on Radio and Television but also Articles 256 and 257 of the Penal Code provide some basis for monitoring discriminatory aspects and trends in the media. The work of NGOs in this area is very important, but usually they do not have enough human and financial resources to do media monitoring on a broad and permanent basis. The NGO Open Republic for instance relies on members that haphazardly record or document discriminatory statements but it lacks the staff and technical equipment necessary for a broader coverage of different media all over Poland.

Essential decisions to be taken are whether to choose a quantitative (see sub-section 2.4) or qualitative approach (e.g. discourse analysis, interviews with experts,...), which media/broadcastings are to be selected and how are the results and recommendations presented to representatives of the media as well as the public. Another important aspect to be monitored is how members of vulnerable groups themselves feel about their representation in the media and what would have to be changed that they are equally represented. Codes of conduct aiming at the prevention of using discriminatory and derogatory language as well as the setting of specific goals (e.g., employment of a specific percentage of members of different vulnerable groups, having a certain percentage of readers from different vulnerable groups,...) would motivate the editorial staff of newspapers/magazines and representatives of broadcasting stations to implement monitoring and reporting tools to demonstrate that they comply with their self-imposed codes.

⁴⁵ Weyss, Birgit (2003) op.cit, p.12.

3.3 *The five most important factors in monitoring*

3.3.1 Legislative incentives

Monitoring is usually not done without strong legislative incentives. Anti-discrimination legislation should therefore explicitly contain obligations for monitoring the effectiveness of anti-discrimination policies at various levels and the impact of general policies on vulnerable groups. So far no structures for these processes have been provided for in the Polish system. Most of the initiatives promoting equality do not cover all the areas included in the EU directives but rather focus on the public and private labour market and partly on the provision of goods and services (sub-sections 2.1 and 2.2). Nevertheless, these two areas are a good starting point for generating incentives in monitoring, as the involvement in such a process helps to raise awareness among a broad spectrum of relevant actors as well as the population in general. Legislation should also provide for an independent specialised body which has the knowledge and expertise of where to obtain relevant data regarding discrimination and which generates facts and figures about discriminatory incidents.

3.3.2 Data availability

Monitoring always depends on the availability of data. First of all a base line has to be established, i.e. the situation regarding discriminatory structures and procedures within a certain company, the employment, housing, health... situation of a certain vulnerable group, the discrimination experienced by members of vulnerable groups on the labour or housing market, within the education or health care system. This base line includes both statistical as well as research data. So when grants are awarded for supporting analysis and pilot surveys they should focus on:

- Statistical data (both micro-census and census) should include variables like
 - ⇒ gender
 - ⇒ age
 - ⇒ born in Poland or another country
 - ⇒ educational attainment (acquired in Poland or another country)
 - ⇒ membership in vulnerable group (e.g., ethnic/national origin, disability, sexual orientation, race, religion)
 - ⇒ language competence
 - ⇒ legal terms of employment (self-employed, employee, blue collar worker, civil servant)
 - ⇒ professional position
 - ⇒ full/part time contract
 - ⇒ limited/unlimited contract
 - ⇒ vocational training
 - ⇒ unemployment
 - ⇒ income
 - ⇒ housing situation
 - ⇒ children's educational situation

- Research on stereotypes, prejudices and structure of discrimination
 - ⇒ what kind of discrimination do members of vulnerable groups experience on the labour or housing market, within the education or health care system, when trying to gain access to goods and services (questionnaires/interviews)
 - ⇒ what kind of discrimination do representatives of NGOs working with vulnerable clients experience in these areas (questionnaires/interviews)
 - ⇒ are relevant representatives of the labour/or housing market, of the social security, health care or educational system aware of the issue of discrimination (questionnaires/interviews)
 - ⇒ analyse documentation material of NGOs⁴⁶ or other institutions that might register/document incidents of discrimination
 - ⇒ how do representatives of the judicial system evaluate discrimination (questionnaires/interviews)
 - ⇒ discrimination testing in the areas of employment and housing by
 - a) sending CVs of members of vulnerable groups as well as of the majority population displaying the same qualifications and legal conditions for entry into the labour market to potential employers,
 - b) applying for vacant flats as a member of the majority population to make sure that the flat is still available and only then reveal that one is looking for a flat on behalf of a member of a vulnerable group, and evaluate the reactions of the potential employers or the persons advertising the flats.

3.3.3 Development of indicators

The data described in sub-section 3.3.2 are contextual indicators and is necessary to get a general overview of patterns of discrimination and to know in which of these areas problems are most virulent. For monitoring specific anti-discrimination policies/programmes, equality/diversity action plans or the effect of general policies on various vulnerable groups the development of indicators is a necessity. Indicators can only be developed though when policies, programmes or action plans contain well defined aims that can be turned into quantifiable, i.e. measurable, indicators. Besides being measurable indicators should be simple, realistic and mirror the needs of the target groups.

3.3.4 Continuity

Monitoring is a process that is only useful when it is done on a continuous and regular basis. The aims set have to be frequently reviewed in order to see whether they have been reached and if they have not been reached to look for the reasons and causes of failure. Besides that, if a goal has been achieved one can think about setting new targets or about how to keep a high level of equality/diversity in the sense of sustainability. Regular monitoring has the potential of highlighting weaknesses and makes possible the adaptation of measures to reach the aims set. Furthermore, if similar organisations or institutions regularly do monitoring, they become more easily comparable

⁴⁶ Compare the Racism Reports 2000, 2001, 2002 and 2003 of the Vienna based NGO ZARA – Zivilcourage und Anti-Rassismus-Arbeit.

and those succeeding in reaching their diversity/equality aims could gain competitive advantages.

3.3.5 Reporting

Although some of the data generated for the monitoring process has to be treated with care and sensitivity, reporting is an essential part of monitoring. The report has to identify the aims and the target group(s) of the monitoring procedure, as well as the instruments and indicators used. If it is a follow-up report, it is not only important to report on the progress but also on the targets that have not been reached and why it was impossible to achieve them. When public authorities or enterprises disseminate information on their monitoring procedures, they make the wider public aware of the issue of discrimination and make it an important aspect of the public image of either companies or public bodies. The more is known about monitoring procedures going on and about what kind of data is available or missing, the more these procedures can stimulate the collection of specific statistical or research data, which feeds into the data described in sub-section 3.3.2 and helps to generate new and up to date facts and figures.

Monitoring is a process involving many different actors at various levels. Therefore, the establishment of a single independent specialised body which can first of all generate facts and figures relevant to and accessible by all these actors but can also provide support by developing guidelines for monitoring and offering trainings to those involved is of great importance.

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European Monitoring Centre on Racism and Xenophobia, Vienna, <http://www.eumc.eu.int>

European Research Centre on Migration and Ethnic Relations (ERCOMER), Utrecht, www.ercomer.org

Helsinki Foundation for Human Rights, Warsaw, <http://www.hfhrpol.waw.pl>

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