

**FemCities expert conference**  
Jobs, service provision and public procurement:

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**Cities and municipalities as promoters  
of gender equality**

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**Stuttgart, June 23, 2010**

Conference Documentation

[www.femcities.at](http://www.femcities.at)

STUTTGART



Frauen<sup>MA57</sup>  
Stadt Wien



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## FemCities Conference 2010

### Jobs, service provision and public procurement: Cities and municipalities as promoters of gender equality

The FemCities Conference 2010 focuses on gender equality strategies, control and implementation. Municipalities and cities fulfil multiple functions as employers, service providers and contracting bodies. How can municipalities and cities successfully promote gender equality? How can these strategies be implemented within city administrations and in the provision of services? To what extent can municipalities and cities influence public procurement procedures by applying gender equality clauses?

**10.00 a.m. Registration of participants, coffee**

**11.00 a.m. Conference opening**

Ursula Matschke, Head of Department for Equal Opportunities for Women and Men, Stuttgart  
Marion Gebhart, Head of Department for the Promotion and Coordination of Women's Issues, Vienna

**11.30 a.m. The European Charta on Equality – a useful instrument for municipalities?**

Sinikka Mikola, Senior Adviser, The Association of the Finnish Local and Regional Authorities, AFLRA, Finland

**12.00 a.m. Advancement of women in public procurement – legal options for municipalities and cities in Europe**

Kerstin Ahlberg, Institute for Social Private Law, Department of Law, Stockholm University, Sweden

**12.30 p.m. Discussion**

**1.00 p.m. Lunch break**

**2.00 p.m. Panel discussion: Advancement of women in public procurement**

Practical Examples: Claim and reality

Marianne Rühl-Andresen, Head of Division of Legal Affairs for Equal Opportunities Policy, Berlin  
Marion Gebhart, Head of Department for the Promotion and Coordination of Women's Issues, Vienna  
Nicole Fletcher, Head of Sustainable Development, London Fire Brigade

**3.30 p.m. Coffee break**

**4.00 p.m. Panel discussion: Municipalities and cities as promoters of gender equality – Best practices on equality methods, regulations and financing**

Ursula Matschke, Department for Equal Opportunities for Women and Men, Stuttgart  
Inés Mateos, Office for Gender Equality, Department of Presidential Affairs, Basel  
Karin Kientzl and Cornelia Lechner-Wlcek, Equal Opportunities Advisors, Vienna

**5.30 p.m. Closing of the first day**

**Chair:** Martina K. Sommer



# Preface

## Marion Gebhart, Head of Women's Department, City of Vienna

In June 2010 the Department for the Promotion and Coordination of Women's Issues in Vienna, in cooperation with the Department for Equal Opportunities for Women and Men in Stuttgart, organized and held an international conference on "Jobs, service provision and public procurement: cities and municipalities as promoters of gender equality" with special emphasis on advancement of women in public procurement.

Before you embark upon reading this documentation on the FemCities conference 2010 I would like to give you an idea of the context **FemCities** works in as a city network. I will go back to the beginnings of the city network for women and describe the objectives, target groups and FemCities conferences as such:

**Foundation.** In 1997, Milena was established upon the initiative of the City of Vienna as a forerunner network to what is now FemCities. The network at the time extended across cities in Central and Eastern Europe, enabling the Department for Women's Issues in Vienna to cooperate with institutions and organisations in neighbouring regions and cities in Hungary, the Czech Republic and the Slovak Republic. The purpose was to promote communication between city administrations, experts from universities and NGOs, as well as businesses on women's and gender issues and good practice models. Partners were to be supported in building up and institutionalising structures relevant to women's issues and subsequently in implementing EU directives at community level as needed. Thus, in 2002 the network ran the project "Preparing the Ground", supporting women in Bratislava in establishing a contact office for women at the city administration.

**Milena has become FemCities.** Meanwhile, in 2005 all of the above mentioned countries became EU members themselves. At that time the network's objectives and structures were revised and what was formerly Milena now became the city network FemCities. The Department for Women's Issues at the Vienna City Administration is still responsible for its coordination but its range of operation and cooperation has been expanded to include the entire EU and associated countries in Europe. The network is to continue supporting the exchange of best practice models in the field of local and regional women's policies while strengthening lobbying activities for women's concerns at European level.

**The potential of city networking.** The Department for Women's Issues, in creating FemCities, has provided a forum for communicating good practice models, as well as strategies for the implementation of laws and the installation of administrative structures to promote women and gender equality. Of course, cities must continue to implement new EU developments with respect to gender equality, but FemCities is also concerned with what city administrations themselves can do to promote women and gender equality. Relevant administrations (on gender equality/equal

opportunities/women) in European cities and municipalities are invited to join the network, to participate in and to organize FemCities events.

**International FemCities conferences.** FemCities conferences are held roughly once a year, approaching a different topic each time from the perspectives of local politics and gender equality. It is this focus on municipalities and their options for action which sets FemCities conferences apart from other international conferences on gender equality and which marks them as suitable forums for representatives from cities and municipalities. Here is where the links between theory and practice are highlighted and transferable good practices are exchanged.

**2007.** Ten years after the foundation of the city network for women the FemCities Conference 2007 set the course for extending contacts and activities across the entire EU to bring as many cities as possible on board. Focus of the conference was on “Domestic Violence against Women” and “Trafficking in Women”.

**2008.** In 2008 “Gender Pay Gap” was chosen as the main topic for our international FemCities network. Representatives from relevant administrations in Austria and abroad, experts on business and social partnership, as well as academics had a lively exchange on municipalities and their options for action in the context of the existing gender pay gap in companies.

**2010.** The conference’s main priority in 2010 was to address “gender equality strategies, steering approaches, and implementation in municipalities and cities“. Cities and municipalities in their multiple roles as employers, service providers and contracting bodies have a wealth of opportunities at hand to set the right measures. The articles in this conference documentation offer solutions to the issues of how to secure implementation of equal opportunities plans for administration employees and citizens in cities and municipalities in the long term and how to reap the benefits of linking public procurement with the advancement of women.

FemCities has the right potential to improve the living conditions of women in European cities. I hope that my brief introduction has triggered you into reading this documentation and finding out more about participating in the city network FemCities. Enjoy the articles and do join us at one of the upcoming FemCities networking events if you can! For more information on our event calendar please visit our website at [www.femcities.at](http://www.femcities.at).

**Sincerely**  
**Marion Gebhart**







# The European Charta on Equality

Sinikka Mikola, Senior Adviser, Association of the Finnish Local and Regional Authorities, AFLRA, Finland

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## Contents

- What Charter
- Why the Charter
- Contents of the Charter
- The Charter in Finnish context
- Benefits of the Charter



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## What Charter

- A voluntary commitment in order to enhance gender equality
- Calls for political decisions to accept the Charter and sign it
- At the same time, the signatory commits to produce a plan to implement the Charter or to update the existing ones and to reserve resources for it
- Generated in the co-operation of the European municipal organisations by the initiative of the Council of European Regions and Municipalities



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## European Charter for Equality of Women and Men in Local Life

- Provides a good tool and a general framework for promoting Gender Equality in the main aspects of the municipal life as
  - political role
  - provider of services
  - promoter of sustainable development
  - combater of gender-based violence
- To whom
  - for policy and decision makers, management and administration, service providers, programmes and projects



## Why the Charter



- In spite of international conventions, EU regulations and national legislations, persistent inequalities still prevail
- Local and regional governments as democratic entities closest to people are best to put the gender equality in practice



## Contents of the charter

### PART I – Principles

Equality of women and men constitutes a fundamental right

Multiple discrimination and disadvantage must be addressed

Balanced participation in decision-making is a pre-requisite of a democratic society

Elimination of gender stereotypes is fundamental

Integration of gender perspective into all activities of local and regional governments & properly resourced action plans and programmes are necessary tools to advance gender equality

### PART II – Implementation

Development of an Equality Action Plan or revision of existing plans in two years

Wide consultation and dissemination

Evaluation system to monitor the progress

European exchange of knowledge of effective means

### PART III – Articles What and how

Democratic accountability

Political Role

General Framework for Gender Equality

Multiple Discrimination or Disadvantage

Employer Role

Public Procurement and Contracts

Service Delivery Role

Planning and Sustainable Development

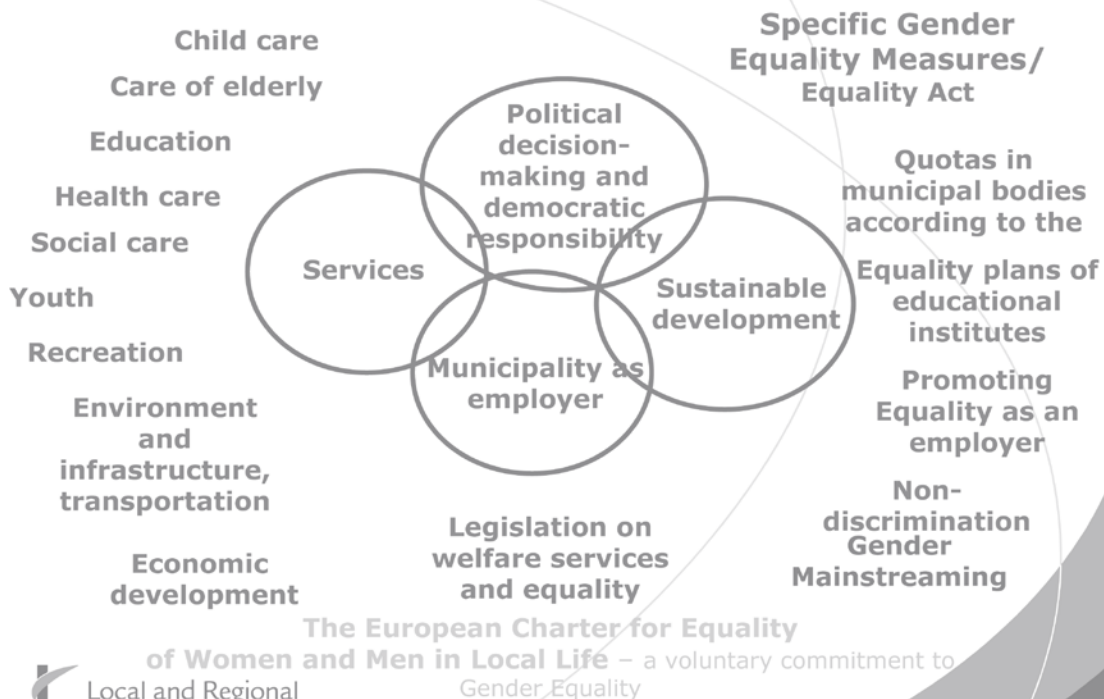
Regulator Role

Twinning and International Co-operation

 Local and Regional Government Finland

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## The Charter in Finnish Context



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## Examples for Priorities of the Charter

- Political decision-making and democratic responsibility
  - In municipal councils, the average share of women is 36.7%, in large cities around 50%, chairpersons in average 25%
- Public commitment for Equality
- Combating gender-based violence
- Gender Mainstreaming



## Gender Mainstreaming in the municipalities

- The Finnish municipalities already take gender equality into account in the provision of services, e.g. equal opportunities for education, child care
- With gender mainstreaming (GM), the quality of the services and equality can be enhanced further
- GM means to
  - see in practice whether there are significant differences between men and women, boys and girls
  - have information on and knowledge of gender in order to analyse the differences
  - focus on planning and service delivery in differences which can cause inequalities (e.g. unemployment, health care, care for the elderly)
  - take gender into account in allocation of resources
  - take it into account in decision-making



## Benefits of the Charter

- **Increases the level of understanding**
  - Gives a comprehensive view on gender equality in relation to the different roles of local government
  - Helps to analyse the state of gender equality in the municipal activities
  - A good tool for communication, e.g. in the municipal elections in 2008 in Finland, the National Board of Equality promoted the Charter
- **A strategic and political tool**
  - Giving a systematic view helps to enhance gender equality in a strategic way instead of fractional and only sector-based activities by setting priorities
  - Horizontal, cross-cutting principles and planning boost co-operation between different sectors
  - Furthermore, helps each sector to conceptualize its activities in enhancing gender equality
  - The political commitment provides a good basis for the enhancement of gender equality in the administration, e.g. the City of Vantaa has made a strategic decision to promote gender mainstreaming in all fields of activities
- **Improves service delivery**
  - Strengthens the integration of GM and hence the user aspect, the quality, and efficiency of the services and at the same time gender equality

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## Useful for integrating gender equality into programmes and projects

(see Annex)

e.g. in North-South Local Government Programmes – development and co-operation of Finnish and African municipalities



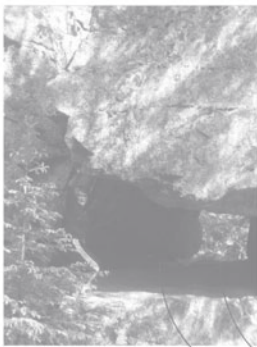
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**Young local politicians will share the strive for gender equality**



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**“Half of power, half of earth, half of heaven”**

(as Vicenta Bosch Palanca used to say, the former Chairperson of the Committee of Women Elected Representatives of CEMR – Council for European Municipalities and Regions)



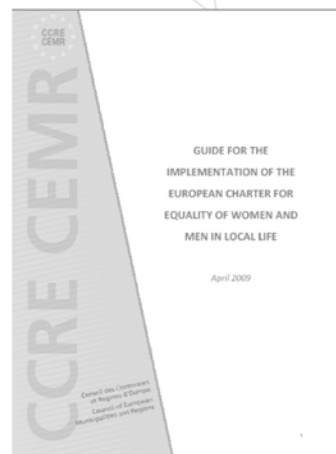
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## For more information

- The Council of European Regions and Municipalities  
[www.ccre.org](http://www.ccre.org)
- The Association of Finnish Local and Regional Authorities  
[www.localfinland.fi](http://www.localfinland.fi)



Sinikka  
Mikola/June

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# Advancement of women in public procurement – legal options for municipalities and cities in Europe

Kerstin Ahlberg, Institute for Social Private Law,  
Department of Law, Stockholm University, Sweden

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Dr. Kerstin Ahlberg, Institute for Social Private Law at Stockholm University. Her research mainly focuses on European Union Labour Law and Industrial Relations. Recently, she published a study on Public Procurement and Labour in the European Union. Dr. Ahlberg will present the promotion of women by means of public procurement. She will give an overview of the legal framework set by the European Union and answer the question whether the inclusion of gender equality considerations in the procurement process is compatible with European Union and national laws.

## **What is public procurement about?**

First, public procurement is about buying goods and services by state authorities and public local authorities, buying goods and services of the right quality for the right price. One question is: What is the right quality? Another question is: What is the right price? – This does not necessarily mean the lowest price. Second, public procurement is about fair chances for all suppliers who compete for public contracts. What does “fair” mean in this context?

When you answer these questions, there are two different approaches:

The first approach, which is favoured by many procurement specialists, is that when the procuring authority decides from whom it is going to buy goods or services, this authority should restrict itself to considering the price and the quality of the goods or service in its strictest sense; that is, purely economic considerations should be taken into account.

The second approach is that when you decide what and from whom you are going to buy goods and services, you should consider other public interests as well, such as environment protection or good labour conditions for those who produce the goods or who work with these services that you are going to procure.

Obviously, these are both political approaches.

Arguments underpinning the first approach are that procurement is such a complicated procedure that only purely economic considerations linked very closely to the object of the contract are to be taken into consideration. It is sufficient that environmental protection and fair labour rights etc. are regulated in specific legislation.

However, this specific legislation, for example on equal rights and equal opportunities, is not always very effective on its own.

Thus, arguments for the second approach are that public procurement is an additional instrument for promoting the respect of this specific legislation. The chance to get perhaps a public contract is a stronger incentive for potential suppliers to live up to this specific legislation on, for example, equal opportunities. Also, it is possible to link more effective sanctions to a public contract than the sanctions linked to the special regulations on equal opportunities because you could link sanctions like a heavy fine for suppliers that break the contract. Additionally, if public purchasers do not reward suppliers that live up to the spirit of the law, then they give a competitive advantage to suppliers who do not. Would this then be fair?

### **How can municipalities and cities use their procurement to promote good labour conditions, including the advancement of women?**

#### **EU law**

First, EU law needs to get addressed because specialists on public procurement often tend to say that there is no room to integrate social considerations into public procurement, as it is against EU law. In some cases, EU law seems to be used as a scapegoat in order to prevent changes.

More often perhaps, the reason why public procurement experts tend not to like inclusion of social considerations in procurement is because the law appears unclear. In order not to risk something that might be contrary to EU law or national law on procurement, the conclusion often is not to try at all. An extreme principle of precaution is applied because, of course, procurement is a complicated procedure, it takes long time and, if some of the tenderers are dissatisfied with the outcome, they may go to court and then you may have, in the worst case, to start from the beginning again. So rather than taking that risk, experts often say, 'Let's forget about the gender mainstreaming', or whatever it could be that might be permissible.

It is true that procurement legislation is complicated, and it is true that EU law sets some limits. But it is equally true that there is a scope for integrating social considerations into public procurement, and I want to encourage you to ensure that this scope for integrating social considerations is secured because the law is not that unclear and the scope is not that small, and it is not that complicated!

Here is limited space to make you to fully-fledged procurement experts, but I will try to give you a short overview that may provide you with some arguments that you can use next time if some experts claim it is not possible:

Numerous public contracts are of great interest to the internal market. Therefore, there is quite a comprehensive body of EU legislation on public procurement. The objective of this legislation is to remove obstacles preventing the functioning of the internal market and to remove the risk that foreign suppliers of goods and services are discriminated against. The aim is not to tell member states on what they are to spend their money, the aim is just to secure that when member states decide on what to spend their money, their decision should be taken in such a way to ensure that it is not discriminating against foreign providers of goods or services.

Two directives are the central legislation on EU level.<sup>1</sup> They apply to contracts above certain thresholds. Contracts below the threshold values are not covered. Also, certain so-called non-prioritized services that are in principle covered

by the directives are in practice exempted from most of the rules there. Many of these services, which are listed in an appendix, are services typically provided by local authorities, such as education, health service and the like. Thus, such services are exempted from most of the provisions of the directives even when the contract is above the threshold.

This does not mean that you can do whatever you want or like in these cases. You have to respect the general principles of EU law, that is non-discrimination and transparency, at least if the contracts are of interest for the internal market. This suggests that if you deem that a certain contract – even if it is not covered by the directive or even if it is only partly covered by the directive – could be of interest for suppliers in other member states, you have to ensure that the general principles of EU law are respected.

**What do these EU directives say?**

The directives regulate the procurement procedure, nothing else. They do not impose any obligations on member states as regards what they are to buy. By regulating the procedure, they aim at assuring that no irrelevant considerations affect the choice of a contractor. This means that suppliers from all member states should have a fair chance to compete and to obtain the contract. Therefore, the directives regulate what types of conditions may be applied during different stages of the procurement procedure.

**Is there room for integrating social considerations into the procurement procedure?**

Since these directives only regulate the procedure, there is in principle no restriction at all on what states decide to buy (Unless, of course, you say that you are to buy goods of a certain brand that is produced in your own country. This is not possible). So, for example, when you are going to buy some work equipment that will be used in some of your services, you can perfectly well specify that it must be designed so that it can be used not only by people who are of the same size and the same strength as an average man, but that it can be used by everyone.

Options for including advancement of women when procurement is not or only partly covered by the EU directives: When you have decided what to buy, the scope for social considerations varies between different cases of procurement and during different stages of the procurement procedure. As regards procurements that are not covered by the directive (since the contract does not reach the threshold) or those that are only partly covered (such as education and health and social services), even the European Commission admits that the scope is very wide. A Communication from the European Commission<sup>2</sup> says that “public purchasers are free to pursue social objectives in respect of public procurement contracts not covered by the public procurement directives, within the limits laid down by the general rules and principles of the EC Treaty. It is for Member States to determine whether contracting authorities may, or must, pursue such objectives in their public procurement.”

Options for including advancement of women when procurement is covered by the EU directives: As mentioned before, if the procurement is covered by the directives, the scope varies for the different stages of the procedure:

<sup>1</sup> Directive 2004/17/EC of the European Parliament and of the Council of 31 March, 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors. Directive 2004/18/EC of the European Parliament and of the Council of 31 March, 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

<sup>2</sup> Interpretative communication of the Commission on the Community law applicable to public procurement and the possibilities for integrating social considerations into public procurement COM/2001/0566 final /.

**Qualification criteria:**

The qualification criteria are criteria that decide which suppliers are able to participate in a particular tender at all. They have to have a certain financial and technical capacity, for example, in order to be able to fulfil the contract in question with the required quality. Of course, this is mostly about the suppliers' financial and professional qualifications, their previous experience of similar services etc., but there can be room for social considerations as well. For example, the procuring authority can require that, in order to qualify, the tenderers must hand in a written risk assessment for the work in question in order to show that it is competent to manage health and safety issues during the work. Otherwise, they have to show that they have a documented equality action plan, which is to demonstrate that they are able to fulfil the requirements of the equal treatment legislation.

**Exclusion criteria:**

Also, suppliers who have been found guilty of grave professional misconduct can of course be excluded from even competing for the contract. The grave professional misconduct includes for example breach of labour legislation.

**Award criteria:**

After the procuring authority has sorted out the qualified tenderers, separated those who are qualified and those who are not qualified, the next step is to value the tenders from all the qualified tenderers. This means to weigh the quality of the services or the goods they offer against the price that they want to have and find the balance to see what is the economically most advantageous tender. This must be done according to the award criteria that the procuring authority has announced before.

The main thing here is the quality of the goods or services that the authority is going to buy, and it is debated how wide the scope for including social considerations is. There is, however, a room for social considerations, too.

The main award criteria are criteria related to the object of the contract. There is room to apply additional award criteria that have to do with social considerations, for example, 'How will the tenderer take equality aspects into account during the performance of the contract?', 'What measures will they take in order to facilitate a combination of work and family life during the performance of the contract?'. This could be one additional criteria after the other, which may be taken into consideration.

**Contract performance conditions:**

When the public purchaser has decided which of the tenderers the contract will be awarded to, then the performance of the contracts starts. At this stage, there is a comparably wide scope for including social considerations as one contractor has already been chosen. The possibility to discriminate against foreign service providers is hence not existent any more because the choice has already been made, hopefully without discrimination.

Contract performance conditions are conditions that all tenderers must be prepared to accept in case they are awarded the contract. Therefore, it has to be stated in the invitation to tenders already that in case they get the contract, they will have to apply these conditions during the performance of the contract.

The typical example is that the contractor will have to employ at least two long-term unemployed persons to perform the work comprised by the contract. Another example is that during the performance of the contract, the contractor must show what they do to facilitate conciliation of work and family life for those workers who work on the contract during the period.

**Limitation: The contract performance conditions are only linked to the contract, not to the whole company.**

It is important, however, that the contract performance conditions are linked to precisely the performance of the contract. You cannot say, ‘If you are going to have this contract, you must see that in all your company’s activities you facilitate to combine work and family life.’ It can only relate to the work that the contract is about.

**Comparative study of six countries**

A colleague and I made a study in which we compared how six EU member states had implemented the Directives and how they had used this scope for integrating social considerations into their legislations. One of the countries we studied was Germany (unfortunately not Austria).

The central clause in Germany’s federal legislation on public procurement says that “contracts are given to competent, efficient as well as law-abiding and reliable companies. For the contract performance additional requirements may be posed on the contractor, especially concerning social aspects.”<sup>3</sup> In the preparatory work, the German Federal Government specifies what it means by “law-abiding” and “reliable”. These terms are constituent elements of the German legal order which everyone must comply with in order to be able to compete for contracts, for example, generally binding collective agreements, the principle of equal pay and the ILO core Conventions which include the Convention on Non-Discrimination (C111 Discrimination (Employment and Occupation) Convention, 1958).

Then, each of the “Länder” in Germany have their own procurement legislation, and to the extent that they relate to social considerations, they provide even more room for social considerations. The federal law also mentions “additional requirements for contract execution”, these are “contract performance conditions”.

The Federal Government specifically mentions requirements that serve the interest of promoting equal rights and equal pay for women and men who work with the performance of the contract. So, Germany has its Federal Government’s own word that it is perfectly permissible and even recommendable to include gender equality in procurement procedures.

**Conclusion**

Thus, to sum up, the advancement of women can be promoted in public procurement. However, the conditions must be elaborated with care and with consideration to all circumstances of the case in question, and at all stages, the criteria applied must be transparent, non-discriminatory and proportionate.

**Thank you.**

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**Literature/References**

Ahlberg, Kerstin & Bruun, Niklas: Upphandling och arbete i EU, Swedish Institute for European Policy Studies 2010:3, Stockholm 2010

<sup>3</sup> „Aufträge werden an fachkundige, leistungsfähige sowie gesetzestreue und zuverlässige Unternehmen vergeben und für die Auftragsausführung können zusätzliche Anforderungen an Auftragnehmer gestellt werden, die insbesondere soziale Aspekte betreffen.“ (97 § Gesetz gegen Wettbewerbsbeschränkungen).





# Advancement of women in public procurement – claim and reality

## Good practice from Berlin<sup>1</sup>

Marianne Rühl-Andresen, Senate Administration for Economics, Technology and Women's Issues, Land Berlin

Rühl-Andresen, in her practical approach to the issue of “advancement of women in public procurement – claim and reality“ addressed the seeming discrepancy in this statement with a view to the situation in Berlin, and subsequently described the “Berlin Model“.

### Legal basis.

The 1991 Equal Opportunities Act for Berlin (LGG) already provided that public procurement in Berlin be tied to the objectives set out for the advancement of women. However, it took another eight years for this principle to become reality. There was political resistance to overcome and there were legal concerns to smooth out. The road was a rocky one strewn with obstacles, raised mainly by business and politics.

The claim was moulded into legal form in 1999: it appears in section 13 of the LGG in its amended version and in the resulting *regulation on the advancement of women and the reconciliation of work and family life in public procurement, also known as regulation on the advancement of women (FFV)* which, might I add, has not been questioned legally to this day and which, contrary to predictions at the time, has not spelt the doom of any business or the economy in Berlin as a whole. (The economic crisis, as we all know, was caused by the doings of others.)

Section 13 of the LGG standardizes the obligation to tie public procurement in the Land Berlin to the objectives set out for the advancement of women and the reconciliation of work and family life. This obligation is considered a **term of contract**, not an award or selection criterion. In other words, public contracts in Berlin are awarded exclusively to bidders who commit themselves in advance to continue, implement or introduce measures for the advancement of women. Only then will they be selected according to the award criteria, i.e. according to suitability and economic efficiency.

<sup>1</sup> Since the FemCities Conference in June 2010 both the Berlin law on tendering and procurement (July 8, 2010) and the 9th amendment to the equality act have come into force (Nov. 18, 2010). The presentation makes reference to but does not elaborate on this. The regulation on the advancement of women is currently (spring 2011) being revised in accordance with relevant statutory regulations.

According to section 13, paragraph 1 of the LGG advancement of women is mandatory for contracts above 50,000 Euros, a value estimated by the office for awarding contracts, and businesses with more than ten employees.

Section 13, paragraph 2 of the LGG entitles the Senate, i.e. the executive authority, to issue a decree which regulates

- which companies are concerned,
- the substance of measures for the advancement of women,
- monitoring of implementation and
- consequences in case of non-compliance.

The regulation for the advancement of women (FFV) picks up on the legal provisions set out in section 13 of the LGG and goes a step further to specify that the entire construction industry is excluded from these provisions. It also establishes a clear-cut **procedure** for the advancement of women in public procurement. The procedure essentially follows along the idea to provide streamlined yet efficient administrative work and to ensure equal opportunities, i.e. to avoid unfair competition. The latter in particular is to be achieved through standardized obligations to inform and declare.

**Obligation to inform:** the offices for awarding contracts in the Land Berlin, prior to awarding a public contract, must assess whether the requirements of the regulation for the advancement of women have been fulfilled and, provided this is the case, make a note to the effect in the public announcement of a contract or public competition. Thus, all potential contractors have been duly informed of the fact that they must pay heed to the requirements for the advancement of women.

**Obligation to declare:** once the offices for awarding contracts have signalled in the announcement that the regulations on the advancement of women do apply, potential contractors, who at this stage of the procedure are referred to as bidders, when submitting their tender, must also submit a separate declaration on how many people they employ and, in those cases where they employ more than ten people, on which of the measures of advancement set out in the FVV they already carry out, are planning to continue or introduce. The nature and extent of these measures depend on the actual size of a company, i.e. the number of employees. Bidders must also declare that they adhere to the applicable equal treatment law. The latter covers all national and European provisions on the equality between women and men, including the General Equal Treatment Act (AGG), amongst others. In the event that a bidder on legal grounds is unable to perform all or selected measures, they shall substantiate and prove this, as the case may be. Legal grounds for exception in practice apply to foreign bidders only.

I should like to mention in this context that potential contractors must also ensure that subcontractors assigned by them also adhere to these obligations. Violations incurred by a subcontractor are considered the fault of the contractor.

**Scope of application:** advancement of women in public procurement in Berlin is mandatory subject to the following conditions:

- The public contract is awarded by an awarding office of the Land Berlin.
- The contract volume is in excess of 50,000 Euros.
- The company has a staff of more than ten.
- The contract covers supplies and services (no construction works).
- There are no legal barriers.

**Measures of advancement:** Another question arises as to which measures will meet the legal requirements set out for the advancement of women, as well as those for striking a balance between work and family life. Advancement of women in public procurement is not simply a matter of creative potential on the part of contractors. Rather, the catalogue in section 2 of the FFV provides for a total of **18 measures of advancement**. The measures to be taken essentially depend on the size of a company. Potential contractors, at the time of submitting their tender, commit themselves to carrying out, continuing or introducing a set number and type of measures for the advancement of women in accordance with the number of their employees:

- Companies with eleven to 20 employees must select a minimum of one measure from section 2, nos. 1 to 17.
- Companies with 21 to 500 employees must select a minimum of three measures from the catalogue in section 2 of the FFV.
- Companies with more than 500 employees must select a minimum of three measures, one of them from nos. 1 to 6 in section 2 of the FFV.

The catalogue distinguishes between hard and soft measures of advancement. It was prepared taking into account the fact that small and medium-sized enterprises must not be exposed to the same requirements as large companies. It may be difficult for a small company to appoint a person in charge of women's issues or adopt and implement a qualified plan for the advancement of women. Offering flexible working hours or part-time work, on the other hand, should be fairly easy to achieve regardless of a company's size.

**Monitoring implementation:** Let us now take a look at the further procedure: once the deadline for submission of tenders has expired the awarding office comes into the procedure. In a first step it will assess the formalities of the submitted tenders. It takes a look at whether the declarations in accordance with annex 2 of the FFV have been completed as required. With the formalities in order the tenders are opened and assessed as to their substance. Aspects of advancement of women are not considered at this point. Contracts are awarded exclusively on the basis of the usual criteria (suitability and economic efficiency). So fundamentally it is immaterial which measures a company has selected from the catalogue in section 2 of the FFV. The regulation on the advancement of women does not set out preferences.

Contractors in performing their contract shall ensure that all obligations resulting from FFV are heeded and implemented. On this account the offices for awarding contracts, in accordance with section 4 of the FFV, may require contractors to prove in a suitable way their adherence to the contractually assumed obligations under the FFV. Only the awarding offices have a right to require such proof and in this respect bear great responsibility in the implementation of the regulation on the advancement of women.

#### **What happens if the provisions and obligations under the FFV are not heeded?**

Instances to the effect might include, for example, lack of or insufficient declarations on the part of the bidders, measures of advancement not having been implemented, equal treatment laws not adhered to or inaccurate information provided. Depending on the nature of violations of the regulation on the advancement of women the following sanctions may be imposed:

In the event the awarding office receives no or insufficient declarations in accordance with section 1 of the FFV the tender is not opened and subsequently not assessed either. In this case the procedure for this bidder is irrevocably concluded at any early stage. To safeguard equal opportunities it is not possible to remedy defects after the closing date. Bidders who provide false information may be excluded from public procurement for a maximum of two years. This is also true for violations against the obligation to continue or introduce measures of advancement on the part of contractors and subcontractors assigned by them.

### **Claim and reality.**

So much for the ideal established by law. What I have done up until now is explain the claim for the advancement of women and equality in the context of public procurement. Now I would like to shed light on reality and bring us down to earth again.

Surveys and random sampling carried out by the member of Senate responsible for women's issues have revealed that probably as few as 15% of all public contracts awarded in Berlin are subject to the regulation on the advancement of women. This is due on the one hand to the high threshold value of 50,000 Euros and to the exclusion of the construction industry on the other hand. Inquiries with the contract awarding offices in Berlin give evidence to the fact that proof of implementation of the measures set out in the FFV is required to a very limited extent only. Since there is no obligation to carry statistics valid data are not available, which means that statements on the efficiency of the advancement of women cannot responsibly be made. The current situation would give rise to speculation only in this respect.

### **Need for amendments.**

Because of the experience described, Berlin is considering the following amendments:

- Lowering the threshold value to 25,000 Euros
- Expanding the scope to cover construction works
- Developing systematic controlling
- Improving control of proofs on the part of the awarding offices
- Introducing obligation for awarding offices to carry statistics and report to the member of Senate responsible for women's issues
- Stepping up sanctions

In view of the upcoming amendment of the Berlin equal treatment law the Senate has already come to an agreement to reduce the threshold value to 25,000 Euros, to include the construction industry and to introduce the obligation to carry statistics and report.

The amendment has been referred to the Berlin parliament to be discussed in the relevant committees after the summer break, which gives rise to the assumption that the regulation on the advancement of women will be revised in the autumn of this year (i.e. autumn 2010), and that Berlin will take further steps to harmonize claim and reality in the context of the advancement of women in public procurement.

### **Linking public procurement to other objectives.**

In the discussion on the legitimacy and efficiency of linking public procurement with measures for the advancement of women, socio-political issues are gaining significant ground. There has already been a request to discuss ecological aspects and additional training places in the context. Most recently there has been a call for considering minimum

wages when awarding public contracts. The amendment to the Berlin procurement law currently debated in parliament (summer 2010) picks up on this issue. From the practical perspective employment of women and men with a migration background is also increasingly addressed. Thus, it seems that advancement of women in public procurement serves as a model for other, equally legitimate objectives. Yet it also runs the risk of being lost amidst the racket of demands.

**Conclusion.**

It is fair to say that linking the advancement of women with public procurement provides an important tool for improving the situation of women in the private sector.



# Advancement of women in public procurement – the Viennese model

Marion Gebhart, Head of Department for the Promotion and Coordination of Women's Issues, City of Vienna

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In Germany, Austria and probably elsewhere too, there has been and continues to be a certain resistance against linking social issues with public procurement. Not so Vienna, which has become one of the pioneers in promoting equality objectives in the context of public procurement.

*The article prepared by Marion Gebhart for this documentation has been supplemented by several details concerning the “Viennese Model” which at the time of the conference had not come into effect yet.*

## **How the Viennese model of coupling the advancement of women with public procurement came about**

It is interesting to study the development of a model to see which course matters take, why they sometimes take so long, how they progress and which obstacles they come across from time to time.

It is already four to six years ago that we began to discuss the issue in Vienna. The first objection we met with was that it was against EU law. As soon as we had invalidated this argument availing ourselves, amongst others, of the “Interpretative communication of the Commission on the Community law applicable to public procurement and the possibilities for integrating social considerations into public procurement” of 28 November 2001 (Journal of the EC C 333, page 27) we ran up against a second one: Coupling the advancement of women with public procurement was against the Austrian Federal Procurement Law! In Austria there is a federal law on public procurement which applies to all of Austria, with no provisions established at the provincial level. The argument ran that the above law did not admit criteria like these as they were alien to procurement. Yet section 19 para. 6 of the 2006 Federal Procurement Law provides that “employment of women... as well as measures for the implementation of other social considerations may be integrated into award procedures. Consideration of these aspects may be through description of performances, definition of technical specifications, identification of specific award criteria or through specification of conditions in the services contract.” Both arguments proved untenable.

## **A clear political mandate and will**

Once resistance in Vienna had crumbled we embarked upon the second, more specific enterprise. The foundations for this were laid by political agreement. Female politicians from the Social Democratic Party and the Green Party jointly decided to support the advancement of women through public procurement. This was all the more interesting as the Social Democrats at the time had absolute majority in the Vienna city parliament. Nevertheless, they got

together with another party represented in the City Council to define and implement joint objectives beyond party boundaries, advancement of women in public procurement being one of them.

### **Group of experts at municipal level**

In the follow-up to the agreement the Executive City Councillor for Women's Issues, after consultation with the Chief Executive and head of the administration, appointed a working group at municipal level. The working group was composed of about six experts in the fields of procurement, gender issues and advancement of women. They were given the mandate to develop a model and accompanying measures for the city administration. The accompanying measures were to be of such a nature that companies would also use them to implement advancement of women. To begin with, the working group developed a model that would take into account advancement of women and gender aspects in public procurement for all cases under the Federal Procurement Law, which means that awarding of public contracts is tied to measures for the advancement of women in companies, as described below.

### **THE VIENNESE MODEL**

(the colour-enhanced text was added to the conference documentation: on September 29, 2010 a decree was issued by the Chief Executive to launch the Viennese model with emphasis on advancement of women in companies)

### **Cornerstones: advancement of women as a social requirement for contract performance**

Contractors having been awarded a contract are obligated to undertake specified measures for the advancement of women. Noncompliance with these measures is punishable by contract penalty.

Social performance conditions like these are announced in the invitation to tender. In the first instance, however, it is the cost effectiveness of a tender that counts: tenders are assessed before the obligation to engage in measures for the advancement of women becomes effective. Framework conditions for the obligation are designed so as not to interfere unconstitutionally with the freedom of occupation nor to have a negative impact on the freedom to provide services under Community law.

Additional activities include training of employees in the administration responsible for procurement and making them sensitive to these issues, supporting companies through information made available on the official website of the City of Vienna and in relevant manuals, as well as evaluating the awards.

### **Framework conditions for mandatory advancement of women at company level**

The following requirements must apply to make advancement of women mandatory for companies participating in a tender: the contract needs to be a public service contract covering a value of 40,000 Euros or more. The contract has a minimum duration of six months and the company employs 20 employees or more on a permanent basis.

### **Contents of the formal statement of obligation**

Companies are required to choose one measure from each of the four specified groups (groups A-D). For companies having employed fewer than 50 persons on a permanent basis over the past three years with an annual turnover or annual balance sheet total of less than ten million Euros one measure from groups C or D may be omitted. Companies must provide proof of implementation of these measures halfway through the period of performance at the



latest and must have these countersigned by the women's advisor or works council. Non-implementation of the measures is punishable by penalty of one per mill of the contract value/per week up to a maximum of one percent of the contract value or 10,000 Euros. Companies are also informed that violations of the obligations may be registered as "serious deficiencies" in the official contractors' register for Austria.

### Groups of measures for the advancement of women

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#### Group A – advancement of women during recruitment and vocational promotion

- Raising the share of female employees in middle and senior management
  - Raising the share of training positions for female apprentices (or training relationship of equal value) in occupational fields where women are underrepresented or which are still considered unusual for women
  - Considering female apprentices (or persons in a training relationship of equal value) for employment contracts in accordance with the share of female apprentices
  - Offering traineeship for girls and women, especially in occupational fields where women are underrepresented or which are still considered unusual for women
  - Giving preference to women in vocational promotion following successful completion of in-house or external training measures
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#### Group B – advancement of women during qualification

- Training measures customized for women, enabling them to reach qualified positions
  - Providing places for women for other internal training measures in accordance with the share of women employed at any rate
  - Providing places for women for external training measures financed by the company in accordance with the share of women employed at any rate
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#### Group C – reconciling work and private life (work-life balance)

- Offering flexible working hours to meet individual needs
  - Offering teleworking
  - Part-time opportunities in management positions
  - Providing internal or external childcare
  - Planning vocational reintegration
- 

#### Group D – structural measures

- Implementing a qualified plan for the advancement of women
  - Carrying out training and upgrading measures on equality
  - Appointing an equal opportunities advisor
  - Addressing the issue of sexual harassment
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### Decree on the model launch

In Vienna the model was to be launched by decree of the Chief Executive. Said decree was issued on September 29, 2010 and for the time being is valid for two awarding municipal departments, one of them being MA 54 – Procurement, a department which handles most of the procurement procedures for other departments as well. In other words, there is no separate law or regulation in Vienna to implement the model. Even the Federal Procurement Law, in principle, applies to all procurement issues and also allows measures for the advancement of women.

### Training employees in Vienna City Administration to implement the model

At the same time the group of experts took up its work to conceive programmes for sensitising and training senior staff and staff responsible for procurement, with a view to the fact that each department will have to implement advancement measures on its own. There is not just one awarding authority for all of the city administration; instead several departments may award contracts individually. These departments therefore also have to be trained to get things right. In some cases they may even have to be made more sensitive to the issue so that they can pursue the measures with proper determination, demonstrating that they support these and are capable of answering any questions that may arise.

Actual training modalities are discussed with the city's administrative academy responsible for providing training and sensitivity-raising measures like these.

### Checklist for employees in administration to assess implementation of measures

The experts group also prepared a checklist so that employees of the City of Vienna are better able to assess whether companies are implementing the measures described in their formal obligation.

### Evaluating measures

Evaluation of measures is instrumental in measuring the success of the model with respect to application and implementation. Once the model project has been evaluated it is to be extended to other departments.

### Accompanying measures for entrepreneurs

In the run-up to the model proper the Women's Department compiled publications or commissioned compilation of such publications. Our main concern in this endeavour was to make sure we didn't make demands on entrepreneurs without giving them support and information on how to practice advancement of women in the company if they hadn't done so already or if they wanted to continue and improve their methods.

One of these publications is the manual "**promoting women + men equally = benefits all**", which is split into several modules to show companies what they can do to advance women internally. The manual is complemented by a "**toolbox**" which is available both as a printed version and online from the MA 57 website. The toolbox is a kind of checklist companies can avail themselves of to analyse their status quo and plan additional measures.

To prove that advancement of women pays off and that companies already practicing implementation are satisfied with the results, rather than being driven out of business as many feared, the Vienna Women's Department also published the brochure "advancement of women in Viennese companies – how to go about it", which is essentially a collection of "good practices" witnessed in companies of different sizes and branches of industry. We asked managers how they had practiced advancement of women and how they felt about it, but we also asked the others, i.e. the employees and works council to see if statements from the two sides corresponded. Where both sides were happy

we included the practice in our collection. The brochure is available free of charge on the MA 57 website at [www.frauen.wien.at](http://www.frauen.wien.at).

### **Workshops for businesses**

The authors of the manual came up with a concept for workshops and did a trial run to see how businesses accepted these and whether they thought them useful. This first workshop was financed by the Women's Department, in the long run, however, it will be necessary to find other organizers, such as trade organizations, for example, to support additional series.

### **Other public procurement measures set by the City of Vienna**

The Department for the Environment in Vienna has developed the "Eco-Business Plan" to consult businesses on ecological criteria and sustainability. There are consulting modules relating to offers for employees, amongst others. The Department for the Environment, in these consultations, pays reference to the above publications produced by the Women's Department. Companies are informed that tenders for public service contracts with the Vienna City Administration will contain relevant obligations as a motivation for those who are already considering the publications.



# Delivering gender equality through procurement

Nicole Fletcher, Head of Sustainable Development,  
London Fire Brigade

The London Fire Brigade is trying to push equalities and diversity through procurement. Additionally, there is a whole team at the Brigade which works specifically on equalities and diversity issues. The London Fire Brigade is a public body and is therefore under the same regulations and legislation as every other council.

**The presentation covers three key areas in terms of procurement:**

1. Contract specification & evaluation
2. Product development via contract management
3. Supply chain diversity

The London Fire Brigade is the third-largest fire fighting organisation in the world and has therefore a very large influence in terms of the fire-specific types of products and services through buying those. The LFB provides its emergency services to 7.5 million residents, workers and visitors in Greater London. Of the just over 7,000 staff, 6,000 of them are fire fighters. Fire fighting being a traditionally male domain, the LFB has not always been a leader in terms of equality and diversity. The LFB recognises that the management needs to work on this but has already been actively and successfully working very hard for a number of decades on trying to improve in this area.

There are six strategic key aims, two of those relate to equalities. One of it deals with ensuring we have a safe and positive environment for everybody who works in the organisation. The second one is the to ensure that equality and diversity runs through all of LFB's activities. When we talk about equalities and diversity, the LFB focuses on six different areas, gender issues being one of these. The LFB tries to address them through all areas. Gender equality has been very much a key issue for the organisation, but clearly, other areas of diversity are equally important. It is believed that when focusing on doing something that improves diversity for one group, it also has a flow-on effect and makes improvements for others as well.

LFB is run by an authority appointed by the Mayor of London, and we help to deliver the Mayor's policies and priorities. The Mayor has made equalities one of his priorities. Equalities is also on the agenda of the new government. The LFB has therefore quite a lot of political pressure to do well in this area. Political pressure has impacted positively on the LFB's work.

### The story of the LFB so far

An auxiliary fire service was formed 1938 during World War II due to poor availability of men. Women were accepted into the fire service for the first time, however, they were not paid. It took a further 37 years, until 1982, for a woman to be employed and paid as a fire fighter. The current representation of women in the LFB is: Women are 4.6% of operational staff and 46.1% of non-operational staff, comparatively voluntary leavers are 1.6% and 45.9%. Moreover, women are 10% of trainee applicants and 14.5% of successful applicants (national target of 15% by 2013). Undoubtedly, the LFB is making progress, but it will take time to see the figures change as the LFB has a low turnover of staff. Processes, policies and the right equipment to support women in the workforce and to attract a diverse group of applicants is therefore crucial to continue the successful strategy.

A target set by the government is to have 15% percent of the successful applicants for trainee positions being women. Figures show that this target is almost reached and once it is fulfilled, the target will be stretched and set higher in order to continue progress.

Apart from the improvements in introducing women into the work force, one challenge and target area is progression and getting women into more senior roles. The LFB recently introduced a targeted development scheme aimed at identifying high potential candidates right from the start.

The scheme provides that those selected can go through a fast track process into management. These schemes are available for men as well as women, but it is recognised that the progression of women needs to be specifically addressed. One way of doing this is by a graduate entry scheme that has targeted marketing towards women, which includes a leaflet with operational women with degrees, a bespoke website with editorials from women and operational women attending job fairs.

To attract more women to actually apply for the jobs in the first place, there have been active marketing campaigns towards women in universities. Part of that is to ensure that the job perspectives seem attractive for females to come and work for the Brigade. Marketing campaigns need to have examples of other women who are fire fighters that they can talk to and have some real experience of what it is like to work with the Brigade. Having photos of women of fire fighters in promotional material is quite helpful. Another key area in the application process is to get them through all the various tests. While women do even better than men in theoretical areas, they unfortunately lag behind in the fitness areas. From this, the LFB learned to start an active campaign on trying to ensure that those who we attract to apply understand how fit they do need to be to become a fire fighter. Therefore, the LFB has introduced some training sessions that women can attend before the tests take place, to gather experiences and get themselves up to the level of fitness in order to raise their chances to pass.

### Specified Personal Protective Equipment (PPE)

The basic prerequisite when attracting women into the Fire-Service and keeping them is to provide the right kit for them and equip them adequately. It is a safety issue as well. If a kit does not fit them properly, how can they perform their job to their full potential? They will not be as efficient in doing the full scope of the job as they should be if they do not have kit that performs properly. It also could present a safety risk. Jobs are dangerous at the fire brigade and therefore, adequate equipment is an important issue. When the LFB last had their fire fighting kit introduced, there were only 61 female fire fighters. Currently, there are 268 female fire fighters, which is quite a jump, but the increase will always be slow because working conditions at the Fire Brigade are quite good and turnover of staff is slow. Most fire fighters work there for thirty or more years. Even if things are in place, results will be slow to be seen. We focused

on the specification to make sure we have kit that are cut specifically to be comfortable and suitable for women and to have a big variety in sizes. Making sure that we have a variety in sizes is also helpful to men who are smaller in size. You can also be a shorter man or smaller and still potentially be a fire fighter if you can meet the other requirements, just as women can. The specification helped all people to have better accessibility to being fire fighters.

### **Evaluating PPE**

The evaluation of the kit was very important to ensure we have kit that supports the diversity of existing and future employees. It is not just about what we put in the contract as a requirement, it is also about how we test it to make sure that it really does what we want. Four bidders were shortlisted. They all had to provide a range of kit for staff to test. The fire fighters who were testing the kit had no idea who supplied the test kit. Testers judged based on the quality of the performance. Therefore, LFB was not discriminating in any way as performance needed to be good for all staff, it is therefore possible to evaluate in support of equality. The testers were formed of a group of twelve volunteers, of a good representation of both sexes and a range of different sizes. Four areas were covered: mobility, dexterity, heat stress and sound attenuation.

There is a lot that can be done in contract management, particularly on contracts where the buyer has a good influence such as the LFB has in the fire specific areas. With the example of a gas tight suit, one can demonstrate that sizing presented a barrier to performing duties at hazardous incidents, and how the LFB developed, designed and tested with the contractor the world's first bespoke smaller sized suit. Given the size of the Fire Service Industry throughout the world, this suit is now something that any fire service in the world can actually make use of, so the LFB really helped extending availability quite broadly. Smaller sized kit helps address support for women in making sure that they are not only able to recruit more women but also to retain them once they have come into the LFB's workforce.

### **Supporting Skills in the Supply Chain**

Moreover, the LFB is looking at their supply chain in terms of staff. The LFB is putting requirements into the contract that the contractors will have to provide a minimum number of apprenticeships in delivering their contract over the life of the contracts. Another thing that the LFB does is to support diversity within that contract. If the contractor can demonstrate a good sound programme that shows they will meet those minimum numbers, they will get full marks on the skills and training evaluation criteria, but if they can show how you will do that and also support diversity within those apprenticeship programmes, then they will be able to score points in the added value criteria.

Discussion with the three final tenderers in a bidding process showed that the requirements of the LFB were regarded as easy to reach. This showed that it is not a problem for contractors to deliver what LFB asked for and monitoring information should reflect that.

The final area that LFB is working on in the supply chain is recognising that also we need to think about which businesses we do work with and who those businesses are owned by.

The LFB is trying to ensure that predominately smaller sized businesses have adequate opportunities to access their contracts. They do not focus specifically on women but recognise that all the diverse-owned business groups tend to be small businesses. Changing their practices through advertising and the content and quality of the information that is provided on the contracts will help all small businesses, including women.

**Supporting Diverse Businesses**

In the UK, 15% of businesses are owned by women, but in terms of public contracts, they only get three percent. This result is not particularly good, we do need to do better. The LFB now has clear prequalification processes, they have changed how and where they advertise their contracts to reach a much wider audience of businesses. Moreover, they are asking their own key suppliers to sign up to a support service called “Diversity Works for London” that will help contractors to work with their supply chain in terms of business diversity. The LFB is looking at how and what can be done to review the guidance that they provide to businesses to say how they can sell to us, so that businesses can understand what LFB’s processes are and understand how to sell to them. Furthermore, LFB has recently made a change in payments as a result of the recent economic climate conditions to pay invoices to small businesses within ten days, so that SMEs get better cash flow. The LFB is trying to take a very rounded approach to how they use procurement. The LFB is convinced that procurement is a key area for supporting diversity as well as supporting all other areas of sustainability.



# Gender mainstreaming at communal level – KGMM

Ursula Matschke, Head of Department for Equal Opportunities for Women and Men, City of Stuttgart

The European Charter for Equality of Women and Men in Local Life (Council of European Municipalities and Regions) was signed by the mayor of Stuttgart during his Council presidency in 2008. In the run-up to this contractual obligation to develop a relevant action plan for the municipality the Department for Equal Opportunities for Women and Men drafted a highly efficient local gender-mainstreaming management programme (KGMM) which ran as a pilot project between 2002 and 2006. The KGMM strategy was adopted by the city council in its overall steering programme in 2006 and subsequently became binding for the entire city administration. Starting point for the strategy was a gender-mainstreaming project funded by the European Commission and designed by Ursula Matschke under the motto: “fields of action for equal opportunities and equal treatment in commercial enterprises are comparable to those in municipalities and must be anchored in relevant modernisation processes to be successful”. Between 1997 and 2001 Matschke ran the project in Finland, Sweden, Austria and Germany in cooperation with partner municipalities and commercial enterprises. Organisational and steering processes in companies, such as Volvo, Nokia, Daimler, Allianz, as well as in the municipalities of Goteborg, Hämeenlinna, Vienna and Stuttgart were analysed and assessed in the course. The project’s aim was to identify which strategies, methods and instruments enterprises and municipalities in progressive countries like Sweden and Finland adopted to move forward in the implementation of equal opportunities in day-to-day company policies and in the modernization of personnel and organizational matters. Based on these transnational findings the KGMM project in Stuttgart was developed as a managerial process with emphasis on methods, steering and controlling.

## **Municipalities as promoters of gender equality**

Municipalities have the potential to act as promoters of gender equality because people live and work here and because municipalities are their daily environment: here is where children are born and raised, here is where people work and where the ageing will be taken care of, which incidentally is one of the biggest challenges municipalities and society as whole will be facing in the coming years. Municipal employees render a wide range of services at municipal level and beyond and in turn must be awarded the care they are entitled to as personnel. Thus, equality opportunities for women and men, children and adolescents go both ways: inside in terms of personnel and outside in terms of services. Equal opportunities must be available for each and everyone in accordance with his or her situation in the municipality. ‘In accordance with his or her situation’ means that children of different social backgrounds, for example, must be encouraged and supported in full knowledge of these differences. Germany in particular has a lot to catch up with compared to other European countries. What we need is a solid database to develop measures and instruments across all departments. The KGMM constitutes an efficient city-wide strategy for this endeavour. Our task will be to collect basic data concerning the issue of how gender inequality manifests itself for the female and the male side in the age

groups children, adolescents, adults and the elderly. We will use this database to formulate hypotheses, to validate these with the help of interviews and inquiries and to ultimately derive suitable measures, instruments and parameters for controlling. At the department we believe it is very important that during implementation of the KGMM strategy we do not point the finger at authorities and responsible players but instead convincingly explain our approach as a win-win concept. In a first step, using the top-down principle, we need to seek out the persons involved in their specific stressful situation. We need to investigate into the various human resources offices (KGMM working inwards) and service fields (KGMM working outwards) to see what their main challenges are and which issues they are working on. They might be concerned with high personnel turnover, times absent, lack of motivation, ageing or complex service requirements on the labour market in the field of senior citizens, nursing and care. Equal opportunities in the economic sense are considered a performance factor for local government work.

To spell out our thesis: If we take a gender-specific approach to equal opportunities in all personnel matters, i.e. recruiting, staffing, development, salary, we will be able to render better services to the citizens. For this reason, if we manage to implement equal opportunities inside we automatically generate equal opportunities outside. Employees who enjoy their work perform better and are friendlier towards their customers. Seemingly irreconcilable demands and disaccords between citizens and administrative staff pose a particular challenge to a well-balanced steering system like ours. We use the Balanced Score Card as a steering instrument, taking into account the fact that with the top-down principle the needs of customers, staff, financial and personnel resources and organisation development, in the definition and implementation of goals, must be addressed through sophisticated cooperation and communication processes. To give you an example: If we want our employees and customers to be 100 percent satisfied, we must align working hours and opening hours, as in the case of hospitals where shift work is distributed among staff in accordance with their family burden. To do this, however, we need controlled communication and cooperation processes.

KGMM also requires us to focus on gender-specific requirements when rendering municipal services. We take the diversity approach to provide innovative and creative services for women and men, adolescents, migrants, persons with special needs and elderly people: in our community we meet a wide range of different people whose individual demands on life and work we want to cater to. Again we need to collect, analyse and verify basic data and then act accordingly. At municipal level gender mainstreaming becomes a measure of success when everyone's objectives have been harmonized, internally and externally, and when these objectives have been made part of an ongoing modernisation process.

### **Guiding principle in equality work**

A key point in our equality policies is to achieve equal opportunities in quality of life, family policies, as well as labour and employment policies: de facto and not de iure. Real changes must become visible and measurable. It is not enough to merely set goals, we must ensure that these goals are actually achieved. In Stuttgart we want to achieve equality for internal and external customers by considering their individual social, political, economic and institutional circumstances and expectation. We do not want to define objectives over the heads of those involved, rather we want to include them in the process, both the employees inside and the citizens outside. Stuttgart, in doing so, ranks among top German municipalities.

### **Defining the procedure**

In a first step we analyse who needs what. We collect basic personnel data from authorities and departments and we assess the needs of the city's employees. We also take a close look at the methods used in the course, be they central or decentralized collections, surveys, interviews or workshops. The main point, though, is how we steer the process

strategically. We must process and analyse existing basic data if we want to move forward in the change process. There will be not real consequences, however, if we do not commit ourselves to central and decentralized responsibilities, performance indicators and parameters.

The KGMM being a cross-sectional task, effectiveness and efficiency, as well as output and outcome measurements are key factors for steering and controlling. To find out how successful individual measures are in relation to the overall change process, we need to measure them in a wider context. A measure which is effective in preschool education with regard to gender may well lose some of its efficiency with respect to gender-specific education opportunities if we do not target follow-up measures in school education at the same time. Multidisciplinary communication and cooperation across departments, as well as controlled knowledge transfer within the administration and outside are crucial to the implementation of KGMM.

### **Initial situation inside**

To convince the persons and departments concerned of the KGMM change process we at the Department for Equal Opportunities first focused on what individual units themselves considered their main problems with personnel policies. At Stuttgart main hospital (Klinikum Stuttgart), an association of several hospitals, for example, raising the share of women among head physicians and senior physicians, along with optimising working conditions posed major challenges. The youth office in turn wanted to review and find ways of increasing employee satisfaction. When preparing solution strategies for problems, which in a first analysis affected the city administration itself, we wanted to consider the overall steering mechanism as proposed by the Balanced Score Card, so at the same time we took into account the entirety of requirements voiced by citizens, politics and city employees, as well as the requirements related to specific tasks. Individual objectives and their implementation were defined with the top-down principle. These processes call for responsible players who are not taken in by their unit's daily business but instead recognize that they are responsible for the entirety.

### **Example: initial situation at the regulatory agency (Ordnungsamt)**

To begin with we wanted to test the KGMM in a decentralized environment. To avoid creating a defence attitude towards the KGMM we approached the head of a female-dominated department (the regulatory agency) and asked him to describe his problems in his capacity as head of department. We did not formulate our objective, which is to further gender mainstreaming and the advancement of women as a humanitarian mandate required by society and defined by law, but instead we asked the head of department to describe in his own words where he saw urgent need for action at the agency. He stated high personnel turnover, dissatisfaction and above-average absence from work. The requirements of citizens were at odds with those of employees, as the former were asking for extended opening hours while the latter wanted more part-time work. The Department for Equal Opportunities developed a KGMM approach based on the assumption that the above issues in an agency with a female share of 78% had to be analysed and solved gender-specifically. Of course the approach also took into account the requirements of citizens and politics.

### **Stuttgart analysis model: agency-related approach – gender mainstreaming with personnel issues**

In a first step the Department for Equal Opportunities for Women and Men carried out an employee survey. Women and men at the agency were asked about their expectations and requests regarding the reconciliation of family and work (work-life balance). This turned out to be a well-balanced survey from the gender point of view. In a second step we tried to assess how stress and satisfaction are perceived differently by women and men, by asking questions like: "How do you feel about work-life balance in your workplace?", "Where do you detect problems?", "How do you think stress could be relieved?". We wanted to identify stress and satisfaction factors. What made the survey so special

was that we set personal expectations and concerns against specific behaviour we had learned about in the basic data on absence from work, personnel turnover, etc. After all, the head of the agency had mentioned turnover, absence from work, lack of motivation and lack of performance as the most burning issues concerning personnel policies and economics. We claimed on the basis of the survey that we could establish a link between absence from work, staff turnover and performance. A comprehensive set of targeted measures developed with the data and facts collected was to improve the situation regarding absence from work, turnover and motivation. Our quantitative survey, as well as the qualitative assessment and scrutiny of the hypotheses we had established did in fact lead us to conclude that there were links, such as between absence from work among women between the age of 30 and 40 and the dual burden of family and work, or the absences among men between the age 50 and 60 and lack of motivation or career deficits. However, we did not stop at this diagnostic assessment but within two years developed acceptable measures based on the above data. All administrative units were included.

As a starting point for our survey we used a Swedish gender-mainstreaming method (3 R method), which we adapted to create our own 5 G method (see diagram). The same way you could analyse the services sector, taking care of the elderly as an example, where you take the expectations and requests of women and men in different parts of the city and compare them with the basic data on planning for care of the elderly. Questions like “What do you think about the connection between private and institutional environment?“, “How are your quality of life and your lifestyle affected by the facilities offered?“, “What do you feel as a burden to your life? (e.g. loneliness, sickness, living conditions, dependency on care, lack of mobility, financial situation, public safety)“, “What makes you happier with life? (leisure time activities, living conditions, care of the elderly, structures)“ are evaluated by gender and then contrasted with how women and men avail themselves of the facilities offered in different parts of the city. Ultimately, though, it is the political decision-making body which needs to act to make fundamental strategic changes happen. The administration is responsible for processing data and facts by gender and proposing the required innovations. The political body and the administrative units must be given sufficient evidence on measures applied in pilot projects, as well as specific results and feasibility, before they can embark upon long-term and sustainable improvement processes.

This KGMM approach of collecting basic data inside the administration and outside and comparing them with the reality of the persons concerned to then develop suitable measures was adopted for the city’s plan for the care of the elderly and in fact proved highly successful. So the KGMM data analysis is only the first step. The second is to find a correlation with the actual needs, expectations and requests of women and men and to prepare specific measures that can be implemented in the short term. If we carry out analyses without acting upon them we run the risk of dampening people’s willingness to cooperate and their belief in positive reforms. At the regional and the federal level, however, there are problems concerning external framework conditions, which can only be solved in the medium or long term. Gender-specific issues are often very complex and relate to fields of action beyond the scope of local administrations. These must be identified and included but at the same time it is important that we take first steps towards short-term and immediate changes where they are needed.

### **The KGMM package of decisions**

KGMM is short for Kommunales Gender-Mainstreaming-Management, in other words local gender mainstreaming management, precisely because it refers to a business management process. It constitutes a package of decisions relating to personnel, relevant for all levels of innovative and target-group oriented personnel policies. In the course of our analysis we investigated staffing, payment, personnel development, recruiting, employee satisfaction, absence from work and personnel turnover, each by gender. We prepared a profile for each item, performed a current state analysis and assessment and defined the need for action to see which measures and changes we had to bring about.

The following is an excerpt on “work satisfaction” taken from a documentation published by the Department for Equal Opportunities for Women and Men. It is considered a main indicator for work situations as perceived by employees. Work satisfaction may affect work motivation and performance, while dissatisfaction at work may lead to absence from work and high personnel turnover and ultimately customer dissatisfaction as well.

### **Satisfaction with different aspects of a work situation by gender**

We found that women are less satisfied with the volume of working hours than men (only 83% of women were satisfied vs. 94% of men), and that women want to re-enter working life much sooner after parental leave. This clearly disproved the original thesis which was that women liked to work long part-time periods. We picked up on this point and installed a pool for women returning to work, with all the right positions for straightforward and flexible re-entry into working life. We also found that only 72% of women were happy with the volume of tasks in relation to time available, yet men were even less satisfied (59% were satisfied). In other words, men felt overwhelmed by the amount of work; women are happier than men with the amount of work in relation to time available. One may conclude from this that women are better able to organize their work and men tend to feel overwhelmed more quickly. Time management seminars might be a way to remedy the situation. Yet men are known not to be keen on seminars like these, they see them as encounter groups which they have no need for. Here is a challenge for personnel development and further training! Women were somewhat more satisfied with payment than men. Analysing absence from work proved almost revolutionary. Previous analyses in Stuttgart had not differentiated absence from work by age groups. All they had found was that women essentially were sick more often and for longer periods of time than their male colleagues. Broken down by age groups, on the other hand, the results revealed that even in the age groups of re-entry (26-30, 31-35 years) women were sick less often than men in terms of percentage (the survey referred to one to three days of absence, the long-term sick were not included). These figures do not apply to all of the administration but to one particular unit only. Interviews with women concerned revealed that it was mostly reconciliation of family and work and the stress of re-entry into working life which led to absence from work, whereas for men in the same age group it was disillusion and frustration with their career. This shows that it is important not to jump to conclusions but to take a closer look at individual departments, to analyse their situation, carry out interviews and not to leave it at that but to take it a step further and develop the necessary countermeasures.

### **Effects of accompanying measures on women and men (when utilised)**

We were also interested in the effects accompanying services to promote reconciliation of family and work had on women and men. We had learnt that reconciliation of family and work (work-life balance) did not come about on its own or through internal measures only, because it requires many services from outside as well to make it happen. So we looked at the gender-specific needs for accompanying services. We wanted to know how their positive effect would reflect on private life and work. It was interesting to see how women and men responded to our questions. Of course, men were only indirectly concerned, women being the ones who availed themselves of the services; 81% of men indirectly felt the positive effects in those cases where their directly concerned female colleagues felt better for the services. They demonstrated a kind of shared responsibility, which we were happy to note. 65% were reconsidering future career plans and instead are focusing on private and family life. In other words, they could not imagine a family phase without these services. We also discovered that men did not take the view that reconciliation had nothing to do with them in their daily contact with female colleagues. On the contrary, men showed a keen interest in seeing women supported as they also enjoyed the more relaxed working atmosphere this entailed. Men were even willing to “interfere” in this matter. Only 61% of women believed in the positive effect of services on their work situation. 56% of women would seriously pursue their career if they were to be supported by these services. We then asked employees in the administration, especially young people, when and how they believed they were affected by the reconciliation

issue. We were horrified to hear that young women in particular weren't even considering having a family phase and for the time being did not want any children because they felt it was too difficult to reconcile family and work.

These are daunting statements considering the workplace analysis which has given the administration a clean bill of health concerning reconciliation in the context of working hours.

Our local gender approach also means that we meet the challenge of placing women in management positions. There are a number of women in management positions already but at second glance we see that they very often decide not to have children and are not suitably remunerated. Many management positions call for personnel responsibility and expertise with no appropriate monetary value attached. Figures for Stuttgart relating to people's career indicate that women who repeatedly work part time make no progress in their careers. They are overtaken by women who have always worked full time. There is a general demand to offer part-time jobs for women so that they can better enjoy the family phase. In their professional career and in the context of old age poverty, however, this "working time model" may get to them eventually.

#### **KGMM equal opportunities work in a nutshell:**

- **Transparency** guaranteed by sound gender-specific data
- **Convincing** politicians and managers and raising their awareness
- **Specific improvement** in pay and promotion of women in the city administration
- **Support** for innovative projects ("increasing forces – women in management positions provide added value") from the ministry of economics; innovative childcare projects
- **Harmonized action** ensured by state-wide
- **Networking structures** for women in management positions, and in fields like work-life balance, women with few opportunities, migrant women and future challenges.



# Gender budget – good practice from Basel

Inés Mateos, Office for Gender Equality,  
Department of Presidential Affairs,  
Canton of Basel-Stadt

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To create transparency requires sound gender-specific data on the distribution of financial means. This is precisely why Basel is pursuing gender budgeting.

## **What is gender budgeting about?**

It is about measuring the effect of financial flows and making visible the effect of government spending on women and men and in this context it is also about how to control this effect. Distribution of public money affects the reality of life of women and men in different ways. This effect is to be used as a criterion for government and economic policies.

## **Gender budgeting concerns and objectives**

- understanding and assessing the effect/benefit of money distribution (innovation content)
- checking income and expenditure for their effect on women and men
- giving account of financial activities with regard to women and men
- aligning financial activities to meet gender equality
- setting the agenda based on periodic reporting

To begin with, we need to understand the effect and benefits of money distribution in the first place. This reflects the innovation content of gender budgeting processes in general. At the same time, we will assess who is ultimately to benefit from the money spent. The following two objectives are concerned with measuring the financial flows and essentially analysing the history of financial activities. Main focus in this context is on how the money is spent. The final two objectives have to do with control, which gender budgeting is to make possible by periodic reporting, amongst others. Gender budgeting in this respect is considered a classical gender-mainstreaming instrument.

## **Pilot project: equality and financial indicators in education**

Following a broad incidence analysis of all government spending in the Canton of Basel-Stadt in 2002, a pilot project on educational spending was completed in 2009. While the first project was to break down all of the government's spending by gender, the follow-up mandate issued by parliament was to probe deeper into one selected area of government spending. The aim was to generate financial figures and key performance indicators to measure objectives, and especially equality objectives. The area selected was education. The Office for Gender Equality in Basel, which was

given the mandate, decided on education for two reasons:

1. Education is where most government spending in the canton goes to, a total of 30% of the budget are spent here.
2. Education is highly relevant to equality. Opportunities in education are typically used to measure the level of equality.

Part of the mandate formulated by parliament was to prepare a set of instruments that could be applied to other areas relevant to spending if necessary.

### Developing indicators for education

Project organisation

- coordination/control: office for gender equality
- project group: department for education, department for finance, statistical office, women's council and office for gender equality
- advisory group: experts from the fields of science, administration and politics
- experts: consultation phase

Indicators were developed in cooperation with experts from science, administration and politics. To begin with, objectives were defined for the area under review. To avoid the risk of formulating objectives that were too remote or unattainable excerpts were drawn from existing objectives, mission statements and official announcements defined by the government. These were subjected to an intensive selection process to finally extract three main objectives from a wealth of goal statements:

1. All students, female and male, may seize the same opportunities in education at high performance levels.
2. The education system allows for parents to reconcile work and family.
3. Women and men are equal in the education system.

- The first main objective refers to primary beneficiaries. Picking up on the results of the incidence analysis our task was to make visible who were the beneficiaries of the money spent on education.
- The second main objective refers to the effects of education spending or other spending in this area, and more specifically the different effects it has on women and men. Out-of-school care in Basel is within the competence of the education directorate, i.e. it is part of education, and indicators of day care therefore provide reliable information on so-called unpaid work, in our case the care of children outside school hours. Unpaid work, that is, the invisible part of finances, is highly relevant in the context of gender budgeting processes. One of the main challenges in gender budgeting is to find subjects and appropriate indicators which take account of this situation. Yet it is this very combination that promises the most innovative results with regard to the gender issue.
- The third main objective refers to the secondary beneficiaries of education spending. These are teachers and others working in the field of education.

Considering the topic of our conference, the city has a multiple function, being a service provider in the case of the first two objectives, and an employer in the case of the third objective.

Once the main objectives had been formulated measurable indicators were defined for each of them.

**Indicators for the 1st main objective: All students, female and male, may seize the same opportunities in education at high performance levels.**

- education spending per capita of the population (input)



- share of students in integrating and segregating school types (process)
- average grades on assessment of standards (result)
- share of 25 to 34 year olds with maximum compulsory education (effect)

**Indicators for the 2nd main objective: The education system allows for parents to reconcile work and family.**

- public and private spending for day care (input)
- extending availability of day care (process)
- availability ensured through complementary day care structures and day schools (result)
- parents' satisfaction with childcare facilities (effect)

**Indicators for the 3rd main objective: Women and men are equal in the education system.**

- pay gap between women and men (input)
- employees' use of flexible working conditions, working hours within the administration (process)
- share of women and men at different levels of education administration and in management positions in primary schools (result)
- Employees' satisfaction with career opportunities and equality in their workplace (effect)

The following gives a rendering of some of the indicators relating to the first two main objectives:

**1<sup>st</sup> main objective:**

1. All students, female and male, may seize the same opportunities in education at high performance levels: The analysis of public spending shows that in Basel, men, over the entire education course, receive 9,000 SF more in education spending than women. For women and men from foreign countries the difference is as much as 21,000 SF and the difference between Swiss nationals and nationals from foreign countries is more than striking. 29,000 SF less are spent on foreign men than on Swiss men, and 41,000 SF less are spent on foreign women than on Swiss women. This goes to show that with all the gender focus we must not lose sight of other categories. Over the past thirty years women have benefited incomparably more from the educational expansion than men, a fact largely to do with women's need to catch up. Disparities in this case seem to have shifted to other differences. We must keep this in mind because, after all, the share of immigrants in Basel is as much as 30%.

**2<sup>nd</sup> main objective:**

2. The education system allows for parents to reconcile work and family: These indicators refer to how much the city of Basel spends on out-of-school care (How much is spent per child on care during preschool and school?). This indicator on its own is not very informative. Only by comparing figures from Basel with those from Zurich do we arrive at new findings. Zurich, in total, spends about double the amount on childcare. While figures for childcare during preschool are still similar to those in Basel (1,600 respectively 1,700 SF per child), they are as much as threefold for childcare during school in Zurich. What sticks out is that higher spending in Zurich compared to Basel correlates with a greater number of childcare facilities, higher parent satisfaction and higher labour force participation rates for women.

**Prospects and obstacles**

Gender budgeting projects in Basel have revealed that if you perform general quantifications (incidence analysis) you run the risk of generating insufficient information. Complex and differentiated approaches, as the one proposed in the context of equality and financial indicators for education, are costly and time-consuming, yet they do provide

significantly more substantial information. Their feasibility largely depends on the availability of data and the costs of innovation such complex endeavours entail. When preparing the indicators care must be taken not to standardize unnecessarily, to pay attention to comparability and periodicity, as well as to the number of criteria (not just gender, but age and origin, etc. too). Priorities with project organisation are multidisciplinary cooperation with experts and allies, practicality and affordability. Clean project organisation and expert know-how are essential when collecting figures.

You should also clarify in advance whether the instrument you are producing is to be a political administrative control instrument or a regional planning instrument. You need to define clear politically motivated objectives and you need to secure the resources and institutional support. If possible you should integrate the figures collected in the gender budgeting process into regular reports at administration and government level.

Gender budgeting ideally lends itself to measuring and controlling processes. The indicators for education calculated in Basel support and expand on traditional equality indicators, such as admission, qualification, performance, as well as pay and employment opportunities following education. Thus, the education indicators collected bear a strong “policy“ relevance.

### Reports for you to download

1. „Der kleine Unterschied in den Staatsfinanzen“ (the small difference in public finance) (incidence analysis):  
<http://www.gleichstellung.bs.ch/publikationen.htm>
2. „Gender Budget: Gleichstellungs- und Finanzindikatoren in der Bildung“  
(gender budget: equality and financial indicators in education)  
[http://www.statistik-bs.ch/tabellen/t15/2009\\_07\\_Bericht\\_Gleichstellungsindikatoren.pdf](http://www.statistik-bs.ch/tabellen/t15/2009_07_Bericht_Gleichstellungsindikatoren.pdf)

# Implementation of gender equality structures within the Vienna City Administration

Karin Kientzl and Cornelia Lechner-Wlcek,  
Equal Opportunities Advisors

Karin Kientzl began her presentation by telling us she had already participated in a conference organized by the Fem-Cities predecessor Milena 13 years ago. At the time the Equal Treatment Act in Vienna had been in force for one year. She pointed out that then and now participants were keen to learn from one another. She was impressed to see how the project had developed since its early days. Following a report on public procurement in Vienna Karin Kientzl and Cornelia Lechner-Wlcek turned their attention to gender equality structures established for employees in the Vienna City Administration:

Equal Opportunities Advisors at the city administration are responsible for employees working in the administration, so essentially their focus is not on citizens outside. Vienna has a population of 1.7 million, 52% of whom are women. The City of Vienna employs just short of 75,000 persons, 58% of whom are women, which is just above the population average. Employees in the city administration include employees working in operations managed by the City. The latter in part are employed to fulfil tasks long privatised in other European cities, such as waste management, waste-water management, water works and the Vienna Hospital Association with more than 30,000 employees alone. Cornelia Lechner-Wlcek explained that she was speaking in her role as Equal Opportunities Advisor for Wiener Stadtwerke (municipal utilities) and in fact concentrated on this point during her talk. Wiener Stadtwerke Holding consists of Vienna Public Transport (underground lines, tramways and buses), energy supply for the city and surrounding municipalities, as well as funeral services and cemeteries. Wiener Stadtwerke Holding is different from other departments in the city administration inasmuch as new employees under collective agreement do not have access to Equal Opportunities Advisors. The latter are responsible for persons employed under provincial law only.

## **Vienna's way of promoting gender equality.**

Vienna has developed several ways of furthering gender equality. The Equal Treatment Act (W-GBG) for employees in the city administration has been in place since 1996. In 2004 a pilot project was launched to introduce gender budgeting as a measure within the financial plan. In 2005 the project agency for gender mainstreaming was installed as a contact point for everyone working for the city administration. The project agency for gender mainstreaming makes sure that new perspectives on processes and structures in the city administration are permitted to improve the administration's performance capacity. In 2006, the European Charter for Equality for Women and Men was endorsed by the Vienna City Council and subsequently signed by the Mayor of Vienna. The Department for the Promotion

and Coordination of Women's Issues was established at the city administration in 1992, laying the foundation for all the above-mentioned women- and gender-specific measures in the administration.

**The Vienna Equal Treatment Act is built on three pillars:**

1. The rule of equal treatment
2. The rule of advancement of women
3. Instruments, facilities and persons to implement the act

The five Equal Opportunities Advisors, in their work, are supported by one deputy each. There are approximately 130 contact women deployed directly in the departments – they act as a first contact in matters of equal treatment, discrimination and advancement of women. The Equal Opportunities Advisors are concerned with equal treatment of women and men at work. Their efforts are enhanced by the Equal Opportunities Commission installed to establish the truth in cases of discrimination. In other words the Equal Opportunities Commission prepares reports to determine whether, in individual cases, discrimination actually happened.

**The Vienna Working Group on Equal Opportunities Issues** is composed of representatives from the entire city administration (representatives from the Vienna Hospital Association, Wiener Stadtwerke Holding, the educational institutions, staff representatives, the Women's Department, trade union, etc.). Theirs is the task of being innovative and thinking of ways how to best implement the Equal Treatment Act. It delivers strategic ideas to the Chief Executive Office and at times to individual departments as well. In its role as a control body it has also assumed the task of submitting proposals for advancement plans and drawing up an annual report on equal treatment and advancement of women in the city administration. The Vienna Working Group on Equal Opportunities Issues forwards the report to all relevant city councillors, as well as to the Chief Executive. Every three years the report is presented to the Mayor of Vienna who then reports on it before the Vienna City Council. The report suitably demonstrates the city councillors' political will to engage in equal treatment, while motivating key players in the administration to draw from it equal treatment measures for their own departments. For implementation to be effective it is instrumental that departments are signalled from above to become active.

The Vienna Equal Treatment Act in its rule on the advancement of women provides for a women's quota of 50%. In practical terms this means that in areas with less than 50% of women preference shall be given to recruiting women. This rule applies to all occupational groups and to senior positions and management. Preference shall be given to employing women or placing them in senior positions until the quota has been reached, paying heed to qualifications at all times. A woman must be on a par with the top man for a given position to be granted preference. The Programme for the Advancement of Women provides for quality measures, such as information and relevant training for managers, implementation of measures to better reconcile family and work (work-life balance), as well as training and further training for female employees of the city administration.

**Responsibilities and tasks for managers.** In cases of discrimination managers are called upon to resort to crisis management and to intervene in the event that discrimination cannot safely be prevented. As proposed by the top-down strategy this is clearly the responsibility of managers. They must take a clear stance against discrimination and disadvantages for women and take suitable measures to prevent or stop attitudes like these.

**Job management – working time models.** Ever since the Vienna Equal Treatment Act was enforced efforts have been undertaken at the instigation of the Equal Opportunities Advisors to introduce part-time work to senior positions,

for example as part time with free choice of working hours. In concrete terms it is possible to work several full days a week instead of half days every day of the week. Flexitime has become the standard for most departments of the administration; other options include telework and job sharing, at the level of management too. Working time models like these, in the run-up to implementation, require cooperation with and persuasion efforts in the departments. With the help of external companies we have been able to prove that part-time models are affordable and tasks and responsibilities, even those of a technical nature, can be shared without any financial drawbacks on the whole. We relied on exchange of experiences and comparisons with other companies in the technical sector to eventually convince the technical departments as well.

**Training and further training for women.** When we prepared the first programmes for the advancement of women in 1997 we also introduced women-specific seminars to the city administration. Meanwhile, approximately 500 women annually avail themselves of these seminars on a total of thirty different relevant topics. The purpose of the seminars is to advance women and to support their aptitude for management positions or their personal development. Those already in management positions for their part need to be trained in equality matters. Equality as a subject is included in the management courses and a certain amount of instruction hours is dedicated to the training of gender competences. “Gender competences in everyday management“ and “Sexual harassment - how to recognize and tackle as a manager“ are two modules developed specifically for the purpose. Seminars on reconciliation of work and family are important in this context too but are primarily attended by women and less so by men.

#### **Visible success for Vienna's equality policies:**

Below is a chronology of important events and successes:

#### **1996**

- \_ Advertising senior positions in the job exchange
- \_ 1<sup>st</sup> women's change room (in the technical section) at WIENSTROM (power supply company for Vienna)
- \_ first three female school custodians ever

#### **1997**

- \_ 1<sup>st</sup> plans for the advancement of women (The Programme for the Advancement of Women)
- \_ MA 18 (Urban Development and Planning) – 1<sup>st</sup> head of department
- \_ MA 28 (Road Management and Construction) – 1<sup>st</sup> chartered female engineer and 1<sup>st</sup> forewoman
- \_ MA 29 (Bridge Construction and Foundation Engineering) – 1<sup>st</sup> female geologist
- \_ MA 48 (Waste Management, Street Cleaning and Vehicle Fleet) – 1<sup>st</sup> female street sweeping unit
- \_ MA 49 (Forestry Office and Urban Agriculture) – 1<sup>st</sup> female forest warden
- \_ MA 59 (Market Authority) – 1<sup>st</sup> woman in Market Authority field service
- \_ KAV (Vienna Hospital Association) – 1<sup>st</sup> female carpenter
- \_ BESTATTUNG-WIEN (funeral services) – first two female masters of ceremony

#### **1998**

- \_ MA 68 (Fire Services and Disaster Relief) – 1<sup>st</sup> female fire fighter
- \_ WIENGAS (gas supply for Vienna) – 1<sup>st</sup> female company doctor
- \_ WAG – event for heads of department
- \_ “2 years W-GBG“

**1999**

- \_ MA 70 (Ambulance and Patient Transport Services) – 1<sup>st</sup> female paramedic
- \_ MA 31 (Vienna Waterworks) – 1<sup>st</sup> woman in senior technical service

**2000**

- \_ MA 38 (Food Safety Department) – 1<sup>st</sup> female director of food safety agency Austrian wide
- Three awards for gender competence:
  - nursing home Liesing
  - glazier's workshop Baumgartner Höhe
  - Lainz hospital

**2001**

- \_ Wiener Linien (Vienna Public Transport) – 1<sup>st</sup> woman in mechanical workshop for underground lines
- \_ SMZO hospital – 1<sup>st</sup> female head of dermatology department

**2002**

- \_ 1<sup>st</sup> female deputy head of garden district
- \_ Conference on equal opportunities and advancement of women in Austria

**The share of women as heads of department has risen from 5% to 32% (as of Dec. 31, 2009)**

**2003**

- \_ MA 28 – 1<sup>st</sup> female head of section pyrotechnics/volunteer fire department-project

**2004**

- \_ MA 68 – 1<sup>st</sup> female fire officer
- \_ Wiener Stadtwerke (municipal utilities) – 1<sup>st</sup> woman on the board

**2005**

- \_ KAV – 1<sup>st</sup> female director of subenterprise
- \_ Sports Office – first female head of office
- \_ 1<sup>st</sup> female supervisor in Market Authority
- \_ 1<sup>st</sup> female head of garden district MA 42 (Parks and Gardens)

**2006**

- \_ Ten years of Vienna Equal Treatment Act (W-GBG)
- \_ MA 45 (Water Management) – advancement of women mentoring project for technical sector

**2007**

- \_ Equal treatment and advancement of women anchored in contract for Administrative Group for Integration, Women's Issues, Consumer Protection and Personnel
- \_ MA 29 – project for the advancement of women

**2008**

- \_ MA 48 – first three female drivers in the garages
- \_ MA 65 (Legal Affairs: Transport and Traffic) – first female head of section for horse-drawn cabs

**2009**

- \_ 1<sup>st</sup> female Director General of Urban Planning, Development and Construction
- \_ 1<sup>st</sup> female group director for Public Works Group at Urban Planning Directorate
- \_ MA 49 – first female head of a technical division
- \_ “Come together“ – new event series to network women in technical professions
- \_ Wiener Stadtwerke (municipal utilities) – 1<sup>st</sup> female general director and chairwoman of the board, first board with equal representation

These successes and advances were preceded by intensive discussions at department level and were subsequently made possible by the Equal Opportunities Advisors and their persuasion efforts in the departments. Male-dominated departments, to begin with, found it difficult to get used to the presence of women. In one case, in 2002, a female employee in civil engineering was almost stopped from entering a construction site for a new underground line because her male colleagues were convinced it would bring bad luck if a woman were to enter the tunnel or construction site. This misbelief has since been done away with.

**Pffiffig. Award for innovative advancement of women and innovative equal treatment in the Vienna City Administration.** The prize was introduced in 2006 and is awarded every two years. In 2006 it was awarded to departments which had introduced special measures to reconcile family and work. In 2008 the prize was dedicated to the motto “advancement of women in management positions“, and in 2010 departments which had implemented exemplary projects in personnel development or career planning received the prize.

**Challenges to face for gender equality.** One of the main challenges in connection with real gender equality among employees of the Vienna City Administration is how to evaluate jobs with respect to women and men. It is this issue in particular which requires many joint efforts yet – equal pay for equal work or work of equal value will continue to be a major concern for some time to come. What sticks out in Vienna is that female-dominated occupations are still paid less than male-dominated ones. It is hard to see why a man working with waste removal, which is hard work no doubt, should earn more than a woman working in childcare. True, several female-dominated areas in the city administration have seen a pay rise, which indicates that we are on the right track, nonetheless Equal Opportunities Advisors and others responsible for gender equality are still called upon to keep the focus on fair job evaluation. Gender equality efforts must not come to a standstill. In the past we have used various EU directives to support us in arguing in favour of gender equality measures in the city administration. Ultimately, we need to convince those responsible of the visible benefits of gender equality, as visible benefits only will change their awareness.

**Consequences of discrimination.** There are several measures which provide for serious consequences in cases of discrimination. Employees have even been dismissed from management positions because of the Equal Treatment Act. Of course, violations of the act and discrimination are not something to rejoice over, but it is still positive to see that these are punished. The message is clear: “If you do not respect the Equal Treatment Act and discriminate against others, you have no place in the Vienna City Administration!”





# Short biographies of the speakers

(as of June 2010)

## KERSTIN AHLBERG

is a researcher at the Institute for Social Private Law, Department of Law, Stockholm University. From 1996 to 2007, she worked at the Swedish National Institute for Working Life (Arbetslivsinstitutet) as a researcher and editor. From 2003 on, she was the Head of the Institute's Department of Labour Law, Labour Market and Citizenship and a member of the Institute's management committee. In 2002, she was designated Juris Doctor honoris causa at Stockholm University. Her research has focussed mainly on EU labour law and on industrial relations at national level. She recently published a study on Public Procurement and Labour in the EU (together with Niklas Bruun).

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coordinates the Brigade's work on sustainable development. A key part of her role is championing the responsible procurement policy and programme and working with the other organisations under the Mayor of London. Previously, she managed a London Centre of Excellence project on Sustainable Procurement, which developed practical assistance to implementing sustainability within local authority tendering and contracts.

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## MARION GEBHART

studied law in Graz (Austria). Since 1986, she has been working for the City of Vienna, between 1994 and 1999 she worked as a Vienna Children's and Youth Ombuds-Officer and since 2008 has been head of the Department for the Promotion and Coordination of Women's Issues at the City of Vienna (Municipal Department 57). She also works as a mediator and lecturer.

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## KARIN KIENTZL

is a heating and ventilation engineer. Since 1987, she has been working for the City of Vienna in the Department for Road Management and Construction. In 1996, she became deputy Equal Opportunities Advisor in the department and since 1997 has been Equal Opportunities Advisor there. She is also the head of the Vienna Working Group on

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**CORNELIA LECHNER-WLCEK**

has been working as industrial clerk and management trainer since 1973. She works for the municipal energy supplier of Vienna. In 1996, she became deputy Equal Opportunities Advisor there and since 2003 has been Equal Opportunities Advisor for the municipal energy supplier of Vienna. She is a member of the Working Group on Equal Opportunities Issues in Vienna and deputy member of the Equal Opportunities Committee.

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**INÉS MATEOS**

Scientific assistant and project manager at the Office for Gender Equality, Department of Presidential Affairs of the Canton of Basel-Stadt. She has been responsible for gender – education – migration since 2004. Mateos is project manager for “gender equality and financial indicators in education“, amongst others and has profound knowledge of practical implementation of gender budgeting. She also works as an expert, moderator and lecturer on social issues relevant to gender equality and migration.

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**URSULA MATSCHKE**

studied political science and history in Stuttgart. Since 2001, she has been head of Department for Equal Opportunities for Women and Men at the City of Stuttgart. Key activities of her work include inter-municipal studies on modernization processes in the public sector, strategic corporate management from an international perspective, diversity and gender mainstreaming in the public sector. Since 2001, her special focus has been on implementation, coordination and controlling of the Stuttgart Partnership against Domestic Violence (STOP).

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**SINIKKA MIKOLA**

is Senior Advisor in the Association of Finnish Local and Regional Authorities and is responsible for gender equality, programme and project management. The Association of Finnish Local and Regional Authorities is an interest, service and development organisation of all the Finnish municipalities and regional councils. Sinikka Mikola has been working for Finnish local governments for over 20 years on urban planning and regional development, European Union matters, development programmes and projects of local government and gender equality. She is a trained urban and regional planner. Lately, her work has included the integration of the enhancement of gender equality in North-South Local Government Programmes of Finnish and African municipalities.

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**MARIANNE RÜHL-ANDRESEN**

is a fully qualified lawyer. Since 1992, she has been working in various functions in the department of “women/gender equality” at the Berlin senate administration. Since 2001, she has been head of the Division of Legal Affairs for Equal Opportunities Policy and deputy head of Department for Women and Equality Politics in the Senate Administration for Economics, Technology and Women’s Issues in Berlin. In addition, she is involved in promoting education and training. In 2008, she became deputy member of the Advisory Committee on Equal Opportunities for Men and Women in the European Commission. Since 2010, she has been a full member of this committee.

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