



The EDPS Equal Opportunities Strategy

The success of the EDPS stands on the shoulders of its employees. Making the most of the talent, creativity, ambition, commitment and innovation of the women and men working for the EDPS is essential for our success as well as attractiveness as an organisation. Effective and fair management of employees and the environment in which they work underlies this strategic objective and ultimately leads to the delivery of our business objectives

As a young and dynamic European institution, the EDPS would like to put in place a pragmatic but nevertheless ambitious equal opportunities policy for its current and potential employees.

While the staff survey of 2013¹ revealed that a substantial percentage of colleagues (42%) at the EDPS, "neither agree nor disagree" on the question if "the EDPS is serious about fairness and non-discrimination", this percentage diminished considerably in the 2016 staff survey. Only 28% answered "neutral" on this specific question in 2016. Moreover, 47 % of our colleagues are in agreement with the fact that the EDPS is committed to promote a fair, flexible and respectful workplace. Nevertheless, judging by the colleagues who disagreed or did not answer this question at all there might be still room for improvement. It surely is an incentive to better communicate measures that are already in place.

This strategy is firmly based on the principles of non-discrimination set out in the staff regulations. In accordance with these, the EDPS will not discriminate against any person...

...based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation...²

Our intention, nevertheless, is to go beyond this prohibition of discrimination and fully embrace our commitment to being an equal opportunities employer.

With this in mind, female staff at the EDPS have created an independent (private) group that meets regularly to discuss ideas and issues related gender equality since early 2015. With the permission of the Director to meet on EDPS premises, the group gives voice to gender-

¹ see results of staff survey 2013 and 2016

² see article 1d of the staff regulations



related concerns within the institution and contributes to a culture in which such concerns are open for discussion and taken seriously. The group has met 6 times since its creation³.

What does it mean to be an equal opportunities employer?

As an employer, protecting and promoting equal opportunities not only means refraining from discrimination and prejudice at the selection stage, but also taking positive actions that ensure that all current and potential employees have the same career opportunities, regardless of their individual characteristics or group memberships (see above).⁴ The overarching objective is to ensure that all employees have the opportunity to fulfil their potential.

Equal opportunities outside the EDPS

The European Commission's equal opportunities strategy has developed significantly since the 1990s, when the focus was solely on gender equality. In 1995, only 4% of senior managers were women, and less than 25% of all AD officials were female. Gender equality has remained a central aspect of equal opportunities, with the current target being 40% women in management by 2019. The Commission is approaching its target, with 33.8 % women in middle management, and 30.2 % in senior management. The strategy has also widened to include issues of work-life balance and leadership and accountability on equality of opportunity. Recently, the Commission it also includes broader issues like diversity, including age and disability as well as anti-harassment

The EDPS took part in a seminar on the subject of equal opportunities with DG HR⁵ in late 2015, in which best practice and advice was shared. The Commission has significant experience with the subject of equal opportunities, and many of their recommendations have been integrated into this document. However, the equal opportunities strategy for the EDPS needs to be tailored to our specific situation as there are obvious differences compared to the Commission in terms of size and maturity.

³ for agenda and meetings see <http://www.edpsnet.ep.parl.union.eu/edpsnet/cms/Welcome/Women>

⁴ e.g. signing a Diversity Charter is suggested to public institutions and associations wishing to promote equality opportunities.

⁵ Unit B.5 - Equal Opportunities and Working Conditions



Equal opportunities at the EDPS

1. What is the current status of equal opportunities at the EDPS?

In the absence of a formal equal opportunities policy, there is also an absence of data related to equal opportunities. One of the key action areas for the new equal opportunities strategy is therefore to start collecting data and monitoring progress on this subject.

The EDPS is a small institution, with only 62 permanent and temporary employees. Overall, 70% of employees at the EDPS are female. However, the distribution of men and women is not fully equal across all different positions and levels. Women are particularly present in AST/SC and temporary positions, with 77% of AST/SC-level staff and 76% of temporary staff being female. This is mirroring a general trend in society whereby women tend to be more represented in temporary, contract and part-time work.

At the upper end of the spectrum, the distribution shifts in favour of male employees. Both supervisors, who are appointed by the Council and Parliament in accordance with a specific selection procedure, are male. The gender distribution of staff management positions can be seen in the table below.

	Female	Male
Director	0	1
Heads of unit	2	1
Heads of sector	1	2
Heads of Activity	7	0

The management positions under the Staff Regulations (Director and HoUs) are equally distributed between genders. However, heads of teams in the EDPS can also be Heads of Sector, who have the same management responsibilities as Heads of Unit, and as result women already compose 50% of EDPS middle management. In addition, the EDPS has a number of staff with positions of responsibility: DPO, Ethics Officer, ICC, LISO, LSO, as well as another category of staff peculiar to the institution: Heads of Activity (team leaders in Sysper), where currently only women are represented. Whilst junior positions are mainly occupied by women, conclusions to be drawn should take into account that the EDPS is a small institution with very few managers.

2. The Commitments of the EDPS

- promoting equality of opportunity and fair participation in employment for all persons protected by the right to non-discrimination enshrined in Article 1d of the Staff Regulations
- integrating equal opportunities into all aspects of human resource management and implementing this policy at all levels,



- organising a training on unconscious bias for all staff and more specifically for management
- preventing occurrences of unlawful discrimination, indirect discrimination, disability discrimination, victimisation and harassment,
- promoting a safe and respectful working environment that meets the needs of all employees, in particular considering the needs of disabled employees and parents

3. The Strategic Objectives

The achievement of 'equal opportunities' is an abstract objective, but it can be pursued via the following practical goals. The following objectives are interconnected and mutually supporting; achievement of one will support the fulfilment of the other two.

1. Maintaining a balanced workforce
2. Preventing discrimination
3. Accommodating the needs of all employees

3.1. Maintaining a balanced workforce

The EDPS is committed to attracting, developing and maintaining a balanced workforce. In particular, we acknowledge that the vertical distribution of men and women across grades and management and non-management positions is important, and any *de facto* barriers to a representative vertical distribution must be addressed.

3.2. Preventing discrimination

The EDPS will not tolerate discrimination of any form. Unfair discrimination on the basis of any grounds including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation is prohibited.

3.3. Accommodating the needs of all employees

The EDPS makes it a priority to create working conditions that are flexible to the needs of all its employees. A flexible working environment will not only contribute to the efficiency and motivation of staff, but also ensures that individual differences in work requirements will not hold back individuals from development and career progression. The needs of disabled employees and parents will be given particular attention. Creating a working environment that accommodates the needs of all employees contributes to the objectives of preventing discrimination and maintaining a balanced workforce.



How can the EDPS achieve these objectives?

In order to achieve them, the three objectives of the EDPS equal opportunities strategy must be mainstreamed, and addressed at three levels within HR management: selection, working conditions and culture. Policies within these three areas must strive at and be consistent with the objectives of equal opportunity.

Priorities for Action

1. Maintaining a balanced workforce

Across most industries and public administrations, there tend to be more women working in lower-level rather than higher-level positions. This is referred to as 'the glass ceiling', and may be caused by cultural bias, unequal division of family and caring responsibilities between men and women or under-representation of women in certain areas or professions.

In order to achieve a balanced workforce, efforts should be made to balance as much as possible the numbers of men and women in the various parts of the organisation. First and foremost, the culture within the organisation must be supportive of female managers. Research indicates that often women hold themselves back by not applying for management roles. It is therefore important that female officials with management potential are identified and encouraged to apply for higher positions. The EDPS already has a tailor-made Learning and Development programme for Heads of Activities which, among other objectives, help them to prepare for more managerial responsibilities in the future. Since all seven Heads of Activity at the EDPS are female, this is a concrete measure to encourage women with potential to apply for management posts in the future.

Flexible working conditions will also be important for the achievement of a balanced workforce, as women often perceive a greater difficulty in balancing work and family commitments and flexible working conditions would encourage men to take childcare responsibilities. In the recruitment of new staff, while some organisations, such as the European Commission, use targets to measure progress, in the case of the EDPS this is not advisable due to our small size. However efforts will be made to select similar numbers of male and female applicants for interviews. Where management posts are advertised, it should be ensured as far as possible that at least one member of each sex is invited to the interview. However, recruitment decisions themselves will always be done on the basis of merit.



When looking at the staff survey results, 61% of EDPS colleagues feel they have the same opportunities as anyone else with the same ability and experience of the opposite gender. This hints to the fact that even when striving for a balanced workforce, selection of staff is not only merit-based but also perceived as fair.

Actions:

- Competent women with management potential will be encouraged to apply for management positions (e.g. a new edition of the tailor-made L&D programme for Heads of Activity will be available soon) and a training/coaching sessions addressing interview skills will be organised/ chat or job shadowing with female managers already in place ⁶
- Evolution will be analysed and monitored on the numbers of male and female staff, their grades and career progression⁷
- New decision on teleworking has been recommended by staff. Flexible working will be encouraged in order to improve work/life balance (see section 3)
- Gender will be mainstreamed into the selection procedure. Subject to appropriate considerations of merit, the candidate pool will be widened in favour of the underrepresented gender:
 - When management positions are advertised, it will be ensured, as far as possible, that at least one member of each sex is invited to the interview;
 - The selection panel in interviews will be gender balanced;
 - All staff will be invited to undergo training on unconscious bias.
- Equally, gender balance will be encouraged in conference panels

2. Prevention of discrimination

We strive to create a culture in which discrimination is deemed inappropriate and confronted immediately. There should also be no direct or indirect discrimination, especially in recruitment and promotion.

Though strictly prohibited, some managers may regard hiring young women as a risk, since there is a chance that they may take maternity leave. The resulting bias against the hiring of women can be a barrier to achieving true non-discrimination. Harassment, both psychological and sexual, is often not recognised as such, or there is a fear of confronting it. Additionally, those with disabilities may be unwittingly discriminated against in a recruitment policy that does not make sufficient efforts to make reasonable accommodations for disabled applicants. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) entered into force in the EU in 2011 and the EDPS is committed, along with the other EU institutions, to its effective implementation. The EDPS recognises that, in accordance with

⁶ in order to be included in the group of women with management potential a minimum grade as well as the green light of the line manager will be required

⁷ One of many purposes of Sysper reporting.



Article 5 of the CRPD, all discrimination on the basis of disability is prohibited, including the denial of reasonable accommodation.

Given the large proportion of women working for the EDPS, it is unlikely that current managers are biased against hiring women. The EDPS has a policy of pro-actively providing a Contract Agent as soon as it is known that an employee will take leave, so line managers do not undergo a managerial risk in hiring women who may take maternity leave. The EDPS also has a comprehensive policy against psychological and sexual harassment (2014)⁸, which includes procedures for dealing with potential harassment cases. However, it is equally important to create an organisational culture against harassment. While the EDPS is committed by the staff regulations to ensure reasonable accommodations for those with disabilities, this policy could be more visible at the recruitment stage.

Actions

- All managers will participate in a seminar on how to prevent and handle cases of harassment, and how to create a culture in which harassment is not tolerated. This action will be included in the AMP 2017.
- All new employees will be informed about the sexual harassment policy⁹
- The EDPS practice of replacing officials on maternity leave with contract agents will be maintained
- An equal opportunities clause will be added to the recruitment materials and vacancy notice, stating that the EDPS is an equal opportunities employer and welcomes applications from those with disabilities.
- In the case that we have applicants with disabilities, they will be invited to note specific requirements for the interview, related to their disability, in the application form.
- The capacity of the EDPS building to host persons with disabilities will be checked

3. Accommodating the needs of all employees

The EDPS strives to create a flexible, respectful and results-oriented working environment that meets the needs of all its employees, in particular accommodating the specific needs of parents and those with disabilities. By focusing on results instead of time spent in the office, employees are treated as responsible and autonomous, improving their efficiency and motivation while also enabling them to better balance their family and work life¹⁰. The EDPS is committed to providing working conditions that enable mothers and fathers to continue progressing in their career while also fulfilling their responsibilities as parents. This is essential for the achievement of a balanced workforce, as in many cases a significant barrier to the career development of women is their perception that they will struggle to balance their work and family commitments if they are promoted¹¹. The small size of the EDPS

⁸ EDPS decision of 10 December 2014 for anti-harassment policy

⁹ See Annex 1 of the above mentioned decision on anti-harassment

¹⁰ see results of commission pilot project "teleworking 2006-2009"

¹¹ see comparative study of AD careers of men and women at the Commission, 2007



presents additional challenges to career development, as upward mobility is more difficult than in larger institutions. This is a constraint that affects women and men equally at the EDPS.

The EDPS has family-friendly working conditions

- The EDPS currently has policies enabling employees to telework occasionally or systematically
- Employees arrange their working hours flexibly within the confines of a 40 hour working week, and within the core hours of 9:30-12:30 and 14:00 to 16:30. Exceptions to the core hours are made for employees with special requirements, such as a long commute or family commitments, when it is compatible with the demands of their position
- It is an objective that as much as possible meetings are not scheduled before 9:30 or after 17:00
- Managers are required to work 40hours per week (Article 55 of the Staff Regulations) like all full-time staff, but are excluded from recuperating extra hours worked through flexitime. However, managers at the EDPS can be authorised to take structural telework and can manage their working time in agreement with the Director on an occasional basis so as to be absent during core working hours within specific limits and subject to prior authorisation.
- Recently, a number of AD officials, including fathers, took parental leave to look after their children

The culture around flexible working arrangements is also important: mothers and fathers must feel like they can make use of telework and flexitime without their careers suffering as a result. Men cannot be expected to work later than women, and it must be acceptable for both mothers and fathers to take parental leave. The status of this culture has been assessed in the 2016 staff survey. 56% of EDPS staff describe the institution as a modern and attractive workplace while 70% are acknowledging that they are treated fairly at work. Given that 70% of respondents are female, this is a rather positive outcome also in terms of equal opportunities.

By contrast, only 49% of respondents deem that there are good flexible working opportunities at the EDPS. In addition to this, some free text comments indicate that there is room for improvement in this area. The below actions will help to close the perceived gaps

Actions

- We will further strive to reinforce a culture in which work life balance is recognised as an important aspect of employee efficiency and satisfaction, and in which the use of flexible working arrangements is encouraged. The policy of not scheduling in principle meetings before 9:30 and after 16:30, as much as possible, and on Wednesday afternoon as well, has been formalised and its implementation is encouraged



- The revision of the decision on telework is under examination and should be finalised soon.
- We will put in place a confidential procedure for colleagues to be able to request reasonable accommodation of their needs (e.g. persons with disabilities)



Conclusion and a word on culture

The culture of an organisation is formed of the assumptions, expectations, behaviours, and norms that govern how the members of the organisation interact with each other. The organisational culture is essential for the achievement of equal opportunities. In order for equal opportunities to be more than a list of policies in a filing cabinet, all employees must adopt an attitude that facilitates the achievement of a balanced workforce, prevention of discrimination and harassment, and respects and accommodates the needs of working parents.

For example, it should be expected that individuals are not treated differently because of their gender; it should be assumed that sexist behaviour will be confronted immediately, and that such confrontation is acceptable regardless of the status or power relationship; gender stereotypes should not inform individuals' perceptions of their colleagues; leadership styles should be independent of gender, and it should not be assumed that fathers have fewer childcare responsibilities and can therefore work longer hours.

The greatest potential for the EDPS to achieve its equal opportunities objectives is its culture. The 2014 DNA report examined the culture of the EDPS and found it to be distinctive and positive due to the small size of the organisation. With many policies related to recruitment and working conditions being determined by the EU institutions' staff regulations, the greatest opportunity for positive change in the EDPS lies with creating a culture that fully furthers the objectives of equal opportunities.

The 2014 EDPS DNA Paper on organisational culture

- Staff were surveyed on their perception of the EDPS culture in June 2014
- The EDPS is appreciated for its open-door policy and friendly atmosphere
- The structure is informal and employees enjoy a high level of autonomy
- Staff members listen to each other and the staff committee organises many social events
- Employees are committed to the common mission of defending European citizens' data protection rights.

The culture of the EDPS cannot be directly designed through policies, but is influenced by the values of the managers or heads of the organisation, by the shared rituals and practices, management styles, size of the organisation and other structural factors¹². In order to bring diversity and equal opportunities into the organisational culture, the selection of managers according to these values and inclusive HR policies should be enforced.

¹² See the 26/11/2014 DNA paper on the EDPS organisational culture



According to the DNA study of the culture at the EDPS, employees feel respected and valued by their colleagues; they have autonomy in construction of their working hours and consider the organisation a good place to work. We are confident that our culture will support the objectives of equal opportunities, and that our action plan will help achieving this goal.

Looking ahead

In order to ensure the implementation of the equal opportunities strategy, the EDPS will:

1. Consult staff on the contents of this strategy paper
 - through staff satisfaction surveys to be conducted regularly (every 2 years?)
 - the Staff Committee
 - through a focus group of volunteers
2. Integrate equal opportunities objectives into all levels of HR Management with the purpose of creating a culture of awareness and leadership when it comes to equal opportunities
3. Analysing data and monitoring progress is essential for implementation of the equal opportunities strategy. We will therefore set up an equality monitoring framework that consists of:
 - measuring in regular staff surveys the office culture relevant to equal opportunities
 - collecting information relevant to equal opportunities from employees¹³
4. analysing equal opportunities data in the EDPS HR reports or as a separate section in the analysis of staff satisfaction survey. The EDPS joined the inter-institutional equal opportunities network INTERCOPEC and will continue to participate in the meetings
5. In order to ensure consistent leadership at the highest levels, the HR team will report to the Management Board on the progress of this strategy once a year.

Brussels, 19/12/2016.

¹³ Linked to Sysper reporting with anonymised data



References

Conventions

- UN Convention on the Rights of Persons with Disabilities (13 December 2006)

Articles of Treaties

- Article 157 (ex Article 141) of the Treaty on the Functioning of the European Union (TFEU), stipulates that "each Member State must ensure the principle of equal pay for male and female workers for work of equal value is applied"
- Article 10 of the Treaty on the Functioning of the European Union (TFEU): "in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."
- Article 21 of the Charter of Fundamental Rights of the European Union: "any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited"
- Article 23 of the Charter of Fundamental Rights of the European Union: "equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex"
- Article 26 of the Charter of Fundamental Rights of the European Union: "The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community"

EU Directives

- Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation {SEC(2008) 2180} {SEC(2008) 2181}



Communications

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strategy for equality between women and men 2010-2015
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Tackling the pay gap between women and men
- DNA Paper on organisational culture at the EDPS, 2013

EDPS Decisions

- Decision on anti-harassment, 10 December 2014
- Decision on part-time work 16 June 2014
- Decision on working time 17 December 2014
- Decision on working time for managers 18 November 2014
- Decision on telework 17 December 2014
- Decision on leaves and absences 25 November 2015
- Decision on maternity leave 16 June 2014

Articles in the Staff Regulations

Article 1d:

"1. In the application of these Staff Regulations, any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.

For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled.

2. With a view to ensuring ensure full equality in practice between men and women in working life, which shall be an essential element to be considered in the implementation of all aspects of these Staff Regulations, the principle of equal treatment shall not prevent the institutions of the European Union from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

3. The appointing authorities of the institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas.



4. For the purposes of paragraph 1, a person has a disability if he has a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his full and effective participation in society on an equal basis with others. The impairment shall be determined in accordance with the procedure set out in Article 33.

A person with a disability meets the conditions laid down in point (e) of Article 28 if he can perform the essential functions of the job when reasonable accommodation is made.

"Reasonable accommodation", in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

The principle of equal treatment shall not prevent the appointing authorities of the institutions from maintaining or adopting measures providing for specific advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers.

5. Where persons covered by these Staff Regulations, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the institution to prove that there has been no breach of the principle of equal treatment. This provision shall not apply in disciplinary proceedings.

6. While respecting the principle of non-discrimination and the principle of proportionality, any limitation of their application must be justified on objective and reasonable grounds and must be aimed at legitimate objectives in the general interest in the framework of staff policy. Such objectives may in particular justify stipulating a mandatory retirement age and a minimum age for drawing a retirement pension."