

International approaches to advance equality: Insights from six countries



Equality, Poverty and Social Security

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Section 1: Introduction

Context

We are Leading Kind Ltd, and we were commissioned by Scottish Government to conduct research to further inform policy decisions regarding Scottish Government's current review of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (SSDs).

Our research examines approaches promoting equality through legislative duties in six selected countries located in three continents.

Report Structure

We have set this report out in five sections.

In this section we provide a brief overview of the scope of the work and an overview of the methods used before providing a summary of our findings.

In [Section 2](#) we set out our findings from each of the countries included in our review.

In [Section 3](#) we present the main themes emerging that are likely to inform the review of the SSDs.

In [Section 4](#) we provide an overview of our findings against the key themes of the consultation about the review of the SSDs. And in [Section 5](#) we provide our conclusion.

Scope

We reviewed countries ranked high on international equality indexes to identify similarities with the SSDs and the consultation themes relevant to the current review by Scottish Government of the SSDs.

We provided Scottish Government with a list of potential countries for consideration. These are detailed in Annex A. The final agreed countries for consideration were Belgium, Canada, New Zealand, South Africa, Sweden, and Wales. All six met the following criteria:

- Availability of adequate information and research beyond published legal frameworks.
- Evidence of impact.
- Legislative frameworks with a focus comparable to the current Scottish Specific Duties (SSDs) and/or the themes considered in the Scottish Government consultation regarding the review of these, conducted between 13th December 2021 and 11th April 2022.

Research Methodology

We used a three-phase, multi-method approach to collect quantitative and qualitative data to answer the following research questions:

Research Questions:

- What are the key similarities and differences with Scotland's legislative frameworks (regarding the promotion of equality) in the chosen countries?
- What is the evidence of the effectiveness of the equality-related legislative frameworks in these countries?
- How is evidence of impact published and measured?
- Are there areas of learning relevant to the Scottish Government's current review of the effectiveness of the Public Sector Equality Duty (PSED) regime, with a focus on the effectiveness of the SSDs?

We have provided an overview of the methods used in Annex B, with additional information relevant to our methodology in Annexes C, D & E. In Annex B we highlight that the scope of our research is limited to the legislative frameworks about equality, and associated literature of the six countries selected for this review¹.

Summary of Findings

Each country included in the review has a legal equality framework that shares similarities with the SSDs and the requirements of the Equality Act (2010), including reporting requirements, data collection and use, and mechanisms for scrutiny.

Data Insights

Each of the reviewed countries specifies protected characteristics (such as age, disability, or sex which have special legal protections from discrimination, victimisation etc.) within relevant legislation. There is a shared emphasis on discrimination protection. The description of characteristics varies from country to country². However, our discussions with representatives of the organisations we contacted during phase 3 highlight a perceived need for guidance on how to support the interpretation of data on the experiences of people with protected characteristics with greater nuance.

For instance, Canada's equalities guidance emphasises protection for minoritised immigrant populations in addition to the protected characteristic of 'race or ethnicity'. During our interviews we were advised that decision-making by policymakers could be enhanced if there was improved guidance about the needs of different groups, such as immigrants, within BAME populations. Interviewees reported that the absence of guidance hinders the ability of decision-makers and

¹ Annex H provides a list of the legislative instruments included in this review. Annex I provides a bibliography of the literature accessed by the research team.

² Annex C details the protected characteristics for each country.

policymakers to accurately assess the unique challenges and needs faced by individuals within these communities.

During our interviews we were advised that decision-making by policymakers could be enhanced if they had access to meaningful evidence about the needs of specific communities within protected characteristic groups.

Other defining factors highlight the absence of qualitative information to provide context to the 'numbers' and the low representation of the target population in decision-making spaces. A paucity of qualitative information and insight further hinders policymakers' ability to fully understand the lived experiences and specific barriers faced within minority groups.

Scrutiny Arrangements and Equality Impact Assessment

In addition to effectively guided, nuanced data use and equality impact assessment in policymaking, effective scrutiny is a consistent theme. Most of the six countries have similar governance mechanisms to Scotland, such as independent commissions, data collection requirements, and some form of regular reporting. However, a recurring theme is that efforts to reduce inequality would be accelerated if regulators and governance boards advocated the enhancement of mechanisms for scrutiny and accountability.

Efforts to reduce inequality would be accelerated if regulators and governance boards advocated the enhancement of mechanisms for scrutiny and accountability.

Focusing on the completion of meaningful equality impacts on policy was identified as a path to ensuring attention is given to embedding action to address inequalities in the core roles of public officials and their performance management systems.

Also, it was suggested that the current systems in the six countries could be improved by putting more emphasis on defining national equality outcomes that apply to different parts of the public service and putting more emphasis on the role of regulators and funders to ask for proof of equality progress. Despite the good intentions of public authorities, applicable legislative frameworks and existing guidance, the complexities of considering the needs of diverse groups and comprehending the nuances in various settings and geographies are proving too challenging. Better guidance at a strategic level about such complexities would help policymakers consider these multiple factors impinging on need.

Our research findings provide additional support for Scottish Government’s proposal to establish priority equality outcomes so that listed authorities benefit from clear direction and a robust evidence base.

Belgium, for example, has robust and long-standing frameworks for 'Regulatory Impact Assessment' (RIA). Beginning in 1998 with a concentration on enhancing policymaking efficiencies, the process has evolved since 2013 to include a specific emphasis on gender equality. The Administrative Simplification Agency, an independent agency attached to the Office of the Prime Minister, supervises impact assessment activity, and collaborates with a variety of ministries. The Office of the Prime Minister’s Impact Assessment Committee (IAC) evaluates the quality of the RIAs content. Officials must complete an impact assessment light form. The RIA must be presented to the Council of Ministers, as per Article 3 of the law on gender mainstreaming. Like the requirements in Scotland regarding equality impact assessments for policy and practice, in Belgium, an RIA is required for all new laws (with exceptions for exigent national security requirements).

Despite the legislative framework and scrutiny architecture in place, the Organisation for Economic Co-operation and Development (OECD) reports³ that the process of RIA in Belgium is often conducted too late in the decision-making process. This echoes experiences reported from the other countries as well as the feedback contained in the responses to the consultation on the review of the SSDs.

In addition, the OECD report states that the quality of RIAs in Belgium varies, in part because IAC advice is not required.

Our findings suggest that there is scope in the Scottish context for regulators and funders to enhance their scrutiny of performance against equality outcomes.

Pay Gap Reporting

From our review of legislative instruments and guidance documents we discovered that the focus on pay gap reporting (reporting on gaps in pay between different groups of people) varies among the six countries. However, from our interviews and our review of the literature we found that consistency of approach to calculations supported by enhanced guidance, setting national sector-specific outcomes, and scrutiny of pay gap data by independent oversight bodies, is welcomed by organisations subject to pay gap reporting requirements.

We found that the combination of clear guidance, direction, and scrutiny, supports reliable comparisons and evidence of the impact, or lack thereof, of efforts to reduce identified pay gaps.

³ [Regulatory Policy: Belgium - OECD](#)

These pay gaps are indicative of wider inequality issues such as occupational segregation. This makes tackling such gaps of critical importance.

In South Africa the recently amended Employment Equity Act (EEA) allows for a closer examination of the Gender Pay Gap by sector and alignment with numerical targets set by the Minister for Employment Equity. This expands upon existing legislation that focuses on the demographic representation of historically disadvantaged groups at all occupational levels based on ethnicity, sex, and disability (among other potential indicators of exclusion). Apart from South Africa, the predominant focus of the other nations, including Scotland, is on gender pay gap reporting, meaning reporting on pay gaps between men and women. However, there is a growing recognition of the need to broaden the scope of pay gap reporting beyond the protected characteristic of sex, with a focus on race and disability. There is still work to be done to assist organisations in adopting a more nuanced and considered approach to intersectional analysis of pay disparity reporting. Our review reveals that the majority of pay disparity reports continue to treat sex, race, and disability as distinct, unrelated elements whereas, we know these characteristics intersect, and can compound disadvantage, with minority ethnic women, for example, particularly disadvantaged in the labour market.

We found that the requirement to disclose pay gap data appears to be a key catalyst for change, with evidence from our review indicating that progress is slower where there is no active scrutiny.

As an example, both Sweden and South Africa compel organisations subject to pay gap reporting requirements to produce reports. These are not made public. However, in Sweden it is a requirement for the reports to be produced in collaboration with employees and for arrangements to be put in place for internal scrutiny. This requirement for internal scrutiny is not in place in South Africa. In our interviews we found that the absence of scrutiny did mean that there was a perception that action to address pay gaps would not be prioritised. This echoes experiences elsewhere where there has been more focus, driven by public policy, on ensuring equality in particular sectors. For example, in Belgium, the overall pay gap in favour of men is 5%. However, the public sector pay gap for 2021 is reported to be 1.1% in comparison to the private sector pay gap of 8.1%⁴. This suggests that the increased focus on action to address under-representation of women in public life and increased focus on equality across public sector functions is having an impact on pay gaps.

Inclusive Communications

Much of the legislation reviewed focuses on the disability related accessibility of digital communications and general communications from public authorities, with an emphasis on ensuring that, if not digital and accessible, communications are available in appropriate formats. In addition to a focus on accessible

⁴ [Belgium: gender pay gap, by sector 2021 | Statista](#)

communications, we also identified country specific nuances related to the overarching theme of inclusive communications.

Belgium mandates gender-neutral job classifications, which, despite being more closely aligned with efforts to advance gender equality and address pay gaps, illustrates how inclusive communications can challenge gender stereotypes and potentially increase participation in education and influence career choices.

In Canada, New Zealand, and South Africa, aspects of equal rights legislation safeguard the historical context and needs of indigenous groups. Consequently, cultural sensitivity is a crucial aspect of promoting inclusive communications within the framework of equality laws in these nations. These legal frameworks acknowledge the importance of creating communication materials that are respectful, inclusive, and representative of the various cultural groups coexisting within their borders.

Section 2: Findings by Country

We now provide an overview of the approaches employed in each country highlighting areas for consideration with a focus on approaches that have had a positive impact on advancing equality.

Belgium

Overview

There are three main pieces of legislation in Belgium that are similar to Scotland's legislative framework in that they apply broadly to organisations providing public services and have a similar threshold for listed authorities. The Gender Mainstreaming Law and the Accessibility Law for Digital Public Services are public sector specific. The Gender Quota Law is applicable to independent public institutions and certain state-owned entities.

Belgium has two agencies that are concerned with advancing equality, one for gender and another that covers the remaining protected characteristics protected from discrimination under the legislation⁵.

Stringent privacy laws govern both the publication and collection of personal data, which is primarily based on sex. The collection of Pay Gap data is only required for organisations with more than 50 employees. Employers are required to discuss their results annually with organised employee representation, which may result in the adoption of an action plan on an optional basis.

⁵ The Institute for the Equality of Women and Men (gender) and The Inter-Federal Centre for Equal Opportunities and Opposition to Discrimination and Racism, known as Unia, for the remaining protected characteristics.

Included in the data are employee wages and benefits, as well as sex-segregated information on level of education, job level, training, and type of employment contract.

Social balance statements are also sent to the National Bank, which includes the data in its compilation of national statistics. The creation of gender-neutral job classifications at a sector level and the regular national negotiations of a strategic interprofessional agreement by social partners comprise a substantial portion of the effort to reduce the gender pay disparity (Loi Visant À Lutter Contre L'écart Salarial Entre hommes Et Femmes, 2012). In past reports, a lack of definition and quality control has been mentioned, as the results are primarily reviewed internally and there are no mandated sanctions (Institute for the Equality of Women and Men, 2015).

Impact Assessments are required for policy formulation. The Regulatory Impact Assessment (RIA) contains a so-called 'Gender Test' which integrates Gender Impact Assessments into a comprehensive system of impact assessments. This is designed to guarantee that all decision-makers and government employees will take it into account. However, since the 'Gender Test' consists of only five open-ended questions its application and impact are limited (European Institute for Gender Equality, 2017).

The Impact Assessment Committee is a component of the Administrative Simplification Agency and functions as the central support entity for all Impact Assessments. Since policymakers are not required to use this service, mandatory quality control is still lacking. Further, our assessment of information gathered during phases 2 & 3 of the review suggests that responses to the 'Gender Test' are frequently based on a limited legal perspective and may not adequately address the potential impact of proposed regulations on women and men. To address these issues, revisions are currently being made to strengthen the culture of impact assessments to elicit more meaningful responses and encourage the incorporation of relevant statistics to better comprehend and address the gender-specific implications of proposed regulations. Our research highlights that the acquisition and use of intersectional data are not yet fully integrated into policy. However, we observed that the concept is gaining increasing attention, especially in relation to nuances within gender (Administrative Simplification Agency, 2015).

Key Findings

Impact Assessments are recognised to be a key driver to advance equality and the Belgian authorities have set up systems and organisations to support the process of compiling EQIAs and providing scrutiny. However, our research highlights that the process of EQIA could be enhanced if there was more meaningful and robust approach to quality assurance so that greater emphasis is placed on the impact of the EQIA rather than the process of completing it.

Canada

Overview

The Canadian Human Rights Act and provincial human rights codes in Canada govern equality obligations. These duties collectively recognise protected grounds and prohibit discrimination in a manner similar to the existing frameworks in Scotland.

Canada and Scotland share similarities in addressing pay inequality and reporting on action to advance equality. Like Scotland, Canada's legal framework requires organisations subject to the legislation to report and publish their plans for promoting equality and preventing discrimination. Reporting in Canada is more frequent with information reported annually. Further, in Canada reports should contain information about the demographics of service users. Like Scotland, employee information must be collected for the purposes of monitoring pay equity and publishing information about workforce diversity.

While the role of the Canadian Human Rights Commission is comparable to that of the Equality & Human Rights Commission (EHRC) and Scottish Human Rights Commission (SHRC) in Scotland, the Canadian Commission has a commissioner whose primary responsibility is to promote pay equity with a focus on pay gap reporting.

The Canadian approach to reporting on pay gaps has had an impact on numerous aspects of the labour force. One reported impact is on the job satisfaction of professionals from global majority ethnicities. Our literature review suggested that members of racial minority groups are more attentive to pay differences than Caucasians. This attentiveness has a direct impact on their career satisfaction. In a study of Canadian managerial and professional employees, it was found that career satisfaction increased to a greater extent for members of minority groups than for white respondents with every increase in income (Buttner & Lowe, 2017). This suggests that positive perceptions of pay equity can have a significant impact on career satisfaction and employee engagement for Black and Minority Ethnic workers. This finding suggests that it would be helpful for organisations subject to pay gap reporting duties to improve approaches to data collection, analysis, and reporting of race pay gap data.

Organisations subject to pay gap reporting duties should act to improve the collection and analysis of race pay gap data.

In summary, the approach to pay gap reporting in Canada has had an impact on various aspects of the workforce, including career satisfaction, pay level satisfaction, equal pay for work of equal value, and to an extent, addressing social issues. These findings underline the importance of ensuring fairness and equity in pay structures to enhance employee satisfaction, promote social justice, and provide an evidence base to expand the scope of the pay gap report beyond the protected characteristic of sex.

Impact and Scrutiny of Equality Activity

Annual progress reports are required by the Canadian Human Rights Act (CHRA), the Employment Equity Act (EEA), the Public Sector Equality Act (PSEA), and the Accessible Act Canada (AAC).

The provisions in the CHRA stipulate that the Human Rights Commission must provide an annual report to Parliament in the first quarter of each calendar year. The purpose of this annual report is to provide a summary of the Commission's activities in accordance with Part I and Part II of the CHRA.

In addition, the annual report also provides an opportunity for the Human Rights Commission to meet requirements set out in the EEA that require it to provide an assessment of their effectiveness in implementing the EEA throughout the year and to provide an assessment of the progress made by organisations subject to the EEA.

Accountability to Parliament about progress made, or otherwise, creates opportunities for scrutiny at a national level.

Advancing Equality through Policymaking

Our review of the approach to advancing equality in Canada reveals that the processes of impact evaluation, policymaking, and mainstreaming equality is informed to an extent by intersectional analysis and the active involvement of diverse stakeholders, including representatives from marginalised or underrepresented groups. The CHRA requires consultation with key stakeholders. The Canadian Human Rights Commission is required to hold public consultations for all proposed regulations by the Governor in Council. The Commission must submit a report on the consultation results to the Minister within a reasonable timeframe after the proposed regulation is published in the Canada Gazette (Canada Act, 1982).

Key Findings

Canada has broadly similar approaches to reporting and accountability as in Scotland. Our research suggests that there would be greater impact in addressing persistent inequalities in Canada if there was enhanced understanding at a policymaking level about the intersectionality amongst protected groups so that there was better evidence to inform decision-making. Further, our research findings highlight scope to advance equality if a more robust approach could be adopted in relation to performance management to measure progress both at an individual and organisational level.

New Zealand

Overview

Scotland and New Zealand both have laws requiring public service providers to promote equality and end discrimination. Like Scotland, New Zealand requires organisations subject to equality legislation in the public domain to engage in

dialogue and consultation with protected groups and stakeholders in order to fulfil their equality obligations. The Treaty of Waitangi recognises the indigenous Māori people's rights and emphasises cultural diversity and consultation with indigenous communities. When addressing discrimination and equality issues, public entities in both nations must actively involve and solicit input from affected communities.

As a result of the requirements of the legislation in both countries, the public has access to information and reports regarding equality activity; and organisations subject to the legislation are required to collect and use employee information to effectively monitor and address equality and discrimination.

In New Zealand, the Equal Pay Act of 1972 has helped women's pay catch up with that of men. The Employment Relations Act of 2000 promotes workplace equity by supporting collective bargaining and minimum employment standards to protect vulnerable workers from exploitation and discriminatory treatment. The New Zealand Public Health and Disability Act of 2000 has contributed to the reduction of health disparities and the improvement of healthcare for all (Scott & Macaulay, 2012).

From our review of the literature we found that equality duties in New Zealand have improved workplace diversity and discrimination. According to Prenzler, Fleming, and King (2010), affirmative action policies, including those required by the equality duties, have increased the workforce representation of historically underrepresented groups, making New Zealand workplaces more inclusive and diverse. Equality duties are also reported to have reduced discrimination in housing provision.

Impact and Scrutiny of Equality

Regarding the impact and scrutiny of equality activities in New Zealand, the Public Service Act 2020 mandates annual reporting and monitoring of equal employment opportunities and diversity within the public sector. As a result, in accordance with the Act, public sector agencies must submit annual reports to the State Services Commissioner about equality. The agencies are required to report on the representation of various demographic groups in their workforce. The information covers gender⁶, ethnicity, age, disability, and other pertinent characteristics.

The Act also mandates the establishment of specific targets and measures to tackle the underrepresentation of certain groups in public service. The targets aim to promote fair access to opportunities and career growth for all employees. The Public Service Act 2020 promotes the collection and analysis of workforce data by public service agencies to track progress in achieving diversity and inclusion goals (Nolan-Flecha, 2019). The Act also promotes enhancing diversity and inclusion policies in public services to align with the communities they serve.

⁶ [Workforce Data – Gender Representation in the Public Service 2021 – Te Kawa Mataaho](#)

Our review of legislation, guidance, and literature, highlight that a data-driven approach enables evidence-based decision-making and the identification of disparities for attention.

Agencies must report on their strategies and initiatives for promoting fairness, diversity, and inclusion in public service. This involves outlining measures implemented to enhance workplace representation and promote equality.

Equality and Pay

The Equal Pay Act of 1972 prohibits wage discrimination based on sex and promotes equal pay for equal work, regardless of sex. The Act contains a provision that encourages transparency and accountability through annual reporting. The Act mandates that employers conduct job evaluations to determine the relative value of various positions within their organisations. The evaluation results should be shared with employees to increase the process's transparency. The Act also permits employees to request information regarding the job evaluations and salaries of co-workers in comparable positions. The 'comparator' provision permits individuals to compare their pay with that of others, thereby heightening awareness of potential pay disparities. The Equal Pay Act permits employees to file complaints if they believe they are not receiving equal pay for equal work (Parker & Donnelly, 2020).

Monitoring Discrimination

Along with its amendments, the Human Rights Act of 1993 provides a comprehensive framework for reporting and monitoring discrimination and human rights issues. The Act created the Human Rights Commission, which promotes awareness, monitors human rights issues, and handles complaints of discrimination. Individuals can file complaints with the Human Rights Commission to address potential instances of discrimination. The Commission investigates complaints and seeks redress or resolution. The Employment Relations Act (ERA) contains reporting and monitoring mechanisms for equitable employment practices and worker rights, which include reporting for collective bargaining (Zhongming et al., 2017). Parties engaged in collective bargaining are required to report specific information to the Ministry of Business, Innovation, and Employment (MBIE). This reporting promotes transparency in the bargaining process. The Employment Relations Commission was established to resolve employment disputes and enforce the Act. The decisions of the ERA assist monitoring and enforcing equitable employment practices.

The New Zealand Public Health and Disability Act includes reporting requirements for District Health Boards (DHBs) (Came & Tudor, 2017). DHBs are required to submit annual plans and reports to the Minister of Health. The reports provide information on the delivery of health and disability services, with an emphasis on reducing health disparities and guaranteeing equal access to healthcare. The Act establishes entities for monitoring and ensuring the integrity of health and disability services. These mechanisms assure compliance with standards and evaluate the effectiveness of services.

Advancing Equality through Policymaking

In New Zealand, intersectionality is incorporated into impact assessment, policymaking, and mainstreaming. New Zealand's equality laws, including the Public Service Act 2020, Equal Pay Act 1972, Human Rights Act 1993 & Amendments, Employment Relations Act 2000, and New Zealand Public Health and Disability Act 2000, support intersectionality in impact assessment, policy formulation, and mainstreaming. When undertaking impact assessments, policymakers and organisations must consider the potential cumulative effects of policies on different groups, addressing factors such as disability, race, sex, and sexual orientation. The goal of incorporating intersectionality into impact assessments is to identify disparities and inequalities experienced by some communities. Our research suggested that this strategy ensures that policies are tailored to meet the diverse requirements and life experiences of all individuals.

In New Zealand, intersectionality is incorporated into impact assessment, policymaking, and mainstreaming, encouraging the use of an intersectional lens to determine the potential effects of policies and decisions on people with numerous marginalised identities.

Key Findings

The requirements of the New Zealand Public Service Act 2020 have led to a more diverse workforce, and there is evidence that the active recruitment and retention of people from ethnic minority groups and disabled people has made public services more inclusive and representative.

South Africa

Overview

In South Africa the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) promotes equality in the public and private sectors and the Employment Equity Act (EEA) addresses workplace discrimination and promotes equality. As with the Equality Act (2010) in Great Britain, equality legislation in South Africa seeks to level the playing field for all individuals, guaranteeing equal employment opportunities and fair treatment. In addition, these Acts encourage organisations to actively implement affirmative action measures to rectify historical imbalances and promote inclusiveness. The Affirmative Action provisions in South Africa are comparable to the Positive Action provisions contained in the Equality Act (2010) in that they both seek to promote equal opportunity and address historical disadvantages.

Both the EEA and the SSDs require certain listed authorities to report on progress made to address inequalities. In addition, both countries mandate that listed authorities gather demographic data and publish easily accessible information on equality outcomes. These approaches to reporting on progress and gathering and publishing information create the conditions that encourage stakeholder participation and ensure transparency.

South Africa's equality strategy differs from Scotland's due mainly to historical context. Apartheid and ethnic segregation have had a substantial impact on the South African equality framework. According to Jegede and Shikwambane, (2021), the historical context of apartheid has prompted a targeted and comprehensive strategy in South Africa to address historical injustices and pervasive racial prejudice. Although Scotland doesn't share an equivalent historical context, legislation and policy in Scotland is designed to address longstanding persistent inequalities such as gender inequality, discrimination based on sexual orientation, and socio-economic disparities. As such, Scottish Government has implemented several policies and initiatives to promote inclusivity and equal opportunities for all individuals, regardless of their background or identity.

Our content analysis of the legislative framework for equality in South Africa and subsequent literature review reveals that South Africa has a well-structured function of progress reporting. This includes a requirement for regular monitoring and evaluation of policies and programmes to ensure accountability and transparency in addressing historical injustices.

There are also efforts to support mainstreaming. South Africa sets national equality goals to combat historical inequalities and promote socioeconomic transformation. The National Development Plan (NDP) defines objectives for a more inclusive society by 2030, with a focus on reducing inequality, enhancing access to essential services, and addressing economic disparities. The objective is to rectify the disparities caused by apartheid. To mainstream this objective, the Employment Equity Act (EEA) defines affirmative action and its duties, and the Promotion of Equality and the Prevention of Unfair Discrimination Act emphasise intersectionality in redress plans by establishing clear regulations on the obligation to consider intersecting identities.

In addition, Section 55 of the South African Employment Equity Act (1998), Chapter 3, on Affirmative Action, directly addresses reporting and scrutiny of the Employment Equity Act. The affirmative action duties embedded in the EEA stipulate that organisations must establish their own annual or biennial goals and disclose their progress to the Commission for Employment Equity using a standardised template. These templates provide the opportunity to collect intersectional data.

Pay Gap Reporting

We were advised in our interviews that the Employment Equity Regulations and the Employment Equity Act (EEA) in South Africa govern pay gap reporting, with the aim of promoting equality and eradicating workplace discrimination. Employers with 50 or more workers are required to submit employment equity reports to the Department of Employment and Labour. Using the templates previously mentioned, these reports must include detailed information about the remuneration received by staff in each staff group and information is also requested by sex and race. Employers are required to provide pay gap information and information about the workforce profile. Further, employers are expected to set numerical targets for the representation of the future workforce. As such the templates act as a workforce

planning tool as well as a process of to comply with the reporting requirements of the legislation. As is the case in Sweden, the reports are not made public. However, unlike arrangements in Sweden, in South Africa there are no required steps for internal organisational scrutiny, despite the need to consult staff during the development of the employment equity plan and requirements to share the plan with the workforce once finalised. This may account for the fact that despite the requirements of the EEA mandating pay disparity reporting, compliance with and enforcement of these requirements can vary. The Department of Employment and Labour can conduct audits and investigations to ensure compliance, and failure to comply can result in fines.

The government and equality agencies in South Africa advocate for pay gap transparency and voluntary disclosure, urging employers to proactively address pay disparities and promote greater pay equality. Where there are disproportionate income disparities or unjust discrimination, an employer must take positive steps to reduce such disparities progressively. However, our interviews reveal that the income differential statement is currently a confidential document and that the Employment Conditions Commission is prohibited from disclosing any identifiable information contained within the statement. Beyond these structures, it is the responsibility of organisational leadership to be deliberate in closing the pay gap and reporting on the gender pay gap.

Standardised Equality Reporting Templates

Notable findings in progress reporting include the use of intersectional standards-centred templates for reporting on an organisation's progress towards equality outcomes. Samples of these templates are included in Annex F. The opportunity for intersectional analysis is well developed within these templates; the PEPUDA Act requires intersectional analysis, and the EEA emphasises the duty for organisations to make rectification plans where they have not met their targets. We considered the evidence of the effectiveness of this process in our analysis of interviews and our findings are provided in the thematic analysis.

South Africa has templates that provide the opportunity to collect data to support intersectional analysis.

We found that the templates for reporting on an organisation's progress towards equality outcomes provide a comprehensive framework for assessing intersectional analysis based on protected characteristics and ensuring compliance with the PEPUDA Act and EEA.

Our interviews further support the significance of the nuanced use of data gathered through these templates in driving positive change and fostering a more inclusive environment.

Key Findings

Our findings from our review of literature, combined with feedback from interviews suggested that South Africa's Employment Equity policies have led to positive progress in promoting equal employment opportunities across businesses, although

some companies still face challenges and uneven implementation. Further, the clear guidance and standardised templates support data reporting and allow organisations to establish baselines, set goals for workforce diversity, measure progress, and conduct intersectional analysis.

Sweden

Overview

Sweden has a single piece of legislation governing equality. Within the Swedish Discrimination Act there is no specific instrument focused solely on the public sector, rather the Act covers all employers and providers of goods and services. The Act prohibits discrimination based on various grounds, including sex, ethnicity, religion, disability, and sexual orientation.

Sweden introduced a pay equity analysis requirement, focusing on annual compensation mapping, to identify gender-related pay differences and adjust pay within female or male-dominated fields. This analysis is mandatory for organisations with 10 or more employees and must be documented and provided to the Diskriminerings Ombudsmannen (DO) for review upon request (Discrimination Act 2008:567, 2008).

The Swedish Gender Equality Agency provides leadership and direction about gender mainstreaming. As part of a gender mainstreaming strategy, government bills, inquiry committees, and public sector initiatives incorporate gender impact assessments. To support the development of the Gender Impact Assessments there has been investment in appropriate tools and staff training (European Institute for Gender Equality, 2017).

Our interviews highlighted that training and guidance is a key aspect of Sweden's approach to gender mainstreaming.

There is a mainstreaming programme for government agencies, another for education institutions and universities as well as an overarching programme known as 'Gender Mainstreaming Plus'. This programme focuses on strategic work, training, learning, and cluster collaboration for those public institutions that are part of these efforts. The six sub-goals of gender equality include equal power distribution, economic equality, gender-equal education, equal distribution of unpaid duties and care, equal health, and the elimination of men's violence against women. The Swedish Equality Agency conducts annual analyses of statistical indicators and reports on progress towards these goals, with Goal 6 focusing on the eradication of violence against women over a ten-year period. It is important to note that Goal 6 not only follows a time frame, but also an action plan.

An Active Approach

Employers must continuously work on active measures, including the investigation and analysis of potential existing discriminatory practices to combat discrimination, advance equal rights, and eradicate obstacles with regard to monitor and evaluate those measures. These measures should address working conditions, payment

practices, recruitment, promotion, skill development, and balancing work and family responsibilities. Employers must also implement policies against harassment and promote gender equality through training and development. Employers are required to progress this work in cooperation with employees.

Our research highlights that employers with more than ten workers are required to document their pay surveys and explain how they cooperated with their employees, while those with more than twenty-five employees must document all their work on active measures to promote equal rights and non-discrimination and how the results of the pay difference survey can be improved. If a pay gap is identified, companies must document the measures they have taken to close it, along with their implementation timeline, monthly or annual expenditures, and progress over the past year.

Scrutiny Procedures

Regarding scrutiny procedures, the Equality Ombudsman oversees the implementation of the Equality Act and has the power to impose penalties for noncompliance. Unions lead efforts to resolve disparities in female-dominated occupations by focusing on education, risk, and other variables.

The Swedish Gender Equality Agency focuses on anti-discrimination policies and helps in its area of expertise. It recognises the impact of social factors such as race, ethnicity, and socioeconomic standing on gender equality, with the objective of creating more inclusive and equitable opportunities. In terms of age, sexual orientation, education, and lifetime earnings, intersectionality is examined. According to our interviews, Sweden does not collect data on race or ethnicity, but they do consider data about country of birth - for example information gathered from immigration data or if they were born in Sweden - when calculating lifetime earnings.

Regarding accessibility, there is no specific requirement to publish reports in an accessible format. However, the Swedish Government publishes on its website reports describing how it complies with the requirements of the Act on Accessibility of Digital Public Services.

Key Findings

Sweden's gender mainstreaming efforts focus on reporting, data acquisition, and use of information. The duties that are mentioned in the Swedish Discrimination Act apply to all employers and all sectors and in some instances compel organisations with 10 employees and more to document action on equality. The emphasis on documentation, proactive measures, and internal review ensures compliance. We also note that pay gap reporting includes a focus on gender gaps in sectors where men and women are not equally represented.

The key takeaway is the approach to scrutiny. In Sweden there is no legislative requirement for organisations to publicly report pay gap information. However, employers are accountable to their board and workforce, and where this is a requirement, it seems to drive progress.

Further, reports are required to be shared with the relevant government agency on request. In addition, Swedish Government Ministers take a focused approach to drive progress and have been known to target requirements to advance equality in specific sectors. This is similar in practice to the existing SSDs (Regulation 11) and the proposal to set sector specific equality outcomes contained in the consultation on the effectiveness of the Public Sector Equality Duty in Scotland.

Wales

Overview

Like Scotland, equalities legislation in Wales is mostly reserved. As such, Wales has a set of specific duties with similar aims to the SSDS. The Welsh Duties apply to public authorities and are aimed at advancing equality and preventing discrimination for people with protected characteristics. Additionally, there is a requirement to publish reports in an accessible manner and make considerations regarding how public procurement can advance equality. However, there are some differences between the two countries' reporting responsibilities.

In Wales, specific duties provide increased focus on engagement of groups representative of the needs of people sharing protected characteristics in the development of equality objectives.

Despite following a similar reporting timescale in relation to PSED reporting, listed authorities in Wales are also required to develop an Annual Strategic Plan.

A Strategic Equality Plan must be published and routinely updated, and it must contain a statement outlining the organisation's equality objectives, the steps it has already taken to achieve those goals, and a timetable for achieving those objectives. In addition, it describes how progress towards the objectives is monitored and any other measures taken to comply with the equality duties. This also includes Equality Impact Assessment Reports and information about training and employment data collection. In addition, it includes the Pay and Action Plan, which contains data on pay disparities.

Noting what would appear to be an increased reporting burden for listed authorities in Wales we note that the EHRC in Scotland advocates for opportunities to streamline equality reporting⁷, advising listed authorities to take opportunities to include information about progress

⁷ [Joint call for Scotland's colleges and universities to address inequalities | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://equalityhumanrights.com)

towards equality objectives in annual reports, and information about workforce demographics in regular workforce reports.

Within the Welsh Specific Duty there is a requirement to compile and publish information on pay differences. The information that must be collected should be broken down by sex, job, job grade (if applicable), salary, contract type, and working pattern. This information is required to be broken down by relevant protected characteristics, the number of applicants and position changes within the listed authority, training requests and completions, employees involved in grievance procedures, employees subject to disciplinary proceedings, and employees leaving the authority. There is no requirement for these reports to be in a specific format. (The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011).

The Welsh Specific Duties also require consideration of pay disparities between employees who have or share a protected characteristic when devising equality goals.

A listed body must publish any equality objectives that address gender pay disparities, the measures it has taken or plans to take to achieve those objectives, and an action plan to reduce these disparities.

Scrutiny of the Welsh public sector equality duty has been the subject of discussion and review (Parken, 2019). Our investigations highlight that the Welsh Assembly reports on progress against the Welsh Specific Duties every four years, with scrutiny in relation to compliance with the requirements of the Welsh Specific Duties sitting with the EHRC in Wales. Feedback received through our review of the available literature and our interviews suggests that the current approach leads to confusion on the part of listed authorities.

Equality Impact Assessments

Regarding Impact Assessments, while provisions exist in both Scotland and Wales to assess and review proposed policies and practices, public authorities in Wales are required to publish a report detailing all the steps and information used to conduct the assessment. This includes both the results and the decisions made in response to those results, whereas the Scottish obligation only requires the results to be published.

Both nations are obligated to set and publish Equality Outcomes, or equality objectives. Wales sets equality objectives for each of the protected characteristics. Our interviews revealed that equality objectives vary in quality and frequently lack connections to existing evidence relating to persistent inequalities.

In addition to the PSED and the Welsh Specific Duties, the Well-Being of Future Generations Act is an overarching act that incorporates sustainability objectives, inspired by the United Nations Sustainable Development Goals, with equality as one of its objectives. This Act has its own reporting schedule that overlaps with aspects of the equality legislation in Wales. Our review of the literature and findings from interviews suggested that there would be benefit from increased co-ordination with a focus on reducing the bureaucratic burden of compliance reporting as

required by the PSED and the Well-Being of Future Generations Act. Recommendations included cross-referencing in policies and the alignment of reporting responsibilities (Parke, 2019). Recent discussions have also included the possibility of delineating national equality priorities that can be linked to the Well-Being of Future Generations Act's overall objectives (Davies, 2019).

Finally, in terms of intersectionality, Wales is working to increase awareness and implement an intersectional approach to policymaking.

Key Findings

Our research highlights, that like Scotland, there is a focus in Wales to explore how it can align reporting requirements to reduce the burden on authorities so that there is an increased focus on addressing persistent inequalities. Further, our review of the literature and feedback from interviews suggested that there is a need to enhance guidance and templates so that there is greater consistency and more opportunities to measure progress, with a focus on information about pay disparities. Further, we understand that the impact of regulators and funders, such as the Higher Education Funding Council for Wales, on equality-related objectives and efforts has been substantial. To improve outcomes, Scotland could benefit from encouraging Non-Departmental Government Bodies with a similar regulatory, funding or scrutiny remit to set sector specific equality outcomes. We note of course that in Scotland the EHRC has worked with the Scottish Funding Council to set equality outcomes for the Scottish tertiary education sector⁸ and this approach also provides a framework to follow.

Section 3: Emerging Themes

In this section we have set out a thematic overview of our findings, pulling together insights drawn from each of the six countries. We have identified five themes:

- [Pay Gap Reporting](#)
- [Inclusive Communications](#)
- [Intersectionality and Data Use](#)
- [Mainstreaming](#)
- [Progress Reporting and Scrutiny](#)

Theme 1 Pay Gap Reporting

The Equality Act (2010) compels employers with 250 or more employees to conduct regular pay audits to identify and address any gender pay gaps. Further, Regulation 7 of the Scottish Specific Duties mandates that listed authorities with 20 or more employees publish a gender pay gap report biennially. The purpose of the Scottish Specific Duty on pay gap reporting is to deliver transparency and accountability and to encourage listed authorities to make evidence-based decisions based on the pay gap information that they have published. Further,

⁸ [Equality and diversity \(sfc.ac.uk\)](http://sfc.ac.uk)

Government policy⁹ augments the requirements of the SSDs by providing increased focus on actions to address under employment because of sex, disability and race, and promotes the development of fair and inclusive workplaces across Scotland.

Belgium and Sweden actively promote gender equality, and despite being gender-focused, they provide frameworks to assist employers in addressing wage inequalities. Belgium considers various data points that influence salary outcomes, such as employment level, job function, working age, qualifications, and education. Sweden requires individuals to develop and implement action plans that are supported by resources and to conduct annual reviews to assess progress. Welsh authorities must prepare a Strategic Equality Plan and publish pay gaps. This requirement promotes adaptability and facilitates easier adoption.

Informed by our review of the literature and interviews we found that transparency and clear guidance in pay gap reporting improve transparency and scrutiny. A standardised approach can direct strategic interventions and focus on 'sticky' areas. We suggest that in their analysis, listed authorities should prioritise identifying and collecting pay disparities between protected groups with a focus on intersectionality. The recent guidance published by Audit Scotland¹⁰ provides helpful clarity on the scope and methodology of pay gap reporting.

We found that clear guidance to support pay gap reporting improves transparency and scrutiny.

The implementation and overall effectiveness of pay gap reporting in South Africa, New Zealand, and Canada rely heavily on crucial legal frameworks in these countries. These frameworks emphasise the significance of pay gap reporting initiatives in fostering gender equality in the workforce. The initiatives offer guidance on the requirements, scope, enforcement, and focus of addressing and reducing gender pay gaps, enabling organisations to effectively tackle this issue.

We have conducted interviews that shed light on the current pay gap reporting arrangements in South Africa. These arrangements involve implementing enhanced reporting and scrutiny. Employers are required to report to the Employment Equity Commission (EEC) and implement proactive measures to address disproportionate income differentials or unfair discrimination. However, the EEC does not permit the disclosure of identifiable information in income differential statements. Organisational leadership must then take intentional action to close the pay gap and report on the gender pay gap. However, South Africa is making efforts to advance pay equity. The Social Transformation Unit of the National Business Initiative is developing the Gender Pay Gap Platform. Its purpose is to assist companies in submitting anonymous data and facilitating internal reporting mechanisms.

⁹ [Fair Work action plan: becoming a leading Fair Work nation by 2025 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fair-work-action-plan/pages/10.aspx)

¹⁰ [Public sector gender pay gap reporting | Audit Scotland \(audit-scotland.gov.uk\)](https://www.audit-scotland.gov.uk/public-sector-gender-pay-gap-reporting)

The Gender Pay Gap Platform aims to actively enhance the gender pay gap by enabling the submission of anonymous data and providing assistance for internal reporting mechanisms. Companies can use this platform to submit anonymous data, conduct benchmarking and analysis, visualise and report gender pay gap data, support internal reporting mechanisms, share best practices and strategies, and promote transparency and accountability. The platform can enable public sector bodies to track and monitor their own gender pay gap data, identify disparities, set targets, and take proactive measures to address the gender pay gap. The platform can promote transparency and accountability, urging organisations to actively take concrete actions to close the gender pay gap.

There is room for the development of intersectional pay disparity reporting in Scotland via guidelines, standardised templates, and training in intersectional analysis.

Pay Gap Calculations

Regarding pay gap calculations, while our interviews did not cast any additional light on preferred routes, we have reviewed academic articles that provide insights. In New Zealand, the Ministry for Women indicates that ‘to avoid sample error within the survey data of the Household Labour Force Survey’¹¹ it uses the mean and points other organisations to Statistics New Zealand’s guidance¹² on measuring the pay gap. This clarity is reported to deliver enhanced pay gap calculations within organisations and uniformity across organisations.

The decision regarding whether to use the mean or median wage depends on the context, objectives, and variables under consideration. Both approaches have reported advantages and disadvantages, and we provide more information about the use of mean and median at page 3 of Annex G¹³.

Nuanced Analysis

In the National Business Initiative's Gender Pay Gap Pilot 2021 Report, the need for nuanced analysis of gender pay gap data is emphasised. The report emphasises that not all employees are the same and that analysis of the gender pay gap must move beyond the mean or median wages earned by male and female employees to allow a closer look at any relevant differences within these groups.

Summary

Pay gap reporting is essential for promoting gender equality and reducing pay gaps in the workplace. By implementing transparent methodologies, enforcing penalties, and implementing strong enforcement measures, organisations can effectively address and reduce gender pay gaps. Intersectionality in legislative frameworks is crucial to address pay gaps and discrimination, as they often stem from different aspects of an individual's identity. This highlights the importance of considering

¹¹ [Measuring the Gender Pay Gap – Ministry of Women](#)

¹² [Gender Pay Gap Measurement and Analysis Guideline](#)

¹³ Annex G Evidence of Effectiveness by Country

multiple dimensions of identity when developing policies and laws to ensure fair treatment and equal opportunities for all individuals. Pay gap reporting becomes more inclusive and equitable when we consider the unique challenges faced by marginalised groups, such as women of colour, indigenous women, and individuals with disabilities.

Intersectionality in legislative frameworks is crucial to address pay gaps and discrimination, as they often stem from different aspects of an individual's identity.

Legislation in all the countries included in our research aims to promote transparency and fairness in remuneration practices. However, it is important to note that the coverage of legislation may vary. Some frameworks go beyond reporting requirements to include positive action measures and set targets for reducing pay gaps. This highlights the importance of not just reporting on pay gaps, but also taking proactive steps to address and reduce them. These proactive measures highlight the importance of increasing women's representation in leadership positions, addressing pay discrepancies, and promoting diversity and inclusion. In Belgium, Positive Action practices are allowed under anti-discrimination laws. However, it is important to note that certain conditions must be met. These conditions include the presence of an obvious inequality, acceptance of the removal as a worthwhile goal, ensuring the rights of others are not unnecessarily affected, and setting a limited timeframe for the measures to be abolished once the goal is achieved.

It is crucial to not just report on pay gaps, but also take proactive steps to address and reduce them. These proactive measures highlight the importance of increasing women's representation in leadership positions, addressing pay discrepancies, and promoting diversity and inclusion.

Theme 2 Inclusive Communications

Inclusive communication practices are essential for ensuring equal access to information, opportunities, and participation in public discourse for all individuals, regardless of their background or identity. Accessibility is a fundamental principle that underpins inclusive communications within equality legislation. The New Zealand Public Health and Disability Act 2000 requires federal agencies and organizations to provide accessible information upon request, while the Accessible Canada Act mandates the creation of accessibility plans.

Cultural sensitivity is noted as being crucial in fostering inclusive communications.

Cultural sensitivity is also crucial in fostering inclusive communications within equality legislation in Canada, South Africa, and New Zealand. Like the position of Gaelic in Scotland and Welsh in Wales, in Canada, indigenous languages are promoted in official communications, empowering indigenous communities to engage actively in public life while preserving their unique cultural heritage. In New

Zealand, Te Reo Māori¹⁴ is used in government communications and educational settings, ensuring that representatives from different cultural backgrounds are considered. By promoting cultural sensitivity in inclusive communications, these countries build bridges of understanding and respect among citizens, fostering social cohesion and national belonging.

Sweden and Belgium have EU-approved regulations for accessibility of websites and mobile applications, aiming to make them more accessible. In Wales, no specific rules exist for inclusivity or gender-neutral language, but listed bodies must ensure accessible documents and reports for people sharing protected characteristics, in line with the current requirements in Scotland.

Expanding the Definition of Inclusive Communication

Current guidance about inclusive communication focuses on accessibility. However, recent research expands the definition of inclusive communication. Cultural sensitivity, inclusive and respectful language, equal representation, visual and nonverbal communication, and linguistic diversity are now essential components of inclusive communication. In Scotland, specific provisions for Gaelic inclusion address these principles.

Inclusive communication should be accessible, clear, respectful, and empathetic, and it should avoid stereotypes and discrimination. It should take diverse identities, cultures, and experiences into account and foster empathy and comprehension. Visuals and non-verbal signals can be used to improve communication, while engagement and participation, particularly the use of case studies of real-world experiences, can be transformative, particularly in guidance. It is essential to tailor communication to individual requirements. Consideration should be given to cultural and linguistic diversity, and translation services, interpretation, and cultural sensitivity are essential. Transparency and accountability are essential, as is the pursuit of continuous improvement.

Interviews we conducted in New Zealand and Canada shed light on beneficial inclusive communication practices that could be adopted for Scotland. The incorporation of terminology related to He ira ke ano (Another gender), which supports and encourages an inclusive approach to policymaking and service delivery, is an example of good practice in the New Zealand Public Service. Our interviews reveal, for instance, that the Public Service Commission, known as 'Te Kawa Mataaho' collaborated with the Cross-Agency Rainbow Network to develop a Rainbow Inclusive Language Guide for use within the New Zealand Public Service.

¹⁴ Meaning the Maori Language

Enhance Guidance on Inclusive Language for Policy Development

In Canada the inclusion of terminology related to visible minorities and immigrants supports and promotes an inclusive approach to policy and service development. This is because different groups and communities are confronted with unique obstacles and inequities, highlighting the importance of inclusive terminology in policy formulation. Through our interviews, we found that the Canadian Privy Council Office emphasises the significance of inclusive language in policy formulation by highlighting the unique experiences of black and indigenous employees. This strategy is also evident in the provision of services, where modifications to official languages, training, and development programmes facilitate the career advancement of people belonging to minoritised groups.

Our literature review highlighted that enhanced forms of communication that are more inclusive of all perspectives can facilitate the integration of marginalised groups. As an example, research by Agyekuma et al. (2021), suggests that immigrants who belong to minority racial groups have a higher likelihood of successfully integrating into their new communities when they have access to information about legal rights, social services, employment opportunities, and cultural norms. Listed authorities in Scotland provide essential services that people will interact with and that are different from the countries in which they were born. Because of this, listed authorities should take steps to present and disseminate information in a way that is understandable to individuals who do not have any prior knowledge of prevailing social structures, noting that accessibility goes beyond format of delivery but extends to ensuring that the channels of delivery and messages conveyed meet the needs of the recipient.

Summary

The reviewed practices provide an opportunity to recognise the nuance required to meet the needs of minority groups in communication from and with listed authorities. Our research highlights that inclusive communication practices should be a continuous process of learning and improvement, not only ensuring that everyone can effectively communicate and engage with one another but also improving policy design.

Theme 3 Intersectionality and Data Use

Intersectionality, as coined and developed by Kimberlé Crenshaw, refers to the complex and interconnected nature of social categorisations, such as race, gender, and class, and their combined impact on individuals' lived experiences. Crenshaw describes intersectionality as a framework that recognises and examines how different forms of oppression and discrimination intersect and interact with each other, leading to unique experiences of disadvantage for individuals who hold multiple marginalised identities. Furthermore, Crenshaw clarifies that intersectionality is not simply a practice of summarising or adding up different forms of oppression. Instead, it is a framework that acknowledges the intertwined, interactive, and mutually constitutive nature of intersecting categories of identity and their impact on individuals' experiences of inequality. It seeks to analyse the

ways in which multiple forms of discrimination intersect and manifest in unique and incremental ways, shaping individuals' experiences and needs (Crenshaw, 1989).

Intersectionality provides a framework that acknowledges the intertwined, interactive, and mutually constitutive nature of intersecting categories of identity and their impact on individuals' experiences of inequality.

We discovered that the laws of South Africa, Canada, and New Zealand contained inclusive definitions of discrimination that accounted for overlapping forms of prejudice. This inclusive approach is reflected in the prohibition of discrimination based on multiple grounds, which simultaneously addresses multiple protected characteristics. Section 3.1 of the Canadian Human Rights Act, for instance, contains a provision for multiple grounds of discrimination, indicating that, for greater clarity, a discriminatory practice includes a practice based on one or more prohibited grounds of discrimination or on the effect of a combination of prohibited grounds.

Sweden and Belgium collect very little protected characteristic information about their employees other than their sex. Therefore, the majority of responsibilities are concentrated on this aspect, with little legislation encouraging an intersectional approach. However, there are efforts in both nations to increase awareness and comprehension of intersectional issues.

Belgium has separate pieces of legislation, action plans, and authorities responsible for gender equality and all other forms of discrimination, which may result in lost opportunities to combine knowledge and address intersectional issues. In the effort to address gender inequalities, the notion of intersectionality is gradually becoming better known.

Both Sweden and Wales have the benefit of having a single act that establishes duties related to equality legislation and agencies that concentrate on all protected characteristics simultaneously. Wales also makes some efforts to further encourage intersectional approaches in policymaking.

Intersectionality through Equality Impact Assessments

In Scotland, there is a growing awareness of the significance of incorporating an intersectional lens into equality impact assessments (EQIAs) to ensure that policies and practices consider the unique experiences and needs of marginalised groups. While there is limited evidence on the application of intersectionality in EQIAs in Scotland, there are broader indications of its adoption and potential impact.

We found that Scottish Government's approach to equality demonstrates a commitment to intersectionality. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which set out the requirements for EQIAs, state clearly that assessments must consider how different groups may experience discrimination differently due to overlapping characteristics. This acknowledges the significance of intersectional analysis in recognising and confronting inequalities. There is,

however, room for improvement in ways that equality impact is considered, and the approach in South Africa provides some inspiration.

We found that Scottish Government's approach to equality demonstrates a commitment to intersectionality.

The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) in South Africa recognises that individuals may experience discrimination or disadvantage based on multiple grounds or characteristics, such as race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation, disability, religion, conscience, belief, language, and place of birth. By including these multiple protected grounds, PEPUDA acknowledges the possibility of discrimination based on intersecting factors and facilitates legal reparations based on intersecting discrimination. It recognises the concept of intersectionality by explicitly listing multiple protected characteristics and addressing the intersecting nature of discrimination. The Act emphasises the importance of addressing discrimination and inequality experienced by individuals who belong to multiple disadvantaged groups.

Reporting Templates

In Scotland, the process of conducting equality impact assessments provides an opportunity to consider intersectionality. Our review and analysis of guidance documents suggests that the reporting templates used in South Africa create the conditions to consider quantitative data in a way that could inform intersectional analysis. These reports typically contain information regarding the representation and advancement of designated groups, such as Black people, women, individuals with disabilities, and others, across various occupational levels and sectors. In addition, they may contain information on initiatives and strategies implemented to combat barriers and promote diversity and inclusion. Samples of three different report templates are included in Annex F.

The first template, EEA2, gathers information for intersectional workplace demographic analysis. The second template, EEA4, gathers information for intersectional pay differential analysis. Importantly, the third template, EEA12, gathers information on affirmative measures that have been taken to measure progress. Scottish Government might benefit from using similar tools to ensure equal representation and fair compensation across the public sector.

To include intersectionality in employment equality progress reports, Scottish Government may request that public authorities analyse disaggregated data for intersecting identities. Analysis of such data could inform policy and practice to meet the needs of individuals and groups with multiple marginalised identities.

Our interviews reveal that the newly amended Employment Equity Act in South Africa intends to set sectoral targets for gender representation to ensure equitable representation of historically disadvantaged groups on the basis of race, gender, and disability. The amendment grants the Minister of Employment and Labour the authority to identify national economic sectors and establish numerical targets for

each sector. This allows for a deeper examination of the gender pay disparity per industry and aligns with the minister's numerical goals.

Summary

Intersectional analysis requires more than collection and publication of detailed quantitative data. However, by having robust, consistent approaches to data collection and appropriate guidance to inform analysis, improved data collection and use is an important starting point. Enhanced data sets will allow listed authorities to identify areas of interest, and concern, so that further exploration can take place to address inequalities or replicate positive approaches that are addressing inequalities in employment outcomes and experience. The templates used in South Africa provide a potential framework to be adapted for use in Scotland, noting however the need for a proportionate approach that reflects the size and scale of varying listed authorities.

Theme 4 Mainstreaming

Scottish Government could benefit from paying attention to mainstreaming through a proactive and unified approach, with focus / targets communicated to listed authorities. Below, we highlight three focus points: setting national equality outcomes, providing practical guides to support mainstreaming, and mainstream positive action. In our research we found a range of different approaches to mainstreaming and impact assessment. Due to legal constraints in mainland Europe, including Scandinavia, the focus on employee equality is underpinned by data collected about age, sex, and employment type.

As we have highlighted in our review of Belgium, while there is an administrative focus on improving the policy-making process by using Regulatory Impact Assessments that include a focus on gender, there is a view that this process is seen as an add-on and is not contributing what it could because of a lack of compulsion in relation to quality control of assessments. Belgian legislation puts the responsibility of monitoring and advancing gender mainstreaming efforts on Ministers, with clear obligations to set objectives with measurable indicators, report on progress, and take gender into account during the policy-making process.¹⁵

In Sweden, impact assessments are only made from the perspective of gender as part of the gender mainstreaming strategy and are not a requirement set out in legislation. Rather, the Swedish Government uses its powers to direct attention where it is observed to be required. As an example, in 2020, 54 government agencies received a government assignment in their letters of regulation to form strategic action plans for their work related to gender mainstreaming from 2022 to 2025. Additionally, 33 state-funded higher education institutions received government requests to form strategic action plans for their work with gender mainstreaming from 2023 to 2025 (European Institute for Gender Equality, 2023). This approach is similar in terms to the instructions issued by Scottish Ministers to

¹⁵ (Law Aimed at Monitoring the Application of the Resolutions from the World Conference on Women Held in Beijing in September 1995 and at Integrating the Gender Perspective into the Whole of the Federal Policies, 2007)

Non-Departmental Government Bodies under Regulation 11 of the SSDS and provides a route to ensure listed authorities are providing focus to advancing equality on key issues.

Sweden's success in its gender mainstreaming efforts can also be attributed to the formulation of clear objectives and monitoring through set indicators, which gives the movement a clear directive and overarching national strategy. Those efforts have achieved high scores on the Beijing Platform for Action, which are far above the EU average (European Institute for Gender Equality, 2023).

Set National Equality Outcomes

Phase 2 and phase 3 of our research highlight that it is crucial for countries to set national equality outcomes for key issues. Sweden and Belgium both require Equality Impact Assessments during policy-making processes, with Sweden's success attributable to guidance through its staff's knowledge and support tools. In Scotland, consideration could be given to creating a central source of support like the Impact Assessment Committee in Belgium or the mainstreaming programmes in Sweden that could support Scottish Government and Listed Authorities meet their General Duties under the Equality Act (2010) and support the oversight provided by the EHRC (in similar terms to the agreement between the Scottish Funding Council and the EHRC). Our research identified that reporting the results of impact assessments encourages policymakers to engage with them, thereby potentially enhancing EQIAs.

Our interviews with Canadian organisations emphasise the importance of establishing an overarching strategic equalities plan. We would note, however, that while Canada's 2018 Budget includes a Gender Results Framework that establishes specific goals, indicators, and targets to monitor progress towards gender equality across various policy areas, our review of the literature revealed that some academics argue that the implementation of its gender equality framework lacks a clear and coherent plan. They suggest that this lack of clarity can lead to fragmented and disjointed efforts, which may limit the effects of policy outcomes (Cadesky, 2020). As a result, it is likely to be advantageous to periodically establish national or sector specific equality outcomes that are focused and informed by robust evidence so that authorities can prioritise action and report on progress.

Good Practice

We found good practice in setting National Equality Outcomes within the Public Service Commission of New Zealand. Our interviews highlight their efforts to develop coherence in equality by consulting with key stakeholders. The Public Service Commission developed two key programmes of work to unify these efforts:

- Papa Pounamu, established in 2017, aims to increase diversity and inclusion in the public service. It covers five priority areas and reports on progress against them since 2021. The information is based on agencies' annual reports, guidance from the New Zealand Treasury, Public Service Workforce Data, and the Te Taunaki Public Service Census. However, our interviews

highlight that there is variability in reporting and information on all diversity and inclusion work across New Zealand's public services.

- For equity, the Kia Toipoto programme, launched by the Public Service Commission in November 2021, aims to close gender, Māori, Pacific, and ethnic pay gaps, accelerate progress for women from diverse communities, and create fairer workplaces for all. By implementing Kia Toipoto, agencies and Crown entities can meet the expectations set out in the Public Service Act 2020 and the Government Workforce Policy Statement 2021. The plan includes publishing pay gaps in action plans, ensuring bias doesn't influence starting salaries, improving gender and ethnic representation, developing equitable career pathways, protecting against bias and discrimination, building cultural competence, and normalising flexible working.

These efforts have yielded positive outcomes in New Zealand's public service by fostering inclusive policies, strong governance, collaboration, data-driven decision-making, and employee support. To improve on their efforts, legislative changes requiring public service leaders to promote diversity and inclusiveness have been in effect for three years and are still being implemented in practice. They highlight that significant changes have been observed in the public service, and further changes may be necessary after a few more years. The functional co-leads for diversity and inclusion in the public service meet regularly to discuss system progress and enhance diversity and inclusion work.

We highlight that to improve equality mainstreaming, it is beneficial to adopt national or sector-specific equality outcomes to improve accountability and scrutiny, as our research identified that action in this area is required to drive change and tackle inequalities.

Provide Practical Guides to Support Mainstreaming

Cairney & McGarvey (2013) and Wilson and Campbell (2020) highlight issues such as inadequate staff training, limited resources, and lack of coordination as some of the challenges faced within equality mainstreaming efforts in Scotland. Our review of interviews from Canada found that improved overarching guidance would be helpful if it set out practical examples. Our initial research at the sifting stage pointed us to good practice in Australia, where the [Commission for Gender Equality in the Public Sector](#) has on its website a gender impact assessment hub that highlights simple step-by-step guidance to gender impact assessment with case studies. While there are other key practices that could benefit from clarity and overarching guidance, we highlight Equality Impact Assessments (EQIAs) because mainstreaming EQIAs serves as a key tool for achieving equality outcomes. The proper use of EQIA ensures that policies, programmes, and decisions within listed authorities consider and address the potential impact on diverse groups of people who may face discrimination or disadvantage and contribute uniformly to set national equality outcomes.

These case studies of lived experience within enhanced guidance can also support intersectional analysis that considers individual experiences in several ways.

Overall, through case studies and enhanced guidance, intersectional analysis can move beyond the aggregate level and delve into the complexities of individual experiences, ensuring that the intersecting identities and unique challenges faced by marginalised groups are considered in policy development and implementation to guide policy and practice, resulting in improved awareness and understanding.

Mainstream Positive Action

Cairney et al. (2020) highlight the challenges of mainstreaming equality, including positive action, within public bodies in Scotland. Like Cairney & McGarvey (2013) and Wilson and Campbell (2020), they also highlight the need for clear policies and training, but further recommend improved monitoring systems to effectively implement positive action initiatives. The evidence we found within the legislative analysis of South Africa's Employment Equity Act offers lessons on clarity in guidance and structured reporting and monitoring with regards to affirmative action that could inform the development of guidance that enhances the application of positive action by listed authorities subject to the SSDs.

We found that academics argue that affirmative action initiatives help promote diversity and representation (Portocarrero & Carter (2022), Sunam et al. (2022)). However, some highlight the challenges faced in implementing these measures effectively (Deo (2021), Heilig et al. (2019)). This reflects the experience of listed authorities in Scotland where there has been a reluctance to use positive action measures. Our interviews shed a greater light on this. We found that organisations subject to affirmative action duties in South Africa believe that the clarity, structure, and monitoring process ensure adequate policies are adopted, their impact documented, and shared publicly. We also identified good practice with regards to scrutiny: reporting measures to the Employment Equity Commission are well established, and companies deemed inefficient are identified and urged to comply.

While the Equality Act (2010) highlights Positive Action as a legal provision, it sits outside the legislative competence of Scottish Government. We do, however, highlight that there is scope for Scottish Government to employ the clarity, structure, and scrutiny found within South Africa's EEA to the definition and implementation of positive action in Scotland within guidance. Chapter 3 of the EEA provides a good example because it clearly defines what organisations must do. Importantly, in our interviews we were advised that organisations subject to this structured affirmative action in South Africa reported employment equity being prioritised in workplaces with positive impacts on monitoring income differentials. This focus helped promote economic equality for people in minoritised and disadvantaged groups. Further learning on embedding positive action are discussed in the scrutiny section below.

We highlight that there is scope for Scottish Government to employ the clarity, structure, and scrutiny found within South Africa's EEA to the definition and implementation of positive action in Scotland within guidance.

Summary

Clear guidance and illustrations about the use of positive action would support listed authorities take action to address persistent inequalities. There may be merit in taking a sectoral approach if, for example, there is a common issue related to representation in employment or governance positions.

Theme 5 Progress Reporting and Scrutiny

Equality Progress Reporting

A key purpose of equality progress reporting in Scotland is to hold public bodies accountable for promoting equality, eradicating discrimination, and furthering inclusion in all aspects of society. Listed authorities are compelled to meet the requirements of the PSED and SSD within a set time period. Equality outcomes are published every 4 years, with an update after 2 years to encourage accountability and transparency. More generally, listed authorities are expected to set out how they are mainstreaming equality in their functions and provide updates on progress in the same reporting cycle. Although not required, most, if not all listed authorities choose to demonstrate compliance by publishing standalone mainstreaming or 'PSED' reports that meet their reporting requirements. These reports also include information regarding workforce diversity.

The EHRC provides oversight of compliance with the Public Sector Equality Duty¹⁶. However, the onus for ensuring progress lies with regulators and ombudsmen¹⁷.

Whilst there are many organisations that take an interest in aspects of PSED reporting, for example third sector equality groups, there is no regular review of the content of all PSED reports. Noting the balance between transparency, reporting, and scrutiny, we observe that there is room to consider how listed authorities with scrutiny responsibilities and the boards of listed authorities and Courts of Universities can play a more active role in monitoring progress and meeting their own requirements under the general duty of the PSED.

The establishment of sector-specific equality outcomes and/or national equality outcomes could assist designated authorities address the persistent inequalities relevant to their sector.

The analysis of the approaches in each country reveals disparities in the extent of public reporting on efforts to advance equality. In countries that have made significant progress in advancing gender equality, the emphasis has not been on public reporting, as is the case in Wales and Scotland, but rather on internal or

¹⁶ [Monitoring and enforcement | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com)

¹⁷ Regulators, inspectorates and ombudsmen need to have due regard to the aims of the general equality duty in their functions. For example, this could mean inspectorates ensuring that their assessments of performance of public sector bodies include consideration of performance on equality. EHRC Guidance 2014

external accountability by employees or commissioners. The implication is that active scrutiny is perhaps more valuable than public reporting in isolation.

Active scrutiny by employees, governance boards, ombudsman, or regulators is perhaps more valuable than public reporting in isolation.

Our research suggests that the combination of active scrutiny and transparent reporting is most likely to drive change.

Feedback from countries that do not have this level of scrutiny but are required to report, indicates that effective scrutiny would help drive progress and, in many cases, would not require a different legislative framework but could be achieved with a **broader recognition of the need to advance equality through existing accountability frameworks, such as scrutiny functions of boards, performance review systems, and activity linked to public procurement.**

Belgium has one authority responsible for Gender Equality and another one that is responsible for all issues related to other protected groups.

While Sweden also has a separate agency on Gender Equality, the main authority responsible for the duties set out in the Discrimination Act lies with the Equality Ombudsman and covers all protected characteristics. The Gender Equality Agency in Sweden is responsible for coordination, follow-up, and providing support and knowledge to reach the common goals towards gender equality, including gender mainstreaming efforts.

However, in both Sweden and Belgium, employee scrutiny of pay gap data is mandated in the relevant legislation. Employees are engaged in the development of action plans, active measures, and other activities associated with equality work. In addition to ensuring that employees can express their requirements, this strategy reduces the workload of monitoring bodies. In Wales, the Government considers reports on progress, while the Equality and Human Rights Commission is responsible for monitoring compliance.

Our review of the literature suggested that Canada does not have a robust monitoring and evaluation function within its equality scrutiny (Carducci et al. (2022), Lyons & Zhang, (2022)). Further, our interviews in Canada highlight the disadvantages of not having a robust equality monitoring system. They emphasise that progress is uneven due to an uncoordinated approach to reporting.

In our review of legislation and guidance, we found that a robust progress reporting system is in place in South Africa. The responsibilities of organisations and scrutiny duties in South Africa are highlighted below.

- Section (19) Employers must analyse employment policies and procedures to identify barriers affecting designated groups, promote employment equity, and implement affirmative action practices.

- Section (20) of Affirmative Action towards Employment Equity requires that the employer implement an employment equity plan, set goals, and measure progress.
- Section (21) Employers must submit annual reports on employment equity plans.
- Section (22) Public companies must publish employment equity plans in their annual financial reports.

The South African legislation requires public and private institutions to report on their progress towards achieving equity and diversity. This includes reporting on employment equity, representation at all levels, and measures taken to promote diversity and inclusion.

Under the Employment Equity Act (EEA), designated employers are required to report on their efforts to promote equitable representation in the workplace. This includes analysing workforce demographics, setting employment equity targets, and reporting on progress towards achieving these targets. Organisations in South Africa are required to submit their reports to regulatory bodies such as the Department of Employment and Labour and the Broad-Based Black Economic Empowerment Commission. These reports provide transparency and accountability in achieving equity and diversity objectives, and most importantly, they give the commission the opportunity to urge and guide organisations falling short of expected equality outcomes to improve.

Further, our review highlighted that each of the countries had systems in place that supported regular review, noting varying timescales, but each with specific set cycles of internal or public reporting.

Summary

Our interviews highlighted a consistent focus on the need to act and address inequalities. Further, we are aware that an overly bureaucratic approach to reporting can hinder action. In Scotland an increased focus from governance bodies and boards, coupled with clear equality outcomes, is likely to create the conditions for listed authorities to mainstream reporting in existing annual reports, thereby cutting the resource dedicated to demonstrating compliance.

Section 4: Overview of Findings

In summary, our key findings centre on the use of clear guidance, set templates, streamlined reporting, and effective scrutiny.

Pay Gap Reporting

A Scotland-based Pay Gap Platform supported by clear guidance and consistency in calculation methodology could enable companies to analyse, visualise, and report data. There would be the potential to support internal and public reporting, share best practices, and promote transparency and accountability. This would encourage organisations to take concrete actions towards closing the gap through reporting and self-monitoring. We note, however, the need to ensure that pay gap

data is not used to create league tables, observing that large pay gaps can often be an indicator of positive work being undertaken to diversify a workforce.

Inclusive Communications

Clear guidance with regards to inclusive communication beyond accessibility is needed. It would include cultural sensitivity and equal representation. Inclusive communication also encompasses the use of inclusive language and the consideration of diverse perspectives. It is important to foster an environment where everyone feels heard, understood, and valued, regardless of their background or identity. As such, resources to support inclusive communication should consider the tone of communications and method of communication, as well as practical considerations such as easy read requirements, language needs, including British Sign Language and Braille, and online accessibility.

Intersectionality

In Scotland the duty to assess and review the impact of proposed new or revised projects, policies, or practice against the needs of the general equality duty provides a good foundation for intersectional analysis. With a focus on employment, creating a standardised template for reporting workforce demographics, incorporating intersecting identities, would be a sound development.

The development of sector specific evidence repositories that bring together research about the intersectional needs of communities accessing services would both reduce consultation fatigue in marginalised communities and enhance the knowledge and understanding of policy makers.

Mainstreaming

Our research suggests that increased engagement with the benefits of embedding equality in policy making increases the perceived value of taking an inclusive approach. One way to do this is to have a more active approach to EQIAs. The other key issues to enhance mainstreaming related specifically to performance management, with a focus on ensuring that personal performance review of public servants included measurement of equality impact.

Scrutiny

Linking to the findings related to mainstreaming at a strategic level our research suggests that embedding equality in governance functions at board level and in the functions of oversight bodies, such as regulators and ombudsman, will help drive positive change. To aid this scrutiny, our interviews revealed that a sectoral, regional, or national approach to identifying and setting equality outcomes would help guide scrutiny bodies as well as support the evaluation and measurement of action taken and progress made.

Section 5: Conclusions

Our review of legislative frameworks¹⁸ identifies similarities in both aims and approaches of equality legislation in each of the countries examined and uncovers some areas of difference in focus and approach that the Scottish Government may wish to consider as it progresses with the review of the Scottish Specific Duties and the development of an effective implementation environment for listed authorities.

We found examples in relation to the collection and use of data sets¹⁹ that support scrutiny, progress reporting that support intersectional analysis and noted concerns that a failure to consider equality data at a granular level has a detrimental impact on equality planning.

Further, we noted that the use of time-bound, resourced, action plans has driven change in relation to pay equity and could provide an example of how listed authorities, subject to the requirements of the Scottish Specific Duties, could develop more robust equality outcome plans and resourced implementation plans.

Our engagement with the representatives of government and scrutiny organisations emphasised the need for robust scrutiny arrangements and clarity about accountability. The general feedback received in our interviews is that change will not be effective or fast enough under the existing arrangements in place in each country without improved scrutiny. Identified areas for improvement in the countries examined suggest that, to embed mainstreaming, the need to advance equality must be built into personal performance review at the highest level of the civil service and not seen simply as a delivery issue for the equivalent listed authorities.

In this connection, interviewees thought that some form of nuanced outcomes set for regions and/or sectors would be a key driver for change. If this activity was led at a strategic level by government departments, scrutiny bodies or funders, there is a feeling that it would increase the demand for, and provision of, improved data, both quantitative and qualitative, about the experiences of marginalised groups and would improve planning and direction of resource to meet their needs. These shared perspectives about the advantage examining equalities information and setting outcomes at a strategic level, echo the principle of national equality outcome setting raised in the consultation on the future of Scottish Specific Duties.

Our review of approaches to inclusive communications identifies similarities with the approaches adopted in Scotland in relation to accessible information as required by the Reasonable Adjustment Duty and the requirements for listed authorities to have a British Sign Language and Gaelic Language Plan. However, we note that there is scope to consider how increased nuance within the current framework would provide an opportunity for the development of inclusive communications that effectively meet the needs of all the people of Scotland.

¹⁸ Full list of legislation and guidance examined at Annex H

¹⁹ South Africa – See Annex F

In conclusion, we believe that there is much to learn from the six countries we have reviewed. There is much that echoes the areas identified by Scottish Government in their review of the effectiveness of the PSED. There are also insights to consider from good practice and lessons learned elsewhere. These insights provide opportunities for Scotland to take the lead and ensure that legislation and guidance supports listed authorities to move from a focus on compliance and publication, to a focus on taking action to address inequality, and creating the conditions to support listed authorities become compliant by default.

Glossary of Equality Terms Used

Affirmative Action: A term, and approach, not often used in the UK. Affirmative Action is a policy or programme that aims to increase the representation of historically disadvantaged groups in areas such as employment, education, and business. It is designed to address past and current discrimination by providing opportunities and preferential treatment to individuals from underrepresented backgrounds. Affirmative action policies can include measures such as quotas and targeted recruitment efforts.

Designated Employer: The Employment Equity Act of South Africa, 1988, classifies employers into three categories: those with 50 or more employees, those with less than 50 employees but who exceed a turnover of a certain threshold, and public bodies. These employers must create an employment equity plan, undertake equitable representation, and pay gap assessments, set goals, and submit annual employment equity reports to the Commission on Employment Equity (CEE). This ensures employment equity for all South African employees and governmental organisations.

Equality: The state of being equal, especially in status, rights, opportunities or outcomes. This means every individual having an equal opportunity to make the most of their lives and talents regardless of characteristics such as their age, race, where they live and come from or socio-economic background etc.²⁰

Equalities: Used as shorthand for the experiences of groups that need to be borne in mind when thinking about compliance with the Equality Act 2010 (see Protected Characteristics. Likely to have originated as a contraction of 'equal opportunities'.²¹

Equality Impact Assessment: An Equality Impact Assessment is a systematic process used to evaluate the potential effects of policies, practices, or decisions on different groups of people. It aims to ensure that these policies, practices, or decisions do not discriminate against any group and promote equality and fairness. The assessment considers factors such as age, gender, race, disability, religion, sexual orientation, and socio-economic background to identify any potential inequalities that may arise. By conducting an Equality Impact Assessment, organisations can make informed decisions that prioritise inclusivity. Often abbreviated to 'EQIA' or 'EIA'

Equity: The quality of being fair and impartial; provision proportionate to need. Please note that there are also technical uses of the term in law and finance, but it is not generally a term used in Scots law.²²

²⁰ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

²¹ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

²² Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

Human Rights: ‘The basic rights and freedoms that belong to every person, from birth until death, protected by the Human Rights Act 1998. The Scottish Government is committed to promoting and protecting human rights, and to legislating to do so, via a new Human Rights Bill.’²³

Immigrant: Individuals who move to a different country with the intention of settling there permanently. They often leave their home countries in search of better economic opportunities, safety, or to escape persecution. Immigrants contribute to the cultural, social, and economic fabric of their host countries by bringing diverse perspectives, skills, and talents. However, they may also face challenges such as language barriers, discrimination, and difficulties adapting to a new culture.

Inclusion: ‘Providing support to allow or facilitate equal access to specific opportunities, particularly for those who might otherwise be excluded or marginalised. Often used to refer to considering the needs of groups experiencing disadvantage as a principle or practice.’²⁴

Inequality: ‘The systematic differences that we observe between groups in society, which result in a gap in autonomy, process or outcomes between groups of people.’²⁵

Intersectionality: Intersectionality is the recognition that individuals can experience multiple forms of discrimination or privilege based on their intersecting social identities, such as race, gender, sexuality, disability, and class. Scottish Government defines intersectionality as ‘A term used to describe how race, class, disability, and other characteristics ‘intersect’ with one another and overlap. It recognises that having a combination of characteristics - for example being an older man with low wealth, a younger Muslim woman, or a disabled transgender person – may result in distinct, and frequently compound, inequality.’²⁶

Intersectional analysis: Intersectional Analysis helps us recognise and dismantle systems of oppression that disproportionately affect certain groups, leading to a more comprehensive understanding of inequality and a more effective pursuit of social change.

Mainstreaming: Mainstreaming is a method to addressing systemic inequalities and fostering equal opportunities for all individuals, regardless of their background or characteristics. It requires a whole system approach designed to consider equality impact in decision-making. Scottish Government defines mainstreaming as ‘The process of embedding equality, inclusion and human rights considerations and practices in the course of all that we do when exercising public functions’.

Oversight: The duty of oversight in equality legislation refers to the responsibility of ensuring that all individuals and groups are treated fairly and without discrimination.

²³ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

²⁴ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

²⁵ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

²⁶ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

This includes monitoring and reviewing policies, practices, and procedures to ensure they align with the principles of equality. Oversight also involves investigating complaints of discrimination, promoting awareness, and understanding of equality rights, and providing guidance and support to individuals and organisations to ensure compliance with the legislation. It plays a crucial role in upholding the values of equality, inclusivity, and social justice within society.

Positive Action: This involves actively identifying and addressing barriers that may prevent certain groups from fully participating in society. For example, implementing positive action policies can help ensure equal access to education, employment, and housing opportunities. By taking these proactive measures, societies can create a more equitable and inclusive environment for all individuals, regardless of their background or origin.

Protected Characteristics: The grounds upon which discrimination under the Equality Act 2010 is unlawful. The nine characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Note that it is 'sex', not 'gender', which is the characteristic that is protected in law.²⁷ Other countries have broader, and narrower, sets of protected characteristics or groups protected by equality and discrimination legislation.

Redress: The duty to make redress in equality legislation is a principle that upholds the rights of individuals to be treated fairly and equally. Redress in equality legislation serves as a deterrent against future acts of discrimination as it holds organisations and individuals accountable for their actions.

Scrutiny: Scrutiny is the process of careful examination or inquiry and refers to the oversight function. It is a core component of governance frameworks and can refer to the checks and balances that are put in place by Boards to ensure high quality decision-making. In the context of equality work, scrutiny refers to the oversight provided by Boards, Regulators, and others to ensure performance against the requirements of legislation and progress towards achieving equality objectives and addressing persistent inequalities.

Scottish Specific Duties (SSDs): A set of legal obligations created by secondary legislation in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, that require public authorities in Scotland to promote equality and tackle discrimination.

Vulnerable Groups: Scottish Government defines vulnerable groups as specific groups of people who are 'vulnerable to' a particular risk.²⁸

²⁷ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

²⁸ Advancing Equality - Terminology Guidance – 2023 (Scottish Government)

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ANNEX A

Long List of Countries Considered

The following long list of ten countries were shortlisted for inclusion in the review.

- Australia
- Belgium
- Canada
- Finland
- Luxemburg
- New Zealand
- South Africa
- Spain
- Sweden
- Wales

These countries were identified for inclusion in the longlist because the research team noted similarities with the legislative frameworks in Scotland and interesting practice in relation to the consultation themes. Further the researchers identified availability of supporting literature and contact information for potential interviews.

ANNEX B

Methodology

Overview of our approach

We used a three-phase, multi-method approach to collect quantitative and qualitative data to answer the following research questions:

Research Questions:

- What are the key similarities and differences with Scotland’s legislative frameworks (regarding the promotion of equality) in the chosen countries?
- What is the evidence of the effectiveness of the equality-related legislative frameworks in these countries?
- How is evidence of impact published and measured?
- Are there areas of learning relevant to the Scottish Government’s current review of the effectiveness of the Public Sector Equality Duty in Scotland.

Three-Phase, Multi-Method Approach

Phase 1: Content Analysis	Phase 2: Literature Review	Phase 3: Email Interviews
²⁹ We identified relevant legislation and associated guidance.	We searched ³⁰ for information published online by Government departments/agencies and scrutiny bodies.	We identified 27 potential ³¹ participants working in scrutiny bodies and government departments/agencies.
We analysed 24 documents, including the SSDs. The documentation included in the review is listed in Annex H.	We sourced literature using Elsevier, Mendeley™, academic libraries, and Google Scholar, focusing on articles published since 2018.	We used email to enable engagement with potential contacts working in various time zones.
We established similarities and differences with the SSDs.	We generated results through a review of relevant literature.	We generated qualitative responses from key contacts in the selected countries.

²⁹ We accessed relevant parliamentary and government websites to source relevant legislation. We also conducted a rapid literature review seeking references to relevant legislative instruments.

³⁰ We detail the search terms used in Annex D.

³¹ We identified contact names via official websites, and we located central information points such as ‘info@’ email address. This led to a snowball effect with contacts providing additional points of contact within, and outside, organisations.

Email Interview Responses

Table 1 shows the responses received from Government departments and agencies along with the method of responses. Table 2 notes responses from independent organisations with interests in equality and public policy.

Table 1:

Government Department or Agency	Method of response
Canada	
Women and Gender Equity (WAGE)	MS Teams Interview
Treasury Board of Canada Secretariat	Email Response
Sweden	
Swedish Gender Equality Agency	MS Teams Interview

Table 2:

Independent organisations	Method of response
Impact Assessment Committee of the Belgian Administrative Simplification Agency	Email Response
The Inter-Federal Centre for Equal Opportunities and Opposition to Discrimination and Racism Belgium	Email Response
Statistics Canada	Email Response
Public Service Commission, New Zealand	Email Response
National Business Initiative, South Africa	Email Response
EHRC, Wales	Teams Interview
Cardiff University, Wales (Academic Contact 1)	Email Response

Limitations

The scope of our research was limited to the legislative frameworks and associated literature of the six countries selected for this review.

Organisations were not compelled to participate in the research. We achieved an overall response rate of 37%, with responses coming from all six countries.

ANNEX C

Tables of Protected Characteristics

Scotland

Age	Disability	Gender Reassignment
Marriage and Civil Partnership	Pregnancy and Maternity	Race
Religion or Belief	Sex	Sexual Orientation

Belgium

Age	Disability	Ethnic Origin or Race
Gender	Gender Identity	Health Status
Language	Marital Status	Physical or Genetic Characteristics
Political Opinion	Religion or Belief	Sexual Orientation
Social Origin	Trade Union Membership	Wealth

Canada

Age	Creed	Disability
Family Status	Gender Expression	Gender Identity
Marital Status	National or Ethnic Origin	Political Opinion
Race or Ethnicity	Receipt of Public Assistance (in Housing)	Record of Offences (in Employment)
Religion or Belief	Sex/Pregnancy	Sexual Orientation

New Zealand

Age	Colour	Disability
Employment Status	Ethnic or National Origin	Family Status
Gender Identity	Marital Status	Political Opinion
Race	Religious Belief	Sex
Sexual Orientation		

South Africa

Age	Belief	Birth
Culture	Conscience	Disability
Ethnic or Social Origin	Gender	Language
Marital Status	Pregnancy	Race
Sex	Sexual Orientation	

Sweden

Age	Disability	Ethnicity
Gender Expression	Gender Identity	National Origin
Parental Status	Pregnancy	Religion of Faith
Sex	Sexual Orientation	Transgender Identity

Wales

Age	Disability	Gender Reassignment
Marriage and Civil Partnership	Pregnancy And Maternity	Race
Religion Or Belief	Sex	Sexual Orientation

ANNEX D

Search terms used in the literature review

'equal* impact assessment', 'intersectionality in equality impact assessments', 'intersectionality in policy making' 'intersectionality in gender pay gap reporting' 'intersectionality legislation', 'equal* legislation', 'inclusive legislation', 'inclusion legislation', 'anti-discrimination legislation', 'discrimination legislation', 'pay gap', 'gender pay gap', 'race pay gap', 'ethnicity pay gap', 'disability pay gap', 'inclusive communication legislation', 'accessible communication legislation', 'equal* evaluation', 'employee data monitoring', 'equal employment', 'positive action', 'equity public policy', 'equal* public policy' + the specific country name.

ANNEX E

Sample Interview Schedules

Below are samples of the interview schedules that were sent to potential research participants.

Each interview schedule included at least one act under the respondents' supervision or acts they were subject to.

Belgium

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation has had a positive impact on outcomes for people and society and how these outcomes have been measured. Further, we would like to know if there are, or have been, obstacles that have impeded progress.

The key pieces of legislation and policy that we are interested in are:

- Le titre 2 du chapitre 2 de la loi du 15 décembre 2013, portant des dispositions diverses concernant la simplification administrative

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Could existing guidance, or legislation, or oversight arrangement regarding Gender Impact Assessments (the Gender Test as part of a Regulatory Impact Assessment) be enhanced to improve outcomes?
2. Do the authorities subject to the legislative requirements report barriers to advancing equality or meeting their reporting obligations?
3. Does the existing guidance or legislation support and encourage an intersectional approach in policy making?
4. Do existing oversight and reporting arrangements drive positive change or is the focus from the subjected authorities on compliance?

Canada

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation and policy has had a positive impact on outcomes for people and society and how these outcomes have been measured. Further, we would like to know if there are, or have been, obstacles that have impeded progress.

The key pieces of legislation and policy that we are interested in are:

- Accessible Canada Act
- Directive on the Management of Communications
- Policy on Communications and Federal Identity.

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Do current arrangements for reporting and oversight allow for impact of relevant equalities legislation to be measured and reported on at a national level?
2. Could existing guidance, or legislation, or oversight arrangements be enhanced to improve outcomes?
3. Do organisations, subject to the legislative requirements, report barriers to advancing equality or meeting their reporting obligations?
4. Do existing oversight and reporting arrangements drive positive change for people in marginalised groups?

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation and policy has had a positive impact on outcomes for people and society and how these outcomes have been measured. Further, we would like to know if there are, or have been, obstacles that have impeded progress.

The key pieces of legislation and policy that we are interested in are:

- The Gender Results Framework
- Gender-based Analysis Plus (GBA Plus)
- Canadian Human Rights Act
- Employment Equity Act
- Pay Equity Act

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Do current arrangements for reporting and oversight allow for impact of relevant equalities legislation to be measured and reported on at a national level?
2. Could existing guidance, or legislation, or oversight arrangements be enhanced to improve outcomes?

3. Do organisations, subject to the legislative requirements, report barriers to advancing equality or meeting their reporting obligations?
4. Does the inclusion of terminology related to visible minorities and immigrants support and encourage an intersectional approach in policy making and service provision? For example, are the intersects between gender, disability and race routinely considered?
5. Do existing oversight and reporting arrangements drive positive change for people in marginalised groups?
6. Are current arrangements for pay gap reporting driving progress on closing pay gaps? We are interested to know more about the approach for oversight of the action plans that those subject to the legislation are required to produce.

New Zealand

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation has had a positive impact on outcomes for people and society and how these outcomes have been measured. Further, we would like to know if there are, or have been, obstacles that have impeded progress.

We are particularly interested in the impact and implementation of the following pieces of legislation and policy:

- Equal Pay Act 1972
- Public Service Act 2020
- Te Kahu Tautini/State of the Public Service 2022

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Do current arrangements for reporting and oversight allow for impact of relevant equalities legislation to be measured and reported on at a national level?
2. Could existing guidance, or legislation, or oversight arrangement be enhanced to improve outcomes?
3. Do listed authorities/organisations subject to the legislative requirements report barriers to advancing equality or meeting their reporting obligations?
4. Does the existing guidance or legislation support and encourage an intersectional approach in policy making and service design? For example, are the intersects between gender, disability, race, and other factors routinely considered?

5. Do existing oversight and reporting arrangements drive positive change or is the focus from listed authorities on compliance with the requirements of the legislation?
6. Has the inclusion of terminology related to He ira ke ano (Another gender) supported and encouraged an inclusive approach in policy making and service provision?

South Africa

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation has had a positive impact on outcomes for people and society and how these outcomes have been measured. Further, we would like to know if there are, or have been, obstacles that have impeded progress.

The key pieces of legislation and policy that we are interested in are:

- Employment Equity Act

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Do current arrangements for reporting and oversight allow for impact of relevant equalities legislation to be measured and reported on at a national level?
2. Could existing guidance, or legislation, or oversight arrangement be enhanced to improve outcomes?
3. Do listed authorities/organisations subject to the legislative requirements report barriers to advancing equality or meeting their reporting obligations?
4. Do existing oversight and reporting arrangements drive positive change or is the focus from listed authorities on compliance?
5. Does the existing guidance or legislation support and encourage an intersectional approach in policy making and service provision? We are interested to know more about the approach for intersectional pay gap reporting. For example, are the intersects between race, gender and disability routinely considered?
6. Are current arrangements for pay gap reporting driving progress on closing pay gaps? We are interested to know more about the approach for intersectional pay gap reporting and oversight of the action plans that those subject to the legislation are required to produce.
7. Are the existing legislations on affirmative action, specifically training, driving progress on achieving equality outcomes? We are interested to know more about how organisations subject to this duty are required to implement affirmative action and report on progress.

Sweden

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation has had a positive impact on outcomes for people and society and how these outcomes have been measured.

The key pieces of legislation and policy that we are interested in are:

- The Discrimination Act
- Gender Mainstreaming in Government Agencies

Further, we would like to know if there are, or have been, obstacles that have impeded progress.

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Do current arrangements for reporting and oversight allow for impact of relevant equalities legislation and policy to be measured and reported on at a national level?
2. Could existing guidance, or legislation, or oversight arrangements be enhanced to improve outcomes?
3. Do authorities or organisations subject to the legislative requirements report barriers to advancing equality or meeting their reporting obligations?
4. Does the existing guidance or legislation support and encourage an intersectional approach in policy making? For example, is it routine for those subject to the legislation to consider evidence about the intersections between gender, race, and disability?
5. Do existing oversight and reporting arrangements drive positive change and improve outcomes for marginalised people? How is this measured?
6. Are current arrangements for pay gap reporting driving progress on closing pay gaps? We are interested to know more about the approach for oversight of the pay surveys that those subject to the legislation are required to produce.
7. Are current arrangements for reporting on gender mainstreaming driving progress on integrating the gender perspective into the work of public authorities? We are interested to know more about the approach for oversight of the reports that those subject to the legislation are required to produce.

Wales

Review of International Equalities Legislation on behalf of The Scottish Government.

We are interested to understand how equality legislation has had a positive impact on outcomes for people and society and how these outcomes have been measured. Further, we would like to know if there are, or have been, obstacles that have impeded progress.

We would be grateful if you could collate responses from your organisation to the following questions.

Please feel free to respond by email or to annotate and return this document.

1. Do current arrangements for reporting and oversight allow for impact of relevant equalities legislation to be measured and reported on at a national level?
2. Could existing guidance, or legislation, or oversight arrangement be enhanced to improve outcomes?
3. Do listed authorities/organisations subject to the legislative requirements report barriers to advancing equality or meeting their reporting obligations?
4. Does the existing guidance or legislation support and encourage an intersectional approach in policy making?
5. Do existing oversight and reporting arrangements drive positive change or is the focus from listed authorities on compliance?
6. Has the combination of the Public Sector Equality Duties, and the Well-being of Future Generations Act 2015 and the Socio-Economic Duty of 2021 led to listed authorities taking a more intersectional approach to their work to advance equality?
7. Are current arrangements for pay gap reporting driving progress on closing pay gaps? We are interested to know more about the approach for oversight of the action plans that those subject to the legislation are required to produce.

ANNEX F

Templates for Intersectional Analysis



PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS		
<p style="text-align: center;">↓</p> <p>PURPOSE OF THIS FORM</p> <p>This form enables employers to comply with Section 21 of the Employment Equity Act 55 of 1998, as amended.</p> <p>This form contains the format for employment equity reporting by designated employers to the Department of Labour.</p> <p>WHO COMPLETES THIS FORM?</p> <p>All designated employers. Employers who wish to voluntarily comply with Chapter 3 of the Act are also required to complete this form.</p> <p>WHEN SHOULD EMPLOYERS REPORT?</p> <p>Designated employers must submit their report annually on the first working day of October or by 15 January of the following year in the case of electronic reporting.</p> <p>Employers who become designated on or after the first working day of April but before the first working day of October must only submit their first report on the first working day of October of the following year.</p> <p>SEND TO:</p> <p>Employment Equity Registry The Department of Labour Private Bag X117 Pretoria 0001</p> <p>Online reporting: www.labour.gov.za Helpline: 0860101018</p> <p>NO FAXED OR E-MAILED REPORTS WILL BE ACCEPTED</p>	Trade name		
	DTI registration name		
	DTI registration number		
	PAYE/SARS number		
	UIF reference number		
	EE reference number		
	Seta classification		
	Industry/Sector		
	Telephone number		
	Postal address		
	Postal code		
	City/Town		
	Province		
	Physical address		
	Postal code		
	City/Town		
	Province		
	Details of CEO/Accounting Officer at the time of submitting this report		
	Name and surname		
	Telephone number		
Fax number			
Email address			
Details of Employment Equity Senior Manager at the time of submitting this report			
Name and Surname			
Telephone number			
Fax number			
Email address			
Business type			
<input type="checkbox"/> Private Sector	<input type="checkbox"/> State-Owned Enterprise		
<input type="checkbox"/> National Government	<input type="checkbox"/> Provincial Government		
<input type="checkbox"/> Local Government	<input type="checkbox"/> Educational Institution		
<input type="checkbox"/> Non-profit Organisation			
Information about the organisation at the time of submitting this report			
Number of employees in the organisation	<input type="checkbox"/> 0 to 49 <input type="checkbox"/> 50 to 149 <input type="checkbox"/> 150 or more		
Is your organisation an organ of State?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Is your organisation part of a group / holding company?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please provide the name	_____		
Year for which this report is submitted	_____		

Please indicate below the preceding twelve month period the report covers (except for first time reporting where the period may be shorter):

From (date): ____/____/____ to (date): ____/____/____
DD / MM / YYYY DD / MM / YYYY

Please indicate below the duration of your current Employment Equity Plan:

From (date): ____/____/____ to (date): ____/____/____
DD / MM / YYYY DD / MM / YYYY

PLEASE READ THIS FIRST

- a. The report should cover a twelve month period, except for first time reporting where this may not be possible and the months covered should be consistent from year to year for the duration of the plan.
- b. Employers must complete the EEA2 and the EEA4 forms and submit them together to the Department of Labour. Reports submitted by employers to the Department may only be hand delivered, posted or submitted online by the first working day of October or by 15 January of the following year only in the case of electronic reporting.
- c. An employer who becomes designated on or after the first working day of April, but before the first working day of October, must only submit its first report on the first working day of October in the following year.
- d. "Designated groups" mean Black people (i.e. Africans, Coloureds and Indians), women and people with disabilities who are citizens of the Republic of South Africa by birth or descent; or became citizens of the Republic of South Africa by naturalisation (i) before 27 April 1994 or (ii) after 26 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by apartheid policies.
- e. The alphabets "A", "C", "I", "W", "M" and "F" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians", "Whites", "Males" and "Females" respectively.
- f. "Temporary employees" are those employees employed for less than three months.
- g. Guidelines on occupational levels are provided in the EEA9 Annexure of these regulations.
- h. **Numerical goals** must include the entire workforce profile, and **NOT** the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve at the end of its Employment Equity Plan (EE Plan).
- i. **Numerical targets** must include the entire workforce profile, and **NOT** the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve by the next reporting period.
- j. All areas of the form must be fully and accurately completed and submitted by employers. Designated employers who fail to observe this provision will be deemed not to have reported.
- k. Employers must **not** leave blank spaces, use 'not applicable' (NA) or a 'dash' (-) when referring to the value "0" (Zero) or the word "No".

SECTION B: WORKFORCE PROFILE

1. WORKFORCE PROFILE

1.1 Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational levels**: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

1.2 Please report the total number of **employees with disabilities only** in each of the following occupational levels: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

4. Termination

4.1. Please report the total number of terminations in each occupational level, **including people with disabilities**. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

SECTION D: SKILLS DEVELOPMENT

5. Skills Development

5.1. Please report the total number of people **including people with disabilities**, who received training **ONLY** for the purpose of achieving the numerical goals, and not the number of training courses attended by individuals. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Total
	A	C	I	W	A	C	I	W	
Top management									
Senior management									
Professionally qualified and experienced specialists and mid-management									
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents									
Semi-skilled and discretionary decision making									
Unskilled and defined decision making									
TOTAL PERMANENT									
Temporary employees									
GRAND TOTAL									

SECTION F: MONITORING & EVALUATION**8. Consultation**

8.1. Please indicate below the stakeholders that were involved in the consultation process when developing and implementing your Employment Equity Plan and the preparation of this Employment Equity Report.

Consultation	Yes	No
Consultative body or employment equity forum		
Registered trade union(s)		
Employees		

9. Barriers and affirmative action measures

9.1. Please indicate which categories of employment policy or practice barriers to employment equity were identified. If your answer is 'Yes' to barriers in any of the categories, please indicate whether or not there are affirmative action measures developed and the time-frames to overcome them.

Categories	BARRIERS		AFFIRMATIVE ACTION MEASURES		TIME-FRAME FOR IMPLEMENTATION OF AA MEASURES	
	YES	NO	YES	NO	START DATE	END DATE
Recruitment procedures						
Advertising positions						
Selection criteria						
Appointments						
Job classification and grading						
Remuneration and benefits						
Terms & conditions of employment						
Job assignments						
Work environment and facilities						
Training and development						
Performance and evaluation						
Promotions						
Transfers						
Succession & experience planning						
Disciplinary measures						
Dismissals						
Retention of designated groups						
Corporate culture						
Reasonable accommodation						
HIV&AIDS prevention and wellness programmes						
Assigned senior manager(s) to manage EE implementation						
Budget allocation in support of employment equity goals						
Time off for employment equity consultative committee to meet						

10. Monitoring and evaluation of implementation

10.1. How regularly do you monitor progress on the implementation of the Employment Equity Plan?
Please choose one.

Monthly	Quarterly

10.2. Did you achieve the annual objectives as set out in your Employment Equity Plan for this period?

Yes	No	Please explain

SECTION G: Signature of the Chief Executive Officer/Accounting Officer

<p>Chief Executive Officer/Accounting Officer</p> <p>I -----(full Name) CEO/Accounting Officer of</p> <p>-----</p> <p>hereby declare that I have read, approved and authorized this report.</p> <p>Signed on this -----day of -----(month) year-----</p> <p>At (place):-----</p> <p>-----</p> <p>Chief Executive Officer/Accounting Officer</p>



PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTION		
<p style="text-align: center;">↓</p> <p>PURPOSE OF THIS FORM</p> <p>This form enables employers to comply with Section 27 (1) of the Employment Equity Act 55 of 1998, as amended.</p> <p>This form contains the format for an Income Differential Statement to be completed by a designated employer and submitted to the Department of Employment and Labour</p> <p>WHO COMPLETES THIS FORM?</p> <p>All designated employers must submit a report in terms of Section 27(1) of the Employment Equity Act, 55 of 1998 as amended.</p> <p>WHEN SHOULD EMPLOYERS REPORT?</p> <p>Designated employers must submit their report annually at a Department of Employment and Labour office on the first working day of October for immediate capturing or by 15 January of the following year for online reporting.</p> <p>Employers who become designated on or after the first working day of April but before the first working day of October must submit their Income Differential Statement on the first working day of October of the following year.</p> <p>Online reporting: www.labour.gov.za Helpline: 0860101018</p> <p>NO FAXED OR E-MAILED REPORTS WILL BE ACCEPTED</p>	Trade name		
	DTI registration name		
	DTI registration number		
	PAYE/SARS number		
	UIF reference number		
	EE reference number		
	Seta classification		
	Industry/Sector		
	Bargaining Council		
	Telephone number		
	Postal address		
	Postal code		
	City/Town		
	Province		
	Physical address		
	Postal code		
	City/Town		
	Province		
	Details of CEO/Accounting Officer at the time of submitting this report		
	Name and surname		
Telephone number			
Fax number			
Email address			
Details of Employment Equity Senior Manager at the time of submitting this report			
Name and Surname			
Telephone number			
Fax number			
Email address			
Business type			
<input type="checkbox"/> Private Sector	<input type="checkbox"/> State-Owned Enterprise		
<input type="checkbox"/> National Government	<input type="checkbox"/> Provincial Government		
<input type="checkbox"/> Local Government	<input type="checkbox"/> Educational Institution		
<input type="checkbox"/> Non-profit Organisation			
Information about the organisation at the time of submitting this report			
Number of employees in the organisation	<input type="checkbox"/> 0 to 49 <input type="checkbox"/> 50 to 149 <input type="checkbox"/> 150 or more		
Is your organisation an organ of State?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Is your organisation part of a group / holding company?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please provide the name.	_____		
Is your organisation a public company?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Year for which this report is submitted	_____		

SECTION B: THE FOLLOWING MUST BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE EEA4 FORMS

1. The objective of the EEA4 Form is to collect information for the assessment of the remuneration gap between the highest paid and lowest paid employees and, at the same time, to assess inequalities in remuneration in relation to race and gender in the various occupational levels. It must be noted that the total number of employees in the EEA2 in each occupational level (Workforce profile table 1.1) must be taken into account when completing this form (EEA4).
2. All employees (including Foreign Nationals) must be included when completing the EEA4 form in the appropriate space provided in the table below. Temporary employees are employees employed to work for less than three months over a period of 12 months.
3. **“Remuneration”** means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State.
4. Remuneration (i.e. fixed and variable remuneration) contained in this form must reflect information of the same employees reflected in the EEA2 Form for the reporting period concerned across all occupational levels. The workforce in terms of race and gender must be exactly the same as the workforce outlined in the EEA2 Form.
5. All employees, including Foreign Nationals and temporary employees (i.e. those employees employed to work for less than three months) must be included when completing the EEA4 Form.
6. Calculation of remuneration must include a period of twelve months and reflect the same reporting period covered by the EEA2 Form. Where an employee had not worked for a full twelve month period, an amount equivalent to the annual remuneration must be calculated and furnished. For example, the annual equivalent for an employee who worked for three months and earned R30 000 is R120 000 (i.e. $(R30\ 000 / 3) * 12$). All remuneration amounts to be reflected in the table below must be rounded up to the nearest Rand (R) and included as **total remuneration (fixed / guaranteed remuneration plus any variable remuneration)** that was paid out for each group in terms of population group and gender.
7. No blank spaces, commas (,), full stops or decimal points (.) or any other separator should be included when capturing the remuneration information in each of the cells in the table below – for example R7 345 567.6 must be captured as R7345568 with no separators.
8. All remuneration (i.e. total cost to company) must be included in the form as annualized fixed / guaranteed remuneration and annualized variable remuneration). The information below provides inclusions and exclusions to consider when completing the EEA4 Form.

8.1 Fixed / Guaranteed remuneration includes:

- a) Salary/wage;
- b) Housing or accommodation subsidy or housing or accommodation received as a benefit in kind;
- c) Travel allowance or provision of a car, except to the extent that the allowance or the car is provided to enable the employee to work as provided for by the Fourth and Seventh Schedules of the Income Tax Act;
- d) Any cash payments made to an employee, except those listed as exclusions in terms of this schedule;
- e) Any other payments in kind received by an employee, except those listed as exclusions in terms of this schedule;
- f) Employer's contributions to medical aid, pension, provident fund or similar benefit funds;

- g) Employer's contributions to income protection, funeral or death benefit schemes; and
- h) Guaranteed (non-discretionary) annual bonus/13th cheque.

8.2 Variable remuneration includes:

- a) Short-term incentives: annual or shorter incentives and (generally) cash performance-based payments, including deferrals (commission schemes are included here);
- b) Long-term incentives: longer than one year, (usually) share-based awards and cash-based settlement that have a vesting period of more than one year must also be included, which may be retention and / or performance-based;
- c) Lump sums in respect of ongoing employment e.g. back pay and leave paid upon termination;
- d) Discretionary payments not related to an employee's hours of work or performance (for example, a retention bonus);
- e) As provided for by the Income Tax Act, the taxable benefit portion of bursaries and scholarships provided to the employee and/or relatives of the employee; and
- f) Dividends included as remuneration by the Fourth Schedule of the Income Tax Act.

8.3 Excluded:

- a) Any allowance, cash payment or payment in kind provided to enable the employee to work (for example, an equipment, tool or similar allowances or the provision of transport or the payment of a transport allowance to enable the employee to travel to and from work);
- b) Gratuities (for example, tips received from customers) and gifts from the employer;
- c) Non-employment related lump sums such as severance pay; and
- d) Dividends not included as remuneration by the Fourth Schedule of the Income Tax Act.

9. Information and Calculations

Information is required on the number of employees, including persons with disabilities, and the total remuneration in each **occupational level** in terms of the population group and gender in **Section C of the EEA4 form**.

In addition, remuneration information is required for the lowest paid individual at the lowest occupational level and the remuneration of the highest paid individual is required for each of the other occupational levels in your organisation in terms of population group and gender in **Section D of the EEA4 form**.

- 9.1 Please provide the remuneration of the employee with the **highest total remuneration** (i.e. fixed/guaranteed and variable remuneration) for each occupational level in terms of population group and gender. Where applicable, information must be provided for both males and females for Africans, Coloureds, Indians, Whites and Foreign Nationals.
- 9.2 Please provide the remuneration of the employee with the lowest total remuneration (i.e. fixed/guaranteed and variable remuneration) for the lowest occupational level in your organisation in terms of population group and gender. Where applicable, information must be provided for both males and females for Africans, Coloureds, Indians, Whites and Foreign Nationals.
- 9.3 Please provide the **average/ mean remuneration**, the **median remuneration** and the **remuneration gap** as required in **Section E of the EEA4 Form**.

SECTION C: WORKFORCE PROFILE AND TOTAL REMUNERATION

Please use the table below to indicate the number of employees, including persons with disabilities, and the total remuneration in terms of population group and gender for each occupational level. In addition, please provide the total remuneration per occupational level in your organisation.

Occupational levels		MALE				FEMALE				FOREIGN NATIONALS		Total
		A	C	I	W	A	C	I	W	M	F	
Top Management	Number of employees											
	Total remuneration											
Senior Management	Number of employees											
	Total remuneration											
Professionally qualified and experienced specialists and mid-management	Number of employees											
	Total remuneration											
Skilled technical, academically qualified and, junior management,	Number of employees											
	Total remuneration											
Semi-skilled and discretionary decision making	Number of employees											
	Total remuneration											
Unskilled and defined decision making	Number of employees											
	Total remuneration											
TOTAL PERMANENT	Number of employees											
	Total remuneration											
Temporary employees	Number of employees											
	Total remuneration											
TOTAL	Number of employees											
	Total remuneration											

SECTION D: FIXED / GUARANTEED AND VARIABLE REMUNERATION

Please provide the remuneration of the employee with the **highest total remuneration (i.e. fixed/guaranteed and variable remuneration)** in terms of population group and gender for all the occupational levels, **except for the lowest occupational level in your organisation**. Please provide the remuneration of the employee with the **lowest total remuneration** in your organisation in terms of population group and gender. Where a choice has to be made between two employees with the same total remuneration, i.e. one employee having a higher fixed/guaranteed remuneration and the other employee having a higher variable remuneration, the employee with the higher variable remuneration, **except at the lowest occupational level, wherein an employee with the lowest variable remuneration** should be chosen when completing the form below.

Occupational levels		MALE				FEMALE				FOREIGN NATIONALS	
		A	C	I	W	A	C	I	W	M	F
Top Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Senior Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Professionally qualified, experienced specialists and mid-management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Skilled technical, academically qualified and, junior management,	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Semi-skilled and discretionary decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Unskilled and defined decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										

SECTION E: AVERAGE AND MEDIAN REMUNERATION AND THE REMUNERATION GAP

Please note the **average/ mean remuneration** involves adding up a number of amounts in remuneration and dividing the total by the total number of employees included in the total. The '**median**' is the "middle" value in a list of payments (i.e. remuneration) ranked from lowest to highest.

What is the average annual remuneration of the top 10% of your <u>top earners</u> ?	Average Annual Remuneration	R
What is the average annual remuneration for the bottom 10% of your <u>bottom earners</u> ?	Average Annual Remuneration	R
What is the median <u>earners</u> remuneration in your organisation?	Median Earners Remuneration	R
Please indicate whether your organisation has a policy in place to address and close the vertical gap between the highest and lowest paid employees in your workforce? (Mark with X)	YES	
	NO	
How many times (e.g. 10x, 15x, 20x) is the vertical gap between the highest and lowest paid worker in your organisation in terms of the policy?	_____	
Is the remuneration-gap between the highest and lowest paid employees in your organisation aligned to your policy? (Mark with X)	YES	
	NO	
Are AA measures to address the remuneration gap included in your EE Plan? (Mark with X)	YES	
	NO	
Please indicate a key reason for the Income Differentials that apply to your organisation. (Mark with X)	a) Seniority/ length of service	
	b) Qualifications	
	c) Performance	
	d) Demotion	
	e) Experiential training	
	f) Shortage of skill	
	g) Transfer of business	

SECTION F: Signature of the Chief Executive Officer/Accounting Officer

Chief Executive Officer /Accounting Officer

I -----(full Name) CEO/Accounting Officer of

hereby declare that I have read, approved and authorized this information.

Signed on this -----day of ----- (month) year -----

At (place): -----

Chief Executive Officer/Accounting Officer

PLEASE READ THIS FIRST



DEPARTMENT OF LABOUR

PURPOSE OF THIS FORM

Designated employers are expected to complete this template in order to comply with Section 19, which must include an analysis of their workforce profile, policies, procedures, practices and environment.

Section 19(1) of the EEA requires a designated employer to conduct an analysis as prescribed, of its employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups.

Section 19(2) indicates that the analysis must include a profile to determine the under-representation of people from the designated groups in the various occupational levels in the workforce.

TEMPLATE FOR REPORTING ON ANALYSIS (Section 19)

Employer Details

Trade name.....

DTI Registration name.....

PAYE/SARS No.....

EE Ref No.....

Industry/Sector.....

Province.....

Tel No.....

Fax No.....

Postal address.....

.....

Physical address.....

.....

Province

Name & Surname of the CEO/Accounting Officer

.....

Email address.....

ANALYSIS: SECTION 19

A designated employer is required to conduct an analysis of their workplaces.

According to section 19(1) of the Employment Equity Act, a designated employer must conduct an analysis as prescribed, of its employment policies, practices, procedures and the working environment in order to identify employment barriers, which adversely affect people from designated groups;

In order for a designated employer to comply with this provision, the following template should be utilized to furnish the required information.

1. QUALITATIVE ANALYSIS

1.1. BARRIERS AND AFFIRMATIVE ACTION MEASURES (*policies, procedures and/or practice*)

In order to conduct an analysis of policies, procedures and/or practice, barriers are identified and proposed affirmative action measures established to respond to such barriers. Please note that the information below serves as a baseline to inform the 'Barriers and Affirmative Action measures (non-numerical goals) in the Employment Equity Plan (EE Plan).

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
Recruitment					
Advertising positions					
Selection criteria					
Appointments					
Job classification and grading					
Remuneration and benefits					
Terms & conditions of employment					
Work environment and facilities					
Training and development					
Performance and evaluation					
Succession & experience					

BARRIERS AND AFFIRMATIVE ACTION MEASURES

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
planning					
Disciplinary measures					
Retention of designated groups					
Corporate culture					
Reasonable accommodation					
HIV&AIDS prevention and wellness programmes					
Assigned senior manager(s) to manage EE implementation					
Budget allocation in support of employment equity goals					
Time off for employment equity consultative committee to meet					

2. QUANTITATIVE ANALYSIS

Section 19(2) of the EEA requires that a designated employer must include a profile, as prescribed of the designated employer's workforce within each occupational level in order to determine the degree of under-representation of people from designated groups in various occupational levels in that employer's workforce.

In order for a designated employer to comply with this provision, the following template should be utilised to furnish the required information.

2.1 SNAPSHOT OF WORKFORCE PROFILE

Workforce profile Information contained in the two tables below in terms of race, gender and disability is as at ----- (dd/ mm/ yyyy). The first table contains information on all employees, including people with disabilities, and the second table only contains information on people with disabilities.

Table 1: Snapshot of all employees, including people with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

2.2 ANALYSIS OF WORKFORCE PROFILE BY OCCUPATIONAL LEVEL

The analysis is done separately for each occupational level and for each race and gender intersection in terms of African male, Coloured male, Indian male, White male, African female, Coloured female, Indian female, White male, Foreign National male and Foreign National female.

A similar analysis is done pertaining to the representation of people with disabilities (PWDs) without the Economically Active Population (EAP). The degree of under representation of the designated groups is determined by taking into account the Economically Active Population as outlined in the EEA8 of these regulations.

TOP MANAGEMENT

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
<p>COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.</p>											

SENIOR MANAGEMENT

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
<p>COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.</p>											

PROFESSIONALLY QUALIFIED

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

SKILLED TECHNICAL

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

SEMI-SKILLED

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

UNSKILLED

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											

COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.

ANNEX G

Summary of Evidence of Effectiveness by Country

Belgium

Belgium has made significant strides in its efforts to promote equality, particularly about gender. Despite some debates regarding the absence of sanctions, Belgium's approach to reducing the gender pay disparity has proven effective. The Gender Pay Gap has decreased steadily over the past decade, and in 2021, Belgium had the third lowest gender pay disparity among OECD (Organisation for Economic Co-operation and Development) nations, at 4.8% (PwC Belgium, 2023). In other indices, such as the gender equality index of 2022, Belgium continues to outperform the EU average, especially in the economic and educational categories, where it has received the second-highest scores, behind Luxembourg and Sweden, respectively. (European Institute for the Equality of the Sexes, 2022)

The use of a central body to assist policymakers in assessing impact appears to be an effective method to maintain a particular quality standard that could be implemented in Scotland as well. Our interviews and the most recent evaluation conducted by the Belgian Impact Assessment Committee revealed that mandating the use of this guidance service would increase the meaningful analysis and use of data.

Canada

Numerous studies have examined the effectiveness of equality legislation in Canada. Some key points from these works include Tebele & Odeku's (2014) study on the effect of anti-discrimination laws on reducing discriminatory practices in the workplace, which found that such laws have led to a decrease in discriminatory hiring practices. Additionally, a study by Smith School of Business (2019) found that equality legislation has played a significant role in promoting diversity and inclusion in educational institutions, leading to improved outcomes for marginalised groups. These findings highlight the positive impact of equality legislation in Canada and support the need for continued efforts in this area.

Bian et al.'s (2022) comprehensive overview of anti-discrimination legislation, McGill's (2021) evaluation of pay equity legislation, and Joshi's (2020) analysis of affirmative action policies further reinforce the importance of equality legislation in promoting a fair and inclusive society. These studies demonstrate that such legislation not only addresses systemic inequalities but also helps create opportunities for underrepresented individuals, fostering a more equitable and diverse society overall. As a result, it is crucial for policymakers to continue prioritising and strengthening equality legislation to ensure ongoing progress in promoting diversity and inclusion, and Joshi's (2020) analysis of employment equity

legislation further reinforces the importance of equality legislation in fostering a fair and inclusive society. These studies demonstrate the multifaceted benefits of such legislation, including reducing discrimination, narrowing wage gaps, and increasing the representation of underrepresented groups in various sectors. Together, they provide a solid foundation for policymakers to prioritise and strengthen equality legislation to ensure equal opportunities for all individuals.

In addition, Stienstra's (2020) study on human rights legislation and disability rights found that implementing comprehensive equality legislation not only promotes equal opportunities for individuals with disabilities but also leads to improved accessibility and accommodations in public spaces. This research highlights the importance of enacting laws that protect the rights of marginalised groups and create a more inclusive society. Furthermore, Joshi's (2020) analysis of equality legislation in the workplace revealed that it not only fosters diversity and inclusion but also enhances employee satisfaction and productivity. These findings underscore the significance of robust equality legislation in creating a fair and equitable society.

And Tamtik & Guenter's (2019) study on employment equity legislation found that it not only addresses systemic barriers faced by marginalised groups but also leads to improved representation and opportunities for underrepresented individuals in the workforce. This research further emphasises the crucial role of comprehensive equality legislation in promoting social justice and equal access to opportunities for all members of society.

These studies provide valuable insights into the achievements and ongoing challenges of promoting equality and addressing discrimination across various dimensions of identity.

New Zealand

The effectiveness of equality legislation in New Zealand has been reported in a number of studies. These studies highlight the challenges in implementing and enforcing equality legislation, such as the lack of transparency in pay data and societal attitudes towards gender roles. The Employment Relations Act 2000 and Human Rights Act 1993 have made progress in promoting gender equality and preventing discrimination, but there are still gaps in implementation and enforcement.

The anti-discrimination legislation in New Zealand has also been crucial in promoting equal access to education for students with disabilities, but implementation challenges persist, including inadequate funding and support. Evans (2016) highlights the progress made through legislative reforms like the Homosexual Law Reform Act 1986 and the Human Rights Act 1993, but also notes ongoing challenges in addressing broader societal attitudes and achieving full equality for the LGBTQ+ community. Gunn et al. (2019) assess the effectiveness of New Zealand's legislative framework for promoting gender equality in the workplace, arguing that while the legislation has been instrumental in promoting women's rights, persistent gender pay gaps and the underrepresentation of women

in leadership positions indicate the need for continued efforts to enhance its effectiveness.

In conclusion, the effectiveness of equality legislation in New Zealand depends on its context, implementation, and enforcement. To gain a deeper understanding of the efficacy and challenges of equality legislation in the country, additional research and dialogue are required. However, our interviews in New Zealand have uncovered a positive perspective on the effectiveness of equality legislation. The interviewed organisation was satisfied with the progress made in addressing gender inequality, citing improved workplace policies and increased awareness. However, other studies have highlighted ongoing challenges, such as the lack of accountability for non-compliant organisations and the need for more targeted initiatives to address intersectional forms of discrimination. In our thematic analysis of these interviews, we further emphasise the importance of ongoing evaluation and refinement of equality legislation. Specifically, we highlight the need for scrutiny, enhanced guidance, and setting equality outcomes to ensure the continued effectiveness of such legislation in promoting gender equality. These lessons are adaptable to Scotland.

Evidence of Effectiveness for the Use of the Mean Wage for Pay Gap Calculations in New Zealand

It is crucial to highlight that there is no consensus among academics over which is a more accurate metric for determining pay gaps: the mean or the median. While using the mean wage in pay gap estimates does have its benefits, it is vital to note that there is no consensus on which measure is superior. Here, we highlight some of the arguments that have been made in favour of using the mean wage.

The Office for National Statistics (ONS) recommends the median over the mean due to the latter's sensitivity to extreme values. The mean wage considers extreme values, such as very high or very low salaries; however, Creedy et al. (2018) argue that this can be crucial for comprehending income disparities within a population. The mean wage has been credited with reflecting differences among top earners; the mean wage can capture disparities among high earners, providing insight into the potential impact of gender or other factors on the highest levels of compensation (Hecht, 2021).

Comparability across groups is an important factor to consider when analysing mean wages. It is necessary to ensure that the groups being compared have comparable characteristics and job responsibilities, as variations in these factors can have a significant impact on the interpretation of mean wage differences (Budig and England, 2001). Since it provides a broad overview of wage disparities, the mean wage can be useful for comparing pay disparities across industries, sectors, or regions (Blundell, 2021).

In summary, due to the ability to reflect overall distribution and be more sensitive to high earners, and capture changes in distribution over time, and conform to economic theory, the mean wage is extensively used to calculate pay differentials. However, academicians and policymakers are divided over whether to utilise the

mean or median wage. Income inequality has less of an impact on the median wage, which is more resistant to extreme values and reflects typical earnings. Enhanced guidance is important to inform a unified approach across sectors.

South Africa

Different perspectives can be found in the literature regarding the effectiveness of equality legislation in South Africa. Some studies indicate that equality legislation has made significant strides in promoting equal opportunities and addressing historical inequalities, whereas others highlight ongoing challenges and limitations. Employment equity policies have made progress, but substantive equality has not yet been attained. Narula (2019) highlights the need for stricter enforcement mechanisms and increased accountability. Furthermore, the gender quota legislation has increased the representation of women in political positions, but challenges remain in ensuring meaningful participation and removing structural barriers (Okedele, 2021).

Affirmative action policies have helped to diversify workplaces and increase black representation, but they have been criticised for reinforcing racial categories and perpetuating inequalities between racial groups (Matotoka & Odeku, 2021). Moyo and Bantwini (2016) highlight that, although policies in higher education have increased the number of women in academic positions, deeper structural changes are necessary to eliminate gender disparities in the sector. Representation and redistribution in post-apartheid South Africa indicate that while affirmative action policies have contributed to more inclusive governance and economic opportunities, they have been ineffective in addressing structural inequalities with deep roots and challenging power dynamics (Valodia & Ewinyu, 2023).

Overall, studies emphasise that South Africa's equality legislation has been instrumental in advancing equality and addressing historical injustices.

Sweden

Our analysis of literature findings suggests that equality legislation in Sweden has effectively promoted gender equality and reduced gender-based discrimination. We have highlighted several key findings derived from scholarly works on this topic. Ahl and Nelson (2015) carried out a comparative study to look at the effect of Sweden's parental leave policy on gender equality. They found that equality legislation in Sweden effectively contributes to increased gender equality in the labour market and encourages fathers to take more parental leave, thereby leading to a more balanced distribution of childcare responsibilities between parents.

The OECD³² conducted an examination of the effectiveness of Swedish antidiscrimination legislation in addressing discrimination against transgender individuals. It has been found that although the legislation has enhanced the legal protection of transgender individuals, challenges persist in relation to broader societal attitudes and awareness.

³² OECD – Over the Rainbow? The Road to LGBTI Inclusion. How does Sweden compare? June 2020.

Duvander et al. (2020) conducted a study to examine the effects of parental leave reform in Sweden, with the objective of enhancing fathers' engagement in childcare. It has been concluded that the reform, along with other measures promoting gender equality, has yielded positive effects on unpaid work, employment patterns, and earnings in terms of gender equality.

In their study, Freidenvall (2018) examined the efficacy of gender quotas and gender-neutral parental leave policies in fostering gender equality within the labour market. It has been found that these policies have contributed to reducing the gender wage gap and increasing female labour force participation. While Andersson (2018) examines the challenges and opportunities associated with the implementation of equality legislation in Sweden. Our literature review identified various factors that influence the effectiveness of the legislation. These works emphasise the importance of continuously evaluating and monitoring these factors to address any potential gaps and ensure the legislation is effectively implemented.

Wales

The results of our literature review into the effectiveness of the Public Sector Equality Duty in Wales have produced a variety of conclusions. Some studies have found that the Public Sector Equality Duty in Wales has had a positive impact, leading to increased awareness and improved equality outcomes. However, other research suggests that there are still challenges and gaps in its implementation, indicating the need for further improvements and monitoring.

Smith et al. (2023) highlight the positive impact that equality legislation has had on organisational culture in Wales. They note that the Public Sector Equality Duty has contributed to positive changes in organisational culture by promoting greater awareness and engagement with equality and diversity issues. In addition, the authors note that the Public Sector Equality Duty has contributed to positive changes in organisational culture. Dwight & Biscomb (2018) suggest that the legislation has had a positive impact on organisational culture by fostering a sense of ownership and responsibility for promoting equality within public bodies.

Manfredi et al. (2018) emphasise the reporting requirement of the Public Sector Equality Duty as an important mechanism for enhancing transparency and accountability in public bodies and their efforts to promote equality. They argue that this is an important mechanism since it helps improve openness and accountability in public bodies and their efforts to promote equality. According to Clayton-Hathway (2013), the responsibility has given external stakeholders the ability to hold public organisations accountable for their commitments to equality, and this work argues that this is a positive development.

Some studies have found that interventions have a limited impact on outcomes for disadvantaged groups. Davies and Parken (2017) emphasise the limitations of the Public Sector Equality Duty in addressing deeper structural inequalities and achieving substantive equality for disadvantaged groups in Wales. Manfredi et al. (2018) suggest that although the legislation has caused some changes focused on

compliance, it has had limited success in achieving genuine improvements in outcomes for specific equality groups.

Other studies have highlighted the difficulties in data collection and analysis. Clayton-Hathway (2018) specifically emphasises the challenges associated with collecting robust and reliable equality data. These challenges can impede the effective implementation and monitoring of the Public Sector Equality Duty. In addition, Manfredi et al. (2018) emphasise the necessity of improving data collection to facilitate meaningful analysis and precise targeting of interventions.

Importantly, Manfredi et al. (2018) argue that the absence of strong enforcement mechanisms brings the limited enforcement mechanisms to the forefront. They suggest that this may impact the effectiveness of the Public Sector Equality Duty, as public bodies may not feel compelled to take proactive measures to address inequalities. Clayton-Hathway (2018) emphasises the necessity of enhancing enforcement measures to bolster the legislation's effectiveness in achieving desired outcomes.

Overall, the studies reviewed across all 6 countries included in this research indicate that equality legislation has effectively promoted gender equality and reduced discrimination. However, it is also important to highlight the significance of addressing societal attitudes and regularly evaluating and monitoring the legislation to maintain and further enhance their effectiveness.

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ANNEX H

Legislation & Guidance List

Country	Legislation
Scotland	The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
Belgium	General Anti-Discrimination Act Gender Act 2007 Anti Racism Act Gender Pay Gap Act 2012 Monitoring Gender Perspective Law 2007 Accessibility in Websites and Mobile Applications 2018 for the Public Sector Gender Quota in Publicly Owned Organisations
Canada	Canadian Charter of Rights and Freedoms Canadian Human Rights Act (R.S.C., 1985, c. H-6) Employment Equity Act (S.C. 1995, c. 44) Bill 24 – 2022: Anti-Racism Data Act Public Service Employment Act (S.C. 2003, c. 22, ss. 12, 13) Budget 2018’s Gender Results Framework Accessible Canada Act
New Zealand	Public Service Act 2020 Equal Pay Act 1972 Human Rights Act 1993 and Amendments Employment Relations Act 2000 New Zealand Public Health and Disability Act 2000
South Africa	Employment Equity Act 55 of 1998 Promotion of Equality and Prevention of Unfair Discrimination Act 2000
Sweden	Discrimination Act, 2008:567 Act On the Accessibility of Digital Public Services
Wales	The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

ANNEX I

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