



PARLAMENT DE CATALUNYA

Act 17/2015, of 21 July, on effective equality between women and men

202-00052/10

Approval

Plenary Assembly of the Parliament of Catalonia

Sitting 57, 08/07/2015, DSPC-P 115

Publication: Official Gazette of the Parliament of Catalonia (BOPC) 651; Official Journal of the Catalan

Government (DOGC) 6919, 23/07/2015

Correction of errata: BOPC 669

Preamble

The fundamental right of equality between women and men is a critical value for democracy and an essential requirement in a modern democratic society which seeks to eliminate the androcentric and sexist patriarchal system. This right cannot be fully implemented unless it is both legally acknowledged and also exercised effectively by engaging with all aspects of life: political, economic, social and cultural.

Notwithstanding the numerous examples of formal acknowledgment and progress which have been made so far, the equality of women and men in daily life is still not yet a reality. In practice, women and men do not have the same rights because political, economic and cultural inequalities persist such as wage gaps and lower representation in politics. These inequalities are the outcome of social structures rooted in numerous stereotypes which are to be found in areas such as the family, education, culture, the media, the workplace and social organisations.

Action can be taken in all these aspects by adopting a fresh approach and implementing structural changes. Local and regional authorities, which are the tiers of government closest to the general public, are the best-placed levels of intervention to contest the persistence and reproduction of inequalities and drive a genuinely equal society. Within their remit and in collaboration with all social partners, they can take tangible actions to drive equality between women and men.

Consequently, this Act is imbued with the principles of the European Charter for Equality of Women and Men, seen primarily as a fundamental right which is to be implemented in all fields in which public authorities have responsibilities, including their obligation to eradicate all forms of discrimination whether direct or indirect.

To ensure effective equality of women and men and alongside discrimination on the grounds of sex, other issues additionally need to be taken into consideration such as multiple discrimination and disadvantages based on race, colour, ethnic and social origin, genetic traits, language, religion, beliefs, political or other kind of opinions, belonging to a minority, skills, birth, disability, age, sexual orientation or economic status.

Equal representation and participation of women and men in all areas of decision-making is a prerequisite for achieving a truly democratic society. Accordingly, the public authorities of Catalonia shall take all necessary measures and implement appropriate strategies to ensure it is achieved.

Furthermore, eliminating gender stereotypes is crucial for the effective implementation of equality between women and men. Therefore, the administrations and public authorities of Catalonia shall do everything within their power to remove the stereotypes and barriers underlying inequalities in the status and position of women which result in unequal evaluation of the roles of men and women in the political, economic, social and cultural realms.

Likewise, the gender dimension is to be mainstreamed in all activities and policies and also in the methods and instruments which impact the daily lives of citizens.

Hence, the lives of women and men need to be examined taking into account their context, realities, needs and social, political and economic position, and measures are to be taken to transform opportunities and institutions so as to move beyond an androcentric system. As this is a structural paradigm which is expressed across the political, legal, social and economic systems, various kinds of measures need to be put in place.

To accomplish equality between men and women, this Act seeks to buttress specific measures and mechanisms for ensuring that the public authorities of Catalonia conduct policies and actions designed to



PARLAMENT DE CATALUNYA

eliminate inequality between women and men, as it places women in a position of social and economic subordination and disadvantage in relation to men and stops women from exercising their full rights as citizens. In short, this Act is designed to benefit everyone, both women and men, because it will lead to building new patterns of relationships between men and women anchored in respect and fairness. It will also help to improve society and make it more democratic, just and supportive.

This Act was not drafted from scratch but rather was inspired by the historic demands of the feminist movement, women's associations and other organisations advocating women's rights. Throughout its history, the Generalitat of Catalonia has accepted responsibility for promoting the role of women. Ever since the Statute of Autonomy of 1979, specific laws have been drawn up in this area including Act 11/1989, of 10 July, creating the Catalan Women's Institute; Act 4/2001, of 9 April, amending paragraph 2 of Article 63 of Act 13/1989, of 14 December, on the organisation, procedure and legal system of the Administration of the Generalitat of Catalonia, which for the first time in Europe and Spain provides for the gender impact reports which are to accompany all regulations drawn up by the Administration of the Generalitat; and Act 5/2008, of 24 April, on the right of women to eradicate sexist violence. In addition, there are also the Government's actions which should be considered not merely as forerunners but also as pre-regulatory content, such as the women's policy plans which are a cross-cutting instrument for implementing the Government of the Generalitat's gender equality policies.

The approval of the Act on effective equality between women and men is inspired by the abovementioned statutory and legal provisions concerning gender and women's rights with the purpose of giving effect to them. It is a special and unique regulation implemented under Catalonia's powers of self-government which adds to the regulations on parity and comes under the category of a specific, complementary regulation of Organic Act 3/2007, of 22 March, for effective equality between women and men. It includes substantive legislative amendments designed to move towards effective equality together with cross-cutting measures in all areas of life so as to eradicate discrimination against women while also adapting to the European Union regulatory framework and the most advanced gender mainstreaming objectives set by European Union institutions.

This Act formally consists of 64 articles divided into five chapters. It ends with seven additional provisions, two transitional provisions, one repeal provision and five final provisions.

Chapter I, General Provisions, specifies the subject matter, general aims and scope of the Act. This chapter additionally identifies the governing principles for action by the public authorities of Catalonia with respect to effective equality between women and men. It further lays down mechanisms to ensure the inclusion of the gender perspective in public policies, impact assessment and recognition of associations.

Chapter II sets out the powers of the Administration of the Generalitat and local government bodies in terms of equality policies. It also specifies the organisational framework for promoting, implementing and evaluating public actions and policies to promote the equality of women and men in Catalonia and introduces gender mainstreaming mechanisms.

Chapter III concerns the mechanisms for securing the right to effective equality between women and men in public administration through public procurement policies, subsidies, grants, administrative funding and licences, parity appointment to decision-making bodies, equality plans for staff in the public administrations of Catalonia, the institutions of the Generalitat, social partners and non-profit organisations, and the gender impact in budget legislation.

Chapter IV sets out public policies for promoting effective equality in various action areas. Section one concerns political and social participation to secure women's right to social participation. Section two specifies the guarantees to ensure educational training is founded on coeducation and sets out obligations in cultural expression, the media, information and communication technology and in universities and research through gender mainstreaming in all university education and sports. Section three is about the right to equal opportunities at work and specifies measures to ensure equality between men and women in access to jobs, vocational training, career advancement and working conditions. It also includes measures for occupational health and safety and protection against sexual and sex-based harassment. In addition to the general duty of companies to respect the principle of equality in employment issues, it specifically sets out the obligation to adopt and implement equality plans in companies which have over two hundred and fifty employees. Section four lays down the steps required for reorganising time use, social policies which take into consideration the special needs of certain groups of women, policies to promote and support women in the agricultural, livestock, forestry and fisheries industries, and policies empowering



PARLAMENT DE CATALUNYA

women in development aid, health policies and family services. Section five contains specific measures on the environment, urban planning and housing. Section six addresses justice and public security policies. Section seven regulates adapting statistics and studies to the gender perspective.

Chapter V sets out measures to ensure the application of the Act and contains three sections: the first deals with the Ombudsman, the second concerns the Gender Equality Observatory, and the third lays down the system of penalties.

Chapter I. General provisions

Article 1. Subject matter and purposes

1. The subject matter of this Act is to set out and regulate mechanisms and resources to give effect to the right to equality and non-discrimination on the basis of sex in all areas, stages and circumstances of life.

2. The purposes of this Act are to:

a) Eliminate the discrimination, inequality and invisibility generated by the patriarchal ethos of society which women have endured throughout history.

b) Acknowledge and address the social and economic role which has traditionally been performed by women in family, domestic and personal care work.

c) Foster a jointly responsible division of labour market work and domestic and personal care work between women and men as part of a sustainable model of society.

d) Promote a framework conducive to women's role in contributing their full potential to progress and social and economic change.

e) Ensure that public policies:

1st. Remove barriers imposed on grounds of sex which hinder the full exercise of people's rights.

2nd. Help eradicate cultural stereotypes which perpetuate gender differences.

3rd. Ensure the free development of people's autonomy and abilities and the effective exercise of full citizenship anchored in respect for diversity and difference.

4th. Enable women and men in their diversity to take part under conditions of effective equality in family, political, social, community, economic and cultural life.

5th. Assert and guarantee women's autonomy and freedom so that they can develop their abilities and interests and direct their own lives.

6th. Establish conditions to eliminate all forms of discrimination against women and promote their empowerment.

7th. Mainstream the gender perspective in all areas.

f) Address, prevent and eradicate all kinds of sexist violence against women and children pursuant to prevailing regulations.

g) Recognise women's right to their own bodies, the right to free development of sexual identity and orientation and sexual and reproductive rights and guarantee people's free choice in exercising them.

h) Drive public policies aimed at redressing the historical deficit experienced by women in the redistribution of wealth and give priority to adopting measures to combat the feminisation of poverty while paying special attention to the most vulnerable.

i) Promote a model of equal relations between people which eliminates gender domination and exploitation relationships imposed by the patriarchal system.

j) Support families, insofar as they are an effective instrument for remedying inequalities.

k) Regulate a system of parental leave which ensures a fair distribution of responsibilities between men and women in relation to children.

Article 2. Definitions

For the purposes of this Act, the words and expressions below shall have the following meanings:

a) *Public authorities*: the institutions, statutory bodies and public administrations of Catalonia and the



PARLAMENT DE CATALUNYA

agencies and organisations reporting to them, and any body or entity considered as in the public sector or a contracting authority pursuant to the scope of application specified by Article 3 of the rewritten text of the Act on public sector contracts approved by Royal Legislative Decree 3/2011, of 14 November.

b) *Labour market work*: all paid activities which produce goods and render services in the jobs market.

c) *Domestic and personal care work*: all unpaid activities related to domestic work and caring for family members which underpin the labour market as they make it possible for people to maintain the best health and education conditions in order to be productive in the jobs market both now and in the future. Domestic and personal care work, which has traditionally been allocated to women, includes tasks such as home cleaning and maintenance; housekeeping; care, including for children and other dependent people; addressing medical, education and training issues; and all actions in general which pursue family wellbeing.

d) *Coeducation*: educational action which promotes genuine equal opportunities and affords the same value to the experience, skills and social and cultural contribution of women and men with equal rights and devoid of sexist, homophobic, biphobic, transphobic or androcentric stereotypes or discriminatory attitudes on grounds of sex, sexual orientation, gender identity or gender expression.

e) *Gender perspective*: considering the differences between men and women in a field or activity when analysing, planning, designing and implementing policies while taking into account the way in which activities, situations and needs impact women. The gender perspective makes it possible to see women and men in their biological, psychological, historical, social and cultural dimensions and also explore areas for discussion and action in eliminating inequalities.

f) *Gender equity*: fair distribution of rights, benefits, obligations, opportunities and resources on the basis of recognition of and respect for the differences between women and men in society.

g) *Gender equality*: the condition of men and women having equal opportunities for personal development and decision-making without any restrictions imposed by traditional gender roles in such a way that the different behaviours, aspirations and needs of women and men are equally considered, valued and fostered.

h) *Balanced representation*: the situation which ensures the presence of women in an appropriate proportion in each case.

i) *Equal representation*: the situation which ensures a presence of women and men in which neither sex is greater than 60% of the group of people concerned or less than 40%, and which should move towards 50% of people of each sex.

j) *Gender stereotypes*: simplified images attributing set roles of behaviour which are purportedly “correct” or “normal” for people in a given context on the basis of their sex. Gender stereotypes are the foundation of discrimination between men and women and help to rationalise and perpetuate it.

k) *Direct discrimination*: the position of a person who is, has been, or may be treated less favourably than another person in a similar position on grounds of sex or circumstances directly related to their biological condition. Measures which, although they involve different treatment for men and women, have an objective and reasonable justification such as promoting positive action for women, the need for special protection on biological grounds or promoting shared responsibility of women and men in housework or caring for people, are not discriminatory measures on grounds of sex.

l) *Indirect discrimination*: the discriminatory situation created by a purportedly neutral provision, criterion, interpretation or practice which may cause greater harm to people of one sex, unless it is appropriate and necessary and can be justified by objective criteria which are not related to gender issues.

m) *Multiple discrimination*: a situation in which a woman additionally experiences specific, aggravated forms of discrimination due to belonging to one or more other groups which are also usually discriminated against.

n) *Order to discriminate*: any instruction involving direct or indirect discrimination on grounds of sex.

o) *Sex-based harassment*: any form of behaviour which on the basis of a person’s sex is intended to encroach on their dignity or their physical or mental integrity or create an intimidating, hostile, degrading, humiliating, offensive or unpleasant environment or which has the same effects as specified in Article 5 of Act 5/2008, of 24 April, on the right of women to eradicate sexist violence.



PARLAMENT DE CATALUNYA

p) *Sexual harassment*: any verbal, non-verbal or physical sexual behaviour whose purpose or effect is to undermine the dignity of a person, especially if it creates an intimidating, hostile, degrading, humiliating or offensive environment, without prejudice to the Criminal Code and pursuant to Article 5 of Act 5/2008.

Article 3. Principles of action of the public authorities

Pursuant to the gender perspective principle referred to in Article 41 of the Statute of Autonomy, and in order to attain effective equality between women and men devoid of any type of discrimination on grounds of sex or gender, this Act and all policies and actions by the public authorities shall be interpreted in accordance with the following principles:

One. *Mainstreaming the gender perspective and gender equality policies*: the public authorities shall introduce the gender perspective and the women's perspective in actions at all levels and in all stages, acknowledging the value contributed by women and men and proactively implementing any changes needed to improve society and address the situations, opportunities, needs and expectations of both sexes.

Two. *Balance between labour market work and domestic and personal care work and shared responsibility in work*: the public authorities shall ensure compliance with the principles of equal opportunities between women and men at work and the absence of discrimination on grounds of pregnancy or maternity, and shall further acknowledge the value of domestic and personal care work so as to achieve a new balance in the distribution of working time and a fair distribution of labour market work and domestic and personal care work with shared responsibility between men and women.

Three. *Elimination of gender-based violence*: the public authorities shall ensure that all forms of gender-based violence, especially violence against women and sexist, misogynist and discriminatory actions, are comprehensively addressed.

Four. *Empowerment of women*: the public authorities shall support women in enhancing their potential and autonomy, gaining greater knowledge of their capabilities and playing an active role in overcoming the obstacles which are at the root of the undervaluation they have historically experienced.

Five. *Parity democracy and equal participation of women and men in public affairs*: the public authorities shall promote the participation of groups and associations advocating the rights of women in drawing up and evaluating public policies along with equal representation on collegiate, management, participatory, representative, advisory, technical and scientific bodies, in courts and tribunals and in decision-making forums.

Six. *Women's perspective*: the public authorities shall affirm women's contributions in building, maintaining and changing society; raise the profile of and acknowledge the territorial, cultural, ethnic, religious, personal, age, state of health, socioeconomic and sexual orientation and sexual identity differences, uniqueness and special features of women and men without exception; acknowledge women as social, economic and political individuals, and bring to the fore the life experiences of both women and men.

Seven. *Social justice and redistribution of wealth*: the public authorities shall ensure fair distribution of resources and the appropriate exercise of rights and duties with corrective and distributive policies which promote prevention and address the exploitation and social exclusion of women. Public policies shall primarily protect women with dependent children, and in distributing wealth they shall give priority to combating the feminisation of poverty.

Eight. *Non-sexist and non-stereotyped use of language*: the public authorities as defined in Article 2a shall employ non-sexist language which shuns the expression of sexist conceptions of reality and androcentric and gender-stereotyped uses, and shall further promote language which is respectful of women, minorities and all people in general in personal service and in written, graphic and audiovisual documents. The public authorities shall train their staff in respectful and inclusive use of language.

Article 4. Recognition of associations advocating women's rights

1. In support of the right to effective equality between women and men referred to in this Act and the rights recognised therein, associations advocating women's rights are considered interested parties under Article 31.1.c and 2 of Spanish Act 30/1992, of 26 November, on the legal system of the public administrations and common administrative procedure, in the domain of Catalan public administrations.

2. Recognition of associations advocating women's rights as interested parties is subject to the consent of



PARLAMENT DE CATALUNYA

the person concerned, without prejudice to Article 12.3 of Organic Act 3/2007, of 22 March, for effective equality between women and men, or to any regulations which may replace it, with respect to any disputes over sexual and sex-based harassment.

3. Associations advocating women's rights have the legal capacity and standing to intervene in civil, labour and administrative proceedings affecting the right to effective equality of women pursuant to the laws governing such proceedings.

Chapter II. Powers and administrative organisation

Article 5. Powers of the Administration of the Generalitat

In its territory and by virtue of the powers conferred upon it by the legal system, with respect to gender equality policies the Administration of the Generalitat shall:

- a) Examine and identify shortcomings and needs in terms of meeting the purposes of this Act in partnership with women's associations.
- b) Provide general strategic planning and draw up regulations in this area.
- c) Set up and tailor programmes in order to mainstream the gender perspective in all public policies and actions and in drawing up budgets and also in identifying, devising and implementing any positive action to be rolled out in general across the whole territory.
- d) Conduct ongoing evaluation of gender equality policies, the inclusion of the gender perspective in all the Generalitat's actions and compliance with this Act.
- e) Drive cooperation between the public administrations of Catalonia.
- f) Lay down the conditions of training and capacity building for its staff.
- g) Devise and implement a system of statistics and quantitative and qualitative indicators associated with the Statistical Institute of Catalonia for planning, implementing and evaluating plans for gender equality policies, systematically build the sex variable into studies, surveys, records and statistics addressed to the general public, and foster drawing up statistics and indicators that make it possible to:
 - 1st. Raise the profile of women's experience and better understand the differences, roles, situations, conditions, aspirations and needs of women and men.
 - 2nd. Compile the situations and needs of women in rural communities and groups of women who experience discrimination or greater vulnerability.
 - 3rd. Identify the situations and needs of groups of women affected by other discrimination factors.
- h) Draw up studies and reports on the position of women, analyse and research inequality on grounds of sex and publicise the results.
- i) Drive and carry out awareness campaigns and actions to give effect to the principle of equality between women and men.
- j) Foster the personal and financial self-sufficiency of women and promote women's employment.
- k) Provide specialised technical assistance to local councils and other public authorities.
- l) Encourage the presence of women in participatory bodies and decision-making forums.
- m) Support groups and organisations promoting equality between men and women and ensure their participation in designing, drawing up, implementing and evaluating gender equality policies.
- n) Coordinate preparing gender impact reports which encompass the diversity of women and take suitable corrective measures to ensure these reports are included in regulations, provisions and policies approved and executed by the Government, especially if the reports put forward prescriptive measures to remedy inequalities.
- o) Draw up the provisions needed to assign gender mainstreaming to the bodies in the Administration of the Generalitat, government agencies and public organisations related or reporting to it.
- p) Draw up, adopt, implement and evaluate the plans for the equality for women and men aimed at its staff as referred to in Article 15.



PARLAMENT DE CATALUNYA

- q) Review and monitor the equality plans of Catalan businesses and compliance with the requirement to draw up and implement equality plans in the case of the companies referred to in Article 36.1.
- r) Approve the strategic plans on gender equality policies referred to in Article 14.
- s) Prevent and respond to instances of gender-based violence and sexual and sex-based harassment by drawing up protocols and taking appropriate measures to address this problem pursuant to Act 5/2008.
- t) Draw up and approve the annual report on the implementation of gender mainstreaming in the Administration of the Generalitat.
- u) Provide specific capacity building and training programmes for the staff and elected members of the local government bodies to ensure that they perform their duties specified under this Act.
- v) Perform any other duties assigned to it by current legislation.

Article 6. Duties of the local government bodies of Catalonia

1. In their territory and by virtue of the powers conferred upon them by the legal system, with respect to gender equality policies town and city councils and other local government bodies shall:

- a) Examine and identify shortcomings and needs in terms of meeting the purposes of this Act in their territory in partnership with women's associations.
- b) Raise public awareness of the causes of gender-based violence and under current regulations foster preventive actions and campaigns and make available to the general public the care services required for people experiencing the various kinds of gender-based violence.
- c) Help, inform and guide women with respect to programmes and resources which enable them to effectively exercise their rights and raise awareness among men and women about equal rights and duties.
- d) Set up and tailor the mechanisms needed to mainstream the gender perspective in their political actions.
- e) Lay down the conditions of training and capacity building for their staff.
- f) Draw up, adopt, implement and evaluate the plans for equality of women and men aimed at their staff as referred to in Article 15.
- g) Draw up, adopt, implement and evaluate the equality plans referred to in this Act which affect local government bodies.
- h) Foster the personal and financial self-sufficiency of women and promote women's employment.
- i) Encourage the presence of women in participatory bodies and decision-making forums.
- j) Support feminist groups and organisations advocating women's rights and drive their participation in designing, drafting, implementing and evaluating equality and gender mainstreaming policies.
- k) Adapt and maintain updated statistics which add to understanding of the distinct situation of women and men in local action areas.
- l) Devise and implement policies aimed at eliminating inequalities and exploitation of women in all local action areas.
- m) Perform any other duties assigned to them by current legislation.

2. The Generalitat shall support the financial capacity of municipalities with respect to the duties attributed to them by this Act, either through the transfer of funds from other administrations or with its own funds, without prejudice to municipalities and other local government bodies allocating funding in their budgets for these duties by means of programme contracts entered into for this purpose.

3. The Administration of the Generalitat shall provide specific capacity building and training programmes for the staff and elected members of the local government bodies to ensure that they perform their duties specified under this Act.

Article 7. Administrative organisation

1. The Administration of the Generalitat exercises its powers under this Act through:

- a) The Catalan Women's Institute, which is attached to the Ministry of the Presidency.



PARLAMENT DE CATALUNYA

b) The bodies and teams appointed by each ministry as responsible for effective equality between women and men policies and mainstreaming the gender perspective under Article 8.

2. The following are advisory bodies of the Administration of the Generalitat with respect to gender equality policies:

a) The National Women's Council of Catalonia, founded by Article 6 of Act 11/1989, of 10 July, creating the Catalan Women's Institute.

b) The National Committee for Coordinated Action against Gender-based Violence set up by Article 82 of Act 5/2008.

3. In order to perform its duties in gender equality policies, the Administration of the Generalitat shall have the following resources:

a) Internal mechanisms for inter-ministerial collaboration and coordination to promote gender mainstreaming in the fields within its remit.

b) Mechanisms for inter-institutional cooperation to transfer driving gender mainstreaming to other administrations, social partners and universities.

c) Supervision and penalty mechanisms to ensure compliance with the Act.

4. The bodies leading and implementing gender policies are attached to the Ministry of the Presidency in order to ensure mainstreaming and provide the leadership they need.

Article 8. Bodies responsible for implementing gender mainstreaming

1. The Generalitat's ministries, autonomous bodies, government-owned enterprises and public bodies related or reporting to them shall specify in their organisational decisions the body responsible for implementing gender mainstreaming in planning, managing and evaluating their respective policies.

2. In coordination with the Catalan Women's Institute, the bodies responsible for implementing gender mainstreaming shall:

a) Put into practice cross-cutting plans and programmes for gender equality policies in the functional area of the ministry or body in line with the guidelines and measures set out in the plans for gender equality policies approved by the Government.

b) Assist in drawing up, implementing, monitoring and evaluating ministerial equality plans for staff in the Administration of the Generalitat.

c) Drive studies and statistics in coordination with the statistical bodies of the ministries of the Generalitat, government agencies and public bodies related or reporting to the Administration of the Generalitat and issue reports concerning the equality of women and men in their functional area.

d) Systematically build the gender perspective into all stages, areas and levels of intervention in their functional area in partnership and coordination with the Catalan Women's Institute.

e) Deliver training for ministry staff in effective equality of women and men.

f) Ensure effective compliance with this Act in their functional area, which is to be delivered by staff with specific equality and gender training.

g) Perform any other functions as may be needed to implement the gender perspective.

Article 9. Gender equality officers

1. The Administration of the Generalitat shall drive the regulation and the system of capacity building and training for gender equality officers and ensure their presence in the terms laid down by this Act.

2. The public administrations shall progressively hire gender equality officers with the qualifications required under the regulation referred to in paragraph 1 in order to implement equality measures in the operations of the Administration. These officers shall be especially involved in analysing, implementing, evaluating and monitoring all public policies, and in particular the specific policies and projects designed to achieve equality.

3. The Administration of the Generalitat shall include the category of gender equality officer in the list of posts, especially in bodies responsible for ensuring compliance with this Act.



PARLAMENT DE CATALUNYA

Chapter III. Mechanisms for safeguarding the right to effective equality of women and men in the public sector

Article 10. Public sector procurement

1. The contracting authorities of Catalonia which are considered to be part of the public administration under public sector procurement legislation shall include social clauses in their procurement rules in order to promote equal treatment and opportunities for women and men in the labour market. To this end and pursuant to prevailing public procurement regulations, they shall:

- a) Add the gender perspective to public procurement tenders.
 - b) Include conditions for performance of the work contracted which require the contractor to put in place measures to promote the equality of women and men.
 - c) Indicate in the bidding specifications the additional score for undertakings which have equality plans when they are not obliged to do so by law and undertakings which have the Catalan Business Excellence Seal for equality referred to in Article 35 or which adopt measures to achieve equal opportunities that are lasting over time and maintain their effectiveness pursuant to regulations.
2. The contracting authorities referred to in paragraph 1 shall view the information about the companies registered in the Public Register of Equality Plans referred to in Article 36.5 in order to perform the activities specified in this article more effectively.
3. The contracting authorities shall set up evaluation and monitoring mechanisms to ensure effective compliance with the measures evaluated in the tenders.

Article 11. Public aid

1. The public administrations of Catalonia and the bodies and organisations related and reporting to them shall refuse to award subsidies, grants or any other kind of public aid to applicant enterprises and entities which have been penalised by a final administrative decision or sentenced by a final court ruling for using or tolerating employment practices considered discriminatory on grounds of sex or gender. To this end, applicant enterprises and entities shall submit together with their application for the aid a statutory declaration that they have never been penalised by a final administrative decision or sentenced by a final court ruling.
2. The rules for calls for subsidies, grants and other types of public aid announced by the public administrations of Catalonia shall include an assessment of the best way to achieve the inclusion of the gender perspective.
3. With respect to grants, the rules shall include specific reference to the right of the beneficiaries to be absent on maternity or paternity grounds for the entire term of the such leave pursuant to applicable legislation without forfeiting the status of beneficiaries. The requirements to give effect to this right shall be specified in the calls.

Article 12. Equal representation on public administration collegiate bodies

1. The public administrations shall abide by the principle of equal representation of women and men in appointments to all kinds of collegiate bodies with due regard for the first transitional provision and without prejudice to paragraph 2.
2. Equal representation measures shall not apply to bodies set up to promote the rights and interests of one of the two sexes.

Article 13. Equality plans and mainstreaming

Public policies for the equality of women and men shall be implemented by gender mainstreaming within the Generalitat's remit and also via the following equality plans:

- a) The Government of the Generalitat's Strategic Plan for Gender Equality Policies, consistent with Article 14.
- b) Ministerial operational plans and action programmes which develop and implement the Government of the Generalitat's Strategic Plan for Gender Equality Policies.
- c) The local administrations of Catalonia's plans for gender equality policies, consistent with Article 14.4.
- d) Equality plans for women and men for staff rendering services in the public sector in Catalonia, consistent with Article 15.



PARLAMENT DE CATALUNYA

- e) The Plan for Gender Equality in the Education System, consistent with Act 12/2009, of 10 July, on education and Article 21.3 of this Act.
- f) The action plan to support companies in promoting equal treatment and opportunities for women and men at work consistent with Article 34.
- g) Any other equality plans and programmes established by law.

Article 14. The Government of the Generalitat's Strategic plan for gender equality policies

1. The Government of the Generalitat's Strategic Plan for Gender Equality Policies, as referred to in Article 3.d of Act 11/1989, of 10 July, creating the Catalan Women's Institute, lays down the cross-cutting objectives and measures to be implemented to ensure effective equality between women and men in the Administration of the Generalitat.
2. The Catalan Women's Institute, with the assistance of the relevant ministries and the participation of social and economic partners and organisations, associations and groups advocating women's rights across Catalonia, shall be responsible for designing, coordinating and driving the preparation of the Administration of the Generalitat's strategic plans for gender equality policies and for monitoring and evaluating them.
3. The Administration of the Generalitat's Strategic Plan for Gender Equality Policies has to be approved by the Government.
4. The Government shall encourage local government bodies and give them the support needed to draw up and adopt their respective plans for gender equality policies. These plans shall be drafted with the participation of social and economic partners and organisations, associations and groups advocating women's rights in their respective territories.

Article 15. Equality plans for women and men in the public sector

1. Within two years from the entry into force of this Act, the institutions of the Generalitat, the Administration of the Generalitat, public agencies related or reporting to them and public and private organisations managing public services shall adopt a plan for equality of men and women for their staff. This plan shall be specified in the collective agreement or in the agreement on working conditions so as to ensure effective implementation of the principle of equal treatment and opportunities for women and men and eliminate discrimination on the basis of sex with respect to access to paid employment, wages, training, career advancement and all other working conditions.
2. Local authorities that have specific bodies representing their staff shall adopt a plan for equality of women and men. This plan shall be specified in the collective agreement or in the agreement on working conditions.
3. The Generalitat shall ensure that private corporate associations operating under public law, business associations, trade unions, non-profits, consortiums and all kinds of organisations managing public services have equality plans.
4. The plans for equality of women and men in the public sector shall meet the following requirements:
 - a) Based on a prior assessment of the situation, they shall set the specific effective equality targets to be achieved, the strategies and methods to be used to achieve them, and effective systems for monitoring and evaluating the targets.
 - b) They shall take into consideration areas of action including the representation of women, access, selection, career advancement and professional development, working conditions, work-life balance, gender-based violence, health and safety at work with a gender perspective, inclusive communication and use of non-sexist and non-androcentric language and the body's internal strategy and organisation.
 - c) They shall include specific measures tailored to the special features of educational, healthcare, research and prison staff and fire-fighters, park rangers and law enforcement agencies.
 - d) The workers' representatives shall be consulted when drawing up and adopting them.
 - e) They shall include self-assessment in the plan's wording which is to be conducted every four years.
 - f) They shall be attached as an appendix to the collective agreement or agreement on working conditions of the public administrations, government agencies, government-owned enterprises, consortiums, foundations and other organisations with legal personality in which the Generalitat or local government



PARLAMENT DE CATALUNYA

bodies have direct majority representation.

Article 16. Policies for effective equality between women and men in the civil service

1. The ministry responsible for the civil service, in conjunction with the Catalan Women's Institute, shall set out the general principles for effective equality of women and men which ministries, government agencies and public entities shall observe when drawing up rules for calls for applications for public sector employment.

2. The public administrations of Catalonia shall promote equal representation of women and men on selection boards and committees.

3. The subjects to be studied for access to public employment shall include content concerning regulations on effective equality of women and gender-based violence that are to be observed in administrative operations when implementing effective equality policies.

4. The public authorities shall adopt measures for core, progressive and continuing training on equality of women and men for all staff taught by experts in order to give effect to this Act and ensure sufficient practical knowledge for effective inclusion of the gender perspective in public actions.

5. The public authorities shall regularly examine jobs to assess compliance with the principle of equal pay for men and women and shall take corrective measures to eliminate the wage gap.

Article 17. Budget legislation

1. The Generalitat's ministries, autonomous bodies, government-owned enterprises and public bodies related or reporting to them shall integrate into budget programme reports included in the Generalitat's budget the actions and associated indicators for tailoring expenditure to the specific needs of women and men in order to move forward in eliminating inequalities. They shall present the differentiated impact of the budgets on men and women and include gender perspective targets in results-oriented budget targets.

2. At the close of each budget year, the Administration of the Generalitat shall conduct gender audits on compliance with the targets set out in the reports by the ministries and the public sector agencies and entities related or reporting to them to ensure that the gender impact is integrated into budget programme reports included in the Generalitat's budget.

Chapter IV. Public policies to foster effective equality of women and men

Section one. Political and social participation of women

Article 18. Public authorities' policies and actions

1. The public authorities' policies and actions shall raise the profile of and recognise groups and organisations advocating women's rights, support them and drive their participation in designing, drawing up, implementing and evaluating gender equality policies.

2. The public administrations of Catalonia shall endeavour to abide by the principle of balanced representation of women and men in appointments to management bodies and public agencies related or reporting to them and shall promote this principle in the management bodies of associations and organisations of all kinds.

3. Within two years from the entry into force of this Act, the institutions of the Generalitat, the Administration of the Generalitat and public agencies related or reporting to them shall approve a protocol for preventing sexual and sex-based harassment.

Article 19. Political participation of women and men

1. The public authorities shall endeavour to abide by the principle of equal representation of women and men in the distribution of political power and foster the participation of women in areas or positions where they are underrepresented.

2. Nominations submitted by political parties, federations, coalitions and electoral groups shall respect the provisions of Article 56.3 of the Statute of Autonomy.

Article 20. Social participation of women

1. The public authorities shall take specific positive action measures which are temporary, reasonable and proportionate to the objective pursued in each case in order to promote effective equality between women and men, redress situations of social inequality resulting from subordination practices or discriminatory social systems, and give effect to women's right to social participation.



PARLAMENT DE CATALUNYA

2. The public authorities shall carry out specific actions to galvanise women's associations and promote setting up networks; recognise and add to the political agenda contributions made by feminist organisations and women's groups; drive the participation of women, the feminist movement and women's organisations in consultative bodies at the regional and local level; encourage the participation of women in national and international forums and organisations, and rethink forms of participation in order to cast aside androcentric models.
3. Professional colleges and associations, business associations, trade unions, cultural and social organisations and political parties shall establish mechanisms to secure the active participation of women and the access of women to governing bodies to achieve equal representation on them.
4. The principle of parity democracy referred to in principle five of Article 3 shall not apply to associations, organisations, entities, foundations and other public and private law institutions whose purpose is to promote the rights or interests of only one of the sexes.
5. The public authorities shall promote the social participation of women through information and communication technology and help to overcome the various digital divides.

Section two. Education, culture and knowledge

Article 21. Coeducation

1. To give effect to the principle of coeducation and promotion of equality between women and men established in Articles 2.1.m and 43.1.d of Act 12/2009, of 10 July, on education, the education administration shall include coeducation in all levels and types of the education system and shall introduce it into educational programmes and curricula at all levels in order to encourage the development of people regardless of gender stereotypes and roles, ensure academic and careers guidance which is devoid of sexist and androcentric biases, and avoid any sex-based discrimination. It shall further sponsor research in coeducation and ensure its inclusion in curricula, textbooks and teaching materials.
2. Local authorities shall implement specific measures to ensure that children under sixteen go to school every day, paying special attention to teenage girls at risk of dropping out.
3. Under the Plan for Gender Equality in the Education System, the education administration shall implement actions and measures to achieve:
 - a) Heightened awareness of the historical contributions of women in all areas of knowledge and their social and historical contribution to the development of humanity.
 - b) Training of young people on the historical journey towards achieving women's rights.
 - c) Promoting and publicising criteria for equality between men and women, both in the teaching given and in establishing collaborative and participatory work.
 - d) Training and capacity building to enable girls and boys to share responsibilities for housework and care of dependent people and their families without the burden of traditional gender roles.
 - e) Training students and supporting their individual expectations to enable them to make academic and career choices free of gender constraints.
 - f) Training students in non-sexist and non-androcentric use of language.
 - g) Promoting research in coeducation and the gender perspective.
 - h) Implementing affective and sexual education which helps to build a positive, healthy sexuality which respects diversity and shuns all prejudices on grounds of sexual and affective orientation.
 - i) Promoting content related to sexuality aimed at preventing unwanted pregnancies and sexually transmitted diseases.
 - j) Preventing gender-based violence in accordance with the parameters established by Act 5/2008.
 - k) Preventing, positively managing and addressing conflict situations related to sexist behaviour and attitudes.
 - l) Adopting measures to ensure balanced use of space and participation by both sexes in school activities.
4. The education administration shall provide training in coeducation to its teaching staff, including sexual education, against gender-based violence and on social guidance, and shall further ensure that



PARLAMENT DE CATALUNYA

coeducation experts are on the bodies responsible for assessment, inspection, educational innovation and research, on the School Council of Catalonia, in educational services and in schools.

5. The education administration shall promote awareness and training for families in coeducation through parent federations and associations.

6. The education administration shall ensure and foster balanced representation of women and men on governing and decision-making bodies and also on school boards, and shall additionally promote equal opportunities for women and men in schools. Likewise, it shall promote balanced representation of professionals of both sexes at all educational levels.

7. The education administration shall ensure that vocational training and adult education include the gender perspective and are planned for and tailored to the needs and diversity of women, their varied interests and their time availability, and shall also set up specific programmes for socially-excluded women.

Article 22. Free-time education

1. The public administrations of Catalonia with authority over free-time education shall foster coeducation in organisations and institutions engaged in free-time education and extracurricular activities, and shall further promote and facilitate access by children and young people to free-time education to enable them to develop skills as individuals and members of society and drive effective equality between women and men.

2. The public authorities shall ensure appropriate training in coeducation in free-time education for children and adolescents by means of the training programme for instructors and leaders of free-time activities and specialised continuing training courses.

Article 23. Games and toys

The public administrations of Catalonia with authority over games and toys shall take the actions required to:

- a) Heighten awareness and provide information about the significance of games and toys in transmitting sexist stereotypes.
- b) Ban the marketing of games and toys which are degrading to women, contravene their dignity, use sexist language or encourage aggression and violence among children and teenagers.
- c) Promote the production of non-sexist books, games and toys.

Article 24. Cultural expressions

The public administrations of Catalonia shall:

- a) Take the measures needed to safeguard women's right to culture and be considered cultural stakeholders and to raise the profile of their culture.
- b) Take the measures needed to avoid any discrimination on the basis of sex and promote effective equality in cultural creation and women's participation in cultural activities while taking into account their realities and aspirations.
- c) Promote recovering the historical memory of women with the participation of women and drive cultural policies which raise the profile both of women's contributions to Catalonia's heritage and culture and also of diversity.
- d) Encourage cultural expressions of all kinds to shun sexist stereotypes and prejudice and drive the creation and distribution of works featuring formal innovations which help to prevail over androcentrism and sexism, enhance knowledge of the ethnic, cultural and functional diversity of the various groups of women, and display women's range of sexual orientations and identities.
- e) Foster the promotion of cultural expressions from a variety of sources in which women are acknowledged and not undervalued.
- f) Ensure that public cultural products include a non-sexist and non-androcentric standpoint and encourage cultural creation facilities to foster creating and distributing cultural works by women using appropriate awareness-raising, promotion and support measures.
- g) Respect and ensure balanced representation on advisory, scientific and decision-making bodies and



PARLAMENT DE CATALUNYA

panels in the artistic and cultural field.

h) Promote and safeguard the presence of Catalan women artists in public cultural programming in local, national, state and international exhibitions together with equal representation of women and men in nominations for honours and distinctions.

i) Ban the organisation and performance of cultural activities in public spaces in which women are not allowed to take part or their participation on equal terms with men is blocked.

Article 25. The media and information and communication technology

1. The broadcasting media of the Generalitat and Catalan local government bodies, any operating under a licence granted by the Audiovisual Council of Catalonia, other legal persons included in Article 2 of Act 22/2005, of 29 December, on broadcasting in Catalonia, and the written media managed or subsidised by the public administrations of Catalonia shall:

a) Ensure that no sexist content justifying, trivialising or encouraging violence against women is published.

b) Shun sexist stereotypes concerning the roles of women and men in all areas of life and especially in content addressed to children and young people.

c) Ensure the active participation of women, the equal presence of women and men and a diverse image of both sexes in all areas, with special attention paid to knowledge and opinion-forming venues.

d) Use non-sexist and non-androcentric language.

e) Ensure political, social and cultural activities promoted by women or intended for women and ones which drive their empowerment are publicised under equal conditions.

f) Encourage women writers by means of positive action measures.

g) Display the diversity of origins and cultural realities in Catalonia and the realities and expectations of women, and set up mechanisms to ensure women's contributions to social progress throughout history are made evident.

h) Remedy the failure to acknowledge women by including them as experts and key partners and contributors in the media managed or funded by the public administrations.

i) Promote the development and training of a critical approach towards sexist content and biases.

2. The Audiovisual Council of Catalonia shall conduct regular studies on compliance with the gender perspective in the media's news and information services and on the gender impact in content and programming.

3. The Catalan Broadcasting Corporation's programme contract shall include mechanisms to ensure equal representation of women and men and raise the profile of the situation of women.

4. Advertisements which present people as inferior or superior in human dignity by sex or as mere sexual objects and any that justify, trivialise or incite violence against women may not be produced, broadcast or displayed. Such advertisements are considered unlawful advertising pursuant to general legislation on advertising and institutional communication.

5. The media shall adopt codes of conduct in order to embrace and convey the principle of gender equality. They shall also work with institutional campaigns designed to foster equality between women and men and promote the elimination of violence against women.

6. Privately-owned media shall ensure compliance with the measures in paragraph 1 and shall take the actions needed to give effect to them.

Article 26. The information and knowledge society

1. The public authorities of Catalonia shall promote measures to foster the introduction of new technology based on principles of equality and shall encourage women to play a part in building the information and knowledge society.

2. Information and communication technology projects funded in whole or in part by the public authorities shall ensure that language and content used in such projects are not sexist.

3. The Government shall foster content created by women in the information and knowledge society.



PARLAMENT DE CATALUNYA

4. The public authorities of Catalonia shall drive programmes to enlarge the number of women in technical and technological education and in the information and communication technology industry.

Article 27. Women's access to information and communication technology

1. The public authorities of Catalonia shall specifically help women and organisations advocating women's rights to use information and communication technology by means of training measures and programmes which break down barriers to equality in using technological resources, paying special attention to groups at risk of social exclusion and in rural communities.

2. The public administrations of Catalonia shall include the goal of effective equality between women and men in digital promotion and inclusion policies in information and communication technology and shall foster the diffusion of content created by women.

Article 28. Universities and research

1. The education in values referred to in Article 5 of Act 1/2003 of 19 February on universities of Catalonia shall necessarily include:

a) Promoting gender mainstreaming and studies on women's contribution throughout history in all areas of knowledge, academic activity and research and adding it to the curriculum of undergraduate degrees and postgraduate programmes. Applications for accreditation of undergraduate and postgraduate programmes shall be accompanied by a report specifying how the gender perspective has been included in the curriculum or, failing that, the improvement plan envisaged to do so.

b) Using non-sexist and non-androcentric language in all communications.

c) Training in coeducation for people performing teaching roles, especially people studying teaching or education science, and where need to be in undergraduate, postgraduate, master's and doctoral programmes training teachers and educators pursuant to the coeducational model referred to in Article 21.

2. To comply with the objective of achieving effective equality of women and men in universities and research, universities shall:

a) Drive the work of women researchers and their participation in research groups and raise the profile of their contributions in science and technology.

b) Ensure training for their staff in the gender and women's perspective in all academic fields.

c) Set up specific modules or courses on the gender and women's perspective in all academic fields.

3. Catalan universities, higher education facilities and research centres and institutions shall:

a) Ensure effective equality of women and men in teaching and research careers and also for administrative and service staff, and further balanced representation of women and men on collegiate bodies and at all levels of decision-making.

b) Adopt for the purposes of point *a* a plan for equal access, promotion and working conditions of administrative and service staff and teaching and research staff, including specific measures for students, and design and implement an inclusive staff recruitment policy which takes into consideration the specific training of the people who are members of selection boards in order to avoid any kind of gender discrimination in staff selection.

c) Provide information and advice to prevent any discrimination, sexual or sex-based harassment or other forms of gender-based violence.

d) Ensure that evaluations of teaching and research staff conducted by the relevant bodies take into consideration the gender perspective and that there is no direct or indirect discrimination on grounds of sex.

e) In addition to standards to ensure quality and excellence, evaluate as positive aspects in calls for grants for research projects or other forms of grant aid for research:

1st. Whether the groups are 40% or more women, and whether a woman is the leader in research areas where women are underrepresented.

2nd. Whether the projects include the gender and women's perspective or seek to study the situation of women.



PARLAMENT DE CATALUNYA

- f) Implement positive action measures and include mechanisms for cooperation between institutions which help to prevent sexual and sex-based harassment which is the highest expression of inequality between the sexes, ensure such prevention is effective, and enable an appropriate response to any complaints which may be made in this respect by any member of the university community.
- g) Set up specific modules or courses on the gender and women's perspective in the compulsory curriculum offering of faculties and in studies recognised by Catalan universities.
- h) Take action to balance the presence of both sexes in all disciplines, especially ones in which one of the two sexes is significantly underrepresented.
- i) Be accountable to public bodies responsible for university policy in terms of the degree of compliance with the objectives set out in this article.

Article 29. Training in professional associations and colleges

The Administration of the Generalitat shall promote general and specific training courses for professional associations, professional colleges and boards of professional colleges operating in Catalonia so as to enhance their knowledge of women's rights and the gender perspective.

Article 30. Sports

1. Sports policies shall be planned in accordance with Article 1, and in particular they shall:

- a) Ensure effective equality of women and men in doing physical activities and sport whether for leisure or competition at all levels, including scientific and technical levels, competition control, medical and other care services for athletes, leadership, promotion and social representation.
- b) Encourage the inclusion, participation and continuity of women in sport at all stages of life and include programmes for raising awareness and encouraging the presence of women on sports decision-making bodies and in sports management.
- c) Include gender perspective indicators in all areas of sport in Catalonia.
- d) Draw up prevention and action protocols and mechanisms to address gender-based violence in doing sport and in sport in general.
- e) Foster and safeguard the model of sport at school age to promote and support children and young people's access to physical activities and sport under principles of coeducation in values, inclusion, social cohesion and combating inequalities in order to educate people in a commitment to society and to promoting equality between men and women.
- f) Encourage sponsorship and media coverage of sports activities in which the participation of women is in a minority, and establish public aid for sports activities in which women are in a majority.

2. Sports policies shall take into consideration the following aspects:

- a) Significant factors in awarding grants, awards and subsidies to sports organisations include promoting a range of sports activities for children which is balanced in terms of the gender perspective and implementing internal measures to foster the participation of women in leadership positions in organisations and clubs.
- b) Catalan sports authorities may not engage in or grant any type of aid to sports programmes or activities which are sexist or discriminate on the basis of sex.
- c) Studies and research in physical activity and sports science sponsored by the Catalan sports authorities or in receipt of public funding shall introduce the study of differences and inequalities between women and men in order to expand and deepen knowledge of women's situation, expectations, needs and contributions to sport at all stages of life.
- d) Education in sport shall include as a priority the principle of coeducation and shall promote education in coeducational values for physical education teachers and people working as instructors, coaches and trainers by means of training activities and continuing education programmes.
- e) Teaching programmes and materials shall be drawn up to promote equal recreational sport and sport at school age featuring social values and to raise the profile of women sports leaders, athletes and elite coaches.
- f) Making prizes and grants for the same sport equal for men and women.



PARLAMENT DE CATALUNYA

Article 31. The economic value of domestic and personal care work

1. The Generalitat shall regularly estimate the economic value of domestic work and care of children and elderly or dependent people in Catalonia, and shall inform Catalan society of the findings of these estimates in order to heighten awareness of its economic and social significance.

2. The public administrations shall take into consideration the data on the economic value of domestic and personal care work when devising economic and social policies.

Section three. Work, employment and business

Article 32. Promoting equal treatment and opportunities for women and men in employment

1. To promote equal treatment and opportunities for women and men in employment, the public authorities shall:

a) Enhance the employability and employment of women in terms of access, representation, permanent contracts and working conditions. To this end they shall:

1st. Draw up two-year active employment plans to provide incentives for stable, quality employment for women and encourage their full-time employment. These plans and measures shall include gender and age impact studies and pay particular attention to long-term female unemployment.

2nd. Build the gender perspective into planning vocational, occupational, continuing and labour market integration training.

3rd. Include equal opportunities for women in recruitment, job classification, job assessment, remuneration and career advancement processes.

4th. Implement measures to increase the percentage of women in sectors, occupations and professions where they are underrepresented.

5th. Foster entrepreneurial initiatives undertaken by women.

6th. Take the measures needed to eliminate all direct and indirect discrimination resulting from maternity.

7th. Foster the presence of women in technical careers.

b) Give particular attention to the implementation of the principles of Article 3, and in this respect:

1st. Build the gender perspective into all stages of labour market integration and ensure balanced representation of women and men in the programmes and actions undertaken.

2nd. Build the gender perspective into active employment policies.

3rd. Progressively include specific gender modules in active employment policy programmes.

4th. Build the gender perspective into the design of training for staff involved in careers guidance and labour market integration, in particular for staff attending to the public in employment offices, in order to ensure labour market integration free of gender stereotypes.

2. To promote equal treatment and opportunities for women and men in employment, the public authorities shall implement the following specific actions:

a) Conduct actions, plans and programmes for women with particular difficulties in labour market integration.

b) Promote the access of women to management and leadership positions and devise a plan to encourage companies to put in place specific measures to ensure balanced representation of women and men in management positions and on boards of directors. Continuously evaluate the impact of these actions and take appropriate measures for their effective implementation.

c) Ensure compliance with the principle of equal remuneration of women and men, promote the inclusion of the gender perspective in corporate policies impacting staff remuneration, and set up mechanisms requiring companies to take steps to assess and eliminate the wage gap and to set remuneration and allowances transparently and with a gender perspective.

d) Promote greater occupational diversification of women in the labour market and eliminate horizontal segregation by adopting the measures needed both to enable women to join sectors of the economy which are traditionally male-dominated, more strategic and offer greater prospects for professional development,



PARLAMENT DE CATALUNYA

and also men to join traditionally feminised sectors, while ensuring that the social worth of feminised sectors is enhanced, and they have the same recognition and working conditions as other sectors.

e) Put in place mechanisms drawing on the recommendations of the Equality and Working Time Committee of the Council for Labour Relations for responding to complaints about sexual and sex-based harassment so as to ensure that companies comply with the protocol for preventing and addressing such harassment. In these complaints, the principle of reversal of the burden of proof shall be applied, whereby when the plaintiff or party alleges this type of harassment and provides substantiated evidence of it, it shall be for the defendant, or the person who is accused of the harassment, to provide an objective, reasonable and sufficiently proven justification for the measures taken and their proportionality.

f) Drive measures to foster the implementation of new working timetables which allow professional development and work-life balance in terms of equal opportunities. These new working timetables shall be designed to enhance both quality of life for employees and also business competitiveness and efficiency.

g) Draw up recommendations in the Equality and Working Time Committee of the Council for Labour Relations to enable collective agreements to provide for a system of assessment of jobs and occupational groups which evaluates their roles and responsibilities on the basis of neutral and common criteria for employees of both sexes and takes the gender perspective into account.

3. The Generalitat's ministry responsible for enterprise and employment shall monitor and evaluate the equality plans through the Public Register of Equality Plans and by means of appropriate actions taken by the relevant labour authority.

Article 33. Prevention of sexual and sex-based harassment in companies

1. Companies shall adopt specific measures, negotiated with the workers' legal representatives, to prevent sexual and sex-based harassment and to promote working conditions which avert such harassment.

2. Companies shall mediate specific procedures for responding to any complaints which may be made by people who have been subjected to harassment.

3. The workers' representatives shall actively contribute to the prevention of sexual and sex-based harassment by raising the awareness of workers and reporting any behaviour identified that may lead to it to the company.

4. Sexual and sex-based harassment in the workplace are considered direct discrimination on the basis of sex, without prejudice to them also being considered as a criminal offence.

Article 34. Action plan to support companies in fostering equal treatment and opportunities for women and men in the workplace

1. Every four years and at the proposal of the ministry responsible for enterprise and employment, the Government shall draw up an action plan supporting companies in fostering and including equal treatment and opportunity in their organisations.

2. The action plan to support companies in fostering equal treatment and opportunities for women and men in the workplace shall specify the funding and evaluation mechanisms for each action strand and shall include:

a) Programmes to help companies draw up and implement equality plans, with particular attention to small and medium-sized enterprises with up to two hundred and fifty employees.

b) Support and advisory programmes for including gender equality officers in companies, such as senior gender equality specialists and equal gender opportunity officers in companies.

c) Support programmes for projects specifically aimed at promoting equal treatment and opportunities for women and men in the workplace and at fostering work-life balance for employees of both sexes, including the introduction of flexible working hours tailored to the needs of staff and companies.

d) The procedure and conditions required for companies to access the measures it establishes.

e) The conditions for awarding and publicising the Business Excellence Seal for effective equality between women and men in the workplace referred to in Article 35.

f) Work-life balance measures.



PARLAMENT DE CATALUNYA

Article 35. The Catalan Business Excellence Seal for effective equality between women and men in the workplace

1. The Catalan Business Excellence Seal for effective equality between women and men in the workplace is introduced to recognise companies promoting equality policies.

2. The Catalan Women's Institute, in keeping with the conditions laid down in the action plan to support companies in fostering equal treatment and opportunities for women and men in the workplace, awards the Catalan Business Excellence Seal for effective equality between women and men in the workplace, subject to the approval of the plenary session of the National Women's Council of Catalonia.

3. Any government-owned or private company implementing policies for effective equality in the workplace in Catalonia may apply for the Business Excellence Seal. Companies which are in breach of Article 36 and companies which in the two years prior to the call for applications for the Seal have been penalised by a final decision by the labour authority for discriminatory practices or for failing to meet their gender equality obligations are not eligible for this award.

4. The guidelines regulating the conditions for awarding the Business Excellence Seal for equality, which is valid for four years, are:

- a) Having a balanced representation of women and men in all occupational groups and categories.
- b) Adopting measures to enhance access to employment and career advancement of women in the sectors, occupations and professions in which they are underrepresented.
- c) Fostering access of women to management bodies to ensure balanced representation of both sexes as laid down by Article 32.
- d) Implementing proper guarantees to apply equal standards to the remuneration of women and men and appropriate job assessment which takes into account the gender perspective.
- e) Adopting measures to introduce flexible working time and rational organisation of working hours in order to enable shared responsibility of women and men in domestic and personal care work and work-life balance.
- f) Adopting measures against sexual and sex-based harassment, including preventive and penalty instruments and drawing up a prevention protocol.
- g) Using inclusive, non-sexist and non-androcentric language and non-sexist advertising in the company's internal communications and in its products, services and marketing.
- h) Drawing up and implementing an equality plan in the company when not required to do so by prevailing regulations.
- i) Taking corporate social responsibility actions to promote equal conditions for women and men in the company.
- j) Having in place individual and non-transferable paternity leave lasting four consecutive weeks from the end of maternity leave in addition to the leave established by prevailing legislation.
- k) Promoting effective business flexibility policies.
- l) Including any other indicators the relevant authority considers to be conducive to effective equality of women and men in the company's equality plan.

5. Pursuant to Article 10, the Business Excellence Seal for effective equality between women and men in the workplace may be taken into consideration in public sector procurement contract awards.

6. The Catalan Women's Institute may withdraw the Catalan Business Excellence Seal for effective equality between women and men in the workplace if the conditions under which it was awarded cease to be met.

Article 36. Equality plans in companies

1. All companies are required to respect equal treatment and opportunities in the workplace, and to this end they shall adopt measures to prevent any employment discrimination between women and men. These measures shall be negotiated and, where applicable, agreed with the workers' legal representatives in the manner prescribed by prevailing legislation. Equality plans are to be drawn up and implemented by:



PARLAMENT DE CATALUNYA

- a) Companies with more than two hundred and fifty employees pursuant to Article 46 of Organic Act 3/2007, of 22 March, for effective equality between women and men.
 - b) Companies whose collective agreement so specifies and in the terms set out therein.
 - c) Companies required to do so by the labour authority in penalty proceedings.
2. The public authorities of Catalonia shall encourage companies not included in paragraph 1 to draw up and implement equality plans.
3. Equality plans shall include measures to rationalise working hours which assist with the work-life balance of employees.
4. Companies with fewer than two hundred and fifty employees may draw up and implement equality plans after prior consultation with the workers' representatives.
5. The Public Register of Equality Plans coming under the ministry responsible for employment is the instrument for performance of the duties referred to in Article 5q. The equality plans of companies required to have them under paragraph 1 and the equality plans of companies which voluntarily draw them up shall be filed in this register.

Article 37. Professional qualifications

Within their powers, the public administrations of Catalonia shall:

- a) Ensure that the gender perspective is included in the professional qualifications catalogue.
- b) Make sure that the specification of occupational profiles in the professional qualifications catalogue does not include sexist stereotypes or gender exclusion mechanisms.
- c) Ensure that activities carried out almost exclusively by women are included as new professional qualifications.
- d) Include gender equality officers in the professional qualifications system.

Article 38. Promotion of effective equality measures in collective agreements

The Labour Relations Council, via the Collective Agreement Committee of Catalonia, shall regularly examine and evaluate the content of collective agreements from a gender perspective, issue opinions for recommendations and proposals where needed, and promote the inclusion of equality measures in collective agreements.

Article 39. Trade union equality officer

1. Trade unions operating in the workplace through workers' representation bodies shall task a trade union officer with the role of specifically ensuring equal treatment and opportunities as part of collective bargaining.
2. The duties of the trade union equality officer, who is required to undertake training in equal opportunities for women and men, are to:
- a) Work with the company's gender equality officer in order to promote equal opportunities in the company.
 - b) Advise the company and employees in the workplace about equality issues.
 - c) Systematically build the gender perspective into all areas and levels of intervention of their functional area.
 - d) Ensure the effective implementation of this Act in their functional area.
3. Trade unions shall appoint a trade union equality officer who has a specific qualification in equality and gender to perform the duties referred to in paragraph 2. If the trade union officer does not have this qualification, it shall be ensured that they are given specific training.
4. The public administration shall enable programmes to support trade union training for collective bargaining with a gender perspective.

Article 40. Presence of women and men in collective bargaining

1. Employers' organisations and trade unions together with bodies representing company staff shall promote equal representation of both sexes in collective bargaining through positive action measures.



PARLAMENT DE CATALUNYA

2. The public administration agency responsible for confirming the legality of collective agreements shall require companies to provide statistics sheets for the agreements showing meaningful data on the representation of women in the bargaining committee and in the application of collective agreements.

Article 41. Inclusion of the gender perspective in redundancy procedures

1. The Administration of the Generalitat shall ensure respect for the right to equality and non-discrimination on the basis of sex in redundancy procedures.

2. Companies required by law to draw up and implement a social support plan in redundancy procedures shall include the gender perspective and impact in all its measures.

3. The Labour Inspectorate shall monitor compliance with the obligation referred to in paragraph 2 and shall take appropriate measures as needed.

4. In cases of collective redundancy, the Labour Inspectorate shall check that there is no discrimination on the basis of sex and draw up a mandatory report to this effect.

Article 42. Inclusion of the gender perspective in Labour Inspectorate actions

1. The Labour Inspectorate of Catalonia shall include the gender perspective in its operations, ensure appropriate training for its staff and conduct specific actions on compliance with legislation on equal treatment and opportunities for women and men in the workplace.

2. Annual planning of Labour Inspectorate measures shall include supervision of the regulations on equal opportunities for women and men in access to employment and in the workplace as specific objectives.

3. The Administration of the Generalitat shall provide the Labour Inspectorate with sufficient staff and funding to operate as the agency responsible for supervising and monitoring equality measures in labour relations, implementation of equality plans and compliance with measures for life devoid of gender-based violence in the workplace.

Article 43. Inclusion of the gender perspective in occupational health and safety programmes

1. To give effect to principle one of Article 3, the ministry responsible for occupational health and safety, working in partnership with other Government ministries and relevant administrations and authorities, shall take into consideration the specific needs of women and their anatomical, physiological, cultural and psychosocial characteristics when devising health and safety policies, strategies and programmes, and shall also lay down the measures required to address them appropriately.

2. Public policies shall display and raise awareness of gender inequalities in the workplace and shall ensure the implementation of specific training programmes for employees, employers and occupational health and safety services from a gender perspective while driving the use of gender-sensitive methods for assessment and intervention with respect to working conditions.

3. The ministries responsible for occupational health and safety shall record short-term disabilities due to both non-occupational accident and illness and also occupational accident and illness broken down by sex, age and occupation in order to identify relevant population data on illnesses affecting women employees. This information shall be added to the assessment required to draw up the equality plans referred to in Article 15.

4. The ministries responsible for occupational health and safety shall promote compiling and processing existing information in primary healthcare centres and mutual insurers broken down by sex in order to identify specific risks for women employees resulting from their occupational activity.

Article 44. Job safety analysis in companies

1. Pursuant to current regulations on job safety analysis and in application of principle one of Article 3, when conducting job safety analysis and implementing preventive measures companies shall take into consideration the different exposure to risk factors of women and men and pay particular attention to risk factors for fertility, pregnancy and breastfeeding.

2. Companies shall train staff on the different exposure to risk factors by sex and on the risks for fertility, pregnancy and breastfeeding.

Article 45. Driving and promoting social economy actions, self-employment and women's entrepreneurship In application of principle one of Article 3, the public administrations of Catalonia shall:

a) Pay particular attention to women in pseudo self-employment in the design, application and assessment



PARLAMENT DE CATALUNYA

of policies to foster and promote self-employment and entrepreneurship.

b) Support business initiatives mainly undertaken by women in terms of access to support programmes for entrepreneurship, the social and cooperative economy and self-employment, and pay particular attention to initiatives in sectors, professions and jobs in which they are underrepresented.

c) Encourage mutual guarantee institutions receiving public aid to set up specific funds to assist with the establishment and consolidation of business initiatives undertaken by women.

d) Set up microcredit programmes or other financing instruments for projects run by women entrepreneurs.

Section four. Social policies

Article 46. Time use actions

In application of principles two and four of Article 3, the relevant administration shall:

a) Examine inequalities and differences between women and men in time use and implement policies which comprehensively address the perception and view of time in the various areas of daily life and enable more personalised and flexible working hours to be introduced.

b) Drive a balance in the appraisal and distribution of time spent on labour market work and domestic and personal care work taking into consideration personal time and the lifecycle, and also implement active awareness-raising, shared responsibility and capacity building policies for men.

c) Roll out active awareness-raising policies which acknowledge the importance of domestic and personal care work for the sustainability of everyday life, display its social and economic value, assert the need for it to be undertaken with shared responsibility by women and men, and contribute to the socialisation of personal care work.

d) Draw up support programmes to encourage good practices in working time use management and driving teleworking to improve work-life balance in all organisations within the scope of this Act, and in particular in small and medium-sized enterprises.

e) Promote work-life balance measures in initial vocational training, vocational training for employment and vocational training for labour market integration designed to enhance the employability of people, especially women. In this respect:

1st. Schools and organisations delivering training activities shall adapt their sites and timetables to the students' need for training-life balance.

2nd. The relevant public administration shall promote training programmes using new technology in order to avoid travel and enable flexible organisation of training time.

f) Mentor local authorities and companies and organisations in their area in implementing plans and measures which help create a better time use balance.

Article 47. Social welfare and family policies

To give effect to principles one and six of Article 3 in social welfare policies, the public administrations shall:

a) Put in place specific social cohesion and inclusion programmes for the most disadvantaged groups of women or women in situations of discrimination or inequalities which affect or violate the full exercise of their rights as citizens, and especially:

1st. Ensure the effective equality of older women and men in order to eliminate sexist discrimination and enable the expression and fulfilment of older women's rights so that they can develop their potential and abilities in society. To this end, public administrations shall draw up and implement regulations to protect older women from any form of violence, foster their social participation, safeguard their right to education, culture and leisure activities, encourage them to engage in physical activity and ensure that the media do not convey stereotypical images of them.

2nd. Devise comprehensive programmes for women in situations of economic insecurity and at risk of social exclusion and set up specific programmes for women from ethnic minorities and immigrant women.



PARLAMENT DE CATALUNYA

3rd. Ensure the effective equality of women and men with disabilities in order to eliminate sexist discrimination and enable the expression and fulfilment of the rights of women with disabilities so that they can develop their potential and abilities in society. To this end, public administrations shall adopt and implement measures to protect women with disabilities from any form of violence, foster their social participation, safeguard their right to education, culture and leisure activities, encourage them to engage in physical activity and ensure that the media do not convey stereotypical images of them.

b) Devise policies which enable the autonomy of dependent people and foster eliminating socioeconomic and gender inequalities in the care of dependent people at home, and set up the local public community services needed to ensure a sufficient supply of affordable and high-quality care for dependent people.

c) Implement family support policies which:

1st. Include recognition of family diversity, safeguard the right to an appropriate affective or family environment, and eliminate discrimination on grounds of sexual preference or transsexuality while ensuring individual freedom of choice. These policies shall further ensure the inclusion of the need to attach positive value to the role which women have traditionally played in the family as caregivers and wellbeing providers, and also to make men accept shared responsibility for work in this setting, including domestic chores, childcare and care of elderly or dependent people.

2nd. Include measures to safeguard the rights of children, teenagers and young people pursuant to Act 14/2010 of 27 May on rights and opportunities in childhood and adolescence, and especially to combat child poverty and inequalities in families.

3rd. Drive training programmes which encourage family involvement in the coeducation of their children pursuant to Article 21 and promote participation and shared responsibility of fathers and mothers in education and childcare.

4th. Drive specific comprehensive support programmes for single-parent families.

5th. Promote setting up social venues for children, young people and adults to allow them to enhance social ties and share knowledge on upbringing and personal care.

6th. Increase the responsibilities and time commitment of men of all ages in domestic and personal care work.

7th. Set up and increase the local benefits and services needed to promote performance of family responsibilities and also childcare benefits.

d) Address the causes of the feminisation of poverty and drive the measures needed to eliminate poverty among older women within the framework of minimum guaranteed income legislation.

Article 48. Health and services policies

1. Within the scope of their respective powers, the public administrations of Catalonia responsible for healthcare shall take the measures needed to:

a) Prevent and treat diseases particularly affecting women.

b) Prevent and treat diseases which have a special impact on women.

c) Ensure early detection of instances of gender-based violence as a factor which significantly impacts women's health.

2. Within the scope of their respective powers and to fully ensure affective, sexual and reproductive health, the public administrations of Catalonia responsible for healthcare shall:

a) Include content on affective, sexual and reproductive health in educational policies from primary school onwards and with particular attention to teenagers, young people and vulnerable groups.

b) Ensure the inclusion of reproductive advice in sexual and reproductive healthcare unit services and provide universal access to safe contraceptive methods with particular attention to teenagers.

c) Enhance the empowerment of women in decision-making on contraception and preventing sexually transmitted diseases.

d) Foster women's autonomy during pregnancy, childbirth and breastfeeding.

e) Ensure that women can terminate their pregnancy in public healthcare centres in compliance with the



PARLAMENT DE CATALUNYA

law.

f) Take special care of women who are living alone and financially vulnerable.

g) Work towards care being shared by men and women in the family setting pursuant to Article 47.c.1.

3. Within the scope of their respective powers, the public administrations of Catalonia responsible for healthcare shall take appropriate measures to prevent and identify female genital mutilation and inform the women concerned, including children, of the possibility where necessary of reversing or mitigating the effects of the mutilation by surgery.

4. Health surveys shall include indicators for identifying health inequalities based on sex and gender as variables and shall take into account the diversity of women in diagnosis, prevention and treatment and in care given in services.

5. Healthcare planning instruments and community action plans shall build the gender perspective into all stages and encourage the participation of groups advocating women's rights.

6. Training for healthcare professionals shall ensure that clinical practice meets health needs and expectations in terms of sex and gender and include knowledge of the pathophysiology of women in the various organic systems together with training to identify instances of gender-based violence and sexual control.

7. Within the scope of their respective powers, the public administrations of Catalonia responsible for healthcare shall ensure health information is provided to women and assist them over the various stages of life with the least possible medicalisation in pregnancy and childbirth.

Article 49. Research in health sciences

1. Within the scope of their respective powers, the public administrations of Catalonia responsible for healthcare shall ensure that scientific research into differential morbidity between women and men is conducted which takes into consideration biomedical differences between the sexes along with social, cultural and educational differences and conditioning factors which impact health and uses non-androcentric criteria and parameters.

2. Work protocols and research designs shall be responsive to the differences between women and men and to this end shall include both sexes in analysis parameters.

3. The public administrations shall drive research on conditions which particularly affect women.

4. The health administration shall include indicators in research and opinion studies about healthcare services and in health surveys to provide data on women and men broken down by sex and also as a whole.

5. The public administrations shall encourage mainstreaming women's health in all kinds of health science studies.

Article 50. Empowerment of women in rural communities

1. The Administration of the Generalitat shall underscore the role of women as a strategic cornerstone in rural development. To this end it shall:

a) Ensure the gender perspective is included in rural development measures.

b) Guarantee equal opportunities and full and fair participation of women in all aspects of the rural community and especially in public policy planning and implementation.

2. The Administration of the Generalitat shall support decision-making by women as a measure to combat depopulation, women's limited representation and impoverishment in rural communities. In particular, it shall:

a) Drive activities which generate employment, foster the integration of women in rural communities in the labour market and work against depopulation.

b) Provide access to training for women in rural communities.

c) Help eradicate the gender and territorial digital divide with mechanisms which enable and promote access to information and communication technology for women in rural communities.

d) Ensure the full social participation of women in rural communities and also their full participation in



PARLAMENT DE CATALUNYA

the management bodies of companies and associations.

e) Encourage joint ownership of farms by women and men.

f) Promote equal representation of women and men in decision-making positions in agricultural organisations.

3. To give effect to principles one and six of Article 3, agricultural, livestock, agri-food, forestry and fisheries policies shall:

a) Promote the transmission of women's traditional knowledge in these industries, acknowledge and raise the profile of their contribution to maintaining family farms, and foster local and social services networks to care for children, the elderly and dependent people.

b) Drive entrepreneurial initiatives and agricultural and fisheries development actions conducted by women.

c) Make it easier for young women to join the agriculture, livestock, agri-food, forestry and fisheries industries.

Article 51. Development aid and promoting peace

1. Development aid and peace promotion policies, plans, strategic planning, monitoring and evaluation documents, political action and dialogue and institutional relations shall mainstream the comprehensive gender perspective based on human rights.

2. The Generalitat's development aid and peace promotion policy shall foster changes in knowledge, attitudes, practices, structures and mechanisms in all areas so as to transform unequal power relations and eliminate inequalities between women and men. This shall involve driving specific positive actions for the empowerment of women which enhance their capabilities and key role in development and promoting peace in order to:

a) Foster political power-sharing and full and equal participation in decision-making at all levels.

b) Enhance individual, personal and collective empowerment in the economic, political, social and cultural realms so as to achieve effective equality of women and men in access to and control and use of resources and benefits.

c) Ensure equal access to and control of opportunities for development.

d) Promote and uphold the exercise of human rights and the enforceability of these rights by women under conditions of effective equality and non-discrimination before the law and in daily life.

e) Contribute to advocating, safeguarding and exercising the rights of women so as to transform the structures which perpetuate inequalities between women and men.

f) Foster women's full participation and leadership in prevention, transformation and resolution of violent conflicts and building peace.

g) Drive education for development and social awareness of gender equality and the empowerment of women from a coeducational standpoint.

h) Promote the inclusion of the gender perspective in humanitarian action.

Article 52. Sex trafficking, sexual exploitation and prostitution

1. The Government shall set up advisory programmes for women victims of sex trafficking or sexual exploitation and provide them with integrated care in order to:

a) Prevent any women from being forced into prostitution, being sexually exploited or being a victim of sex trafficking.

b) Step up prosecution of procuring.

c) Create the conditions required to eliminate sexual exploitation of children.

d) Encourage the social reintegration of women victims of sex trafficking or sexual exploitation.

2. The Government shall enhance control of contact advertisements in the media. All messages and advertisements promoting discrimination against women, sexual dominance or humiliating behaviour and any which foster this type of abuse or gender-based violence in the advertisement's specific expression or



PARLAMENT DE CATALUNYA

in its images shall be considered illegal.

Section five. Environment, urban planning, housing and mobility

Article 53. Environmental, urban planning, housing and mobility policy planning

1. To give effect to the principles referred to in Article 3, environmental, urban planning, housing and mobility policies shall:

a) Include the gender perspective in all stages of urban design, planning, implementation and assessment in order to place the needs and priorities arising from labour market work and domestic and personal care work on an equal footing in the design and configuration of urban spaces and also to help eliminate existing inequalities.

b) Promote public participation by women and associations advocating women's rights in urban design processes and provide feedback to them.

2. In compliance with the measures set out in paragraph 1, the public administrations of Catalonia shall ensure:

a) Training in the gender perspective is provided for technical and political staff engaged in urban planning and in mobility, housing and the environment.

b) Environmental, urban planning, housing and mobility planning is based on studies with statistics broken down by sex which enable measurable inequalities to be identified.

c) Gender impact studies and appropriate corrective measures to minimise differential impacts are implemented in all urban planning, housing, mobility and environmental action.

d) Urban planning policy is implemented which seeks to create compact, mixed cities with local services which retain their relationship with nature and where the presence and priority of private vehicles is diminished and measures are introduced to improve and densify single-use residential areas. In this respect, urban planning policy shall provide for service decentralisation so that infrastructure construction and land development cater for work-life balance needs by cutting travel times and ensuring equal opportunities in service accessibility.

e) Public amenities with facilities that are user-friendly and meet the needs of everyone are provided. In this respect, childcare areas should be made available insofar as possible, especially nappy changing facilities, for the use of both men and women.

f) Active programmes with sufficient funding are drawn up to promote access to housing for groups at risk of social exclusion with particular attention to single-parent families.

g) Mechanisms are set up to encourage residential lease agreements for couples or families to be in the name of both members of the couple.

h) Both members of couples receiving public grants for refurbishing or repairing housing are included as beneficiaries if they so wish.

i) Mobility planning prioritises travel times and takes into account accessibility in daily journeys related to organising personal, associative, family, domestic and working life.

Section six. Justice and public security

Article 54. Justice

1. Prison services and facilities shall include the gender perspective in treatment, rehabilitation and social and labour market integration programmes for inmates. To this end:

a) Prisons shall have specific treatment programmes for the different groups of women with special attention to young women, pregnant women, women with children and transsexuals pursuant to this Act. These programmes shall be implemented by qualified professional intervention teams, take into account the provision of spaces tailored to the needs of women inmates, and foster their reintegration into society under non-sexist principles.

b) Prison services and facilities shall draw up educational programmes for men and women inmates in order to raise their awareness of the equality of women and men and enable them to function in society in terms of effective equality.



PARLAMENT DE CATALUNYA

c) Prisons shall enhance medical and psychological care and sexual and reproductive education from a gender perspective.

d) The Administration of the Generalitat shall ensure that activities geared towards labour market integration in prisons do not perpetuate gender roles.

2. The Administration of the Generalitat shall provide the human and material resources and staff training in the justice and prison sector required to prevent all forms of gender-based violence and protect victims. It shall also set up services and ensure integrated care for women prisoners who have experienced such violence.

3. With regard to the prevention of gender-based violence and the protection of victims referred to in paragraph 2, the work programmes of prison services and facilities shall address specialised intervention and treatment for people serving sentences for crimes related to gender-based violence and include self-esteem workshops for women who have been victims of it.

4. The Administration of the Generalitat shall provide specific training on gender, equality and women's rights for all staff working in prisons and courts, and in particular for:

a) Expert penal advisory teams made up of psychology and social work practitioners specialised in legal issues and particularly in conducting expert psychological, social and psychosocial analyses.

b) Prison staff to prevent the stigmatisation of women prisoners and gender microaggressions.

c) Courts to prevent the perpetuation of attitudes towards and stigmatisation of women offenders.

5. The Administration of the Generalitat shall include the gender perspective in planning for prison installations, facilities and supplies in the Master Plan for Prison Facilities. In this respect, it shall ensure that:

a) Women in prisons have the same service and infrastructure guarantees and quality as men.

b) Prisons provide access to sports activities for women and men on an equal footing.

c) The rights of pregnant women in prisons are safeguarded and they have the conditions needed to bring up their children appropriately in them.

6. The Administration of the Generalitat shall promote community and family work to eliminate the stigmatisation experienced by women offenders.

Article 55. Public security

1. To give effect to principles one and six of Article 3, the ministry responsible for public security shall:

a) Take into account the different perception of public security of women and men and include the gender perspective in victimisation surveys, analysis of public security in Catalonia, assessment of the security of public spaces and in mapping out policies and prevention and protection measures in relation to personal autonomy and using public and private spaces.

b) Put in place the measures required to eliminate gender-based violence in the community.

c) Promote working with men to prevent them from perpetrating gender-based violence.

2. The ministry responsible for urban planning shall:

a) Promote a public security model which includes the women's perspective in urban planning. To this end, planning shall connect urban design with gender-based violence in order to avoid environments and components which lead to insecurity for women.

b) Eliminate the perception of insecurity in public spaces by ensuring visibility, proper lighting and alternative routes, equipping them with diverse intergenerational uses and activities and encouraging the presence of a wide variety of people.

Section seven. Statistics and studies

Article 56. Adaptation of statistics and studies

To ensure effective gender mainstreaming, the public administrations of Catalonia shall:

a) Systematically include the sex variable in all statistics, surveys and data compilations.



PARLAMENT DE CATALUNYA

- b) Set up new statistical indicators to better understand the differences in social roles, needs, conditions, values and aspirations of women and men in every situation, circumstance and stage of life, and include these indicators in statistical operations.
- c) Design mechanisms and introduce statistical indicators to enhance knowledge of the impact of other variables which generate multiple discrimination in the intervention areas.
- d) Use the data available to learn about the situations, conditions, aspirations and needs of women and men in the intervention areas.
- e) Review and where necessary adapt existing statistical definitions to contribute to the acknowledgement and assessment of women's work and prevent negative stereotyping of certain groups.

Chapter v. Measures to ensure compliance with the Law

Section one. Upholding equality of women and men

Article 57. The Ombudsman

1. The Ombudsman, in accordance with the powers assigned to them by the Statute of Autonomy and by Act 24/2009 of 23 December, is responsible for upholding rights and freedoms in non-discrimination on the basis of sex which may have been violated by the actions of institutions and individuals, whether public or private. In particular, the Ombudsman shall:

- a) Conduct investigations, both on their own initiative and at the request of a party, to clarify any situations of direct or indirect sex-based discrimination.
- b) Provide avenues for negotiation and make recommendations to individuals and legal entities in order to remedy situations or practices which are discriminatory on the basis of sex and monitor compliance with these recommendations.
- c) Advise and assist the public with regard to potential instances of discrimination on the basis of sex.
- d) Ensure compliance with and effective implementation of this Act and protect the fundamental right to effective equality of women and men.
- e) Analyse and evaluate the level of compliance with this Act.
- f) Study legislation and case-law on discrimination and draw up proposals for new legislation or legislative reform.

2. The Government shall propose a cooperation agreement to the judicial authority, the Public Prosecutor's Office and the Ombudsman within six months from the entry into force of this Act.

Section two. Statistics and research to achieve effective equality between women and men

Article 58. Gender Equality Observatory

- 1. The Gender Equality Observatory, attached to the Catalan Women's Institute, is founded as an advisory body for the Government and a guarantor of compliance with this Act in terms of data and statistical work and research on inequalities between women and men.
- 2. The Gender Equality Observatory may propose strategies to the Government to remedy situations of inequality of women in Catalonia.
- 3. The Gender Equality Observatory's studies shall prioritise gender-based violence and the employment status and public image of women.
- 4. The Gender Equality Observatory's duties, membership, operation and intervention areas shall be established by regulation, which shall be drawn up with the participation of organisations advocating women's rights.

Section three. Penalty system

Article 59. Offences

- 1. Administrative offences concerning equality of women and men are classified as minor, serious or very serious.
- 2. The following are minor offences:



PARLAMENT DE CATALUNYA

- a) Refusing to cooperate with the Generalitat's inspection services.
- b) Failing to assist investigations by the Generalitat's inspection services.
- 3. The following are serious offences:
 - a) Obstructing the Generalitat's inspection services or completely refusing to cooperate with them.
 - b) Performing acts or imposing clauses in legal transactions which constitute or result in discrimination on the basis of sex.
 - c) Failing to introduce equality plans in facilities and companies where they are mandatory by law after having been required to do so by the labour authority.
 - d) Repeated commission of two or more minor offences.
- 4. The following are very serious offences:
 - a) Engaging in any conduct, whether sexual or non-sexual, which deliberately violates a person's dignity and creates an intimidating, degrading or offensive environment for them.
 - b) Any detrimental treatment of women related to pregnancy or maternity.
 - c) Any reprisals against or adverse treatment of a person as a result of their having filed a complaint, report, lawsuit or appeal of any kind aimed at preventing discrimination or demanding effective compliance with the principle of equal treatment of women and men.
 - d) Repeated commission of two or more serious offences.

Article 60. Penalties

- 1. Minor offences shall be punished with a fine equivalent to the monthly amount of Catalonia's sufficient income indicator for a period of between seven days and three months. If there is no repetition of the offence, the authority with powers to impose the penalty may replace it with a written warning.
- 2. One or more of the following penalties may be imposed for serious offences:
 - a) A fine equivalent to the amount of Catalonia's sufficient income indicator for a period of between three months and one day and seven months.
 - b) A ban on receiving public aid or grants for a period of one year.
 - c) A ban on contracting with the Administration of the Generalitat, government agencies and public entities reporting to them for a period of one year.
- 3. One or more of the following penalties may be imposed for very serious offences:
 - a) A fine equivalent to the amount of Catalonia's sufficient income indicator for a period of between seven months and one day and ten months.
 - b) A ban on receiving public aid or grants for a period of two years. In the event of repetition or recidivism, the ban may be for at most five years.
 - c) A ban on contracting with the Administration of the Generalitat, government agencies and public entities reporting to them for a period of between one year and one day and three years.
- 4. When determining the appropriate penalties to impose and, where applicable, to adjust the amounts of fines and the length of time-based penalties, the competent authorities shall ensure proportionality between the seriousness of the act constituting the offence and the penalty or penalties imposed on the basis of the harm caused, the number of people affected, the significance of the right concerned and the nature of the duty affected under prevailing legislation. The following criteria shall be considered in particular:
 - a) The offender's degree of culpability and intent.
 - b) The physical, non-material and material harm to persons or property and the risk created or maintained.
 - c) Recidivism or repetition of the offence.
 - d) Multiple discrimination and secondary victimisation.
 - e) The economic and social significance of the offence.



PARLAMENT DE CATALUNYA

- f) Repeated failure to heed previous warnings or recommendations of the Social Services Inspectorate.
 - g) Whether the risk created by the offence is permanent or temporary.
 - h) Compliance with the regulation infringed on the offender's own initiative at any time during the administrative penalty proceedings prior to a ruling being made.
5. The purpose of the penalty shall be to prevent, deter, redress and repair the harm caused or likely to be caused by the discrimination.

Article 61. Liability

1. Public or private individuals or legal entities who, by action or omission, commit the offences established in this section shall be liable for the offences defined in this Act.
2. Liability shall be joint and several if there is more than one liable party and it is not possible to determine the degree of participation of each one in perpetrating the offence.

Article 62. Competence and procedure

1. Competence to initiate administrative penalty proceedings under this Act and impose penalties shall be held by the Secretary General of the ministry responsible for equality of women and men.
2. The bodies empowered to initiate, investigate and rule on proceedings shall apply the penalty procedure regulations applicable to the areas of competence of the Administration of the Generalitat pursuant to the principles of legality, competence, non-retroactivity, definition of offence, accountability, proportionality, limitation and prohibition of double jeopardy.
3. If while investigating a case the competent body decides that the power to impose penalties in relation to the purported offence is held by another public administration agency, it shall inform such agency and transfer the case to it.

Article 63. Limitation

1. Offences defined as minor by this Act shall lapse after six months; those defined as serious after twelve months; and those defined as very serious after eighteen months.
2. Penalties imposed under this Act shall lapse after three months if the offences are minor; after six months if they are serious; and after twelve months if they are very serious.

Article 64. Compatibility with criminal proceedings

1. Acts which have already been penalised by criminal or administrative courts and involving the same subject, facts and grounds for penalisation may not be punished again.
2. In cases in which the administrative body considers that an offence may constitute a crime or misdemeanour, it shall notify the Public Prosecutor's Office or the competent court and suspend the penalty proceedings until the court issues a final judgment or ruling which brings the proceedings to an end or until the Public Prosecutor's Office reports that the proceedings should not be initiated or continued. In cases where no criminal offence or misdemeanour is believed to exist, the administrative body shall continue the penalty proceedings and deem any facts established in a court of law to be proven.

Additional provisions

One. Assessment of the social impact of the Act

Within five years from the entry into force of this Act, the Government through the Catalan Women's Institute shall assess the Act's social impact with the participation of all sectors involved and any advisory bodies established. The report shall be sent to the Parliament of Catalonia.

Two. Inclusion of equality clauses in contracts and subsidies

Within six months from the entry into force of this Act, the Government in conjunction with the Catalan Women's Institute shall prepare and approve a regulation on the inclusion of clauses concerning equality of women and men in contracts and subsidies within the area of action of the Administration of the Generalitat.

Three. Inter-ministerial Committee for Effective Equality of Women and Men

1. The Inter-ministerial Committee for Equal Opportunities for Women is renamed the Inter-ministerial Committee for Effective Equality of Women and Men.



PARLAMENT DE CATALUNYA

2. All references to the Inter-ministerial Committee for Equal Opportunities for Women in regulations shall be construed to refer to the Inter-ministerial Committee for Effective Equality of Women and Men.

Four. Bodies responsible for the implementation of mainstreaming

Within one year from the entry into force of this Act, the Government shall by decree assign responsibility for implementing gender mainstreaming in the planning, management and assessment of its policies to a body of one of the ministries of the Generalitat, government agencies and public bodies related or reporting to the Administration of the Generalitat and shall further set out its duties pursuant to Article 8.2.

Five. Review of the names of public institutions and bodies

Within one year from the entry into force of this Act, the names of the institutions and bodies reporting to the public administrations of Catalonia shall be reviewed and amended as need be to ensure that they respect the principles of non-sexist and non-androcentric language.

Six. Plan for Gender Equality in the Education System

1. Within two years from the entry into force of this Act, the Government at the proposal of the ministry responsible for education shall approve and submit to Parliament the Plan for Gender Equality in the Education System referred to in Act 12/2009 of 10 July on education.

2. The Plan for Gender Equality in the Education System shall include specific measures for gender equality in the various fields of education and such measures to prevent gender-based violence and for positive action as may be required to achieve its objectives. These measures shall concern teaching content and methods, school and free-time activities, and the composition of the representative bodies of schools.

Seven. Language use

The Government shall undertake, with the advice of the Institute of Catalan Studies as needed, the actions needed to study the application of language use which raises the profile of women who historically have been overlooked.

Transitional provisions

One. Equal representation on collegiate bodies

1. The principle of balanced representation shall be observed in the first reappointment of the administrations' collegiate bodies which are reappointed regularly and on a predetermined basis that takes place after the entry into force of this Act. Parity shall be met in the terms set out in this Act in the immediately following reappointment.

2. In collegiate bodies made up of members appointed by the Administration, ex officio members, members appointed by bodies, organisations or groups representing particular interests or members chosen for their personal or professional standing, parity shall be required in the case of members appointed by the Administration and in the members appointed by each body, organisation or group.

3. Membership of the governing bodies of public authorities shall have a balanced composition and it shall be equal within five years from the entry into force of this Act.

Two. Time use actions

Within one year of the entry into force of this Act, the Government shall include the conclusions of the relevant parliamentary committee in its wording, especially with respect to updating and specifying Article 46 on time use.

Repeal provision

1. The seventh transitional provision of Act 12/2009 of 10 July on education is repealed.

2. Article 26 of Act 5/2008, of 24 April, on the right of women to eradicate sexist violence, is repealed.

3. All regulations of equal or lower status which conflict with or contradict the provisions of this Act are repealed.

Final provisions

One. Amendment of Act 11/1989

1. A new section, 3, is added to Article 1 of Act 11/1989, of 10 July, creating the Catalan Women's



PARLAMENT DE CATALUNYA

Institute, with the following wording:

“3. The Catalan Women’s Institute is attached to the Ministry of the Presidency of the Generalitat to enable and enhance its role as a guarantor of compliance with and mainstreaming of the Act on effective equality between women.”

2. Article 3 of Act 11/1989, of 10 July, creating the Catalan Women’s Institute, is amended to read as follows:

“The Catalan Women’s Institute shall:

“a) Ensure, in conjunction with the ministries concerned, the provision of specific services for women.

“b) Encourage and coordinate the provision of services of all kinds to women by entering into agreements with public and private entities.

“c) Prepare and promote research reports, studies and analyses on issues related to the contemporary problems of women in Catalonia.

“d) Design, coordinate and promote the preparation of the Strategic Plan for Gender Equality Policies of the Government of the Generalitat and also monitor and evaluate it.

“e) Foster the preparation of local authority plans for gender equality policies.

“f) Draw up, in conjunction with the various ministries concerned, the annual report on gender mainstreaming in the Administration of the Generalitat.

“g) Draw up and issue gender impact reports and especially the reports referred to in Articles 36.3.b and 37.2 of Act 13/2008 of 5 November on the Presidency of the Generalitat and of the Government, and Article 64.3.d of Act 26/2010 of 3 August on the legal and procedural system of the public administrations of Catalonia.

“h) Draw up the Government’s comprehensive action programmes to combat gender-based violence with the frequency set out in Article 84 of Act 5/2008, of 24 April, on the right of women to eradicate sexist violence,.

“i) Draw up the protocols for coordinated action to combat gender-based violence pursuant to Article 85 of Act 5/2008.

“j) Sponsor and lead research on gender-based violence and establish the cooperation agreements with universities and specialists required to conduct it.

“k) Design, promote and coordinate policies to combat gender-based violence.

“l) Publicise the activities, services and tasks performed by the Institute or by partner associations and organisations by arranging fairs or conferences or by any other means.

“m) Promote the participation of women in decisions and measures affecting them and foster association activity advocating their interests.

“n) Compile information and documents about the contemporary situation of women in Catalonia.

“o) Ensure compliance with international agreements on all issues concerning the promotion of women and enable their participation in international forums where these issues are addressed.

“p) Ensure that provisions for achieving the effective equality of women and men in the legal system are tailored to the specific features of each territory in order to remedy imbalances and promote the most appropriate measures for the needs of the settings of the people of Catalonia and their territorial distribution.

“q) Provide specialist technical assistance to Catalan public administrations in order to build the gender dimension into the development of public policies.

“r) Promote venues for institutional dialogue and cooperation, and in particular promote inter-institutional cooperation with local authorities by means of venues for dialogue with territorial representatives in order to pool resources and achieve greater impact for gender equality policies, and promote inter-institutional cooperation with Catalan universities by means of venues for sharing and creating knowledge about the gender perspective.



PARLAMENT DE CATALUNYA

“s) Conduct the preliminary assessment of the facts for the appearance of the Administration of the Generalitat in criminal proceedings for gender-based violence of particular importance.

“t) Award and withdraw where necessary the Catalan Business Excellence Seal for effective equality between women and men in the workplace.

“u) Exercise such other powers as may be entrusted to it by the Government or conferred on it by legislation.”

3. Article 4 of Act 11/1989, of 10 July, creating the Catalan Women’s Institute, is amended to read as follows:

“1. The Catalan Women’s Institute shall be governed by the following bodies:

“a) The President’s Office.

“b) The Executive Board.

“c) The Inter-ministerial Committee for Effective Equality of Women and Men.

“2. The Catalan Women’s Institute may set up advisory, coordination and participatory bodies. The following bodies are of this kind:

“a) The National Committee for Coordinated Action against Gender-based Violence.

“b) The Centre for Studies, Research and Training on Gender-based Violence.

“c) The National Women’s Council of Catalonia.

“3. The President and the Executive Board are appointed by the Government and are considered senior posts.”

4. A new article, 4 *bis*, is added to Act 11/1989, of 10 July, creating the Catalan Women’s Institute, with the following wording:

“Article 4 *bis*

“1. The Inter-ministerial Committee for Effective Equality of Women and Men shall:

“a) Coordinate the action of the ministries of the Administration of the Generalitat with regard to gender equality policies.

“b) Establish criteria and set guidelines for operational action in this area in accordance with this Act.

“c) Approve the annual report on the implementation of gender mainstreaming in the Administration of the Generalitat.

“d) Set the priorities of the Government concerning gender equality policies once a year.

“e) Drive and coordinate sector operational programmes.

“f) Resolve technical issues raised by the Technical Inter-ministerial Committee for Effective Equality of Women and Men.

“g) Perform any other duties assigned to it by regulation.

“2. The Inter-ministerial Committee for Effective Equality of Women and Men provides technical support through the Technical Inter-ministerial Committee for Effective Equality of Women and Men.”

5. A new article, 4 *ter*, is added to Act 11/1989, of 10 July, creating the Catalan Women’s Institute, with the following wording:

“Article 4 *ter*

“1. The Government shall constitute by decree the Technical Inter-ministerial Committee for Effective Equality of Women and Men attached to the Inter-ministerial Committee for Effective Equality of Women and Men as the technical partner providing technical and operational support, mentoring and channelling of the gender equality policies of the ministries of the Administration of the Generalitat and of the other institutions with which it interacts.

“2. The operational system, powers and composition of the Technical Inter-ministerial Committee for Effective Equality of Women and Men shall be established by regulation.”



PARLAMENT DE CATALUNYA

6. A new article, 4 *quater*, is added to Act 11/1989, of 10 July, creating the Catalan Women's Institute, with the following wording:

“Article 4 *quater*

“1. The National Committee for Coordinated Action against Gender-based Violence is the institutional coordinating body of the Catalan Women's Institute with respect to gender-based violence.

“2. The National Committee for Coordinated Action against Gender-based Violence shall promote, monitor, control and evaluate the Administration's actions in addressing gender-based violence, without prejudice to the powers of the ministries of the Generalitat in this area.”

7. A new article, 4 *quinquies*, is added to Act 11/1989, of 10 July, creating the Catalan Women's Institute, with the following wording:

“Article 4 *quinquies*

“The Centre for Studies, Research and Training on Gender-based Violence, set up by Article 81 of Act 5/2008, of April 24, on the right of women to eradicate sexist violence, is the Catalan Women's Institute body responsible for carrying out research studies on gender violence and for training professionals dealing with this type of violence.”

8. Article 5 of Act 11/1989, of 10 July, creating the Catalan Women's Institute, is annulled.

9. Article 6 of Act 11/1989, of 10 July, creating the Catalan Women's Institute, is amended to read as follows:

“The National Women's Council of Catalonia is the participatory and advisory body of the Catalan Women's Institute for discussing and putting forward proposals and recommendations on issues related to the Government of the Generalitat's Action Plan on gender equality policies in the cultural, political, economic and social realms.”

10. Article 7 of Act 11/1989, of 10 July, creating the Catalan Women's Institute, is amended to read as follows:

“1. The National Women's Council of Catalonia includes the representatives of the organisations, associations, groups and councils of women in Catalonia which engage specifically in programmes for women and the promotion of women.

“2. The National Women's Council of Catalonia is arranged into territorial assemblies.

“3. The criteria for constituting the National Women's Council of Catalonia and the means of participating in it shall be determined by regulation.”

11. An article, 7 *bis*, is added to Act 11/1989, of 10 July, creating the Catalan Women's Institute, with the following wording:

“1. The Government of the Generalitat shall promote the participation of the National Women's Council of Catalonia in drawing up and assessing public policies, and to this end it shall enhance mechanisms to enable it to effectively perform its work in these areas.

“2. The Catalan Women's Institute shall drive the presence of the diversity of the women's movement in the National Women's Council of Catalonia.”

Two. Authorisation to recast Act 11/1989

The Government is authorised to recast Act 11/1989, of 10 July, creating the Catalan Women's Institute, into a single text within one year of the entry into force of this Act.

Three. Amendment of Act 5/2008

Article 82 of Act 5/2008, of 24 April, on the right of women to eradicate sexist violence, is amended to read as follows:

“1. The National Committee for Coordinated Action against Gender-based Violence reporting to the Catalan Women's Institute is founded as a specific body for institutional coordination and advice on the commitment to give effect to women's right to non-discrimination.

“2. The National Committee for Coordinated Action against Gender-based Violence shall promote, monitor, control and evaluate actions in addressing gender-based violence, without prejudice to the



PARLAMENT DE CATALUNYA

powers of promotion, monitoring and control of the ministries of the Generalitat.

“3. The composition, operation and powers of the National Committee for Coordinated Action against Gender-based Violence and the coordination of the Committee with other bodies shall be established by regulation.”

Four. Budgetary effects

1. Precepts which may involve expenditure chargeable to the budget of the Generalitat shall take effect from the entry into force of the Budget Act of the Generalitat for the year immediately following the entry into force of this Act.

2. The budgets of the Generalitat of Catalonia and of Catalan local authorities shall allocate the funding required to achieve the objectives of this Act.

3. The programme contract between local authorities and the Generalitat of Catalonia shall set the funding targets and responsibilities of the powers within their remit and any delegated powers conferred on them by this Act.

Five. Implementation

Within two years from the entry into force of this Act, the Government within its remit shall approve the regulations required to apply and implement it.