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GENDER EQUALITY PLAN FOR R&I. OBSERVATIONS BASED ON THE INITIAL EXPERIENCES OF THE UNIVERSITY OF SILESIA IN KATOWICE

PLAN RÓWNOŚCI PŁCI W SEKTORZE BADAŃ I ROZWOJU. OBSERWACJE NA PODSTAWIE WSTĘPNYCH DOŚWIADCZEŃ UNIwersytetu Śląskiego w Katowicach

Summary: The European Union has for many years been firmly committed to promoting gender equality in research and innovation (R&I). Despite this, the sector is still characterised by the persistence of structural barriers that prevent underrepresented groups from developing equally. To counteract this, those applying for Horizon Europe funding today must have a Gender Equality Plan (GEP). This study aims to present the theoretical and practical issues related to developing and implementing a Gender Equality Plan in R&I. However, this issue poses a challenge for many R&I entities (especially in Poland). The plan should, on the one hand, meet the requirements of the European Commission and, on the other, be a specific strategy designed to meet particular needs. Thus, the article explains: what precisely a GEP is and, what elements it should contain, how to create such a plan 'step by step', the EU recommendations in this respect are confronted with the first experiences of the University of Silesia in Katowice, and finally, it proves that a GEP is a proactive measure aimed at eliminating gender discrimination and identifying potential violations. At the same

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time, if taken seriously, it also can contribute to the construction and development of a real equal treatment policy in a workplace such as an R&I entity. Due to the rather practical (so far) aspect of the issue, the article is primarily based on EU and national documents (both binding and “soft”, strategic). At the same time, the literature analysis is only complementary.

Keywords: gender equality plan, research and innovation, GEP UŚ, Horizon Europe

Streszczenie: Unia Europejska od wielu lat jest silnie zaangażowana w promocję równości płci w badaniach i innowacji. Mimo to sektor ten nadal cechuje utrzymywanie się barier strukturalnych, uniemożliwiających grupom niedoreprezentowanym równy rozwój. Aby temu przeciwdziałać, podmioty wnoszące dziś o finansowanie ze środków w ramach Programu Horyzont Europa zobligowane są posiadać Plan Równości Płci (GEP). Niniejsze opracowanie ma na celu przedstawienie teoretycznych i praktycznych zagadnień związanych z opracowaniem i wdrażaniem Planu Równości Płci w sektorze R&I. Zagadnienie to dla wielu podmiotów R&I (zwłaszcza w Polsce) stanowi jednak wyzwanie. Plan powinien bowiem z jednej strony spełniać wymogi Komisji Europejskiej, z drugiej – być swoistą strategią, zaprojektowaną pod kątem konkretnych potrzeb. W artykule dookreślono zatem: czym dokładnie jest i jakie elementy powinien zawierać GEP, jak „krok po kroku” taki plan stworzyć; rekomendacje unijne w tym zakresie skonfrontowano z pierwszymi doświadczeniami Uniwersytetu Śląskiego w Katowicach, wreszcie – dowiedziono, że GEP jest proaktywnym środkiem, mającym na celu eliminację dyskryminacji ze względu na płeć i identyfikację potencjalnych naruszeń. Jednocześnie, potraktowany poważnie, ma on także szansę przyczynić się do zbudowania i rozwinięcia rzeczywistej polityki równego traktowania w miejscu pracy, jakim jest podmiot z sektora R&I. Z uwagi na dość praktyczny aspekt zagadnienia artykuł opiera się przede wszystkim na dokumentach unijnych i krajowych (zarówno wiążących, jak i „miękkich”, programowych), natomiast analiza literatury ma jedynie charakter uzupełniający.

Słowa kluczowe: gender equality plan, research and innovation, GEP UŚ, Horizon Europe

INTRODUCTION

From 2022 onwards, all organisations applying for funding from the European Union’s Horizon Europe programme for 2021-2027 (hereinafter: Horizon Europe, the Programme) will have to submit with their application a special questionnaire declaring that they have a gender equality plan (hereinafter: GEP, the plan)¹. This declaration will later be considered in the entity’s validation process². The introduction of the requirement to have a plan as an eligibility criterion stems from the

¹ This is directly linked to the EU’s adoption of a new *Multiannual Financial Framework* (MFF) for 2021-2027, implying a greater emphasis on gender mainstreaming in the EU budget. Council Regulation (EU, EURATOM) 2020/2093 of 17 December 2020, setting out the multiannual financial framework for 2021-2027, Official Journal of the EU L1 433/11.

² *Horizon Europe Guidance on Gender Equality Plans* (GEPs), Luxembourg: Publications Office of the European Union, September 2021, p. 7.

legal basis of Horizon Europe, which recognises gender equality as one of its key objectives.

Recital 53 of Regulation (EU) 2021/695 of the European Parliament and the Council of 28 April 2021, establishing the Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination³ provides that the activities developed under the Programme should aim to eliminate gender bias and inequalities, enhancing work-life balance and promoting equality between women and men in research and innovation (R&I), including the principle of equal pay without discrimination based on sex, in accordance with Articles 2 and 3 of the Treaty on the European Union (TEU) and Articles 8 and 157 Treaty on the Functioning of the European Union (TFEU). The gender dimension should be included in R&I content and followed through at all stages of the research cycles. Furthermore, Programme activities should aim to eliminate inequalities and promote equality and diversity in all aspects of R&I with regard to age, disability, race and ethnic origin, religion or belief, and sexual orientation. One of the principles of Horizon Europe set out in article 7 indicates that the Programme shall ensure the effective promotion of equal opportunities for all and the implementation of the gender dimension, including gender mainstreaming in R&I content. It shall aim to address the causes of gender imbalance. Particular attention shall be paid to ensuring, to the extent possible, gender balance in evaluation panels and in other relevant advisory bodies such as boards and expert groups (paragraph 6).

Similarly, Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing the Horizon Europe – the Framework Programme for Research and Innovation⁴ considers strengthening the gender dimension as operational objectives of the Specific programme (article 2, par. 2, al. e). The implementation of Specific Programme through the Strategic Plan shall contain, among others, specific issues, such as gender equality and including the integration of the gender dimension in the R&I content (article 6, par. 3, al. e).

Finally, Annex 1 of the European Commission's Implementing Decision C (2022)2975 of 10 May 2022 on the adoption of the work programme for 2021-2022 within the framework of the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation and its financing as regards the 2022 budget, explicitly provides that the introduction of a gender equality plan (GEP) as an eligibility criterion aims to support the implementation

³ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (Text with EEA relevance) PE/12/2021/INIT. OJ L 170, 12.5.2021 (the Regulation).

⁴ Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU.

of sustainable institutional change for applicants. The Commission further stresses that research funders and providers have an essential role in raising awareness and integrating gender equality into their research and teaching content⁵.

The principle of gender equality is one of the fundamental, and at the same time considered 'founding', principles and values of the European Union, expressed already in the Treaty of Rome of 1957. Equality between women and men is also one of the objectives of the organisation (Article 3(3) TEU, Article 21 of the EU Charter of Fundamental Rights), and the Union is entrusted, under Article 8 TFEU, with the task of eliminating inequalities and promoting equality between women and men in all its activities (gender mainstreaming). While, over the years, legislation, jurisprudence as well as amendments to the Treaties have contributed to an apparent strengthening of both the principle itself and its implementation in the EU, sustainable change requires the actions of a permanent and proactive nature. It should therefore come as no surprise that gender equality is now one of the priority areas of action for the European Commission for 2019-2024, confirmed by the Gender Equality Strategy 2020-2025⁶.

The GEP should therefore be considered as part of the European Employment Strategy, aimed at strengthening gender equality in the context of universities. It is also entirely consistent with the temporary specific measures aimed at levelling the playing field between the two sexes and making structural, social and cultural changes to correct past and present forms and the effects of discrimination against women⁷.

Although it is only now that the having a GEP has been made a prerequisite to be eligible for funding in Horizon Europe Programme, the need to include *gender mainstreaming* policies in the field of research was already signalled more than a decade ago. In July 2012, the Commission issued a communication advocating the need for action to establish and implement principles to guarantee gender equality in all areas of academic life in order to 'end the waste of talent we cannot afford, the diversity of views and attitudes in research and the implementation of quality'⁸. The communication highlights the considerable loss and inefficient use of highly skilled women in the European research area (including the decision-making process and the design, evaluation and implementation of research). What is particularly noteworthy, the Commission has not limited itself to formulate the legal and political expectations for the Member States (including the adoption of gender equality

⁵ Horizon Europe Guidance on Gender Equality Plans ..., p. 6.

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *A Union of Equality: Gender Equality Strategy 2020-2025*. COM/2020/152 final.

⁷ CEDAW Committee (2004). *General Recommendation No 25 on Article 4, paragraph 1 – Temporary Special Measures*, available at: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx> [access: 12.10.2022] and K. Sękowska-Kozłowska, *Między obowiązkiem a przyzwoleniem. Środki wyrównawcze na rzecz kobiet jako instrument realizacji praw człowieka*, Warszawa 2021, passim.

⁸ *A Reinforced European Research Area Partnership for Excellence and Growth*, Brussels, 17.7.2012, COM(2012) 392 final.

plans), but committed itself to ensure 40% the under-represented sex in all its expert groups, panels and committees and to apply this particularly under Horizon 2020. Finally, Horizon 2020 was the first framework programme to recognise gender as a *cross-cutting priority*⁹, while the integration of the gender dimension into research and innovation (R&I) content was intended to ensure that the biological and social/cultural characteristics of both women and men, as well as gender equality objectives, are included as relevant in the content of research and innovation projects.

This paper aims to present theoretical and practical issues related to the implementation of a gender equality plan in the R&I. Therefore, it is primarily based on EU documents (both binding as well as “soft”, but programme-oriented), and the literature analysis is only complementary.

DEFINITION AND CHARACTERISTICS OF A GENDER EQUALITY PLAN (GEP)

A gender equality plan (GEP) can be defined as a set of commitments and actions that aim to promote gender equality in an organisation through institutional and cultural change¹⁰.

Typically, a gender plan implies establishing and making effective a set of basic principles to safeguard gender equality in all the spheres of academic life¹¹. A gender equality plan does not have a universal template¹², as the set of actions will depend on the type of organisation, the sector of activity, the anti-discrimination measures taken to date and the type of gender bias and inequality identified in the diagnostic within the organisation. However, as part of its guidance published in September 2021, the Commission identified **four mandatory process-related requirements** that a GEP must meet¹³. They apply to Horizon Europe eligibility criterion, but can be perceived as universal, as they can apply both R&I and other (non-R&I) entities that aim to establish such a plan.

⁹ European Commission, Directorate-General for Research and Innovation, *Gendered innovations: how inclusive analysis contributes to research and innovation*, Publications Office, 2020, <https://data.europa.eu/doi/10.2777/619077> [access: 3.10.2022].

¹⁰ Horizon Europe Guidance on Gender Equality Plans ..., p. 5.

¹¹ V.F.A. Barros, R.M. Vasconcelos, E. Araújo, L. Amaral and I. Ramos, *A Positive Perspective to Implementation of a Gender Equality Plan: a question of design, time and participation*, 2018 IEEE Frontiers in Education Conference (FIE), San Jose, CA, USA, 2018, pp. 1-5, doi: 10.1109/FIE.2018.8659112.

¹² However, within the framework of the GEPARD project, which is being carried out within a consortium of several European universities, the development of a Universal Gender Equality Plan is envisaged (as one of the project results), though this is not so much a solution that can be applied everywhere due to the reproducibility of the adopted solutions, as a range of possibilities that allow for the construction of a gender equality plan that is in line with the needs and expectations of a specific institution (for more details, see point IV).

¹³ Horizon Europe Guidance on Gender Equality Plans..., p. 5.

Firstly, the gender equality plan must meet formal requirements. It must be a formal document published on the institution's website, signed by the top management and actively communicated within the institution. The plan should demonstrate a commitment to gender equality, set clear goals and detailed actions and measures to achieve them. It is left to the institution itself to define the particular objectives and actions.

The gender equality plan requires the identification of the persons responsible for implementing it (dedicated resources and expertise in gender equality). Establishing a GEP requires the creation of a specific framework (organisational and financial) and it is up to the organisation to decide what is necessary and within which structures it will support a permanent process of sustainable organisational change to strengthen the principle of gender equality.

The implementation of a gender equality plan also requires data collection and monitoring. The organisation must collect sex/gender disaggregated data on personnel and students and to prepare the annual report based on these indicators. Because the GEP is "tailored" to the specific needs of the organisation, each organisation decides for itself how to select the most relevant indicators, how to collect and analyse the data, including resources to do so, and ensure that the data is published and monitored on annual basis. The data collected should support the objectives and targets in the plan and the evaluation of the gender equality implementation process.

The fourth essential element of a gender equality plan is training. The GEP must include awareness-raising and training actions on gender equality. These activities should engage the whole organisation and be an evidence-based, ongoing and long-term process. Training should also cover unconscious gender biases aimed at staff and decision-makers. It should also address communication activities within the organisation and include training on gender equality that focuses on specific topics targeted at all or selected groups.

In addition to the these four mandatory requirements, the Commission, following the assumptions of the Gender Equality Strategy 2020-2025, also identifies **five suggested thematic areas to be considered by R&I institutions in their GEPs**. They cover the following issues:

1. work-life balance and organisational culture,
2. gender balance in leadership and equal participation of women and men in decision-making,
3. gender equality in recruitment and career progression,
4. integration of the gender dimension into research and teaching content,
5. measures against gender-based violence, including sexual harassment.

The first area recommended for inclusion in the GEP is work-life balance (WLB). It is worth noting that the EU has prioritised this issue recently. By 2 August 2022, each Member State should have implemented the 2019 EP and Council Directive (WLB Directive)¹⁴.

¹⁴ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. PE/20/2019/REV/1, OJ L 188, 12.7.2019. See also U. Torbus, *Facilitating the work of mothers: how to diminish female vul-*

The identification of the area of work-life balance as the first recommended area in the gender equality plan is consistent with other EU measures. The aim of implementing the WLB Directive and promoting work-life balance is primarily to improve the employment situation of women and increase their participation in the labour market (Recitals 6 and 10). For this reason, the GEP should promote organisational change and implement the necessary policies to ensure an open and inclusive working environment. The plan should help to increase women's "visibility" inside and outside the organisation and ensure that women's contribution to the organisation is appropriately recognised. The GEP can refer to work-life balance policies and practices, including parental leave policies, flexible working arrangements and supporting employees with caring responsibilities (both academics and support staff). In the realities of higher education, the WLB measures should include also students and PhD students.

Gender balance in leadership and participation in decision-making is also not a new issue in the EU. As early as 1984, the Council encouraged the Member States to enhance the active participation of women in decision-making bodies through positive action¹⁵. Moreover, Council Recommendation 96/694/EC explicitly asks Member States to encourage the private sector to increase the presence of women at all levels of decision-making, in particular through the adoption of equality plans¹⁶. The call to adopt appropriate legislation, including a quota system in corporate management, has also appeared three times in the European Parliament resolutions¹⁷. Consequently, an attempt was made in 2012 to "break" the glass ceiling in economic decision-making processes¹⁸. Although the European Commission's legislative proposal to improve the gender balance on company boards did not gain sufficient support from national parliaments (principle of subsidiarity), it returned to the political agenda and eventually resulted in the adoption of the European Parliament and Council Directive (EU) 2022/2381 in November 2022¹⁹. The Member States have two years to transpose their provisions into national law and, by 30 June 2026, they will have to ensure that members of the underrepresented gender hold

nerability in the labour market?, [in:] *Women, children and (other) vulnerable groups: standards of protection and challenges for international law*, M. Półtorak, I. Topa (eds.), Peter Lang, Berlin 2021 and M. Półtorak, *Draft WLB Directive - a new approach to gender equality in employment?*, "Studies in Labour Law and Social Policy" 2019, Vol. 26, no. 4, pp. 317-339, doi 10.4467/25444654SPP.19.022.10912; E. Chieragato, *A work-life balance for all? Assessing the inclusiveness of EU directive 2019/1158*, "International Journal of Comparative Labour Law and Industrial Relations" 2020, Vol. 36, Issue 1.

¹⁵ 84/635/EEC: Council recommendation of 13 December 1984 on the promotion of positive action for women. OJ L 331, 19.12.1984.

¹⁶ 96/694/EC: Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process, OJ L 319, 10.12.1996.

¹⁷ European Parliament resolutions of 6 July 2011, 13 March 2012 and 21 January 2021 on women and business leadership.

¹⁸ COM(2012)614 final.

¹⁹ Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (Text with EEA relevance) PE/59/2022/INIT. OJ L 315, 7.12.2022.

a certain percentage of directorships in listed companies. Furthermore, Recital 15 of the directive explicitly highlights the role of universities in educating companies about the competitive benefits of gender equality. A gender equality plan should allow for an increase in the number and proportion of women in management and decision-making positions in an organisation, which is linked to all elements of the plan. Measures to ensure that women are able to occupy and remain in leadership positions may include training for gender equality decision-makers, adapting processes for selection and appointment of staff on committee, ensuring gender balance through parity or quotas, and increasing transparency in committee membership. These measures also aim to ensure a greater diversity of perspectives within the decision-making process. A similar aim is to ensure gender equality in recruitment and career development. The GEP should provide that selection procedures are critically reviewed and any biases removed, which introduces equal opportunities for career development for men and women. Establishing codes of conduct during recruitment, involving gender equality officers in recruitment and promotion committees, proactively identifying women in underrepresented fields and introducing organisation-wide workload planning models should be considered essential in the GEP. A fourth area suggested for R&I to be included in a gender equality plan is the integration of gender into ongoing research and teaching content. The GEP should include a commitment to integrate sex and gender into priority research areas, and identify paths to integrate gender equality into research and teaching, and support researchers in developing methods incorporating sex and gender analysis. The Commission emphasises that research funders and research performing organisations play an important role in ensuring this. Moreover, this area can also be considered a critical area for awareness-raising activities and eliminating (also unconscious) gender biases. A final issue recommended for inclusion in a gender equality plan is to define paths to counter gender-based violence, including sexual harassment²⁰. Organisations establishing GEPs should have a clear policy against sexual harassment and other forms of gender-based violence. This policy should codify expected employee behaviour, specify the paths to report incidents of gender-based violence, the methods of investigating such incidents and the sanctions applicable. It is also worth considering how information and support are provided to victims or witnesses, and how the whole organisation can be mobilised to establish a culture of zero tolerance towards sexual harassment and violence.

The latter area also reinforces the European Union's existing regulations. Under Directive 2006/54/EC²¹, harassment and sexual harassment are contrary to the prin-

²⁰ Which is, on the one hand, the aftermath of the EU signing the Istanbul Convention in 2017 and, on the other hand, an attempt to encourage the implementation in EU Member States of the latest ILO standards in this area (ILO Violence and Harassment Convention 2019 (No 190) and Recommendation (No 206)). However, the report, "Harassment at Polish public universities", published in July 2019 by the HFHR, shows that this is a phenomenon affecting the higher education sectors as well.

²¹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the imple-

ciple of equal treatment between women and men and constitute discrimination based on sex (Recital 6). Article 2 par. 2 of the directive also clarifies that any less favourable treatment based on a person's rejection of or submission to such conduct is also considered discrimination.

It is worth noting that it is not uncommon for employers to already have internal anti-discrimination and anti-bullying procedures in place. In the recommendations of September 2021 mentioned above, the EU Commission explained that if the four mandatory requirements are met in another relevant documents, such as a diversity strategy for example, it will be considered equivalent to a GEP²², provided that other requirements for gender equality plans are met. Thus, a policy against discrimination, including harassment, sexual harassment and other forms of gender-based violence, must be adopted in a formal document or documents, be signed by the institution's managers, be available on a website and be actively communicated to employees. This conditions stem from the first of the four mandatory requirements for gender equality plans.

Moreover, the hallmark of a gender equality plan is that it is based on data from a specific organisation. Suppose an anti-discrimination strategy is based on limited actual gender data (or none at all) and addresses gender with only a few measures. In that case, it is unlikely to guarantee actual gender equality and cannot automatically be considered a gender equality plan²³. This also follows from the third mandatory requirement for gender equality plans. Furthermore, the commitment made in the plan to promote gender equality must be translated into a specific set of steps and actions to be taken.

The Commission also emphasised this in the September 2021 guidance cited earlier, indicating that an effective GEP should be based on a model of change that identifies the problems to be addressed, and defines their causes and desired outcomes, including targets. It should also detail the actions required to achieve the objectives and indicators to monitor progress. The GEP should involve the whole organisation, whether senior management, all staff, students and PhD students (in the case of a teaching organisation) or other stakeholders. It should also shape an ongoing process that encourages self-reflection and a review of actions taken and practices adopted.

The Commission's guidelines are universal and, therefore, also general. Setting up a gender equality plan for an organisation, including a university, will therefore depend on identified problems and areas requiring support, in order to construct the most appropriate (and at the same time feasible) proposals for solutions.

mentation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast). OJ L 204, 26.7.2006.

²² Horizon Europe Guidance on Gender Equality Plans (GEPs)...., p. 7.

²³ See the explanation of the European Institute for Gender Equality with regard to gender equality plans in academia (Gender Equality in Academia and Research, GEAR), <https://eige.europa.eu/gender-mainstreaming/toolkits/gear/what-gender-equality-plan-gep> [access: 6.10.2021].

METHODOLOGY FOR DEVELOPING AND IMPLEMENTING A GENDER EQUALITY PLAN (GEP)

A characteristic feature of the EU as an organisation is – in addition to creating commitments – a kind of “prompting” of the addressees as to what actions need to be taken for specific standards to be effectively implemented. With regard to gender equality in R&I, the GEAR tool is an example of this approach. It has been in operation since 2015 and it is built mainly on the experience of gender-specific projects funded under Horizon 2020²⁴.

The creation of a gender equality plan in a university is, in many cases, an unprecedented issue, being the aftermath of the introduction of a new eligibility criterion in Horizon Europe in 2022. This means the tool itself also had to be updated and adapted to current standards. As a result, today, the GEAR tool is a compendium of knowledge on what gender equality plans are and who should be involved in their creation, why the creation of a GEP is necessary to achieve sustainable change, how to “step by step” create such a plan, and, finally, where to look for legal standards in this area, as well as examples of good practice.

Concerning universities²⁵, the GEAR tool suggests taking the following steps²⁶:

1. Understanding the context of the institution for which the gender equality plan is to be created,²⁷ identifying the people and capacities (both inside and outside the university) that can support the creation of the plan and understanding how the change process works according to the logic of the *gender mainstreaming cycle*²⁸;

2. Analysing and assessing the *status quo* in the institution – an initial diagnosis of the personnel, skills, financial and technical resources, and then defining: the context, the legal and political framework in which the higher education institutions (HEI) operates, the gender equality measures and activities implemented so far in the HEI (if any), and finally an in-depth diagnosis and a comparison of the results with the situation in other HEIs in the country and abroad; this stage aims to identify challenges and goals, i.e. to identify the key areas of impact for the GEP²⁹,

²⁴ Gender Equality in Academia and Research – GEAR tool: <https://eige.europa.eu/gender-mainstreaming/toolkits/gear> [access: 10.10.2022].

²⁵ Separate guidance has been prepared for research funding organisations.

²⁶ Gender equality in academia and research step-by-step guide for research organisations, universities and public bodies: <https://eige.europa.eu/gender-mainstreaming/toolkits/gear/step-step-guide> [access: 10.10.2022].

²⁷ These include location, history, economic situation, management objectives and priorities, structure, policies, organisational culture, size and the legal framework in which the institution operates.

²⁸ There are four phases: define, plan, act and check.

²⁹ This stage first requires a decision as to who should be involved in carrying out the analysis (a specialised unit/bodies or a dedicated and formally mandated team), then an examination of the legal framework and national strategies (including financial strategies) for the integration of gender equality in research and higher education (if any), a kind of ‘internal audit’ of the institution (here, for example, a questionnaire developed within the framework of the SAGE project can be used), finally, the definition

in order to be able to also evaluate the changes achieved on this basis in the future (monitoring and evaluation strategy);

3. the creation of a gender equality plan – planning specific actions based on the results of the diagnosis carried out, the resources available, the Commission's guidelines concerning eligibility criteria, while always bearing in mind that the plan should be holistic and integrated (both internally and with critical documents and processes in the university)³⁰; it is also stressed that the involvement of top management and rational prioritisation is vital at this stage;

4. implementation of the plan – the implementation by the team³¹ created for this purpose and according to the agreed timetable of the planned activities, which – in order to ensure the sustainability of the change at the university – should be institutionalised to the highest possible degree and widely disseminated; it is also recommended that training and awareness-raising activities should not be abandoned during the implementation phase of the plan, and that the resources (knowledge and skills) of those outside the team directly responsible for implementing the plan should continue to be drawn upon;

5. monitoring progress and evaluation of the plan – verifying, based on the monitoring and evaluation strategy prepared at the diagnosis stage, the effectiveness of the

of the indicators to be taken into account in the diagnosis, the methodology for carrying out quantitative and qualitative research, and the evaluation of their results against the background of comparable studies. The questionnaire developed as part of the SAGE project https://www.sage-growingequality.eu/web/assets/media/tools/audit_guidelines.pdf [access: 10.10.2022], and finally, the definition of indicators to be taken into account in the diagnosis, the methodology for carrying out quantitative and qualitative research, and the evaluation of their results against comparable organisation.

³⁰ It is important to remember that the plan has to address issues that are relevant to the whole community in order for the change to have a chance of being sustainable. Thus, several essential elements should be taken into account when setting up the GEP: objectives, measures, indicators, targets, timelines, and responsibilities. To this end, it is also recommended, among other things, that the work on the plan should be participatory, that objectives and actions should be defined using the SMART method, that good practices of others should be taken as inspiration and that existing resources should be rationalised for the GEP (significant change at a relatively small cost), that the plan should be an evolutionary and dynamic document, that the responsibilities of the various actors for implementing the various elements of the plan should be clearly indicated within a specific time frame, that the circle of stakeholders supporting the plan should be permanently widened, and finally that actions and processes should be planned for the long term with a view to sustainable use of existing resources. The results of the PLOTINA project can be beneficial in developing the plan: <https://www.plotina.eu/plotina-formative-toolkit/> [access: 10.10.2022].

³¹ The team should be knowledgeable about: driving organisational change, dealing with resistance, building support networks, the gender aspect of research careers, decision-making and content of research and teaching, self-assessment, monitoring, and data gathering and analysis, the specifics and functioning of one's institution. The team should also meet regularly with those in decision-making functions, with a view to both discussing progress on an ongoing basis, situations of resistance to proposed changes, and identifying areas where adjustments to the plan will be necessary due to various circumstances.

The purpose of monitoring is the continuous and systematic collection of data (mainly quantitative) so that management has ongoing knowledge of the concrete progress in implementing the plan ('outputs'). The purpose of evaluation, on the other hand, is to objectively assess the plan's effectiveness based on the (mainly qualitative) monitoring data so that lessons can be learned for planning future activities. Solutions developed by the TARGET project can be helpful at this stage: http://www.gendertarget.eu/wp-content/uploads/2018/12/741672_TARGET_Monitoring_Tool_D4.pdf [access: 10.10.2022].

actions undertaken and the scale of the impact of the plan on achieving the changes proposed (while emphasising the need to distinguish between the monitoring and evaluation objectives). It should also be noted that Horizon Europe requires annual monitoring reports, while the results of this stage, in order to strengthen the position of the plan itself and ensure the cyclical nature of the change, should be widely disseminated;

6. promoting gender equality in the university after the plan has been implemented – ongoing efforts to maintain the standards developed in the plan (to avoid regression and a return to previous undesirable practices), identifying new areas (e.g. intersectionality) and strategies (e.g. gender budgeting), as well as identifying best practices and constraints to improve the next plan.

The tool also suggests what factors are conducive to developing and implementing a plan, and how to overcome the most common obstacles and challenges to implementing gender equality strategies in universities.

THE GENDER EQUALITY PLAN AT THE UNIVERSITY OF SILESIA IN KATOWICE (AND ACCOMPANYING ACTIVITIES)

The University of Silesia was one of the first universities in Poland (and the first in the Silesian Voivodeship) to develop and implement a Gender Equality Plan in 2021³². There is no doubt that the new eligibility criterion in Horizon Europe contributed to the intensification of work on the document. At the same time, it should be underlined that the equality policy implemented at the university presupposed strategic action in this area (resulting, among others, from the university's statutory regulations in force as an employer, the values indicated in paragraph 4 of the statute³³ and the declaration on being an equal and diverse community³⁴).

The initial conceptual work started back in October 2020. It mainly focused on analysing the broadly understood legal context and the GEPs arrangements in place at other universities (domestic and foreign) and identifying the specific challenges and goals facing the University of Silesia. At this stage, the voluntary participation of its members in trainings on how to prepare equality plans that meet the requirements of the Commission played a particular role. A great deal of time was also devoted to analysing the qualitative research findings on discrimination and unequal treatment at

³² See: <https://naukawpolsce.pl/aktualnosci/news%2C91165%2Cuniwersytet-slaski-wdraza-plan-rownosci-plci.html> [access: 10.10.2022].

³³ *The Statute of the University of Silesia in Katowice*, adopted by the Senate of the University of Silesia in Katowice on 28 May 2019 (the consolidated text constitutes an appendix to the announcement of the Rector of the University of Silesia in Katowice of 1 July 2021).

³⁴ *Declaration of the University of Silesia – on being an equal and diverse community*, available at: <https://us.edu.pl/en/uczelnia/rowne-traktowanie/#read-more> [access: 15.10.2022].

the University of Silesia³⁵ along with the quantitative data developed and made available by the Education Department, the Doctoral School and the HR Department.

In April 2021, by order of the Rector of the University of Silesia, a team for developing the Gender Equality Plan for the University of Silesia was officially appointed. It comprised nearly twenty people and consisted of academics and support staff, as well as students and doctoral students, representing various academic disciplines and fields and located at different levels of the university hierarchy. Significantly, the work on the plan was chaired by the vice-rector for staff development (a female). Based on the diagnosis results and the identification of best practices at other, more advanced universities, key objectives and challenges were identified for the University of Silesia, which were to be tackled by the university's first-ever GEP. As a result, the first version of the plan was proposed in September 2021, which was subjected to a large-scale consultations with various reference groups, working and studying at the university and two trade unions active at the university (ZNP and Solidarność). Based on the comments and suggestions, a second version of the plan was prepared, which was again consulted and improved. The plan's third (final) version was submitted to the University Senate for its opinion on 30 November 2021. Following the favourable opinion of the Senate on 7 December 2021, the Rector of the University of Silesia issued a decree (No 212/2021), enforcing the plan with legal force.

The Gender Equality Plan at the University of Silesia in Katowice meets all the requirements of the European Commission: it is a formal document, signed by the university's top management (the rector) and has been actively communicated to the academic community³⁶. The plan contains a commitment to gender equality and sets clear objectives and detailed actions and measures to achieve them.

The Gender Equality Plan at the University of Silesia in Katowice has an evolving and participatory character, which means that the whole community of the university is able to contribute to its form and implementation. Further diagnoses and analyses of the conditions for the development of all persons forming the university community will also be essential in improving the GEP. The plan formulates objectives and actions in the following areas (suggested by the Commission): science and education, recruitment and career development, organisational culture and the work-life-learning balance, management and decision making and safety. Strategic objectives, operational objectives, target groups, examples of specific actions and monitoring and sources of verification have been formulated for each area.

³⁵ *Report on a survey of female and male employees and PhD students on discrimination and unequal treatment at the University of Silesia and Report on a survey of female and male students at the University of Silesia on discrimination and unequal treatment.* The content of both reports is available at: <https://us.edu.pl/en/uczelnia/rowne-traktowanie/raporty-z-badan-opinii-wspolnoty-us> [access: 15.10.2022].

³⁶ In addition to posting the document on the equal treatment website: <https://us.edu.pl/en/uczelnia/rowne-traktowanie/plan-rownosci-plci/> [access: 15.10.2022], information on the adoption and implementation of the UŚ GEP is communicated through the university newsletter and via social media.

As for the timeline, for 2022 it was planned to assess the situation, conditions and needs for gender equality and equivalence, and to develop an agenda for equality actions and procedures or to revise the existing ones. In 2023, the intention is to implement the planned actions and conduct an internal evaluation of planned and implemented actions, together with a revision of the developed detailed plan. Finally, in 2024 the implementation of planned actions will continue, and an evaluation and validation of the Gender Equality Plan at the University of Silesia in Katowice for 2022-2024 will be conducted.

Today, the University of Silesia is in the process of implementing the plan. Following the participatory nature of the plan, all those interested in the project have been invited. A work schedule has been created, and the first initiatives have been implemented. These include:

- preparing a grant application and launching the GEPARD project (more on this below);
- preparing a grant application (as a partner) under Horizon Europe (GENSENSE);
- developing an inclusive glossary of academic terminology;
- holding the first training sessions for students and staff on gender equality issues;
- holding teaching sessions for students on gender equality in society as part of T4E week;
- preparing teaching scenarios on gender equality;
- including carers' responsibilities in the periodic evaluation of academic staff;
- strengthening equality procedures in the recruitment process;
- developing regulations and launching a competition for a thesis on equality and diversity;
- developing regulations and launching a competition for a research grant on equality and diversity;
- creating a pathway for combating discrimination at the university (discrimination response algorithm);
- establishing an interdepartmental student Equality and Diversity Group;
- developing a statute and establishing an Equality and Diversity Commission;
- appointing an Anti-sexual Harassment Officer.

Therefore, the first year of the plan's implementation focused primarily on awareness-raising activities and building a gender-sensitive organisational culture, taking these as the baseline for subsequent years.

Finally, as the GEAR tool clearly states, while every GEP is unique, there is still much potential for learning from others. With this in mind, the University of Silesia has become the leader of an international consortium within the GEPARD project (*Gender Equality Programme in Academia – Raising Diversity*) and learns from partners from Austria, Hungary, Cyprus, Malta and Italy. Two of the four project intellectual outputs relate directly to gender equality plans. IO No 1 provides for, among other

things, the development of a Universal Gender Equality Plan (UGEP) as an e-tool to be used both by the universities associated with the consortium and by other stakeholders operating in the academic sphere. This, in line with the concept of universal design, offers a range of possibilities for the construction of a “tailor-made” gender equality plan for a given entity. In turn, IO No 2 (methodological guide) concentrates on solutions as a set of recommendations in terms of both the diagnosis of gender inequality phenomena in academia and the needs of working and studying women in the area of equality of opportunities and as directions of actions and measures for the implementation of the equality policy (ensuring equal opportunities) as well as in the field of monitoring progress in the implementation of UGEP³⁷.

CONCLUSIONS

Assessing the changes introduced by gender equality plan it is crucial to underline that fostering the gender equality is not a new requirement under both EU and Polish law. What is innovative for Poland (and therefore the University of Silesia), is the way of enforcing it by the means of gender equality plan. The Polish labour code (hereinafter: PLC), implementing EU regulations since January 2004³⁸, explicitly imposes an obligation on all employers to prevent discrimination in employment, in particular on the grounds of sex (article 94(2b) PLC) and bullying in the workplace (article 94(3) PLC).

The obligation to prevent discrimination in employment is linked to the prohibition of any discrimination (article 11(3) PLC) and the principle of equal treatment of workers (article 11(2) PLC) that are regarded as fundamental principles of labour law. The prohibition on discrimination is also referred to in articles 18(3a) to 18(3e) PLC. These provisions form a legal framework imposing not only an obligation to refrain from discriminating employees and order their equal treatment, but also introduce an obligation to counteract discrimination in employment, i.e. the discrimination of some employees by others, including harassment³⁹. Counteracting discrimination and harassment is also part of the employer’s obligation under article 94(10) PLC to influence the establishment of principles of community co-existence in the workplace, including mutual relations between employees⁴⁰.

In this context, the implementation of rules guaranteeing the equal treatment of men and women in employment has been the employer’s obligation since a long time.

³⁷ <https://us.edu.pl/en/uczelnia/rowne-traktowanie/gepard/> [access: 3.10.2022].

³⁸ Act of 14 November 2003 Amending the Labour Code and on Amending Certain Other Acts, Dz. U. 2003, No 213, item 2081.

³⁹ See the judgment of the Supreme Court of 7 November 2018, II PK 229/17, OSNP 2019, No 4, item 46.

⁴⁰ See the judgment of the Supreme Court of 23 October 2019, II PK 69/18, OSNP 2000, No 11, item 15.

The provisions of the Labour Code also bind higher education institutions (article 147(1) Higher Education and Science Act⁴¹). However, establishing and implementing a gender equality plan is can be perceived as a further step to achieve it. Binding the legal regulations are to some extent reactive, focusing on eliminating discrimination, whereas, according to the concept of the “obligation to fulfil”⁴² in international human rights law, a gender equality plan is a proactive measure aimed at eliminating discrimination and identifying potential violations, as well as building and developing a genuine equal treatment policy. Indeed, in addition to eliminating violations, a gender equality plan has the necessary potential to raise awareness in this area and to correct potential inequalities before they arise, e.g. by ensuring the equal participation of women and men in the composition of committees and other collegiate bodies, using inclusive language, and establishing procedures for responding to gender-based violence, which should primarily have a preventive function.

There is no doubt that there is still much to be done in the area of gender equality in Poland⁴³. At the same time, many ready-to-use (because they have already been tested) solutions exist. It is, therefore, up to the universities themselves to decide whether a gender equality plan will make a significant contribution to their development and a lasting change in the university’s organisational culture, or whether it will be treated merely as a formal requirement for applying for funding under Horizon Europe. In other words, whether only the “letter” or the “spirit” of the law will prevail.

The University of Silesia’s (albeit modest) experience to date allows us to conclude that the University takes the implementation of gender equality policy seriously and realises that the gender equality plan is one element of a process that, if it is to bring about change, requires permanent and very conscious action and the commitment of adequate resources (incredibly personal and financial) for this purpose. The hope remains that – with a view to the social responsibility of universities – the gender equality plan will be taken as an opportunity to create a model for the (at least local and regional) community.

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⁴¹ The Law on Higher Education and Science of 20 July 2018, consolidated text Journal of Laws 2021, item 478.

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