



Gender-responsive public procurement (GRRP)
Meeting of the Advisory Committee on equal opportunities between
women and men
16 December 2022, Helena Morais Maceira





What is GRPP?

- **Public procurement that promotes gender equality**
- **Assess the impact** of contracted activities **on women's and men's needs, interests** and concerns
- **Design and deliver** contracts in a way that **reduces inequalities**





Guiding questions

- ✓ Do the **services**, supplies or works I intend to buy have different **implications** for women and men?
- ✓ Do women and men, in all their diversity, have **different needs** in relation to the services, supplies or works?
- ✓ **Which social, labour laws and collective agreements that promote gender equality** at work are **applicable** to the contract?





Legal framework for GRPP

Directives 2014/24/EU (Public Sector Directive); 2014/25/EU (Utilities Directive) and 2014/23/EU (Concessions Directive)

Treaty principles: equal treatment/non-discrimination, transparency, proportionality, mutual recognition

National legislation which transposes procurement directives and/or applies to contracts below-threshold or excluded from the Directives

For the most part, the same opportunities and restrictions apply under Title VII and Annex I of the **Financial Regulation (FR)** as in Directives



GRPP can help to:

Increase the number of women in the workforce.



Balance the number of women and men in the workforce, especially in sectors with under-representation of one of the sexes.



Improve working conditions, e.g. in relation to health and safety, for jobs or sectors where health hazards may be different for women and men, or in relation to wages, for traditionally low-paid jobs or sectors where women are the main workforce.

Address gender pay inequalities.



Improve work-life balance and the sharing of care responsibilities between women and men.



Achieve a gender-balanced and diverse composition of the service providers' teams.



Prevent sexual harassment at work.



Address the different needs that women and men beneficiaries or end users might have in relation to the goods, services or works to be purchased, e.g. depending on their age, family situation, disability or socioeconomic status.



How to advance gender equality with public procurement?

Pre-procurement

Conduct **needs assessment and market consultation** to identify gender impacts of the contract

Include gender equality in the **subject matter** of the contract

Choose an appropriate **procedure** which best allows for GRPP

Consider using a **light regime / reservations / lots** to promote greater participation of women-owned businesses

Use gender-sensitive language in **tender documents**

Procurement

Apply **exclusion criteria** to reject bidders who have a poor record on gender equality issues

Apply **selection criteria** to choose bidders who can implement GRPP

Devise **technical specifications** which reflect gender aspects of the contract

Apply **award criteria** to target specific gender equality issues in the delivery of the contract

Request third-party **labels** or **certifications** which certify gender equality compliance

Post-procurement

Apply **contract performance conditions** that require actions related to gender equality

Set up **monitoring and reporting** on GRPP clauses

Require GRPP clauses to be applied by **subcontractors**

Enforce compliance with GRPP clauses through the application of **contractual remedies**

Collect **statistics** on GRPP



The link to the subject matter

- ✓ All criteria must be linked to the subject matter of the contract
- ✓ Criteria must be specific to the goods, services or works being purchased
- ✓ Important when formulating award criteria to address gender equality issues:
 - ✓ criterion which specifically concerns gender equality in recruitment for the purposes of the contract being awarded
 - ✓ no more marks to a company on the basis of its overall gender balance





The link to the subject matter: examples

- ✓ **Mobility services contract:** subject matter referring to the needs of women and men, including differences regarding journey types and the use of public transport
- ✓ **Contract for construction of social housing with architectural design services:** possible to address gender aspects of design (e.g., lighting, safety, access to childcare and other amenities) within the contract





Examples of exclusion criteria

- ❑ In Spain, Article 71(d) of Law 9/2017, of 8 November 2017, on public sector contracts sets out an exclusion criterion for non-compliance with the obligation for companies with more than 250 employees to have an equality plan, in accordance with the provisions of Article 45 of Organic Law 3/2007, of 22 March 2007, on equality between women and men.
- ❑ In Italy, Article 41 of the code of equal opportunities between men and women sets out the possibility to exclude an economic operator from public contracts for up to 2 years if discrimination is discovered.





Examples of gender-responsive criteria

Selection criteria: two main ways to contribute to GRPP

- ❑ **Taking account of specific skills, experience and technical capacity to implement gender aspects of the contract.** Example: in a contract to deliver community health services, bidders required to demonstrate prior experience in reaching and addressing women's and men's health issues.
- ❑ **Not creating barriers** to participation of 'non-traditional' contractors (SMEs, women-owned businesses and social enterprises). Example: minimum annual financial turnover requirements may be lowered or removed, to allow smaller organisations and social enterprises to bid.

Award criteria

Quality of methodology to ensure that both women and men's needs are met in the delivery of the service

Quality and quantity of staff training to ensure gender equality and non-discrimination in the delivery of the contract





Example of contract performance conditions

- In Poland, the Statistics Agency applies contract performance conditions requiring compliance with the ILO core conventions throughout the supply chain when it purchases software.
- This aims to ensure equal remuneration and non-discrimination based on sex, amongst other considerations.
- Contractor obliged to ensure that all subcontractors and suppliers engaged in implementation of the contract observed the core labour standards.





EIGE's step-by-step toolkit

- WHAT: what GRPP is
- WHY: illustrating why GRPP is relevant
- HOW: practical guidance to policymakers to improve legal & policy frameworks
- HOW: practical guidance to practitioners on how to apply GRPP step by step in procurement procedures
 - 54 examples of laws, policies, support structures, guidelines, tools
 - 13 practical tools
 - Legal explanations of difficult concepts; recommendations; common mistakes to avoid; glossary; additional resources





EIGE's step-by-step toolkit: downloadable tools

- Tool 1: Self-assessment questionnaire about the legal, regulatory and policy frameworks ([downloadable questions](#))
- Tool 3: Decision tree to assess the gender relevance of public contracts ([downloadable decision tree](#))
- Tool 4: Guiding questions for needs assessment / preliminary market consultations ([downloadable questions](#))
- Tool 5: Decision tree for the choice of procedure for GRPP ([downloadable decision tree](#))
- Tool 6: Guiding questions for dividing contracts into lots for GRPP ([downloadable questions](#))
- Tool 7: Guiding questions for applying GRPP under the light regime – designing healthcare and social care service contracts with a gender perspective ([downloadable questions](#))
- Tool 8: Guiding questions for applying GRPP under the light regime – improving working conditions in healthcare and social care services by means of public procurement ([downloadable questions](#))
- Tool 9: Decision tree for setting GRPP selection criteria, technical specifications and/or award criteria ([downloadable decision tree](#))
- Tool 13: Template for a GRPP monitoring and reporting plan ([downloadable template](#))





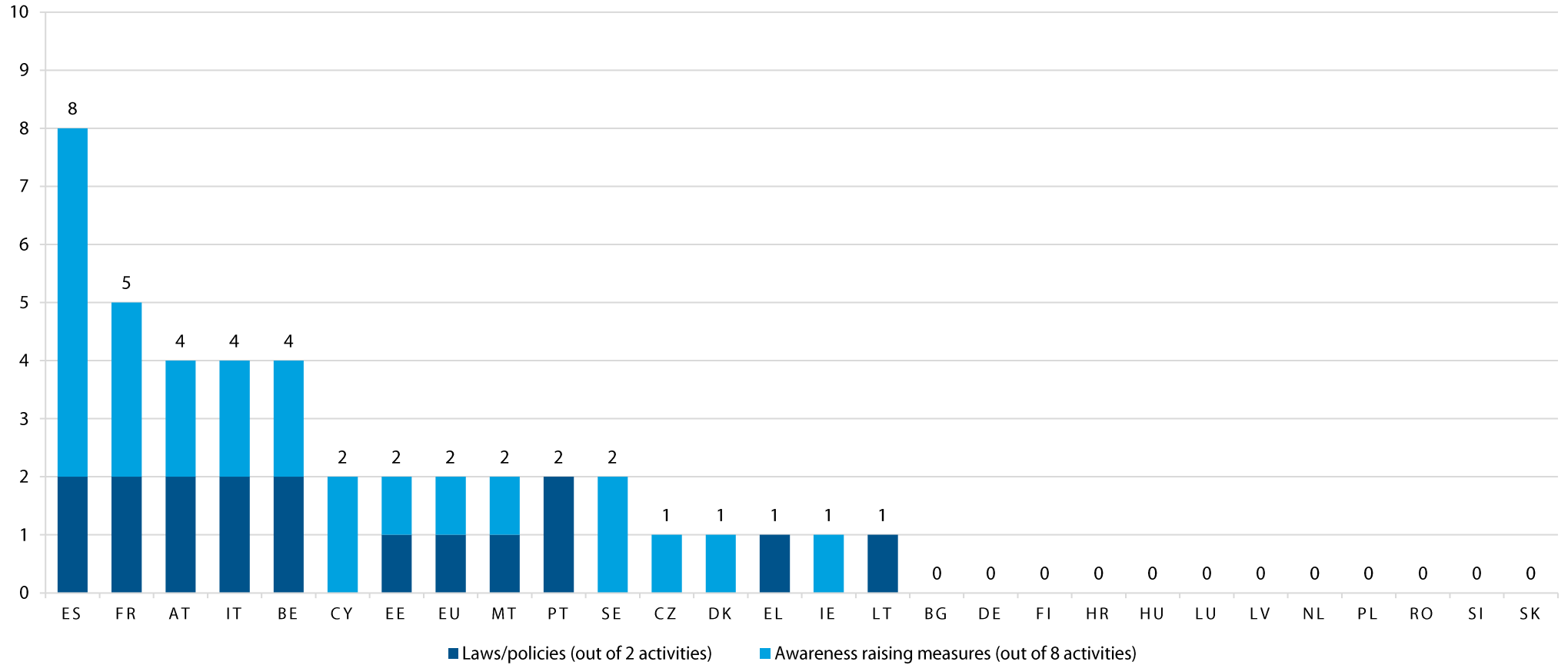
EIGE's indicators measuring the existence of GRPP activities in the EU

Types of GRPP measures	EIGE's indicators on GRPP
1. Existence of legislative and/or policy frameworks related to GRPP	Indicator 1.1 Existence of legislative and/or policy frameworks <u>in the area of public procurement</u> related to GRPP.
	Indicator 1.2 Existence of legislative and/or policy frameworks <u>in the area of gender equality</u> related to GRPP.
2. Awareness of GRPP amongst buyers and sellers of public procurement	Indicator 2.1 Existence of networks for public procurement sellers related to GRPP.
	Indicator 2.2 Existence of awards, labels, and/or certificates related to GRPP.
	Indicator 2.3 Existence of regular and/or formal coordination between gender equality and public procurement bodies to promote GRPP.
	Indicator 2.4 Existence of regular and/or formal coordination between public procurement bodies to promote GRPP.
	Indicator 2.5 Existence of practical guidance and/or resources on GRPP.
	Indicator 2.6 Existence of training programmes to raise awareness on GRPP amongst staff of public procurement bodies.
	Indicator 2.7 Existence of initiatives to facilitate the participation of women entrepreneurs in the public procurement process.
	Indicator 2.8 Existence of policy evaluations related to GRPP.





GRPP measures are not widely adopted in the EU



Source: EIGE's 2022 data collection exercise on Gender-responsive Public Procurement



Recommendations

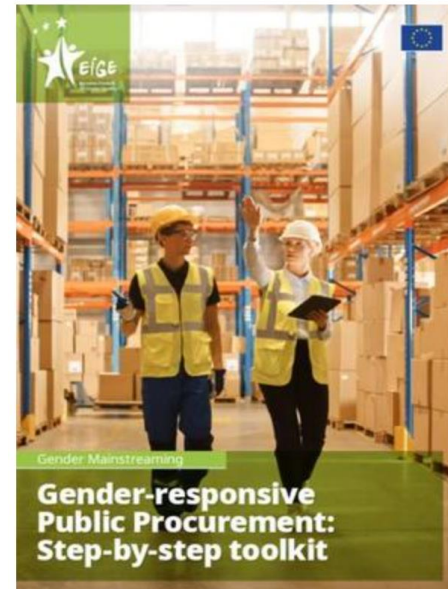
- ✓ Identify **gender equality** as an essential **objective of procurement**
- ✓ Recognise **public procurement** as a relevant **tool for implementing gender equality** policies
- ✓ Establish dialogue and **interdepartmental work**
- ✓ Set up **support structures**
- ✓ Provide **guidance** and set **targets** with appropriate **reporting and collection of data**





EIGE's resources on GRPP

- ❑ Report on [GRPP in the EU](#)
- ❑ [Step-by-step toolkit for implementing GRPP](#)
- ❑ [Factsheet on GRPP](#) (5 EU languages)
- ❑ [Guidance on using GRPP as a gender mainstreaming tool](#)
- ❑ 10 GRPP [indicators](#)





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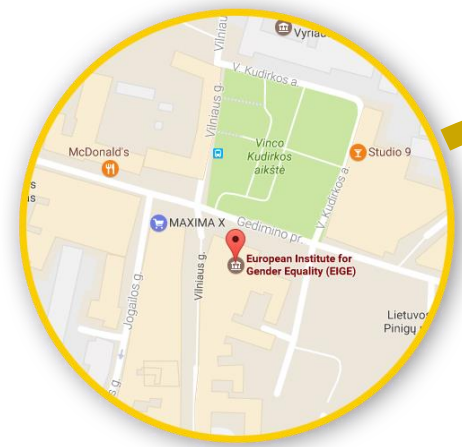
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