



# Regulations for Gender Equity at Barcelona City Council



Ajuntament  
de Barcelona

Published by



**Ajuntament  
de Barcelona**

Publishing and printing: Department of Publishing Services ©  
for this edition: Barcelona City Council

DL: B-11,867-2023

Printed on ecological paper

[barcelona.cat/contractaciopublica](http://barcelona.cat/contractaciopublica)

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# REGULATIONS FOR GENDER EQUITY AT BARCELONA CITY COUNCIL

## Preamble

### I.

The concept of *formal equality*, used in the last century for establishing equal rights for all human beings (the UN Convention on the Elimination of All Forms of Discrimination against Women, 1979; Article 14 of the Spanish Constitution), has been developing to the point where it has been superseded by a concept of *equality* which, while recognising the same value in everyone, also takes account of the differences between men and women in society and in their respective aspirations and needs. The concept of *equality* thereby appears as a tool which is intended to transform reality and enable women and men to develop their capacities and free themselves from the limitations imposed on them by traditional roles (Article 9(2) of the Spanish Constitution).

As a result of the demands of feminist movements and women over the last few decades, public policies have been steadily incorporating this new concept of *equality*. The key transformation to gender policy approach occurred when women's and feminist movements at the United Nations' Fourth World Conference on Women, held in Beijing in 1995, established the strategy of mainstreaming gender equality principles into every public policy. More specifically, it was established that political processes had to be improved, implemented and assessed so that the gender equality perspective could be incorporated into every policy, at all levels and stages of public action, by the players normally involved in the adoption of political measures. This concept includes not just *de jure* but

also *de facto* equality and requires the adoption of a variety of initiatives, from equal opportunities to positive action, not to mention other tools.

Gender mainstreaming has been a tool available to the various public authorities since 1995 and is provided for, on the EU level, in the Treaty of Amsterdam of 1997; on the Spanish State level, in Framework Act 3/2007, of 22 March, on effective equality between women and men; and, on the Catalan level, in Catalan Act 17/2015, of 21 July, on effective equality between women and men.

On the Barcelona City Council level, the tool has been available under a set of measures to ensure the mainstreaming of gender perspective at Barcelona City Council (2015), under the Guidelines for drafting municipal rules (2015), under Barcelona City Council's Gender Justice Plan (2016-2020), and the Government Measure: "Gender mainstreaming in Barcelona City Council" (2015), one of whose goals is to "provide Barcelona City Council with the foundations for establishing a conceptual, organisational and executive framework for the real and effective implementation of gender mainstreaming".

These Regulations are the result of this mandate to apply gender mainstreaming and real and effective gender equality. They are aimed at removing the structures that cause inequality between men and women and between women themselves in Barcelona City Council's structure and running. It is based on the contributions made over the last few decades by the city's women and feminist movements which are still calling out with vigour and conviction to this day for a fairer and more democratic city to be built, where women and men will remain equals throughout life in their cultural, social, economic and political lives and in accordance with the diversity

that shapes them. This is the goal behind these Regulations' inclusion of several strategies included in today's public policies and rules, ranging from equal opportunities and positive action to gender mainstreaming and intersectional perspectives. A vision intended to respond to gender inequalities relating to racism, classism, LGBTI-phobia and other systems of oppression.

## II.

These Regulations are also the result of the incorporation of goals and mechanisms provided for in international, EU, Spanish State and Catalan legislation. It is here that numerous important regulations have been launched which confirm the commitment of the public authorities to achieve gender equality.

In the international arena, this goal can mainly be found in the following agreements:

- Convention on the Political Rights of Women, approved by the UN General Assembly in 1952 and signed by Spain under its instrument of accession on 23 April 1974.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), approved by the UN General Assembly on 18 December 1979 and ratified by Spain through its ratification instrument on 16 December 1983, and the convention's Optional Protocol, approved on 6 October 1999.
- Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly in Resolution 48/104, of 20 December 1993.
- Beijing Declaration and Platform for Action, approved at the UN's Fourth World Conference on

Women (Beijing, 1995) and subsequent Beijing sessions +5 (New York, 2000), Beijing +10 (New York, 2005) and Beijing +15 (New York, 2010).

- International agreements on civil and political rights and on economic, social and cultural rights (1966, ratified by Spain in 1977).
- Programme of Action for the International Conference on Population and Development (CIPD, 1994), on sexual and reproductive rights.

On the European level, note:

- European Convention on Human Rights, signed in Rome on 4 November 1950 and ratified by Spain in its ratification tool on 26 September 1979.
- European Charter of Local Self-Government, adopted in Strasbourg on 15 October 1985 and ratified by Spain in 1988.
- Treaty of Amsterdam, signed by EU member states in 1997, which came into force in May 1999, contextualising persistent indirect forms of discrimination and stating that, for the purposes of eliminating them, positive actions have to be recognised and given legitimacy.
- Treaty of Nice, signed by EU member states in 2001, which came into force in February 2003 and recognises the need for taking positive action to promote women's participation in the labour market.
- Charter of Fundamental Rights of the European Union. The principle of equality between men and women is enshrined in the Charter of Fundamental Rights of the European Union (a cornerstone of the European Social Charter, of 1989), adopted in December 2000, but with legal effect as from 2010. Chapter 3, Article 23 establishes equality between men and women and the need for it to be guaranteed in every area, including employment, work



and remuneration, and makes it possible for initiatives to be adopted to promote the less-represented gender.

– Treaty on the Functioning of the European Union (TFEU). Article 157 of that Treaty prohibits discrimination on the grounds of gender on the matter of remuneration for the same work or work of equal value. This principle also applies to the professional classification systems used for determining remunerations.

– Council of Europe Convention on preventing and combating violence against women and domestic violence, adopted in Istanbul on 11 May 2011.

Council Directive 2000/43/EC, of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This directive refers to the concept of *multiple discrimination or intersectionality*.

– Council Directive 2000/78/EC, of 27 November 2000, establishing a general framework for equal treatment in employment and occupation.

Directive 2002/73/EC of the European Parliament and of the Council, of 23 December 2002, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

– Council Directive 2004/113/EC, of 13 December 2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

– Directive 2006/54/EC of the European Parliament and of the Council, of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

On the Spanish State level, the essential references are as follows:

- The Spanish Constitution, Articles 9(2), 14, 23 and 35(1).
- Act 30/2003, of 13 October, on measures for including gender impact assessments in the regulatory provisions drafted by the government.
- Framework Act 1/2004, of 28 December, on comprehensive protective measures against gender violence.
- Framework Act 3/2007, of 22 March, for the effective equality of women and men, involving public authorities and companies. Article 5 of this Act establishes equal treatment and opportunities in access to employment, vocational training and promotion at work, and working conditions, and is applicable to both private and public employment. The Act also brings a comprehensive approach to mainstreaming and incorporates it as a principle for action for all public authorities (Art.15). In addition, it establishes the creation of equality units in the executive bodies of all the ministries (Art.77) and defines the gender equality action criteria for public authorities in the area under their jurisdiction and in public employment and occupation (Art.51). Finally, Article 43, on promoting equality in collective bargaining, makes it possible, in accordance with what is legally binding through collective bargaining, for positive action measures to be established to promote women's access to employment and occupation and an effective implementation of the principle of equal treatment and non-discrimination in work conditions between men and women.
- Act 7/2007, of 12 April, on the basic status of public employees, whose Additional Eighteenth Provision makes it mandatory for public authorities to comply with equal

treatment and opportunities in the area of employment and, under that goal, stipulates that they shall have to adopt measures aimed at preventing any type of employment discrimination between men and women. Without prejudice to the above, they shall also have to draft and implement an equality plan that will be developed under the collective agreement or work conditions agreement for civil servant staff that is applicable.

Act 9/2017, of 8 November, on Public Sector Contracts, transposing into the Spanish legal system Directives 2014/23/EU and 2014/24/EU of the European Parliament and the Council, of 26 February 2014.

On the Catalan level, note the following rules:

- Act 4/2001, of 9 April, on amending Article 63(2) of Act 13/1989, of 14 December, on the organisation, procedures and legal system of the Catalan government’s Administration, establishing the obligation for assessing the gender impact of all the Catalan government’s policies and general measures.
- Decree 305/2006, of 18 July, approving the Regulations of the Urban Planning Act.
- Statute of Autonomy of Catalonia, approved by Framework Act 6/2006 on 19 July 2006 (Articles 4, 19, 40 and 41). It establishes that the Catalan public authorities have to steer their public policies and action in line with the guiding principles set out in the Spanish Constitution and the Statute of Autonomy itself, which expressly provides for guaranteeing mainstreaming in incorporating the gender and women’s perspective in every public policy under Article 41.2.
- Act 3/2007, of 15 March, regulating changes to civil registration entries relating to a person’s gender.

– Act 5/2008, of 24 April, on the right of women to eradicate gender violence.

amended by Act 17/2020, of 22 December, establishing the jurisdiction of municipalities in the provision of services from the Network for Comprehensive Care and Recovery from Gender Violence.

– Act 11/2014, of 10 October, on guaranteeing LGBTI rights and eliminating homophobia, biphobia and transphobia, requiring local entities, as with other public authorities within their jurisdictions, to safeguard the right to equality and non-discrimination on the grounds of sexual orientation, gender identity or gender expression, in both public and private spheres, which the Catalan government and local authorities have jurisdiction over.

– Act 17/2015, on the effective equality of men and women, establishing and regulating the mechanisms and resources for ensuring the right to equality and non-discrimination on the grounds of gender in every area, stage and circumstance in life as well as the implementation of gender perspective mainstreaming in every action of the public authorities and the creation and adaptation of the mechanisms necessary for integrating gender perspective mainstreaming into their political actions. Article 15(2) of that Act thereby establishes that local authorities are mandatorily required to approve a plan for equality between men and women and that the gender perspective must be included in policies relating to the civil service.

Finally, on the local level, the following regulations permit and authorise the drafting of these Regulations:

– Act 22/1998, of 30 December, on the Barcelona Municipal Charter, where Article 112 establishes that Barcelona City Council is required to promote all the actions and services that enable the integration and participation of

women in society and prevent gender-based discrimination.

– Act 7/1985, of 2 April, regulating local government regulations, permitting the delegation of powers in certain municipalities, including the provision of social services, the promotion of equal opportunities and the prevention of violence against women.

– Act 39/2015, of 1 October, on the common administrative procedure of public authorities.

– Act 40/2015, of 1 October, on the public sector’s legal framework.

### III.

These Regulations consist of 25 articles and are divided up into five titles, two additional provisions and three final provisions.

Title I includes general provisions. It defines the purpose of these Regulations and specifies the subjective scope of their rules as well as the basic and instrumental principles that guide it.

Title II is aimed at establishing the minimum mechanisms that Barcelona City Council is required to be equipped with in order to incorporate the gender perspective into municipal public policies. That title is divided up into eight chapters, according to the nature of the mechanism. More specifically, Chapter I regulates the mechanisms required for planning the public policies which enable and allow the implementation of the strategy for gender perspective mainstreaming. Chapter II, on regulatory mechanisms, establishes the gender impact reports. Chapter III provides for economic mech-

anisms, such as budgets, with a gender perspective and gender equality clauses in public procurements and subsidies. Title IV includes the mechanisms for staff management and relations. Chapter V establishes the participatory mechanisms and refers to the Regulations on Citizen, approved on 27 May 2022. Chapter VI establishes mechanisms for ensuring communication with a gender and inclusive perspective. Chapter VII provides for mechanisms for integrating the gender perspective into information systems and data gathering. Finally, Chapter VIII deals with training mechanisms.

Title III focuses on the structures for launching municipal gender policies and is divided up into two chapters. The first chapter establishes, on the authority of Act 17/2015, of 21 July, on effective equality of women and men, equal representation and participation of women and men in every area of decision-taking. The second chapter details the structure that Barcelona City Council is required to have in order to ensure the launch of gender policies in Barcelona.

Chapter IV sets out the areas in which Barcelona City Council is required to act, in accordance with its powers, in implementing its municipal gender policies.

Title V establishes the tools for ensuring and complying with these Regulations.

Finally, the Regulations include two additional provisions, one on funding and the other on training, as well as three final provisions, regarding the application of Spanish State and Catalan regulations, on the development and implementation of these Regulations and their entry into force.







## TITLE I. GENERAL PROVISIONS

### Article 1. Purpose of the Regulations

1. These Regulations are aimed at establishing a legal framework that guarantees gender equality within the municipal area, within the framework of the international, EU, Spanish State and Catalan regional rules and regulations.
2. These Regulations establish the principles for gender equality required for governing the actions of Barcelona City Council's government and management bodies as well as the municipal services that have to be offered within the scope of their powers and the minimum measures required to be adopted for incorporating the gender perspective into the municipal policies and actions provided for in their scope of application.

### Article 2. Scope of application

1. These Regulations are to apply to Barcelona City Council, independent bodies, trading companies and other organisations connected to or dependent on Barcelona City Council now or in the future.
2. As for the other public sector organisations that the City Council is part of, municipal representatives are required to promote their respective government bodies' adoption of the corresponding agreements to incorporate the principles and provisions set out in these Regulations into those bodies' actions.
3. These Regulations likewise apply to the organisations that are linked to the City Council by awarding subsidies and grants or entering into contracts or similar legal transactions in which these Regulations' provisions are included under Articles 11 and 12.

### **Article 3. General principles**

In accordance with the gender perspective principle referred to in Article 41 of the Statute of Autonomy of Catalonia, and for the purposes of achieving effective equality between men and women, without any type of discrimination on the grounds of sex or gender, the interpretation of the provisions of these Regulations and all Barcelona City Council's policies and actions must be governed under the following principles:

- 1.** The principle of real and effective equality and direct and non-direct discrimination on the grounds of gender and positive action is a guiding principle of the legal framework and, as such and as a result, the principles and measures that these Regulations govern are to apply to all material areas of authority that fall to Barcelona City Council, in accordance with the current block of legality' in force, regardless of whether the Regulations specifically govern certain areas of intervention.
- 2.** The principle of gender equity, which, in accordance with the provisions set out in Article 2(f) of Act 17/2015, of 21 July, on effective equality of men and women, is the fair distribution of rights, benefits, obligations, opportunities and resources on the basis of recognition of and respect for differences between men and women in society.
- 3.** The principle of intersectionality is understood, for the purposes of Article 2 of Act 17/2015, as the elimination of multiple discrimination. Barcelona City Council undertakes to reduce multiple inequalities caused by the overlapping of various areas – sexism, racism, exploitation of class, LG-BTI-phobia, discrimination on the grounds of age, incapacity, state of health or other things – in the design, implementation and assessment of public policies forming the subject matter of these Regulations.

#### **Article 4. Instrumental principle of gender mainstreaming**

**1.** The principle of gender mainstreaming is understood, for the purposes of these Regulations and under Article 3 of Act 17/2015, of 21 July, on effective equality of women and men, as the organisation (re-organisation), improvement, implementation and assessment of political processes whereby Barcelona City Council incorporates a gender equality perspective into every policy, at every level and every stage.

**2.** Gender mainstreaming involves the incorporation of the gender perspective into the internal organising, planning and implementation of services and activities offered not just by the City Council but also by the organisations referred to in Article 2 of these Regulations. Gender perspective mainstreaming requires all public policies to be designed and assessed under the criterion of identifying and providing for differentiated types of impact on men and women.



## TITLE II. MECHANISMS FOR INTEGRATING THE GENDER PERSPECTIVE INTO PUBLIC POLICIES

### **Article 5. Scope of application of the mechanisms for integrating the gender perspective**

1. The mechanisms provided for in these Regulations shall apply to all Barcelona City Council's public policies and areas of action – areas and districts – as well as all the services that the City Council offers citizens within the scope of their powers.

### **Chapter I. Mechanisms for planning**

#### **Article 6. City plans for gender policies**

1. The City Plan that defines and launches gender policies (henceforth, “the Plan”) is a document which periodically expresses the development and implementation of municipal policies on the matter of equality of women and men. It constitutes Barcelona City Council's fundamental tool of action for eliminating gender inequalities and is a tool for promoting equity between men and women and among women themselves.

2. The Plan is meant to be the tool that deploys gender-perspective mainstreaming in every municipal policy. The Plan is required, as a minimum, to incorporate strategic initiatives for promoting all the City Council's information systems to disaggregate data according to gender and to use such data for conducting gender analyses. It is also required to ensure that the gender perspective is incorporated into employment-promoting services, into support for domestic and carer work, into the fight against the feminisation of poverty and job insecurity, into the reorganisation of time, and into co-responsibility and a balance between personal, family and work

life. It must also provide for its incorporation into political, social and technological initiatives; into sports; into health and sexual and reproductive rights; as well as into the field of co-education; into culture and collective memory; into citizenship, migrations and interculturality; into housing services, the assistance network for victims of gender violence and into the global justice and cooperation services; and, finally, into the jurisdictions over ecology and urban space, mobility and prevention and safety.

**3.** The Plan must likewise be drafted by incorporating the LGBTI perspective and in line and coordination with planning in the matter of sexual and gender diversity, in order to tackle sexism broadly, which subordinates women and excludes people with bodies, identities, expressions and desires that fall outside gender norms.

**4.** In addition, the Plan or specific plans or programmes that may arise from it shall have to pay special attention to variables such as age, national origin, religious beliefs, ethnicity, functional diversity, gender identity or sexual orientation, and take account of the needs that specifically affect the individuals and various collectives and which cause multiple-discriminations situations.

**5.** It falls to the political body responsible for gender policies to promote, monitor and implement the plans, in collaboration with the body responsible for applying gender mainstreaming and involving all the City Council's areas and districts.

**6.** The political body responsible for gender policies, together with the body responsible for applying gender mainstreaming, is required to promote citizen participation and, in particular, feminist groups and organisations championing women's rights, in order to encourage their participation in the design, drafting, implementation and assessment of the City Plan for gender policies.

**7.** The Plan must be in force within the period provided for or expressly extended, and must last at least four years.

**8.** The Plan must have a specific budgetary line borne by all the areas involved in the application of these Regulations, should its provisions include expenses or income. For the Plan's general measures, the administrative bodies responsible for gender policies must have a specific budgetary line. In addition, the Plan must include the amount borne by the Catalan government within the budgetary line, in accordance with Article 6(2) of Act 17/2015, of 21 July, in order to comply with the specific financial adequacy for the application of these Regulations.

**9.** The body responsible for applying gender mainstreaming must draft a monitoring annual report of the Plan with implementation indicators. In addition, it must prepare an assessment report of the Plan at the end of its period of validity, with implementation and impact indicators. This report must be presented at the Full Municipal Council.

### **Article 7. Gender goals in sectoral and territorial planning**

**1.** All Barcelona City Council's plans and programmes are required to incorporate gender equality as one of its main goals.

**2.** All the spheres of the municipal organisation – areas and districts – must analyse the structural nature of the differential situation between women and men in their lines of action, plan from a gender perspective and carry out specific actions aimed at mitigating gender-based inequalities.

**3.** The body responsible for applying gender mainstreaming is required to accompany, where necessary, Barcelona City Council's sectoral and territorial designing and planning.

**Article 8. Assessing from a gender perspective**

1. Municipal plans must be assessed from a gender perspective. This assessment must follow a method of analysis that divulges the results of the public policies and types of impact on equality or inequality between men and women that could have arisen from their application to identify and prevent the production, maintenance or increase of such gender inequalities, while making proposals for improvement for drafting future municipal plans, where appropriate.
2. The assessment's goals are as follows:
  - a) Identify the various results that the implementation of the public policies may have on women and men, separately.
  - b) Evaluate whether the existence of differences in the results of the implementation of municipal plans generates gender inequalities (negative gender impact).
  - c) Propose correction mechanisms, where appropriate.

**Chapter II. Regulatory mechanisms****Article 9. Gender impact reports**

1. Regulatory proposals for municipal budgets municipal tax policy tools (tax byelaws, rates and public sector charges) must be accompanied by gender impact reports, drawn up using an analysis methodology that enables the disclosure and prospective assessment of the repercussions on equality or inequality between women and men which may arise from their approval, for the purposes of identifying and preventing the production, maintenance or increase of such gender inequalities, while making proposals for amending the project, where necessary.



2. The gender impact reports' goals are as follows:
  - a) Find out in advance the possible effects that the application of the proposed rule or municipal tools for budgetary and tax planning may have on women and men.
  - b) Ensure that the rules or municipal tools for economic, tax and employment planning have no negative effect on their application or cause any indirect discrimination.
  - c) Propose correction mechanisms, where appropriate.
3. The body responsible for applying gender mainstreaming at Barcelona City Council shall be in charge of drafting the gender-impact reports specified in Section 1.
4. The bodies responsible for launching the regulatory proposals for municipal budgets and municipal tax policy tools (tax byelaws, rates and public sector charges) must see to compliance with legislation on transparency, access to public information and good governance with regard to the gender impact reports referred to in this Article.
5. The bodies responsible for launching regulatory proposals and municipal tools for economic and tax planning that are accompanied with negative gender impact reports must deliver an explanatory report to the Monitoring Committee which includes a provisional plan for reversing the negative effects of their application.

#### **Article 9(a). Gender-impact assessment of urban planning**

1. Every urban-development planning document that is processed at Barcelona City Council must include a gender-impact assessment section, prepared by the drafting team.
2. Gender-impact assessments must be drafted using an analysis methodology that enables detections and prospective assessments of the repercussions on equality or inequality between women and men which may arise from their processing, for the purposes of identifying and preventing the production, maintenance or increase of such gender in-

equalities, while making proposals for amending the project, where necessary.

Where the plan incorporates a social report section, the gender-impact assessment may be integrated into it, in accordance with the determinations of Article 69(5) of the Regulations of the Urban Planning Act of Catalonia, approved by Decree 305/2006, of 18 July.

**3.** It falls to the planning document's drafting team to prepare the gender-impact assessment section and adapt it to the provisions set out in these Regulations. This section must analyse the proposal's adaptation to the goals of inclusive urban planning with the gender perspective. Each planning document must justifiably adapt the content of the gender-impact assessment section to the nature, degree of detail and definition reached in the plan.

**4.** The report for the initial approval of the planning documents must include a specific section on the gender-impact assessment contained in the plan.

**5.** The planning documents' initial approval must be reported to the body responsible for the application of gender mainstreaming.

**6.** In the case of plans of special importance owing to their effects on daily life and gender inequalities, as well as other cases where an appropriate integration of inclusive urban-planning criteria is technically considered not to have been achieved in the proposed plan, once the planning document has received initial approval, a specific sectoral report must be requested on the gender-impact assessment section from the body responsible for the application of the gender mainstreaming. This report must be issued, at the very latest, within a period of one month.

## Chapter III. Economic mechanisms

### Article 10. Budgets from a gender perspective

1. Barcelona City Council is required to incorporate the gender perspective into the preparation of municipal budgets in order to prevent gender-based bias. To that end, budgetary proposals shall be drafted from the gender perspective, highlighting the differentiated impact of budgets on men and women and integrating gender goals into budgeting goals aimed at results. Every year in the budget, the City Council must set down and specify the economic resources allocated to performing its duties and implementing these Regulations in accordance with the Additional First Provision.

### Article 11. Calls for grant and subsidy applications

1. Calls for grant and subsidy applications must include mechanisms that assess the entities, associations and organisations which make up the gender perspective in their internal operations or which carry out initiatives aimed at achieving cross-cutting gender equality, under the conditions established in Article 11 of Act 17/2015, of 21 July, on effective equality of men and women.

2. Compliance with the following aspects must be included as an essential requirement or assessment criterion, when subsidies and grants are awarded, provided it is a relevant or differential feature:

- a) Disaggregating according to gender the data of the beneficiaries of the project and the workers of the entity, association or organisation.
- b) The extent of commitment to equality between women and men, both in the make-up of the governing bodies and in relation to the activities they wish to carry out.
- c) Incorporating the gender perspective into the content of the project that is intended to be carried out shall be

positively assessed, bearing in mind the specific features of each area.

d) A plan for equality between women and men shall be regarded as an essential feature for entities, associations or organisations where they are legally obliged to adopt such a plan and as a positive assessment feature where they are under no such legal obligation.

e) Entities, associations or organisations that have a protocol for preventing sexual and gender-based harassment shall be positively assessed where they are not legally obliged to have such a protocol.

f) Having a prevention and action protocol for cases involving discrimination on the grounds of sexual and gender diversity shall be considered a positive feature in an entity's assessment.

g) An entity shall be positively assessed where it is committed to promoting women and increasing their numbers in positions of responsibility by improving their executive skills.

### **Article 12. Public contracts**

**1.** Barcelona City Council is required to promote equality between women and men in the performance of their work and obligations, whether it does so directly or indirectly, through invitations to tender for municipal public works, supply and service contracts. To that end, municipal procurements must include an obligation for successful tenderers, whether natural or legal persons, to ensure gender equality is promoted, under the provisions of Article 10 of Act 17/2015, of 21 July, on effective equality of women and men.

**2.** Where possible owing to the nature of the contract and justified owing to the number of people hired, the features of the sector or subject matter, municipal contracts are mandatorily required to incorporate social clauses, and as a condi-

tion of performance, which are aimed at promoting gender equality between the people involved in the performance of the contract. These clauses shall relate to the obligatory requirement to implement measures for promoting equality, applying measures against sexual and gender-based harassment, for guaranteeing the use of inclusive communication, for applying mechanisms that enable co-responsible work-life balance, and equality between men and women that may affect everyone performing the contract or certain profiles or categories.

**3.** Article 71(d) of Act 9/2017, of 8 November, on Public Sector Contracts (LCSP) establishes the ban on entering into contracts with companies which, despite their obligation to have an equality plan in line with the provisions of Article 45 of Act 3/2007, of 22 March, on effective equality of women and men, have no such plan.

**4.** Under Article 74 of the LCSP, staff responsible for performing the service must be trained in gender equality, as supporting evidence of professional or technical solvency, where there is a connection with the subject matter of the contract and this is proportionate.

**5.** Under Article 145(2) of the LCSP, tendering specifications may include criteria for awarding a contract aimed at promoting gender equality in the performance of the contract, such as having equality plans in the case of companies that are not legally obliged to have such a plan, fostering the recruitment of women or a balance between personal, family and work life. Assessments may also be made of the gender equality qualifications and experience of staff assigned to the contract, where they may significantly affect the quality of its performance.

**6.** As set out under Article 147 of the LCSP, procurement bodies may establish tie-breaking criteria in cases where, after the contract-awarding criteria have been applied, there

is a tie between two or more tenders. These criteria may include proposals presented by the companies which, on the expiry of the tender presentation deadline, have a higher percentage of women hired.

**7.** Barcelona City Council is required to ensure compliance with the established clauses as well as the legal obligations on gender equality of the contractors and subcontractors. To that end, the Council is required to establish assessment and monitoring mechanisms that ensure effective compliance with these obligations and offer advisory tools on gender equality to the contractor companies.

**8.** The successful tenderer companies are required to provide all the data on users, workers and suppliers, disaggregated according to gender, in their supporting documents confirming compliance with the clauses. The City Council must ensure that all municipal materials and media intended for obtaining such information are suitable for this requirement.

**9.** Similarly, contractor companies are required to provide information on the gender salary gap among staff assigned to the performance of the contract and, for information purposes, the entire workforce. The City Council shall provide the necessary advice and tools to ensure compliance with this obligation.

## Chapter IV. Staff management and relations mechanisms

### **Article 13. The municipal group's plans for equality of women and men at Barcelona City Council**

**1.** As stipulated by Framework Act 3/2007, of 22 March, for the effective equality of women and men, and in Chapter III, and Act 17/2015, of 21 July, on effective equality of women and men, in Articles 6(f) and 15, the municipal group at Barcelona City Council (Barcelona City Council, independent bodies, trading companies and other organisations other organisations associated with or dependent on Barcelona City Council now or in the future) must have a plan for equality of women and men aimed at staff providing services there, for the purposes of ensuring the effective application of the principles established in these Regulations and eliminating discrimination on the grounds of gender relating to access to the municipal authority and employment conditions relating to promotion and professional career work-time management; balancing personal, employment and family life; and training and remuneration conditions. It must also be aimed at achieving, in every internal area, inclusive communication, prevention and action in the matter of sexual and gender-based assaults and at incorporating the gender perspective in occupational risk prevention.

**2.** All plans for equality of women and men must be entered in the official REGCON register or in the register that happens to substitute it with the same effects, and have the status of collective bargaining agreement.

**3.** Barcelona City Council is under an obligation, in its human resources policies, to work for gender equality under the action criteria established for public authorities in Act 3/2007 and Act 17/2015:

- Promoting equal representation of women and men in the make-up of tribunals or expert selection and assessment bodies.
- Including content, in its public-employment access programmes, relating to equality and gender-violence regulations.
- Adopting basic training in equality for women and men.
- Analysing jobs to assess their level of compliance with the principle of equal pay for women and men and taking corrective measures to eliminate differences in salaries.
- Establishing effective protection measures against sexual and gender-based harassment.
- Enabling a balance between personal, family and work life.
- Periodically assessing the effectiveness of the principle of equality in the respective fields of action.

The City Council is also required to see to compliance with the current plans for equality of women and men as well as all the plans for equality of independent bodies, trading companies and other organisations associated with it or dependent on it at present or in the future. In that regard, the City Council shall reserve the appropriate actions that fall to it for complying or enforcing compliance with the principles of these Regulations.

## Chapter I. Participation mechanisms

### Article 14. Participatory spaces

**1.** In accordance with Article 6 of Act 17/2015, of 21 July, on effective equality of women and men, Barcelona City Council recognises the importance of social participation for gender equality and is required to adopt the necessary measures to make it effective, especially in revitalising the associations' network and in assessing the contributions made by wom-



en's associations and groups, the feminist movement and groups and organisations organised for gender equality.

**2.** Barcelona City Council must guarantee and promote the exercise of the right to participation in accordance with the Regulations for Citizen Participation, approved on 27 May 2022. For these purposes, it must promote sufficient, open and flexible channels and instruments that are appropriate for the time spent and suitable for achieving the maximum, most diverse and broadest possible participation; it must remove all the barriers that hinder or impede participation by creating specific means to reach people who may have more difficulties because of their personal or social circumstances; and it must facilitate citizen intervention in political decision-making processes.

**3.** The City Council is likewise required to make effective the right to participation under equal conditions, in accordance with the terms set out in Royal Legislative Decree 1/2013, of 29 November.

**4.** More specifically, Barcelona City Council is required to take account of the Barcelona Women's Council and the district councils, governed by their own regulations, as consultation and participation bodies of the municipal policy for equality, in which people, citizen and feminist organisation and associations working for equality between women and men take part. The City Council must also take account of Barcelona's political groups and social players to prepare and reach a consensus on proposals that make effective the principle of equality of women and men in Barcelona's organisations and in every field of political, economic, cultural, educational and social life in Barcelona.

**5.** The make-up of the municipal participatory bodies must tend towards parity of men and women. Measures for equal representation have no effect for bodies constituted for promoting the rights and interests of one of the two sexes.

## Chapter VI. Communication mechanisms

### Article 15. Inclusive communication

**1.** Written, graphic and audio-visual documents, personal assistance and mass media, including digital media and social network accounts, prepared by Barcelona City Council or outsourced to third parties, must use inclusive and non-sexist language.

**2.** The municipal government is required to guarantee a fair visibility of women and men in announcements, campaigns, materials or mechanisms of communication – except where they are exclusively aimed at one or other gender in a justified way. It must likewise promote the visibility of sexual and gender diversity in municipal communications.

**3.** The municipal government is required to ensure that municipal advertisement slots shall not be used with communication pieces that discriminate on the basis of gender or for the dissemination of illicit advertising, in accordance with the general legislation on institutional advertising and communication.

By the same token, the City Council may not authorise the display of advertising announcements on media that require municipal authorisation where they show a lack of respect for people on the basis of gender or sexual diversity. To that end, an assessment committee must be established in complex cases, made up of staff from the City Council, experts and members of the Women's Council.

**4.** Potential services contracts that may be entered into for the provision of written, graphic or audio-visual communications and under the terms and conditions of calls for applications for prizes and distinctions, scholarships or competitions must include the appropriate provisions for compliance with the duties established in this Article.

## Chapter VII. Information system and data collection mechanisms

### Article 16. Adaptation of municipal statistics and studies

1. For the purposes of making effective the rules contained in these Regulations and ensuring the integration of the gender perspective into their ordinary activities, under Article 56 of Act 17/2015, of 21 July, on effective equality of women and men, Barcelona City Council, through Barcelona City Council's departments and services it is required to do as follows:

- Incorporate systematically the gender variable into the collection of data from municipal services and bodies, surveys and statistics that they conduct and, when relevant and feasible, variables of identity or gender expression and sexual orientation.
- Establish new statistical indicators that enable a better understanding of the differences in social roles, needs, conditions, values and aspirations of women in every situation, circumstance and stage of life and the inclusion of these indicators in statistical operations.
- Design mechanisms and introduce statistics for improving knowledge of the incidence of other variables (such as origin, age, economic level, disability etc.) which are generators of multiple discriminations in the various areas of intervention.
- Exploit the data made available for the purposes of discovering the situations, conditions, aspirations and needs of women and men in the various areas of intervention.
- Review and, where necessary, adapt the existing statistical definitions to contribute to the recognition and assessment of women's work and avoid the negative stereotypes of certain collectives.
- Conduct a representative city survey every four years, according to district, of gender-violence victimisation.

- Promote studies and surveys that highlight the employment situation of women and men in the city and by district, including domestic and carer work.
- 2.** For the purposes of ensuring compliance with these provisions, Barcelona City Council must have IT programs and media that enable the processing and use of disaggregated data, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016.
- 3.** Potential services contracts that may be entered into for conducting municipal studies and statistics must include the obligation for successful tenderer companies to comply with the duties established in this Article.

## Chapter VIII. Training mechanisms

### **Article 17. Training for political and managerial staff**

- 1.** On the matter of training in gender equality and in accordance with Article 6 of Act 17/2015, of 21 July, on effective equality of women and men and for the purposes of permitting the effective integration of the gender perspective into administrative actions, the municipal government is required to ensure sufficient and quality mandatory training in equality of women and men, for all political and managerial staff, within the first year of every term of office. The content shall require approval from the body in charge of promoting gender equality in the city.

## TITLE III. STRUCTURES FOR PROMOTING GENDER POLICIES

### Chapter I. Composition with equal numbers

#### **Article 18. Political representation and composition of municipal bodies and organisations linked or answerable to Barcelona City Council**

**1.** As established in Act 17/2015, of 21 July, on effective equality of women and men, equal representation and participation of women and men in every area of decision-taking is a necessary requirement for achieving a truly democratic society. To that end, Barcelona City Council must take the requisite measures and adopt the appropriate strategies for guaranteeing it.

**2.** Under these Regulations and the current regulations in force, *equal representation* is understood as a situation that guarantees a presence of women and men according to which no gender may constitute over 60% or under 40% of all the people referred to and that there is movement towards a 50% presence of each one.

**3.** There must be equal representation or composition in collegiate bodies, politically appointed posts (including managerial posts), temporary staff (especially advisers and committee members), and compositions of every type of jury for selecting and awarding prizes and distinctions, participatory boards and bodies.

**4.** There must also be equal representation or composition in appointments of members of management bodies (governing and administrative councils) of public bodies, trading companies and organisations linked or answerable to Barcelona City Council included within the scope of application set out in Article 2. Where such appointments or designations depend on municipal groups, each group must help to en-

sure that there is parity of men and women in the final make-up of the management bodies, adapting, where necessary, their proposed candidates for appointments or designations.

**5.** Equal representation or composition must be ensured in all bodies in which members are directly appointed.

**6.** As an exception, and with a favourable report from these Regulations' Monitoring Committee, there may be justification for not applying a balanced representation criterion in the following cases:

a) Where there is a more-than-60% representation of women and that representation is deemed to be in line with the goal of correcting a situation of historical inequality that women have suffered as a result of their under-representation in decision-taking areas.

b) Where this concerns bodies where people are appointed indirectly or according to post, or where such appointments are made by several institutions or organisations. In this case, an attempt shall be made to apply balanced-representation criterion as far as possible.

**7.** All exceptions must be justified objectively and with reasons before the Regulation's Monitoring Committee, which will assess and publish them.

## Chapter II. Structures for promoting gender policies

### **Article 19. Body responsible for promoting gender equality in the city**

**1.** Barcelona City Council is required to see to equality and the implementation of strategies and actions that are aimed at achieving real and effective equality between women and men, by preventing inequality violence from an inter-sectional perspective.

2. Barcelona City Council must have a body responsible for managing a network of information, advice, training and assistance services for women. That body's goal must also be that of raising gender awareness, personal and social promotion of women, and fighting against any form of gender discrimination and violence. Finally, that body must have the staff and resources required for properly performing the duties established in these Regulations.

**Article 20. Body responsible for applying gender mainstreaming**

In accordance with Article 6(d) of Act 17/2015, of 21 July, on effective equality of women and men, Barcelona City Council is required to create and adapt the necessary mechanisms for integrating the gender perspective into its political actions. In accordance with this mandate, Barcelona City Council must have a body responsible for applying the mainstreaming of the gender perspective, with the staff and resources necessary for the proper performance of its mission, with executive and technical responsibility for promoting this strategy to the entire City Council, not just in the area of the city but also of its districts, in coordination with the body in charge of promoting gender equality in the city, and under the political management of the elected post entrusted with duties in gender policies.

**Article 21. Gender Mainstreaming Units**

1. All areas and districts, as well as independent bodies, public companies and other organisations linked or answerable to Barcelona City Council must have municipal staff with training in gender-equality public policies. Such staff must be references in this area and tasked with ensuring the application of gender mainstreaming.

2. Such reference staff must have skills and training in gender equality and shall have to implement equality measures in the Administration's tasks. They will take part in particular in diagnosing, applying, evaluating and monitoring all sectoral and territorial public policies and, more relevantly, in the specific policies and projects that are aimed at achieving equality.

### **Article 22. Body responsible for gender equality in Barcelona City Council's staff policies**

1. Barcelona City Council is required to see to equal opportunities between women and men in every staff policy that affects municipal employees. It must likewise promote actions and the effective adoption of the measures agreed to by joint bodies, Administration and legitimate unions with the implementation of plans for equal opportunities between men and women; to that end, it must have a body responsible for human resources which promotes the policy of equality between women and men. That body must have the staff and resources necessary for the proper performance of its mission.

### **Article 23. Body responsible for promoting gender equality in economic policies**

1. Barcelona City Council must ensure fairer and more sustainable economic organisation between women and men, in line with uses of time, right to care or be cared for, and on promoting quality jobs without gender inequalities. That body must have the staff and resources necessary for the proper performance of its duties.







## TITLE IV. AREAS OF ACTION OF MUNICIPAL GENDER POLICIES

### **Article 24. Areas of action of municipal gender policies**

The City Council is required to act, in implementing municipal gender policies and under its powers, within the following areas:

- Comprehensive assistance services for women in a gender violence situation (women’s information and assistance services; emergency assistance and accommodation services; residential accommodation and recovery services, and other services the municipal government deems necessary), and men’s assistance services for promoting non-violent relationships.
- Information, assistance and advice services for women on equality and non-discrimination in the areas of employment, associations, culture and education.
- Counselling and information services on care in the city.
- Advisory services for companies, entities and organisations for incorporating the gender perspective.
- Information, advice and assistance services for people working in prostitution.
- Advice and assistance services for victims of human trafficking for any type of exploitation purposes.
- Training services in feminism and the gender perspective.
- Prevention and assistance services in sexual and gender diversity.
- Promotion, training and job placement services for women, and training and promotion services for women entrepreneurs.

- Raising awareness in co-responsibility and balances in personal and work life.
- Prevention and awareness-raising services on equality within formal and informal education.

## TITLE V. TOOLS FOR ENSURING AND COMPLYING WITH THESE REGULATIONS

### **Article 25. Regulations' Monitoring Committee**

**1.** The Regulations' Monitoring Committee shall be created as an internal coordination body in gender-equality policies. The duties of this body shall be those of monitoring and compliance with the provisions of these regulations.

**2.** It shall be made up of the following people:

- Mayor or the Deputy Mayor they delegate.
- Councillor responsible for gender policies or the person they delegate.
- Councillor responsible for districts or the person they delegate.
- One person from each municipal political party group.
- One person from the body with the powers to apply transparency.
- One person from the body responsible for applying gender mainstreaming.
- One person from the body responsible for promoting gender equality in the city.
- One person from the body responsible for applying equality in staff policies.
- Five people representing the Barcelona Women's Council.
- One person from the LGBTI Council.

On occasion and depending on the issue to be dealt with, experts or specific groups may be asked to take part.

The Chair of the Committee falls to the Mayor or the Deputy Mayor they delegate, and the position of Secretary to the expert staff of the municipal body responsible for applying gender mainstreaming.

The Chair has the duty of convening meetings, enforcing agreements and obligations arising from the Committee's meetings, moderate discussions and debates, and performing the tasks that it is commissioned with on the Committee's approval.

The Secretary prepares the meetings' minutes, certifies agreements where appropriate, safeguards the documents created by the Committee, including its minutes, and performs all the tasks that it is entrusted with on the Committee's approval.

**3.** The Committee is governed by the very operational rules it provides itself with; where it has no such rules, it is governed by the provisions of the Act on the Legal Framework of Public Authorities and Common Administrative Procedure for running collegiate bodies.

The Committee normally meets up once a year and assesses the reports which the body responsible for applying gender mainstreaming presents on the implementation and compliance of these regulations. The report must cover at least the application of the mechanisms for integrating the gender perspective into the list of municipal services that Barcelona City Council offers under its powers. The Committee may call for justification from services that fail to meet all the mechanisms provided for in these Regulations within the framework of its actions. Services may present a report, within a period of three months, which explains the reasons for non-compliance with the regulations and a plan for correcting it which specifies its timetable. The Committee is the body authorised to apply the correction plan or, where necessary, require additional actions.

In addition, the Monitoring Committee may hold extraordinary meetings for tackling specific issues relating to the

monitoring of the implementation of the Regulations and their improvement.

**4.** For the purposes of performing all the duties, the people who belong to this Committee shall have access to all the documents that are created within it and to ask the City Council or its professional and political staff for any information they deem necessary for carrying out their duties and which are connected to the aims and articles of these Regulations, without prejudice to compliance with regulations on personal data protection.

**5.** The Barcelona Women's Council and the City Council may request the appearance, once a year, of the Regulation's Monitoring Committee for the purposes of obtaining information on these Regulations' monitoring and compliance.

**6.** These Regulations must be assessed before the end of each political term of office, in other words, every four years. So that this assessment is as objective as possible, it shall be carried out internally and entrusted to an external organisation competent in the issue that concerns us.

The external provider company tasked with making the assessment shall have to comply with the requirements established in the administrative and technical specifications that are to be prepared for this purpose.

The Committee must likewise present a report, every two years, monitoring the implementation of these Regulations.





## ADDITIONAL PROVISIONS

### **One. Funding**

Barcelona City Council shall steadily increase the budget – until it reaches a minimum of 1% of the budget’s total – allocated to the bodies established in Articles 19, 20, 21, 22 and 23. Likewise, without prejudice to that provision, the quantity allocated to the implementation of actions for promoting gender equality within the framework of application of this Regulation, as stipulated in Article 2(1), must be steadily increased – until it reaches a minimum of 5% of the budget.

### **Two. Training**

For the purposes of ensuring the effective compliance of this rule, the City Council must guarantee the mandatory training of all the City Council’s staff in these Regulations.

## FINAL PROVISIONS

### **One. Application of State and regional regulations**

The provisions of these Regulations that incorporate aspects of legislation as basic as the implementing legislation issued by the State and Catalan regional community are understood as automatically amended as soon as such legislation has been revised.

### **Two. The regulations’ development and implementation**

Barcelona City Council must initiative the process for incorporating the gender perspective into its actions and policies as from these Regulations’ entry into force, and shall state and specify in the budgets every year the financial resources allocated to the performance of its duties and the implemen-

tation of these Regulations. The Government Commission is thereby authorised for these purposes to set out the appropriate rules for the development and implementation of the provisions contained in these Regulations, without prejudice to any delegations that it may make of them. Those rules shall require approval once the corresponding public information period has ended.

### **Three. Entry into force**

These Regulations shall come into force<sup>1</sup> on the day after their publication in the Official Barcelona Province Gazette (BOPB).

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1 The Regulations for Gender Equity at Barcelona City Council were published in the Official Barcelona Province Gazette (BOPB) on 5 February 2019, coming into force 15 work days following the day after the date of their publication. The amendments to these Regulations were published in the Official Barcelona Province Gazette (BOPB) on 12 April 2023 and came into force the following day on 13 April 2023.  
[https://cido.diba.cat/normativa\\_local/8127358/reglament-per-a-la-equitat-de-genero-ajuntament-de-barcelona](https://cido.diba.cat/normativa_local/8127358/reglament-per-a-la-equitat-de-genero-ajuntament-de-barcelona)