



AFFIRMATIVE ACTIONS

to increase the employment of Roma in Slovakia

EXAMPLES OF GOOD PRACTICE



AGENTÚRA PRÁCE
BANSKOBYSTRICKÝ SAMOSPRÁVNÝ KRAJ



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Affirmative actions to increase the employment and education of Roma has received a grant from Norway in the amount of EUR 124,965. The project was co-financed in the amount of EUR 18,745 from the state budget of the Slovak Republic. The aim of the project is to raise awareness and better use affirmative action in the employment of the Roma, especially from marginalised Roma communities.

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Introduction

Affirmative actions are specific measures designed to redress inequalities and disadvantages demonstrably faced by certain groups in our society. Their aim is to eliminate demonstrable discrimination by creating equal opportunities for all in terms of access to employment, education, healthcare and/or housing. These inequalities are based on racial or ethnic origin, minority or ethnic group background, gender or sex, age or disability.

Beneficiaries of the affirmative actions may include public authorities or other legal entities, including employers. It is in creating equal opportunities in the access to employment that employers are the key beneficiaries of the affirmative actions. Implementation of the affirmative actions also brings benefits to the employers themselves, such as solving the problem of labour shortages, increased employee loyalty and higher attractiveness of the employer in the context of corporate social responsibility, differentiation from competitors and attracting a new range of consumers, as well as creating a diverse working environment and related benefits.

The role of the Slovak National Centre for Human Rights (hereinafter referred to as „the Centre“) in the area of affirmative actions is to receive reports from the entities implementing the affirmative actions on the adopted affirmative action, as well as reports on the results of the regular evaluation of its implementation and further justification of its implementation in order to comply with the requirement of its temporary nature. Within its mandate, the Centre also consults with entities adopting the affirmative action in the process of proposing and reporting its adoption, with a view towards fulfilling the legal prerequisites for the affirmative action. Last but not least, as part of the promotion and advocacy of equality, the Centre raises awareness of affirmative actions and the role that these measures play in eliminating discrimination against disadvantaged groups.

The purpose of the publication summarising examples of good practice of the affirmative actions reported to the Centre in the context of creating equal opportunities in the field of employment and vocational training of Roma is to inspire employers in Slovakia to adopt similar measures and to help eliminate structural discrimination against Roma in the labour market. Given that the adoption and reporting of affirmative actions is only the beginning of the implementation process, the publication also provides practical guidance for affirmative actions implementers on how to effectively monitor such measures, evaluate the fulfilment of their purpose and report their findings to the Centre as the competent authority.

This publication has been issued within the framework of the project „Affirmative action to increase the employment and education of Roma“ which aims to raise awareness of affirmative actions and their better use in the employment of Roma, especially from marginalised Roma communities. The project is co-financed from the Norwegian Financial Mechanism 2014 - 2021 and the state budget of the Slovak Republic and implemented by the Employment Agency of the Banská Bystrica Region in cooperation with the Centre and the Norwegian non-profit organisation Stiftelsen Mangfold i Arbeidslivet.

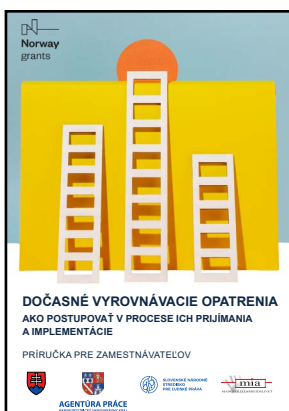


Theoretical framework of the affirmative actions

Affirmative actions represent special measures to compensate for demonstrable inequalities faced by select population groups in specific areas of social relations and they are governed by Section 8a of Act No 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination, and on amendments and supplements to certain Acts (the Anti-Discrimination Act).

The Anti-Discrimination Act defines affirmative actions as an exception to the prohibition of discrimination, i.e. it takes into account that although they are measures that do not constitute equal treatment, they do not constitute discrimination contrary to the law when the legal prerequisites are met. These legal prerequisites are:

- a) adopted by **an eligible body** - public authorities or other legal entities;
- b) targeting selected **disadvantaged groups** - on the grounds of race or ethnic origin, being a part of a national or ethnic group, gender or sex, age or disability;
- c) implementation in a selected **area of social relations** - employment, education, culture, health care, housing;
- d) the existence of **demonstrable inequalities** faced by the target group in the selected area of social relations;
- e) a specific **objective** - to ensure equal opportunities in practice, i.e. to reduce or eliminate inequality;
- f) **the appropriateness** and **necessity** of the form of action chosen to achieve the goal;
- g) **temporariness** - until the inequality is eliminated, until the goal is achieved.



<https://bit.ly/3BZemcb>

More details on the individual defining features and their content may be found in the *Affirmative action - how to proceed in the process of its adoption and implementation (guide for employers)*, as well as in other information material freely available on the specific subpage of its website dedicated to the topic of affirmative actions.. Available at: <https://www.snslp.sk/nasa-cinnost/pravne-sluzby/docasne-vyrovnavacie-opatrenia/>.

Entities entitled to adopt affirmative actions are, according to the Section 8a (4) of the Anti-Discrimination Act, obliged to continuously monitor, evaluate and publish the adopted affirmative actions. The purpose is to periodically assess the justification for its continued existence, in particular in relation to the defining features of temporariness and existence of demonstrable inequalities. At the same time, the law obliges such entities to report the above-stated to the Centre. In practice, this means that an entity that decides to adopt an affirmative action is obliged to report its adoption to the Centre and to submit regular reports assessing its implementation and the justification for its continuation. In order to simplify the process of reporting any affirmative action, the Centre has created a simple form which is attached to this publication and is freely available at <https://bit.ly/49LdeYm>. Regarding the process of evaluating the implementation of affirmative action and submitting monitoring reports, practical guidance is provided in the last section of this publication.

Examples of good practice - affirmative actions to increase the employment of Roma implemented in Slovakia

As a part of implementation of the project „Affirmative actions to increase the employment and education of Roma“, the project partners actively cooperated with employers in order to raise their awareness of affirmative actions, as well as to build their personal and technical capacities to adopt specific affirmative actions to support the employment of Roma, especially from marginalised Roma communities (hereinafter referred to as „MRC“). They also provided consultation to entities eligible to adopt affirmative actions in the process of setting and reporting specific affirmative action. During the implementation of the project, in the period from September 2021 to April 2024, the following affirmative actions were reported, which can serve as inspiring examples of good practice for other employers in Slovakia.



Examples of affirmative actions implemented in the past in Slovakia and abroad are also presented by the Centre in the Preparatory study on the practical use of affirmative actions in Slovakia and abroad.

<https://bit.ly/3TNAi7K>

Example 1 – TESCO STORES SR, a.s.



The affirmative action is a natural continuation of our activities aimed at supporting employment inclusion of people from MRC. For a long time, we have been engaging in providing support and integration to adults with no work experience, offering expert practice and dual education for vocational school students and creating opportunities for young people to gain first work experience upon completing their studies.

We have realised that there is a group of young people in our society that does not work nor continue with education. Together with People in Need we searched for options how to give these young people the opportunity to gain work experience and integrate at the labour market.

Currently, we can see a very positive result as the young people who have participated in our program are considering returning to school and we can provide them even more space through expert practice or dual education to complete the formal education and build their career and life on stronger grounds.

*Anna Steránková, Lead People Partner,
Tesco Stores SR, a.s.*



Name of the measure

Development programme for low-skilled youth from MRCs in TESCO STORES SR, a.s. in cooperation with the organisation People in need



Beneficiary of the affirmative action

TESCO STORES SR, a.s. is both the beneficiary and the implementer of the affirmative action. During the implementation, it cooperates with People in Need (Človek v ohrození), a non-profit organization which participates in the selection and preparation of the candidates and provides them with external support during the programme period.



The subject of the affirmative action

The affirmative action is intended for low-skilled youth from MRCs who have completed their compulsory schooling, are not continuing their education and do not have enough qualifications to find a job in the open labour market. The target group of people from MRCs is thus classified as NEET, i.e. people who are not in education, employment or training, which has long been one of the beneficiaries of many measures and interventions in the EU countries.¹

Within the 4-month development programme, the beneficiary of the affirmative action as an employer provides the space for structured training for individual activities under the supervision of experienced employees, so-called buddies. In this way, the participants of the development programme will gradually acquire the knowledge and experience necessary to be able to perform the job of a sales assistant independently at the end of the programme.

¹ Ďalšie informácie dostupné na: <https://www.eurofound.europa.eu/sk/topic/neet>.

The affirmative action is thus implemented in the area of access to employment (through the acquisition of skills and qualifications, so-called in job training) and aims to level the inequality in the access to education and employment of Roma in Slovakia. After completing compulsory education, young people from this community often face a lack of support for further education, the competitive advantage of higher levels of specialised education in the labour market, and generally a lack of work experience. This disadvantage makes them much less likely to enter the labour market. Structural discrimination against Roma in the labour market on the grounds of their ethnicity or nationality is exacerbated by multiple cases of discrimination against young Roma, i.e. persons younger than 26.²



Entities involved in the cooperation

A key role in the implementation of the affirmative action is played by the employer's internal staff, namely the personnel partner of the region who provides support at the start and during the development programme, the store manager providing the support and supervision of employee training and the so-called buddy who accompanies the participant during the on-the-job training.

The implementation of the affirmative action also involves People in need, a non-profit organization whose employee accompanies the participant in the development programme and monitors his/her performance. When doing so, he/she cooperates with the staff of the beneficiary of the affirmative action.



Implementation time

The start of implementation of the affirmative action was set for May 2023. Its temporary nature was defined in relation to the situation and interest of young Roma in the development programme, but at the latest until the unemployment rate of the target group has been reduced to a level comparable to the majority population.



Monitoring method

The affirmative action is monitored through the employer's participating stores/branches which assess the measurable indicators at the end of the development programme lasting 4 months from the start date. Information from the branches is collected by the headquarters which submits an evaluation report to the Centre once a year by 31 March.

The evaluation report includes, in particular, the number of branches implementing the affirmative action, the number of young people from MRCs employed under the programme, the employment rate of young people from MRCs participating in the development programme after its completion, and assessment of the success of implementation of the affirmative action during the monitoring period.

² More information may be found at: https://www.romovia.vlada.gov.sk/eu-silc_mrk/, Markovič, F., Plachá, L.: Income and living conditions in marginalised Roma communities: Selected indicators from EU SILC_MRC 2020.

Example 2 – Adient Slovakia, spol., s.r.o. - Lučenec branch plant



In cooperation with AP BBSK, we have launched the process of training the selected clients for a position of sewing operator. Upon successful training and job interview, these clients will be hired at our company. At the labour market, there is currently a shortage of sewing operators. The affirmative action thus gives us the benefit to get skilled candidates from our region and also creates an opportunity to actively participate at including people from socially disadvantaged environment at the labour market.

*Ulrika Šabíková, HR manager,
Adient Slovakia s.r.o.*



Name of the measure

Priority employment of people from MRCs for the position of seamstress at Adient



Beneficiary of the affirmative action

As an employer, Adient Slovakia, spol., s.r.o. - Lučenec branch plant is both the beneficiary and implementer of the affirmative action. During the implementation, it cooperates with the Employment Agency of the Banská Bystrica Self-Governing Region (hereinafter referred to as „AP BBSK“) which is based in Lučenec and provides job counselling and development of work skills to long-term unemployed and otherwise disadvantaged persons and helps them find jobs.

Adient Slovakia, spol., s.r.o. - Lučenec branch plant implements the affirmative action in the form of preferential employment for those people who have completed preparatory training with AP BBSK.



The subject of the affirmative action

Adient Slovakia, spol., s.r.o. - branch plant Lučenec has long been suffering from a shortage of low-skilled workforce for the positions of production operator and seamstress, despite the fact that the region in which it operates has one of the highest unemployment rates in Slovakia. According to the Atlas of Roma Communities 2019, approximately 12% of the total population of Lučenec (28,090) is Roma (3371). According to the Atlas of Roma Communities 2019, about 2600 Roma live in the municipalities of the Lučenec district.

The affirmative action itself is implemented in the area of access to education and employment, specifically through the acquisition of skills and qualifications, and takes the form of priority employment of male and female clients of AP BBSK who have completed a preparatory course carried out by AP BBSK. The clients of AP BBSK are socially disadvantaged Roma, including those from MRCs. The aim of the affirmative action is to redress the inequality in the area of access to education and employment of Roma in Slovakia, which is also made more difficult by the lack of suitable employment opportunities in the

region. People living in MRCs have significantly harder access to education and often drop out early. Consequently, they do not have the necessary qualifications for most of the jobs on offer.

For the purpose of organising preparatory courses aimed at acquiring the skills necessary to work at Adient, AP BBSK has 2 classic sewing machines and the beneficiary of the affirmative action has provided it with two industrial sewing machines and the material used in its factory. Those interested in working at Adient are trained in the basics of sewing at AP BBSK; they are also trained to work with professional sewing machines and prepared for a job interview.

Those who successfully complete the courses will subsequently be employed by Adient Slovakia, spol., s.r.o. - branch plant Lučenec and possibly also given preference in the selection procedure over comparable candidates who have not undergone training. If there are free places, the training can also be attended by other people interested in working at Adient from the group of long-term unemployed persons, especially those disadvantaged by a lack of work experience or level of education due to their age or disability. The candidates so recruited are employed by the affirmative action beneficiary as core employees, as opposed to other low-skilled employees who are seconded to the company through temporary employment agencies.



Entities involved in the cooperation

Training as a part of the implementation of the affirmative action is provided by professional staff of AP BBSK. The selection procedure and the application of preferential employment is carried out by the employees of the beneficiary.



Implementation time

The duration of the affirmative action is defined by its commencement from March 2024 until the persons from MRCs have equal opportunities in terms of access to vocational training and employment.



Monitoring method

The beneficiary of the affirmative action sends evaluation reports to the Centre once a year by 31 March. The evaluation reports include an assessment of the implementation of the affirmative action and justification for its duration.

For the purpose of its preparation, AP BBSK assists the beneficiary of the affirmative action; in particular, it provides information on the number of clients of AP BBSK who have successfully completed the preparatory course and information on the number of those successful participants in the preparatory course who have subsequently been employed by Adient Slovakia, spol., s.r.o. - branch plant Lučenec.

Example 3 – Office of the Government Plenipotentiary for Roma Communities



The opportunity to get a job brought a positive change into my life and the life of my family. This form of affirmative action helped me to get included into the society and gain working habits, be in contact with people - social contact, get regular income that helps my family towards better living situation and to resolve financial problems as we are now able to pay regularly our debts. I have a job that I like, I try to be helpful, it teaches me responsibility and improves my communication. The work helps to build my self-confidence and believe in myself.

Veronika Muchová, Nene, Kamenná Poruba



Name of the measure

Affirmative action under the National project „Development Teams I“



Beneficiary of the affirmative action

The beneficiary of the affirmative action is the Office of the Government Plenipotentiary for Roma Communities of the Slovak Republic (hereinafter referred to as „OGPRC“). As an organisational component of the Government Office of the Slovak Republic, OGPRC is a public administration body.

The implementers of the affirmative action are the municipalities involved in the National project „Development Teams I“ (hereinafter referred to as „DT NP“), while the legal relations between the beneficiary and the implementers of the affirmative action are regulated on the basis of cooperation agreements.



The subject of the affirmative action

The aim of the adopted affirmative action is to mitigate the disadvantages of Roma, especially those living in segregated MRCs, in accessing employment, especially community and professional positions in the social field and in the field of non-formal education. This population group has long been disadvantaged in terms of their access to employment because of their Roma ethnicity or Roma national origin.

The idea of the affirmative action is to determine the rules for occupying positions funded at the municipal level from DT NP for the participating municipalities. The municipality, as a future employer and implementer of the affirmative action, is obliged to apply the rules of preferential employment for Roma applicants when choosing the candidates for selected positions financed from DT NP (positions: nene, nene mentor, housing development worker, youth development worker and social worker).



Entities involved in the cooperation

The staff of OGPRC responsible for the implementation of DT NP within the affirmative action have set the conditions for preferential employment, provide support to the participating municipalities and collect the data necessary for monitoring and evaluation of the affirmative action.

At the level of the participating municipalities, municipal staff carry out preferential hiring through selection procedures for selected DT NP-funded positions.

DT NP's budget for the implementation of the affirmative action measure allocates funds for the wage costs of employees in accordance with the Act on the Remuneration of Employees when performing work in the public interest of employees. A part of the funding is provided for the material and equipment needed by them to perform the activities for the target group.



Implementation time

The implementation period of the affirmative action is linked to the duration of DT NP, which starts on 1 September 2023 and ends on 31 August 2026.



Monitoring method

The periodicity of monitoring and sending evaluation reports to the Centre by the beneficiaries is once a year. For this purpose, the affirmative action beneficiary continuously collects information on the implementation of preferential employment obtained from the affirmative action implementers (municipalities) which are obliged to cooperate with the affirmative action beneficiary.

Example 4 – Employment Agency of the Banská Bystrica Self-Governing Region



The decision to hire Ingrid in AP BBSK has been great, not only because we can observe her personal and professional growth but also because she has been a great colleague, performing at 100 % and has become very successful in her work. She is also a motivation and a role model for clients with background in generational poverty who, thanks to her, believe that the positive change is possible.

Michaela Mudroňová, director, AP BBSK



Name of the measure

Promoting the interest of low-skilled population groups from MRCs in education, and creating equal opportunities in the access to education and employment for Roma



Beneficiary of the affirmative action

AP BBSK, a non-profit organisation which provides job counselling to the long-term unemployed and otherwise disadvantaged persons and helps them find a job, is both the beneficiary and the implementer of the affirmative action. The primary target group of its activities are socially disadvantaged Roma.



The subject of the affirmative action

The beneficiary of the affirmative action was looking for an employee to fill the position of a senior employment counsellor for MRCs. The requirements for this position were a high school diploma and experience and good relations with the Roma community. However, for a long time the beneficiary was unable to find a qualified person to fill the vacancy.

At the time, one of the clients of AP BBS was an unemployed Roma woman, a single mother of four who had completed only a primary school education. The client came from the Roma community, with which she was very well familiar, met the necessary personality and communication prerequisites, and strived for personal and professional growth.

In order to eliminate the disadvantage of the client in the access to employment due to her Roma ethnicity, AP BBSK adopted an affirmative action in the form of preparation of the client for the position of a senior MRC job counsellor. As a part of the affirmative action, it temporarily

provides her with more intensive work support, training and education to acquire, deepen and permanently achieve the skills and experience of a professional counsellor. During the affirmative action she acquires the knowledge and experience necessary to provide high-quality services to clients and increases her professional knowledge by attending courses and trainings. As a part of this process, she is also studying at a secondary school in the form of distance learning.



Entities involved in the cooperation

The beneficiary's professional staff supervise the work of the employee and support her during the working and learning process.



Implementation time

The implementation period is linked to the existence of the job. Since the adoption of the affirmative action, the position has been funded by projects supported by Norwegian grants and the Slovak state budget (LDI03017 and LDI02014) aimed at promoting employment and raising the level of education of people from MRCs. After the completion of the projects in question in April 2024, AP BBSK will continue to maintain the position until the employee reaches a secondary education level and acquires all the work skills necessary to work as a senior MRC employment counsellor. Upon attainment of the necessary education and job skills, the implementation of the affirmative action will be completed.



Monitoring method

The beneficiary of the affirmative action monitors its implementation and submits an evaluation report to the Centre once a year by 31 March. In the report the beneficiary assesses mainly the success of the implementation of the affirmative action and the rationale for its continuation.

Example 5 – Dušan Deme



As employer, I see the biggest benefit in working with persons from excluded communities that, upon gaining the experience, they are much more stable workers than those from the majority population, they do not think about quitting and are more grateful for the work opportunity given.

Dušan Deme



Name of the measure

Preferential employment of persons from marginalised Roma communities in selected positions at the employer Dušan Deme



Beneficiary of the affirmative action

Dušan Deme is a self-employed person and as a legal entity employs 34 people in his catering establishments in Lučenec in the positions of pastry cook, baker, cook, waiter/waitress, sales person, driver, cleaner.

AP BBSK also participates in the implementation of the affirmative action. It is involved in the selection and preparation of job seekers from among its clients and provides external support during the term of the affirmative action.



The subject of the affirmative action

The beneficiary of the affirmative action is based in Lučenec and operates as an employer and provider of catering goods and services. There is currently a shortage of employees in the food and catering sector in Slovakia and the staff turnover is high. There are also few high-quality vocational schools with a focus on food, catering and services, or there is very little interest among children and young people in studying and subsequently working in these fields.

According to the Atlas of Roma Communities 2019, approximately 12 % of the total population of Lučenec is Roma (3371), and approximately 2600 Roma live in the adjacent municipalities of the Lučenec district. These are mostly low-skilled and long-term unemployed people with a lack of work experience, which makes it difficult for them to find a job.

The affirmative action is aimed at preferential employment of applicants from this population group with the aim of enabling them to gain work experience, provided that they meet the basic requirements to perform the job. The affirmative action will thus be applied in the area of access to employment, including vocational training and vocational education, through the acquisition of work experience and qualifications.



Entities involved in the cooperation

The selection of employees through preferential hiring is carried out by the beneficiary of the affirmative action. This means that the beneficiary will give preference to Roma applicants over comparable non-Roma applicants, as long as they meet the basic requirements for the selected job.

Based on the cooperation with the beneficiary of the affirmative action, AP BBSK will recommend its clients who meet the qualification prerequisites to the employer's vacant positions. The professional staff of AP BBSK will also provide support to the beneficiary in the selection of job seekers and support to the employed persons after they start working for the beneficiary of the affirmative action.



Implementation time

The start of the implementation of the affirmative action is foreseen for May 2024. The implementation of the affirmative action will be carried out until the persons from MRCs demonstrably have equal opportunities in terms of access to vocational training and employment.



Monitoring method

The affirmative action beneficiary will send an evaluation report to the Centre on the implementation of the affirmative action once a year by 31 March. The report will include an assessment of the success/failure of the implementation of the affirmative action.

For the purpose of preparing the report, AP BBSK will provide the beneficiary of the affirmative action with information on the number of clients to whom it provides support in applying for jobs with the employer and the number of clients to whom it provides external support during the performance of work with the employer within the implementation of the affirmative action.

Ongoing monitoring and evaluation of the implementation of the affirmative action

This section presents the conditions for ongoing monitoring and evaluation as a control requirement of the affirmative action. The provision of Article 8a (4) of the Anti-Discrimination Act obliges the entities entitled to adopt affirmative action to continuously monitor, evaluate and publish the adopted affirmative action in order to reassess the justification for its continuation. The repeated and ongoing determination of whether the continued implementation of the affirmative action still meets its objective of eliminating inequality is a characteristic feature of its temporary nature. At the same time, this helps make sure that the affirmative action is only applied until inequalities have been eliminated and equality is ensured. Therefore, an essential part of the affirmative action is also to determine how it will be monitored, evaluated and published.

Legal basis for ongoing monitoring and evaluation of the affirmative action

Affirmative action is a complex legal instrument. Its content is rather rigidly defined by the Anti-Discrimination Act. The adoption of each affirmative action already requires compliance with all its requirements and a functional and effective system of monitoring, evaluation and publication of the adopted affirmative action. This is because it is only the simultaneous existence of all its elements from the beginning and throughout its implementation that allows the specific activity of the beneficiary to be designated as an affirmative action. If any of the features of the affirmative action ceases to exist during its term and implementation, the affirmative action in principle ceases to exist and the specific affirmative action as a legally permissible act also ceases. Any further activity not meeting all requirements would represent a breach of the Anti-Discrimination Act.

It is the ongoing monitoring and evaluation of the affirmative action that helps ensure that this does not happen. This procedure must be defined already at the time of adoption of the action. It is therefore also a part of the formal notification of adoption of the affirmative action to the Centre (see Annex 1). Monitoring and evaluation of the affirmative action must be identified and in place from its inception, as it is from this point onwards that the obligation to monitor and assess the duration of all its elements arises.

Ongoing monitoring and evaluation of the affirmative action are its control elements. These represent an internal control tool for the beneficiary and implementer of the affirmative action. Reporting these facts to the Centre serves as an institutional check on its implementation.

Monitoring the affirmative action means regularly checking its status and progress. Evaluation means to make a summary of the information obtained at a certain moment, a point in time. It is intended to inform, i.e. to provide specific information to confirm the admissibility and justification for continuing the implementation of the affirmative action in the next monitoring and evaluation period. It also performs a motivational function by justifying any further action.

Whether it is permissible and feasible to continue with the implementation of the adopted affirmative action, or whether it is not permissible and feasible and should be terminated.

Monitoring is a continuous or fairly regular process of collecting and analysing data and information to assess the progress of implementation of the affirmative action. It is closely linked to the evaluation of the collected and analysed data. Both monitoring and evaluation need to be targeted, planned, regular and systematic. Their purpose is to assess the relevance, effectiveness, efficiency, impact and sustainability of any further implementation of a specific adopted affirmative action.

As regards the length of the monitoring and evaluation period of the affirmative action, it is not appropriate for this period to be either too short or too long. The complex characteristics of the affirmative action processes need to be monitored and evaluated over a time period of several months. Therefore, the Centre considers that a minimum period of six months is appropriate for its continuous monitoring and evaluation. On the other hand, in particular its temporary nature and the ongoing assessment of its adequacy and implementation in accordance with the law require that it should not go unchecked for too long. A reasonable maximum period between two evaluations should therefore be approximately one year. The alternatives of a six-month or a one-year monitoring and evaluation period are the most frequently chosen monitoring frequencies in the affirmative action adoption reports received by the Centre. The deadline for submitting monitoring and evaluation reports to the Centre is usually set autonomously by the beneficiaries of the affirmative action. This is most often the end of the calendar year (31 December), or even the end of the half-year (30 June) for semi-annual monitoring and evaluation. Particularly for public administration authorities whose budgets and funding for affirmative actions are tied to the state budget, project and grant funding. For private affirmative action beneficiaries, the deadline of 31 March is used, linked to their economic and financial processes and deadlines.

Monitoring and evaluation of an affirmative action fulfils three legitimate purposes:

- 1. Ongoing** (internal and external) **monitoring** of whether it is being implemented in the manner permitted by law in accordance with its notification. That is to say, whether it is implemented by its beneficiaries and implementers against a defined target group of its addressees who are targeted because of their racial or ethnic origin, national minority or ethnic group background, gender or sex, age or disability, in a specific area permitted by law, by means determined and announced in advance.
- 2. Determining whether** the continued implementation of the affirmative action **still fulfils** its primary **objective of** removing a disadvantage. This purpose is tied to the primary characteristic of the affirmative action, which is its temporary nature. It checks whether the disadvantage of the defined group of beneficiaries of the affirmative action identified at the time of its

adoption still persists and whether its remedy actually achieves, on an ongoing basis, the stated objective in a proportionate and necessary manner and thus remedies the undesirable state of their disadvantage.

3. If this is not the case, the third legitimate purpose of monitoring and evaluating the affirmative action is to **limit** it. This is to ensure that it is only applied until inequalities have been eliminated and equality is ensured. Achieving equality by removing a particular disadvantage must be identified without delay during the implementation of the affirmative action. Termination of its implementation as a result of that must also be carried out without undue delay.

Principles of continuous monitoring and evaluation of the affirmative action

To ensure that the monitoring and evaluation of a particular affirmative action is capable of fulfilling all its legitimate purposes, the Centre has identified a number of useful principles in fulfilling its statutory mandate through practical activities of support, advice, evaluation and dissemination of knowledge on affirmative action:

1. Objectivity of the process of the monitoring and evaluation entity

The process of identifying, analysing and evaluating information on the implemented affirmative action should not only reflect its legal requirements and characteristics, but it should also be objective. That is to say, impartial and independent of the intentional or unintentional influence of anyone. At the same time, it should be factual, impartial and take into account the legal institute of affirmative action under the Anti-Discrimination Act. Objectivity is an essential component of professional and factual accuracy. Human subjectivity can be used in the context of gaining different perspectives that enhance creativity and productivity and promote objectivity. Cooperation with people from different backgrounds can help reduce prejudice and the impact of stereotypes.

2. Credibility of monitoring and evaluation

Evaluation of affirmative action must not be purposive or biased. It must be based on reliable data. The purpose of monitoring is to provide comprehensive and objective results of the implementation of a specific affirmative action, including a true description of achievements, but also identification of potential problems and suggestions for their elimination.

3. Use of measurable indicators

Measurable indicators need to be evaluated to assess whether the affirmative action is meeting its statutory objective by the means defined for the determined persons and whether its continuation is justified/possible. The measurability of the indicators is also conditioned by the type of means used in the affirmative

action to achieve the determined objective - eliminating the undesirable condition. It is the specific activity itself (its result) which the beneficiary of the affirmative action has implemented for the target group of disadvantaged addressees.

Means of ensuring equal opportunities in practice, especially in employment and education, can include e.g. the provision of courses, training, tutoring, scholarships, internships, financial assistance, preferential treatment, etc.

- » Measurement focuses on the **initial state**: *Identification of vacant positions that e.g. the employer has and needs/wants to occupy to achieve its private or public objectives.*
- » Measurement is also dependent on the use of the chosen appropriate and necessary means of the affirmative action for a particular group of potential employees in the labour market disadvantaged by inequality. The affirmative action means used is subsequently **quantified**: *If it is preferential hiring - How many selection procedures have been held? For how many of them was preferential treatment applied in favour of disadvantaged persons at the start of the employment relationship? How many disadvantaged employees receiving 'training' or 'compensatory support' were provided with assistance and additional support? If the training programme is time-bound - How many people have entered it? How many people have successfully completed it (and continue to work for the employer)? How many people and for what reasons have not completed it (or are no longer working for the employer)? If the support is defined by the acquisition of vocational qualifications or work skills - How many disadvantaged people and what skills did they acquire or have acquired so far? What support and programmes did the employer provide for that during the period under review?*
- » Finally, the last phase of measurement needs to deal with finding out the **current state with a view to future and duration**: *Are there still any vacancies? How many of these (if any) can be further occupied through implementation of the affirmative action? In the case of acquiring or furthering qualifications and training - Are there any particular individuals who need further qualifications, training, courses, expertise or skills to achieve the equality of opportunities in practice?*

4. Partnership in monitoring

Several stakeholders should be involved in the affirmative action monitoring process. Ideally, all those who are involved, at least the beneficiary, the implementer and the addressees.

In addition, persons in the workplace, such as HR staff, managers, trainers, as well as ordinary colleagues of disadvantaged persons belonging to the target group of the affirmative action beneficiaries should also be involved in a joint agreement and partnership not only in the adoption and implementation, but also in the ongoing monitoring and evaluation of the affirmative action.

5. Usefulness of monitoring

The obtained and evaluated information and results on the implementation of the affirmative action should be applicable to all relevant entities - the beneficiary, implementer, addressees, the Centre and other actors (e.g. NGOs, research institutions, employment actors, etc.). The findings and conclusions of the monitoring should be factual, appropriately linked in time and, as far as possible, contribute to its further implementation. They should promote consensus on the positive benefits of such action for all stakeholders. Increase the interest of the addressees in actively seeking to work towards removing the barriers to their social or economic disadvantage that disproportionately affect them as members of disadvantaged groups.

Monitoring and evaluation should provide affirmative action beneficiaries with information on the meaningfulness of their activity in terms of achieving job placement and, in a broader context, in terms of contributing to a society-wide approach to the principle of equal opportunities. They should help the general public to be informed about the implementation of the affirmative action and its objective, credible and measurable monitoring and evaluation, which together bring about a positive societal shift towards social and economic equality.

Other factors for successful monitoring and evaluation of the affirmative action

Monitoring and evaluation of a specific affirmative action must be able to demonstrate and confirm its legality. Where possible, they should justify the rationale for its continued implementation. In addition to the above-stated principles of ongoing monitoring and evaluation of affirmative action, other factors can support the success of affirmative action:

- a) Good knowledge and understanding of the means to be monitored, the target groups, the determined objective and the disadvantage being removed by the affirmative action

The legal institute of the affirmative action is not easy to encompass and legally apply immediately after the first contact with it and in a short period of time. It has defined rules and requirements that are complex and rigid. They are logically interrelated and conditional. Compliance with them is an essential prerequisite for its success.

- b) Certain (specified) division of roles and responsibilities

Vague selection of support staff for the implementation of the affirmative action may not be sufficient. All team members should know and understand the spectrum of their position, what is expected of them and on what timeline. They should be sufficiently aware of what to monitor and, if necessary, how to regularly evaluate the information obtained. This prevents improvisation in the implementation of the affirmative action and sets up accountability mechanisms.

c) Creating and working with forecasts

Sufficiently specific knowledge of what the beneficiary of the affirmative action plans to implement, but also of what staffing, financial, organisational, professional and other requirements (thresholds) its future activity will have is another natural need. It will enable monitoring and evaluation of the implemented affirmative action not only in terms of its legality and correctness, but also in terms of its relevance and effectiveness for the beneficiary, its work team, for its addressees, for public interests and civil society.

d) Response plan for non-standard situations

During the implementation of an affirmative action, monitoring may identify an unforeseen situation that needs to be optimally addressed. It is therefore advisable to determine in advance who to contact and how to proceed. This will create the preconditions for the situation to be resolved quickly, efficiently and correctly and not to become a potential obstacle to further implementation.

e) Affirmative action monitoring and evaluation status

Responsible persons must keep abreast of all matters relating to the implementation of the affirmative action. The generated information should be sorted on an ongoing basis so that it is recorded correctly and nothing is forgotten that could make it difficult or distort its evaluation in hindsight.

When preparing an affirmative action monitoring and evaluation report submitted by the affirmative action beneficiary to the Centre in accordance with the Anti-Discrimination Act, the recipient should provide the following basic information:

- ✓ whether and how the affirmative action was applied in the monitoring period, and how it followed up on the previous assessment period;
- ✓ how many beneficiaries and in what way the affirmative action has reached out to them (promoting interest in the activation, improvement or acquisition of new skills, preferential treatment, additional support, mentoring, coaching, etc.);
- ✓ whether during the monitoring period the affirmative action met the objective formulated when it was adopted;
- ✓ whether the disadvantage for the target group (for other persons or for the same persons) and the need for its further elimination persist - determination of the possibility of further time-limited implementation of the affirmative action;
- ✓ explanation of the rationale for continuing to implement the affirmative action;
- ✓ notification of the decision to continue with the implementation of the affirmative action or to terminate the affirmative action.

Annex 1 - Affirmative action reporting form



AGENTÚRA PRÁCE
BAŇSKOBYSTRICKÝ SAMOSPRÁVNÝ KRAJ



SLOVENSKE NÁRODNÉ
STREDISKO
PRE ĽUDSKÉ PRÁVA



Working together for a green, competitive and inclusive Europe

Affirmative action adoption notification

<p>Name of the affirmative action Working together for a green, competitive and inclusive Europe [-]</p>
<p>Entity adopting the affirmative action Name/business name: [-] Registered office: [-] Company ID No: [-] Contact person (name, surname, email, telephone number): [-]</p>
<p>Implementer of the affirmative action <i>(The beneficiary and the implementer may be the same entities. If your affirmative action is used (applied) by any other entities, they are also considered to be implementers.)</i> Name/business name: [-] Registered office: [-] Company ID No: [-]</p>
<p>Brief description of the affirmative action <i>(Describe the instruments/activities/measures/projects by which the affirmative action is to be implemented, their content and purpose and how they are/should be implemented in practice.)</i> [-]</p>
<p>Human and financial resources allocated to the implementation of the affirmative action <i>(What funds have you allocated to implement the affirmative action from the company's or organisation's budget and any personnel allocated to implement the affirmative action.)</i> [-]</p>
<p>Area in which the affirmative action is to be implemented <i>(This can include access to employment, education, healthcare and housing.)</i> [-]</p>

The present form has been prepared as a part of the "Affirmative action to increase the employment and education of the Roma" project which is supported from the Norway grants 2014 – 2021 and the state budget of the Slovak Republic. The aim of the project is to raise awareness and better use affirmative action in employing Roma, particularly from marginalized communities.

Affirmative action adoption notification

<p>Target group to benefit from the affirmative action <i>(These may be persons disadvantaged on the grounds of racial or ethnic origin, national minority or ethnic group background, gender or sex, age or disability.)</i></p> <p>[-]</p>
<p>The inequality which the affirmative action intends to redress <i>(What is the inequality faced by the target group in the selected area in which the affirmative action is to be implemented? Describe the situation and, where appropriate, refer to external sources, e.g. statistics, studies and reports by research and other expert organisations.)</i></p> <p>[-]</p>
<p>Planned duration of the affirmative action <i>(It may be defined by a unit of time or other measurable indicator, e.g. the proportion of employees from an excluded group working for the employer or a reduction in the unemployment rate of members of a disadvantaged group in the given region.)</i></p> <p>[-]</p>
<p>Monitoring the implementation of the affirmative action (periodicity, reports on the achievement of the objective) <i>(At what frequency will you internally monitor and evaluate the progress of the implementation of the affirmative action and what indicators will you monitor? The beneficiaries are obliged to submit reports on the monitoring and evaluation of the implementation of the affirmative action to the Slovak National Centre for Human Rights.)</i></p> <p>[-]</p>

