

# Gender-responsive Public Procurement

## Tool 8: Guiding questions for applying GRPP under the light regime – improving working conditions in healthcare and social care services by means of public procurement

This tool can be used by contracting authorities, policymakers and practitioners working towards **gender equality** and **gender mainstreaming** to apply GRPP from the perspective of service providers.

It offers guiding questions that can help you to improve the working conditions of the workforce employed during the execution of a contract for the provision of social and health services, including from a gender perspective. If you are a contracting authority, you can also propose that tenderers use this tool for preparing their bid and for taking gender differences into account with regard to the workforce delivering healthcare and social services.

Contracting authorities can integrate a gender perspective within procurement with regard to healthcare / social care providers by using an employment structure designed to address gender (or other) discrimination, and by requiring minimum standards of equity from the private sector suppliers of goods and services <sup>[1]</sup>. For example, the EU public procurement framework (as set out in Articles 74–77 of Directive 2014/24/EU) makes it possible to exclude cost considerations from the **award criteria** in light regime contracts. In a contract for care services, the overall cost of the services could therefore be set by the contracting authority, taking account of the need to ensure adequate rates of pay. Connecting gender, the healthcare / social care workforce and decent work also raises the issue of how to address and prevent sexual harassment in the workplace (e.g. by having protocols in place) <sup>[2]</sup>.

## Importance of integrating a gender perspective for the provision of healthcare / social care services

Gender affects access to healthcare and social care services, social dynamics and health behaviours and it shapes the work environment [3]. Integrating a gender perspective into the procurement of healthcare / social care services for healthcare and social service providers contributes to ensuring good working conditions for healthcare and social care service workers. It helps to combat persisting gender inequalities within the healthcare / social care system. Female healthcare / social care workers, for instance, still face significant barriers in terms of achieving leadership positions and income equality (wage gaps / gender pay gaps) and in overcoming stereotypes about the healthcare / social care roles that women generally fill [4].

## Guiding questions

### Pre-procurement/specification

- 1 Gender equality requirements for employees can be included at different stages of the procurement. Which stage is the most effective, considering the desired outcomes, to address this?
- 2 What principles and/or specific legislation apply to the concept of equal wages for work of equal value and other conditions of work and employment?
- 3 What principles and/or specific legislation apply to prohibiting gender-based discrimination in wages?
- 4 Do women and men have equal access to the employment in this specific healthcare service? If not, what are the critical barriers?
- 5 What are the social protection measures provided? How inclusive and equitable are they, in terms of access by both women and men, and in addressing women's particular needs, specifically protection for women in relation to sexual and reproductive rights?
- 6 What support would be required or desirable to help suppliers meet gender equality requirements for employees?

### Award stage

- 1 Are workforce conditions and working and employment practices for women and men employees and bidders' recruitment practices relevant to the subject matter of the contract?  
Have any minimum requirements or **award criteria** been clearly set out to bidders? Do they include working conditions, working hours, health and safety, conditions for young, women and men workers, the level of wages being paid, the treatment of workers, addressing sexual harassment, etc.?
- 2 How can weight be given to gender equality considerations regarding employees when scoring bids?

 **Download the questions**

## Footnotes

[1] Payne, 2009.

[2] Betron et al., 2019.

[3] EIGE, 2016; Oertelt-Prigione, 2020.

[4] EIGE, 2016; Betron et al., 2019.