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Equal Opportunities for Women and Men
in the European Union
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FOREWORD

Equal opportunities for women and men is a subject which has been addressed from many different perspectives and in many different formats. This report however is the first to cover Community policy in equal opportunities as a whole. It is aimed at a broad audience, which includes not only those with responsibility for equal opportunities policy, but also those in charge of employment, social affairs, industrial relations, training and education policies whether, at European, national and/or regional levels. This report will also be an interesting tool for members of the European Parliament, the social partners, for academic and research centres, and all those who are involved in the current debate on equal opportunities.

The Commission intends to publish this as the first in a series of annual reports on equal opportunities in the EU. Its aim is to respond to three main goals: to give visible expression to community policy on equal opportunities for women and men (visibility), to encourage debate on the progress to be achieved and the policies to develop (strategy), and to act as a reference point for the Commission, the Member States of the EU and countries applying for membership (convergence).

This report reviews the advances which have been achieved at the level of Member States and the Union, and thereby serves as a monitoring instrument for equal opportunities. It offers you, the reader, information concerning several subjects related to equal opportunities. Its structure broadly reflects the Fourth Community Action Programme on equal opportunities (first part) and deals with five main themes: building partnership in a changing society, women and men in a changing economy, reconciling work and family life, promoting balanced participation in decision making and enabling women to exercise their rights. The second part of these annual Reports is intended to tackle a specific and topical subject in the equal opportunities debate. This year the selected subject is the United Nations World Conference on Women (Beijing, September 1995).

Substantial emphasis is given to Community and national level trends. A balance between these two aspects was sought. Information on national (and regional) events was gathered with, amongst others, the help of the Advisory Committee on Equal opportunities for women and men. I would like to warmly thank the members of the Committee for their co-operation.

Further information on the integration of equal opportunities into other community or national policies can be found in other annual reports, published by the Commission, such as the report "Employment in Europe", the activity report of the SOCRATES programme, the LEONARDO DA VINCI programme or "Youth for Europe III".

This report will be discussed, at Community level, by many actors involved in equal opportunities policies. I hope that this report and those which follow, will contribute fully to progress in equal opportunities for women and men.

Padraig Flynn

1 B

SUMMARY

Equality between women and men is indisputably recognised as a basic principle of democracy and respect for humankind. Since its creation, the Community has recognised the principle of equal pay and, on this basis, has developed a consistent set of legal provisions aimed at guaranteeing equal rights for access to employment, vocational training, working conditions and to a large extent, social protection.

In order to promote equality in practice, the Community has implemented specific action programmes since the 1980s, which, though having limited budgetary resources, have had a substantial knock-on effect, particularly by stimulating further action in the individual Member States. Furthermore, the European Council meeting in Essen (December 1994), declared that the promotion of equal opportunities for women and men was a key priority of the European Union and the Member States, on a par with the struggle against unemployment.

Indeed, the Commission has cited the achievement of equal opportunities as one of the major considerations in the development of all its policies. By so doing, equal opportunities has now become a policy which should intersect all other policies - a mainstream policy which is to be applied by all.

This ambitious approach was presented in the Commission Communication proposing the Fourth Action Programme on Equal Opportunities for Women and Men (1996-2000), and was endorsed by a subsequent Council Decision.¹ The adoption of the action programme was fol-

¹ Council Decision of 22.12.1995, OJ L 335 of 30.12.1995.

lowed in February 1996 by a Communication from the Commission on 'Incorporating equal opportunities for women and men into all Community policies and activities'.²

This annual Report on equal opportunities for women and men in the European Union was announced in the 1994 Commission White Paper 'European Social Policy - A Way Forward for the Union'.³ It offers a review of developments in equality at both Member State and European level. As such it may be used as an instrument for monitoring equality policies - an essential requirement of mainstreaming.

CHAPTER 1

BUILDING PARTNERSHIP IN A CHANGING SOCIETY

Efforts to promote equal opportunities are being strengthened in many aspects of the European Union's policies and programmes. The key to this developing strategy can be summed up as 'mainstreaming', a concept that was mentioned in the Third Action Programme and is considerably developed in the Fourth Action Programme. This more global approach to equality calls for the development of a gender perspective and gender analysis of all policies, programmes and actions. 'Mainstreaming' is defined as the systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies, at the point of planning, implementing and evaluation, as applied to Europe, the industrialised countries and the developing countries.

An application of mainstreaming policy in, for example, transport policy means that it takes into account the fact that women are much more frequent users of public transport and less frequently own or have access to a car, as compared to

men. Women also frequently travel with children and use prams and pushchairs. The development of good, efficient and qualitative public passenger transport systems which take into account accessibility for passengers with specific needs would contribute to equal opportunities.

Over time, one can see a greater emphasis on mainstreaming which does not imply the end of positive action policy. Both are complementary and they should be applied together. This process can be seen not only in the three Community action programmes, but also in development cooperation policy and in individual Member States. Mainstreaming was also a key issue at the Beijing conference to which the Union made a significant contribution (see Chapter 6).

The implementation of a strategy of mainstreaming is a complex and long-term process, which requires a diversity of approaches. It demands, for example, analysis of the current situation to establish the differential impact of policy on women and on men, disaggregated data, funding, and a gender balance of those who take the necessary decisions.

It demands the mobilisation of all policies and the improvement of consultation and coordination between all those involved in these policies. To this end, the Commission has set up a Commissioners' group under the chairmanship of the President, to take an overview of equal rights and opportunities for women and men at Union and Commission level.

The Structural Funds

There has been an overt equal opportunities dimension in the European Social Fund (ESF), the oldest of the Structural Funds, since at least 1976 and, as for the other funds, with each review, the equality element has grown. However, both the statements of policy on equal opportunities and the actual delivery of funding to equality programmes and actions have remained a very small part of the overall picture. Whilst there has been an undeniable increase in the number of women benefiting from the ESF, most of the

² COM (96) 67 final of 21.2.1996.

³ COM (94) 333 of 27.7.1994.

training that it provides for women are for traditional 'women's jobs'. Moreover, lack of sufficient childcare is an obstacle to women's access to these training schemes.

With regard to equal opportunities, the most visible female element of the Funds until recently was the NOW (New Opportunities for Women) programme, launched during the Third Action Programme. Designed to be more flexible in criteria and funding, it had an indirect effect of mainstreaming in that it brought more women into the funding process, while simultaneously informing those who delivered the Funds in the Member States about the needs, demands, skills and capacities of women with whom they might not normally have come into contact.

From the equality perspective, perhaps, the most significant development in the Structural Funds was the 1993 revision. Equal opportunities became a principle running through all the three funds, the ESF, ERDF and EAGGF. The 1993 revision also introduced specific reference to equality under Objective 3.

In practice, the implementation of equal opportunities principles by the Member States varies widely. However, all have made efforts; for example, by aiming to benefit women in proportion to their numbers among the unemployed and/or creating a special budget for actions in favour of women. Special actions for women may involve support for childcare or dependent care, or measures to make women more competitive in the labour market.

A seminar in Brussels in March 1996 brought together representatives from the Commission, the Member States and interested groups and bodies to consider the Structural Funds in the context of mainstreaming. The Commission clearly indicated that, whilst the ESF would continue to be a major tool for supporting equal opportunities, the other funds could provide a significant input by, for example, providing complementary infrastructure such as buildings for childcare services and transport. Women have not figured greatly in the specific use of the ERDF, and it was made clear that they could and should be much more involved in the planning and delivery of regional development. Similarly,

some measures to increase the visibility and involvement of women in agricultural development are in place, and others are under discussion.

The effective use of the Funds requires full integration of equal opportunities issues at the planning stage and also in the measurement and evaluation of the programmes and projects funded by them. This will require the involvement of those who are familiar with equality issues as well as the use of systems which will make it possible to evaluate the benefits to women. As a follow-up to this seminar, the Irish Presidency proposed a Council Resolution on Equal Opportunities and the Structural Funds. It was adopted by Council on 2 December 1996.

Social partners in the Fourth Action Programme

Partnership is a key element of the Fourth Action Programme. The social partners are specifically mentioned in the objectives of the Programme, which includes a call for the 'equality dimension' to be integrated into the Social Dialogue both at local and regional level, and an undertaking to support efforts by the social partners to develop Europe-wide networking. The Fourth Action Programme also cites the social partners as actors in the promotion of women's participation in decision-making.

A significant increase in the influence of the social partners came with the agreement on the Social Protocol of the Treaty on European Union in 1992. The social partners may negotiate 'framework agreements' which may ultimately be transposed as binding legal instruments. The first example of the process was in the production of a framework agreement on parental leave (see also Chapter 3 and Chapter 5). ETUC, UNICE and CEEP have now decided to negotiate on another issue which is of key importance to equal opportunities: flexibility in working time and security for employees.

Women are under-represented in decision-making in social partner organisations. There is a lack of precise statistics, but it is clear that there are very few female general secretaries, presidents, or members of executive committees. On the employer side, women are even less visible at

organisations, there is a better representation of women in paid positions than in representative bodies.

Furthermore, both employers and trade unions are in favour of equal treatment for women and men. Some trade unions have instituted positive action measures to address the imbalance between women and men in their own structures. The employers' organisations recognise that there is inequality and are overtly opposed to sex discrimination, but they doubt the necessity for positive action.

The value of increased female representation in the social dialogue is not just numerical, but is also about bringing a wider perspective to the debate and making sure that issues which have a gender dimension and which may even disadvantage one sex are not treated as though they were gender-neutral. This would also contribute to bringing issues of direct and obvious concern to women, like childcare, onto the agenda.

CHAPTER 2

WOMEN AND MEN IN A CHANGING ECONOMY

Gender differences are very strong in the labour market and are reflected in the segregation of women and men into different kinds of work and in the concentration of women in part-time and other forms of atypical employment. Women and men occupy distinct positions in terms of sectors of employment, occupations and also employment status. A growing majority of women are employees. Few women, except in agriculture, are employers or self-employed.

Educational qualifications and training are of increasing importance in all countries, as competition for jobs has intensified and economic activity has been restructured. Securing skills and qualifications provides women with the basis for

continuous employment in jobs which are more secure, better paid and have prospects for career development. Their absence exacerbates the marginalisation of women from paid employment. Despite the growth of employment and the improved skill and qualifications base which women bring to employment, women continue to earn significantly less than men. The concentration of women in low paid work, combined with strong gender segregation on the jobs market has meant that the gender pay gap has been highly resistant to change.

An extended period of change has resulted in inter-generational differences between different groups of women; a process which is likely to continue for some time. But, generally, women's demand for employment has been very strong and consistent, even through periods, and regions, of severe economic recession, as more women seek integration into the formal labour force. Where employment growth has occurred, it has predominantly involved an increased rate of employment among women in the middle age groups. For women, the key sectors for increased employment opportunities are professional, technical and general service jobs. This means that a minority of well-qualified women have secured a strong position in the labour market while other women are confined to lower paid and casualised jobs.

The Essen employment process has opened up new opportunities for the inclusion of equal opportunities in the multiannual employment programmes of the Member States. A preliminary analysis of the programmes of the Member States suggests that implementation of equal opportunities in the multiannual programmes has posed a number of initial difficulties for several Member States. Despite this, there are signs that a number of programmes are beginning to take account of the differences between women and men in the labour market.

Increasing proportions of women interested in improving their labour market status are attracted by enterprise creation, self-employment and independent economic activity. These are some of the areas contributing to employment growth in Europe. These programmes of local employ-

ment initiatives for women are among the incentives developed at European level to enable women to contribute to enterprise creation.

CHAPTER 3

COMBINING WORK WITH HOUSEHOLD LIFE

With the care of children often seen mainly as the responsibility of the mother, difficulties with childcare can be a serious obstacle to women achieving equality in employment. There are significant variations in the economic activity of mothers in the different Member States although the level is rising in all Member States. In a few countries, the presence of children makes little difference to women's participation in the workforce; in others participation rates vary according to the number of children. Mothers are much more likely to work part-time than fathers (particularly in countries where part-time work for women in general is not uncommon).

Variation among Member States is also evident in childcare services. Article 3 of the 1992 Childcare Recommendation⁴ identifies key elements of good childcare services. However, there is a significant lack of comprehensive and comparable data as well as difficulties in interpreting the data that result from the very different approaches to care in the different Member States. The need for comparative monitoring systems is a recurrent demand within the childcare debate.

The social partners, ETUC, UNICE and CEEP, made a major contribution with their Framework Agreement on Parental Leave, of December 1995, which was subsequently transposed into a Council Directive in June 1996.

This Directive (see also Chapters 3 and 5) entitles women and men to three months' parental leave after the birth or adoption of a child. Much

of the implementation of the Directive is left to the discretion of the individual Member States. Current provision of parental leave varies between Member States.

The current Action Programme includes the individualisation of tax and social security systems as another area that might help the reconciliation of work and family life. There is debate and research ongoing into how best these systems should be designed to avoid discrimination and promote equality.

CHAPTER 4

PROMOTING A GENDER BALANCE IN DECISION-MAKING

Women remain under-represented at national, regional and local levels in all Member States of the European Union. There are wide variations between individual countries, but the average representation in national parliaments is only 15 per cent (though this is an improvement on the 11 per cent recorded in 1980). The Commission has recognised the problem and acknowledged that the under-representation of women in decision-making constitutes a loss for society as a whole and does not allow the interests and needs of the whole population to be catered for in full. The Fourth Action Programme also makes the attainment of a gender balance in decision-making one of its main objectives, whilst the European Parliament passed a resolution on women and decision-making in 1994. The Beijing Platform for Action (see also Chapter 6) also included a call for women's full participation in power structures and decision-making.

It seems, therefore, that the problem is well understood. Women's under-representation results in a democratic deficit, a serious loss of talent and

⁴ Recommendation on Childcare, OJ L 123 of 8.5.92.

expertise and a failure to engage with women's particular concerns and needs. The current position shows a steadily upward trend in the numbers of women involved in political and public life - in parliaments (including the European Parliament), governments and regional and local politics.

There is debate on the type and extent of positive action which should be taken to rectify the situation. The notion of parity democracy has not attracted a consensus. Quotas, although used selectively in some Member States, are also the subject of much debate. Targets and timetables are not binding, but they do raise awareness of the problem and may help to change attitudes.

Within the framework of the Third Action Programme, the Commission supported data collections and analysis on women in politics and other aspects of decision-making and contributed to the development of suitable strategies. The 'Athens Declaration' in 1992 marked the beginning of a comprehensive policy approach to women in decision-making. There was Europe-wide impetus in the run-up to the European Parliamentary elections of 1994 to raise awareness and support women's organisations in their campaigns for greater participation from women.

A range of strategies to achieve gender balance in decision-making is being developed in the majority of Member States. Research into the sectoral representation of women in industrial and administrative bodies across Europe is being supported by the Commission. There remains concern, however, at the under-representation of women in many fields of social, economic and political life, a concern expressed in the Rome Charter of 1996 which was signed by a number of women ministers in European countries.

There are other players in the development of social policy. Efforts to attract the attention of the social partners to equal opportunities are presented in Chapter 1. Measures to improve the involvement of the voluntary sector have been developed as part of a continuous process and have included the convening of a European Social Policy Forum, which met in Brussels in March 1996. A Platform of European Social Non-Governmental Organisations (NGOs) includes the European Women's Lobby (see also

Chapter 5). The process of civil dialogue also includes issues of human rights and development cooperation.

CHAPTER 5

ENABLING WOMEN TO EXERCISE THEIR RIGHTS

Equal treatment between women and men constitutes a fundamental element of Community Law. It has developed from the isolated provision of equal pay for equal work contained in Article 119 of the Treaty of Rome to a fully-fledged programme of equality measures. The legislative programme has been interpreted and clarified by the European Court of Justice, largely through references made by the national courts under Article 177 but also through infringement actions brought by the Commission under Article 169. In particular the Court has developed a case law on the concept of direct and indirect discrimination in Community law.

The European Union has encouraged and supported initiatives in the Member States to make women and men more aware of their legal rights.

The most recent developments of equality law include the use of the Social Protocol of the Treaty on European Union. Within this framework, the social partners have arrived at a framework agreement on parental leave and are considering the issues of flexibility of working time and security for employees, as well as dignity at work. In July 1996, the Commission published a proposal for a Directive on the burden of proof in sex discrimination cases.

Despite the relatively comprehensive legal framework on equal pay and equal treatment for women and men, there remain a number of outstanding problems in the application of Community law: time limits, the effectiveness of legal remedies and sanctions, and access to justice

are some of the problematic areas facing women and men seeking to enforce their rights.

CHAPTER 6

THE ADVANCES OF BEIJING

The Fourth United Nations World Conference on Women was held in Beijing in September 1995. It was called to assess the implementation of Forward-looking Strategies for the Advancement of Women to the Year 2000, a text agreed at the previous UN conference on women in 1985. Disappointment at the extent to which the strategies had been achieved was felt internationally, in spite of many advances made by women in all areas of life and in many parts of the world.

The European Union prepared for the conference by producing a number of policy documents, by information-gathering, by supporting conferences and by performing a central role in the UN's preparatory meetings. Individual Member States also invested considerable energy in involving grass-roots women's organisations and other NGOs in the preparation as well as government and statutory agencies.

At the conference itself, the Union played a significant and constructive role in the negotiation of the Platform for Action. Many European NGOs, concerned both with women within the Union and women in developing countries, took part in a NGO Forum, held in parallel with the main conference. It was felt that, on the whole, linkages and communications between governments and NGOs had improved over the years.

Since the conference, the European Council has agreed that it will review the Union's implementation of the Platform for Action each year. The current Action Programme on equal opportunities gives practical expression to the Union's priorities of achieving the goals of the Platform, emphasising especially the importance of main-

streaming. A similar emphasis is evident in development co-operation, with an insistence on integrating a gender dimension into all policies and programmes and in human rights.

In the Member States, a wide range of information dissemination and follow-up activities are being pursued.

CONCLUSIONS

The Report concludes that policy in the field of equal opportunities is in a transitional phase of renewal. An important *acquis communautaire*¹ of the Community relating to the subject of equal treatment for women and men has been put in place both in the law and in practice. A new debate has emerged on the necessity of going a step further, by increasing the scope of the actors involved. This debate should lead to a new partnership contract between the sexes and to new forward thinking about the status of women at an international level. This renewal should be seen as the latest phase in the development of the equality heritage in Europe over the past twenty years.

Implementation strategies have not advanced at the same pace as awareness of the need for new methods and approaches to equal opportunities. Mainstreaming gender into all policies and programmes is a long term task which will only gradually yield results.

This report has found that the diversity of women's situations is increasing and that new strategies to develop equal opportunities at European level will, in the future, have to take account of the differences between women as well as the disparities between women and men. This latter factor will add to the complexity of the challenges which must be faced in order to develop an effective gender perspective.

¹ *Acquis communautaire*: A French term relating to basic principles of European law.

PART 1

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CHAPTER 1

BUILDING PARTNERSHIP IN A CHANGING SOCIETY

1.1

MAINSTREAMING AND INTEGRATION

Since its creation, the Community has recognised the principle of equal pay for women and men and, on this basis, has developed a consistent set of legal provisions aimed at guaranteeing equal rights for access to employment, vocational training, working conditions and to a large extent, social protection.

In order to contribute to promoting equality in practice, the Community has implemented specific action programmes since the 1980s, which, though having limited budgetary resources, have had a substantial knock-on effect particularly by stimulating further action in the Member States. These programmes funded positive actions and pilot projects which extended the Community's field of action to the reconciliation of family and working life, women's role in the decision-making process, the participation of women in economic life and employment. A determined effort must be made to pursue and intensify the action already taken. The Essen, Cannes and Madrid European Council have stressed that promoting equal opportunities for women and men is on a par with the struggle against unemployment, as a priority of the European Union and the Member States. The Union's commitment to this objective was also given a practical expression in the active role it played at the United Nations Conference held in Beijing in September 1995. The Commission

has cited the achievement of equal opportunities as one of the major considerations in the development of all its policies. By so doing, equal opportunities has now become a policy which should intersect all other policies - a mainstream policy which is to be applied by all.

Action to promote equality requires an ambitious approach. This involves not restricting efforts to the implementation of specific measures to help women, but mobilising all general measures and policies specifically for the purpose of achieving equality.

To contribute to these efforts, the Commission proposed in July 1995 a new equal opportunities action programme.¹ The Council Decision² establishing this action programme, reinforces the aim of better integrating equal opportunities into the process of preparing, implementing and monitoring all policies, measures and activities of the European Union and its Member States.

The principle of mainstreaming

This decision was followed in February 1996 by the adoption of a Commission Communication 'Incorporating equal opportunities for women and men into all Community policies and activities',³ which makes explicit the mainstreaming strategy adopted. It underlines that the promotion of equality does not only require the implementation of positive measures targeted at women, but also measures aimed at adapting the organisation of society to a fairer distribution of men's and women's roles. It states that 'the principle of "mainstreaming" does not mean simply making Community programmes or resources more accessible for women, but rather the simultaneous mobilisation of legal instruments, financial resources and the Community's analytical and organisational capacities'. This should act as an impetus to take the possible effects on the respective situation of women and men (gender perspective) into account in all policies, right from their planning stage. In this respect, it is both necessary and important to base the policy of equality between women and men on a sound statistical analysis of the situation of women and men in various areas of life and in the context of the changes taking place in societies.

The Commission has defined mainstreaming of equality as the systematic consideration of the respective priorities and needs of women and men in all policies and measures. Differences in the conditions, needs and situations of women and men involve differences in status, access to resources and development, control of assets, decision-making powers and differences in how women and men are perceived. Ascertaining the existence and extent of such differences is described as gender analysis. The development of an understanding of such differences and their policy implications can be described as a gender perspective.

The strategy to promote this approach consists of ensuring that equal opportunities are applied horizontally across the widest possible range of fields. The strategy simultaneously implies that equality concerns figure at each point of the policy cycle in those same fields.

Mainstreaming is, in this sense, complementary to positive actions which have an important function in promoting the visibility of women and in tackling the gaps between women and men in areas such as access to vocational training, and employment. Mainstreaming has a role in promoting women's involvement in fields which were previously thought to be neutral in outcome, but which in effect have different impacts for women and for men.

The concept and practice of mainstreaming in relation to equal opportunities has developed gradually. This development was built on the work carried out both within the framework of the Third Equal Opportunities Action Programme, and also from the lessons of Commission action in development cooperation.

It also echoes the introduction of the mainstreaming principle in respect of other Community policies, such as environment policies.

The move to such a global and integrated approach to equal opportunities is reflected in international organisations concerned with the status of women. The United Nations Fourth

¹ COM(95) 381 final of 19.7.1995.

² Council Decision of 22.12.1995, OJ L 335 of 30.12.1995, p.37.

³ COM(96) 67 final of 21.2.1996.

*BRINGING EMANCIPATION INTO THE MAINSTREAM:**THE NETHERLANDS*

Gender equality in the Netherlands is discussed in reference to the concept of emancipation. Emancipation in the Netherlands has always been seen as a multi-faceted policy. A multi-faceted policy is one which involves viewing all government activities from one single perspective. The underlying reason for choosing a multi-factorial policy is that emancipation does not merely concern women. It is a process which involves a change in society motivated by a critique of the relationship between the sexes. As early as 1976, the Emancipation Council of the Netherlands stated in its memorandum that the issue of women is a question which is relevant to all policies. Therefore, an emancipation policy had to have a place in all sectors and not be housed in a separate sector of society or in a separate Ministry. A coordinating management committee was set up and a member of Government was appointed to ensure the necessary coordination and adjustment.

As well as a multi-faceted policy, a sectoral policy was also required. This is a policy which was especially designed to support the emancipation process in the community as well as among specific groups of women. This 'twin track' policy is still maintained. In 1985 it was stated explicitly that the aim of the multi-sectorial policy was to integrate emancipation into everyday policies. The emancipation policy should thus ultimately become superfluous. Until this is the case, the coordinating management committee and the designated member of Government will continue to operate. Their task is to stimulate, develop and advise.

The 1992 policy programme continued along these lines, stressing the need for an integrated emancipation policy. All members of Government involved are responsible for the integration of the emancipation policy in their respective sectors. Each Ministry issues a report for the policy programme, dealing with emancipation plans and infrastructure for each sector. It is clear that the process of integration is a difficult one. The ministerial aims and thrust of the emancipation policy do not always tie in with the proposals of the coordinating management committee. Existing resources such as information, research, departmental memoranda and contracts, an interdepartmental emancipation commission are clearly not always sufficient to implement the policy of integration.

In 1994, a body was set up to evaluate the effect of other policies on women. This body was called Emancipatie Effect Rapportage (EER). The EER makes it possible to influence other policies and obliges politicians to take into consideration the effect these policies have on both women and the emancipation process itself. On a national level, the recommendations of the EER have already been implemented by the Ministry of the Interior in relation to reform of the electoral system. In the Ministry of Education they brought about the modification of previous policies in order to avoid their estimated negative effect.

In 1996, the infrastructure of all the emancipation policies has been undergoing significant changes. The aim of these changes is a stronger integration of emancipation. Up until now, the official Emancipation Council was the Government's only advisory body on issues concerning emancipation. The Emancipation Council, like many other advisory bodies, was discontinued in order to increase the Government's efficiency. It is still not clear how aspects of emancipation will be integrated into new advisory boards. The entire support system for emancipation is being thoroughly revised. The new system is intended to work both on specialisation and integration for every policy. It is also intended to support general emancipation policy. The future role of the coordinating management committee for emancipation should involve even more monitoring, stimulation and adjustment of the main policy objectives.

FOUR EU PROGRAMMES

From legal measures to mainstreaming

The First Community Programme on the Promotion of Equal Opportunities for Women (1982-1985) was a recognition that while legal measures were important, there was a need for additional and complementary measures in the form of 'positive action' in various fields.

The Second Medium-term Community Programme for Women (1986-1990) continued to develop the implementation of Directives in a now enlarged Community of 12 Member States. It widened the scope of equal opportunities to new spheres of positive action in training, in new technology, in the reconciliation of working and family life and in local development.

The Third Medium-term Community Action Programme on Equal Opportunities for Women and Men (1991-1995) declared itself at a 'new stage' in equal opportunities policies by proposing a 'more comprehensive strategy' for action.

The Fourth Medium-term Community Action Programme on Equal Opportunities for Women and Men (1996-2000) advances and focuses on the principle of mainstreaming. It proposes that methods, strategies, models and studies aimed at integrating the equal opportunities dimension into policies and activities be developed and promoted in the Member States.

The three first programmes were implemented on the initiative of the Commission. The current programme was proposed by the Commission to the Council and established by a Council Decision.

These programmes were supported by other interventions, such as the creation of a complex series of networks, which encouraged the work of organisations promoting equal opportunities and helped to identify good practices.

The Community has also continued to further the cause of women and remove inequalities between women and men through its dialogue with non-member countries, in particular through its policies on development cooperation and the promotion and protection of human rights.

World Conference in Beijing in 1995 adopted a position on the integration of a gender perspective in legislation, public policies, programmes and projects (see Chapter 6 of the Report). This proposal was developed and strongly supported by the European Union. The application of a gender perspective to both development cooperation and dialogue with non-Member countries has continued since the UN Conference with analytical studies of particular policies. These have included human rights (1995),⁴ emergency and humanitarian assistance (1995) and structural adjustment policies (1995). The Council of Europe convened a group of specialists on mainstreaming in February 1996 in the context of the activities of their Steering Committee for Equality Between Women and Men.

Applying the principle of mainstreaming

Implementing the mainstreaming approach requires mobilisation, which is why in 1995 the Commission set up a Commissioners' group on equal opportunities for women and men under the auspices of its President. The function of this group is to stimulate debate and ensure that the concern for equal opportunities for women and men is built into all Community activities in a coherent and systematic way. An inter-departmental group has been appointed to prepare and monitor this work, taking note of initiatives planned or in progress, with a view to identifying possible synergies and cooperation between them.

In the above mentioned Communication, which results from this work, the Commission has identified seven areas for strategic mobilisation of Community policies to foster equal opportunities: employment and the labour market; the status of women entrepreneurs; assisting spouses in SMEs; education and training; people's rights; external relations; information; and the Commission's personnel policy.

The application of the strategy of mainstreaming to general policies, programmes and projects

⁴ Commission Communication on the external dimension of human rights policy, COM(95) 567 final of 12.11.1995.

FROM WOMEN IN DEVELOPMENT TO GENDER AND DEVELOPMENT

The Women in Development (WID) approach, developed in the 70s, concentrated on identifying the situation of women, providing information about women's lives and mobilising women's groups at field level all over the world. In its initial phase, the Women in Development (WID) analysis led to a proliferation of 'women only projects' or 'women's components' in sectoral, sub-sectoral or multi-purpose projects.

'Equal-but-outside' characterised these strategies. The initiated projects often neglected men's crucial position in the control of assets and in decision-making; beside, they were too often small size, marginal, welfare-oriented and linked to ministries and executing agencies that lacked the financial and technical resources to enable self-sustaining development beyond the project context. The inadvertent result of such projects was largely to perpetuate women's isolation on the periphery of main development efforts.

Analysis tools have been gradually refined, leading to the Gender and Development (GAD) approach. GAD focuses on the interdependent relations between women and men (gender relations), rather than on women per se. The term 'gender' refers to socially acquired and culturally specific attributes distinguishing women and men, while the term 'sex' refers only to physical distinctions. As gender differences are historically determined and culturally specific, they vary across countries and regions and change over time.

Gender analysis in programme/project planning seeks to distinguish the resources, activities, potentials and constraints of women relative to men in a given socio-economic group. The aim is not only to address distortions and disparities between women and men but also to ensure maximum efficiency in pursuing development goals.

Following the further marginalisation of women deriving from the strict women-only project strategy, the need was recognised for a more global approach. Mainstreaming was thus developed as a new strategy, which aimed at integrating a gender perspective in all mainstream development policies, programmes and projects.

Mainstreaming does not exclude the need for positive action measures, programmes and projects oriented to the disadvantaged party (generally women) in areas where gender gaps are particularly strong, such as, for example, education and training, access to credit, or areas which, by their nature, especially concern women. These differ from the earlier 'women-only' approach in being designed for maximum strategic effect, implemented on an appropriately large scale and intended as important temporary measures to bridge major gender gaps and bring the disadvantaged party to a threshold level from which it can enter into mainstream tendencies.

The Directorate-General for Development (DG VIII) considers these new approaches to have major importance for its policies and actions.

**CHART 1: LEVELS OF APPLICATION
OF MAINSTREAMING STRATEGIES**

Policy level	Methodology
Design of Policy	<ul style="list-style-type: none"> • The development of impact analysis systems
Revision	<ul style="list-style-type: none"> • Organisation of gender sensitive consultation mechanisms • Prepare gender-disaggregated data • Risk assessment analysis
Implementation	<ul style="list-style-type: none"> • Awareness plans
Administration	<ul style="list-style-type: none"> • Staff/personnel information, distribution
Monitoring	<ul style="list-style-type: none"> • Agreement on appropriate monitoring indicators
Evaluation and Follow-up	<ul style="list-style-type: none"> • New criteria • Collection of gender-disaggregated data • Analysis of interaction and coherence with other goals • Use of monitoring data

is a complex process, posing new questions at each stage in the cycle of policy, from policy design, through implementation to evaluation and review. It is all the more complex in that many policies appear gender-neutral at first sight. Evidence of the differential impact of policies on women and men may only come to light gradually, as a consequence of studies which reveal differential access or usage. The relative ease or difficulty of applying a strategy to implement mainstreaming depends on a range of factors. These may include the depth of inequality to be addressed between women and men in the field of application; the range of methods available to apply the strategy; the structures and funds available for its implementation and the links established with women in decision-making bodies. Other factors which may have a bearing on application are the gender balance between decision makers; the availability of gender-disaggregated data for analysis and the historical investment in awareness-raising of the issues, to mention just a few.

Chart 1 illustrates the levels of policy-making at which a mainstreaming strategy can be applied and the implications for each level.



STRUCTURAL FUNDS AND EQUAL OPPORTUNITIES

Structural policies constitute the main Community instrument for promoting cohesion and solidarity and for improving employment and integration prospects. Increasing the contribution of the Structural Funds (European Regional Development Fund, European Social Fund and European Agricultural Guidance and Guarantee Fund) to promote equal opportunities is therefore of great political significance. The incorporation of equality into structural policies is, firstly, a response to the need to reduce the inequalities which exist between women and men with regard to the rate of employment, the level of training, access to the labour market and involvement in the decision-making process. But it is also part of a desire to promote sustainable development, by combining job and wealth creation with quality of life and preservation of the cultural and natural heritage.

The European Social Fund was the first fund to take the issue of equal opportunities into consideration. All Structural Funds have become progressively involved in the promotion of equal opportunities.

All actions supported by the funds can contribute - at least indirectly - to the promotion of equality and most of these actions are designed to be of equal benefit to women and men. However, general measures are not necessarily gender neutral.

The 1989-1993 programming period

The Single European Act led to reform of the Structural Funds to make them more efficient and better coordinated. The 1988 reform brought new definitions for the remit of the funds. Five objectives were fixed:

- Promoting development and structural adjustment of the regions whose development is lagging behind (Objective 1);

- Providing support for regions seriously affected by industrial decline (Objective 2);
- Combating long term unemployment (Objective 3);
- Facilitating the occupational integration of young people (Objective 4);
- Adapting agricultural structures (Objective 5a) and rural development (Objective 5b).

The equal opportunities dimension was not referred to in the definition of these objectives. However, all objectives did potentially concern women, as they are numerous among the concerned target groups and areas.

This reform strengthened the intervention of the ESF with regard to equal opportunities. The ESF had been funding specific measures for women since 1978, in particular training schemes. The guidelines adopted for the implementation of the 1988 regulation introduced a specific reference to women as being among those encountering special difficulties on the labour market.

Actions implemented as part of all ESF general measures to train and help young people and the long-term unemployed find employment made it possible to improve the situation of women with regard to employment. In addition, it should be noted that five per cent of ESF appropriations under Objective 3 and 4 (that is ECU 380 million) were earmarked specifically for operations to help women.

The other Funds (ERDF, EAGGF) have contributed in an indirect and less concentrated manner to the promotion of equality, firstly by their general support for development and secondly, where appropriate, by funding training infrastructures of complementary social facilities.

From 1991 onwards, the persistent segregation between women and men on the labour market and the will to give more visibility to the promotion of equal opportunities led the Commission to launch a specific initiative - NOW (New Opportunities for Women) - with a Community budget of ECU 156 million.⁵ The innovative measures taken under this initiative, as well as its

⁵OJ C 327 of 29.12.1990.

transnational nature, complemented those implemented in the Member States under the CSF (Community Support Frameworks). They emphasized certain types of measure for which the participation rates of women were particularly low: measures involving the setting up of companies, for example. Through NOW, the European Regional Development Fund (ERDF) became involved in the question through its funding of childcare facilities.

Within the Member States themselves, NOW contributed to the desegregation of interventions in favour of women by mobilising a wide range of operators including ministries, local governments, professional associations, women's organisations, local development agencies, universities and others. Eight hundred projects were backed by the NOW initiative and all of them had a transnational dimension.

The 1994-1999 programming period

The reform of the Structural Funds enacted in 1993 was of crucial importance for equal opportunities. It marked a step forward in the level of awareness of the issue by the ESF, but more importantly, it positioned equality as one of the central themes running through all the European Funds, including the ERDF and the EAGGF.

In its provisions concerning the necessary compatibility between the measures financed through Structural Funds and other Community policies, the new standard regulation introduced for the first time an explicit reference to equal opportunities.

Article 7 of the new Regulations stated: *'actions funded by the Structural Funds or the EIB or any other existing financial mechanism must conform to the content of the treaties and acts and rulings relating to them, as well as Community policies, including those relating to rules governing competition, the awarding of public contracts and the protection of the environment, along with the respect of the principle of equal opportunities between women and men'*.⁶

In addition, the reference to equal opportunities was reinforced by the Regulation relating to all operations implemented with ESF assistance.

For the application of Objective 3 measures in particular, the Regulation required a priority intervention, 'to promote equal opportunities for women and men on the labour market, in particular in those employment sectors where women are under-represented, and for those women without professional qualifications or who are re-entering the labour market after a period of absence'.

Finally, the principle of equal opportunities is mentioned in documents which serve as the basis for different Community initiatives such as the three strands within the 'EMPLOYMENT' initiative (NOW, HORIZON, Youthstart); the ADAPT programme, within which 'particular attention is to be paid to measures which seek to promote equal opportunities in favour of women'; and through the URBAN programme, one of whose objectives is to set up actions promoting equal opportunities in problem areas. In the small and medium sized companies initiative (SMEs), one objective is 'to promote employment for women in small and medium sized companies and to take into account their special training needs'.

Objectives 3 and 4

During the present programming period (1994-1999), the promotion of equal opportunities between women and men is referred to in all ESF programming documents, especially those of Objective 3. They all include the equality principle as a transversal guideline for all actions put forward.

In most countries, this concern has also given rise to the definition of a specific policy axis identifying priorities for the use of funds available within the framework of Objective 3 (Germany, Belgium, Spain, Greece, France, Italy, Luxembourg, Denmark, the UK) and within the 'human resources' component of Objective 1 (Ireland, Portugal, Italy, Greece, the UK and Denmark). This transversal approach often results in aims such as ensuring that women's participation in the measures proposed will reach a proportion that is at least equal to their representation amongst the ranks of the unemployed (51

⁶ Regulation 2081/93 of 20.7.1993, OJ L 193 of 31.7.1993.

per cent in Denmark, 50 per cent in Finland, Sweden and the Netherlands and 57 per cent for Flevoland in East Netherlands). Such quantified objectives have not, however, been fixed in all countries and for all objectives.

Those countries that have set a specific axis have, for the most part, dedicated a limited budget to it, thus demonstrating that this specific axis is considered a complement to transversal orientation, presenting the advantage of visibility at least. The choice of the transversal approach, however, can in some cases be accompanied by special measures providing childcare facilities (the Netherlands, Belgium and the UK).

The introduction of the concept of pathways to integration as a result of the experience gained under the NOW initiative and the relaxation of the criteria for programme eligibility, have made it possible to formulate 'packages' of personalised measures aimed at integration or reintegration into the labour market.

Specific measures aimed at women have been developed through the provision of care for dependants and to develop their level of competitiveness and employability. These measures have included: the establishment of specific training measures; business start-up training; dissemination of information; and, in certain cases, through actions which aim to change the attitudes of parents and daughters in schools, by encouraging them to pursue subject areas which are not traditionally reserved for women. Specific training modules for teacher training should play a decisive role in this type of change.

Objectives 1, 2 and 5b

There are no documents monitoring the equal opportunities situation within the framework of Objective 1 or Objective 5b. In Objective 2, a questionnaire was sent out to Member States at the end of 1995. It is concerned with all the priorities put together for this Objective, but one specific series of questions concerns equal opportunities. The answers demonstrate a number of diverse trends.

Many Member States made no explicit reference to equal opportunities within the framework of the Objective. Whilst other Member States did not specifically include the promotion

of equal opportunities amongst their stated objectives, they do ensure that it is taken into account through some of the actions they undertake.

Denmark and Sweden take equal opportunities as a transversal principle common to all actions funded within the framework of Objective 2. In Denmark, reference to this principle is explicitly written into the different programmes implemented. On the basis that women are more often affected by lack of skills and unemployment, ESF funding is presumed to be of more immediate interest to them and this, most especially, within the framework of Objective 3.

For the new programming period of interventions in regions undergoing industrial restructuring (1997-1999) the Commission has made an explicit reference to equal opportunities in an orientation note addressed to the Member States in April 1996. On the occasion of the negotiations aimed at the adoption of the programmes, the Commission will strive to ensure that, besides an agreement in principle, it will be given real effect.

In Sweden, the promotion of the principle of equal opportunities between women and men (and between the young and the old) is taken into consideration for Objective 2 programmes, in the identification of selection criteria for projects or through the inclusion of specific measures aimed at women. Measures encouraging business start-ups, vocational training and the provision of counselling adapted to the needs of women are part of the programme.

Furthermore, Sweden has included the principle of equal opportunities in all its objectives. In this way, Objective 6, which covers the very sparsely-populated regions of the north, is designed to maintain the presence of women in the area. One of the two strategic objectives is to 'preserve the viability of local communities with a special emphasis on the need to re-train women and young people in the area'. Other examples also exist under Objectives 4 and 5b. Some approved actions include specific component activities, but all of them must include quantifiable objectives in terms of equal opportunities.

BELGIUM - WOMEN IN THE ANTWERP COMMUNITY DEVELOPMENT ASSOCIATION

The Community Development Association in Antwerp is for the local residents: the education and employment projects, the business centre, the rent-a-tool service for building equipment, the job centre, the community newsletter, the technology centre... they're all there for everyone, for the entire neighbourhood. The CDA has no special projects for women. However, ATEC, the Antwerp Technology Centre and one of many CDA initiatives, does have programmes especially designed for women, which are co-financed by the ESF.

Technology is fun for women

One of the most successful ATEC programmes' is the PC technician course. Whoever attends this course, finds a job afterwards, but very few women sign up. That is why ATEC makes a special effort to persuade women to do so. Staff members address women directly, ATEC publishes advertisements and articles in magazines - and it appears to be working: in every group of 12 students, two or three are now women. And these women immediately find jobs on finishing.

Hence a long term initiative to attract young girls' and young women's attention in technology was developed. ATEC organises 'Technical Ten Projects' for the 10 to 14 year old age group, in cooperation with 'Youth and City'. Teenage girls learn to dismantle and reassemble computers, or they construct an automatic watering device for plants. In short, young girls learn that technology can be fun. This approach will, perhaps, only bear fruit in the long term, but one has got to start somewhere.

Apart from all this, there are of course the programmes that are traditionally popular with women: retraining and further training for those who wish to be employed as a secretary, telemarketing courses, administrative clerk courses.

ATEC created a technician's administration clerk training programme, especially designed for women of ethnic minorities. Not only Turkish and Moroccan women, but also women from Asia, Africa or Eastern Europe attend this course, says Leen Verbist, who is responsible for the programme.

The training programme, which is co-financed by the ESF has been in operation for three years now and the results are beginning to show: 50 per cent of the trainees have since found a job or are taking part in further job training. The group consists partly of very young women (18-21 years old) and partly of somewhat older women (from 27 years old onwards).

It should be noted that a determined effort is being made to obtain a greater coordination of the various Funds' interventions. Particular attention has to be paid in this respect, for example to combined operations by the ESF, ERDF and EAGGF, which can help in carrying out measures and providing facilities which make it possible for women to reconcile their working and family life better (crèches, kindergartens, after-school activities, adaptation of transport in sparsely populated areas). Measures which are directly linked to the provision of infrastructure for business areas and the creation or maintaining of jobs may be of direct benefit to women entrepreneurs and assisting spouses, as well as to the female employees of the enterprises supported. Generally speaking, operations relating to the adaptation of production activities, local development and improvement of the quality of life do not concern solely women but may have a more direct impact on promoting equality on account of their proximity effects.

Besides addressing equal opportunities at a transversal level in the regionalised programmes, which is a matter primarily for Member States in the framework of follow-up of interventions and selection of projects, the conduct of specific actions remains essential.

This is why the Structural Funds, through community initiatives and pilot projects contribute to the development of such actions.

Community Initiatives and Pilot Projects

The new EMPLOYMENT Initiative was launched in 1995 with a specific strand on the basis of the experiences derived from NOW. Employment NOW will involve 700 projects in its first phase. All projects have a transnational dimension and promote exchange of information and often transnational contacts between women.

Other community initiatives, including URBAN, LEADER and INTERREG, or pilot projects funded within the framework of Article 10 of the ERDF, are also tools to be used to move things along and launch new practices.

LEADER PROGRAMME CREATES JOBS FOR GREEK WOMEN IN AGRICULTURAL AREAS

The participation of Greek women in 'local action groups' which implement programmes of agricultural development is significant.

With the LEADER programme, 26 local development companies were created by which women's cooperatives could be active in the sectors of agricultural tourism, small and medium size enterprises, the improvement of agricultural products, traditional handicraft and the protection of the environment.

In the village of Velvendos in Greece, the women's cooperatives produce traditional cakes. This cooperative was established in 1985 and today has developed noteworthy activities. It produces jams, marmalades and compotes and distributes them under their own name to food stores throughout the country. The products have a traditional character, in line with modern dietary requirements and are competitive with regard to their industrial counterparts. The cooperative has its own facilities and employs 20 women of the village.

The cooperative has been involved in the following activities supported by the LEADER programme: market research, participation in fairs, study of identity-logo, study and designing of packing.

The training seminar for members for the Women's Handicraft Cooperative of Velvendos was part of the LEADER programme. It concerned the creation of competitive products, the importation of innovative production practices and the increase of sales.

Another women's cooperative operates in the village of Agios Georgios. In this small community, more than 20 women make traditional foods, mainly noodles (petoura). These foods are produced with modern mechanical equipment.

The community allotted the cooperative a deserted building which was restored for them. The project constitutes an important economic and social factor in the village.

The Commission has requested that particular emphasis be placed on the theme of equal opportunities in the URBAN II programme.

The LEADER II initiative should also bring new opportunities, taking into account the experience of LEADER I initiative which had given women opportunities to undertake local projects aimed at rural development: tourism, production and marketing of local specialities, the development of small and medium sized companies and the growth of craft and artisanal activities.

Among the pilot projects financed under Article 10 of the ERDF Regulations, the RECITE II programme, in relation to the encouragement of inter-regional cooperation projects, has a budget which amounts to ECU 110 million. The programme has, among its other objectives, the aim of 'the creation and development of resource centres to increase the value of the work and the integration of women into economic life'.

The orientation section of the EAGGF provides for Community co-funding of pilot projects. A special programme for pilot projects aimed to encourage a greater degree of female participation in rural development is being set up under Article 8 of EAGGF. The programme is to receive ECU 20 million of funding for the period 1997-1999, and each year will include a special priority area.

A seminar on Structural Funds and Equal Opportunities

In its Communication on mainstreaming of 1996, the Commission stated clearly that 'the Structural Funds may have an effective contribution towards implementing the Union's and its Member States' priorities of combating unemployment and promoting equal opportunities for women and men'.

On 7 and 8 March 1996, a seminar on 'Structural Funds and Equal Opportunities' jointly organised by the Belgian government and the Commission was held in Brussels: it brought together representatives of the different departments responsible for the management of funds, along with representatives of the Member States and local authorities, as well as various experts

and practitioners. The meeting revolved around the general theme of 'mainstreaming'.

The general conclusion of the seminar on 'Structural Funds and Equal Opportunities' (7-8 March 1996) offers a summary of Community possibilities for the future.

The sharing of good practices is one of the fundamental components of the added value the Community has to offer. 'The dissemination of experiences has to be pushed to the forefront, as has their transfer between the Member States, better coordination between pilot projects, Community initiatives and the actions undertaken within the framework of the CSFs... and an enhanced level of interaction between the funds and for actions involving more than one fund...'

The combination of Article 10 of the ERDF, Article 6 of the ESF and Article 8 of the EAGGF was encouraged in order to promote new ideas for the launching of pilot actions along with awareness and information operations.

The participation in the Monitoring committees for actors involved in the promotion of equal opportunities has been emphasised: an active partnership arrangement is necessary for the training and awareness-building of actors involved in equal opportunities, to ensure the transmission of information concerning experiences on the ground to the decision-making bodies. The Monitoring committees have a strategic role to play in the way these funds are allocated.

Evaluation is an essential condition in providing quality follow-up. The Commission wants to set up a work group to look into the issue of evaluation so as to develop methodological proposals with the help of experts which will serve actors involved in Structural Fund initiatives in their evaluation approach.

Following this seminar the Irish Presidency proposed to the Council a Resolution on Equal Opportunities and Structural Funds. It was adopted by Council on 2 December 1996.

⁷ OJ C 326/9 of 31.10.1996.

PRIORITY AREAS IN EMPLOYMENT-NOW

An initial analysis was carried out on the basis of information provided in the EMPLOYMENT-NOW Project Directory (March 1995).

Business start-ups:

Nearly half of the projects concern one or other of the facets of setting up in business. Promotion of access to business start-ups, support services, training and follow-up can be included in this section. More than 60 per cent of projects in Austria, Greece, Italy, Spain and Sweden are involved in this activity.

Vertical desegregation:

46 projects are concerned specifically with the promotion of equal opportunities at the level of company directorship. 22 projects target women who are seeking to occupy a higher position within their company, and seven projects develop positive action programmes. In addition, 44 projects refer to equal opportunities training where target groups include trade union representatives, company managers and personnel training managers from the public and private sectors.

Horizontal desegregation:

Particular attention is paid to sectors which are expected to remain stable or which present growth potential, such as the construction sector, transport or technologies. Many EMPLOYMENT-NOW projects take into consideration the use of telecommunications technology and computer technology (73) or the creation of teleservices (21).

Validation of women's skills:

The projects tackle this question from differing standpoints. Some of them develop methodologies which recognise the skills acquired by women outside their basic training or their jobs (validation of previous skills-learning). Within this section, we should include those skills that are inherent in responsibilities within the family, such as the handling of multiple tasks, supervision and budget management. Certain projects seek to revalue women's work by developing training programmes which recognise women's skills and operate recognised qualification training in the appropriate sectors (27 projects). Other projects identify new employment sectors and develop professional profiles which also serve to improve the status of the woman (39 projects).

SOCIAL DIALOGUE AND SOCIAL PARTNERS

The social dialogue at European level brings together the social partners in a regular and structured way. At inter-professional level, the three major European organisations involved in the Social dialogue are: the European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE) and the Centre for European Enterprises with Public Participation (CEEP). The social dialogue is also developed at sectoral level. The Commission also consults these and other organisations concerned with European Union social policies. Social dialogue was legitimated by the Single European Act which states that: 'the Commission shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement' (art 118B).

The Social Protocol bears witness to the growing importance of the role being played by the social partners. Within the framework of the Protocol, UNICE, CEEP and ETUC reached an agreement on parental leave on 14 December 1995, which led to a Council Directive on 3 June 1996.* Other dossiers are being or will be debated: the flexibility in working time and security for employees, the reversal of the burden of proof in equality cases and sexual harassment.

The social dialogue is becoming a new area of mainstreaming. In the Fourth Medium-Term Community Action Programme, the social partners are cited as actors who can contribute to equal opportunities policies. The social partners feature centrally in the objectives of the Programme which stress the importance of ensuring that the equality dimension is adequately reflected throughout the layers of the social dialogue.

As a measure of action, the Commission com-

mitted itself to providing technical and financial support to the social partners, should they agree to develop European networking and exchanges on equality, which may involve the appointment of new officers for the purpose. The Commission also undertook to monitor equal opportunities initiatives in the framework of the social dialogue. Numerous Joint Opinions have been produced by the social partners, including one on 'Women and Training'.

The social partners can contribute to the Commission's integrated policy for the promotion of a gender balance in decision-making by improving women's participation both in terms of quantity (increasing the number) and quality (increasing women's influence) in policy-making at European level (see Chapter 4).

Besides these, the social partners at European level have been invited to sit as full members on the new Advisory Committee for Equal Opportunities for Women and Men. It is therefore of real importance that women and women's concerns be thoroughly represented in social partner organisations and social dialogue processes.

* OJ L 145 of 19.6.1996, p.4.

CHAPTER 2

WOMEN AND MEN IN A CHANGING ECONOMY

2.1

EQUALITY AND ECONOMY

In a context of change in both the level and the composition of employment within the European Union, the economic situation of women has undergone significant transformation. Women have increased their role in the formal labour market. Most of the growth in employment and unemployment which has taken place over the last decade in the European Union has taken place among women. As the labour force of the European Union has become increasingly feminised, it has also continued to undergo structural change. Service employment has become even more significant and, at the same time, jobs have become more casualised and working time more fragmented.

Patterns of employment and non-employment vary extensively between countries, between women and men and also between different groups of women. Key factors, such as age, motherhood and educational qualifications, are linked to significant variations in patterns of activity rate, especially among women. Women tend to occupy and move between a range of economic situations at different stages of the life cycle and according to changing economic and social conditions. Traditional definitions of employment and unemployment are not in themselves sufficient to analyse the complex and fluid economic positions of many groups of women.

Underlying new patterns of economic activity among women, as well as important demographic and social changes, are evident. Reduced fertility rates, an ageing population, smaller and different kinds of households are all being influenced by, and influence the way in which, women participate in economic life. As these factors take effect, new variations emerge between different generations of women both within and between Member States.

While patterns of changes are evident, there is also much continuity. On the labour market, job segregation is pervasive and persistent. Women tend to be crowded into a narrow range of occupations and areas of employment, primarily within the services sector.

Women are a key factor for growth

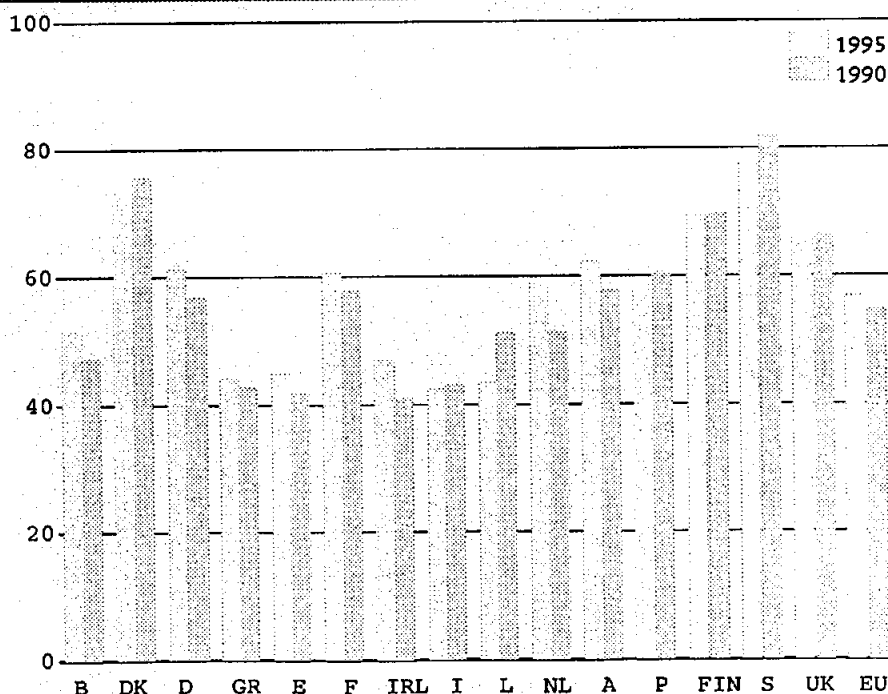
During the second half of the 1980s, a rising employment level within the European Union coincided with a further shift in favour of the services sector. This employment growth was not sustained and, in the early 1990s, recession

brought a decline in the employment rate from 62 per cent in 1990 (of the working age population of 15 to 64) to 59 per cent in 1994 - almost a return to the 1985 rate of 57 per cent. A period of recovery since 1994 has resulted in job growth but, against a background of an increased population of working age, the impact on the employment rate has been minimal.

Growth in the size of the labour force has been a striking feature of change on the labour market of the European Union over the last fifteen years. But the workforce of the European Union is not just growing, it is also changing. A very high proportion of the increase is accounted for by women and has translated into a significant increase in women's unemployment and employment. Women now account for over 40 per cent of the labour force of the European Union. Every Member State has experienced a disproportionate growth in the numbers of women within an expanding workforce, but it has been an especially strong feature of those economies with relatively low rates of recorded female participation, for example in southern Europe.

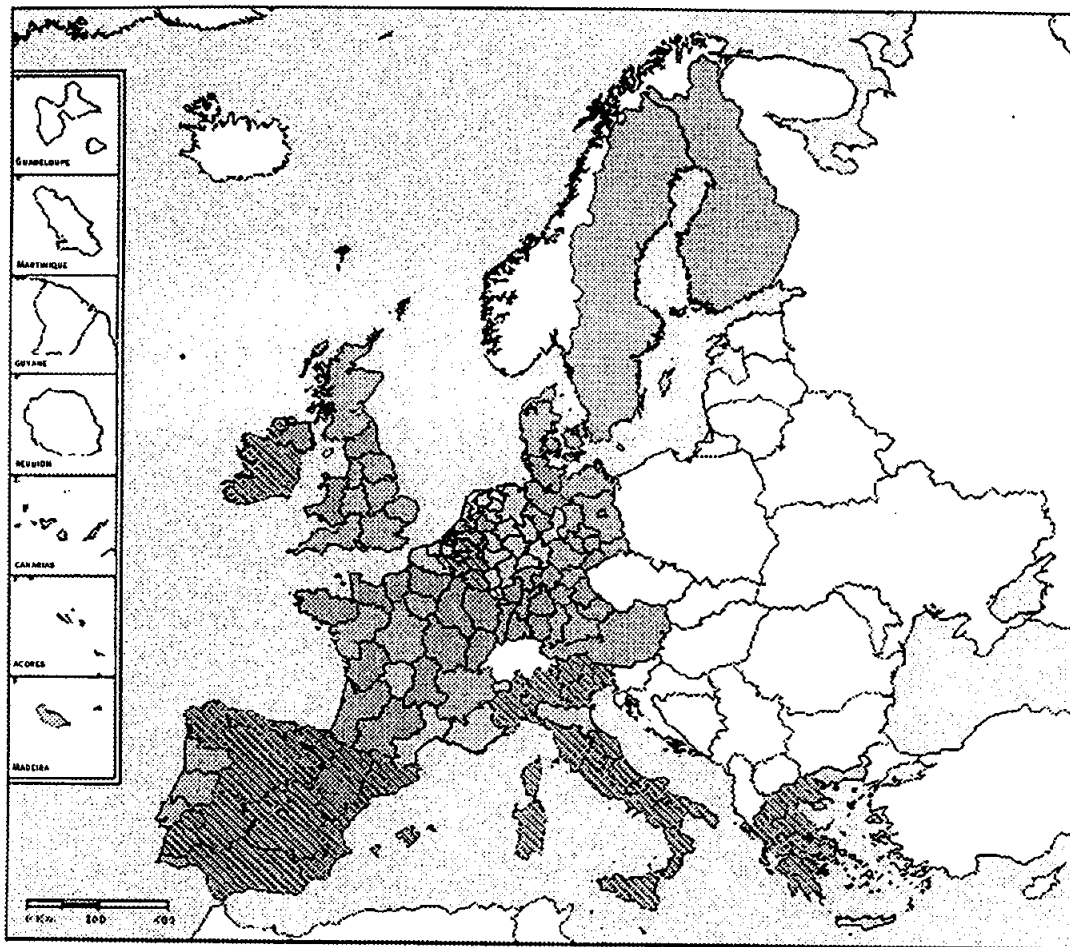
Variations in the rate of employment have been accompanied by a continuing shift from industri-

TABLE 1
ACTIVITY RATE OF WOMEN (15-64 YEARS) IN THE EUROPEAN UNION (%), 1990 AND 1995



SOURCE: EUROSTAT (LFS) AND ILO (A, FIN, S).
NOTE: D 1990 EXCLUDING NEW LÄNDEN.

Activity Rates - 1994* - Female



EUR15 = 44.8 %

- >= 50%
 - 45 - 50%
 - 40 - 45%
 - < 40%
 - no data available
- * IRL: 1993
* A: 1993

STATISTICS: EUROSTAT
MAPS AND GEOGRAPHICAL INFORMATION: GISCO



al and agricultural employment towards services. The proportion of jobs in services has risen to almost two-thirds of the total, while industry accounts for approximately 30 per cent and agriculture for only five per cent of employment within the European Union. This concentration in service employment is particularly a feature of women's employment (79 per cent), as both industrial employment (17 per cent) and agricultural employment (four per cent) have fallen.

The employment rate within the European Union is relatively low compared to other countries. This arises from a combination of factors: lower levels of activity rate, higher rates of recorded unemployment, higher rates of participation within the educational system and early retire-

ment. Patterns of activity rates have changed significantly over the last fifteen years. Reduced participation rates amongst younger and older age groups have paralleled higher participation rates amongst women. Emphasis on educational qualifications on the job market has been reflected in an extended period within the educational system among younger people. A more widespread application of a formal retirement age, coinciding with a decrease in self-employment and agricultural employment generally, has reduced participation rates amongst the older age groups.

These overall trends in employment, however, often conceal variations occurring on a gender, region and country basis. Against a background

of fluctuating employment, women have achieved a stronger presence in paid employment. For example, the period from 1985 to 1995 has seen consistent growth in women's employment rate. Employment growth among women has been tied to increased rates of participation rather than reduced unemployment.

Women's employment hard to categorise

To varying degrees across the European Union, women's economic activity displays particular characteristics. Women tend to move between categories of employment, unemployment and recorded inactivity to a much greater degree than men. Traditional categories of employed or unemployed often fail to capture the underlying nature of the situation of European women. Unregistered employment and unemployment, involuntary inactivity, underemployment, irregular and precarious employment are all features of women's economic position. And these characteristics are particularly marked in those economies which record a low female activity rate.

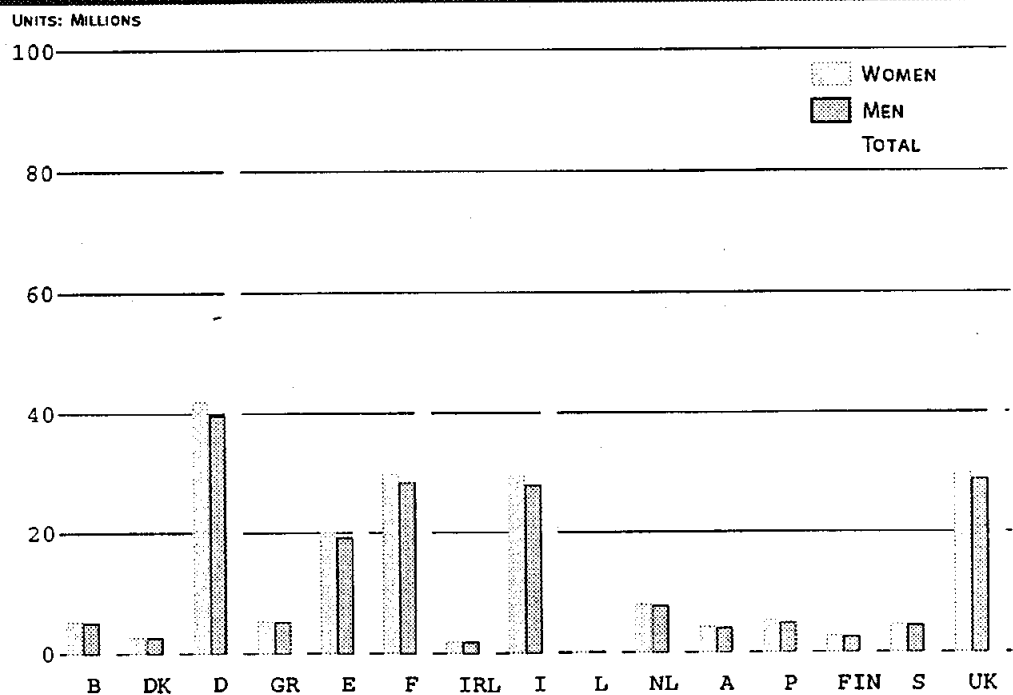
Activity rates in the European Union show strong variations between women and men, between countries and between different groups of women. Inter-country variations are less marked among men.

A concentration of women's employment in the services sector is a feature of all European Union Member States, with the highest concentrations evident in Luxembourg, the Netherlands, Sweden, the UK, Belgium and Denmark - almost all countries with relatively high rates of participation generally among women. Where agricultural employment represents a higher proportion of employment, for example in Greece and Portugal, the concentration in services is correspondingly lower. Employment in industry accounts for 20 per cent or more of women's employment in only three Member States: Germany, Italy and Portugal.

The generation difference among women

Strong variations between different age groups can be seen in activity rates generally, but they are

TABLE 2
POPULATION OF THE MEMBER STATES OF THE EUROPEAN UNION, 1995



SOURCE: EUROSTAT

particularly marked amongst women. Inter-generational shifts in the economic situation of women in the European Union have intensified within the last decade. A core age group (15-64), characterised by higher activity rates, has always been a feature of women's labour market representation. Nearly 70 per cent of women of prime working age, (20-60) are now in the labour force.

All Member States have recorded a rise in female activity rates in the core or prime age group and this has accounted for over two-thirds of recent labour force growth in the European Union. In contrast, male activity rates declined through most of the 1980s, although the rate of decline has slowed over the last five years.

Women over-represented in unemployment

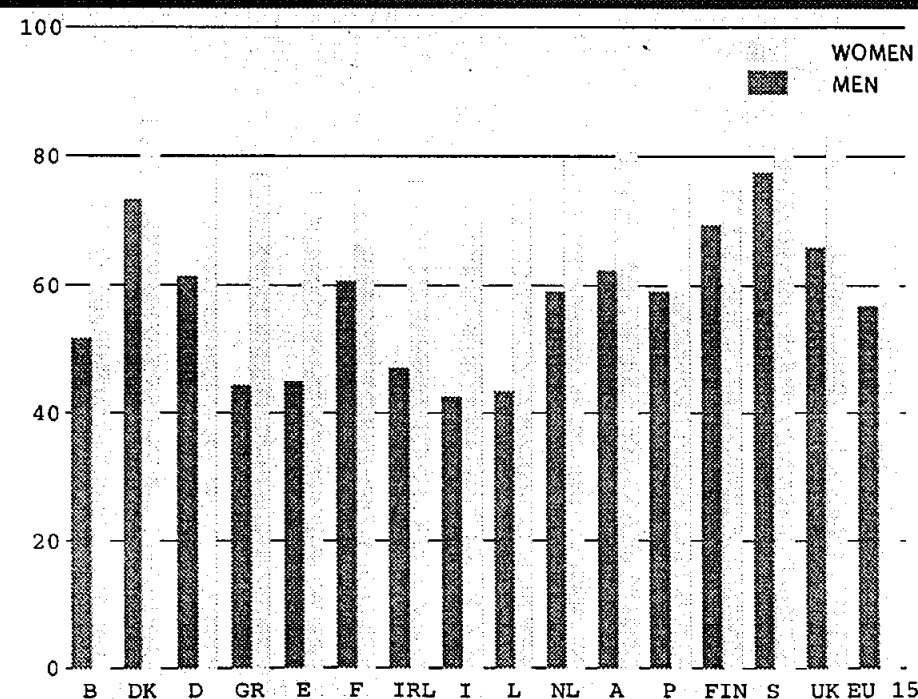
The rise in employment within the European Union has been taking place in parallel with a high rate of unemployment. The level of unemployment among women since the early 1980s has been high and rising. Unemployment rates among women in the Community continue at a

level significantly above that of men, despite the fact that women have dominated new employment growth. High unemployment rates among women have occurred in Member States where participation rates of women are relatively low (such as Spain, Italy and Ireland), reflecting women's strong demand for greater integration into paid employment. But high unemployment is not confined to low participation economies. France and Finland, for example, also record high rates of female unemployment.

Long-term unemployment, as a proportion of all female unemployment, has risen over recent years. In 1990, 41 per cent of women who were unemployed had been unemployed for over one year. By 1995, nearly 50 per cent of unemployed women in the European Union had been unemployed for over one year. Long-term unemployment is rising among both women and men. Comparing long-term unemployment between women and men, a higher proportion of unemployed women (50 per cent) are long-term unemployed compared with men (48 per cent).

Measures of unemployment tend to under-record the level of unemployment among

TABLE 3
ACTIVITY RATE OF WOMEN AND MEN (15-64 YEARS) IN THE EUROPEAN UNION (%), 1995



SOURCE: EUROSTAT (LFS)

women. Under a system of self-categorisation, as is used in the Labour Force Survey, there is evidence that a significant proportion of women who desire paid employment, classify themselves as engaged in 'home duties'. Low levels of registration of unemployed women also contribute to an underestimation of the level of female unemployment.

Non-employment a labour market challenge

A significant proportion of women outside the formal labour force may be seen as constituting a hidden labour supply. Flows of women between categories, such as unemployed, engaged in 'home duties', partially employed and employed reveal a fluid and changing picture of women's economic position. To get a better picture of the economic situation of women, different kinds of non-employment (inactivity and unemployment) can be explored.

Patterns of non-employment differ significantly between women and men, between Member States and between age groups. Within the younger age group, 15 to 24 years, female non-employment (65 per cent) is significantly higher than male non-employment (56 per cent). Less than ten per cent of these are recorded/registered as unemployed. Full-time participation in education accounts for between 30-40 per cent of the non-employed in this age group, but this still leaves a significant level of recorded inactivity among young people. Young women account for the majority of those young people recorded as 'fully inactive'.

Ineligibility for unemployment payments, linked to under-registration as unemployed, may account for varying amounts of this 'inactivity'. In other instances, unregistered or illegal employment may be taking place. It is also likely that discouragement from the labour market and from the educational and training system has resulted in long-term inactivity.

In the middle age groups, non-employment levels are lower, but gender differences are more marked.

It is likely however, that unpaid, unregistered and illegal paid work is being carried out by some women who are statistically recorded as 'inactive'. The level and extent of this is impossible to estimate. Irregular paid work for varying hours and time periods carried out by women and also by young people, frequently lies outside the scope of statistical data. In addition, significant numbers of women are engaged in unpaid community and voluntary work, as well as unrecorded participation in homeworking, family-based enterprises and extended family and community support systems.

Younger women seize educational advantages

A marked fall in economic activity rates has taken place in the younger age group (under 25 years) as educational participation has risen. Among young men a clear fall in activity rates is evident, while among young women a rise in both education/training participation and activity rates have taken place at the same time. Reflecting a rising activity rate among women of all ages, this dual tendency is particularly evident in Member States where activity rates have traditionally been low.

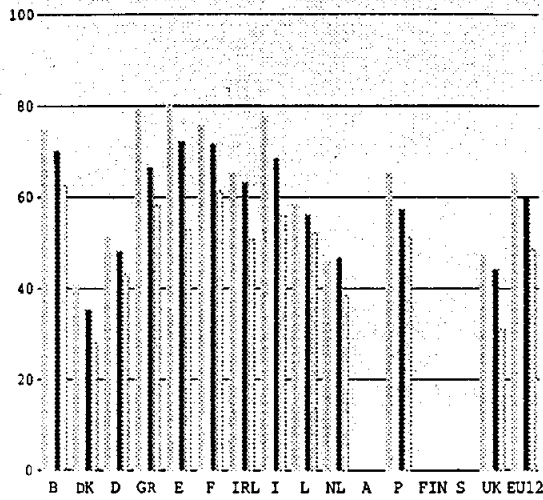
The influence of the demographic factor

A pronounced feature of labour force change in the European Union over the period 1980 to 1995 has been the decline in activity rates among the older age group. The rate of decline has decreased significantly in the latter part of the 1980s and early 1990s, to the point that small increases have begun to occur in individual countries, such as Italy. The greater part of this decline is accounted for by the fall in the numbers of men who made up the large majority of those in the workforce aged over 65 years.

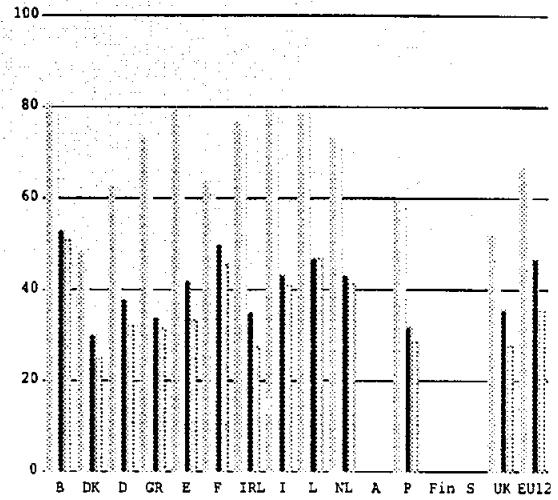
Among the group between 50-64 years, non-employment rates are generally higher. Two out of every three women and one out of every three men in this age group are recorded as not in paid employment. Inter-country variations are very pronounced.

NON EMPLOYMENT AND INACTIVITY RATES OF WOMEN AND MEN IN THE EUROPEAN UNION (%), 1994

**TABLE 4
AGED (15-24 YEARS)**



**TABLE 5
AGED (50-64 YEARS)**



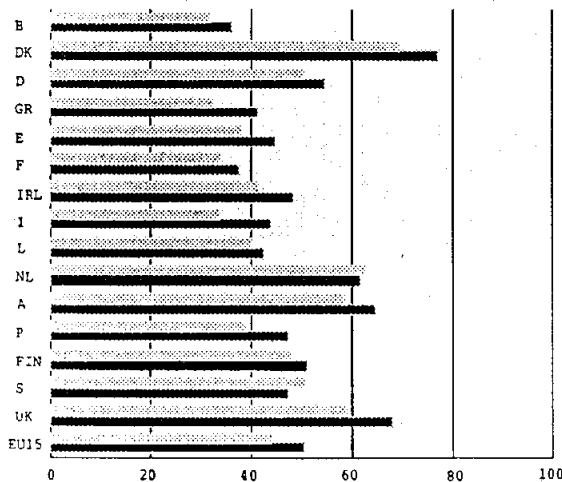
SOURCE: EUROSTAT (LFS)

NOTE: NON EMPLOYMENT: UNEMPLOYMENT AND INACTIVITY AS SHARE OF WORKING AGE POPULATION.

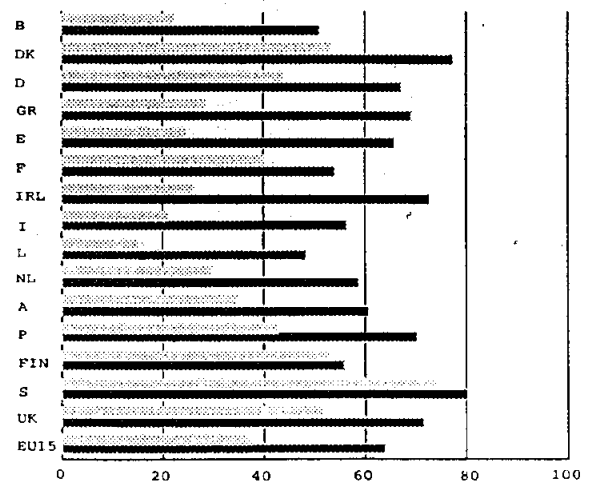
WOMEN NON-EMP MEN NON-EMP
WOMEN INACTIVE MEN INACTIVE

ACTIVITY RATE OF WOMEN AND MEN IN THE EUROPEAN UNION (%), 1995

**TABLE 6
AGED (15-24 YEARS)**



**TABLE 7
AGED (50-64 YEARS)**



SOURCE: EUROSTAT (LFS)

WOMEN
MEN

Importance of educational attainment

Variations in employment and non-employment rates within countries and among different groups of women are linked to other factors as well as age. Different levels of educational attainment are often reflected in different patterns of activity rates among women in the European Union. Higher rates of educational attainment are generally matched with higher rates of economic activity. In all Member States women who left school after completion of the lower cycle of secondary education have below average activity rates. At the other end of the spectrum, above average activity rates occur among women with university education in all Member States.

Taking the critical age group, 25 to 64 years, the pronounced impact of educational attainment among women may be discerned.

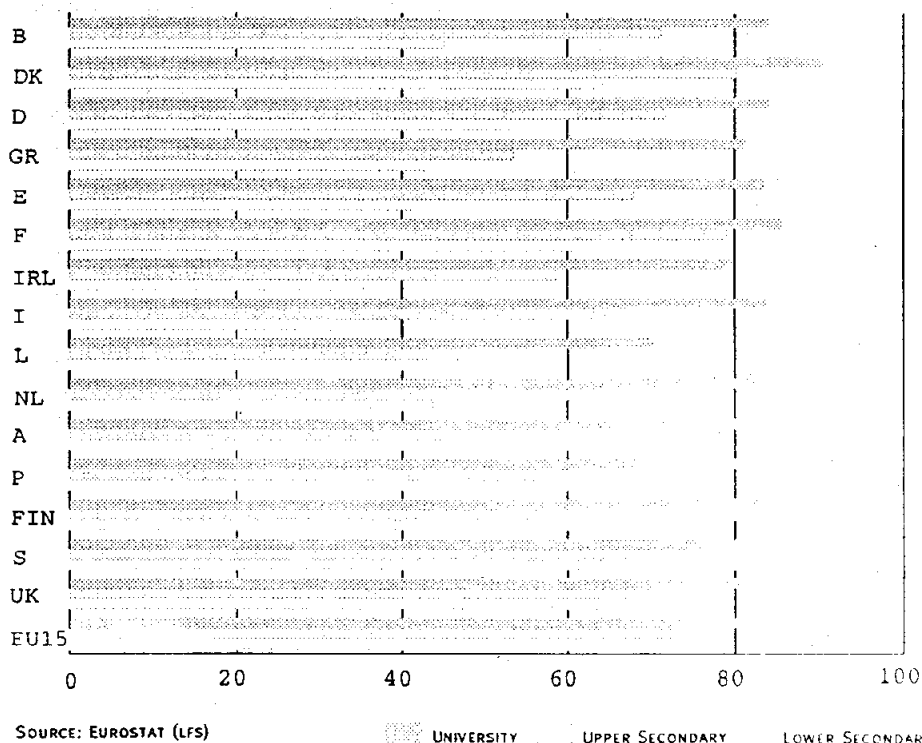
Women returning to the workforce

Prolonged absence from the formal labour market, during a period of profound economic

change and high unemployment, may discourage or make it difficult for women to re-enter the paid registered workforce. For women with specific skills and higher levels of educational attainment, this transition is more easily accomplished. Low grade service employment is the more likely option for women without such qualifications or alternatively further involuntary inactivity, perhaps combined with some unregistered employment.

Structural economic change has had a negative effect on the employment rate of the 50-64 age group. High unemployment levels linked to widespread redundancies have been a feature of employment change over the last ten years. Early retirement schemes may also have encouraged older workers to leave the labour market prematurely. Difficulties of re-entering the labour market are particularly acute among older workers who have fewer opportunities for retraining and tend to be less mobile. In this respect, older workers (both male and female) share some common problems with women in re-entering fast changing labour markets.

TABLE 8
ACTIVITY RATE OF WOMEN BY LEVEL OF EDUCATIONAL ACHIEVEMENT
IN THE EUROPEAN UNION (%), 1995



The gender influence on employment status

The vast majority (over 86 per cent) of women in employment in the European Union are employees. Just under ten per cent are self-employed, around four per cent are family workers. A significant agricultural sector is the key variant in differences between Member States.

An emphasis on labour market flexibility has brought with it an increase in atypical jobs within the European Union, a trend which has been particularly evident since the mid-1980s. Atypical employment has been a feature of employment growth within the services sector, in particular where women account for a large majority of part-time and casual workers. 83 per cent of part-time workers, 70 per cent of family workers and 50 per cent of temporary workers in the European Union are women. By contrast, 75 per cent of self-employed workers are men (see Chapter 3).

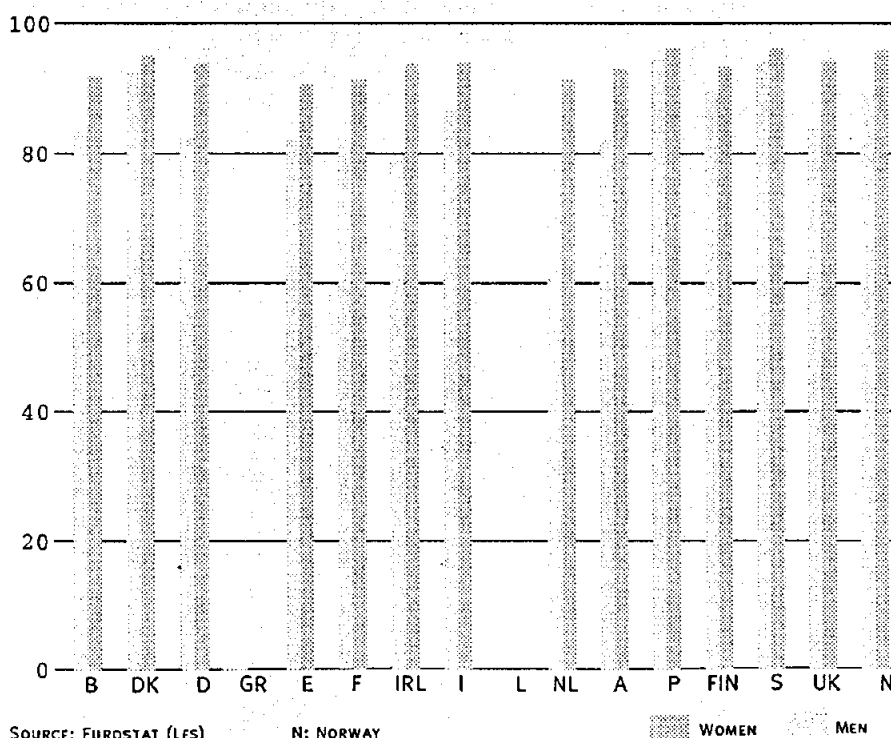
Highest rates of part-time employment occur in the Netherlands and the UK, where 67 per cent and 44 per cent respectively of women work

part-time. Lower rates of part-time employment are found in Belgium, France and Ireland and the lowest rates in southern countries. Part-time work is most prevalent in female-dominated and lower-paid jobs. Women part-timers are frequently also on fixed term contracts, an employment status which is also on the increase among women workers. 15 per cent of women employees were on fixed term contracts in 1995, compared to ten per cent in 1985. The incidence of fixed term contract employment is particularly high in Spain and low in Luxembourg and Belgium.

Persistent occupational segregation

Occupational segregation on the job market continues to be very pronounced despite changes in the structure and level of employment. Gender divisions on the labour market persist, and in some instances intensify, in parallel with the increasingly service-dominated nature of employment in the European Union. Manufacturing employment traditionally separated women and men into distinct sub-sectors and this has tended to combine with gender division in the job struc-

TABLE 9
ACTIVITY RATE OF WOMEN AND MEN (25-64 YEARS), HAVING ATTAINED
UNIVERSITY EDUCATION IN EUROPE (%), 1995



ture itself. The growing services sector also reveals both new and traditional gender demarcation lines between different occupations.

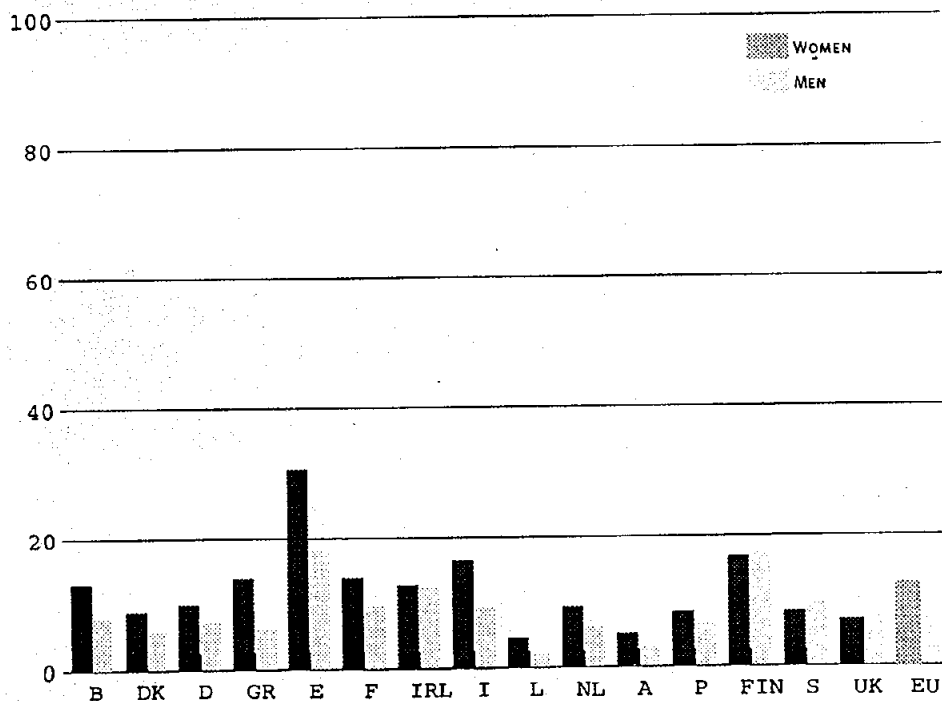
The key occupations for women workers within the European Union as a whole are: service workers, clerical (and related) workers, sales workers and professional, technical (and related) workers. All of these are service occupations and women account for at least half of the workers in these categories, ranging from 50 per cent of professional and technical workers to 66 per cent of service workers. Other occupations are strongly male dominated; 84 per cent of production, transport, labourers (and related) workers, 77 per cent of administrative and managerial workers and 66 per cent of agricultural and related workers.

Statistical data for southern Member States reveal a strong gender mix in agricultural employment, although men are more likely to be self-employed compared to women. Women are far more likely to be family workers, for example in Greece, where two-thirds of women agricultural workers are family workers (compared to 15 per

cent of men). A large portion of these are likely to be unpaid. A different picture is apparent in Ireland, where women hold only ten per cent of agricultural jobs. Yet some common patterns are evident: over 40 per cent of women agricultural workers in Ireland are family workers, compared to only ten per cent of men. It is also likely that unrecorded economic activity as family workers occurs in Ireland and in all countries with a significant agricultural base.

Female job growth has been concentrated in two occupational areas: professional jobs and clerical jobs. Increases in female production jobs took place in those countries in which women increased their representation in the industrial sector: Portugal, Spain and Greece. Female shares of clerical work have been rising in southern Member States while women's representation in professional jobs has risen in a range of different countries. Improved qualification and skill levels have opened up new opportunities for some women in professional employment but managerial and administrative jobs remain overwhelmingly male. Public sector employment is a key source of professional job opportunities for

TABLE 10
UNEMPLOYMENT RATE OF WOMEN AND MEN IN THE EUROPEAN UNION (%), 1995



SOURCE: EUROSTAT (LFS)

women, although gender-based patterns of employment occur here also. For example, teaching jobs are largely female in all countries, accounting for as much as 70 per cent of the total in Italy and Portugal.

Continued growth in services

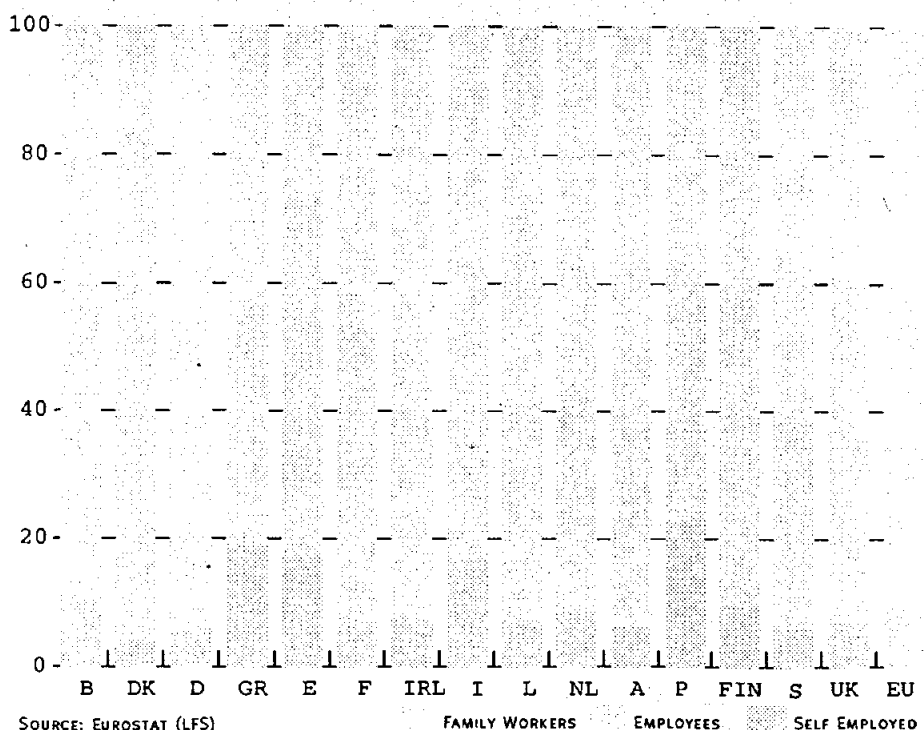
The service industry is the most important and growing sector of female employment in the European Union. As women across the Community have increased their share of employment over the last decade, their employment has become even more strongly concentrated in services. Job losses in agriculture, together with only marginal job growth in manufacturing, have resulted in a greater reliance on opportunities in services among the growing numbers of women seeking access to paid employment. Over 70 per cent of women's jobs are in the services sector, ranging from just over 50 per cent in Greece to nearly 90 per cent in Luxembourg and the Netherlands. Nearly half of all service jobs in the European Union are today carried out by women, although there is considerable variation between Member States. Women account for just

over a third of service employment in Greece, but over half of service employment in Denmark.

Service sector jobs have the highest rate of part-time employment across all occupational groups. Nearly one third of the women employed in service jobs in the European Union are part-timers and in certain countries the picture is even more marked. For example, in the Netherlands 68 per cent of all service jobs are filled by part-time women workers. But not all female-dominated jobs have such high rates of part-time employment. Clerical work has a much lower percentage (28 per cent) of part-time jobs although it is the most feminised of all the occupational groups.

The changing composition of female employment reflects the wider process of employment restructuring within the European Union. Agricultural employment has declined, more or less consistently, since the early 1970s. Over the last ten years, the fall in women's agricultural employment has been most marked in Finland, Spain and Portugal. But it is those economies with an above average proportion of women agricultural workers, for example the southern States,

TABLE 11
WOMEN IN EMPLOYMENT BY PROFESSIONAL STATUS IN THE EUROPEAN UNION (%), 1995



where the impact of agricultural job loss is the most significant. For example, agricultural jobs account for one in four women workers in Greece, one in eight in Portugal and one in 14 in Spain and Italy. In Greece and Portugal, agriculture is more important as a source of female than of male employment. In Spain and Ireland, agriculture is a more significant employer of men than of women.

Recent changes in female industrial employment show great variation, as well as contrasting trends, between Member States. In a number of countries, female industrial employment has grown over the last decade, notably Spain, Ireland, Belgium, Denmark, Germany, the Netherlands and Portugal. The rate of increase over the period has been particularly striking (over 20 per cent) in Germany, Ireland and the Netherlands. In others, such as France and Italy, it has declined. Industrial employment growth among women has occurred in Member States with a below average level of women's industrial employment as well as those with relatively high industrial employment; in countries with above average female activity rates as well as those with below average activity rates.

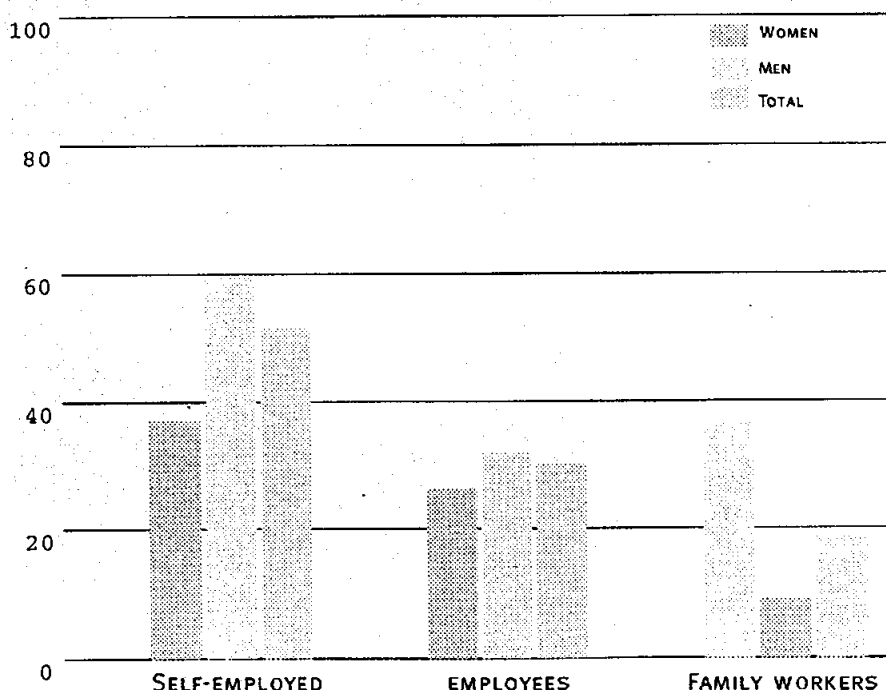
Selected occupational groups

A greater inter-country variation occurs among the craft and related trades, which are 29 per cent female in Portugal but only four per cent female in Luxembourg. Ireland, Italy and Greece also reveal relatively high representation (over 15 per cent) of women employed among craft and related trades workers. Most countries have fairly similar proportions of female legislators and managers, between 20 and 30 per cent, except for Italy where the representation of women is particularly low at 15 per cent.

Little change in the gender pay gap

Despite the fact that many more women are in paid employment in the European Union today than was the case a decade ago, there have been only slight variations in the gender pay gaps in different countries. On the basis of harmonised but very limited data provided by EUROSTAT, women in Europe earn, on average, about 20 per cent less than their male counterparts. Although women have increased their share of administra-

**TABLE 12
EMPLOYMENT STATUS OF WOMEN AND MEN IN AGRICULTURE
IN THE EUROPEAN UNION (%), 1995**



SOURCE: EUROSTAT (LFS)

tive, technical and managerial jobs which are relatively well paid, a large proportion of the growing numbers of women in employment are in low-paid casualised service jobs. Consequently women's average pay levels have remained low and the gap between male and female earnings persists.

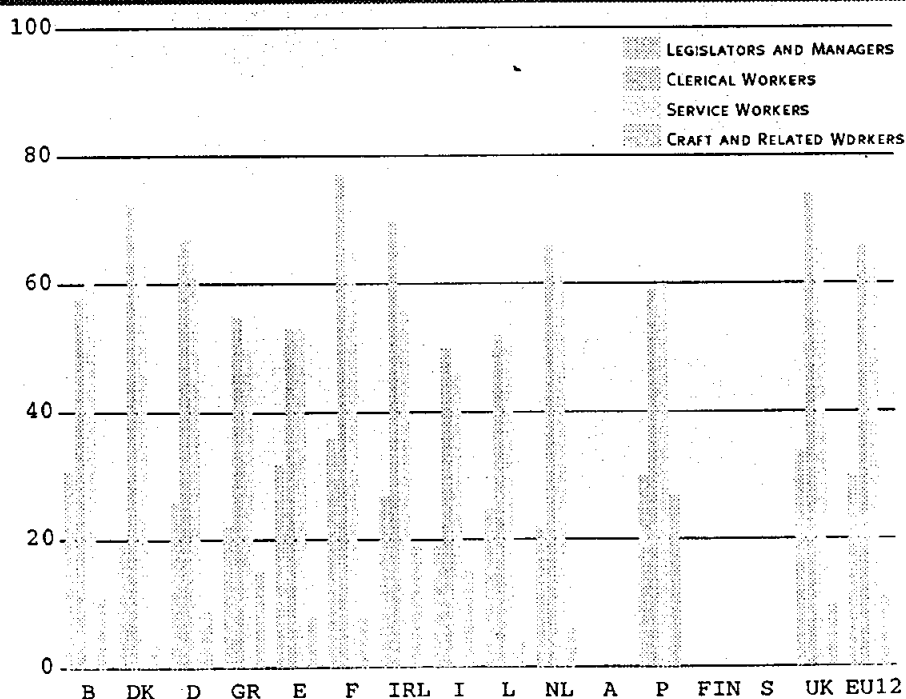
Gender pay differentials exist to different degrees in every Member State and in both manufacturing and service employment. They reflect the unequal position of women and men in the labour market. Across the European Union, among manual workers, women earn between 65 per cent and 90 per cent of men's average pay. The gender pay gap is narrowest in Sweden, Finland and Denmark and widest in Austria, Ireland, Luxembourg and the UK. Among non-manual workers (for which data is more limited), the gender pay gap is wider.

A concentration of women in low paid jobs and the occupational segregation on the labour market are two key factors which contribute to the persistence of the gender pay gap across the European Union. Women are between two and three times more likely to be low paid than men. Between 20 per cent and 40 per cent of full-time

women workers are recorded as low paid in the different Member States. Clothing, textiles, banking and retailing are all examples of sectors which are important employers of women, but where women earn, on average, only 63 per cent of male earnings.

The scale of low pay among women is a result both of their concentration in low paid jobs and also of the level of low pay in the different countries. In those Member States where strong statutory protections exist, for example a minimum wage, the pay gap between women and men tends to be narrower (for example Sweden, France and Italy). In those countries without such protections, the pay gap tends to be much wider, for example in the UK and Ireland. Other factors also play an important role, such as the nature of pay bargaining systems and pay structures, the implementation of equal pay policies and different legal and administrative structures.

TABLE 13
WOMEN AS A PROPORTION OF OCCUPATIONAL GROUPS
IN THE EUROPEAN UNION (%), 1995



SOURCE: EUROSTAT (LFS)

Conclusion

Gender lines on the labour market are reflected in the level of female participation, the influence of factors such as age and motherhood, as well as the kinds of jobs women do. Women's activity rates vary much more significantly through the life cycle than male participation. Combining economic, family and social roles is a feature of women's situation to a greater or lesser degree in all Member States. Consequently, patterns of employment are more irregular and uneven than those of men.

Recent trends in employment show a consistent growth in the proportions of women who are integrated into the formal labour market and a decline in the proportions of men. The European Union labour force has become concentrated into a narrower age range, from 25 to 60 or 65 years, despite the ageing of the population as a whole. Lack of employment growth and job loss in agriculture and industry have had a negative impact on male employment, while the growth in service employment has resulted in more opportunities for women. A disproportionate share of recent

job growth has been accounted for by a growth in part-time employment, much of which has taken place in the services sector and is carried out by women.

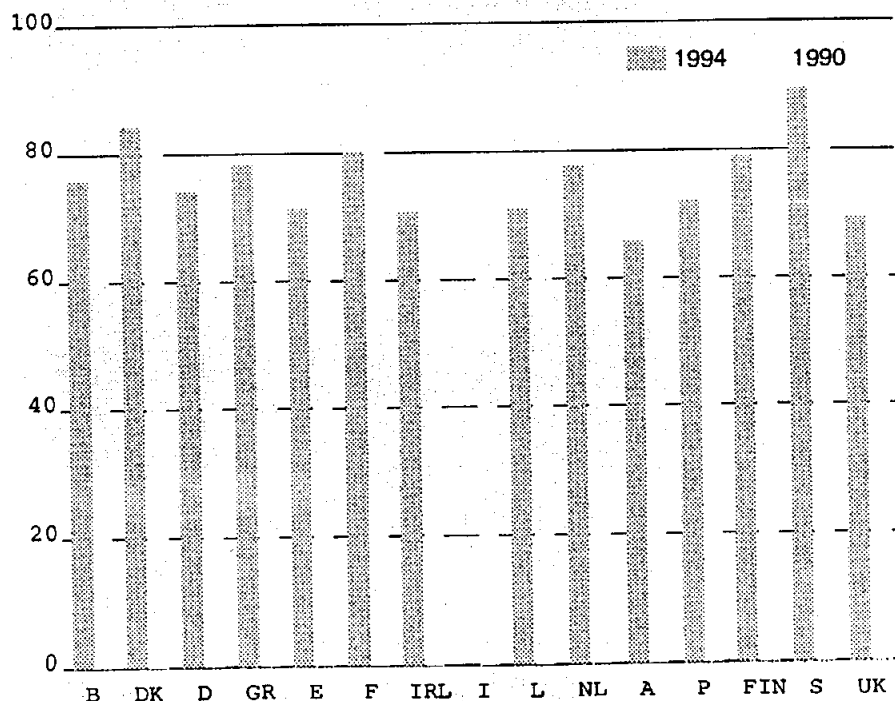


THE EUROPEAN EMPLOYMENT STRATEGY AND NATIONAL MULTIANNUAL PROGRAMMES

The European employment strategy

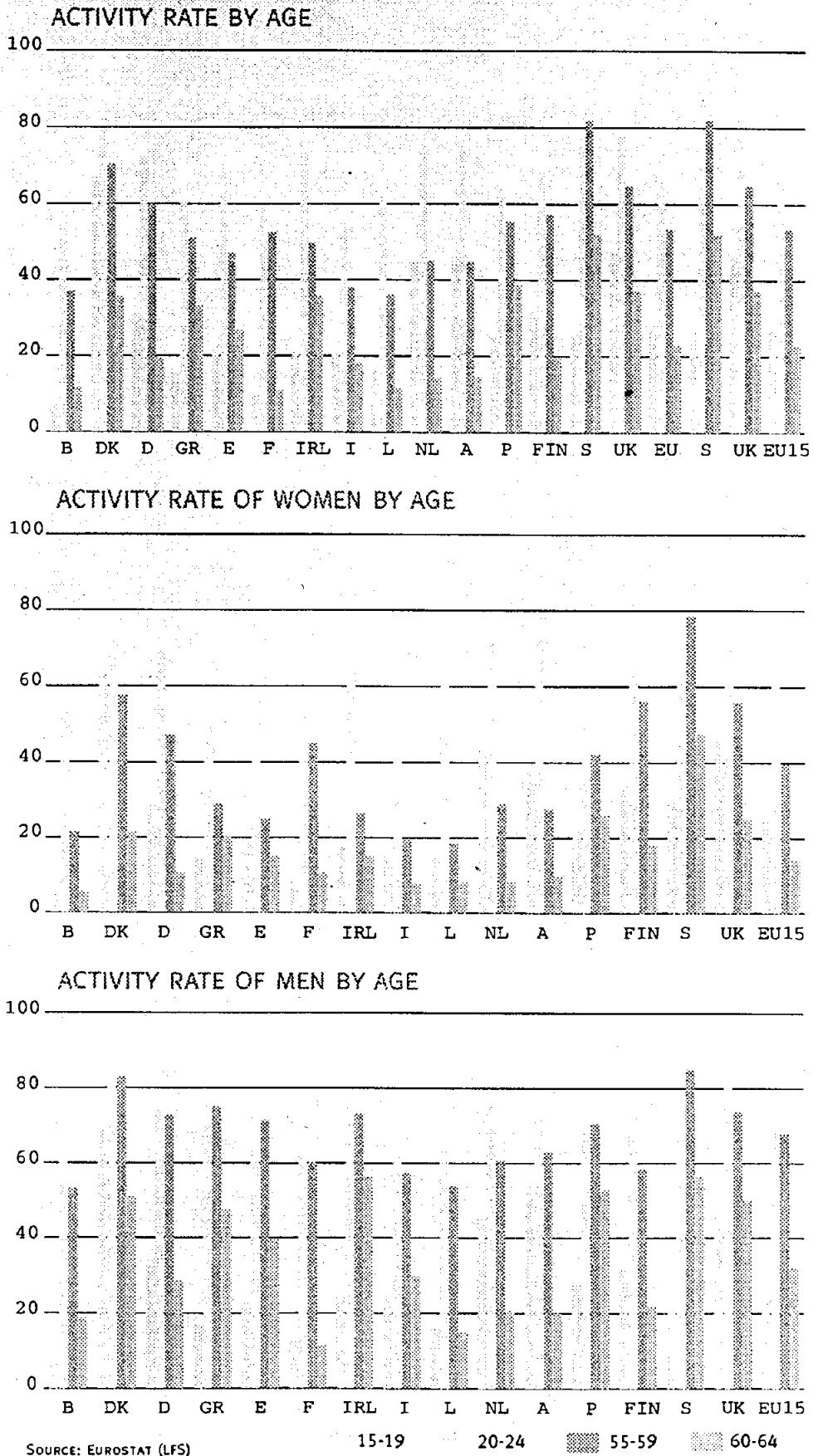
Unemployment is the major challenge faced by the Union and the Member States. During recent years, progress has been made towards the adoption of a European employment strategy. The Essen process launched at the European

TABLE 14
THE EARNINGS GAP, WOMEN MANUAL WORKERS, AVERAGE HOURLY EARNINGS AS A PERCENTAGE OF MEN'S, EUROPEAN UNION, 1990-1994



SOURCE: EUROSTAT - HARMONISED STATISTICS OF EARNINGS
 NOTE: DATA FOR FRANCE 1991, LUXEMBOURG 1989, AUSTRIA, FINLAND, SWEDEN 1993.

TABLE 15
ACTIVITY RATE BY AGE IN THE EUROPEAN UNION (%), 1995



ESSEN PRIORITIES

The extent and consequences of unemployment in Europe gave rise to the White Paper 'Growth, Competitiveness and Employment'¹ which proposed measures in the fight against unemployment. Based on proposals in this White Paper, Heads of State and governments of Member States at the Council of Essen in December 1994 identified measures to be taken in five key areas to improve the employment situation.

THE FIVE PRIORITIES OF ESSEN:²

- Improving employment opportunities for the labour force by promoting investment in vocational training. To that end a key role falls to the acquisition of vocational qualifications, particularly by young people. As many people as possible must receive initial and further training which enables them through life-long learning to adapt to changes brought about by technological progress, in order to reduce the risk of losing their employment.
- Increasing the employment-intensiveness of growth, in particular by:
 - more flexible organisation of work in a way which fulfils both the wishes of employees and requirements of competition;
 - a wage policy which encourages job-creating investments and in the present situation requires moderate wage agreements below increases in productivity;
 - finally, the promotion of initiatives, particularly at regional and local level, that create jobs which take account of new requirements, for example, in the environmental and social services spheres.
- Reducing the non-wage labour costs extensively enough to ensure that there is a noticeable effect. Non-wage labour costs can only be resolved through a joint effort by the economic sector, trade unions and the political sphere.
- Improving the effectiveness of labour-market policy: the effectiveness of employment policy must be increased by avoiding practices which are detrimental to readiness to work and by moving from a passive to an active labour market policy. The individual incentive to continue seeking employment on the general labour market must remain. Particular account must be taken of this when working out income-support measures.
- Improving measures to help groups which are particularly hard hit by unemployment. Particular efforts are necessary to help young people, especially school leavers who have virtually no qualifications, by offering them either employment or training.

The fight against long-term unemployment must be a major aspect of labour market policy. Varying labour-market policy measures are necessary and must accommodate the very varied groups and requirements of the long-term unemployed. Special attention should be paid to the difficult situation of unemployed women and older employees.

¹ European Commission, Office for Official Publications, Luxembourg, 1994, ISBN 92-826-7423-1.

² European Council: Meeting of 9 and 10 December 1994 in Essen, SN 300/64.

Council (December 1994) made it possible to strengthen cooperation between Member States on this issue. To reinforce this approach and to involve all interested actors, the President proposed a Pact of Confidence 'Action for Employment in Europe'.

The multiannual programmes of the Member States

The Essen European Council urged the Member States to transpose these recommendations in their individual policies into a multiannual programme having regard to the specific features of their economic and social situation. It requested the Labour and Social Affairs and Economic and Financial Affairs Councils and the Commission to keep close track of employment trends, monitor the relevant policies of the Member States and report annually to the European Council on further progress in the employment market.

Accordingly, the Council and the Commission jointly prepared a single report on employment which was submitted to the European Council of Madrid in December 1995.

Each Member State has drawn up a multiannual employment programme in which each country has set out the policies which it has developed and implemented within the framework of the priorities of Essen. This joint effort for fighting unemployment is a particularly interesting initiative in that it enables priorities identified by the different countries to be singled out and national sensitivities in the interpretation of those priorities to be better appreciated.

In this first round of programmes, the issue of equal opportunities for women and men has not been developed as a core theme and the accent has been clearly placed on the struggle against unemployment.

Certain countries have not tackled the subject of equal opportunities even though they have active policies in this area to which it would be easy to make reference. This applies to the French, Belgian, Danish or Finnish programmes. Seven countries refer to policies in favour of

THE CONFIDENCE PACT 'ACTION FOR EMPLOYMENT IN EUROPE'

The European Pact of Confidence 'Action for Employment in Europe' was presented to the Florence Council in June 1996. It aims in particular 'to fully mobilise all the actors in a comprehensive strategy', to make better use 'of the multiplier European effect' and to 'incorporate the fight against unemployment in a medium and long-term view.'

With regard to employment systems, the Commission's proposals refer in particular to:

The reform of national employment administration systems (Member States)

- simplify recruitment and company-formation support schemes: one-stop shops and re-employment vouchers;
- personalised support for job-seekers by placement services.

Mobilisation of local actors (Commission, Member States, local authorities)

- decentralise employment systems;
- promote local initiatives for development and employment.

Employability of young people

- joint initiative by social partners on integration of young people (social partners);
- development of scheme based on Youthstart and Leonardo (Commission, Member States).

Greater coherence between direct taxation and replacement income

- debate and common policy on the future of the social protection (institutions, Member States, social partners).

and to major projects on the future of work:

New forms of work organisation

- commitment by social partners to establishing a European contractual framework for organisation of work and flexibility (social partners);
- structured debate on organisation of work and working time (institutions);
- Green paper on social and societal aspects of information society (Commission).

Education and training as key to the door of employment

- proposal on the lifelong access to and validation of skills;
- development by social partners of a reference framework for access to skills (social partners);
- action plan on learning in the information society (Commission);
- development of an Erasmus apprenticeship scheme (Commission);
- development of a system of European articles of apprenticeship (Commission, Council, social partners).

CHART 2: MEASURES CONCERNING EQUAL OPPORTUNITIES IN THE MULTIANNUAL PROGRAMMES

Country	Priority I-Training	Priority II-Employment/Growth	Priority III-Secondary costs	Priority IV-Active Policies	Priority V-Target Groups
Belgium					
Denmark					
France					
Finland					
Ireland	-apprenticeship measures favouring the inclusion of women -women returning to work -promoting equality				-grants for creating 2,700 jobs for women aged 18/64
Greece					-women returnees -ministry for women's promotion
Luxembourg	-training in office technology for women returning to work				-combining care duties and paid jobs -improve the position of women in companies -participation of women in technical education and trades
Netherlands					-flexible work-patterns -training for women returnees -lone parents -EO legislation
United Kingdom					-promotion of women in full-time, part-time and temporary employment -subsidies to go back to work or enter professions where there are few women
Spain					-Employment Promotion Law/women must be supported in accordance with their share of the unemployed -Objective III of the European Social Funds
Germany					
Italy					
Portugal		-measures to assist mothers and fathers; maternity leave, part-time flexible time			-training -incentives: increase of 20% of the sum paid for recruiting women into occupations where they are under-represented -local development initiatives
Austria	-special measures for women -acceptable access in terms of timetable and location	-working hours -low income linked with part-time work -impact of part-time work with pensions -income -reduces the income gap between women and men			-measures in vocational training -flexible training measures -qualified part-time jobs -support for women with care duties -reduce career breaks taken by women to reduce income differences
Sweden	-major role in braking sex differentiation in the labour market -public sector: programme to develop skills of women	-loans to women entrepreneurs		-equal opportunity projects to widen the labour market share available to women	

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women: Greece, Luxembourg, the UK, the Netherlands, Spain and Germany. In the Italian programme, there is a big emphasis on equality in the introduction.

A third group of countries looks at the issue of equal opportunities for women and men in the different parts of their submissions: Ireland, Portugal, Austria and Sweden. The long-term proposals of Austria and Sweden differ markedly, showing a more active concern with equal opportunities.

In the introduction to the Swedish programme, the following statement is presented:

'The labour market situation of women has improved in Sweden over the past three decades and has become more equal with men. In particular, there has been a greater increase in women's participation in the labour force and in the activity rate. Despite a considerable decrease at the beginning of the 1990s, it remains at a very high level compared with other countries. In 1994, the activity rate difference between women and men in Sweden was only 1.5 per cent. This trend has been supported by deliberate policy moves such as active labour market policies, comprehensive child-care facilities, favourable parental insurance and separate taxation for husband and wife.'

Improving employment opportunities for the labour force by promoting investment in vocational training

All Member States mention several training programmes which include in-service training as well as continuous education. These are often targeted at young people. No country makes the distinction between young women and young men, although the former experience special problems for which there should be specific policies.

Austria and Ireland are the only countries which supply a gender perspective in their vocational training programmes. The Austrian programme states: 'Employment training has the following key aims:

- stimulating a shift in workforce structure towards 'high skills', 'white collar' work, 'non-manual employment' (particularly for women).
- measures for specific target groups (women, older people, long-term unemployed, disabled persons)'.³

In addition, steps are required to create training opportunities with acceptable access (in terms of timetables and locations).

In Ireland, the programme for investment in vocational training includes special initiatives to support increased participation of women in apprenticeship, it also deals with women returning to work and the promotion of specific equality measures.

Increasing the employment - intensiveness of growth

In this section, one finds two approaches, that of the UK on the one hand and Luxembourg on the other.

In the UK programme, the approach highlighted is one of getting rid of 'unnecessary barriers to job creation'. The approach of Luxembourg is more cautious, not confusing flexibility and deregulation and reads as follows:

'The notion of flexibility cannot be used as a pretext to challenge social protection. In the spheres where the unions and management agree, however, on elements of flexibility, without at the same time, undermining social protection, the Government will not oppose such collective agreements'.³

In the Austrian programme, the same reservations can be found: 'Experience in Austria suggests that the employment effect of measures to increase the flexibility of working time is uncertain, given that flexible employment of labour can also reduce employment opportunities for other workers. The current discussion in Austria on expanding the opportunities for choice in legislation governing working time will, in any event, need to balance worker and employer interests.'

³ Avis du comité de coordination tripartite du 8 mars 1994.

NEW JOB OPPORTUNITIES

In 1995 the Commission published a Communication on a European Strategy for Encouraging Local Development and Employment Initiatives (LEI).⁴

Seventeen areas of employment were listed, the development of which is linked to contemporary factors examined by a working party set up to consider these questions. The principal areas are summarised below:

- Services at home
- Childcare
- New information and communication technologies
- Assistance for youth with problems needing to be reintegrated into society
- Housing improvements
- Security
- Local public transport
- Redevelopment of public urban spaces
- Local shops
- Tourism
- Audiovisual techniques
- Cultural heritage
- Local cultural development
- Waste management
- Water management
- Protection and maintenance of green areas
- Pollution regulations and controls and related equipment.

A more flexible organisation of work

Policies regarding working time vary little from one country to another. They are based on the need to develop part-time work. Certain countries mention progressive early retirement and reduction of overtime as possible strategies. Uniform reductions of the working day are less prominent. Certain innovations with regard to job sharing appear in the Belgian and French programmes.

Several countries are embarking on deregulation of part-time work. This is happening in Spain where '...notable amongst the measures adopted in the reform to improve market flexibility are the modifications made to the part-time contracts so as to promote its use ... greater flexibility in the working day, reduction in social security in activities not exceeding 12 hours per week or 48 hours per month.'

Austria makes a special point of emphasising the risks to which workers who engage in part-time work are exposed: 'In the Austrian view, although further encouragement may bring about a statistical reduction in unemployment, this is at the cost of an increasing number of jobs that do not provide sufficient income to live on. The labour law legislation accompanying the pension reform introduced statutory protection for part-time employees to guarantee equivalence with full-time employees.'

A wage policy which encourages job-creating investments

In Luxembourg, generalised measures are not proposed. There is confidence that unions and management will exercise restraint in the sphere of salaries where this is found to be necessary. The UK advances ideas concerning the removal of centralised collective bargaining and the idea that wage levels should reflect economic conditions.

In Sweden, 'measures have been adopted to make life easier for new companies' which include special loans for women entrepreneurs.

⁴ OJ C 265 of 12.10.1995.

The promotion of initiatives

These are sparsely covered by the proposals, except for Belgium and France where there is provision. In Luxembourg, a working party is looking into the possible effects of teleworking and working from home on work creation as well as the more negative social aspects.

In Germany many measures were taken to promote local employment initiatives in the fields of environmental protection, social services and child and youth welfare activities. Since January 1993, there has been the opportunity to support the employment of jobless persons in the above mentioned fields by means of lump-sum wage subsidies in the new Länder. Since January 1995 this measure has been extended to unemployed persons in the western part of Germany. In Denmark, pool jobs will be used to activate unemployed persons in the fields of care of elderly persons, sick persons, small children as well as for improved environmental protection activities. In Ireland, there is insistence on the development of local development initiatives on jobs.

Environmental protection and management without references to the creation of specific jobs are of major concern in the Swedish and Finnish programmes.

Other Member States consider support for enterprise creation and independent and self-employment under this heading.

Reducing non-wage labour costs

Under this heading, the burden of taxation and contributions which fall on the individual are discussed. Sweden maintains that its individualised taxation system has contributed greatly to the high degree of equality between women and men observed in that country. Taxes levied for the purpose of environmental protection are seen as measures designed to balance public finances.

Other countries propose measures designed to reduce indirect employment costs: those targeted being the young, the older unemployed, long term unemployed or those on low wages.

*MUNICIPALITY OF MADRID - SPAIN***WHEN CITIES UNITE THE FORCE OF WOMEN**

Women experience huge difficulties in getting a job in a country like Spain where the unemployment rate beats all records. A number of towns in the region of Madrid have grouped themselves into a project on the subject. 'Red Local' (local network) aims to support the occupational integration of women of the region by a training policy adapted to the needs of the different town partners.

The towns involved are Arganda del Rey, Rivas Vaciamadrid, San Fernando de Henares, Tres Cantos and La MISCAM (a consortium of local authorities of the south east of Madrid). Red Local is supported by the EMPLOYMENT-NOW Initiative.

One of the features of this project is that it wants to position itself as close as possible to the women of the area. The first stage was the launch of a sociological study designed to analyse the situation town-by-town and detect all the barriers to hiring.

Parallel to this, a walk-in centre was set up in every local authority area to enable women to come individually and review their job prospects.

From this point on, training plans were developed within the traditional structures of INEM (National Employment Agency).

'First of all we use what already exists and then complement this with specific courses,' explains Gloria Reguero of the Red Local project. 'We adapt what exists to women's demands, but also, and this is an important point, to local niche markets in employment. What is the point of good training if it does not help women to get a job in their own area? This is how we have guided some of the 120 women who are being supported, towards occupations linked to the environment like recycling and gardening, just as in the same way we support businesses started up by women.'

The strength of the municipal authorities who make up Red Local was to know how to group themselves together to be stronger overall while at the same time staying close to the daily lives of women. This is why jobs in the future will try to take account of the family needs of women by adjusting, for example, working hours.

MAJOR EFFORTS IN THE FIELD OF EDUCATION AND TRAINING AT EUROPEAN LEVEL

EDUCATION

Various actions in the field of education can contribute to the promotion of equal opportunities for women and men: public awareness, teacher training, educational and curricular material in order to eliminate sex stereotyping, diversification of choice in field of study and career.

The SOCRATES⁵ programme of educational cooperation attributes priority to projects that take account of equal opportunities for women and men. However the implementation of the principle of integrating equal opportunities is a long term process which demands increased efforts in raising of awareness among actors promoting Community projects, and at the same time it requires a deeper understanding of the principle of equality in the framework of coherence between Community policies and evaluation in the sphere of education.

TRAINING

An improvement in women's qualifications is important for equal opportunities. The European Commission has decided to be more pro-active towards equal opportunities in the projects to be funded under LEONARDO DA VINCI.⁶ The Commission actively encouraged the project applicants to develop positive action projects intended to encourage women (or men) to participate in areas where they are traditionally under-represented as well as in those which are open to women and men.

⁵ Council Decision of 14.3.1995, OJ L 87 of 20.4.1995 p.10.

⁶ Council Decision of 6.12.1994, OJ L 340 of 29.12.1994 p.8.

Improving the effectiveness of labour market policy

In this section are set out a range of different measures. Some measures promise to amend legislation acting as a restraint on jobs; others support policies which put in place systems favouring the matching of supply and demand on the job market by the setting up of more effective employment services.

Regarding amendments to social protection measures, the reservations of the Luxembourg government are set out: 'The Luxembourg government rejects the notion of undifferentiated deregulation as being the miracle cure for unemployment. There is no evidence to suggest that dismantling employment legislation by means (*inter alia*) of a reduction in the number of redundancies, or by the abolition of legal minimum wages, would create jobs. On the contrary, the Luxembourg experience shows that strict social legislation in no way prevents job creation even during times of economic recession'.⁷

Improvement in the performance of public services is addressed by a Luxembourg proposal on the obligation to advertise job vacancies and to notify lay-offs/redundancies publicly. This idea has been taken up by Greece as well and merits further study as it may help to reveal gaps existing on the job markets. The fight against the irregular or underground economy and geographical mobility are other themes covered in this section.

Improving measures to target specific groups

Five countries do not mention women among the groups particularly affected by unemployment.

These initial plans have focused on unemployment and have left equal opportunities between women and men to one side even in countries where such policies are being actively pursued.

⁷ La politique de l'emploi au Luxembourg à l'Horizon 2000. Ministère de l'Emploi et du travail, Luxembourg, 1995.

BERLIN-WOMEN GO INTO BUSINESS

The biggest business centre for women entrepreneurs in Europe is being built in the eastern part of Berlin in Germany. A former cosmetics factory of 5,500 square metres floor space on six floors, plus a new building, are the foundations for fifty planned business enterprises, that are to be managed by women exclusively. Thirty four of these enterprises have already been set up, including: a school for electronic data processing, an organisation and business consultancy, an advertising agency, a travel agency, cafés and underwear and stocking shops.

To combine working and living in a satisfactory manner, thirteen apartments were built in the summer of 1996 for the members of the cooperative, called *Weiber Wirtschaft eG* (Business Cooperative). The project is to set an ecological example: workplaces, leisure and shopping facilities have been integrated under the same roof; cutting down on wasteful travelling time.

Special care facilities for the children of working mothers have been provided for as well, since social issues are an integral part of the economy, according to the founders of the co-operative. The building offers affordable and stable rents for business women, the joint use of technical equipment, joint advertising and a centre for conferences, seminars and fairs.

One thousand women of all ages and social backgrounds from all over Germany and from abroad have already joined up as members of this business enterprise that has been co-funded by the European Union. One can sign up for the venture by investing as little as DM 200—. With membership one also becomes a co-owner of the business centre - even though one might have to wait a while before getting a share of the profit! This is because women with a stake in the centre have not yet succeeded in putting up the DM 300,000 share capital required for securing the mixed funding of the new buildings. This is despite funds raised through bank loans, through the backing of the City of Berlin, Federal Government subsidies and the equity the women have raised themselves and despite the supports of funds coming into the project from Brussels in the form of support from the European Social Fund.

The project, which will represent a total investment of DM 34 million - of which DM 12.5 million was the purchase price for the premises to be paid to the *Treuhandanstalt* - has been one of the biggest business ventures founded by the feminist movement in Europe.

THE INFORMATION SOCIETY

The adoption and widespread use of information and communication technologies offers a huge potential for wealth creation and higher standards of living. Many people, including women, are also concerned about the impact of the Information Society on their lives. In its Green Paper 'Living and Working in the Information Society: People First'⁸ the Commission mentioned the key social challenges raised by the transition to the Information Society. It examines how information and communication technologies (ICT's) are reshaping production and work organisation and are transforming peoples lives. The Green Paper acknowledges the fact that people are worried about the social and economic upheaval and rapid change which is taking place in the wake of the introduction of ICT's.

The ICT's also have important implications on people's need for more appropriate training and for continuing updating of skills. This counts for both women and men. Three factors are affecting equal opportunities for women and men in particular:

- the need for lifelong learning;
- the necessity to combat exclusion of those (including women) who are not able to take part in the Information Society;
- the importance of reconciliation of family and work for both women and men as the Information Society raises the issue of time spent at work, on education/training and on domestic activities.

The White Paper 'Teaching and Learning: Towards the Learning Society'⁹ as well as the European Year of lifelong learning and training (1996)¹⁰ have addressed the debates on these questions.

An examination of the Essen multiannual programmes shows that they are not neutral for women and equal opportunities. Detailed evaluations are undertaken at the request of the Council. A more general reading allows for some preliminary observations.

Some interesting propositions for women are put forward by certain countries:

- In Greece and Portugal, subsidies are granted for the employment of women in the areas where they are under-represented.
- In Germany, employment law requires that women are taken into account in employment policies in proportion to their numbers among the unemployed.
- In Austria, the fixing of hours and locations allow women to undertake training.
- Also in Austria, there is a willingness to increase the skills-levels for work which is part-time.
- In Austria, there is a desire to reduce the number of career interruptions in order to reduce the differences in earnings between women and men.
- In Sweden, specific support is available for women entrepreneurs.
- In Luxembourg, there are specific training measures available for women returning to work.

The second round of the programmes (1996) shows that Multi-Annual Programmes are not explicit about the policy choices undertaken by Member States with the aim of promoting equal opportunities on the labour market. Specifically targeted measures have been implemented in the UK, Austria, Sweden and Germany to improve childcare facilities or achieve a more balanced participation of women in training. However, only a few (eg Sweden) make an effort to mainstream a gender perspective in general policies throughout the MAP.

Active policies on equal opportunities

Reorientation in professional and educational choice is a key element of equal opportunities policies. It is a necessary, yet insufficient, condition for equality.

⁸ COM(96) 389 of 23.7.1996. Supplement 3/96, European Union Bulletin.

⁹ COM(95) 590 final of 29.11.1995.

¹⁰ COM(95) 124 of 31.3.1995.

SWEDEN - SPECIAL LOANS FOR WOMEN ENTREPRENEURS

Active policies are necessary so as to do away with discrimination in recruitment and personnel management. Efforts are not supposed to be focused only on training policies which assume that segregation in employment and unemployment originate from an unbalanced supply of women workers. Demand side policies are also important, as is including equal opportunities in company wage agreements for the sector or sub-sector.

Active policies of equal opportunities, increased female participation in general programmes, reorientation of professional and educational choices, removal of fiscal and material obstacles, and also adopting directives and measures on community, national and regional scales, which ensure basic entitlements and guarantees for all workers are crucial measures. Such measures avoid the risk of increasing recruitment of women at a cost of increased inequality between women themselves.

Conclusions

The multiannual employment programmes are a particularly interesting initiative in providing incentives to countries to develop coordinated employment policies. The first programmes concentrated on unemployment; issues of equal opportunities are not specially visible, even in those countries where active policies in relation to equal opportunities are being implemented.

The principle of integrating equal opportunities policies into general employment and planning policies pose questions and options concerning implementation and administrative co-ordination at a high and complex level in each Member State. While the tendency to apply the principle of equal opportunities using the method of 'target group' is a strong preference, some Member States have moved away from the exclusive use of this option to explore others.

Presenting a synthesis of the multiannual programmes, the Single Report to Madrid already emphasised the need for intensifying efforts regarding action in favour of groups particularly hit by unemployment:

Despite the fact that Sweden is considered a country with a high degree of gender equality, women as owners of SMEs are less represented than men. Less than 20 per cent of all SMEs are owned and run by women. In June 1994, the Swedish Parliament agreed a new loan facility, in order to help potential female entrepreneurs to start their own firms and also to stimulate female owners of existing SMEs to expand and develop their businesses.

During the first year and eight months, more than 2,000 women started or expanded their own business with the support of loans totalling 16.5 million ECU (139 million SEK). The average loan is 8,000 ECU (67,000 SEK). Very small enterprises in trade and service dominate the picture. Only seven per cent of the women borrowed money to start or develop a manufacturing industry.

Recent interviews with women who have borrowed money within this programme show that more than 78 per cent of the participating women are very optimistic about the future possibilities to develop their enterprises. The interviews also reveal that 58 per cent of the women concerned did not have any employment when they decided to apply for a loan. Furthermore, 19 per cent of the women said that they started their own business as a direct alternative to being dismissed from their present jobs.

Roughly 3,500 jobs have been created. So far the results of the scheme are good, women showing increasing interest in starting their own business. ALMI Företagspartner AB is a group consisting of a parent company owned by the state and 22 Regional Development Companies and offers consultation, financing and information to persons planning to start a new business. It is involved in the programme and provides business advice, training, networks and mentorship programmes to women.

- **Young people:** Member States and management and labour should ensure a proper pathway to their integration on the labour market. All young people should be provided with the level of education, training and work experience needed to make them employable;
- **The long-term unemployed:** Member States and management and labour should engage in a more active policy for the prevention of long-term unemployment. All unemployed people should have the opportunity of retraining or reintegration before reaching the point of long-term unemployment;
- **Older workers** should be given a chance to make full use of their work experience and potential. They should have the opportunity to undertake training and be encouraged to do so;
- **Women:** Through the promotion of equal opportunities in the context of all public policies affecting employment, an active policy of desegregation of the labour market using a renewed approach to part-time working as a transitional measure and the reconciliation of family and working life for women and men.

The Single Report to be presented to the European Council in Dublin will include reference to the ongoing analysis of women's position in the labour market.

2.3

BUSINESS AND WOMEN ENTREPRENEURS

Fewer than 30 per cent of small and medium-sized companies in Europe are run by women and women are responsible for only one third of business start-ups.

And yet the business start-up sector of the economy is of substantial interest for the future development of the European economy, since small and medium-sized companies are a primary source of new jobs. Setting up in business - even if this means creating a job just for oneself - is a positive solution to unemployment. Today, 9.6 per cent of women in the European Union are working as independent operators or running their own businesses, whilst the equivalent statistic for men is 19.9 per cent. And there are some striking differences from one Member State to another: between three per cent and six per cent of women in the north of Europe are self-employed, whilst this figure can be as high as 20 per cent in the countries of the south.

For many women, setting up in business is the preferred option to the job search problem on a labour market.

Setting up in business can also be a source of personal development in a system which is still dominated by men and where women's skills are not recognised to the full. Many women are coming up against the so-called 'glass ceiling', which is halting their promotion within organisations and preventing them from accessing positions of highest responsibility.

Community initiatives have been taking the issue of women setting up in business seriously for the past ten years, through the instigation of programmes. The first initiative of relevance in this field would be Local Employment Initiatives for Women (LEI), which was set up in 1987 within the framework of Community policy in favour of employment for women.

Two new sources of creation were targeted. The first was intended to promote innovative ideas, the second to promote the creation of jobs for women within companies which had themselves been set up by women, during the first two years of business. Estimates suggest that 1,300 jobs were created through the programme in the second phase of operations, over the period 1994 to 1995. The LEI programme was a driving force in the sense that it allowed for the development of innovative initiatives, in particular through business advice and access to credit, but also because it helped develop an entrepreneurial spirit amongst women.

The NOW Initiative, benefiting from the experiences of the LEI programme, was spurred on to support a large number of projects aimed at setting up businesses or working in support of that objective. In the majority of cases, this entailed helping women without jobs for whom the creation of employment meant an alternative to unemployment. In many cases, it was simply a case of helping women to create their own jobs. To the extent that these women were very often under-skilled and as such, not particularly well-prepared for entering into a business start-up project, some of the major thrusts of the different operational programmes involved training actions, psychological preparation and entrepreneurial project development and follow-up.

Enterprise creation supported by the European Union

EMPLOYMENT-NOW has added some refinement to this process. Initial analyses of projects show that 44 per cent of them are involved in some way in the development of the entrepreneurial spirit and preparation for setting up in business. Most projects insist on the creation of a business as the primary solution to the current shortage of jobs, but some of the projects are aimed at women who are already highly qualified. This can include women graduates from higher education backgrounds with substantial work experience who turn to the solution of setting up their own businesses when the road upwards within their present organisation seems to be blocked.

Women entrepreneurship in regional policies

Female entrepreneurship was on the agenda of a 'Europartenariat' in June 1996 in Luleå, Sweden. At this event, discussions held and statements made, reveal a strong interest in going beyond the framework of experiences from the past and in moving increasingly towards business start-ups. Such a process would involve bringing them into the wider development context with the support of the Structural Funds in particular and also taking into account the concerns expressed by women setting up their own businesses through general policies designed to support and aid companies generally.

The discussions and views expressed by women entrepreneurs show a diversity of situations, and at the same time a concentration of concern on specific issues. These latter can be broadly divided into three categories:

- psychological support designed to reinforce or develop the entrepreneurial spirit in women. This phase includes the search for specific skills, the setting up of a partnership initiative and the process of selecting partners or employees;
- technical assistance in the development of a business project, training per se, financial management and marketing support;
- guidance through the development phase.

The first area meriting involvement at the very outset would be that of funding. The search for share capital and the availability of operating funds, an issue for anybody setting up in business, can be doubly problematic for a woman, to the extent that the providers of funding, the banks, are not used to dealing with women entrepreneurs. The provision of grants and financial support specifically targeted towards women, can provide the extra impetus that brings the project to fruition. Successful examples of this situation were outlined during the meetings. The LEI programme itself has run its own initiatives in this direction. The meeting in Luleå is to be followed up by another event initiated by the Commission for the creation of financial mechanisms, involving high-street banks and savings banks, in a campaign to help women set up their own busi-

nesses. In more general terms, it is important to help women entrepreneurs to use the facilities made available to them within the framework of Community actions in favour of small and medium-sized companies, such as the measures in favour of women entrepreneurs and assisting spouses foreseen in the Third Multiannual Programme for Small and Medium-sized Enterprises (SMEs) in the European Union (1997-2000)¹¹. The creation of European networks and enterprises by women as well as training and information initiatives will be among the priority activities, as decided by Council in November, 1996.

Another action plan involves the creation of national and transnational networks and the setting up of partnership programmes with key actors, companies, social partners, local authorities and training and employment services.

Identification of new niches is one of the primary areas of activity: according to NOW's experience, promoters have identified growth areas in personnel services, tourism and ecology-based markets. Furthermore, it seems that a research strategy for both local and regional potential markets has developed. Agricultural activities have often been associated with environment-protection activities, such as the development of organic foods and tourism.

¹¹ Council Decision of 9.12.1996 - OJ (to be completed)

CHAPTER 3

COMBINING WORK WITH HOUSEHOLD LIFE



THE EFFECT OF CHILDREN ON PARENTS' EMPLOYMENT

In recent decades, European labour markets have changed significantly. The European population of working age is declining and the structure of the labour force has changed considerably. The increasing labour market participation of women is one of the most important developments. Related developments are the growing number of dual-income households and lone-parent families in some countries.

However, the increasing participation of women in the labour market is not without its problems. Equal opportunities for women and men are not yet within reach. Women work predominantly in the part-time and temporary labour market, although not all do so out of choice. Responsibility for young children is often seen as an important obstacle to women attaining equal opportunities, since the care for children is predominantly the responsibility of women. Hence, there is a growing awareness that measures should be taken to facilitate the combination of paid work and care, for both women and men. There is an increasing demand for opportunities to combine (paid) labour and (unpaid) care and to provide for more flexibility in working arrangements. Important methods to achieve such flexibility are childcare services and (parental) leave facilities. Within the context of

the growing participation of women in European labour markets, the focus of this chapter is on measures taken at different levels to facilitate the combination of work and care for children.

The levels of mothers' participation in the labour force differs considerably between countries, while total male labour force participation rates are very similar across the European Union.

However, the participation profiles seen in each Member State can be very differently affected by the number of children in the family.

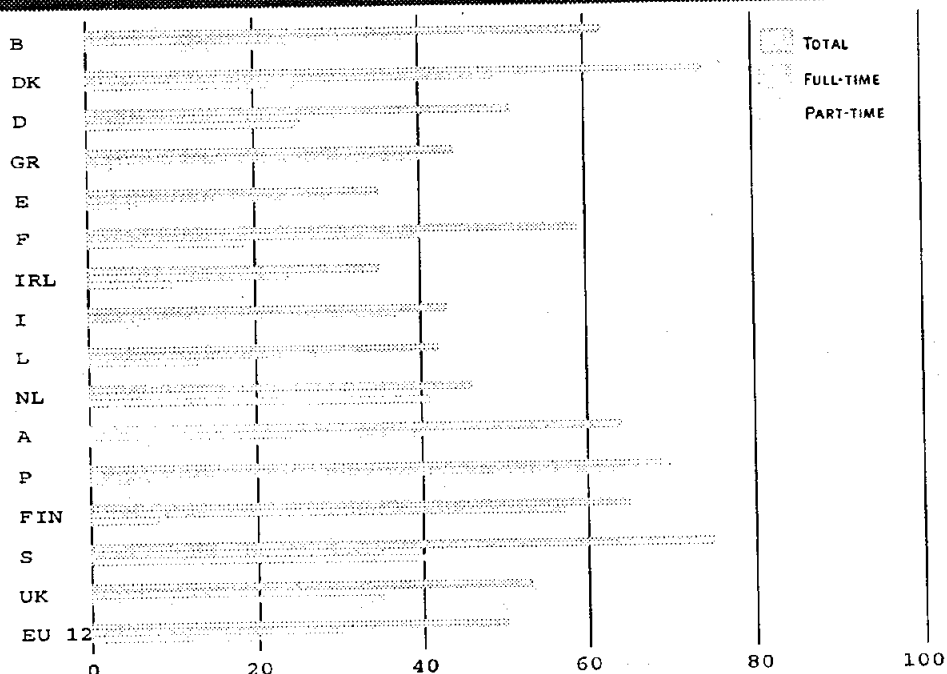
In some countries, regardless of the presence of children, the participation profiles of mothers remain at a high level. This appears to be the case for the Scandinavian countries, Sweden, Denmark and Finland. The second pattern exists in countries like Germany, Ireland, the Netherlands, Greece, Spain and the UK, where the participation rate is strongly affected by the presence of children. Here, the participation of mothers with one child is considerably lower than that of women without children. Moreover, as the number of children increases, mothers' participation declines further. A third profile occurs

in Italy and Portugal. In these countries, the presence of children also affects the participation of mothers. But here, the influence of the second child is the key factor; the participation of mothers with one child being similar to the participation of women without children. Finally, a fourth pattern is found in France and, to a lesser extent in Belgium. Only mothers with three or more children have very different participation profiles.

Further differences arise if we compare participation rates of fathers and mothers with children under age ten. Besides the high levels of employment for fathers, the different share of part-time work between fathers and mothers is striking. In most countries, fathers are less likely to work part-time, while part-time work for mothers is of much more importance though not all women with part-time jobs have these by choice.

Part-time work plays a different role for mothers and fathers. Its importance for mothers varies across Member States, but in several, it has contributed to the growth in women's participation. In the Netherlands, Sweden and the UK, part-time work is usual for mothers with young children and is also common in Belgium, in

TABLE 16
EMPLOYMENT STATUS OF MOTHERS WITH CHILD AGED 0-10 YEARS,
IN THE EUROPEAN UNION, (%) 1993



NOTE: AUSTRIA; INFORMATION IS FOR MOTHERS WITH CHILDREN UNDER 15; SWEDEN INFORMATION IS FOR MOTHERS WITH CHILDREN UNDER 7 YEARS
SOURCE: EUROPEAN COMMISSION NETWORK ON CHILDCARE AND OTHER MEASURES TO RECONCILE EMPLOYMENT AND FAMILY RESPONSIBILITIES

Denmark, Austria and Germany. In contrast, in the southern Member States, Greece, Italy, Spain and Portugal part-time work is less common.

A comparison of the employment of mothers from 1985 to 1993 shows a considerable rise of employment. With the exception of Denmark, which has high employment rates for mothers, in all countries the employment of women with young children rose, with the growth in female employment being particularly high in the Netherlands, Ireland, the UK and Belgium.

Finally, some remarks should be made about the unemployment rates of parents throughout the European countries. In most countries, the unemployment rates of mothers are at a higher level than the unemployment rates of fathers. However, a large proportion of mothers in the Member States are not active in the labour market at all. In Greece, Spain, Ireland, Italy, Luxembourg and the Netherlands, around 50 per cent of mothers do not have a job. In contrast, in the Scandinavian countries and Portugal, 25 per cent of mothers are unemployed.

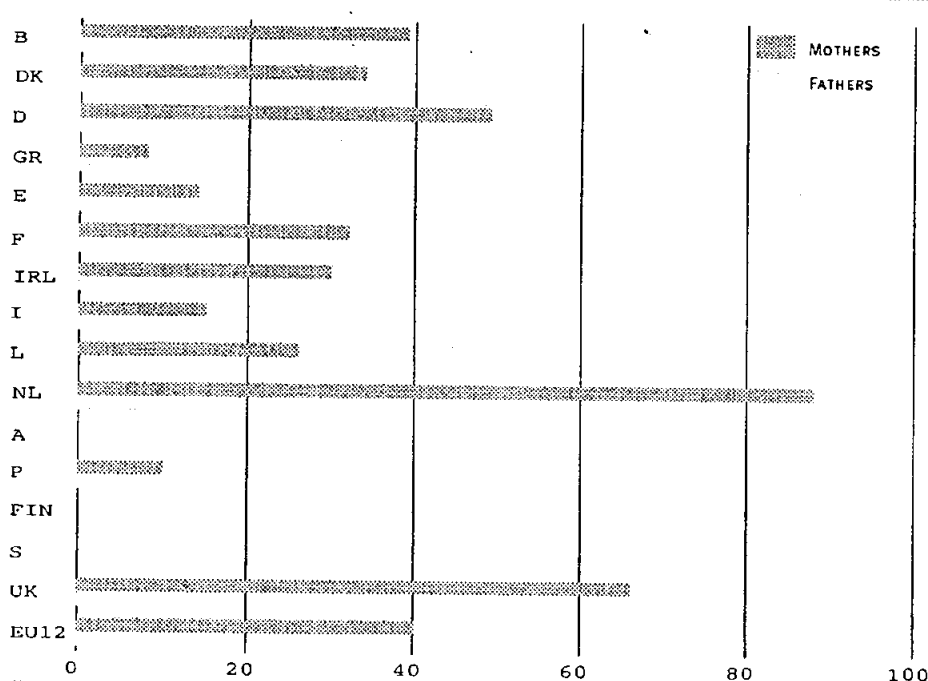
A few conclusions emerge from this analysis. The most important conclusion is that children

do make a difference for women's labour market participation. Generally, the participation of women without children is considerably higher than the participation of women with care-responsibilities for children. In contrast, the participation of men is unaffected by the presence of children.

However, this pattern is not consistent across all Member States. In the Scandinavian countries, the participation rate of mothers is hardly affected by the presence of children. Also, in some countries the age of children proves to be an important factor for the participation levels of mothers in the labour market. In most Member States, the labour force participation rates of women increase with the age of their youngest child.

These differences between countries suggest that the current situation is not fixed. Moreover, the fact that participation patterns are so divergent, suggests that labour market behaviour is not an exogenous fact, but sensitive to the organisation of the economy and social system adopted by countries. In the following sections, attention is given to the organisation of social provision.

TABLE 17
PERCENTAGE OF PART-TIME EMPLOYMENT AMONG
MOTHERS AND FATHERS IN THE EUROPEAN UNION, 1993



NOTE: LUXEMBOURG FATHERS: NUMBER IN SAMPLES TOO SMALL

SOURCE: EUROPEAN COMMISSION NETWORK ON CHILDCARE AND OTHER MEASURES TO RECONCILE EMPLOYMENT AND FAMILY RESPONSIBILITIES

*Childcare services
in the Member States*

In March 1992, the Council of Ministers adopted a Recommendation on childcare.¹ In this Recommendation, Member States are encouraged to 'take and/or progressively encourage initiatives to enable women and men to reconcile their occupational, family and upbringing responsibilities arising from the care of children.' More specifically, the Council Recommendation identified four areas where initiatives should be taken: leave arrangements for parents; making the workplace responsive to the needs of workers with children; supporting increased participation by men in the care and upbringing of children; providing childcare services for parents who are working, undertaking training, or seeking employment or training. In Article 3 of the Recommendation, which deals with childcare services, some important qualifications of these services are identified. They should:

- be affordable and available in all (rural and urban) areas;
- combine reliable care with a pedagogical approach;

- be accessible to children with special needs;
- be flexible and diverse, while preserving coherence between different services;
- be staffed by workers whose training is in accordance with the importance of their work.

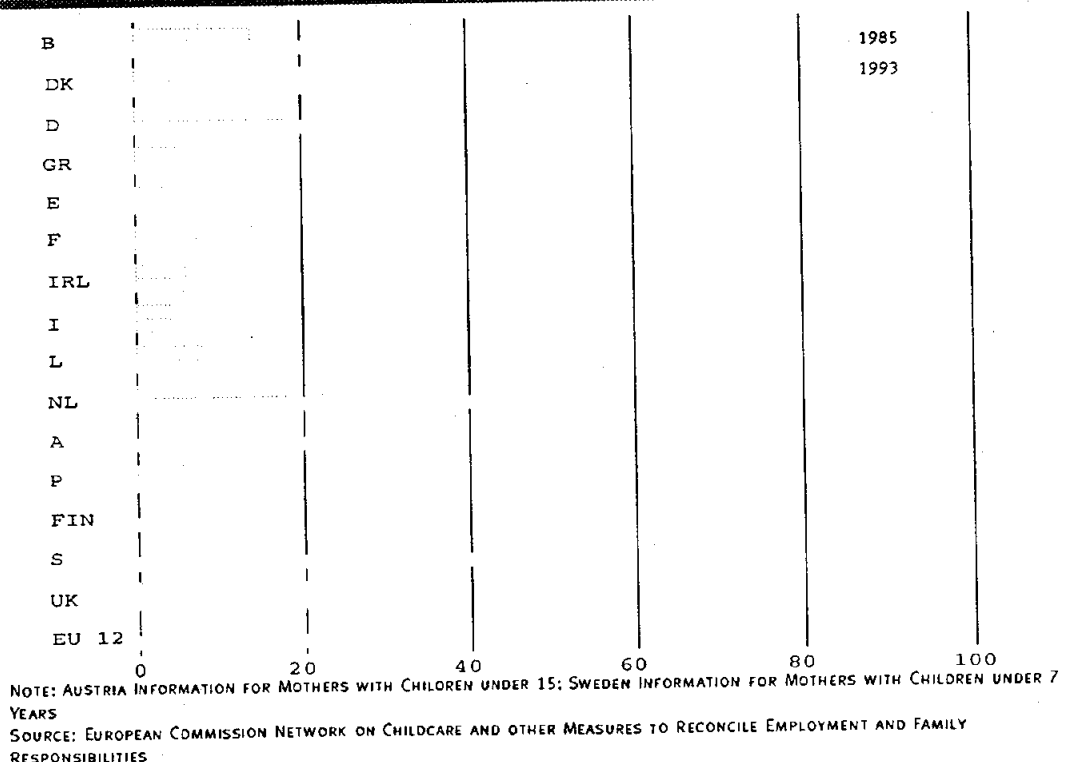
To what extent do these qualifications meet the reality of the childcare services in the European Member States? An initial answer to this question is offered by the 1996 report² published by the 'European Commission Network on Childcare and other Measures to reconcile Employment and Family Responsibilities'. This report reviews all services providing 'safe and reliable care' for children under ten. The focus is on all childcare services such as nurseries or family day care, but also on childcare services provided by other institutions like schools and kindergartens.

Chart 3 gives an overview of some of the main results of the review. It shows the diversity of the

¹ OJ L 123 of 8.5.1992, p.16.

² A review of services for young children in the European Union (1990-1995), European Commission Network on Childcare and other Measures to reconcile Employment and Family Responsibilities, European Commission, DG V, January 1996.

**TABLE 18
FULL-TIME AND PART-TIME EMPLOYMENT OF MOTHERS WITH CHILD AGED 0-10 YEARS,
IN THE EUROPEAN UNION, (%) 1985 AND 1993**



services for young children and the levels of service provision. For example, the level of public provision for children under three is high in Denmark, Sweden, Belgium, France and Finland, but low in Spain, Ireland, the UK and Greece. Services for children between three and six years old are on a more advanced level compared to the level of services for 0-3 year-olds. This arises mainly from pre-primary schooling (kindergarten) and early admission to compulsory schooling. In France, for example, nearly all children in the age group attend *l'école maternelle* from the age of three. In the Netherlands pre-primary schooling does not exist, but children are admitted to primary schooling before compulsory school-age, at the age of four. However, major differences remain: Portugal, Finland and Ireland have the lowest levels of public funded provisions for children in the age group 3-6 and France, Belgium and Italy the highest levels.

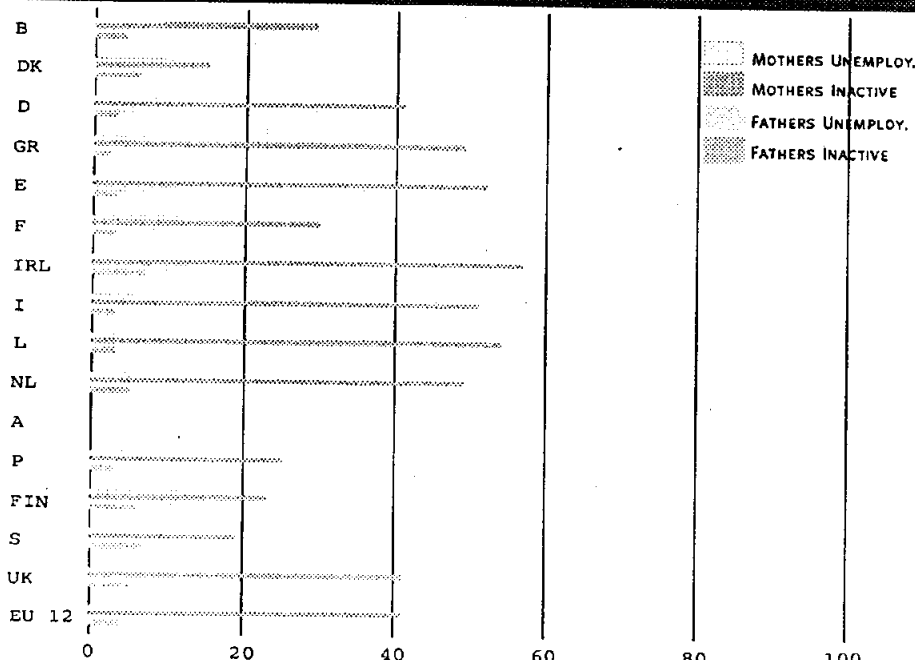
Data on services for children between six and ten years, outside school hours, is limited and difficult to interpret. Information on childcare for school-age children before and after school, during lunchtime and on days off, is difficult to collect, because of the number of organisations and

groups involved. However, from Commission estimates of the levels of provision for this age group, it becomes clear that care for these children outside school hours is limited. Most children appear to be provided care in ways other than through public funded services. Information suggests that in most countries such provision is available for less than ten per cent of this population. Exceptions to this are Sweden and Denmark, where nearly two-thirds of the population is cared for by such services and to a lesser extent, France, where 30 per cent of children between 6-10 are cared for in a childcare service that provides care and recreation.

Monitoring childcare services

To what extent do these services meet the principles set down by the Council Recommendation on childcare? Is childcare affordable and available, does it combine reliable care and a pedagogical approach? And what about flexibility, diversity and coherence? It is clear from the chart that this question cannot be easily answered at a European level. There are two major reasons for this:

TABLE 19
RATE OF UNEMPLOYMENT AND INACTIVITY OF MOTHERS AND FATHERS, WITH CHILD AGED 0-10 YEARS, IN THE EUROPEAN UNION, (%) 1993



NOTE: AUSTRIA INFORMATION FOR PARENTS WITH CHILDREN UNDER 15; SWEDEN INFORMATION FOR MOTHERS WITH CHILDREN UNDER 7 YEARS.
 SOURCE: EUROPEAN COMMISSION NETWORK ON CHILDCARE AND OTHER MEASURES TO RECONCILE EMPLOYMENT AND FAMILY RESPONSIBILITIES

CHART 3: OVERVIEW OF SERVICES FOR YOUNG CHILDREN, SCHOOL-AGE AND LENGTH OF SCHOOLDAY

Country ^a	Year/data	Publicly funded ^b services for children (%)		School-age	Length of school day in hours	Proportions in publicly funded services for children 6-10 years ^c
		0-3 years	3-6 years ^d			
Belgium	1993	27	95	6	7	-
Denmark	1995	48	82	7	3-5½ ^d	62% + all six year olds in pre-primary education
Germany East West	1990	50 2	100 78	6	4-5	85% 5%
Greece	1993	3	64	6	4-5 ^d	<5% (estimate)
Spain	1993	2	84	6	5	-
France	1993	23	99	6	8	± 30%
Ireland	1993	2	55	6	4.40-5.40 ^d	<5% (estimate)
Italy	1991	6	91	6	5½-6	-
Luxembourg	1991	6	91	6	8	-
Netherlands	1993	8	71	5	7	<5 (estimate)
Austria	1994	3	75	6	4-5	6%
Portugal	1993	12	48	6	6	10%
Finland	1994	21	53	7	4-5	5% +60% of six year olds in welfare and education system services
Sweden	1994	33	72	7	2½-6 ^d	64%+ some six year olds in pre-primary schooling
United Kingdom	1993	2	60	5	6½	<5% (estimate)

Source: A review of services for young children in the EU 1990-1995, European Commission Network on Childcare and other Measures to reconcile Employment and Family Responsibilities, 1996.

Notes:

- a Information on levels of provision need to be interpreted as follows: places available in Belgium and France (for children aged 0-3, except for two year olds in pre-primary schooling), Germany, Italy (for children aged 0-3), the Netherlands, Portugal and the UK. Children attending for Belgium and France (two year olds in pre-primary schooling and 3-6), Denmark, Greece, Spain, Ireland, Italy (for children aged 3-6), Austria, Finland and Sweden.
- b 'Publicly funded' means that more than half of the total costs of a service are paid from public sources, and usually between 75 per cent and 100 per cent.
- c This figure does not include children in compulsory schooling; it is confined to services providing care and recreation.
- d Schoolhours increase as child grows older.
- No information.

Basic data is inadequate. There is no uniform system for collecting standard information across Europe. Information on other arrangements, such as family day care, may be covered in occasional reports, but is not provided on a regular basis. The most serious gaps come in statistics on private, non-subsidised services, like in-home care and care by relatives.

Basic data needs interpretation. Data on provisions need interpretation, beyond the broad aggregates, because there are large differences in the volume of the services offered. Another more complicated aspect of interpreting cross-national statistics is that differences in quality have to be taken into account.



PARENTAL LEAVE

In June 1996 a Directive on Parental Leave³ was adopted by the Council of Ministers. This Directive rounds off a discussion ongoing since 1983, when the Commission put forward proposals for a legal instrument in relation to parental leave. In December 1995, negotiations between organisations of trade unions and employers led to a Framework Agreement on Parental Leave in which ETUC, UNICE and CEEP participated. Pursuant to Article 4 of the Agreement on Social Policy, the signatory parties requested the Commission to put forward a proposal⁴ for a Council act implementing the agreement.

In the Directive the minimum requirements for a parental leave provision for the European Union are outlined. According to Clause 2, the parental leave provision entitles women and men to 'an individual right to parental leave on the grounds of the birth or adoption of a child to enable them to take care of that child, for at least three months, until a given age up to eight years to be defined by Member States and/or social partners'. With the intention of promoting equal opportunities and equal treatment between women and men, Clause 2 also states that the

right to parental leave should in principle be granted on a non-transferable basis. In addition to parental leave, workers should be entitled to time-off from work, 'on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable' (Clause 3). The Member States will have two years following adoption to implement the Directive. There is a 'non-regression' clause, which specifies that Member States can maintain or introduce more favourable provisions.

As long as the minimum requirements are met, the character of parental leave is to be determined by the individual Member States and/or social partners. The Directive also states that 'all matters relating to social security' are for consideration and determination by Member States and remains silent on contentious areas like the payment to workers on leave.

Parental leave arrangements in Member States

Chart 4 presents an overview of the provisions for parental leave in the fifteen European Union countries. It appears that, with the exception of the UK, Belgium, Denmark, Ireland and Luxembourg, parental leave is a right of workers in all European Union countries. For Ireland and Luxembourg, the Directive implies the introduction of parental leave. Belgium does not have a parental leave scheme, but the 'career break scheme' can be used for various reasons, including the care of a child. Originally, Denmark had a parental leave scheme, but this scheme has been developed for broader use, in a similar way to Belgium.

Parental leave can be organised on a family or an individual basis. The former means that both parents have a shared right to the leave. An individual based leave gives parents a non-transferable and reserved right to (some part of the) leave. Workers in most countries have a family right to parental leave. Originally, parental leave was set up as an extended maternity leave, for

³ OJ L 145 of 19.6.1996 p.4.

⁴ COM(96) 26 final of 31.1.1996.

CHART 4. OVERVIEW OF PARENTAL LEAVE PROVISIONS IN EUROPEAN UNION COUNTRIES, 1994-95

Country	Duration		Boundaries		Transferability	Benefits		Period	Flexibility		Restrictions in coverage	Conditions
	Maximum	None	None	None		Rate	Part-time		Fractioning			
Belgium ^a	None	None	None	None	Individual	Flat-rate with higher payment for two and three children	Weeks	Yes ^b	Yes	On employer's agreement	12 months of service	
Denmark ^c	10 weeks + 3-9 months ^b	Until child is nine years	Until child is nine years	Family Individual	Family Individual	Flat-rate: 80 per cent of unemployment benefit	Weeks	No	No	None	No	
Germany	36 months	Until child is three years	Until child is three years	Family	Family	Income-related	Until child is three years	Yes ^b	Yes	None	4 wks of service	
Greece	3 months	Until child is two 1/2 years	Until child is two 1/2 years	Individual	Individual	Unpaid		No	Yes	Companies 100 workers and eight per cent claims	12 months of service	
Spain	36 months			Family	Family	Unpaid		No	No	None	No	
France	36 months	Until child is three years	Until child is three years	Family	Family	Flat-rate, from second child	Until child is three years	Yes	No	None	12 months of service	
Ireland	None											
Italy	6 months	Following m.l. ^d	Following m.l. ^d	Family	Family	Income-related 30 per cent of earnings	Weeks	No	No	Farmers/self-employed/ domestic services	No	
Luxembourg	None											
Netherlands	6 months part-time	Until child is four years	Until child is four years	Individual	Individual	Unpaid		Only	No	None	12 months of service	
Austria	24 weeks	Until child is four years	Until child is four years	Family	Family	Flat-rate ^e	Weeks	Yes ^b	No	Prov.govern. Workers and agriculture/forestry	No	
Portugal	6 months Max: 24 months ^f	Following m.l.	Following m.l.	Family	Family	Unpaid		No	No	None	12 months of service	
Finlands	36 months Until child is three years	Following m.l. Until child is three years	Following m.l. Until child is three years	Family Family	Family Family	Income-related: 66 per cent Flat rate	Weeks	Yes	Yes	None	No	
Sweden	18 months	Until child is eight years	Until child is eight years	Family	Family	Income-related: 80 per cent (ten months) and 90 per cent (two months); flat-rate (three months)	Weeks	Yes	Yes	None	6 months of service ^h	
United Kingdom	None											

Source: Leave arrangements for workers with children, European Commission Network on Childcare and other Measures to reconcile Employment and Family Responsibilities, (1994, update 1995).

Notes :

a No parental leave, but 'career break' of 6 to 12 months per worker subject to employer's agreement.

b Only with employer's agreement.

c Leave can also be used for other reasons, such as training; workers taking leave are not guaranteed their jobs.

d M.l.= maternity leave.

e Higher for single parents or low income families.

f Portugal: maximum of 24 months to be taken in special circumstances.

g B: basic parental leave; E: extended 'child-care' leave.

mothers. A shared (family) right to parental leave, for both fathers and mothers, was developed later. In many countries, the right to parental leave for fathers is still a derived right: the father is only entitled if the mother is also entitled and waives her right to leave. Individual rights to parental leave have only recently been implemented (Greece, the Netherlands). Some countries have made changes in their legislation and split the leave in two parts with both an individual and a family right to parental leave (Sweden, Denmark).

There are wide variations across Member States in the duration of leave. In some countries the leave is limited to three months (Greece) or six months (Italy, the Netherlands), while in others the maximum leave period is set at 36 months, for example, until the child is three years old (Germany, France).

In four countries, parental leave is unpaid during the whole period of leave (Greece, Spain, the Netherlands and Portugal). However, in most countries there are some benefits, at least for a minimum period of the leave.

The extent to which leave can be taken in a flexible way varies. Central issues are part-time work and the possibility of dividing the leave. Part-time work during the leave period is not possible in every country: only in France, Finland and Sweden do parents have a right to work part-time. In Belgium, Germany and Austria part-time work is possible, under the condition that the employer agrees. In contrast, part-time work is the only possibility for parents in the Netherlands, where workers may lower their work week to 20 hours. The purpose is to stimulate parents to combine work and care responsibilities for children while keeping parents in the labour market. Staggering the leave, rather than taking the whole leave period at once, is possible in Belgium, Germany, Greece, Finland and Sweden, while in other countries leave should be taken in a single period. Parental leave is most flexible in Sweden, where it can be staggered and taken part-time without the employer's permission.

The eligibility conditions to take leave are attached to the period of service of the worker in

*SCHOOL-AGE CHILDCARE: A GROWING NEED*⁵

Childcare services focus on services for young children of pre-school age, which are, of course, essentials for conciliation between work life and household life. But school-age childcare is also important as emphasised by a report of the European Network for School-age Childcare.

School-age childcare fills the gap at the end of the school day. It may also be needed for other periods such as the time before school opens in the morning, during school holidays; during school half-days; and when schools are closed for other reasons.

In different countries within the European Union, these services have different names and different emphases. In some Member States they are well established, with a respected place in social policy towards families. In others there is currently some development, but school-age childcare services are not yet in any way systematic. In still others they do not yet figure on the social agenda; and while individual parents acknowledge their own daily problems in combining work and family responsibilities, the very concept of 'school-age childcare' may still sound strange to those who shape public policy.

As the proportion of women employed with a child under 15 is significant and rising (from 81 per cent in Finland and over 70 per cent in Denmark, Sweden and Portugal, over 60 per cent in Austria, Belgium and France, over 50 per cent in Germany and the UK, to 34 per cent in Ireland and Spain and under 50 per cent in the Netherlands, Luxembourg, Italy, Greece), school-age care has importance both for reconciliation of work and family life and for the social and cultural development of young children.

Parents, especially mothers, who either cannot seek employment or, if they do so, are dependent on informal childcare arrangements, are vulnerable to dismissal, unless employers are prepared to overlook absenteeism and the lack of punctuality. School-age childcare services can be instrumental in promoting social cohesion. They can help children and parents to mix with others from different ethnic backgrounds and they can allow children with a disability to share their free time with the non-disabled; in short, they can be a local community resource with benefits beyond simple childcare.

⁵ School-age Childcare in the European Union. European Commission Network on Childcare and other Measures to reconcile Employment and Family Responsibilities, 1996.

LUXEMBOURG - EQUALITY FOR PART-TIME WORKERS

In Luxembourg, a law passed in February 1993 guarantees equality in the private sector between those who hold a part-time and those who hold a full-time job. The law confirms that a part-time job should attract the same advantages and benefits as those recognised for a full-time job. Thus, the pay of a part-time worker should be proportional to that of another worker who holds a full-time job in the same company with the same skills.

Moreover, when the part-time worker is called on to work beyond the working hours written into his/her contract, such hours are considered as overtime hours and give entitlement to an increase in pay equivalent to that envisaged legally and contractually for overtime hours.

This is one of the measures introduced by the Luxembourg State in favour of reconciliation between working life and family life, namely by the guarantee of absolute equity in the case of part-time work.

In addition, the State takes on responsibility for the social protection of parents who are entitled to what is called 'the baby year', a leave period which the mother or adoptive parent may take after the birth or adoption of a child. This maternity year has just been extended to two years, during which period the State pays for the social contributions of the wage earner on the basis of the previous salary.

These measures are intended to benefit everyone including men. However, 80 per cent of all part-time workers in Luxembourg are women. Up to recently the majority of unpaid leave requests came from women. Analysis will show whether the new measures are achieving their aim of better reconciling work and family life.

his/her particular employment. In five countries there are no conditions for access to the leave (Denmark, Spain, Italy, Austria and Finland), but in five others, 12 months of service with the employer is required (Belgium, Greece, France, the Netherlands and Portugal). Variations are found in Germany (four weeks of service) and Sweden (six months). Restrictions in leave do occur; in some countries certain groups are excluded. For example, small companies in Greece can object to the leave when eight per cent of the workers in the company take parental leave in a year.

Monitoring parental leave

From an equal opportunities point of view, it is important to know if the parental leave arrangements are designed (implicitly or explicitly) as an extended maternity leave, stimulating mainly women to take the leave, or if they are an incentive for men to take up parental leave. The different variations in parental leave schemes prove to be very important factors in stimulating parents, mothers and fathers, to take up leave.

It remains rather unclear to what extent parents use parental leave arrangements. An important explanation for this is that household and labour force surveys do not collect data on the specific reasons for leave of absence, such as parental leave. With the exception of labour force surveys in the Netherlands and Sweden, national surveys do not distinguish parental leave from other reasons for leave.

There is some data available on the extent to which parents use parental leave. It makes it clear that the take-up rates of parents vary enormously between countries and that parental leave is widely used by mothers when it is paid. In addition, it is clear that take-up rates of fathers are in sharp contrast with those of mothers. Even in countries where the conditions for leave are relatively well developed (in terms of payment and flexibility), fathers do not take parental leave to a large extent. An exception to this is Sweden, where the combination of flexibility and the high level of payments lead to relatively high take-up rates by both mothers and fathers. More structured research is necessary to gain more insight into the

'take-up behaviour' of mothers and fathers and the factors that affect the decision of parents to take up leave.

In identifying reasons for taking parental leave, the preferences of parents and the availability of other solutions are also important. In addition, it can be assumed that preferences of parents vary, not only between countries, but also on a regional level. Parents can opt for different 'profiles' of care for their children. Formal and informal childcare services, part-time work and/or flexible working arrangements of parents to ensure care of their children by themselves, are some of those possibilities. Moreover, people can choose to make a combination of different options. The extent to which parents can make a choice between these options, between the availability of alternatives, is influenced by state policies and infrastructures.

Part-time work and temporary jobs as a means of conciliation

Job flexibility can be regarded as a risk, to the extent that it generates situations of job insecurity,

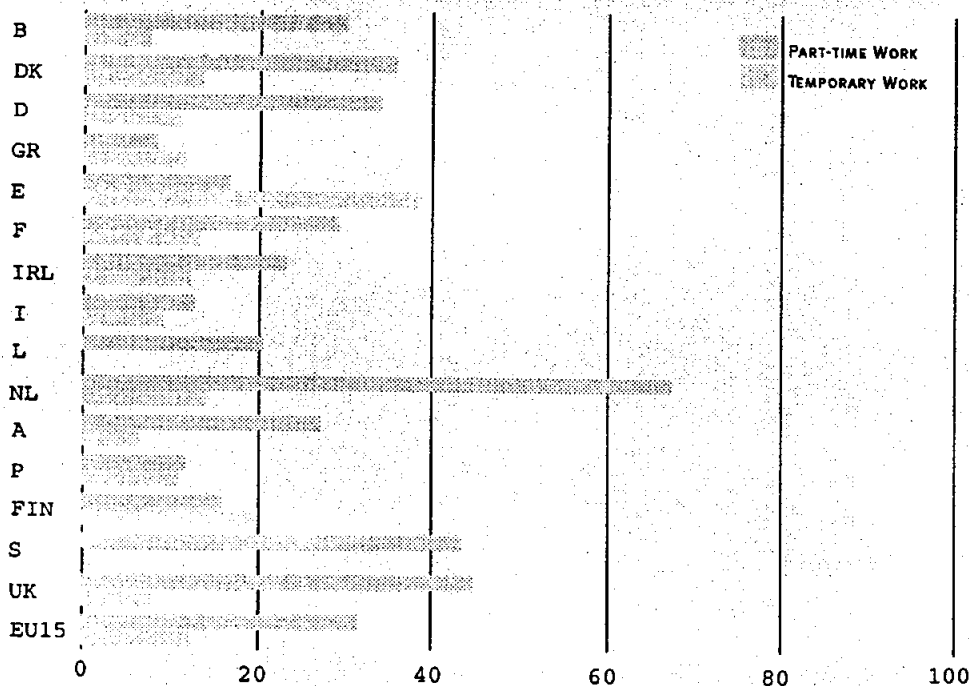
low incomes and gaps in social protection. But so-called atypical jobs are also a means of access to employment from which women benefit and in particular women returning to the labour market after a long period of absence or inactivity related to family life or the rearing of children.

Part-time working has been the area of working where job creation has grown most strongly and consistently during both the period of overall employment growth between 1987 and 1990 and perhaps more significantly, during the period of downturn, 1990-94. Part-time employment is thereby accounting for an increasing share of total employment.

While the total number of jobs fell by over three per cent, in the Union as a whole, during the period 1990-94, the number of part-time jobs increased by some nine per cent, in itself adding nine per cent to total employment and partly compensating for the decline in full-time jobs, of almost six per cent.

Given that over 80 per cent of those working part-time are women - although they account for a minority of the labour force - this represents a major expansion. By 1994, 30 per cent of all

TABLE 20
WOMEN'S PART-TIME AND TEMPORARY WORK AS A SHARE
OF TOTAL EMPLOYMENT IN THE EUROPEAN UNION, (%) 1994



SOURCE: EUROSTAT(LFS)

female jobs in the Union as a whole (EU 15) were part-time, up from 28 per cent in 1987. Part-time working is significantly less important amongst men and reached almost five per cent of total male employment by 1994.

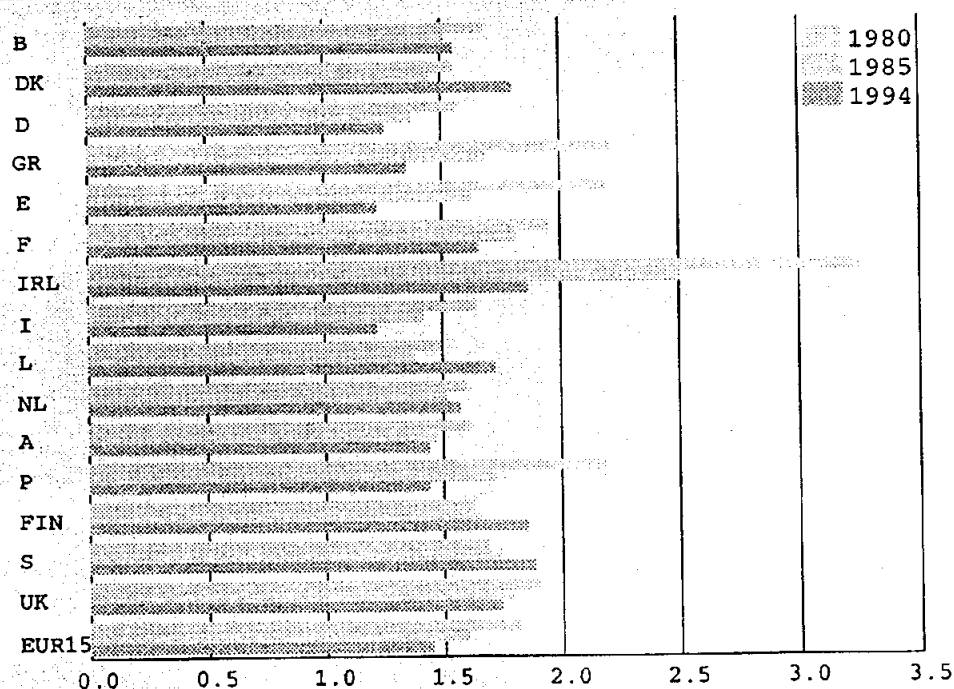
Despite its widespread growth, part-time working remains a much more pronounced feature of northern Member States, whereas in the south, it accounts for between only eight per cent (Greece) and 16 per cent (Spain) of female employment. Part-time working among both women and men is particularly common in four Member States: the Netherlands, Sweden, the UK and Denmark. The growth of part-time working has been heavily concentrated among women. Indeed women filled 95 per cent of the additional part-time jobs created between 1987 and 1990 and one third of all the extra jobs for women which emerged were part-time.

If the development of part-time work seems to be a specifically female phenomenon, analysis of temporary contract working (fixed duration contracts) shows a more subtle change, better balanced between women and men.

Although the prevalence of temporary working in the Union is not as great as that of part-time employment and indeed accounts for only around half as many jobs as part-time, it is still an important area of employment growth. In 1995, temporary jobs accounted for only around 14 per cent of jobs in the Union. Moreover, there appears to be less of a bias towards women than in the case of part-time employment, even though there are more women than men in temporary employment in the Union as a whole and in each Member State. In 1995, around 13 per cent of men and 15 per cent of women were employed in temporary posts, the proportion ranging from 33 per cent of men and 38 per cent of women in Spain (by far the highest figures in the Union), to six per cent or less of men and under ten per cent of women in Belgium, Luxembourg, Italy, Austria and the UK, five countries with very different employment legislation. Apart from the latter five countries and Spain, the scale of temporary employment did not diverge very far from the Union average in 1994 in any of the Member States.

A special mention has to be made of part-time temporary jobs. Those contracts have a lower

TABLE 21
TOTAL FERTILITY RATES IN THE EUROPEAN UNION FOR 1980, 1985, 1994



SOURCE: EUROSTAT DEMOGRAPHIC SURVEY

degree of employment protection. As might be expected, the share of women working on part-time temporary contract is much higher than for men. In 1995, around 39 per cent of women employed in temporary jobs worked part-time, slightly higher than the share of part-time working in permanent employment.

Why women accept non-standard employment contracts

It is interesting to examine the reasons which lead women to accept non-standard employment contracts and in particular part-time work. Are these ways to reconcile family and working life? The data collected by the European Labour Force Survey gives some indications and allows an assessment of the extent to which part-time work is a voluntary choice or not.

On average, six out of ten part-time workers in the Community in 1994 stated that their primary reason for taking a part-time job was that they did not want a full-time one. While two-thirds of women working part-time did not want a full-time job, this was the case for only a third of men in part-time employment.

There are various reasons why women apparently prefer part-time work. Principal among these is the need to reconcile the demands of home and work. For women in particular, the lack of availability of childcare and the operation of the education system can be obstacles to this reconciliation.

This concentration of women among part-time workers in many Member States has other effects. Because part-time work is associated with particular sectors and occupations it also tends to reinforce the tendency towards occupational segregation between the genders in the labour market which is increasingly recognised as a major factor against flexibility.

The same analysis can be undertaken for temporary work. Although reliable data exists for only nine Member States, it is evident that in general more women than men were working on a contract for limited duration in 1994 because they did not want a permanent job.

ITALY

A REGIONAL FAMILY SUPPORT PROGRAMME IN EMILIA-ROMAGNA

In Italy, many women now have the good fortune to be able to go out to work without having to worry about leaving their children. Such has been the case since 1991, when the region of Emilia-Romagna saw the start of a regional family support programme. The main objective behind this programme was to reduce the gap that existed between the role of the mother and the father, which still exists to a large extent today across Italy.

Now five years old, the programme is running successfully. One of the more successful aspects has been the setting-up of crèches, which have helped place the Emilia-Romagna region at the top of the national table for the concentration of services for children (21 per cent concentration against a national average of around five per cent).

It all began in 1989, when one of the Emilia-Romagna regional board advisers seized the opportunity to put into action a project he had been keeping under consideration for some time: to create a law regulating all types of family and women's support schemes and favouring social integration policies.

A particular effort has been made to encourage the presence of fathers in an attempt to lighten the load of women and bring a better balance to family relations. 'And it works! Half of the total regional expenditure on family aid programmes has been used to finance the "traditional" crèches. The other half went to the other initiatives. At this time, only one other Italian region, Venetia has followed in the footsteps of Emilia-Romagna, approving a similar law but which is still awaiting application,' said Anna Rossetti in charge of programmes for schools and pre-school structures.

CHART 5: INDIVIDUALISATION OF INCOME TAXATION

Classification according to tax unit			
Separate taxation	Aggregation	Splitting	Family Quotient
Austria	Belgium ⁶	Germany	France
Denmark	Ireland	Luxembourg	
Finland	Spain	Portugal	
Greece			
Italy			
Sweden			
The Netherlands			
United Kingdom			

3.3

THE INDIVIDUALISATION OF RIGHTS

The individualisation of rights has been a recurrent theme in recent Commission policy. It is referred to in the Commission's White Paper on Growth, Competitiveness and Employment (1993)⁷ in relation to reinforcing equal opportunities between women and men by the elimination of all potentially discriminatory social and fiscal measures likely to discourage the labour force participation of women. The White Paper on European Social Policy 'The Way Forward for the Union' (1994)⁸ presented some proposals for the elimination of potentially discriminatory policies in social protection and fiscal policy. The White Paper referred to the need to undertake a comparative analysis of actual inequalities between women and men in social security. The Fourth Community Action Programme on Equal Opportunities for Women and Men (1995)⁹ included the individualisation of rights as one of a number of areas which should be studied in order to reduce the segregation of the labour market. This is to be undertaken by an analysis of the impact of current taxation and social security regimes on women's autonomy and labour mar-

ket opportunities. This latter would contribute to appropriate actions in the field.

The question of individualised rights has arisen on three different fronts. In the first instance, enormous changes in the labour market over the last thirty years have not always been reflected in taxation and social security regimes. Some of the latter are still based on a profile of a family in which the male is the principal breadwinner. Secondly, with the increase in the proportion of women entering and remaining in the labour market, many commentators have observed that fiscal and social security measures can have a negative, neutral or positive effect on the supply of women's labour, or on its orientation towards particular forms of work, such as self-employment or part-time work. Changes in the structures of families, of households, their size and related demographic issues have raised questions concerning the autonomy of women and men within taxation and social security regimes. To examine some of these issues, a series of comparative 15 country studies on the individualisation

⁶ The legislation states that income for both spouses should be aggregated, but two adjustments have been voted, stipulating that if both spouses have income, then they should be taxed separately and in case of a sole earner family, 30 per cent of the income can be transferred to the other spouse.

⁷ Supplement 6/93 - Bull. European Commission.

⁸ COM(94) 333 final of 27.7.94.

⁹ COM(95) 381 final of 19.7.95.

of social and fiscal rights and equal opportunities between women and men are being made.

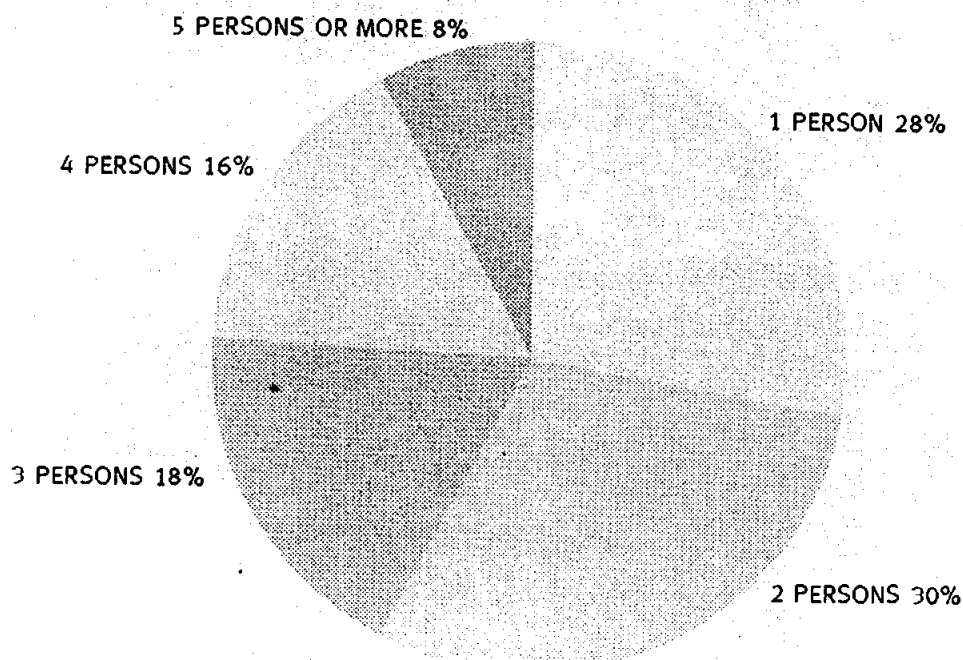
Within the large variety of taxation and social security systems in the Member States there is no pure system of individualised rights. All systems contain a combination of derived and individual rights. So in social security for example, derived rights to benefits for a person outside the labour market may originate by relationship to a person who is economically active and who is entitled to have direct access to benefits of different types. The relationships may vary according to country, to social security regimes, by age or by other factors. The relationships may be those of parenthood, of marriage or of cohabitation. In addition, universalised systems of social rights co-exist and interact with contributory systems.

In the field of social security, family relationships play a role in conferring benefits accrued by the main beneficiary on other family members. The proximity or distance of family links (mothers, wives, grandchildren) varies between benefits and between countries. Family relationship can also have the effect of easing strict entitlement conditions to benefits. Thus the presence of chil-

dren in a family (with no entitlements) may enable a widowed mother (derived entitlement) to benefit from her former husband's (principal contributor) social contributions.

Chart 6 makes a descriptive comparative analysis of retirement benefits across 15 countries in terms of the family 'effect' on entitlements and rights. The chart illustrates the substantial scale of derived rights which may be conferred on beneficiaries in retirement and widowhood. A large proportion of the derived entitlements appear to be intended for women and children.

TABLE 22
COMPOSITION OF PRIVATE HOUSEHOLDS EU12 (%) 1994



SOURCE: EUROSTAT (LFS)

CHART 6: FAMILY-LINKED DERIVED RIGHTS IN RETIREMENT SYSTEMS IN EUROPE

Country

Old age pension

Survival pension

Belgium	<p>* Permitted increase in remunerated employment in case of dependent children.</p>	<p>* Permitted increase in remunerated employment in case of dependent children.</p>
Denmark	<p>None.</p>	<p>* Orphans are entitled to a survival pension (up to the age of 18).</p>
Germany	<p>* Mothers and fathers are allowed three working years to raise their children (but do not pay contributions)</p> <p>* The period of education for children up to the age of ten is taken into consideration when calculating the total years of contribution, the reference salary being 75 per cent of the average salary of insured persons as a whole.</p>	<p>The condition of age falls if there is a dependent child.</p> <p>* Permitted increase in remunerated employment (without cancellation of the pension) in case of dependent children.</p> <p>* Orphan's pension for children's education if the divorced spouse is deceased, if the holder is raising his/her own child, if the spouse has not remarried (adherence condition also apply).</p>
Greece	<p>* Increase for dependent child (not a fixed sum but a percentage of the pension)</p> <p>* For mothers having at least three children and 20 years of insurance contribution, retirement age may be brought forward by three years per child, or to the age of 50.</p> <p>* Retirement age of 50 for women having under-age children and 20 years of insurance contributions.</p>	<p>* Increase in maximum income giving entitlement to a survival pension of 20 per cent per dependent child.</p> <p>* Orphan's pension: 25 per cent of the deceased parents pension, if one parent is deceased, 50 per cent if both parents are deceased. The total pension for an orphan cannot exceed 100 per cent of the pension of the deceased.</p>
Spain	<p>* Orphan's pension (attributed to children of the deceased, adopted children and children of the surviving partner, if they were dependent on the deceased). The amount of the pension cannot exceed 100 per cent of the basic pension (including widow's pension).</p> <p>* Pension for grandchildren, brothers and sisters, children of a deceased father, who are under 18 and handicapped.</p> <p>* Widowed mothers and grandmothers, women who are single or married and separated, if the husband is handicapped or is over 60.</p> <p>* Fathers and grandfathers over 60 or handicapped.</p> <p>* Children, brothers and sisters of a retirement or invalidity pension holder who are single, widowed, separated or divorced, who are over 45 and who are entitled through having nursed the holder.</p> <p>* If there is no surviving partner, the pension awarded to the children, grandchildren, brothers and sisters increases.</p> <p>* Children and brothers and sisters over 18 who are single, separated or divorced widows, having lived with the deceased, who are not entitled to a public pension but lack maintenance resources from parents receive a temporary allowance (20 per cent of the basic over 12 months).</p>	<p>* Orphan's pension (attributed to children of the deceased, adopted children and children of the surviving partner, if they were dependent on the deceased). The amount of the pension cannot exceed 100 per cent of the basic pension (including widow's pension).</p> <p>* Pension for grandchildren, brothers and sisters, children of a deceased father, who are under 18 and handicapped.</p> <p>* Widowed mothers and grandmothers, women who are single or married and separated, if the husband is handicapped or is over 60.</p> <p>* Fathers and grandfathers over 60 or handicapped.</p> <p>* Children, brothers and sisters of a retirement or invalidity pension holder who are single, widowed, separated or divorced, who are over 45 and who are entitled through having nursed the holder.</p> <p>* If there is no surviving partner, the pension awarded to the children, grandchildren, brothers and sisters increases.</p> <p>* Children and brothers and sisters over 18 who are single, separated or divorced widows, having lived with the deceased, who are not entitled to a public pension but lack maintenance resources from parents receive a temporary allowance (20 per cent of the basic over 12 months).</p>

Country

Old age pension

Survival pension

France

- *General system for mothers. There is an increase of two years of insurance per child raised.
- *Increase of ten per cent in pension for every person having raised at least three children.
- *There is an old age pension for mothers whose contributions were paid through the family allowance.
- *System for executives increases the total points by ten per cent in calculating the pension if there are three children, and by five per cent for each additional child.
- System for employees
- *Increase for children raised.

- *The condition of age is dropped if there is a dependent child.
 - *Increase of ten per cent in pension for every person having raised at least three children.
 - *Increase for dependent child under 16.
 - *In certain situations a pension of 20 per cent of the basic amount of the old age pension may be awarded to grandchildren, brothers, sisters, parents and grandparents of a retirement or invalidity pension holder.
 - *In certain situations, a temporary allowance (12x20 per cent of the basic pension) may be paid to children, brothers and sisters aged between 18 and 45.
- The sliding scale widow's allowance (see below) is awarded for raising or having raised at least one child.

Ireland

- *Increase for dependent children.

- *Increase for dependent children and pension for orphans of deceased mother and father.

Italy

Luxembourg

- *A career break (for 24 months) to raise a child is regarded as a working period.

- *20 per cent of the pension per child with a maximum of 40 per cent if the surviving partner does not receive a pension: 40 per cent per child, but not more than 100 per cent. Parents, brothers and sisters: 15 per cent of the pension if there are no other survivors.

- *Having a child means exoneration from certain conditions of entitlement to a survival pension.

- *Having dependent children can increase the threshold where the pension may be added to another income.

- *If there is no surviving partner, entitlement to a survival pension may be open to direct relations, collateral relations and under-age adopted children according to age and, especially, whether they lived with the deceased or not.

- *There is an orphan's pension.

Netherlands

- *Higher pension for single-parent families than for single persons.

- *Having a child means exoneration from age conditions of entitlement to a widows pension.

- *There is a national orphan's pension in case of deceased mother or father.

- *There is an orphan's pension within professional pensions.

Austria

- *Career breaks to raise a child are considered as a working period with regard to contributions for a period of up to 48 months. If the assimilated period overlaps the period of contribution, the basic amount for children's education is added to the basic amount of revenue.
- *There is a supplement for dependent children under 18 and an increase in the minimum pension if there are dependent children.

- *Orphan's pension is 40 per cent of the widow's pension, if both parents are deceased it is 60 per cent.

- *Age limit does not apply if there is a child.

Country	Old age pension	Survival pension
Portugal	None	<p>*Children and similar persons are entitled to a pension (maximum 80 per cent of the reference salary).</p> <p>*Ascendants, if they were dependent (maximum 30 per cent of the reference salary).</p> <p>*Death allowance for children and/or ascendants.</p> <p>*The age limit does not apply if there are dependent children.</p>
Finland	<p>*Increase in national pension if there are children.</p> <p>*Increase in professional pension.</p>	<p>*Increase in national pension if there are children.</p> <p>*Age limit does not apply if there are children.</p> <p>*Orphan's pension, professional pension: increased for children.</p> <p>*Professional pension: the rate (17 to 50 per cent of the pension of the deceased) depends on the number of children.</p> <p>*Having children means an increase in life insurance.</p>
Sweden	<p>*Career breaks (6 years minimum, 15 years maximum) to raise a sick or handicapped child, a supplement is added to the pension.</p> <p>*Supplement for dependent child under 16 for persons entitled before 1989.</p>	<p>*Basic pension and professional pension: there is an orphan's pension.</p> <p>*The transition pension is paid as long as there is a dependent child under 12.</p>
United Kingdom	<p>*Basic pension: increased for dependent children.</p> <p>*Attribution of a year's contribution for child's education.</p>	<p>*There is a widowed mother's pension.</p> <p>*There is an allowance paid for a child who was totally or partially dependent on the deceased husband or ex-husband.</p> <p>*Increases for dependent children are not subject to tax.</p> <p>*Allowance for orphans whose parents are both deceased.</p>

THE SUPPORT SYSTEM FOR A THIRD CHILD IN FRANCE

Only 15 per cent of French households have three children. One difference between the support systems of France and other countries is that France has concentrated substantial family support on the third child. Families who have a third child receive additional monthly allowances which are disproportionately large compared to those received by families with two children or fewer. Indeed, the increase is equivalent to 125 per cent of the allowances for two children.

The number of dependent children lowers the threshold level of resources that are disregarded for the purposes of other benefits. Thus, with three children it is easier to become entitled to back-to-school allowances and housing benefit.

As a result the total amount of family allowances makes up 11 per cent of income in a two-child family but 30 per cent in a three-child family.

Apart from family allowances, households with three children also benefit from indirect support: reduced income tax and a range of cheaper services, such as child care services. Another additional benefit accrues to women: they are allowed longer maternity leave.

A third child and women's employment - are they compatible?

Is this support system efficient? Apparently not, in that not all the families who want three children actually have them. A recent survey revealed that one out of every two French people is attracted by the idea of a family of three to five children. The fertility rate in France is actually only at 1.7 children per woman.

Many reasons may be advanced for this gap between desire and reality. There are, of course, cultural, biological and medical reasons. But two others stand out in analysis, which may be a result of social policy.

First there are financial considerations. Secondly there are employment considerations. Whilst 74 per cent of women with one or two children go out to work, only 49 per cent of those with three children do so.

FAMILY-FRIENDLY POLICY AT THE DANISH POST OFFICE

Reconciliation between family life and working life in Denmark has up to now been based on women themselves, on public authorities in charge of childcare systems and, in certain cases, on parental leave.

Companies have an interest in facilitating the lives of women and also of men who can benefit from progress in this field in order to optimise their use of human resources, develop productivity and a more flexible organisation of work. The Danish Post Office was one of the first to win the European Commission prize for Social Innovation in the field of new forms of reconciliation between work and family life.

The Post Office is one of five companies which are involved in the work of a Danish Research Institute into 'Family Friendly Companies'.

Of the 35,000 employees of the Danish Post Office, 39 per cent are women. Studies have permitted the identification of those factors which are likely to worry employees with young children. A first survey of 800 employees showed that certain obstacles originated not so much in the organisation of work, but rather in the attitudes of other employees with longer seniority, who could use this fact to their advantage and restrict the employment opportunities for flexible working time available to employees with young children.

The Danish Post Office made a unique effort to allow all employees to have variable working hours and the opportunity for part-time work. Where flexible systems turned out to be contrary to production goals, individualised solutions were promoted in specific cases.

At present, around 70 per cent of employees of the Danish Post Office start and finish work outside the opening hours of public sector nurseries. In ten large cities, following a number of approaches, the opening hours of crèches were extended. In five large cities, an evening and night time care shift was introduced and in two large cities, a 24 hour care shift became possible. This latter considerably extended the opportunities for parents in a sector where night work, for example in postal sorting, is still essential.

CHAPTER 4

PROMOTING A GENDER BALANCE IN DECISION-MAKING



THE CURRENT SITUATION OF WOMEN IN DECISION-MAKING

The following chapter sets out to discuss the existing trends relating to women in political decision-making in the European Union. As such, it provides the most recent statistics which are drawn from the work of the Network on Women in Decision-Making, set up by the Commission's Equal Opportunities Unit under the Third Medium-Term Action Programme on Equal Opportunities for Women and Men (1990-1995). On the one hand, these figures reflect the persistent under-representation of women in political decision-making positions. However, they also indicate some positive trends, linked to the various measures at local, regional, national and European level which have aimed at removing structural barriers, as well as facilitating access, for women to political decision-making positions.

A number of developments at European level point the way forward. There is the Council Recommendation on the balanced participation of women and men in decision-making of 2 December 1996. There have been the expert network proposals for an action plan for the equal participation of women and men in decision-making, discussed at the European Conference 'Women for the Renewal of Politics and Society', held in Rome on 16 and 17 May 1996. The lat-

ter event, culminating in the signing of the Charter of Rome, reflects a qualitative change of approach to the balanced participation of women and men in decision-making. Both the proposed Council Recommendation and the Charter of Rome recognise that women's full and equal participation in political decision-making is not only a question of fairness and equality in a democratic society, but also of reinvigorating democracy and its mechanisms. The Charter of Rome states that 'a balanced sharing of power and responsibilities between women and men will improve the quality of life of the whole population; the representation of all parts of society is indispensable if the problems of European society are to be addressed.'

Setting the context

The general international trend over the last ten years shows that the number of women in decision-making positions has decreased, despite an important change in the status, role and contribution of women in society in the second half of the century. However, advances have been made in the European Union. Women's legal rights have been strengthened *de jure*, especially in regard to exercising their democratic rights in terms of voting and being elected. Moreover, some Member States have introduced special legislation and/or affirmative action in order to promote women into political decision-making positions. Nevertheless, women remain under-represented at national, regional and local levels in all Member States of the European Union.

However, 25 per cent of the Commission itself, that is five of the twenty members of the College of Commissioners, are women. At the level of the European Parliament, the number of women parliamentarians has risen from 19 per cent to 27.3 per cent at the last European elections in 1994.

The various initiatives and statements reflect the importance that is given to women's participation in politics. The issue is not only a matter of social justice, but it touches at the core of the debate on democratic development and social progress. Women's equal participation in all political matters is recognised as essential for democratic development and the legitimacy of

existing governments and their institutions. While the goal is relatively well-defined, discussions continue over what strategies should be used to bring more women into decision-making posts.

Women's participation in national assemblies

Over the last five years, the three Nordic Member States have shown a consistent track record in bringing more women into decision-making positions. Sweden elected 40.4 per cent women in its parliamentary election in 1994. Similarly, Finland has 33.5 per cent women in its parliament while in Denmark, women constitute 33 per cent of the parliamentary assembly. These three examples of high representation are followed in turn by the Netherlands, Germany and Austria. The three countries with less than ten per cent of women in parliament are Greece (5.7 per cent), France (6.1 per cent) and the United Kingdom (9.2 per cent). Overall, across Europe of 12 Member States, there was an average increase of 4 per cent of women in the lower houses between 1990 and 1995 and a 2.6 per cent increase in the upper houses, that is, not taking into account the new Member States in the European Union. In Belgium, for example, the percentage of women in the upper house grew by a noteworthy 3.1 per cent between the two elections of 1991 and 1995. Spain and the Netherlands achieved more than an eight per cent increase between 1990 and 1995. All countries but two increased their percentages of women in their representative assemblies between 1990 and 1995. In Germany, the percentage of women in the upper house dropped from 25 per cent to 19 per cent and in Finland the percentage of women dropped from 39 per cent in 1991 to 33.5 per cent in 1995.

Women's participation in governmental posts

Overall improvement is evidenced by the fact that the average female share in politics in government has risen from 11 per cent in the second half of 1980 to 16 per cent today.

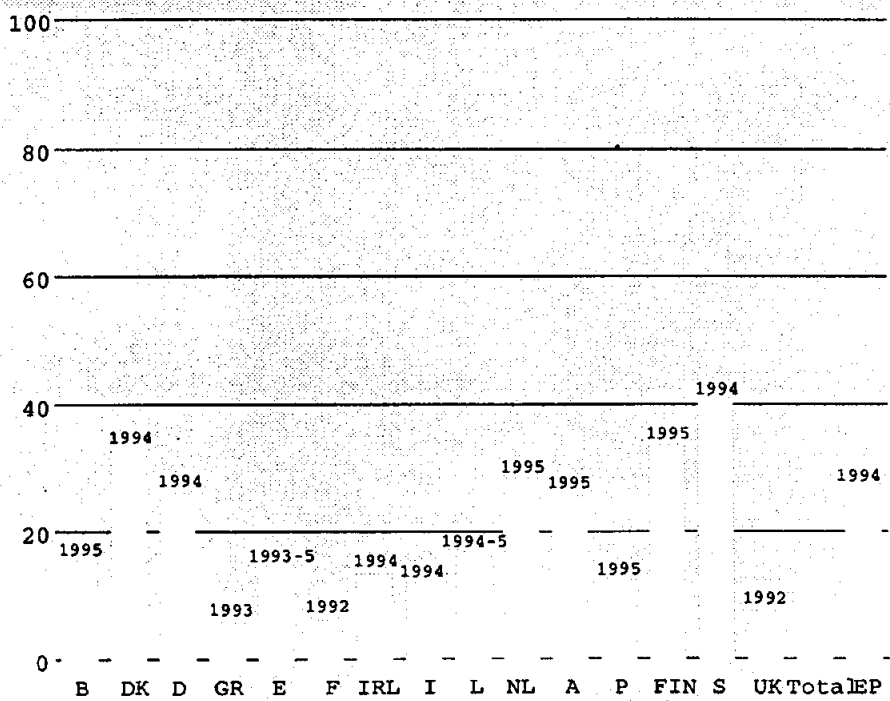
The percentages of women in cabinet posts mirror women's respective representation in their national assemblies. Consequently, we find that Sweden, Finland, Denmark and the Netherlands have the highest percentages of women in cabinet positions. In Sweden the government is composed of 50 per cent women and 50 per cent men while in Finland, women occupy 39 per cent of the governmental positions. Conversely, Greece and the United Kingdom have the lowest number of women in cabinet position with four per cent and seven per cent respectively. The average proportion of women cabinet ministers in the Member States is 16 per cent. However, it should be pointed out that women generally occupy ministerial positions related to social affairs. Almost 19 per cent of women ministers are responsible for social affairs, as compared to only 9.7 per cent in law and justice.

Of the 24 elected women heads of state worldwide, Ireland is the only country of the European Union with an elected woman president.

Women's participation at regional level

At the regional level, Sweden retains its lead followed by Germany and Austria. Sweden, in particular, has almost achieved parity between women and men in its regional assemblies. Although data is not available for all Member States, data collected by the Network on Women in Decision-making Positions reveal that women's participation in regional parliaments is slightly higher (2-3 per cent) than in national parliaments, except for Portugal, Austria, France and Belgium. These differences would merit further research, especially in regard to differences in measures applied at national and regional level to increase the number of women into decision-making positions. Similarly, more information is needed in order to explain why women's participation in political decision-making in France is so much higher at the regional level (12.1 per cent) than at the national level (6.1 per cent).

TABLE 23
PARTICIPATION OF WOMEN IN NATIONAL PARLIAMENTARY ASSEMBLIES
IN THE EU MEMBER STATES AND IN THE EUROPEAN PARLIAMENT (%)



SOURCE: EUROPEAN EXPERTS NETWORK 'WOMEN IN DECISION-MAKING. FACTS AND FIGURES ON WOMEN IN POLITICAL AND PUBLIC DECISION-MAKING IN EUROPE (1996)'. NOTE: EP: EUROPEAN PARLIAMENT.

*Women's participation
in the European Parliament*

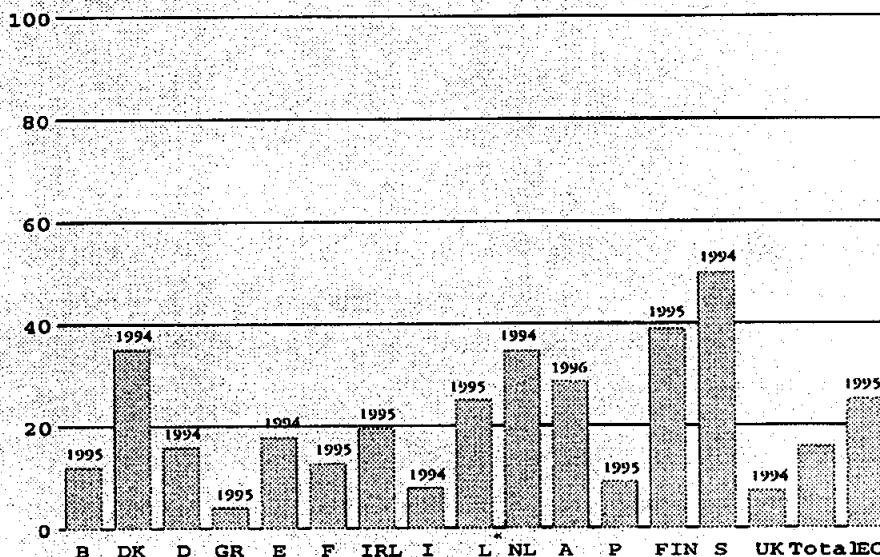
The last elections to the European Parliament in 1994 raised the number of women in the European Parliament considerably. Whereas the percentage of women in the European Parliament was at 19 per cent prior to the elections, their share increased to 25.7 per cent in 1994. Today, women hold more than a quarter of all the seats in the European Parliament (27.6 per cent). As such, this percentage is much higher than the average percentage of women in national parliaments of the 15 Member States which stands at 15 per cent. This is despite the inclusion of the new Member States, including Sweden and Finland, which have a much higher percentage of women in political decision-making than the rest of the Member States of the European Union. Only four out of the 15 Member States have a higher percentage of women in their national parliaments. Moreover, countries like France, Greece and the United Kingdom have double the representation of women in the European Parliament compared with their national parliaments.



**WHY THE NEED FOR A
BALANCED PARTICIPATION
OF WOMEN AND MEN?**

Democratic societies are built *inter alia* on the principle of the full and equal participation and representation of their citizens. As such the formal and informal equality between women and men is a fundamental human right which has been affirmed and reaffirmed by international covenants such as the UN Convention on The Elimination Of All Forms Of Discrimination Against Women (1979) and the Beijing Platform for Action (1995), to name just two of the most recent ones. These international calls were echoed at European level, most notably by the Council of Ministers in March 1995, when it stated that 'the objective of balanced participation of women and men and the sharing of responsibilities between women and men in decision-making in every sphere of life, constitutes an important con-

TABLE 24
PARTICIPATION OF WOMEN IN THE NATIONAL GOVERNMENTS OF THE EU MEMBER STATES
AND IN THE EU COMMISSION (%)



SOURCE: EUROPEAN EXPERTS NETWORK "WOMEN IN DECISION-MAKING. FACTS AND FIGURES ON WOMEN IN POLITICAL AND PUBLIC DECISION-MAKING IN EUROPE (1996)". NOTE: EUROPEAN COMMISSION REFERS TO THE COLLEGE OF 20 COMMISSIONERS (TWO EACH FROM FRANCE, THE UK, GERMANY, ITALY, SPAIN AND ONE FROM THE OTHER MEMBER STATES). IT DOES NOT REFER TO THE COMMISSION'S ADMINISTRATIVE STAFF.

dition for equality between women and men.' In that Resolution, the Council invited the Member States to 'develop an integrated global strategy for promoting the balanced participation of women and men in resolutions...' The Resolution laid the groundwork for follow-up in terms of the Fourth Action Programme and a Council Recommendation on the balanced participation of women and men in decision-making positions, adopted on 2 December 1996.

The reports and communications by the European Council, European Parliament and the Economic and Social Committee, reaffirm the necessity of establishing equality by *inter alia* promoting a balanced participation in decision-making. Balanced participation has thus been established as a principle of democracy. Thus, women's under-representation in political decision-making positions calls into question the legitimacy of any given democratic system. If women's values and life circumstances are not taken into consideration by the decision-makers, women will tend not to identify with the political system.

Barriers to women's political representation

Although the reasons for women's reluctance to enter political life or their exclusion from political decision-making are multifaceted and difficult to ascertain, the following factors account for many of the reasons why women are so poorly represented:

- Education and socialisation assigning different sex roles to women and men. Women's under-representation is linked to the division between the private and the public whereby the public domain belongs to men and the private to women.
- Situational constraints such as the division of labour within the family, childbearing and caring responsibilities in the largest sense. In this context, the time factor becomes crucial, in particular as women enter the labour market in unprecedented numbers. Some research seems to indicate a close correlation between working women and participation in politics.
- Access to education and training, in particular access to professions which are closely related to political office. In addition, women do not seek

TABLE 25
PARTICIPATION OF WOMEN IN THE REGIONAL PARLIAMENTS AND GOVERNMENTS OF THE EU MEMBER STATES

Country	Date	Regional Parliaments %(W/T)	Regional Government %(W/T)
B	1995	17.6	9.7
DK	1993	31	NON-EXISTENT
D	1995	28.9	25.3
GR	1992	APPOINTED BODIES	APPOINTED BODIES
E	1993/94/95	19	NO DATA AVAILABLE
F	1992	12.1	NO DATA AVAILABLE
IRL	1994		
I	1995	11.4	7.1
L	NON-EXISTENT		
NL	NON-EXISTENT		
A	1994	19.6	19.2
P	1992	9.2	0.0
FIN	NON-EXISTENT		
S	1994	47.6	42.9
UK	NON-EXISTENT		
Total		24.9	26.1

SOURCE: EUROPEAN EXPERTS NETWORK 'WOMEN IN DECISION-MAKING. FACTS AND FIGURES ON WOMEN IN POLITICAL AND PUBLIC DECISION-MAKING IN EUROPE (1996)'.

NOTE: PORTUGAL, ONLY THE AUTONOMOUS REGIONS OF AÇORES AND MADEIRA HAVE REGIONAL PARLIAMENTS AND GOVERNMENTS.

membership of networks and institutions which are frequently associated with structures and schedules that effectively prevent women's participation.

- Monetary resources. Women's lack of monetary resources means that they do not have the financial resources to enter into political campaigns. Conversely, women candidates do not attract the necessary outside funding and support as they are not taken seriously as potential political office bearers.
- Techniques of suppression, which express themselves in the suppression of information, making women invisible and inaudible in meetings, and/or the use of ridicule, should not be underestimated in terms of disincentive.
- Political culture is another factor in women's lower participation. This includes lack of support for women party-members, timing and places of political meetings as well as the language and ethos associated with political life.

While the reasons above are mainly psychological and situational, the type of political system also plays a major role in facilitating or preventing women's access to political decision-making positions. The type of electoral system has been identified by some researchers as the single most important variable in explaining the wide variations of women's participation in political decision-making positions. The relatively higher participation of women in politics in the Netherlands, Sweden and Finland as compared to the other Member States of the European Union is often explained by reference to their systems of proportional representation.

It should be stressed that the low status of women is mirrored in the number of women in political decision-making positions. There tends to be direct correlation between women's overall socio-economic position in a given Member State of the European Union and their level of political participation.



STRATEGIES FOR BRINGING MORE WOMEN INTO POLITICAL DECISION-MAKING POSITIONS

Some of the above barriers are well-known and are being addressed at Member State level. While the need for action has been recognised, debate continues over the most appropriate strategies.

Parity democracy

Women's under-representation in decision-making positions marks a serious democratic deficit. As women comprise 51 per cent of the population of 370 million in Europe, their conspicuous under-representation in positions of power is also evidenced by lack of reflection of their specific concerns on the political agendas. This has led women's organisations to call for *parity democracy*, or the mandatory composition of all decision-making bodies with 50 per cent women and 50 per cent men. The concept of *parity democracy*, developed by the Council of Europe, promotes the idea that society is equally composed of women and men and that their full enjoyment of citizenship is contingent upon their equal representation in political decision-making positions. It recognises the fact that humanity is composed of women and men with equal dignity and value. It implies that democracy can only be genuine when it embraces human beings as they really are, namely, women and men, and it recognises that both women and men have something to offer to society. This concept can be understood as the full participation of women on an equal footing with men at all levels and in all aspects of the running of a democratic society. It implies that the participation of each sex in decision-making bodies should be on a parity basis, aiming at 50 per cent. In order to achieve parity democracy at political and public level, it might be necessary to pursue certain strategies, such as parity thresholds, target figures, and positive action measures. Thus, it was proposed to intro-

duce constitutional amendments which would make it mandatory that all political decision-making bodies should have a membership of 50 per cent women and 50 per cent men.

However, the concept of parity democracy is very much disputed as others argue that such legislation would be discriminatory against other groups in society. Moreover, opponents argue that such a rigid quota based on sex would devalue women's contribution to society. Furthermore, a constitutional amendment requiring 50-50 representation of women and men would be permanent. Yet, many women's organisations, especially in the south of Europe, frustrated by the slow progress in raising the number of women in politics, continue to pressure for such a constitutional amendment. They argue that society is almost equally composed of the two sexes and that parity democracy will ensure that the interests and needs of both sexes are fully reflected in policy-making. Furthermore, it is argued that women cannot simply be considered as just another interest group in society; women also comprise all the various interest groups such as the young, old, poor and disabled, among others.

Quotas in political decision-making

Quotas, on the other hand, have been used selectively in some Member States. They are regarded as temporary measures designed to balance women's representation in political bodies. However, quotas remain controversial as opponents argue that they are discriminatory and interventionist. Quotas have been used more or less extensively in Belgium, Denmark, Finland, France, Germany, Italy and the Netherlands. One of the most prominent examples of a quota system is found in Belgium. The Belgian law of 1994 requires a minimum percentage of candidates of the same sex. Party lists must have at least 25 per cent women candidates. This figure is to increase to 33 per cent from 1999 onwards. Although the quota system does not foresee sanctions if a list does not contain the required number of female candidates, it stipulates that the slots which are legally reserved for women and are not filled with women candidates, will remain

GENDER BALANCE IMPROVES IN FINLAND

As elsewhere, Government Ministers in Finland have usually been men. Admittedly the first woman Minister was appointed in 1926, but the next came only after the Second World War. The government contained a total of three women Ministers for the first time in the early 1970s and four after the elections of 1987. Women have mainly been in charge of the Ministry of Health and Social Welfare and the Ministry of Education. The Finnish Prime Ministers have always been men, as had all Foreign Ministers until 1995.

The highest permanent officials in the state administration have traditionally all been men, until the appointment in 1995 of a woman as permanent secretary at the Ministry of Justice.

The parliamentary committees and working groups have also been dominated so far by men, so that out of a total of some 1,300 members of the 136 committees established in 1990, one fifth were women. Most of the women were members of committees subordinate to the Ministry of Foreign Affairs, the Ministry of Education and the Ministry of Health and Social Welfare, in which every third member is a woman. The committees working under the Ministry of Trade and Industry and the Ministry of Transport were highly male-dominated in 1990.

Almost 90 per cent of the chairpersons of the committees were men, but more than one secretary in three was a woman. Most of the chairpersons, members and secretaries of the working groups set up by the government are usually men and consequently only about one quarter of the members of the 334 working groups established in 1990 were women, 13 per cent of the chairpersons and 42 per cent of the secretaries. The revision of the Equality Act between women and men which came into force in March 1995 established quotas for women in *ad hoc* public committees, for example, in order to ensure relatively equal representation in public bodies: 40 per cent - 60 per cent of either sex.

Source: Extract from *Women and Men in Finland*, Statistics Finland, 1995.

blank. In other words, if not enough women are put on the list, the number of candidates on that list will be reduced accordingly. Belgium is one of the two countries in the European Union that imposed a direct quota for electoral office. The other country is Italy which implemented two electoral laws in 1993, which stated respectively, that on lists of candidates neither of the two sexes may be represented by more than 75 per cent, and that male and female candidates will appear alternately on lists. The laws, however, were declared unconstitutional in 1995 on the ground that they violate equal treatment legislation.

Apart from Belgium and Italy, all other quota systems refer to committees or advisory bodies where members are usually appointed. One such example is Finland which passed a law in 1987 stipulating that women and men must sit on committees, consultative councils and other bodies in as equal a way as possible. In 1995, an amendment was added, which specified that at least 40 per cent of one or the other sex must sit on these committees and consultative bodies. The result of this quota was that the number of women on these decision-making bodies increased from 25 per cent in 1980 to 48 per cent in 1996.

While the Finnish example seems to give a clear indication of the potential effects of a quota, the results in the other countries in the European Union cannot be so easily and directly ascertained. Yet, it seems that quotas are one of the most powerful means to ensure a better representation, provided, however, that they are accompanied by other measures such as awareness raising, better education or the provision of childcare.

Quotas in political parties

Quotas have been used in particular by political parties. Their success is evidenced in particular in the Nordic countries where women have already gained a substantial number of seats or positions in the parliaments and governments. The Danish People's Socialist Party already introduced quotas in the early seventies stipulating that each sex had to be represented with at least 40 per cent. Similarly, the German Social Democratic Party introduced the quota system

for both its internal structure as well as for electoral office, 40 per cent and 33 per cent respectively. Quota systems have now become quite common in political parties across Europe, not least because female membership in political parties, already low, has decreased considerably since 1985.

Targets and timetables

In January 1994, the European Parliament approved a report on Women in Decision-making Positions by the Committee on Women's Rights. Amongst other things, the report called for target figures to be set for the number of women 'to be appointed by a given deadline to decision-making positions whose incumbents are appointed by a government body, such as the office of mayor, Supreme Court, and so on and, if these target figures are not met by the year 2000, for a quota system to be introduced.'

Similarly, the Beijing Platform for Action (\$190) calls on governments to 'commit themselves to establishing the goal of gender balance in governmental bodies and committees as well as in public administrative entities, and in the judiciary, including setting specific targets and implementing measures to substantially increase the number of women in all governmental and public administration positions.' Some Member States have set targets and timetables while shying away from a specific quota system. Most notably, Sweden adopted a programme in 1987 called 'The Sharing of Power, Influence and Responsibilities between Women and Men in all Spheres of Society'. This programme proposed that the goal for representation of women in public councils should be set at 30 per cent in 1992, 40 per cent in 1995, whilst aiming at an ultimate 50-50 representation.

While targets and timetables are not mandatory in nature, they serve, however, to raise awareness about the under-representation of women. As such, they may help change attitudes and increase willingness to consider a woman instead of a man for a given position.



LEGISLATION AND INITIATIVES AT EUROPEAN LEVEL

Over the last two years, the Council of Ministers, the Commission, the European Parliament and the Economic and Social Committee have developed their positions on the issue of Women in Decision-making. In 1994 the Parliament adopted the 'Larive Report' on Women in Decision-making, which called for an integrated approach to raising the number of women in decision-making positions.¹ It proposed that there be 'a package of specific measures to increase women's share in public decision-making over the next five years.' The report stressed the need for research, better training opportunities for girls and information campaigns. It not only addressed the Commission and the Member States of the Union, but also the two sides of the industry (the trade unions and employers organisations), to promote positive measures including target figures within their own organisations.

Following the European Parliament's report on Women in Decision-making bodies, the Council of Ministers adopted a Resolution on the balanced participation of women and men in March 1995.² This Resolution in turn precipitated the Commission proposal for a Council Recommendation on the balanced participation of women and men in decision-making. The proposal for a Recommendation, if adopted by Council, will ask Member States to study the under-representation of women in all spheres of life and to adopt strategies covering the whole gamut from incentives to legislation, in order to constructively address the persistent imbalance of women in decision-making. The proposal for a Recommendation not only addresses women's under-representation in politics, but it also urges the social partners, the media and NGOs to adopt plans of actions to facilitate women's access to decision-making positions.

In its opinion on the Commission's proposal for a Council Recommendation on the balanced participation of women and men in decision-making, the Economic and Social Committee largely welcomed the proposal for a Recommendation. However, the Committee regretted that the proposal for a Recommendation limited itself to calling for strategies and activities 'to promote' balanced participation rather than for strategies which could help 'guarantee' it. But all in all, the Committee shared the view that actions must include education, training and information.

The above initiatives follow from the various actions undertaken by the Commission over a period of more than 15 years. Beginning in 1981, the Commission adopted and implemented three five-year action programmes which set out to improve equality legislation as well as promote positive measures in relation to equal opportunities. By the time of the Third Medium-term Action Programme, policy had developed to include a specific focus on the promotion of women in decision-making positions, as being one of the prerequisites for establishing gender equality. In this action programme, the Commission supported both European and national actions to promote women's participation including women in decision-making in political and public life, in management, in policy-making posts, in the trade unions and in the education sector. In addition, the Commission established the European Network of Experts on Women in Decision-making. This Expert Network, comprising one expert from each Member State, had a three-fold remit:

- **Research:** to gather and analyse data pertaining to women's participation in politics in all the Member States of the European Union.
- **Actions:** to organise the first European Summit on women in power in Athens in November 1992; two European Conferences in Brussels (1993) and Dublin (1995) and finally the

¹ European Parliament Women's Rights Committee. Women in decision-making bodies, Reporter Mrs Jessica Larive. EP 205.666 of 27.1.1994.

² Council Resolution of 27 March 1995 on the balanced participation of women and men in decision-making. OJ C 168 of 4.7.1995, p.3.

DECLARATION OF ATHENS

We, the undersigned, women with experience of high political office, gathered in Athens on 3 November 1992 at the invitation of the Commission of the European Communities for the first European Summit 'Women in Power' have together adopted the following Declaration:

We note a democratic deficit

We note that the current position of women in the Member States of the European Communities as in other European countries is still characterised by profound inequality in all public and political decision-making authorities and bodies at every level - local, regional, national and European.

We note with concern that women's participation in political decision-making has not improved in a number of European countries since the mid-seventies and that recent political developments have resulted in a significant decrease in the proportion of women in decision-making, particularly in the legislative assemblies in some of these countries.

We conclude that women's access to the same formal rights as men, such as the right to vote, stand for election and apply for senior posts in public administration, has not produced equality in practice.

We proclaim the need to achieve a balanced distribution of public and political power between women and men

A democratic system should entail equal participation in public and political life by its citizens.

We underline the need for changes to the structure of decision-making procedures in order to ensure such equality in practice.

We call upon all members of society concerned

We call upon the Commission of the European Communities and all European and international organisations to adopt action programmes and measures to ensure the full participation of women in decision-making in these organisations.

We call upon the Member States of the European Communities and other European States to integrate fully the dimension of equal opportunities for women and men in their educational system and in all their national policies and to adopt the measures necessary to implement these objectives, in order to achieve equal sharing of decision-making posts for women and men.

We call upon the leaders of trade unions, workers' organisations and adequate employers' associations at national and European level to recognise the increasing contribution of women to the labour market by ensuring the mechanisms necessary for equal participation by women at all levels of these organisations, including decision-making bodies.

We undertake a campaign to strengthen European Democracy

These essential changes should accompany contemporary developments in European society, developments which will be all the more welcome if women are as equally involved in them as men.

By signing this Declaration we hereby launch a campaign to mobilise all concerned in society to ensure balanced participation of women and men in decision-making at local, regional and national level and in the European Institutions including the next European Parliament.

organisation of the Rome Summit 'Women for the Renewal of Politics and Society' (1996).

- **Communication:** to disseminate information on the status of women in decision-making in the European Union; to publish brochures with statistical data on women in decision-making at local, regional, national and European levels; to make available studies on the issues involving women in decision-making positions; to provide arguments as to why women must be equally represented in decision-making positions; and to disseminate this information as widely as possible.

The European Commission has taken measures, internally, to increase the recruitment of women graduates to its administrative services and to ensure their presence at managerial and decision-making levels.

Actions

The first European Summit and Conference on 'Women in Power' in Athens in October 1992, organised by the European Expert Network and the European Women's Lobby, launched a statement of the principles which underlie the desire for a balance between women and men in decision-making. The so-called Athens Declaration, signed by the women ministers and other high officials present, noted the stagnation, even the decline, of women's participation in decision-making. Its demands focused on a fair distribution of power between women and men and the establishment of a specific policy to redress the democratic deficit.

The Declaration states five fundamental tenets: equality is a fundamental right; equal representation is a fundamental principle; under-representation of women translates into a loss of potential talent; equal representation guarantees that the needs of the whole population will be taken into account; a balanced participation by women and men in decision-making produces a fairer and more balanced world for all.

The Athens Declaration marked the beginning of a comprehensive policy approach to women in decision-making. As a document, it gave visibili-

ty to the fundamental principles that justify the demands for equal representation of women and men in decision-making positions. It called on individuals and institutions alike to address the under-representation of women and develop measures which would aim to increase their numbers in politics.

At the Rome Summit 'Women for the Renewal of Politics and Society' in May 1996, organised jointly by the Italian Presidency and the Commission, women ministers of the different Member States signed the Charter of Rome which is to provide the basis for the expressed commitments of the Member States of the European Union to commit themselves to a gender balance in decision-making. The Charter notes the democratic deficit evidenced by the under-representation of women. It calls for a renewal of politics and society by ensuring the balanced participation of women and men in decision-making positions. It declares commitment to the need to recognise equality of women and men as a priority of the Union and stresses the necessity for concrete action at all levels to promote the equal participation of women and men in decision-making in all spheres of society. As such, the Charter and the proposal for national action plans together set the framework for future action to establish a gender balance in political decision-making.

Communication

An important part of the work of the European Expert Network 'Women in Decision-making' has been the dissemination of the data and studies researched and compiled by the Network's experts. The Network not only published an inventory and an evaluation of the strategies that had been developed to promote women's participation, but it also organised another key event in Dublin in March 1995 on 'Strategies for a Gender Balance in Political Decision-making' which received wide public attention. The conference resulted in a guide for the implementation of policies for increasing the participation of women in political decision-making (currently being prepared for publication). The Network also published the brochure 'Women in

CHARTER OF ROME

'Women for the Renewal of Politics and Society'

We, the undersigned, women ministers of different Member States of the European Union, gathered in Rome on 18 May 1996 at the invitation of the President of the European Union Council and on the occasion of the European summit 'Women for the Renewal of Politics and Society', have together adopted the following Charter:

We note a democratic deficit

Notwithstanding the evolution of the respective roles of women and men in European society, the general statutory recognition of the equality of rights for women and men and the equal opportunities policies pursued in the Member States of the European Union, we note that the situation of women is still characterised by inequality in most sectors of society. This inequality can be seen in decision-making bodies and authorities, in politics, economics, social and cultural life; and at the local, regional, national and European level, where women are usually in a minority position.

We welcome the research done by the European Expert Network on 'Women in Decision-making' and acknowledge that it greatly contributes to increased visibility in this field and that it thereby constitutes a basis for action.

Substantial progress has been made since the Declaration of Athens, adopted in 1992 on the occasion of the first European summit of women in power. This progress, however, is not yet sufficient.

In the field of politics, the average female participation in the Member States amounts to 15 per cent for the national parliaments and 16 per cent for the governments; 28 per cent of the present Members of the European Parliament and 25 per cent of the European Commissioners are women.

In other spheres of civil society where decisions are taken that have an indisputable impact on the lives of citizens, both male and female, female representation at decision-making level can be even lower.

We therefore cannot but face the fact that political life and decision-making in general are still dominated by men. This impairs the quality of decision-making and of democracy. Democracy will acquire a true and dynamic sense when women and men together define the values they wish to uphold in their political, economic, social and cultural life and together take the relevant decisions.

We call for a renewal of politics and society

The equal participation of women and men in decision-making is an objective that has priority at European level.

This is necessary to reinvigorate democracy and its mechanisms; a balanced sharing of power and responsibilities between women and men will improve the quality of life of the whole population; the representation of all parts of society is indispensable if the problems of European society are to be addressed. The effective implementation of policies to achieve equal participation and partnership between women and men is a priority.

Women, if present in sufficient numbers, contribute to changing politics and decision-making in terms of the priorities and content, as well as the practices of decision-making.

A renewal of politics and society will be realised with the joint contribution and balanced participation of women and men. This contribution and participation bridge the gap between citizens and politicians, revitalise democracy and increase citizen confidence in the institutions of democracy.

The equal participation of women at all decision-making levels in economic, social and cultural structures is likewise necessary to guarantee that the needs of women and men are taken into account in all policies, programmes and actions.

We declare our commitment to the need to recognise equality of women and men as a priority of the European Union

The principal responsibility of the Intergovernmental Conference (IGC), which will revise European treaties, as laid down in the Maastricht Treaty, is to reinforce European democracy by bringing the concepts and structures of Europe closer to its citizens. Representatives of national governments, the European Parliament and the European Commission have declared this to be a priority.

More than half of European citizens are female. A democratic European society must therefore be built on the effective and real equality of its citizens of both sexes.

We affirm our commitment to the need of enshrining equality between women and men in the new European Union Treaty. We consider it indispensable to integrate a gender perspective into all policies of the European Union (mainstreaming). This lies at the heart of European citizenship and its conditions of practice.

We call on the institutions and organs of the European Union to adopt, urgently, a strategy for achieving an equal participation of women and men and to set concrete targets to that end.

We recognise the necessity of concrete action at all levels to promote the equal participation of women and men in decision-making in all spheres of society

Where progress has been made, notably in the area of public life (in elected assemblies, in councils and consultative committees), this has been the result of putting into force incentives and/or legislative or regulatory measures on the part of governments and political parties.

An integrated and specific strategy is necessary if equal participation is to be achieved in all spheres of society. In this light we welcome the Rome Conference 'Women for the Renewal of Politics and Society'.

We commit ourselves to take action for the urgent empowerment of women and to develop the necessary incentives and/or legislative or regulatory measures.

We call upon all actors concerned, male and female, to support this commitment by translating it into concrete actions to empower women and to achieve an equal participation of women and men in the positions of power, influence and decision in all spheres of society.

PROMOTING A GENDER BALANCE IN DECISION-MAKING

Decision-making. Facts and Figures on Women in Political and Public Decision-making in Europe', available in 11 languages. This brochure was updated several times and has been widely distributed. The Network closely collaborated with women's non-governmental organisations in order to ensure that a wide audience receive up-to-date information on the current status and trends in relation to women's participation in decision-making.

launched to promote a better balance inside the delegations and its decision-making organs. A similar awareness is evident among employer representatives, although less visible. This raises hopes that the social partners will be a driving force in the development of guidelines, practices and attitudes.

Women tend to be under-represented in the leadership and principal decision-making bodies of trade unions in all Member States. The situation of women in the ETUC's affiliates is reported in a survey published by the Confederation in 1995. In the national centres for which figures were reported, the proportion of women in the membership of 27 centres was 36 per cent. Only two out of 27 reported a proportion of women congress delegates equivalent to, or higher than, the proportion of female members. Of general secretaries and/or presidents of 1009 affiliated unions only 126 (eight per cent) were female. The average percentage of women on national executive committees in the case of 30 centres was 15 per cent. Only two out of thirty principal leaders of national confederations were female. Women were notably absent from important col-

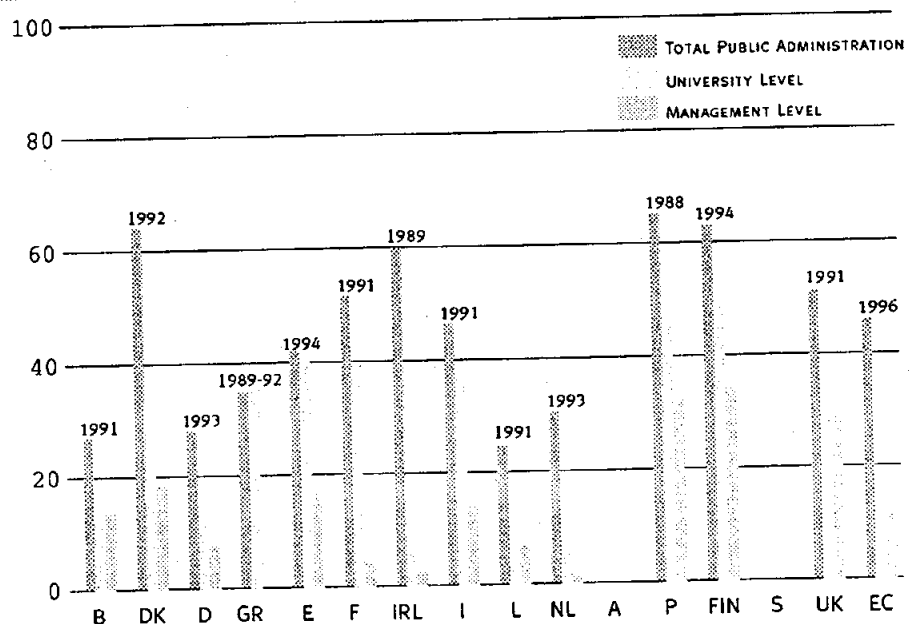


WOMEN IN DECISION-MAKING IN EUROPEAN TRADE UNIONS

The representation of women inside various organisations - political, trade unions and employers associations - is not neutral in relation to the promotion of equality between the sexes.

Inside the European Trade Union Confederation (ETUC), a process of discussion has been

TABLE 26
PARTICIPATION OF WOMEN IN PUBLIC ADMINISTRATION AT NATIONAL LEVEL
IN THE EU MEMBER STATES (%)



SOURCE: EUROPEAN EXPERTS NETWORK 'WOMEN IN DECISION-MAKING. FACTS AND FIGURES ON WOMEN IN POLITICAL AND PUBLIC DECISION-MAKING IN EUROPE (1996).'
NOTE: EC REFERS TO THE COMMISSION'S ADMINISTRATIVE STAFF.

lective bargaining activities. A positive feature was highlighted in the report however: 'women fare better as officials of trade union organisations at national and European levels than as representatives'.

Women are slowly making gains however, and an improvement over time is evident in the ETUC itself. Figures obtained for the years 1994 and 1996 show the following: women's membership (full and deputy members) of the executive committee increased from 14 per cent in 1994 to 24 per cent in 1996. Women as a percentage of those present at the ETUC's 1991 congress (delegates and observers together) were 18 per cent, while at the 1995 congress they were 24 per cent (figures include women in reserved seats).

NGOs and the civil dialogue

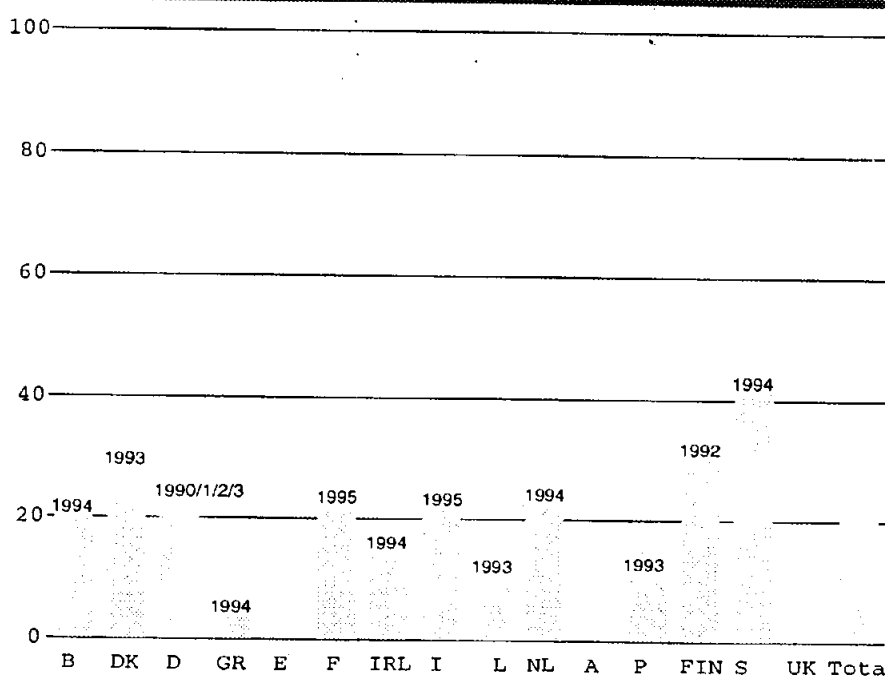
While recognising the special role played by consensus and collective agreements between employers and trade unions in the European social model, the Commission has recognised that voluntary and other representative organisations have a contribution to make to the process

of change in Europe. Some of the social problems facing Europe, such as social and economic exclusion, poverty, the rise in racism, xenophobia and anti-semitism, the ageing of Europe, the situation of people with disability and themes arising from equality of opportunity between women and men, are acute and can be best addressed by a range of partners.

Cooperation between European NGOs and networks in the social field began in 1993 and was followed by an NGO Forum in Brussels in 1994 and by joint responses to social policy initiatives of the Commission. With the increase in regular contact with European institutions and collaboration between networks, a more formal Platform of European Social NGOs was formed in 1995. The aim was to establish a broader dialogue with European institutions on European social policy, beyond the more specific and sectoral dialogue which remains of major importance. By March 1996, the Platform was composed of 19 members.

Among the 19 Platform members is the European Women's Lobby, founded in 1990 and which is the largest coalition of women's non-

TABLE 27
PARTICIPATION OF WOMEN AT LOCAL POLITICAL LEVEL IN THE EU MEMBER STATES (%)



SOURCE: EUROPEAN EXPERTS NETWORK 'WOMEN IN DECISION-MAKING. FACTS AND FIGURES ON WOMEN IN POLITICAL AND PUBLIC DECISION-MAKING IN EUROPE (1996).'

NOTE: DATA FOR D REFERS TO MUNICIPALITIES WITH MORE THAN 20,000 POPULATION. SEE DATA SOURCE.

TABLE 28

WOMEN AS MEMBERS AND AS LEADERS OF THE AFFILIATED SECTORAL AND REGIONAL UNIONS
AND AS CONGRESS DELEGATES OF THE 31 NATIONAL CONFEDERATIONS OF THE ETUC, 1993

UNION	Women as proportion of membership	Women as general secretaries and/or presidents of unions	Women as a proportion of affiliated congress delegates ^a	System of ensuring female representation ^b	Abbreviations
FGTB (B)	n/k	0 amongst 25	n/k ^c	none	FGTB: Fédération Générale des Travailleurs de Belgique
AC(DK)	29%	3 amongst 25	29%	yes	AC: Akademikernes Centralorganisationen
LO(DK)	49%	2 amongst 22	30%	none	LO: Landsorganisationen i Danmark
DAG(D)	53%	0 amongst 1	136%	yes (Q)	DAG: Deutsche Angestellten-Gewerkschaft
DGB(D)	32%	1 amongst 16	22%	none ^d	DGB: Deutscher Gewerkschaftsbund
CC.OO.(ESP)	42%	n/k	15%	yes (Q)	CC.OO: Confederacion Sindical de Comisiones Obreras
ELA/STV(ESP)	26%	n/k	n/k	n/k	ELA: Solidaridad de Trabajadores Vasco
UGT(ESP)	29%	2 amongst 32	n/k	none	UGT: Unión General de Trabajadores de España
CFDT(F)	n/k	6 amongst 42	21%	none	CFDT: Confédération Française Démocratique du Travail
FO(F)	n/k	7 amongst 13	135%	none	FO: Force Ouvrière
GSEE(GR)	n/k	15 amongst 17	24%	none	GSEE: Greek General Confederation of Labour
ICTU(IRL)	38%	10 amongst 70	29%	yes (A)	ICTU: Irish Congress of Trade Unions
CISL(I)	+ 40%	n/k ¹	8%	yes (Q)	CISL: Confederazione Italiana Sindacati Lavoratori
UIL(I)	41%	1 amongst 46	7%	yes (A)	UIL: Unione Italiana del Lavoro
CGT(L)	25%	n/k	11%	yes (Q)	CGT: Confédération Générale du Travail de Luxembourg
CNV(NL)	20%	4 amongst 1	72%	none	CNV: Christelijk Nationaal Vakverbond
FNV(NL)	22%	4 amongst 19	20%	yes (A)	FNV: Federatie Nederlandse Vakbeweging
MHP(NL)	+12%	0 amongst 3	9%	none	MHP: Vakcentrale voor Middelbaar en Hoger Personeel
UGT(P)	41%	n/k	n/k	none	UGT: Unión General dos Trabalhadores
TUC(UK)	36%	14 amongst 69	22%	yes (A)	TUC: Trades Union Congress
OGB(A)	31%	1 amongst 14	14%	none	OGB: Österreichischer Gewerkschaftsbund
SEK(CY)	34%	0 amongst 7	13%	none	SEK: Cyprus Workers Federation
AKAVA-RY(SF)	48%	20 amongst 34	35%	yes (Q)	AKAVA-RY: Confederation of Trades Unions of University Employees
SAK(SF)	45%	6 amongst 24	49%	yes (A)	SAK: Suomenammattiliittojen Keskusjärjestö
ASI(IS)	47%	27 amongst 169	38%	none	ASI: Althydsambund Islands Greece
CMTU(M)	60%	1 amongst 9	19%	none	CMTU: Confederation of Trade Unions Malta
LO(N)	42%	n/k	35%	yes (A)	LO: Landsorganisasjonen i Norge
LO(S)	45%	2 amongst 22	26%	yes (A)	LO: Landsorganisasjonen i Sverige
TCO(S)	59%	n/k	43%	none	TCO: Tjänstemännens Centralorganisation
SGB(CH)	13%	n/k	20%	none	SGB: Schweizerischer Gewerkschaftsbund
TURK-IS(TR)	+10%	0 amongst 32	1%	yes (A)	TURK-IS: Confederation of Turkish Trade Unions

^a Women delegates are supposed to be proportional to overall proportion of female membership.

^b (Q) = quota system; (R) = reserved seats; (A) = other policy

^c n/k: not known

^d At the most recent Congress.

SOURCE: C. BYRNE AND M. BRAITHWAITE, WOMEN IN DECISION-MAKING IN TRADE UNIONS, ETUC, BRUSSELS, 1994.

SWEDEN - A STRATEGY IN DECISION-MAKING

The total of the Swedish population is 8.9 million of which 4.5 million are women and 4.4 million are men. In the population group between the ages of 20-64, the number of women is 2.5 million as compared to 2.58 million men. In this group 79.5 per cent of women are in the work force while 83.9 per cent of men are in gainful employment. Universal female suffrage was established in 1919.

The political system in Sweden

Sweden is a representative democracy in which parliamentary, municipal and county elections are held every four years. The Swedish Parliament is a unicameral assembly with 349 members. Sweden has a proportional system of representation where candidates do not run for election as individuals; instead voters choose a political party, each with a numbered list of candidates for multi-seat constituencies.

Women in the Swedish Parliament

Between 1971 and 1985, the number of women in the Swedish Parliament increased by 7 per cent from 31 to 38 per cent. There was a blip after the 1991 elections when the female share dropped five per cent. However, after the 1994 election, the percentage of women members of Parliament increased again to 40 per cent. In the Swedish parliamentary committees women are also well represented.

Women at the Ministerial level

Sweden has the highest proportion of women at ministerial level where half the 22 Swedish ministers are women. Women are poorly represented among senior officials in the ministries where they constitute only 29 per cent of this category.

Women in Municipal and County Councils

In the last elections to County and Municipal Councils, the percentage of women reached 48 and 41 per cent, respectively.

Research and data collection

In 1986, the Swedish government created a committee charged with collecting data on women's representation on the boards of public authorities.

Application of targets and timetables

At municipal and regional levels the proportion of women is even higher than or equal to the proportion at national level at around 40 per cent. The Swedish government has established time-specific targets for women's greater representation on the boards of public authorities and governmental committees. In 1993, the proportion of women was 32 per cent. The goal for 1995 was 40 per cent. The final target is equal representation by 1998. For this purpose, the government has allocated SEK 5 million for project activities to support active efforts to increase women's participation in political decision-making positions. The application of the plan and related activities resulted in the considerable increase of women in the public authorities bodies to 40 per cent in 1995.

governmental organisations in the European Union. Its activities include lobbying on draft gender equality legislation, monitoring the implementation of Directives and action programmes and voicing its concern on other issues of importance to women. Within the Platform of European Social NGOs, other members are also engaged in dialogues on themes of concern to equality of opportunities. The latter include, amongst others, the Confederation of Family Organisations in the European Community and the European Anti-Poverty Network.

In relation to policies concerning the application of gender analysis in development, cooperation and humanitarian relief programmes, the Commission has developed a tradition of consultation and cooperation with NGOs working in the development field. The large network Women in Development Europe has represented the concerns of women in developing countries and prepared important contributions to the development of European policy in these fields. In the same manner, the Commission has committed itself to the protection of human rights, including, specifically, those of women. Among the methods to be employed to achieve this is the promotion of a pluralist civil society through the strengthening of appropriate bodies, including non-governmental organisations (see Chapter 6).

The European Social Policy Forum will reconvene during 1997 as part of the emerging dialogue and collaboration between the organisations of civil society and European institutions. It provides the opportunity for studying the interaction of equality policy with other social issues such as poverty, racism and issues where women are not directly targeted but confront this reality.

CHAPTER 5

ENABLING WOMEN TO EXERCISE THEIR RIGHTS

5.1

EXERCISING RIGHTS

The legal framework

The equal treatment principle has developed from the isolated provision of equal pay for equal work contained in Article 119 EC to a fully fledged programme of equality measures. In addition to Article 119 of the Treaty, the Community has enacted secondary legislation in the field of equal pay, equal treatment at work, equal treatment in state and occupational social security systems and equal treatment for the self-employed. A number of associated measures have also been passed, for example a Recommendation on child-care¹ and a Resolution on the protection of the dignity of women and men at work.² The legislative programme has been interpreted and clarified by the Court of Justice of the European Communities (ECJ), largely through references made by the national courts under Article 177 but also by infringement actions brought by the Commission under Article 169. In particular it has developed a case law on the concept of direct and indirect discrimination in Community law. The Community has initiated a number of strategies to make women and men more aware of their legal rights by setting up the Network of Legal Experts, and by supporting conferences on particular subjects of interest.

¹ Recommendation of 31.3.1992, 92/241 EEC, OJ L 123 of 8.5.1992.

² Resolution of 29.5.1990, OJ C 157 of 27.6.1990, p.2.

The principle of equal treatment is also referred to in the Preamble to the Community Charter of Fundamental Social Rights For Workers (1989). Article 16 is specifically directed at the principle of equal treatment for women and men.

Equal pay

Council Directive 75/117/EEC provides a legal framework for the application of the principle of equal pay for the same work or for work to which equal value is attributed between women and men.

Equal Pay Memorandum

In June 1994 the Commission adopted a Memorandum³ which defined the scope and concept of Equal Pay for Work of Equal Value, and provided guidance on the criteria to be taken into account in job evaluation and job classification. This Memorandum was offered for information and consideration to interested parties concerned with, or involved in, the equal pay issue. It did not contain any formal proposals.

As it announced in the Memorandum on Equal Pay for Work of Equal Value, the Commission adopted on 17 July 1996 a code of practice for use by employers, employees and trade unions. This is intended as a practical handbook for those involved in day to day problems of implementing equal pay. It recommends that information on pay should be gathered and analysed to see if there is discrimination and strategies deployed to combat it, as well as giving guidance on the development of non-discriminatory job evaluation schemes.

Over the years the ECJ has been instrumental in explaining the scope of the principle of equal pay contained in Community law. It has, for example, given a broad interpretation of the concept of pay. One of the most significant rulings is the Barber case⁴ where the Court ruled that benefits paid under an occupational pension fell within the scope of Article 119 EC. This has led to much litigation in this area. A Protocol annexed to the Treaty on European Union explains the temporal effects of this ruling. As a result the Commission has issued a proposal amending the Council Directive on the imple-

mentation of the principle of equal treatment for men and women in occupational social security schemes 86/378/EEC. In a recent case,⁵ the Court has built upon its jurisprudence and ruled that piece rate work also falls within Article 119 EC.

The Commission has taken an interest in the effects of collective agreements and infringement actions under Article 169 EC have been initiated where Member States have failed to take the necessary measures to ensure that the equal pay principle is observed.

Equal treatment

Council Directive 76/207/EEC provides a legal framework for the implementation of the principle of equal treatment for women and men in relation to all jobs or posts of employment, vocational training, promotion and working conditions.

Council Directive 76/207/EEC applies the principle of equal treatment to access to employment, vocational training, promotion and working conditions. The ECJ has delivered a number of rulings on this directive. The most important case in 1995 was the Kalanke case.⁶

In this case, the ECJ was asked by a German court whether the Land of Bremen was in contravention of Article 2 (4) of Directive 76/207/EEC on equal treatment between women and men, through its policy of automatically giving priority to women candidates for recruitment and promotion in sectors where they are under-represented and where a female candidate has the same qualifications as a male candidate.

Article 2 (4) of the Equal Treatment Directive states that the Directive shall be without prejudice to measures which promote equality of opportunity for women and men, in particular by removing existing inequalities which affect women's opportunities in the areas of access to

³ Memorandum on Equal Pay for Work of Equal Value, COM(94) 6 final of 23.6.1994.

⁴ Case C-262/88 Barber v GRE [1990] ECR 1889.

⁵ Case C-400/93 Royal Copenhagen [1995] ECR I-1295.

⁶ Case C-450/93 Kalanke v Freie Hansestadt Bremen [1995] ECR I - 3051.

*KALANKE COMMUNICATION OF THE COMMISSION*⁷

On 27 March 1996 the Commission issued a Communication to the Council and the European Parliament on the interpretation of *Kalanke*,⁸ putting forward the view that quota systems which fall short of being rigid and automatic are lawful. Member States and employers are thus free to have recourse to all other forms of positive action, including flexible quotas. It is the opinion of the Commission that a wide range of actions to promote access to employment and promotion of members of the under-represented sex continues to be legal.

To illustrate this, the communication comprises a list of positive action measures which are considered to be lawful, such as:

- Quotas linked to the qualifications required for the job, as long as they allow account to be taken of particular circumstances which might, in a given case, justify an exception to the principle of giving preference to the under-represented sex.
- Plans for promoting women, prescribing the proportions and the time limits within which the number of women should be increased but without imposing an automatic preference rule when individual decisions on recruitment and promotion are taken.
- An obligation of principle for an employer to recruit or promote by preference a person belonging to the under-represented sex; in such a case, no individual right to be preferred is conferred on any person.
- Reductions in social security contributions which are granted to firms when they recruit women who return to the labour market, to perform tasks in sectors where women are under-represented.
- State funding granted to employers who recruit women in sectors where they are under-represented.
- Other positive action measures focusing on training, professional orientation, the reorganisation of working time, childcare.

In order to end the uncertainty surrounding the legal scope of positive action the Commission decided to propose an amendment of the wording of Article 2(4) of the Equal Treatment Directive so that the text will reflect the proper legal position, whilst continuing to permit some forms of positive action. The Commission considered that the Court had condemned only the special feature of the Bremen law namely: giving women absolute and unconditional right to appointment or promotion. This interpretative amendment reads as follows:

This Directive shall be without prejudice to measures to promote equal opportunity for women and men in particular by removing existing inequalities which affect the opportunities of the under-represented sex in the areas referred to in article 1(1). Possible measures shall include the giving of preference, as regards access to employment or promotion, to a member of the under-represented sex, provided that such measures do not preclude the assessment of the particular circumstances of an individual case.

⁷Communication from the Commission to the European Parliament and Council on the Interpretation of the Judgement of the Court of Justice on 17.10.1995 in Case C-450 *Kalanke v Freie Hansestadt Bremen*, COM (96) 88 final of 27.3.1996, p.93.

⁸See also the Resolution of the European Parliament 15-19 January 1996 Plenary Session expressing concern over the consequences of *Kalanke* and the call for an amendment of Article 2(4) of the Equal Treatment Directive OJ C 32 of 5.2.1996, p.24, point 20.

employment, including promotion, vocational training and working conditions and, under certain specific conditions, social security. This has been generally interpreted as meaning that positive action measures were permitted.

The Court's ruling made it clear that national rules which guarantee women absolute and unconditional priority for appointment or promotion, go beyond promoting equal opportunities and overstep the limits of the positive action exception provided for in Article 2 (4) of the Directive.

On 30 April 1996 the Court of Justice delivered a landmark ruling in the Cornwall case⁹ by ruling that to dismiss a person who had been hired whilst a man but had subsequently undergone a number of sex-change operations and become a woman was discrimination on the grounds of sex, falling within the scope of the Equal Treatment Directive.

Statutory social security schemes

Council Directive 79/7/EEC provides a legal framework for the implementation of the principle of equal treatment for women and men in statutory social security schemes.

The Court has delivered a number of rulings on this Directive relating to state social security. The Court considers that the Directive includes within its ambit a social security benefit paid to carers,¹⁰ and free prescriptions under the United Kingdom health service available to people over the pension age.¹¹ A case has been decided concerning free transport allowances granted by local councils.¹² However, housing benefit¹³ paid to people on low income and an income supplement¹⁴ have been excluded from its scope. The Court has nevertheless allowed the Member States to justify certain forms of discrimination where it can be shown that such discrimination is objectively necessary to avoid disrupting the complex financial equilibrium of the State's social security system.¹⁵

Two important cases in 1995 concerned the exclusion of low paid part-time workers from the German state social security scheme.¹⁶ The scheme was challenged in the German courts as

creating indirect discrimination - which is covered in Council Directive 79/7/EEC - since it affected more female workers than male workers. The state argued that the scheme was justified on the basis that there was a social demand for what was termed 'minor employment' which could only be fostered by excluding it from compulsory insurance. Coverage of such employment within a compulsory scheme would lead to an increase in unlawful employment and circumventing devices. This defence was accepted by the Court since the measures chosen reflected a legitimate social policy on the part of the Member State whose legislation was at issue and the measures taken were appropriate to that end and were necessary.¹⁷

Similarly the Laperre case¹⁸ required the government of the Netherlands to justify a social security scheme which was designed to guarantee beneficiaries income at the level of the social minimum. The scheme was subject to conditions relating to previous employment and age, irrespective of whether the claimant had any resources. Even though it was established that the scheme had a disparate impact upon women, it was accepted that the government had shown that the scheme was necessary in order to attain a social policy aim unrelated to any discrimination on grounds of sex.

⁹ Case C-13/94 P v S and Cornwall CC nyr.

¹⁰ Case 150/85 Drake v Chief Adjudication Officer [1986] ECR 1995.

¹¹ Case C-137/94 The Queen v Secretary of State for Health ex parte Cyril Richardson [1995] ECR I - 3407.

¹² Case C-228/94 of 11.7.1994, Atkins, nyr.

¹³ Case 243/90 The Queen v Secretary of State for Social Security ex parte Florence Rose Smithson [1992] ECR I - 476.

¹⁴ Cases C-63-64/91 Jackson and Cresswell v Chief Adjudication Officer [1992] ECR I - 4737.

¹⁵ Case C-328/91 Secretary of State for Social Security v Thomas [1993] ECR I 1247; Case C-92/94 Graham [1995] ECR I - 2521; Case C-154/92 Van Caut v Rijksdienst Voor Pensioenen [1993] ECR I - 3811.

¹⁶ Case C-317/93 Nolte v Landesversicherungsanstalt Hannover nyr and Case C-444/93 Megner and Scheffel v Innungskranken Kasse Vorderpfalz (now Innungskrankenkasse Rheinhesen-Pfalz nyr).

¹⁷ Case 171/88 Rinner-Kuhn [1989] ECR 2743.

¹⁸ Case C-8/94 C.B. Laperre v Bestuurscommissie beroepszaken in de provincie Zuid-Holland [1996] ECR I - 273.

Occupational social security schemes

Council Directive 86/378/EEC provides a legal framework for the implementation of the principle of equal treatment for women and men in occupational social security schemes.

The Council has adopted, on 2 December 1996, an amended proposal of Council Directive¹⁹ amending the Council Directive on the implementation of the principle of equal treatment for men and women in occupational social security schemes²⁰. The Commission issued a proposal for this amendment, after the ruling in Barber v GRE and the clarification of the scope of this ruling in Protocol and six rulings delivered by the ECJ.

The Commission has also been conducting research on the individualisation of social security benefits (see Chapter 3).

Equal Treatment of the self-employed and their spouses

Council Directive 86/613/EEC provides a legal framework for the application of the principle of equal treatment between women and men engaged in a self-employed capacity including agriculture. It includes, inter alia, their protection during pregnancy and motherhood.

Directive 86/613/EEC²¹ aims to cover women whose occupational status is unclear, particularly wives working in family businesses, including those in the agricultural sector. The Commission has noted that the Directive has not resulted in the impact on self-employed and their spouses, which had been expected. This is the case of women who work in a family enterprise and have no professional status either as employee or as a business partner, because they are married or related to the owner. The Commission is preparing an assessment of the situation with a view to issuing a revised Directive in this area in 1997.²²

Community law on pregnancy and maternity

Council Directive 92/85/EEC provides a legal framework for the protection of pregnant women workers, who have given birth, or who are breastfeeding.

The Council Directive 92/85/EEC of 19 October introduced measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding.²³

The Directive was based upon Article 118a EC. Its main provisions are summarised as follows:

A woman is not obliged to perform night work during pregnancy and for a period following the birth to be determined by the relevant national body, conditional only on production of a medical certificate stating that this is necessary for the safety or health of the worker concerned.

Women are entitled to paid time off work to attend ante-natal appointments if such examinations have to take place during working hours. Dismissal is forbidden on account of pregnancy. A woman is protected during the period from the beginning of the pregnancy to the end of the maternity leave period save in exceptional cases not connected with pregnancy, which are permitted under national legislation and/or practice and after the consent of the competent authority. If a worker is dismissed, the employer must state the reasons for dismissal in writing. Contractual rights have to be maintained for women on maternity leave.

A minimum of 14 weeks continuous period of maternity leave has to be allocated before or after confinement in accordance with national legislation/practice. During the maternity leave, either the payment is maintained or an adequate allowance is granted, in accordance with national legislation and/or practice. There is, however, to be a compulsory period of maternity leave of at least 2 weeks before and/or after confinement in accordance with national legislation or practice.

¹⁹ to be completed

²⁰ OJ L 225/86 of 12.8.1986; Corrigendum to Article 2(2) OJ L 283 of 4.10.1986, p.27.

²¹ OJ L 359 of 19.12.1986, p.56.

²² Fourth Medium-Term Community Action Programme on Equal Opportunities for Women and Men COM(95)381 final of 19.7.1995, Brussels.

²³ Tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC OJ L 348 of 28.11.1992, p.1.

ACCESS TO JUSTICE

Access to justice is enshrined as a substantive law right in the equal treatment Directives. The most litigation has revolved around Article 6 of the Equal Treatment Directive.

Article 6 of Council Directive 76/207/EEC.

Member States shall introduce into their national legal systems such measures as are necessary to enable all persons who considered themselves wronged by failure to apply to them the principle of equal treatment within the meaning of Articles 3, 4 and 5 to pursue their claims by judicial process after possible recourse to other competent authorities.

Access to justice is also acknowledged as a fundamental right of Community law.²⁴

Case 222/84 *Johnston v RUC* [1986] ECR 427.

Facts. a certificate issued by the Secretary of State declared that decisions taken by the Chief Constable of the RUC were not reviewable by a court or other independent body.

The Court ruled that this decision was contrary to Article 6 of the Equal Treatment Directive. The Court of Justice referred to Article 6 ECHR 1951, the principles of which must be taken into consideration by Community law. The Court ruled that Article 6 ETD created direct effects in so far as the rights conferred by the Directive 'may be effectively relied upon before the national courts by the persons concerned.' It was argued that this requirement of judicial control reflected a general principle of law which was embedded in the constitutional traditions common to the Member States. The Court ruled that the Secretary of State's certificate allowed the competent authority to deprive an individual of the possibility of asserting by judicial process the rights conferred and was therefore contrary to Article 6 ETD.

Member States are required to introduce into their national legal systems, such measures as will enable all workers to pursue their claims under the Directive by judicial process and/or, in accordance with national laws and/or practices, by recourse to other competent authorities.

Parental leave

Council Directive 96/34 EC implements the framework agreement on parental leave and time off from work concluded by UNICE, CEEP and the ETUC and sets out minimum requirements.

A Directive on parental leave or leave for family reasons was proposed in 1984.²⁵ It was based upon Article 100 of the Treaty. It was opposed by the United Kingdom government particularly because of their view of the consequences of the costs of parental leave. The proposal was resurrected after the Social Policy Agreement came into force. The Commission consulted the social partners on 22 February 1995 on the possibilities for action on the question of reconciling work and family life and, on 21 June 1995, on the nature of action to be taken on parental leave. On 7 July 1995 UNICE, CEEP and ETUC expressed a desire to enter into negotiations and in turn the Commission suspended its legislative initiative, as of 20 July 1995 for a set period of nine months. On 14 December 1995, the social partners signed a framework agreement on parental leave and called upon the Commission to submit it to the Council of Ministers so that the Council could adopt a decision and thereby make the minimum requirements in the agreement binding in all the Member States except for the United Kingdom. This was a significant occasion since the parental leave agreement was the first piece of legislation to be agreed by the social partners under the Social Policy Agreement.

At the Labour and Social Affairs Council Meeting of 29 March 1996 the 14 Member States reached political agreement on the parental leave framework agreement concluded by the social partners. The Directive was adopted at the Council meeting on 3 June 1996. The framework agreement which is annexed to the Directive sets out minimum requirements on parental leave

²⁴Case 222/86 *UNECTPF v Heylens* [1987] ECR 4097.

²⁵ OJ C 316 of 27.11.1984, p.7.

and time off work on grounds of *force majeure*, the aim being to make it easier for parents' professional and family responsibilities to be reconciled.

The framework agreement provides for an individual right to parental leave to be granted, in principle on a non-transferable basis, to all male and female workers following the birth or adoption of a child, such as will enable them to take care of that child for at least three months, until a given age, up to the age of eight years. The conditions of access and detailed rules for applying parental leave will be defined by law and/or collective agreement in the Member States. As long as the minimum requirements of the framework agreement are respected, Member States and/or the social partners may, in particular:

- Decide whether parental leave is granted on a full-time or part-time basis, in a fragmented way or in the form of a time-credit system.
- Make entitlement to parental leave subject to a period of work qualification and/or a length of service qualification which will not exceed one year.
- Adjust conditions of access and detailed rules for applying parental leave to the special circumstances of adoption.
- Establish notice periods to be given by the worker to the employer, specifying the beginning and the end of the period of leave.
- Define the circumstances in which an employer is allowed to postpone the granting of parental leave for justifiable reasons related to the operation of the undertaking.
- Authorise special arrangements to meet the operational and organisational requirements of small undertakings.

The Directive provides certain guarantees to ensure that workers can exercise their right to parental leave. Member States and/or social partners must take the necessary steps to protect workers against dismissal on the grounds of an application for, or taking of, parental leave such as:

- At the end of parental leave, workers have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship.

- Rights acquired or in the process of being acquired by a worker on the date on which parental leave begins will be maintained as they stand until the end of parental leave.

Moreover Member States and/or social partners are required to take the necessary measures to allow workers to take time off work on grounds of *force majeure* for urgent family reasons, such as in cases of sickness or accident where the immediate presence of the worker is indispensable.

The Member States will have to implement the Directive no later than two years after its adoption.

The Directive is silent on the issue of income during the period of leave. The Directive will improve upon the parental leave situation in three Member States: Ireland, Belgium and Luxembourg.

OTHER ISSUES

In a Community based on law, it is not surprising that attention is focused on principles concerned with the enforcement of Community law. Equality litigation is not the only mechanism whereby equality can be advanced. Egalitarian policies may have positive effects beyond the scope of equality law concepts.

Sexual harassment

The Commission adopted a Recommendation on the Protection of the Dignity of Women and Men at Work, and a Code of Practice on Measures to Combat Sexual Harassment in 1991. These two texts may be viewed within the context of European social policy and the improvement of living and working conditions. The Commission's initiative had been preceded by a significant Council Resolution on the subject,²⁶ by research in the (then) 12 Member States and by questions raised in the European Parliament. Events following the adoption of the Recommendation and the Code revealed a heightened awareness of, and activity around, the problem of sexual harassment in the Member

²⁶ Resolution of 29.5.1990 OJ C 157 of 27.6.1990 p.3.

States. The issue for the period of the late 1990s is the effectiveness of this approach to the subject, its use in collective bargaining and the extent to which it is applied. As part of the Fourth Community Medium-Term Action Programme the Commission announced its intention to develop a legal instrument to combat workplace sexual harassment and to unite the social partners to consider their role in such a process. At the same time, the Fourth Action Programme on Health and Safety at Work (1996-2001) has identified the need for special workplace measures for women. Action 3 of the new health and safety programme provides for research into the extent and management of violence inside the workplace. To this end, the Commission has launched, on 24 July 1996, the first stage of consultation with the social partners on the protection of the dignity of women and men at work, which was completed by the end of October 1996.

Burden of proof

In the first Medium-Term Action Programme²⁷ the Commission highlighted the link between the ease of gaining access to information and the utilisation of equality laws in the Member States. It noted the disparity of the burden of proof in litigation across the Member States and conducted a comparative analysis of national law and procedures. The ensuing report recommended that Community action was necessary to formally alter the burden of proof in equal treatment cases. This issue was taken up in the Second Medium-Term Community Action Programme (1986-1990) and in 1988 a Directive²⁸ was proposed by the Commission. However, the Council of Ministers could not reach an agreement on the text. The Commission then decided to consult the social partners. The first consultation stage was launched on 5 July 1995 and the second on 7 February 1996. In the light of the outcome of these consultations, the Commission has decided to submit to the Council a proposal for a directive on the adjustment, rather than the reversal, of the burden of proof in cases of discrimination based on sex. The proposal will now be taken forward under Social Protocol procedure. It will be passed to the social policy agreement procedure, and be subject to the second stage of consulta-

tions conducted with the social partners, with the aim of producing a draft Directive. At a conference in Belfast 1-3 March 1996 the issues of the burden of proof, and the application of the partial reversal of the burden of proof after the Danfoss,²⁹ Enderby³⁰ and Royal Copenhagen³¹ rulings, were shown to be problematic in a number of Member States.

Atypical work

The European Court of Justice has increased the protection afforded to part-time work, by recognising that certain forms of unfavourable treatment of part-time work may amount to indirect sex discrimination. Nevertheless, this protection is by no means complete.

The Commission made a proposal for a Directive to increase the amount of protection afforded to part-time workers on a pro rata basis with full-time work,³² but this proposal was not agreed by the Council of Ministers. The Commission also made three proposals under three different legal bases: one under Article 100 EC on the approximation of the laws of the Member States relating to certain employment regulations on working conditions (part-time and temporary work),³³ another under Article 100A EC relating to certain employment contracts and employment relationships involving distortions of competition (part-time and temporary work)³⁴ and a third under Article 118a EC dealing with health and safety aspects of temporary work. The latter was adopted on 25 June 1991, whilst the other two proposals are now being considered under the Social Policy Agreement. The social

²⁷ COM(81) 758 final of 9.12.1981, Brussels.

²⁸ OJ C 176 of 5.7.1988, p.5.

²⁹ Case 109/88 Handels-og-Kontorfunktionærernes Forbund i Danmark v Dansk Arbejdsgiverforening (acting for Danfoss) [1989] ECR 3199.

³⁰ Case C-127/92 Enderby v Frenchay Area Health Authority [1993] ECR I-5535.

³¹ Case C-400/93 Specialarbejderforbundet i Danmark and Dansk Industri, formerly Industriens Arbejdsgivere acting for Royal Copenhagen A/S [1995] I-ECR 1275.

³² OJ C 62 of 12.3.1982, p.7.

³³ OJ C 224 of 8.9.1992, p.4.

³⁴ OJ C 224 of 8.9.1992, p.6.

partners engaged in negotiations on the subject of flexibility of working time and security of employment during 1996.

Public Procurement

On the 27th of November 1996, the Commission adopted a Green Paper 'Public Procurement in the European Union: Exploring the Way Forward'.³⁵

The Green Paper refers to the possibility of requiring the performance of public procurement tenders to comply with social obligations aimed, for example, at promoting the employment of women.

The Green Paper invites all interested parties to give their opinion on the need for clarification of public procurement Directives. It examines the existing potential to achieve Community and national objectives in social policy through the legal framework of public procurement.



ENFORCEMENT AND REMEDIES

How the Community litigation system works

Community law obligations are imposed upon the Member States, individuals and enterprises in a number of ways - through Treaty provisions, by Directives, and in forms such as Recommendations. In many respects the obligations imposed upon the Member States are onerous. Under Article 5 EC the Member States are bound by what is called a 'fidelity' clause to ensure the maintenance of the obligations arising out of the European Union Treaty and also to abstain from any action which could jeopardise the attainment of the objectives of the Treaty. Community law may be enforced at the European Union level through direct actions brought by the Commission, individuals, enterprises or other public or private bodies. Community law may also be enforced at the national level by the use of the principles of direct and indirect effect, and damages actions

against the Member States under the principles laid down in Joined Cases C-6/90 and 9/90 *Francovich and Bonifaci v Italy*.³⁶ This case law has been further developed in joined cases C-46/93 and C-48/93 *Brasserie du Pêcheur*.³⁷ The result is a complicated web of legal fora, national and Community law rights, remedies and procedures which together create the unique and distinctive Community legal system.

Direct enforcement by the Commission

The Commission is able to directly enforce Community law before the Court of Justice in the event that national law fails to implement or to implement correctly the obligations contained in European Community law. The Commission's powers of enforcement are laid down in Articles 169 and 171 EC. The Court of Justice has the power to fine a Member State which fails to take the necessary measures following a finding by the Court that it is in breach of European Community law. Directives enacted by the European Community usually require the Commission to draw up a report on its application by the Member States. These reports often produce the information required to determine whether or not a Member State has implemented the provisions of Community law correctly. Another source of information is complaints from individuals to the Commission and to MEPs. Pressure groups and public bodies may also send complaints to the Commission.

In 1995 the Commission investigated four Member States, Belgium, France, Greece and Italy, on the grounds that they had failed to remove national regulations which restricted night work for women in a manner which was incompatible with the Equal Treatment Directive 76/207/EEC and the Court's case law.³⁸ An infringement action was initiated against Belgium for its failure to notify measures to the

³⁵ To be completed

³⁶ [1991] ECR I-5357.

³⁷ [1996] ECR I-1029.

³⁸ Case C-345 *Stoeckel* [1991] ECR I - 4047 p.89; Case C-158 *Levy* [1993] ECR I - 4287 p.91; Case C-13 *Minne* [1994] ECR I - 371 p.93.

BURDEN OF PROOF

The Court of Justice has developed, through the following cases, a settled case law on the question of the burden of proof in cases of indirect discrimination in the context of equal pay.

Case 109/88 *Handels-og-Kontorfunktionaerernes Forbund i Danmark v Dansk Arbejdsgiverforening (acting for Danfoss)* [1989] ECR 3199.

In this case, the Court ruled that the requirement for Member States to ensure that effective means are available to ensure the observance of the principle of equal pay must lead to an interpretation requiring adjustments to national rules relating to the burden of proof in specific situations where such adjustments are essential for the effective implementation of the principle of equality. In a situation where there was a total lack of transparency, the applicants could only distinguish a difference between average pay, and thus they would be deprived of any effective means of ensuring respect of the principle of equal pay before national courts. Thus the burden of proof had to shift to the employer to show that the pay practice was not discriminatory.

Case C-127/92 *Enderby v Frenchay Area Health Authority* [1993] ECR I-5535.

The Court ruled that where an employer applies a system of pay which is wholly lacking in transparency, it is for the employer to prove that the wages policy is not discriminatory, so long as it is established by a relatively large number of employees that the average pay for women is less than that for men. It is for the national court to assess whether or not it can take into account statistics showing that the pay of a group of female workers is lower than the pay of a group of male workers. The national court must decide whether the statistics are adequate to cover individuals, whether they cover purely fortuitous or short-term phenomena, and whether in general they appear significant.

Case C-400/93 *Specialarbejderforbundet i Danmark and Dansk Industri, formerly Industriens Arbejdsgivere acting for Royal Copenhagen A/S* [1995] I-ECR 1275.

The Court ruled that a finding that there is an average difference in pay between two groups of workers of opposite sexes is not sufficient to establish discrimination between them. Prior consideration of the reasons for the pay disparity may be considered. The burden of proof to justify the differences would transfer to the employer if it was not possible to identify the factors which determine the differences in the base rate or unit measurement of the pay. It is for the national court to determine if the conditions for shifting the burden of proof are satisfied.

Commission to comply with the ruling of the Court.³⁹ Under this ruling, the Court found a breach of Article 119 EC by the maintenance in force of legislation rendering women over the age of sixty ineligible for supplementary redundancy allowances, though they were payable to men up to the age of sixty-five. Infringement proceedings against France, which commenced in 1990, continue whereby it is alleged by the Commission that France has failed to take appropriate action to comply with the ruling of the Commission v France case.⁴⁰ Under this ruling the Court found that certain collective agreements which conferred benefits upon women were contrary to the Equal Treatment Directive and did not satisfy the conditions for positive action found in Article 2(4) of that Directive. The Commission suspended infringement proceedings against six Member States⁴¹ for failure to notify the national implementing measures to comply with the obligations contained in Council Directive 86/378/EEC. It was accepted that there were genuine difficulties in transposing this Directive following the ruling of the Court in Case C-262/ 88 Barber v GRE.⁴²

Preliminary rulings

A national court may suspend proceedings when an issue of the interpretation or validity of European Community law is raised and seek a ruling from the Court of Justice under Article 177 EC and every Court of Last Instance should do so. This procedure has made the biggest impact on Community law on equal opportunities and has provided the vehicle whereby the Court of Justice can develop Community law principles. In practice not every Court of Last Instance makes Article 177 references: it may decide that the point of Community law is suffi-

EFFECTIVE REMEDIES

Case 14/83 *Von Colson and Kamann v Land Nordrhein-Westfalen* [1984] ECR 1891.

The Court established that national remedial processes should be subject to a principle of effectiveness⁴³.

Case 222/84 *Johnston v Royal Ulster Constabulary* [1986] ECR 1651.

The court established that 'effective judicial protection' was a fundamental principle of Community law.

Case 68/88 *Commission v Greece* [1989] ECR 2964.

The Court endorsed the view that three basic principles must be observed in providing remedies for a breach of Community law:

- comparability
- effectiveness
- proportionality

These were explained in the Commission's Notice of [1990] OJ C147/3.

Case C-213/89 *Factortame* [1990] ECR 2433.

Here the Court ruled that any provision of a national legal system and any legislative, administrative or judicial practice which might impair the effectiveness of Community law must be set aside by the national courts.

³⁹ Case C-173 *Commission v Belgium* [1993] ECR I - 673 p.91.

⁴⁰ Case 312 *Commission v France* [1988] ECR 3559 p.86.

⁴¹ Belgium, Denmark, Greece, Italy, Luxembourg, Netherlands.

⁴² [1990] ECR 1889. Note that on 28 September 1994 the Court delivered six preliminary rulings on the scope of the Barber ruling. The Commission has sent a proposal to the Council of Ministers for an amendment of Council Directive 86/378/EEC COM(95) 186 final of 16.5.1995.

⁴³ Effectiveness means that the remedy properly compensates the applicant for the harm/loss suffered as a consequence of a breach of law.

ciently clear or not decisive in terms of the dispute before it. It is always open for a national court to ask the Court a question on a point of Community law which has already been decided. For example, the German Federal Labour Court referred questions to the Court⁴⁴ which had already been considered in the case of *Arbeiterwohlfahrt der Stadt Berlin v Botel*.⁴⁵



CURRENT STATE OF COMMUNITY LAW REMEDIES

The development of Community law-based remedies and procedures has taken place in the judicial rather than the legislative forum. A number of Directives do contain provisions for the enforcement of Community law rights but these usually are dependent upon national law and principles. Initially the Court of Justice took a minimalist stance towards procedures and remedies. The enforcement of Community law was to be left to national processes subject to two conditions:

- A principle of non-discrimination: Community law rights had to be enforced to an extent equivalent to the way comparable national rights would be enforced.
- Enforcement of Community law rights should not be impossible or excessively difficult.

The Court has gradually changed its position and has now asserted greater jurisdiction over the question of the principles upon which Community law must be enforced in the national courts. However, the Court is seeking to maintain a balanced perspective - best described by Advocate General Jacobs in the *Peterbroeck* case:⁴⁶

'The case-law of the Court in this area establishes a balance between, on the one hand, the need to respect [the] autonomy [of the legal systems of the Member States] and, on the other hand, the need to ensure the effective protection of Community rights in the national courts.'

At a conference organised and supported by the Commission, in Belfast, Northern Ireland (UK) on 1 and 2 March 1996, the subject of equality strategy and litigation was examined by legal experts from the fifteen Member States. The conference addressed the practicalities of utilising equality concepts in the judicial process as well as in the political and labour market spheres. The conference noted a number of difficulties in legal enforcement procedures and remedies in relation to rights. The need for clarity in applying legal concepts and developing awareness of European law were considered.

Over the years the Court has evolved a number of principles applying to the procedures and remedies which are the guarantees to the effective enforcement of Community law rights. Not all of the cases in which these ideas were evolved are equality law cases but a great number are. The Court's case-law on remedies in the field of equal opportunities can be organised around four themes: effective remedies; access to justice; time limits; the burden of proof and remedies and sanctions.

⁴⁴ Case C-457/93 *Kwartorium für Dialyse und Nierentransplantation E. V. v Lewark*, Judgement of 6.2.1996 nyr.

⁴⁵ Case C-360 [1992] ECR I-3589 p.1.

⁴⁶ C-62/93 *SCS Peterbroeck, Van Campenhout & Cie v Belgian State*, [1995] ECR I-4599.

TIME LIMITS

In Case 208/90 *Emmott v Minister For Social Welfare*⁴⁶ the Court ruled that national time limits for commencing litigation should not begin to run until a Member State has implemented fully and correctly the provisions of a Directive.

However, the scope of this ruling has been curtailed in a number of subsequent cases where we see the balancing act being carried out by the Court of Justice in observing national procedural autonomy. For example, in Case C-62/93 *BP Super Gas v Hellenic Republic* [1995] ECR I-1885, the Court allowed Greek limitation periods to apply where a Directive on tax harmonisation did not contain any limitation periods, provided certain principles of Community law were observed.

In Case C-312/93 *SCS Peterbroeck, Van Campenhout & Cie v Belgian State* [1995] ECR, the Court rejected the idea that a national court was under a duty under Community law to set aside a provision of national law which was incompatible with Community law when the Community law issues had not been raised in legal argument by the applicant within the short time limit of 60 days prescribed by national law. In this case, however, it was accepted that, whilst the 60 day period was not objectionable *per se*, the rule was unlawful given the following special features of the procedure in question:

- The court concerned (the Cour d'Appel) was the first court able to seek a reference from the Court of Justice.
- The rule prevented the Cour d'Appel from raising its own motion at the hearing of the question of the compatibility of the contested measure, since the 60 day period had elapsed.
- No other court or tribunal could consider that question.
- The rule preventing points being raised by a court of its own motion was not reasonably justifiable by principles such as the requirements for legal certainty or the proper conduct of procedure.

In Case C-338/91 *Steenhorst-Neerings*. [1993] ECR 5475 and Case C-410/92 *Johnson v Chief Adjudication Officer*, the Court again allowed Member States to impose national rules on the period of time during which any back-dating of compensation was payable provided that the national rules were not a bar to actions based on Community rights and the rules were comparable to rules in domestic law.

In Case C-128/93 *Fisscher v Voorhuis Hengelo BV* [1994] ECR I-4583 and Case C-57/93 *Vroeghe v NCIV voor Volkhuysvesting BV* [1994] ECR 4541, the Court found that certain pension arrangements were contrary to Article 119 EC, but allowed the Member States' rules to stand which limited retroactive access to such schemes only to women who had paid contributions to the schemes. In Case C - 200/91 *Coloroll Pension Trustees Ltd v Coloroll Group plc and Others* [1994] ECR I - 4389, the Court states that national rules will determine damages liability for breach of Article 119 EC by private parties.

⁴⁶ [1991] ECR 4269.

REMEDIES AND SANCTIONS

In addition to access to justice, the Court of Justice has ruled that Article 6 of the Equal Treatment Directive requires the provision of effective remedies. This is illustrated in the following cases:

Case 14/83 *Von Colson and Kamann v Land Nordrhein-Westfalen* [1984] ECR 1891.

In this case the Court pointed out that Article 6 of the Equal Treatment Directive did not prescribe specific sanctions but left the Member States a discretion to choose different solutions. However, the Court did rule that where a Member State chose to penalise the breach of the prohibition of discrimination by the award of compensation, that compensation must in any event be appropriate to the damage sustained. Thus the award of a purely nominal amount would not satisfy the requirements of the Directive.

Case 152/84 *Marshall v Southampton and South West Hampshire Area Health Authority (Teaching)* [1986] ECR 723.

The Court ruled that the forced retirement of a female employee at the age of 62, when a man in a similar position could continue working until the age of 65, was a breach of Article 5(1) of the Equal treatment Directive. When the case returned to the national courts, the national courts were faced with a statutory limit on the amount of compensation which could be awarded. It was not possible to award interest on the amount of compensation, despite the long delay between the initiation of the case and the national court's decision. The Court was asked if a Member State could fix a ceiling on the amount of damages available for a breach of the equal treatment directive and refuse to award interest on that sum. The Court ruled that, where a Member State had chosen to implement the aims of the equal treatment Directive by means of compensation, the award must be adequate in that it must enable the loss and damage actually sustained as a result of the discriminatory dismissal to be made good in full accordance with the national rules.

Case C-200/91 *Coloroll Pensions Trustees Ltd v Russell et al* [1994] ECR I-4389.

The Court of Justice ruled that the trustees of a pension scheme must do everything within the scope of their powers to ensure compliance with the principle of equal treatment, by using all the means available to them. If necessary, they should resort to the courts to alter the terms of the trust deed establishing the pension scheme.

**TABLE 29
LEGAL CASES**

	BELGIUM	DENMARK	GERMANY	IRELAND	NETHERLANDS	UK	FRANCE	ITALY	LUXEMBOURG
Article 177 EC Rulings on Article 119 EC									
1971	1								
1975	1								
1978	1								
1980						1			
1981						2			
1982						2			
1984					4				
1986			2						
1988			1						
1989		1	1			1			
1990			1						
1991			1						
1992			1						
1993			1		1	2			
1994			7		4	2			
1995		1	1						
1996			1			1			
Total	3	2	16	1	9	11			
Article 169 EC Actions on Article 119 EC									
1983						1			1
1985		1	1						
1993	1								
Total	1	1	1			1			1
Article 169 EC Actions on Council Directive 76/207/EEC									
1983						1		1	
1985			1						
1988							2		
Total			1			1	2	1	
Article 169 EC Actions Social Security Cases Council Directive 79/7/EEC									
1991	1								
Total	1								
Article 177 EC Rulings on Council Directive 76/207/EEC									
1984			3						
1986					1	3			
1990		1			1	1			
1991							1		
1992						1			
1993			1			1	1		
1994	1		1			1			
1995			1			1			
1996						1			
Total	1	1	6		2	9	2		
Article 177 EC Social Security Cases Council Directive 79/7/EEC									
1982						1			
1986						1		1	
1987				1		1		1	
1988						1			
1989						1			
1991						1		1	
1992						1		1	
1994	1					1		2	
1995						1		1	
Total	1			1		7		7	
Grand Total	7	4	24	2	11	29	4	1	1

Source: EC J and CELEX

TRAFFICKING IN WOMEN

In a number of Member States, the sex industry is increasingly using and exploiting foreign women recruited in Central and Eastern Europe, as well as in developing countries. The women drawn into these networks are in a vulnerable position in economic, social and political terms and find themselves in a relationship of unequal strength in the face of what are in effect 'organised criminal' enterprises. Moreover, trafficking in women for the purposes of sexual exploitation is becoming an increasingly significant form of irregular immigration into the countries of the European Union: the fact that women living in this way in the European Union have no legal status makes any defence of their rights uncertain.

Trade in women for the purposes of sexual exploitation is, in any case, incompatible with the fundamental principles inherent in human rights, as expressed in the preamble to, and in Article 1 of the Universal Declaration of Human Rights,⁴⁸ and also in the preamble to the Declaration on the Elimination of Violence Towards Women.⁴⁹ Respect for human rights and the fight against violence directed towards women featured in the Declaration of the Beijing platform adopted at the United Nations Fourth World Conference on Women in 1995.

Following a European Union initiative, led by Commissioner Gradin, a conference was organised in Austria, on 10 and 11 June 1996, with the cooperation of the International Organisation of Migration. The problems of trafficking in women were approached from the angle of it being a breach of human rights, from the angle of violence towards women and from the angle of 'organised crime'. To unravel the complexity of the problems, the exchanges of experience were centred around four workshops, the themes of which were intended to form the main lines of a Communication from the Commission to the Council. These themes were immigration, law enforcement and police cooperation, legal aspects and social policy.

In terms of social policy, the recommendations put forward by the experts from the Member States and the specialist organisations attending the conference were geared towards practical solutions. Solutions were favoured which take into account the structural reasons for trafficking in women (social exclusion in countries in economic transition and in developing countries, inequality, responsibility of traffickers and clients). Consideration was given to levels of intervention appropriate to the respective areas of authority of the European Union, the Member States, civil society and NGO's. The necessity of a multidisciplinary approach to the problems and a commitment at the level of Member States was strongly emphasised. The active involvement of several Commissioners in establishing coordinated measures to safeguard the conditions for a healthy exercise of democracy, is indicative of the existence of political will at institutional level.

The Commission has adopted, on 20 November 1996, a Communication on trafficking in women⁵⁰ for the purpose of sexual exploitation, in which it states that all EU institutions and the Member States must continue to play an active part in order to put an end to the increasing and serious problem of trafficking in women.

Furthermore, a group of experts has been set up by the Commission's Directorate General for Science, Research and Development to work on the socio-economic problems of trafficking in women. A workshop will be organised in 1997, to focus on the links between trafficking and social exclusion.

⁴⁸ Universal Declaration of Human Rights, United Nations, General Assembly, 10.12.1948.

⁴⁹ Declaration on the Elimination of Violence Against Women, United Nations General Assembly, December 1993. A/RES/48/104.

⁵⁰ COM(96) 567 final of 20.11.1996

THE VIENNA DECLARATION ON TRAFFICKING IN WOMEN

Considering that trafficking in, and sexual exploitation of, human beings are permanent violations of fundamental human rights,

Considering the unanimous vote on the draft Resolution against traffic in human beings taken by the European Parliament in January 1996 in Strasbourg,

Encouraged by the initiative of Madame Gradin, Commissioner, in holding a European Conference on trafficking in women in Vienna on 10 and 11 June 1996,

The representatives of the signatory NGOs have decided this day to create a

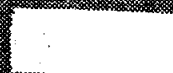
EUROPEAN COORDINATION OF NGOs AGAINST TRAFFICKING IN AND SEXUAL EXPLOITATION OF HUMAN BEINGS

Its priority objective is to present to the European authorities initiatives and proposals to facilitate the development of joint action and specific projects between agents capable of contributing to the joint effort of fighting against the traffic in, and sexual exploitation of, human beings.

On this day, 11 June 1996, in Vienna, this European coordination brings together:

- The Coalition against trafficking in Women (European Regional Department), la Fédération Internationale des Ligues des Droits de l'Homme (International Women's Commission), la Fédération Européenne pour la Disparition de la Prostitution, la Coordination Belge des associations de Payoke (Saralek, Stratelis, Stoppers and Asmodee), Coordinamento servizi Caritas contro lo sfruttamento della prostituzione, Italia.

PART 2



CHAPTER 6

THE ADVANCES OF BEIJING

6.1

THE BEIJING PREPARATORY PROCESS

The First United Nations World Conference on Women was held in Mexico City in 1975. It was followed by the UN Decade for Women: Equality, Development and Peace, designed to give impetus to national governments' actions to improve women's rights and opportunities. The Second and Third World Conferences took place in Copenhagen in 1980 and Nairobi in 1985.

The Fourth World Conference was called to assess the implementation, throughout the UN's Member States, of 'Forward Looking Strategies for the Advancement of Women to the Year 2000', a text which had been agreed at Nairobi. It formed, therefore, an important step in a continuous 20 year process of integrating gender equality into society.

The Forward Looking Strategies¹ consisted of 372 paragraphs of recommendations for action. They were designed to bring about real and beneficial change in the position of women in the world. However, very many of those involved in women's rights and equality between women and men were disappointed at the extent to which the Forward Looking Strategies were implemented nationally and internationally. The UN carried out an evaluation of the Forward Looking Strategies in 1990. The overall impression was

¹ New York: United Nations, 1986 (A/CONF.116/28/REV.1).

that there had been an increase in awareness and discussion of women's issues globally, but that the amount of change and improvement had been disappointing and that there was a sense of stagnation. It was therefore agreed that there should be another World Conference to review progress since 1985 and to set out new commitments and strategies for the future. Twelve crucial areas of concern were identified within the overall framework of the themes of the earlier world women's conferences and the UN decade of women, namely equality, development and peace.

Developments at European Union level

In the European Union too, there have been expressions of disappointment at the level of progress achieved. Women's pay, for example, remains stubbornly lower than men's; issues such as job segregation, sexual harassment, and the reconciliation of work and family life, continue to present real difficulties. But there are improvements and achievements to celebrate as well. Both at Member State and at European Community level, important new equality legislation has been passed. Attitudes towards equality issues have improved overall. The need for a gender dimension in cooperation development has been recognised. The promotion of human rights was incorporated into the Treaty on European Union and has become one of the main prerequisites for membership of the Union. NGOs have grown in sophistication and influence, representing grassroots women's issues more directly than ever before. The second² and third³ action programmes for equal opportunities, together covering the period 1985-1995, give an overview of the Community's priorities in the decade since Nairobi. Many activities carried out under the action programmes implement the Forward Looking Strategies, prioritised to suit the particular circumstances of the Community.

Building on the achievements of other recent world conferences

Throughout the preparatory period and still more during the conference, there was a sustained attempt to link the Beijing conference

with other important conferences, namely those in:

- Rio in 1992 on environment and development;
- Vienna in 1993 on human rights (with its categorical and inspiring declaration that the human rights of women are 'an inalienable, integral and indivisible part of universal human rights');
- Cairo in 1994 on population and development (emphasising the right of individuals and couples to decide freely and responsibly on the number, spacing and timing of their children);
- Copenhagen in March 1995 on social development (acknowledging that sustainable economic development cannot be secured without the full participation of women).

At each of these conferences there were increasingly significant references to gender-specific considerations. Many people involved in preparing for Beijing were keen that these advances should be reflected in this key event for women. More than merely reflected, there were strong lobbies to extend the increased visibility of women and women's rights. As it turned out, there were also some efforts at Beijing to reverse certain of the advances of these earlier conferences. The European Union played its part in resisting these efforts and in building on the status quo.

The preparatory process

The preparation for the conference centred on the regular meetings of the UN's Commission on the Status of Women in New York. At each of these, Member States of the European Union held daily coordination meetings under the relevant Presidency to discuss the Union's negotiating stance on the draft Platform for Action. The European Union, both at the preparatory stage and at the conference itself, formed one of the major and most significant negotiating groups.

² Commission of the European Communities. Equal Opportunities for Women Medium-Term Community Programme 1986-1990, Bulletin of the EC 3-1986.

³ Third Medium-Term Community Action Programme on Equal Opportunities Between Women and Men, COM (90) 449 final of 6.11.1990.

The Commission prepared (i) a working paper of the services of the Commission regarding the participation by the European Union in the conference⁴ in July 1994 (ii) a second working paper on the same subject⁵ in February 1995 and (iii) a Communication to the Council⁶ in May 1995 (see below). Each of these documents laid out the Community's priorities for action in the field of equal opportunities and gender equality both within the Union and outside, in its development co-operation and human rights activities. They also referred to the *'acquis'*, the existing body of legislation and other commitments in each of these areas.

Community priorities for the Beijing Conference

The Communication to the Council 'A new partnership between women and men: equal sharing and participation',⁶ adopted on 29 May 1995, outlined the work of the European Community in equal opportunities and gender equality to date. It highlighted as Community priorities for the World Conference:

- Human rights;
- Women as dynamic actors;
- Women in decision-making;
- Women in the economy;
- Poverty and exclusion;
- Other crucial gender gaps (that is gender differentials in health, literacy, education).

A strong emphasis in the Communication was on mainstreaming:

'Policies and measures aimed at promoting gender equality and improving women's status will not have the necessary impact unless specific measures are also introduced to ensure that a gender perspective is mainstreamed in general policies relating to all spheres of society.'

It also stressed the development of a new relationship between women and men in society: 'The Community must seize this opportunity provided by the Beijing Conference to prove its determination to continue taking a vital lead in

the advancement of women world-wide and securing a transformed partnership between women and men based on equality and empowerment'. These themes continued to underpin the Community's contribution to the preparation and to the conference itself. In fact, it was thanks to the European Union that a paragraph on mainstreaming was included in each of the Platform for Action's Strategic Objectives and Actions. A most interesting debate is now going on internationally and nationally as to the real meaning of 'mainstreaming', how far it excludes or includes positive actions, and how it relates to concepts of an all-pervading 'gender dimension'.

The Communication addressed this issue in the context of development cooperation. It states that 'the Community's policy and practice is to mainstream a gender perspective throughout its development cooperation. The aim is to ensure that its activities in this field are responsible to local women's needs and priorities, that women benefit equally to men, and that they can participate fully in the design and implementation of development projects. This does not exclude the need to take specific large-scale action in favour of women where necessary, particularly to address serious gender gaps'.

The Community recognises that effective development cooperation needs the full participation of women as well as men. This is not least because women play a vital role in the economy although it has historically been unrecognised.

The Communication also emphasised the Community's commitment to human rights. It defined them as 'fundamental rights that include the right to participate fully as equal partners in all aspects of life' and 'the keystone of equality between women and men'. Human rights for the Community extend to the promotion of equality and the fight against gender-based violence, discrimination and sexual exploitation both within the European Union and in its relations with countries outside the Union. A clause defining democratic principles and human rights as an

⁴ SEC(94) 1373 of 28.7.1994.

⁵ SEC(95) 247 of 10.2.1995.

⁶ COM(95) 221 of 29.5.1995.

'essential element' was introduced in 1992 in all agreements concluded with developing countries.

The Toledo Conference

The Commission in cooperation with the Instituto de la Mujer, (the national equality agency in Spain), held a consultative conference in Toledo in April 1994. Its aims were to assess developments in the Union in the previous ten years, to take stock and evaluate what had been achieved, to draw out the common threads and to make proposals for the future. Working sessions covered:

- Women in the economy;
- Women in public life;
- Women and solidarity (that is solidarity in European society and solidarity with women in other countries).

Delegations from the Member States and the (then) acceding countries met along with MEPs, a wide range of equality experts, representatives from international organisations and delegates from Eastern and Central Europe. An NGO Forum was held in parallel with the conference.

Regional Preparatory Conferences

During the course of 1994, five regional preparatory conferences were organised by the respective UN regional commissions; by ESCAP (Asia and the Pacific) in Djakarta; by ECA (Africa) in Dakar; by ESCWA (Western Asia) in Amman; and by ECLAC (Latin America and the Caribbean) in Mar del Plata, Argentina.

The High-Level Regional Preparatory Meeting of the Economic Commission for Europe (ECE), including North America and Israel was the relevant UN regional meeting for the Member States of the European Union. It was held in Vienna from 17-21 October 1994 and produced, as did the other regional meetings, its own regional platform for action⁷ designed to reflect the particular priorities of the region. The priorities identified by the ECE region were:

- The promotion of women's human rights;
- The alleviation of women's poverty;
- The promotion of women's contribution to the economy;

SPANISH MINISTER CRISTINA ALBERDI SPEAKING IN BEIJING:

'STRENGTHEN THE EUROPEAN COMMITMENT'

Cristina Alberdi Alonso, Minister for Social Affairs, delivered a statement on behalf of the European Union on 15 September 1995. She spoke of 'a crucial moment of historical significance for women (in which) equality between women and men is essential to the advancement of society and both a matter of justice and a condition for development.' She called for 'a new gender contract and a new kind of mutual understanding at public and private level between women and men' and emphasised that 'the European Union has long been committed to equality. However, this Conference provides the impetus to restate and strengthen that commitment.'

- Equality of treatment between female and male workers; reconciliation of work and family life;
- Gender-specific statistics and research;
- The promotion of solidarity within and between regions and increased participation of women in public life.

Final preparation at the UN level

The UN Commission on the Status of Women met as a Preparatory Committee (PrepCom) in New York from 15 March to 7 April to discuss the draft Platform for Action for adoption in Beijing. The conference secretariat had prepared this, based on earlier meetings of the CSW, the five regional preparatory conferences and the

⁷ Vienna: United Nations ECE 1994 (E/ECE/RW/HLM/18).

resulting Platforms for Action, national reports and the many consultative and expert meetings held around the world. It proved impossible to reach agreement on some issues in the draft Platform and an informal consultation was held at the UN from 31 July to 4 August to make progress on these issues. There were another two days of informal discussion in Beijing immediately before the conference.

Preparations for Beijing at Member States level

The Member States had formed committees, often several years earlier, to oversee the preparation for the conference. Each varied according to local priorities, but typically a committee would involve some or all of the following:

- The relevant government departments (social affairs/women's rights, foreign affairs/development cooperation, employment, education);
- Parliamentarians at national and regional level;
- Equality agencies;
- NGOs;
- The social partners;
- Women well-known in society.

As well as these groups being formally represented in the national preparatory process, Member States carried out widespread consultation of NGOs - over 600 were involved in the Netherlands, for example.

At the request of the UN, each Member State, including of course the Member States of the European Union, produced a national report on the situation of women as seen by the national government. Together, these reports form a unique collection of statistics and other information on women at the end of the twentieth century.

In the European Union, some countries produced interesting publications (as well as the formal national report). For example:

- The Swedish government published 'Men on men', eight Swedish men's personal views on equality, masculinity and parenthood;
- Austria (and many others) extracted key statistics from the national report and published them as 'Women in Austria, 1985-1995';

COMMISSIONER PADRAIG FLYNN:

'PARTNERSHIP AS A KEY WORD'

Speaking on behalf of the European Union at Beijing, on 6 September 1995, Commissioner Padraig Flynn opened bluntly with the statement 'Progress towards equality has not been as great as we hoped when we adopted the Nairobi Forward-Looking Strategies.' Like Cristina Alberdi, Mr Flynn emphasised the idea of partnership and a new gender relationship, saying that 'This partnership entails equal rights and equal sharing of both power and responsibility. It requires the respect of women's fundamental rights, their full and equal participation in the decision-making process in the public and private domains and their economic empowerment.'

He returned to these themes when addressing the European Women's Lobby's Plenary at the NGO Forum in Huairou, describing 'partnership' as the key word of the event; partnership through equal rights for women and men; partnership between women and men; between public bodies and NGOs; among decision-making bodies; and between the South and the North.

THE PLATFORM FOR ACTION

The Platform for Action⁸ contains some 360 paragraphs. It is prefaced by a political Declaration in which governments commit themselves to implementing the Platform, highlighting particular areas.

Chapter 1 takes the form of a **Mission Statement** describing the Platform as 'an agenda for women's empowerment' and highlights the issues of human rights, partnership with men and the need for concerted action and strong commitment.

The next chapter is the **Global Framework**. It describes developments in the period since Nairobi and the problems and challenges that remain, in the context of the wider international situation.

Chapter 3, the **Critical Areas of Concern**, lists the 12 areas that form the basis of the core of Chapter 4, **Strategic Objectives and Actions**.

The chapter on **Strategic Objectives and Actions** details the key actions which the conference agreed should be undertaken by a range of players, including national governments and international agencies. Although it is difficult to summarise such a dense and detailed document, the following is a very brief outline.

Section A: **Women and poverty**. Discusses the feminisation of poverty and calls for, *inter alia*, adequate social security provision; the use of a gender perspective in economic policy-making; new and additional resources for women in poverty; a reduction in the negative impact of structural adjustment programmes; protection of the rights of migrant women and other vulnerable groups of women.

Section B: **Ensure equal access to education**. Calls for the elimination of discrimination in education; universal access to primary education; the eradication of illiteracy among women; better access to training and re-training; the allocation of adequate resources to improve education for women.

Section C: **Women and health**. Consolidating and developing the Cairo conference on population and development, this section stresses women's human rights to control their sexuality and reproductive behaviour. It calls for gender-sensitive health care information and preventive health programmes.

Section D: **Violence against women**. Defines violence as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women'. It calls for measures to prevent and eliminate such violence; studies of violence; the elimination of trafficking in women.

Section E: **Women and armed conflict**. Spells out the ways in which women's human rights can be violated in situations of armed conflict and calls for a strengthening of women's role in con-

⁸ New York: United Nations, Department of Public Information, 1996.

flict resolution and in promoting peace; a reduction in military expenditure; the promotion of non-violent forms of conflict resolution; the provision of support for refugee women.

Section F: **Women and the economy.** Details the current situation of inequality between women and men and calls for the promotion of women's economic independence and autonomy; the facilitation of their equal access to resources, employment, markets and trade; support, especially for lower-paid women; the elimination of sex discrimination at work; the promotion of measures to help the reconciliation of work and family responsibilities; the recognition of unremunerated work.

Section G: **Women in power and decision-making.** Calls for 'women's equal access to, and full participation in, power structures and decision-making'; training for leadership.

Section H: **Institutional mechanisms for the advancement of women.** Calls for national machineries to be sited at the highest levels; the integration of a gender perspective into legislation, policy and programmes; better and fuller gender-disaggregated data.

Section I: **Human rights of women.** Essentially reaffirms that women's rights are human rights. Refers back to the Vienna conference on human rights and calls for the implementation of existing human rights treaties and agreements, non-discrimination under the law and in practice; measures to ensure that women know and can exercise their legal rights.

Section J: **Women and the media.** Looks for a balanced and non-stereotyped presentation of women in the media and an increase in the influence of women working in the media.

Section K: **Women and the environment.** Notes the essential contribution of women to sustainable development and calls for women's active participation in policy-making affecting the environment and the insertion of a gender perspective into such policy-making and programmes.

Section L: **The girl child.** Pointing out girls' disadvantaged situation, this section calls for the elimination of discrimination and negative attitudes against girl children in the family and in education and training, inheritance, health and nutrition, the labour market; the eradication of violence against girl children; the promotion of girl children's status.

Chapter 5 is on **Institutional Arrangements.** It points out that while governments have the prime responsibility for implementing the Platform, other institutions at international level, like the UN itself and the public, private and NGO sectors, have their part to play. A strengthened mandate for the CSW is called for as well as a high-level post in the office of the secretary-general of the UN.

Chapter 6 is concerned with **Financial Arrangements.** It notes the need for political commitment to make the necessary resources available at national, regional and international level.

- Belgium produced a booklet explaining the history of UN conferences for women, the preparatory process at UN and national level, the role of the Platform for Action and the Belgian national report;
- The French coordination committee produced a regular bulletin in the run-up to the conference;
- Spain produced and brought to the conference a report on the situation of Spanish women;
- Germany published the reports of the working groups formed by the national preparatory committee.

The Statistical Office of the European Community, Eurostat, published, in cooperation with the Commission, 'Women and men in the European Union: a statistical portrait'⁹ before the conference. It contains information on: population including data on life expectancy and health; family life; working life and participation in decision-making - all describing the situation of women living in the 12 Member States of the Union in the early 1990s.

The Commission also produced an explanatory booklet 'The European Community facing the challenges of the Fourth World Conference on Women'.¹⁰ It covered the institutional framework, the background of equal opportunities in the Union, development cooperation issues and women's and men's human rights. The European Parliament adopted a resolution on the conference¹¹ in June 1995. This outlined its views on the priorities that should concern both the conference and the European input, and was based on the report on preparations for the conference (the Gröner Report). Five MEPs from the Committee on Women's Rights were present in Beijing as part of the official European Community delegation and took part in a meeting organised by the Interparliamentary Union where a joint declaration was adopted. The Parliament passed another resolution¹² on 21 September 1995, on the outcome of the conference and the Parliament's views on aspects of the implementation of the Platform for Action. The Economic and Social Committee issued an opinion on 6 July 1995¹³ calling for the Platform for Action to be 'capable of providing a new momentum in the promotion of women's rights and responsibilities throughout the world' and 'an

instrument which can be applied in a whole series of different cultural, social and economic environments and leads to new commitment to equal opportunities and women's advancement.'

6.2

THE CONFERENCE ITSELF

The Beijing conference was certainly the largest body of people ever gathered together to reach agreement on a Platform for Action addressing the most pressing equality issues on a global level.

Member States had delegations at the conference, and the European Union was also represented. Again, the Union held coordination meetings on at least a daily basis and sometimes more. The European Presidency chaired European Union meetings, briefed NGOs on behalf of the European Union and regularly updated the European Union position paper used in negotiating the Platform for Action. As a result, the Union was able to speak clearly and with a single voice: it functioned as a force of real influence and authority and could act as broker in some difficult and delicate areas of debate. Indeed, the European Union positions formed the basis of positive agreements. The delegations of the Council of Ministers and the Commission (the latter including members of the European Parliament) worked closely alongside the Member States' delegations throughout the conference.

⁹ Luxembourg: Office for Official Publications of the European Communities, 1995.

¹⁰ Luxembourg: Office for Official Publications of the European Communities, 1995. Catalogue no. CC-90-95-485.

¹¹ A4-0142/95 (Minutes of sitting 15.6.1995).

¹² B4-1194/95 (Minutes of sitting 21.9.1995).

¹³ OJ C 256 of 2.10.1995, p.28.

Many delegates were inspired by one of the closing speeches of the conference, given by the Prime Minister of Norway, Gro Harlem Brundtland. She maintained that Beijing would 'irrevocably shape world opinion' in spite of a 'continuing genderised apartheid'. 'So, we must go back from Beijing - go back to the shanty-towns...to the croplands...to the indigenous communities - go back to change values and attitudes. But not only there. No, we must go to the boardrooms, to suburbia, to all of our local communities, to our governments and to the UN headquarters. This is where change is required. Both in the North and in the South.'



THE CONTRIBUTION OF NON-GOVERNMENTAL ORGANISATIONS

An NGO Forum was held in parallel with the official conference, running from 30 August to 8 September in Huairou. Before the conference, there was more than a little controversy about the arrangements for and the site of the Forum, some 50 kilometres from the main conference. Both NGOs and national delegations to the UN took vigorous action to improve facilities for the Forum.

A most notable phenomenon of recent years has been the increasing participation and influence of NGOs at national and international level. The relationship between governments and NGOs in the context of large international conferences like Beijing has been a continuous learning process for both sides. NGOs have made great efforts to have an input into the events which will truly reflect grass-roots views and priorities, seeing this development as a necessary part of the whole issue of social dialogue. The consensus among those who were at both Nairobi and Beijing is that the linkages and communica-

THE ROLE OF NON-GOVERNMENTAL ORGANISATIONS

GESELLSCHAFT FÜR TECHNISCHE ZUSAMMENARBEIT (GTZ - TECHNICAL COOPERATION COMPANY)

Gender-awareness is a principle of German development cooperation, elaborated in various policy papers. As part of a broad attempt to increase the integration of a gender dimension in its work, the relief and rehabilitation programme is one of several programmes within GTZ (Technical Cooperation Company) which is collaborating with the WID (Women in Development) office to increase gender-awareness and 'target-group orientation'. As part of this process, an outside consultancy agency has been commissioned to draw up guidelines, with a particular focus on Africa. A workshop is also being organised in Ethiopia to discuss gender issues and relief and rehabilitation with partner organisations. As this process is still underway, with guidelines in draft form, it is not clear how they will be used within GZT and with partner organisations.

OXFAM

Oxfam introduced a Gender Policy in 1993, which included the commitment to 'ensuring that all emergency and development responses incorporated a gender perspective in assessment, planning, implementation, monitoring and evaluation'. This commitment comes from a desire to transform exploitative or oppressive gender relations (Oxfam, 1993: 4-5). Within Oxfam, the Strategic Planning and Evaluation Team and the Gender Team work together to ensure that Strategic Planning Frameworks incorporate a gender perspective. Managers, both within the UK and in the field, as well as advisors, are trained in the integration of the gender policy. In addition, Oxfam is in the process of creating 'good practice guidelines' at the country team level. Working guidelines for gender in disaster relief, have also been written by the gender and emergency units. The guidelines cover data collection, basic gender needs including water, food, shelter and health and how women may be further disempowered, or empowered by relief interventions.

Source: Extract from 'Gender, Emergencies and Humanitarian Assistance', Women in Development Desk, Directorate General for Development, Commission of the EC.

tion were much more systematic and professional at Beijing. NGOs feel that this can be developed even further and made more structured and that more could be forthcoming from governments in the way of practical, including financial, resources. Member States managed this relationship in a variety of ways, but it is fair to say that all made efforts to be inclusive in the preparation of the national reports and other preparations for the conference. The European Union also was instrumental in the establishment of an appeal procedure for NGOs having difficulty in being recommended for accreditation as observers to the official conference and for the extension of the deadline for applications.

The themes which were highlighted for debate at the Forum were:

- A global commitment to women's equal rights;
- Women's access to education, health care, employment and training, legal and political rights, economic development and a sustainable environment;
- Women's participation at all levels of government and leadership;
- The elimination of poverty;
- The elimination of violence against girls and women;
- The elimination of racism.

The Commission made available an important amount of support to help NGOs take part in the Beijing process, both at the preparatory stages and at the conference itself. The support went not only to NGOs in the European Union, but also to Eastern and Central Europe and developing countries.

In the European Union, the European Women's Lobby (EWL), formed in 1990 and funded by the Commission, acts as a lobbying and coordinating body for European NGOs with a particular interest in women's affairs. During the preparatory period, the EWL organised a forum for European Union NGOs alongside the formal conference in Toledo in April 1994 (see above). Later, it undertook systematic preparation as a 'Beijing Project', consisting of an information and preparation period before the conference, a presence at the conference itself and a debriefing conference in February 1996.

In the run-up to the conference, the Lobby:

- Met with the European Union presidency in July 1995;
- Held a strategy seminar to develop common EWL strategies for the conference;
- Prepared a poster and an information brochure for distribution at the conference;
- Published a 'Guide for Women to the Fourth World Conference on Women and NGO Forum '95' which ran to three editions;
- Produced comments on the draft Platform for the European Union Member States' governments and other policy-makers.

At the conference, the Lobby had a permanent information booth which also served as a meeting point for European NGOs. It organised daily workshops throughout the duration of the Forum in the ECE regional tent. The Lobby's General Secretary was elected as liaison person between NGOs from the ECE region and the UN. Many members of official delegations visited Huairou during the Forum and took part in NGO workshops.

So far as the official conference was concerned, a majority of Member States included NGOs in their official delegations and the EWL was accredited to the conference. Many official delegations organised daily briefings for NGOs and there were several briefings between the European NGOs and the European Union Presidency. One-off meetings also took place with some of the official delegates on particular items in the Platform for Action. NGOs met daily in the 'European Women's Caucus'.

After Beijing, the EWL organised a follow-up conference in February 1996, 'Towards the gender contract - implementation of the Beijing Platform for Action'. The aim of the conference was to discuss the 'gender contract' concept and to discuss strategy based on a detailed analysis, prepared by the Lobby, of the Platform for Action considered together with the ECE Regional Platform.

In the field of development cooperation, many European NGOs came together in a European Union International Development Caucus. This included established groups like the network

Women in Development Europe (WIDE) and Eurostep. The Caucus cooperated closely with groups from other regions and had as their main lobbying aim the retention of the advances in the texts of the Cairo and Copenhagen conferences and the development of the Declaration and the Platform for Action in the areas of poverty, multi-lateral debt, unwaged labour, resources, the role of NGOs, reproductive rights, sexual rights, migration and the environment.

WIDE and Eurostep organised a follow-up meeting in May 1996. With the support of the Commission, WIDE also provided financial support to ACP (the Asian, Caribbean and Pacific countries) NGOs for a first immediate follow-up to Beijing and will organise four ACP regional workshops on specific areas of concern.



AFTER THE CONFERENCE IMPLEMENTING THE PLATFORM FOR ACTION

European Council meeting, Spain, October 1995

There was a strong endorsement of the outcome of the conference. The Council agreed that it would review the European Union's implementation of the Platform for Action annually. How to transform the European Member States' commitments into practical plans was the subject of a follow-up conference held in Spain in November 1995. Under the title 'Las Mujeres Proponen', it gave an opportunity to take stock of the strategies at national and European Union level to implement the Platform for Action in the fields of decision-making; mainstreaming equal opportunities; and the image of women in society. Opening the conference, Mrs Cristina Alberdi took up the themes which had come up again and again in the European Union positions and in the conference as a whole: empowerment, mainstreaming,

partnership. She called on Member State governments to examine what commitments they were going to undertake after Beijing, and linked the implementation of the Platform for Action to the Essen and Cannes Councils, at both of which equal opportunities had been identified as a prime task of the European Community.

Meeting of the Commission on the Status of Women, New York, March 1996

In the first post-Beijing meeting of the CSW, the European Union again participated effectively. Member States agreed on significant statements on all the critical areas of concern reviewed by the CSW. The Union also took the initiative in many of the areas of substantive negotiations and contributed considerably to what was an 'unusually' positive meeting.

In an intervention on behalf of the European Union, 'the commitment of the European Union to the Declaration and the Platform for Action as an agenda for the empowerment of women', was confirmed. The outcome of the conference was summed up by saying that 'in Beijing we reaffirmed a dynamic concept of policies of women and for women through empowerment and mainstreaming: key concepts and operative ideas that suggest a strategy of political, economic, cultural and social change oriented towards women and men'.

Fourth Action Programme on Equal Opportunities

The Fourth Action Programme on Equal Opportunities (1996-2000) gives a clear picture of the Community's priorities in implementing the Platform for Action. Based on close consideration of the priorities for women in the Union, the Fourth Action Programme can be a driving force in the implementation of the Platform for Action both within the Member States and in the Union as a whole. To quote Commissioner Flynn when he addressed the conference, 'The results of this conference can enrich our ideas for (the Fourth Action Programme's) implementation'. A Council Decision on the Action Programme was

passed in December 1995.¹⁴ A second important initiative at Community level is the Communication of the Commission on mainstreaming of equal opportunities in all relevant Community policies and programmes.¹⁵ The Communication defines the process of mainstreaming as 'not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of women and men (gender perspective)'. It refers to the Community's involvement in formulating the Beijing Declaration and Platform for Action and the emphasis which mainstreaming was given at the conference. It also draws attention to the role of the Community at the other related UN conferences mentioned above; and restates the recognition by the Essen, Cannes and Madrid Councils that equal opportunities, along with the fight against unemployment, are some of the paramount tasks of the Union and its Member States.

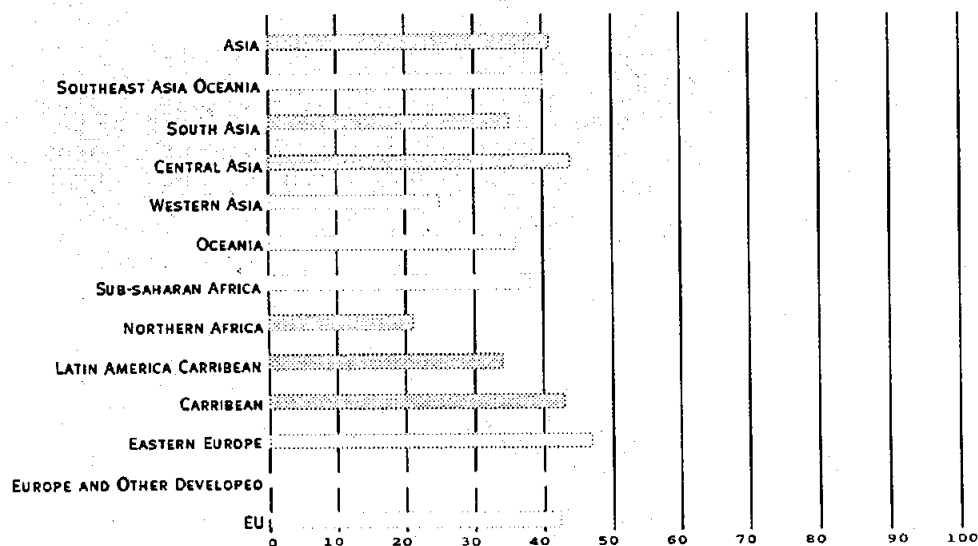
The areas covered by the Communication link very directly with the Platform for Action. They include:

- Employment and the labour market (including the Structural Funds and the Fourth Action Programme);
- Women entrepreneurs (including the role of assisting spouses; the role of the Community initiatives; training and information projects);
- Education and training (including a range of training programmes);
- Rights of persons (including measures aimed at curbing violence against women; women refugees; measures against trafficking of persons; family structures);
- External relations (including attention to gender issues in development cooperation at planning, programmes and political level);
- Information/awareness (including reference to a wide range of events and publications and the need to monitor the content and quality of information);
- The Commission's personnel policy.

¹⁴ Decision 95/593/EC OJ L 335 of 30.12.1995, p.37.

¹⁵ Communication from the Commission incorporating equal opportunities for women and men into all community policies and activities COM(96) 67 final of 21.2.1996.

TABLE 30
WOMEN'S SHARE OF ECONOMICALLY ACTIVE POPULATION BY GLOBAL REGION, 1990



SOURCE: UNITED NATIONS, THE WORLD'S WOMEN 1995, TRENDS AND STATISTICS, NEW YORK, CHART 5.4A
NOTE: DATA FOR EU FROM EUROSTAT (LFS) (EU 12) 1990, TABLE 1.

Particular attention is paid to the Structural Funds.

The Communication concludes with the expectation that '1996 should lead to substantial progress in implementing the principle of mainstreaming in all Community policies' - certainly an important element, in turn, of implementing the Platform for Action.

Integrating gender issues in development cooperation

In the context of relations with countries outside the Union, the Communication on integrating gender issues in development cooperation¹⁶ proposes common policy guidelines for the Commission and Member States on gender issues in development. It also makes suggestions for strengthening and intensifying the existing policy of mainstreaming a gender perspective in all policies and programmes. The Council of Ministers adopted a resolution on the subject at its meeting in December 1995.¹⁷ It:

- Notes that women's participation in the development process remains a secondary consideration and relates the resolution to the commitments of the Beijing conference;
- Outlines general principles for gender-sensitive development cooperation which should inform all future dealings with partner countries;
- Outlines means and strategies on, *inter alia*, policy-making, negotiation with partner countries, positive action to correct gender differentials as well as mainstreaming of the gender dimension at all levels, training for decision-makers and for all those working in development;
- Calls for an annual meeting of experts from the Community and the Member States and stresses the importance of greater coordination between the Community and the Member States, as well as for the systematic consideration of gender issues in all coordination initiatives;
- Calls for a system for reporting on the implementation of the resolution, with a review of progress in the second half of 1997.

Human rights

The Commission Communication on the 'European Union and the external dimension of human rights policy: from Rome to Maastricht and beyond',¹⁸ highlights that women's fundamental rights form an integral, inalienable and indivisible part of universal human rights. The Communication proposes also to take into account the conclusions of Beijing and to consider women as active participants in society and to promote their full participation in political, economic and social life. At the 52nd session of the Commission on Human Rights in Geneva from 18 March to 26 April, the Italian Presidency, on behalf of the European Union, gave the opening speech, confirming the Union's commitment to Vienna and Beijing.

Implementation of the Platform for Action

The great range of the Platform for Action and the varying priorities of Member States, make it impossible to describe in detail each country's plans for implementation of the Platform for Action. At the meeting of the European Social Affairs Council on 3 June 1996, Member States reported on follow-up to the conference. The following section summarises the main themes and approaches to implementation which emerged from that follow-up, with some specific examples included for illustration.

There is inevitably an overlap between actions following Beijing and ongoing equal opportunities and development cooperation programmes which Member States had in place before the preparation for Beijing began - programmes covering education, women in economic life and women in decision-making, for example. However, many actions stem directly from the Platform for Action. Even where they do not, many countries speak of an intensification of activity or a re-doubling of efforts inspired by the conference and the impetus it has given to equality matters. The Platform is also described in terms of giving a

¹⁶ COM(95) 423 final of 18.9.1995.

¹⁷ Resolution 12627/95 of 20.12.1995.

¹⁸ COM(95) 567 final of 22.11.1995.

HUMAN RIGHTS POLICY

Respect for human rights is one of the main prerequisites for membership of the European Union, a basic principle informing all its activities. The Treaty states in Article F(2): 'The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law'.

With regard to external action the Treaty states that it is one of the main objectives of the common foreign and security policy 'to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms'.¹⁹ In the same way, European Community development cooperation policy 'shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms'.²⁰

These provisions constitute a decisive advance in the development of an essentially economic Community into a political body. The founding Treaties make no explicit reference to human rights or the relevant international instruments; such reference was not to make an appearance until thirty years later, in the preamble to the Single European Act, in which political cooperation is formally enshrined.

Source: Extract from 'The European Union and the External Dimension of Human Rights Policy: From Rome to Maastricht and Beyond' COM(95) 567 of 22.11.95, p.5.

¹⁹ Article J.1(2), fifth indent.

²⁰ Article 130U(2) of the Treaty of European Union.

solid base from which to move forward, a reference point, and a statement of affirmation.

Just as the period before Beijing saw a greater involvement of NGOs in Member States and better communications between governments and NGOs, so the follow-up to the conference has seen examples of a deepening of these relationships. Governments have made real efforts not only to inform NGOs, but to consult with them on how best to implement the Platform. It has been a two-way process. For example, Belgian NGOs presented a memorandum to government; other NGOs set up working groups or meetings to relate the Platform to their own and/or their governments' priorities (Belgium, Denmark and the Netherlands); the UK carried out a consultation exercise in asking NGOs for their views on implementation; Ireland is examining mechanisms to ensure NGO participation in implementation.

Most Member States saw the dissemination of information about the conference and the Platform for Action as their first responsibility after the conference had ended and the delegations returned home. Member States set about this task in a variety of different ways:

Virtually every Member State organised an event or events in the form of conferences, workshops or seminars for women's groups and other NGOs, the social partners, politicians and others interested in knowing about the conference. Some of these events were at national level, others were regional. Italy hosted and co-funded a series of international events linked to Beijing, particularly on employment matters, while Austria's follow-up conference also included delegates from many countries outside the Union; Greece used the occasion of International Women's Day to highlight information on Beijing.

In many cases non-governmental organisations also organised their own events.

Many Member States, including Germany, Greece, Ireland, Portugal, Spain, Sweden and France, have already published a report on the conference and/or a translation of the Platform in full or in summary, or have definite plans to do so. The UK national report is available on the

Internet and the Netherlands hopes to use this form of dissemination of information also; Austria plans a series of four publications on the conference, on its follow-up and studies on migrant women in Austria and on the enhancement of the gender perspective in development cooperation. Reports to Parliament by ministers present at Beijing and/or Parliamentary hearings or debates took place in Denmark, Italy, Germany, France, Luxembourg, the Netherlands, Belgium and the UK.

Some Member States have already introduced new legislation or are proposing to do so. For example, Belgium proposes a law to ensure that federal consultative bodies have at least one-third women members. In Luxembourg, the Chamber of Deputies has called for the insertion of the principle of equal opportunities into the constitution. Other proposed legislation is mentioned in other paragraphs in this section.

There are many examples of new structures being set up. Portugal has created a High Commissioner for the Promotion of Equality and Family Issues in the Prime Minister's office and a new Parliamentary Commission for Parity and Equal Opportunities; Italy has for the first time a ministry for equal opportunities; also for the first time, the Flemish government in Belgium has a minister responsible for equal opportunities; the Swedish government has created regional 'focal points' to promote equal opportunities regionally and to stimulate mainstreaming; Luxembourg has introduced an interministerial committee for equality.

Linked with these new structures are new undertakings to report on progress. The UK has proposed an annual review cycle which will include an annual report on progress in implementing the Platform and annual meetings with NGOs, nationally and regionally. A law passed in Belgium in February 1996 commits the government to report annually on the implementation of the Platform; the report will refer also to the conclusions of the NGO Forum and the ministers responsible for equal opportunities and for development aid will both report to Parliament.

There is a very wide range of activities which might be described as mainstreaming. Many gov-

ernments including Germany, Finland, Sweden and the United Kingdom have invited all government departments to consider how best to integrate the Platform into their activities. The Portuguese Commission for Equality and Women's Rights produced a Memorandum with priorities for future action with input from many departments. Mainstreaming is overtly mentioned as a goal by Sweden, France and the UK; France makes the point that this means involving women and men in partnership.

As well as the inter-departmental activities mentioned in the previous paragraph, many Member States have set up structures and processes to examine how best to implement the Platform. Denmark and Luxembourg have set up Commissions while Austria has a working group with the social partners; Ireland has announced its intention to produce a declaration of national policy, reviewing national programmes in the light of the Platform.

The budgetary implications are addressed by the Netherlands, which has undertaken to put forward proposals in the next budget speech for the inter-departmental implementation of the 12 strategic objectives; Finland will produce a discrete programme on equality of the sexes based on the Platform, with its own budget.

So far as development cooperation is concerned, several Member States are increasing their efforts to make sure that policies and projects have a gender dimension. A new law in Luxembourg will increase the availability of funding to NGOs which want to carry out projects on promoting women in developing countries; Austria has set up a working group of NGOs and government departments to plan new measures on introducing a gender dimension; Sweden has proposed a law to add the goal of equality to the existing basic principles which govern development cooperation.

Section D of the Strategic Objectives concerns violence against women; several European Union governments have highlighted actions in this area. France proposes a full-time telephone helpline for victims of rape or domestic violence and will expand support centres to all departments; Sweden states it intends to introduce pro-

posals for legislation to strengthen and extend existing measures to combat violence against women; there will be special training for the police forces in Belgium; Portugal has made the issue one of the priorities of its Programme of Action.

In the more technical arena, some countries have undertaken to improve official statistics. Belgium has commissioned a research study on gaps in statistics and how best to improve statistical information; Denmark and France will produce statistical analyses of pay inequality; after future elections in France, statistics broken down by sex will be published on candidates and those elected; Sweden has highlighted the importance of sex-segregated statistics in its training course for high-level civil servants and others. The UK has declared its intention to ask all government departments to analyse and publish all key statistics by sex.

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1. Eurostat, Community Labour Force Survey and ILO
2. Eurostat, Demographic Statistics
3. Eurostat, Community Labour Force Survey
4. Eurostat, Community Labour Force Survey
5. Eurostat, Community Labour Force Survey
6. Eurostat, Community Labour Force Survey
7. Eurostat, Community Labour Force Survey
8. Eurostat, Community Labour Force Survey
9. Eurostat, Community Labour Force Survey
10. Eurostat, Community Labour Force Survey
11. Eurostat, Community Labour Force Survey
12. Eurostat, Community Labour Force Survey
13. Eurostat, Community Labour Force Survey
14. Eurostat - Harmonised Statistics of Earnings
15. Eurostat, Community Labour Force Survey
16. European Commission Network on Child-care
17. European Commission Network on Child-care
18. European Commission Network on Child-care
19. European Commission Network on Child-care
20. Eurostat, Community Labour Force Survey
21. Eurostat Demographic Statistics
22. Eurostat Community Labour Force Survey
23. European Experts Network 'Women in Decision-Making'
24. European Experts Network 'Women in Decision-Making'
25. European Experts Network 'Women in Decision-Making'
26. European Experts Network 'Women in Decision-Making'
27. European Experts Network 'Women in Decision-Making'
28. 'Women in Decision-Making in Trade unions', Braithwaite and Byrne, European Trade Union Confederation, Brussels.
29. Database of the CJEC and Celex
30. Statistical Division of the United Nations

SOURCES

The main source of data used is the Statistical Office of the European Communities (Eurostat) and, in particular the Community Labour Force Survey (LFS). This is the only source of data on employment and related variables which is comparable and complete for all Member States. Since it is based on a survey of households and uses a common coding and methodology, it abstracts from national differences in definitions, methods of classification and administrative procedures and regulations. Data from national sources may, therefore, differ from the figures presented in this report.

Data in chapters three and four is supplemented by data gathered by experts in the Member States from national sources. The data collection was co-ordinated and analysed by networks of experts supported by DGV of the European Commission. Chapter five presents data on cases which was provided from the database of the Court of Justice of the European Communities, Luxembourg and from the CELEX legal database. Chapter six uses data from the Statistical Division of the United Nations.

DATA SOURCES

Notes for Table 26

Data for Austria and Sweden not available.

Data for Greece at management level not available.

Division based on the table of equivalence between the administration in the EC Member States from 'Women in the Higher Public Services' Barbara C. Wurster (ed.).

Remarks: Finland: Only at the state level (central government -total public administration). By profession: upper officials (clerical personnel) working in managerial positions, and presenting and planning officials (at university level). By profession: upper officials (clerical personnel) working in managerial positions. Women at top-positions of public administration: secretary generals, chief directors, heads of departments, deputy heads of departments, heads of divisions and special advisors (highest level). Denmark: university level only at state level. Germany: include Federal Ministries and the institutions under their jurisdiction, Federal courts, judicially dependent enterprises of the Federal Government, German Railways, Federal German Postal Service. Spain: do not include teachers, organs of State security, army, justice administration personnel, 'statutory' social security personnel.

Note for Table 27

Note: Austria no representative national data. Number of mayors, 1994: 0.85 per cent (20/2333).

Figures for the UK are complex. There are several types of local government with different election arrangements. Accurate figures for the number of women elected to serve on local government councils are available for the London Boroughs 27.9 per cent, Northern Ireland 12 per cent, Scotland 21 per cent.

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