

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (88) 370 final

Brussels, 30 June 1988

REPORT

on the implementation of the Council Recommendation
of 13.12.1984 on the promotion of
positive action for women (84/635/EEC)

(presented by the Commission)

Introduction

The Council Recommendation of 13 December 1984 on the promotion of positive action for women¹ requests the Commission:

1. to promote and organize in liaison with the Member States the systematic exchange and assessment of information and experience on positive action within the Community;
2. to submit a report to the Council, within three years of the adoption of this Recommendation, on progress achieved in its implementation, on the basis of information supplied to it by the Member States.

In order to prepare this report, the Commission drew up a questionnaire concerning the implementation of the Recommendation. The questionnaire² was sent both to the members of the Advisory Committee on Equal Opportunities and to the governments. Not all reports from the Member States were available at the time when this report was drafted.

¹ 84/635/EEC

² Annex 1

The meeting organized by the Commission with the relevant representatives of the Member States' governments, with the aim of discussing the answers to the questionnaire and the progress achieved in the implementation of the Recommendation was very useful in that it helped to fill certain information gaps.

Another basis of information concerning positive actions in the Member States are the activities, promoted by the Commission itself, which are set out in the Community programme on "Equal Opportunities for Women"³.

This report covers the implementation of the (9) Articles of the Recommendation, and, therefore, also the promotion of positive action by the Commission. Finally some conclusions are drawn concerning the implementation of the Recommendation.

Clearly much of the information has been summarized in order to keep the report as concise as possible. At the same time, a report has been drafted on the implementation of the Council Resolution on action to combat unemployment amongst women,⁴ which - as a matter of course -

³ Equal Opportunities for Women, Medium-Term Community Programme 1986-1990 (23 c), 2nd Council Resolution of 24 July 1986 of equal opportunities for women (86/C 203/02).

⁴ - Council Resolution of 7 June 1984 on action to combat unemployment amongst women (84/C 161/02) n° C 161 page 4 - 21.6.1984).

- Provisional Conclusions on measures taken by the Member States in order to implement the Resolution on actions to combat unemployment amongst women (COM(88) 135).

contains much more general information on the employment of women.

Article 1: Adoption of a positive action policy

The Council of the European Communities recommends that the Member States adopt a positive action policy designed to eliminate existing inequalities affecting women in working life and to promote a better balance between the sexes in employment, comprising appropriate general and specific measures, within the framework of national policies and practices, while fully respecting the spheres of competence of the two sides of industry, in order:

- (a) to eliminate or counteract the prejudicial effects on women in employment or seeking employment which arise from existing attitudes, behaviour and structures based on the idea of a traditional division of roles between men and women in society;
- (b) to encourage the participation of women in various occupations in those sectors of working life where they are at present underrepresented, particularly in the sectors of the future, and at higher levels of responsibility in order to achieve better use of all human resources.

In fact not all Member States adopted an explicit policy statement concerning the promotion of positive action for women.

This does not imply that Member States which did not make such a policy statement did not take any positive (action) measures in favour of women.

A rather general positive action policy statement has been adopted in France, while Belgium, in the summer of 1987, adopted a royal decree (Arrêté Royal) concerning positive actions in the private sector, and is also preparing a formal decision concerning the public sector.

The Federal Republic of Germany and the Ireland adopted compulsory guidelines for the promotion of positive actions in the public sector.

Explicit positive action policies for the private and the public sector are under discussion in Italy and in the Netherlands.*

Most Member States reported that positive actions form part of their equal opportunities policy, and mentioned several specific positive (action) measures, concerning, more particularly, the employment and training of women.

Article 2: A framework to promote and facilitate positive actions

The Council of the European Communities recommends Member States to establish a framework containing appropriate provisions designed to promote and facilitate the introduction and extension of such measures.

In general, a distinction can be made between the legislative, administrative and financial aspects of the framework mentioned above.

Some Member States concentrated on a legislative framework. For example France obliges enterprises to report yearly on the situation of female workers compared to that of male workers. The Belgian royal decree lays down detailed provisions for the implementation of equal opportunity schemes. In Italy the (former) government has placed a bill on positive actions before Parliament. The United Kingdom and Ireland have legislative provisions for certain forms of positive action in their acts concerning sex discrimination/employment equality. The Dutch government proposed that Parliament amend the equal treatment act: inter alia, the possibility of preferential treatment will be limited to women, to improve their relative position on the labour market. Among other things, the Danish equal treatment law opens the way for positive action and preferential treatment. In general, it can be concluded that in the European Community there are no rules which make positive actions compulsory.

For example, Spain, Greece, the Federal Republic of Germany, the United Kingdom and Luxembourg emphasize the importance of equal opportunity bodies in promoting equal opportunities and positive actions.

It should also be noted that several Member States have national plans of action for equal treatment of men and women (Spain and Denmark have recently adopted such a plan). In other Member States - for example in Greece - the national programme for Economic and Social Development provides a considerable framework for positive action.

Financial incentives to promote equal opportunities, especially concerning the vocational training of women exist in many Member States, but in some cases no provision is made for monitoring. Financial incentives for the development of positive actions plans inside firms exist or are under discussion in a few Member States.

Article 3: Positive action in the public and private sectors

The Council of the European Communities recommends the Member States to take, continue or promote positive action measures in the public and private sectors.

In some Member States, government decisions or programmes have been or are being drawn up concerning positive actions in the public sector. The degree to which these decisions or programmes are mandatory varies considerably. These decisions and programmes often include actions concerning training. There are a few specific recruitment and promotion measures. Child-care facilities, which can in fact be of importance to all parents, not only mothers, are also presented in the framework of positive actions in some cases.

In some cases, measures are put into practice before a formal decision has been taken. In Belgium, for example, several positive measures have been taken in the public sector (training and awareness-raising) until such time as a full decision is taken. In the Netherlands a number of experiments have been conducted with a view to determining the general outlines of a decision on general policy in the national public service.

In several Member States (e.g. France, the Federal Republic of Germany), regular reports, made to monitor the developments are submitted to Parliament. In some cases the need for positive actions and the need to decrease the number of civil servants gives rise to tension.

It should also be noted that in some Member States positive action has been taken not only on a national but also on a regional and local level by regional and local authorities. Moreover, some public services, especially the postal, telephone and telegraph services in several Member States, are implementing a positive action policy.

In a number of Member States positive action in the private sector has so far received little encouragement.

Some Member States have introduced non-compulsory decisions or recommendations in order to promote positive action. For example: the government of the Federal Republic of Germany together with 30 well-known firms in the private sector has developed a number of practical vocational measures, which are now implemented by these firms. As a result, a code of practice for the vocational promotion of women in firms has been published.

The Dutch government tried to promote positive actions in the private sector by means of information; more direct measures are now under discussion. As stated previously, direct practical measures to promote positive action inside firms are applied in France; the French government provides financial support to approx. 15 enterprises, which are implementing plans for vocational equality, devised after negotiations

between the management and the trade unions containing training, working conditions, appointments, career developments, etc. These are quite large firms; the involvement of smaller companies is now under discussion.

In other Member States the equal opportunities bodies promote or advise on the encouragement of positive action. Most Member States have developed positive measures concerning the vocational training of women, sometimes with accompanying incentives for employers. In Greece, for instance, employers receive a subsidy for the recruitment of women, which is approximately 10 % higher than what they receive for recruiting men.

Article 4 : Aspects of positive actions plans

The Council of the European Communities recommends Member States to take steps to ensure that positive action includes as far as possible actions having a bearing on the following aspects:

- informing and increasing the awareness of both the general public and the working world of the need to promote equality of opportunity for working women,
- respect for the dignity of women at the workplace,
- qualitative and quantitative studies and analyses of the position of women on the labour market,

- diversification of vocational choice and more relevant vocational skills, particularly through appropriate vocational training, including the implementation of supporting measures and suitable teaching methods,
- measures necessary to ensure that placement, guidance and counselling services have sufficient skilled personnel to provide a service based on the necessary expertise in the special problems of unemployed women,
- encouraging women applicants and the recruitment and promotion of women in sectors and professions and at levels where they are underrepresented, particularly as regards positions of responsibility,
- adapting working conditions; adjusting the organization of work and working time,
- encouraging supporting measures such as those designed to foster greater sharing of occupational and social responsibilities,
- active participation by women in decision-making bodies, including those representing workers, employers and the self-employed.

In general it can be said that all member States have been active in informing and increasing the awareness of both the general public and employers, trade unions etc. of the need to promote equality of opportunities for working women. Some Member States (Spain, Greece, Portugal) emphasize the importance of these activities. The Danish report

states that in Denmark a widespread awareness of equality problems has been achieved at organisational and administrative level. In some cases (Belgium, the Netherlands) explicit (information) campaigns are conducted concerning respect for the dignity of women at the workplace.

It would appear that qualitative and quantitative studies and analyses of the position of women on the labour market are often conducted in connection with the development of (positive action) policies. In all Member States the importance attached to the diversification of the vocational choice of women⁵ is increasing. Some Member States report on measures concerning the education of girls and boys; in Spain, for example, a modernization programme took place with a view to training teachers in ways and means of incorporating an equal treatment dimension into education and an experiment was initiated in secondary schools with a view to diversifying occupational choices by providing non-discriminatory educational and vocational guidance. The Belgian Ministry of Education took a number of measures and refers to the activities of Belgian women's organisations. Vocational training measures can be found in all Member States. In the German government vocational training programme women are identified as a special target group (with special attention for women in traditionally male jobs). In 1974, women accounted for 26% of the total number of participants (60.565 women) and in 1984 32,6% (115.044 women).

⁵ See also the report on the implementation of the 1984 Council Resolution to combat unemployment.

In Portugal every vocational training course has to have at least 3 female participants.

The British Manpower Services Commission has initiated a programme of positive action for women including experimental training schemes, action research projects and awareness-raising activities to influence employers.

The provision of special training measures for women in Ireland also provides positive encouragement for private sector employers.

In Greece a large number of women's cooperatives have been set up in traditional and non-traditional female activities. The women involved followed specially designed training programmes.

An interesting example of guidance and counselling services is to be found in Denmark, where equal treatment counsellors have been employed in 29 regional job placement offices, organizing projects together with industry and trade unions, individual firms, training institutions, local authorities and local women's groups.

In the Netherlands, 12% (formerly 10%) of the budget of every employment agency, has been reserved for the re-entry of women to the labour market including financial support for independent women's groups helping women in this connection.

The connection between the vocational training and employment of women is not always clear. Positive actions, including the adaptation of working conditions, are in general voluntary throughout the Community. In France, the social partners are directly contacted concerning the vocational equality of men and women by means of regional meetings etc. In Italy an increasing number of collective agreements provide for a parity-commission to study the employment of female workers; the involvement of trade unions is quite considerable and a number of model projects are in progress. The Dutch government defines positive action somewhat more narrowly as a coherent set of measures to improve the position of women in an organization, the management of which has assumed the responsibility for the implementation of measures within certain time-limits and for a regular evaluation of the concrete and as far as possible qualified targets. It will place a policy document before Parliament to explain how it will stimulate these positive actions in firms (including the use of instruments such as legislation and subsidies).

An interesting development concerning the active participation by women in decision making bodies is the Danish law of April 1985 designed to improve the sex ratio on official committees, particularly those with social duties. The percentage of women represented on such committees has risen from 11% to 31%.

Article 5: Information on positive action and measures

The Council of the European Communities recommends Member States to ensure that the actions and measures described in points 1 to 4 are made known to the public and to the working world, especially to potential beneficiaries, by all appropriate means and as extensively as possible.

In general it can be concluded that the information provided concerning the Recommendation itself has been more limited. More information (brochures, publications in magazines, speeches) was supplied concerning the various aspects of positive actions. As different Member States highlighted different aspects of positive actions, the nature of the information differs somewhat from one Member State to another.

In Belgium the Secretary of State for Emancipation will conduct an awareness-raising campaign concerning the new legislation, so as to encourage positive action initiatives.

In the Federal Republic of Germany there has been some publicity concerning the recommendation and its contents, and potential beneficiaries of positive action have been informed by press conferences, press statements, meetings, interviews, speeches, and general and specific publications.

The Danish equal treatment counsellors have produced printed and audio-visual material in order to support the vocational training of women for the labour market. This includes video-material for

decision-makers and instructors. Open days, courses and conferences have been organised for employers and representative of organisations as well as regional equal treatment courses for job placement office staff.

In France, all enterprises with over 50 workers were informed on the content of and "how to work with" the positive action law in 1983. In 1987 further information was sent to the "Comités d'entreprises" to raise awareness and provide information on opportunities available under the law.

In Greece, all the media, brochures, books etc. are used to provide the public with information on issues relating to sexual equality.

In Ireland and the Netherlands conferences have been organized for managers and brochures on positive action have been published.

The Spanish Office for Women's Affairs published information about the Recommendation in the form of a leaflet and is carrying out an equal opportunities campaign in education and employment, together with Ministry of the Public Service and the Ministry of Culture, in order to reach Official Centres, schools and local authorities.

In the U.K. the government publicly welcomed the Recommendation, copies of which were sent to both sides of industry and the EOC.

The government through the Manpower Services Commission has produced a wide range of publicity and information on the opportunities available to women in its programme.

Article 6

The Council of the European Communities recommends Member States to enable national equal opportunities committees and organizations to make a significant contribution to the promotion of such measures, which presupposes that these committees and organizations are provided with appropriate means of action.

Indeed, every Member States has one or more (different) national equal committees or organizations. But the legal status, composition and scope of the relevant national bodies are often different. Moreover, there have been some important changes in the status and size of these bodies in the last few years (for example, France, Ireland, Belgium, the Federal Republic of Germany).

Some Member States established by law independent/autonomous equal opportunities bodies, for example in Ireland, the UK, Spain and the Netherlands. However, these bodies have different tasks; for example the Dutch Emancipatieraad's task concentrates more on advising the Government, while the EOC in the UK and others have a broader task: informing, supporting and stimulating the public. Both the EOC and the Irish Employment Equality Agency promote positive actions. The EOC has prepared and widely distributed a model equal opportunity policy for employers, and has given advice on positive action to numerous employers in both the private and public sector.

In 1984, the Irish Employment Equality Agency produced a Code of Practice, which sets out the principles of positive action.

Of course it depends on the means of action of these bodies, and the presence and activities of other, for example governmental organisations, whether a significant contribution to the promotion of positive action measures can be made.

Other Member States, for example the Federal Republic of Germany, do not have this type of independent equal opportunities body, but many tasks concerning equal opportunities are concentrated in a department of the Ministry concerned.

It should be noted that in some Member States (Belgium, Federal Republic of Germany) the tasks and financial resources of these departments have increased. In other cases it is not always clear what means of action the (governmental or non-governmental) equal opportunities bodies have for fulfilling their tasks.

Neither it is always clear whether they have specific means of action for undertaking or promoting positive actions or whether these means are effective or not.

Against this background, it should be noted that, in several Member States, the regional and local equal opportunities bodies are also playing an increasingly important role as regards promotion of positive action. Some Member States emphasize the value of contacts and cooperation between these and national equal opportunities bodies.

Article 7: Encouragement to both sides of industry, guidelines, etc.

The Council of the European Communities recommends the Member States to encourage both sides of industry, wherever possible, to promote positive action within their own organizations and at the workplace, for example by suggesting guidelines, principles, codes of conduct or good practice or any other appropriate formulas for the implementation of such actions.

Likewise in this area, the measures introduced by governments as well as the attitude of employers and trade unions, vary somewhat and are at somewhat different stages of development.

In Belgium, the signature of the Royal Decree has been followed by a study of the measures to be taken.

Dutch policy is based on the assumption that the social partners discharge their own responsibilities in this area, on the basis of discussions with employers and trade union organizations.

In the Federal Republic of Germany, women's issues are discussed regularly as part of the continuous dialogue between the government and the social partners. The government does not want to suggest principles and guidelines in the belief that the social partners themselves will develop appropriate means.

In Portugal a tripartite commission discusses these matters.

The British government states that the Code of Practice of the Equal Opportunities Commission is a useful instrument for mobilising public opinion. Furthermore, employers have also introduced codes for their own organisations and other professional bodies (such as the Institute for Personnel Management) have issued similar guidelines.

In Ireland the government encourages both sides of industry to adopt the Code of Practice on Equality of Opportunity in Employment, which was published by the Employment Equality Agency.

In Greece employers are given financial incentives (higher subsidies for the employment of women, a quota for training).

The French government encourages the social partners also by providing oral information on a regional level, printed and visual information and illustrations of innovatory projects and other possibilities. It also provides financial support for the implementation of plans in firms.

Danish firms seem to be increasingly aware of the need to appoint more women and recruit more widely. Efforts in this direction have been made both by the employers association and by individual firms.

As mentioned above, an increasing number of collective agreements in Italy relate to the employment of women and positive action, and a bill concerning the promotion of positive action is under discussion.

In general trade union awareness of the importance of positive action programmes also seems to be increasing.

Article 8: the public sector as an example, new information technologies

The Council of the European Communities recommends the Member States to make efforts also in the public sector to promote equal opportunities which might serve as an example, particularly in those fields where new information technologies are being used or developed.

Several Member States are studying or involved in studies concerning the access of women and girls to new technologies. In the Federal Republic of Germany research is being carried out into the implications of the new technologies for private life, the sharing of responsibilities and leisure time. The 1984 "Office and Administration" programme emphasizes the importance of the humanely managed use of new technologies in areas of employment which rely mainly on female labour.

In Ireland specific courses for women as part of the equality policy of the Industrial Training Centre provided a new technology module of 40 hours' duration. In several Member States a large number of initiatives have been adopted to encourage women and girls to follow training courses in the new technologies.

Some Member States emphasize in their reports the examples they set in their efforts to promote equal opportunities. For example the Belgian government wants to set an example by means of a pilot project in the public telephone and telegraph service; this project will be evaluated

and the conclusions arrived at will serve as basic information for other initiatives of this kind. In Greece research is being carried out in the public sector to establish the extent of women's participation on councils and committees and a conference has been organized for women in State Education and Public Service in order to identify and record the problems which they encounter in their career development.

In Ireland the need to encourage positive action with regard to public sector contract policies is under consideration as part of a review of the employment equality legislation.

Article 9: Gathering of information, follow-up and evaluation

The Council of the European Communities recommends the Member States to make appropriate arrangements to gather information on measures taken by public and private bodies and to follow up and evaluate such measures.

It can be concluded that most Member States have developed or are developing statistics on the employment of women. In Greece a central system has been set up to monitor unemployed women until they find employment. The United Kingdom and the Federal Republic of Germany have specific statistical information systems on the participation of (young) women in vocational training programmes.

In some Member States (for example Greece, Spain) the equal opportunities bodies are responsible for collecting information on the equal opportunity measures taken by the public and private bodies. In Belgium the State Secretariat for Emancipation gathers the information on

positive action programmes itself, and the recently adopted Royal Decree includes the evaluation of positive action projects. In the Netherlands a department of the Ministry of Labour will gather information on positive actions in the private sector. In general as much data as possible is broken-down into male/female and consideration is given to whether data should be broken down into male/female as a condition for entitlement to subsidies. The newly proposed article in the equal treatment law, concerning the limitation of preferential treatment to women includes an evaluation after 4 years to determine whether the position of women has changed.

France has two monitoring systems concerning the promotion of positive action. For the private sector the General Council for Equal Opportunities has been assigned the task of the general follow-up, while at the same time there is a follow-up system in the enterprises concerned, and reports are sent to the social partners.

As regards the public sector, a report is sent to Parliament every two years.

The promotion of positive actions by the Commission of the European Communities.

As mentioned in the introduction to this report, the Council of the European Communities requests the Commission to promote and organize in liaison with the Member States the systematic exchange and assessment of information and experience on positive action within Community.

Furthermore, the Medium-Term Community Programme on Equal Opportunities for Women⁶ stipulates that the Commission will support and encourage positive actions in various sectors with a view to the desegregation of employment and a better use of human resources.

The Commission has therefore launched projects for both the private and the public sector in nearly all Member States. As regards the public sector, the European Institute of Public Administration in Maastricht was instructed by the Commission to gather information concerning women in the higher levels of the public service in all Member States. This information was been exchanged and discussed at a round table, organized by the EIPA on behalf of the Commission in March 1987⁷ by officials from the Member States and the Commission itself, responsible for personnel and/or equality issues in their own administration. All those present considered the discussions to be very valuable and interesting enough to be followed up in a more structured and regular form. The Commission therefore requested the EIPA to organize another discussion in 1988.

As regards the promotion of positive action in the private sector, in 1980 the Commission initiated a pilot scheme in the banking sector. Developments in connection with this schemes are still going on in

⁶ 23 c

⁷ Working document: Women in the Higher Public Service, a European Overview, EIPA, Maastricht 1987.

various banks in several Member States. The Commission is also supporting the efforts of several trade unions to promote positive action in this sector.

In the industrial sector, the Commission promoted positive actions with the help of industrial management consultants in nearly all Member States. In October 1987 a rather successful seminar was organized for personnel directors of industries interested in the implementation of positive action.

As it can be concluded that interest in positive action in industry is increasing, the Commission is planning to continue its promotion activities in this area in all Member States.

The Commission has also undertaken a specific positive action initiative in the area of television. Since 1985, funding has been made available for a Steering Committee on Women and Television involving high-level representation from the main television channels of the Member States. This Committee has so far concentrated its attention on the employment position of women in the industry and its meetings have discussed mechanisms to promote equal opportunities, training and career opportunities for women and working conditions. In addition, specific positive action training courses have to date been organized by four television stations with direct financial assistance from the Commission. Finally, the intention is to extend the Committee's remit to cover the position of women in radio from 1988 onwards.

Since 1983, the Commission has funded a specific network on the diversification of vocational choices for young women and women which has organised specific positive action initiatives on this theme in the Member States. The initial positive actions are now coming to an end, and members of the network have recently submitted proposals for new positive actions which will get under way in 1988.

A further network has been in operation since 1985 to oversee the implementation of an action programme on equal opportunities for girls and boys in education. Among the positive action initiatives taken by this network were the circulation of an action handbook on sex equality to teachers in the Member States, the organisation of a poster competition and the setting up of an action research project on the impact of new technologies subjects on educational prospects for girls.

As the number of positive actions in both the public and the private sector is increasing, interest in (the exchange of) information is also growing.

The Commission has therefore produced a Guide to Good Practice on positive action, which provides general information and will be published in all languages in 1988. It is addressed to all bodies interested in positive action.

The Commission is also preparing an inventory of the different positive actions in the Member States which might be useful for both the public and private sector and policy makers.

The Commission is also drawing up a positive action project in the context of its own personnel policy.

CONCLUSIONS

Three years after the adoption of the recommendation it can be concluded that in general the Member States have begun to introduce and promote positive actions. Indeed, activities geared to providing information and increasing awareness as to the need to promote equal opportunities are in progress in all the Member States.

Another conclusion might be that Member States are implementing the recommendation and promoting positive actions in rather differing ways. Some Member States concentrate on vocational training and/or employment measures while others are also involved financially in the promotion of positive actions in public or private enterprises.

Neither is the framework for positive action always the same: some Member States have introduced, or are preparing legislation, others have explicit policy statements and in some Member States measures in favour of women are taken as part of an overall equal opportunities policy or a labour market policy.

As a result of the differences between the frameworks for positive actions and in the ways in which such action is implemented, there are also differences in the involvement of the social partners and the equal opportunities bodies.

However, it can be concluded that progress has been made in this area in the last few years, albeit more appreciable in some cases than in others. It is difficult and sometimes even impossible to evaluate the results of the implementation of positive actions. In some cases there has been a lack of monitoring, but in nearly all cases the time has been too short to evaluate the results.

This can be ascribed to the fact that a number of positive action have only just begun to implemented.

The government representatives concerned met in October 1987 to discuss the implementation of the Recommendation and concluded that some years are needed before the results of any large-scale positive action project can be evaluated. They also concluded that the international exchange of information in the form of the report on the Recommendation could be very useful for the development of further positive action.

Because the promotion of positive action is in general rather new to the Member States, it might be very helpful to learn about the experiences of others.

The Commission therefore proposes to continue the exchange of information and to submit a report to the Council within four years on the progress achieved in the further implementation of the Recommendation on the basis of information supplied to it by the Member States.