

COMMISSION OF THE EUROPEAN COMMUNITIES

Incorporating Equal Opportunities in all Policies

"Building Equality" was the topic of the seminar held in Lisbon from 28 to 30 March under the Portuguese presidency. Organized jointly by the "Comissão para a Igualdade e para os Direitos das Mulheres" and the European Commission, it brought together politicians with responsibility for equal opportunities in Member States, representatives of European institutions and experts from different countries.

The seminar, which was opened by the Portuguese Minister for Employment and Social Security, Mr J. da Silva Penada, Mr Fina Sanglas, Director of Employment at the European Commission and Mrs Papandreou, European Commissioner for Social Affairs, focused on four main topics:

– **Putting mainstreaming into practice:** mainstreaming, defined as "incorporating the objective of equal opportunities and equal treatment in the formulation and implementation of appropriate policies and action programmes at Community and Member State level", is one of the objectives of the Third Action Programme for Equal Opportunities (1991-1995).

Participants examined more specifically the extent to which mainstreaming has been achieved in education, training, research, the legal and political worlds and in social dialogue. They recognized the validity of the concept and strategy of mainstreaming but insisted that precise indicators be defined to permit a real evaluation and ensure effective application.

– **Building equality: responding to specific situations.** The seminar analyzed the position of women from peripheral countries, the feminization of poverty and the situation of migrant women. Participants highlighted the need to update traditional indicators to reflect new realities – in particular women's "invisible" contributions – and to assess women's involvement in all spheres of society.

– **Strategies for building equality:** three strategies were developed:



WOMEN OF EUROPE NEWSLETTER

NEWS
ON THE EQUALITY POLICY
OF THE EUROPEAN COMMUNITY

Dear Readers,

The non-adoption by the Council of Ministers on 24 June of the draft directive on the protection of pregnant women at work was a disappointment to all European women who want recognition of their right to work and to interrupt their careers – in a dignified manner – to become mothers.

Commission proposals on maternity leave pay, nightwork and the burden of proof, backed by the European Parliament, were not accepted by the Council of Ministers which wants a more restrictive text (except one country which supported the Commission's position).

The new British Presidency of the Council (from 1 July to 31 December 1992) could perhaps play a role in concluding this dossier. At least this is the wish of the UK's Equal Opportunities Commission which has already announced its priorities and the various dossiers it would like to put forward during the British Presidency, including the employment and mobility of women on the labour market as well as health and safety in the workplace. The "pregnant women" directive could be incorporated into the latter. British projects concerning women will be analyzed in full in our July/August issue.

In the meantime, vacation time is here, so let me wish you a happy holiday.

Ana Paula Lainsy.

information (role of the media), training (role of local agents) and decentralization (regional and local activities). These strategies must be carried out at political level, and although progress has already been made (in particular at local and regional levels), it is imperative to develop new schemes. Participants stressed the need for a new approach to training media professionals.

– **The implications of women's participation in the labour market:** the conciliation of professional and family life for women and men, the reorganization of working time, the fight against indirect discrimination and women's contribution in achieving a new configuration of the world of work were also examined. Participants said that "the demands of a democratic Europe should include and develop a new political vision of the roles and responsibilities of women and men in modern society, one which goes beyond simply requiring women to adapt to predominant models of social organization".

Emphasizing the need for a global approach to questions of equality, participants demanded that equality mechanisms be introduced at the highest levels, i.e. the creation of specific ministries in individual Member States and a Directorate-General for Equality at the European Commission.

Finally, participants appealed to EC Ministers of Employment and Social Affairs to adopt the directive on the protection of pregnant women at work with the amendments proposed by the European Commission and the European Parliament (see Dossier on page 2). ■

NETWORK NEWS

The Steering Committee for Equal Opportunities in Broadcasting met in Brussels on 19 May. A working document on equal opportunities for short-term contract and freelance workers in broadcasting was discussed. Many jobs in this sector are held by women. Steering Committee members must also approve a series of recommendations made at the meeting in the near future. The Committee warmly welcomed the Equal Opportunities Unit's new programme which aims to encourage audio-

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visual productions presenting a positive image of women. These can be on any topics relating to equal opportunities between women and men in economic, social and cultural life which match one of the three priorities of the third action programme for equality (application and development of equality legislation, women's integration in the labour market and improving women's status in society).

This co-financing programme (with Commission grants of up to ECU 25,000) will select candidates twice a year. The Committee also confirmed its intention to strengthen cooperation with the "Women in the Decision-Making Process" Network. Sabina De Bethune, the coordinator of this network, will take part in the next meeting.

Coordinator: Kate Holman, Geneesheerstraat 9, B-1560 Hoeilaart. Person responsible in Unit V.B.4: Nathalie Davies, tel: 236.49.33.

EDUCATION AFTER MAASTRICHT

The "Equal Opportunities in Education" Working Party met in Brussels on 17 June. The European Commission adopted three key documents in the education field: a memorandum on higher education, another on open and distance learning and a third on vocational training in the 1990s. Member States are invited to communicate their strategies in the light of the new article on education in the Treaty of Maastricht.

A new programme to provide guidance to young people has been started under the PETRA Programme. A guide on advising young people will be published and centres to provide information on model projects and develop joint initiatives will be set up in Member States. Working Party members stressed the need to include an equal opportunities dimension in this programme – equality must be an integral part of all the Task Force's education programmes.

A report on progress made towards equal opportunities in recent years in education at Community and national levels will be prepared in autumn 1992. On the basis of this report, priorities for the future will be defined in cooperation with Member States.

WOMEN OF EAST EUROPE AND EQUALITY

Some 30 women from the legal professions (judges, lawyers, independent legal advisors) from the new German Länder took part in a technical meeting presenting Community equality legislation held in Brussels on 16 June. The meeting provided an opportunity to define the implications of this legislation at Länder level. This working session follows an information meeting on Community structures and policies held in Brussels in November 1991. A further meeting is planned on the subject of the labour market. "Women of Europe Newsletter" will be publishing an article on the situation of women in these regions.

EUROPEAN WOMEN'S LOBBY

The European Women's Lobby held its third general meeting on 18 and 19 June in Brussels. Representatives of national women's organizations from all 12 Member States and from European women's organizations called on the Council of Ministers to adopt the directive on the protection of pregnant women. It also adopted its own working programme for the coming year: a project on women's unpaid work, activities taking account of the specific needs of black and migrant women and schemes to increase the number of women candidates in the 1994 European Parliament elections. The meeting also expressed its solidarity with women living in the former state of Yugoslavia, appealing for an end to the war and a solution leading the way to peace. The newly-elected Board then appointed its officers: Ana Vale (Portugal) was re-elected President, Annita Garibaldi Jallet (Italy) and Frances Fitzgerald (Ireland) Vice-Presidents and Antoinette Pecher (Belgium), Treasurer. Barbara Helfferich was appointed Secretary-General and will now take on the executive tasks of the lobby.

Information: Barbara Helfferich, Secretary-General, European Women's Lobby, 22 rue du Méridien, B-1030 Brussels, tel.: (32.2)217.90.20. Fax: (32.2) 219.84.51

DOSSIER

PROTECTION OF PREGNANT WOMEN AT WORK IN THE EUROPEAN COMMUNITY

The "never-ending story" of the protection of pregnant women at work within the European Community continues. Once the UK had accepted the principle, the Council of Ministers adopted a common position in December 1991. The directive should have been finally adopted on 24 June by the Council of Ministers.

It was not. Eleven of the twelve Member States suggested adopting the proposal based on the Council's common position of December 1991, accepting only a limited number of Commission and Parliamentary amendments and rejecting such politically sensitive changes as 80% pay during maternity leave, night work and the burden of proof. Only Italy supported the Commission and Parliament.

The Commission now has to go back and discuss the situation with the European Parliament, well aware that, if this problem is not resolved within the 3 month period (ending on 1 September 1992) set by the Treaty, the directive will never reach the statute book.

Since the European Commission's first draft in 1990, the text of the directive has been steadily watered down: for example, all reference to paternity leave, the rights of self-employed workers or of helper spouses has now disappeared. The proposed directive sets out to establish minimum measures on the health and safety at work of pregnant women, women who have recently given birth and women who are breast-feeding. Its provisions include minimum periods of paid maternity leave, job protection, working conditions and recourse in the event of conflict with employers.

This directive was introduced by the Commission at the end of 1990 as part of the health and safety measures under the Single Act. As pregnant women and women who have just given birth should be viewed as a group at risk, the proposal should in theory be adopted by a majority and not unanimously. However, the Council of Ministers preferred to seek a consensus.

Divergence on length of leave

The European Parliament is dissatisfied with the Council's position. At its 14

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May session in Strasbourg, it adopted, in a second reading, 17 amendments to the text of the ministers' proposal. The Commission included some of these amendments in the text it presented to ministers at the end of June.

The minimum period of maternity leave granted to women in all Member States remains one of the main points of divergence. The proposed directive provides for at least 14 continuous weeks' maternity leave to be taken both before and after childbirth.

At each reading, Parliament asked that this period be extended to 16 weeks. In its final resolution, it said that a 14 week period "is not an acceptable minimum", especially as the Council undertakes elsewhere in the text to ensure the "improvement of existing conditions". Parliament's position is widely supported by EC women's organizations (the European Women's Lobby) and by the European Community's Advisory Committee on Equal Opportunities, the European Trades Union Confederation and the Portuguese Committee for Equality and Women's Rights. These organisations said, in an appeal addressed to EC Ministers of Employment and Social Affairs on 30 May, that "54 million working women within the Community would find it difficult to understand a refusal to set minimum norms at European level in a matter which affects a fundamental right of female workers". The Commission, in refusing to accept the Parliament's amendment, explained that 14 weeks is not an upper limit and that individual Member States are free to extend it. In fact, only Portugal, with 13.5 weeks, is now below the 14 week benchmark (that is, leaving aside the UK, where only 6 of the 18 weeks maternity leave are remunerated on the base of the woman's salary). On the other hand, most Member States are below 16 weeks, making a Council majority on this point very difficult to achieve.

Not a sickness

Parliament has also strengthened the clauses relating to pay during maternity leave. It is against linking payments to health insurance contributions, as the Council of Ministers proposed, in particular as such payments fall below maternity leave benefits granted in certain Member States. "Pregnancy is not a sickness", Mrs Rønn pointed out in her report to the European Parliament, repeating the viewpoint expressed by Commissioner Papandreu to Ministers in December. In a letter to EC Ministers

of Employment and Social Affairs, the European Women's Lobby emphasized that women consider it insulting that a "normal biological condition" be assimilated to a sickness and do not accept being penalized for becoming mothers. The Commission accepted Parliament's amendment demanding that women be guaranteed an "income at least equivalent to 80% of the salary subject to any ceiling laid down under national legislation". The clause stating that this right should not be conditional on having worked for a period in excess of 12 months prior to giving birth will considerably improve the situation of women in the United Kingdom.

The directive also makes it illegal to dismiss women for reasons linked to pregnancy or maternity during the period of maternity leave and introduces a series of measures to protect the physical and mental health of pregnant and nursing women. The Commission accepted Parliament's amendments seeking to disperse women from night work for at least 16 weeks, including a minimum of 8 weeks prior to giving birth.

The Commission accepted Parliament's amendments covering dismissal and recourse procedures, which have the effect of considerably tightening these provisions. Any dismissal, in such exceptional cases as the bankruptcy of the enterprise, should be given in writing and mention the reasons for the decision. Moreover, women workers whose rights have been infringed can demand legal redress in court. In such proceedings, the burden of proof will also lie with the employer.

The main points of the directive proposed by the European Commission prior to adoption by ministers are:

- the directive covers every woman who is pregnant, who has given birth or is breast-feeding her baby and who has informed her employer of her condition;
- the directive requires that the physical and mental risks incurred by the worker in her work be assessed and that this information be communicated to her;

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MATERNITY LEAVE IN MEMBER STATES

Germany	6 weeks before birth, 8 weeks after (12 for multiple births), 100% of earnings
France	6 weeks before birth, 10 weeks after (longer for the third child and for multiple births), 84% of earnings.
Italy	2 months before birth, 3 months after, 80% of earnings.
Belgium	14 weeks in all, of which at least 8 weeks after, and 6 weeks before or after, 75% of earnings (82% in month 1).
Netherlands	16 weeks in all, 4 to 6 weeks before birth, 10 to 12 weeks after, 100% of earnings.
Luxembourg	6 weeks before birth, 8 weeks after (12 for multiple births), 100% of earnings.
UK	11 weeks before birth, 7 weeks after (90% of earnings for 6 weeks, low flat-rate payment for 12 weeks).
Ireland	14 weeks in all, at least 4 weeks before birth, 4 weeks after and 6 weeks before or after, 70% of earnings tax-free. Mothers can request a further four weeks unpaid leave.
Denmark	4 weeks before birth, 24 weeks after, 90% of earnings (with ceiling).
Greece	14 weeks before or after birth (16 weeks for civil servants), 100% of earnings.
Portugal	90 days in all, of which at least 60 after the birth, and 30 days before or after, 100% of earnings.
Spain	16 weeks in all, at least 10 weeks after the birth and 6 weeks before or after, 75% of earnings.

Source: Women of Europe Supplement no. 31, August 1990.

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- the worker must be removed from such risks by changing her working conditions, being transferred or given leave from work;
- an annex to the directive gives a full list of agents and working conditions to which pregnant women workers should never be exposed;
- women should receive at least 14 continuous weeks' maternity leave, to be taken before and/or after giving birth;
- women should be able to undertake pre-natal examinations during working hours without loss of pay;
- women may not be dismissed for pregnancy/maternity-related reasons from the start of pregnancy until the end of the maternity leave period. Reasons for any dismissal must be given to the worker in writing;
- women's employment contract rights should be guaranteed, including equivalent pay, possibly with a ceiling determined by national legislation. Pay is considered equivalent when it provides income equivalent to at least 80% of the worker's last salary or pay. The minimum working period for eligibility may not exceed 12 months prior to childbirth. ■

EUROPEAN PARLIAMENT

WOMEN AND CHILDREN IN THE THIRD WORLD

During its May plenary session, Parliament opened a wide-ranging debate on cooperation in developing countries, and adopted a series of resolutions concerning the impact of the Single Market on these countries, the environment, the role of NGOs in cooperation work and on the situation of women and children. In a report, Dacia Valent (EUL, Italy) stated that cooperation programmes had set out to "integrate" women without taking account of the fact that it is often they who are the real players in development.

Parliament urged the European Commission to take a series of measures to ensure that women are at the forefront of Community development programmes and to appoint permanent staff in the "Women and Development" unit.

Women's training should also be a priority. Consumption of local products

should be encouraged to protect women's businesses, which have traditionally provided them with a major source of income.

Implementing such policies required having available statistical information broken down by sex. It also involves, as Parliament pointed out, family planning programmes which respect local values and the dignity of men and women. ■

WOMEN'S RIGHTS COMMITTEE

Meeting in Brussels on 20 and 21 May, the European Parliament Women's Rights Committee heard the opinion of Parliament's Legal Service on the interpretation of the Stokel judgment and the legal vacuum created by the ban on differential treatment of men and women in the area of night work.

Neither the International Labour Organization (ILO) Convention regulating night work (Convention 171), which the European Commission is asking Member States to ratify, nor the proposed Community directive on working hours fundamentally settle the question of the harmful effects of night work, according to Christine Crawley (Soc., United Kingdom), President of the Women's Rights Committee, who said she would like a political solution. For her, the situation of men should also be improved to enable them to benefit from the better conditions granted to women.

The Danish referendum and women

The meeting of the Women's Rights Committee in Brussels on 18 and 19 June 1992 provided an opportunity for a political discussion on the Danish referendum on the Maastricht Treaty and, more generally, on women's expectations of EC social policy. According to surveys, Danish women represented 60% of those who voted "No" to the Maastricht Treaty. This is partly due to a lack of information on the contents and objectives of the Treaty, much to the regret of MEPs. "We should have worked more closely with our constituencies to provide the basic information" concluded Margarida Salema (LDR, Portugal).

The Committee exchanged views with Mr Silva Penada, the Portuguese Minister of Social Affairs. Although women's unemployment and demography were examined, discussion centred on the

directive concerning the protection of pregnant women. The Committee issued a communiqué warning the Council that "any attempt to water down the directive could result in total disillusionment with the European Community among women's groups both within the Community and in applicant countries. The Committee intends to address this issue as a matter of priority over the next months." The next meeting will be held in Galway in September.

Useful address: European Parliament, 97-113 rue Belliard, B-1040 Brussels or Plateau du Kirchberg, L-1919 Luxembourg.

CONFERENCES

An inter-regional seminar on women in decision-making positions in public services was organized at Aarhus (Denmark) by the Municipality of Aarhus and the services sector trades union and with financial support from the European Commission's Equal Opportunities Unit. This seminar set out to present the methods and results of work undertaken by the Municipality of Aarhus (a pioneer in developing equal opportunities policies) to a wider audience, and to exchange experience at European level. The seminar also marked the start of a regional and European course to train women for decision-making posts. A report will be published in English and Danish.

Information: Helle Jacobsen, Equal Opportunities Unit.

PUBLICATIONS

Equal Opportunities for short-term contract and freelance workers in broadcasting. Working document of the ninth meeting of the Steering Committee for Equal Opportunities in Broadcasting (19 May 1992) – Kate Solange Ortiz – Doc V/1207/92. Available in English and French.

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