

Women of Europe

commission

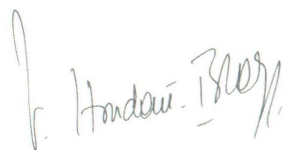
Editorial

The Green paper "People First: living and working in the Information Society", published last July, launched a debate on the development of the Information Society in Europe and its implications for work structures, employment and social cohesion.

Sparking off more than a debate, it has in fact instigated political, social and civic discussion likely to mobilize both social activists and the public at large, since all individuals, men or women, old or young, working or unemployed, are affected by the stakes and opportunities created by the current information revolution. Included amongst these stakes are the intensified, interactive involvement of citizens in the management of public affairs, changes in the employment market and the development of a "learning society" in which training plays a fundamental and permanent role.

The Irish Presidency and the European Commission organized a colloquium on the topic of this Green paper in Dublin at the end of September. This came under the aegis of the consultation process established in July to help men and women live and work in harmony with the Information Society. We will discuss this topic in greater depth in our next issue.

This social phenomenon seems so vitally important to us that we have decided to dedicate an issue of the *Women of Europe Dossier* to the subject, under the title *The Information Society: a challenge for women*. Our aim is not to judge the intrinsic value of the Information Society or decide which of its effects are positive or negative. Instead, we analyze some of its aspects and their influence on women's lives. Women have not been sufficiently involved in creating and developing the new technologies - they have a lot to do both to make up for lost time and infuse the Information Society with a humanity suited to their needs. Another thing they very much have to learn is that their involvement is not only indispensable in political decision-making, it is equally indispensable when choosing technologies. The choices made today shape the society of tomorrow. ●



Véronique Houdart-Blazy

Head of Section - Information for Women

Equality moves forward as new proposals tabled

The summer period saw the European Commission proposing new legislation on a series of issues of direct concern to women. It proposed a new directive on the burden of proof in sex discrimination cases, published a code of conduct on equal pay for work of equal value and initiated talks with the social partners on eliminating sexual harassment in the workplace. The European institutions (Council of Ministers, Commission, Parliament) reacted swiftly to the scandal of the kidnapping, abuse and murder of missing children in Belgium by promising concerted police action EU-wide.

Burden of proof in sex discrimination cases

The European Commission came out in favour of sharing the burden of proof in court cases involving sex discrimination claims between the person who takes the action and the employer defending it in a new draft directive adopted in July.

Until now, a woman or man who alleged breach of the principle of equality had to bear the full burden of proving their case. The Commission is now proposing that this burden of proof is shared between the two parties, rather than reversed totally onto the employer.

The European Parliament has called for an EU directive on this issue since 1981. Since 1988, the Commission has tried to introduce such EU-wide legislation. At the time, it suggested reversing the burden of proof so as to make the employer responsible for providing evidence that he or she did not discriminate. This proposal was repeatedly blocked in the Council of Ministers. In 1993 it was nearly adopted, securing the backing of 11 of the 12 Member States. By 1994, in view of this deadlock, it was withdrawn by Social Affairs Commissioner Padraig Flynn who said he would look at other possibilities.

In 1995, the Commission started its first round of consultation with employers and trade unions to find a solution. But the results were inconclusive because the social partners' views on the issue were irreconcilable. Although both sides of industry agreed that equality legislation needed to be applied correctly throughout the EU, employers said existing European Court of Justice (ECJ) case law and national rules were sufficient to guarantee the full application of the equality principle. The trade unions disagreed, arguing that case law was far from being applied effectively. They wanted binding legislation providing for a clear reversal of the burden of proof and a definition of indirect discrimination.

The Commission decided this year to go ahead and propose a new directive after a second round of consultations with the social partners also proved inconclusive. The proposed directive, adopted by the Commission in July, is a compromise between

the two positions. The essence of the proposal is that Member States would have to ensure that people who consider themselves wronged because of failure to apply the principle of equal treatment, have the right to establish before a court or other competent authority, a prima facie case of discrimination. It is then up to the defendant to prove that the alleged discrimination is justified by objective factors which are unrelated to any discrimination based on sex. The plaintiff benefits from any doubt which may remain.

This new draft directive also provides a definition of indirect discrimination which reflects current case law. It says that indirect discrimination exists "where an apparently neutral provision, criterion or practice disproportionately disadvantages the members of one sex, by reference in particular to marital or family status, unless the aim pursued by the application of this provision, criterion or practice is objectively justified and the means of achieving it are appropriate and necessary."

Before this proposal becomes an EU law, it has to gain the approval of the Member States and the European Parliament. This could prove, once again, a difficult road.

Equal pay: code of conduct adopted

In an attempt to reduce the continuing wage gap between women and men, the Commission adopted in July a code of conduct on equal pay. It said the wage gap is "enormous" because current economic problems are hitting women harder than men.

In the EU today, women earn on average between 30% to 40% less than men for non-manual jobs and between 15% and 35% less for manual work in manufacturing. This is despite the 1975 EU equal pay directive which was incorporated into national law in all the Member States.

Women represent over 40% of the total working population, but their increased labour force participation has not led to any major changes in the jobs they do or the sectors in which they work. This labour market segregation combined with the systematic undervaluing of women's jobs, is one of the main reasons for the "consider-

able disparities in pay levels," said the Commission. So, for example, jobs where women dominate are less well paid. Sectors where men dominate offer more possibilities for extra pay, bonuses and overtime.

The code was drawn up in close cooperation with the social partners and especially employers. The Commission said this is because it is they "who are required to pay equal wages whenever work of equal value is being carried out by male and female workers and whenever a difference in pay cannot be explained or justified other than on the basis of the worker's sex."

The code is not legally binding. The Commission said it reflects "as far as possible" the approach proposed by the social partners that is to be "brief, designed to be applied voluntarily and effectively and which could be used at the various stages of collective bargaining." It can be implemented by public and private sector employers "in the manner most suited" to the size and structure of their business.

It offers practical advice on how to seek out discrimination in pay structures and introduce remedial measures. National governments are also recommended to back up these efforts, for example, carrying out national surveys on pay rates in various sectors, branches or regions as a way of identifying discriminatory wage practices.

The Commission will support initiatives which raise awareness on equal pay for work of equal value; train experts to review pay practices; encourage women's closer involvement in collective bargaining; and identify best practice.

New proposals on sexual harassment in the pipeline

Sexual harassment "pollutes the working environment" of millions of women and men, according to the European Commission which recommended EU legislation to protect every woman and man from this threat. The European Parliament has been calling for such a law since 1980.

The Commission decided to take this step after an evaluation of the 1991 EU Code of Conduct and Recommendation against sexual harassment showed that Member States had not done enough.

The evaluation concluded that the Recommendation and voluntary code "have not led to sufficient measures being adopted in order to ensure a working environment where harassment can be effectively prevented and combated." Existing national legislation was described as "inadequate" and it was found that there was a lack of understanding for the need for a

"comprehensive approach at all levels of decision-making."

The Commission maintained "the lack of effective measures to combat sexual harassment constituted an obstacle to an effective labour market in which men and women work well together." What is needed now "is a comprehensive approach" involving "actors at all levels and having a practical impact in the individual workplace. Such an approach must define and prohibit sexual harassment, provide for effective remedies and counselling and create a real awareness of the problem".

The Commission said a future binding EU measure should include a definition of sexual harassment and a framework of minimum standards indicating the essential steps to be followed to prevent sexual harassment at work. A system of help and advice for victims, such as the introduction of a confidential counsellor in the workplace, recommended by the European Parliament in 1994, should also be included. Employers should be legally bound to take "reasonable practical steps" to establish and maintain a workplace free of sexual harassment. Finally, the types of remedy available should be identified and clearly outlined.

But before going further, the Commission has decided to consult the two sides of industry to seek their views on the need to take further action. It said "the more the social partners assume the responsibility for taking effective measures, the less the Commission will feel obliged to envisage legislation, and vice versa."

Sexual harassment, said the Commission, can have devastating effects on the health, confidence, morale and performance of those affected by it. It leads to depression, frequent sickness and lower job performance and, ultimately, to resignation or dismissal. All these factors are costly to a business. The Commission added that research in several Member States "documents the link between sexual harassment and the recipients' perceived vulnerability." Most at risk are "young and divorced women, new entrants to the labour market, those with irregular or precarious employment contracts, women in non-traditional jobs,

women with disabilities, lesbians and women from racial minorities." Gay men and young men are also vulnerable, it said.



Source: European Commission guide on "How to combat sexual harassment at work"

EU takes firm stand on child sexual abuse

The tragedies which unfolded in Belgium this summer revealing

the existence of a paedophile ring suspected of being part of a wider international network trading children and women for sexual purposes, prompted strong reactions from the EU Council of Ministers, the European Commission and the European Parliament.

The Irish Presidency of the EU Council of Ministers said the EU would press ahead firmly with concerted action and cooperation "aimed at putting a stop to this particularly evil and cruel modern-day form of slavery." It will push for the adoption of the conclusions of the First World Congress Against the Sexual Exploitation of Children held in August in Stockholm. It will continue EU efforts to have traffic in human beings made a criminal offence internationally. Police and judicial cooperation to combat sexual exploitation of children will be stepped up under the Europol Convention. The EU "is conscious of the need" to provide support for "the victims of such outrages." It will encourage other countries to adhere and implement the UN Convention on the Rights of the Child.

Anita Gradin, the European Commissioner in charge of Justice and Home Affairs, said at the Stockholm Congress that the commercial exploitation of children was "a tragedy on an international scale that must be met with a global strategy and a

Erratum
Women of Europe Newsletter No 62: Infos
"Sources of financing for women entrepreneurs"

Contrary to what was written, this document is not yet available. Anyone who has requested a copy will receive one as soon as it is published.

clear and effective action plan." Child abuse "can no longer be looked upon as someone else's problem in another country."

Legislation was not enough to bring an end to this multi-billion dollar industry. "Laws must be enforced," Commissioner Gradin said. This means closer cooperation between police, customs officials and judicial and social welfare authorities at national and international level and adequate resources to do this.

Commissioner Gradin recommended reinforced international cooperation between agencies such as Interpol and Europol to combat trafficking in human beings. She announced that she will propose later this



Anita Gradin

© Source: European Parliament

year to the Council of Ministers and the European Parliament, a Communication on the issues of trafficking in women for sexual exploitation. "It will include migration, judicial, police and social aspects as well as the need for preventive measures and support for victims," she said.

The Commission will also be proposing measures against so-called international sex tourism on the initiative of European Commissioner Papoutsis, responsible for tourism. It was also examining the problem of child pornography and the use of the Internet by paedophiles and would be proposing action to limit the offensive use of information networks.

At the European Parliament, where the issue was also extensively discussed, there

were calls to include a chapter on children's rights in the revised Treaty. Anne André-Léonard (ELDR, B) called for the constitution of an international database on convicted paedophiles and Mary Banotti (PPE, IRL) for a centralised database to be administered by Europol containing information on all children reported missing in the EU.

Marie-Thérèse Hermange (RDE, F) said that child sexual abuse should be recognised as a crime against humanity and that the EU be given the legal means to combat it. ●

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Committee on Women's Rights

A report by Helena Torres Marques (PSE, P) on equal treatment for men and women in social security schemes was adopted by the Committee on Women's Rights in July after a series of amendments were passed. These were designed to strengthen measures aimed at equalising pensionable ages, ensuring actuarial equivalence for both sexes and extending the scope of the directive to include atypical and part-time workers.

The public sector's role of a "catalyst" in the development of equal opportunities and positive action was emphasised by Jessica Larive (ELDR, NL) in her report on the implementation of equal opportunities for men and women in the civil service, adopted by the Committee in September. The report calls for promotion to be made on the criterion of merit rather than seniority. It also calls on the Intergovernmental Conference (IGC) to establish "a new legal basis for equal treatment and rights for women and men".

Lissy Gröner (PSE, D) explained the priorities for the 1997 budget at the July and September meetings. The Committee backed her call for the reinstatement of the original 12 million ECU budget for the 4th Medium-Term Action Programme on Equal Opportunities for Women and Men,

a new budget line worth 500,000 ECU for follow-up to Beijing, the reinstatement of the Commission's proposed 600,000 ECU for the European Women's Lobby and the earmarking of resources to implement the Union's *mainstreaming* policy.

Presenting her report on the demographic situation in the EU, Francisca Bennisar Tous (PPE, ESP) warned of the effects of a rapidly ageing population. The number of people over 75 known as the "4th generation" is dramatically increasing and this is expected to have wide-ranging social and economic repercussions. She urged investment to improve the situation of women and especially elderly women.

On Community structural policy and employment, Francisca Bennisar Tous stressed the importance of "feminising" these policies. She said the Structural Funds should be used to create jobs, reduce labour market rigidities and fund lifelong education and training schemes for women, and improve research. The shortage of staff to ensure proper monitoring of the funds at local and regional level was criticised. She



Helena Torres Marques

© Source: European Parliament

also urged that more women and their organisations are drawn into the planning, implementation, and evaluation of the Structural Funds.

Mervyn Taylor, President of the EU Council of Social Affairs ministers, addressed the Committee in July. He reiterated that equality was one of the presidency's priorities (see *Women of Europe Newsletter No 63*) and promised to push strongly to ensure the equality dimension is included in the

revised Treaties currently being negotiated at the IGC. ●

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The Information Society: a challenge for women

The next *Women of Europe Dossier* examines and analyses different aspects of the Information Society as it exists today. A number of European experts examine how society and especially women are affected by this communication and cultural transformation, focusing in particular on education, employment and consumers. ●

The dossier is available in all official EU languages.
To obtain a copy, contact:

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Rural women and development

The "Dimitra Guidebook, Rural Women and Development" provides a comprehensive directory of non-governmental organisations (NGOs), research institutes and information centres from the 15 EU Member States, Norway and Switzerland working with and for rural women in developing countries. Aiming to raise awareness on the concerns of rural women, this publication combines the directory with a bibliography, examples of projects and a brief description of the methods and approaches used by the various organisations listed. Published by the Belgian King Baudouin Foundation with the financial support of the European Commission, the guidebook is available in French, English, Spanish and Dutch. Price 600 BEF (15 ECU) plus postage. ●

For further information contact:

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Women experts in Science, Engineering and Technology

A European handbook listing over 1300 women experts in science, engineering and technology from 14 Member States has been published by WITEC (Women in Technology) with the support of the European Commission. The handbook is a useful resource for anyone looking for experts to chair or participate in meetings, to comment on scientific and technological issues and to develop research partnerships. It was produced to raise the profile of women experts across Europe and shows the wide ranging expertise available. ●

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A Citizen's Network of public passenger transport

The average distance travelled daily by EU citizens grew from 16.5 to 31.5 kms between 1970 and 1993. This growth was largely met by the increased use of private cars which today account for 75% of all travel. Although cars have given people greater independence, flexibility and mobility, they are also responsible for chronic congestion and pollution problems as well as fatal accidents. An estimated 40% of EU households do not have access to private cars, including about half the Union's estimated 100 million older people and some 80 million people suffering from reduced mobility.

In a consultation paper "The Citizen's Network: fulfilling the potential of public passenger transport in Europe," the Commission said these figures highlight the need for Member States to improve collective transport systems if EU citizens are to benefit from a better quality of life and acceptable environmental standards. In terms of pollution levels alone, the paper says road traffic is responsible for 62% of carbon monoxide emissions, 50% of nitrogen oxide, 33% of hydrocarbon and 17% of carbon dioxide. 20% of Europe's citizens suffer from unacceptable noise levels generated by road traffic. In comparison, public transport causes between four and eight times less air pollution per kilometre and uses five times less energy per passenger than cars, even if a bus or train is only half full. It also causes less noise and pollution.

The paper is the Commission's first policy document on public transport. Neil Kincock, the Commissioner responsible for transport policy, said the aim is to promote EU-wide transport systems designed to meet the needs of ordinary citizens which are safe, flexible, affordable and accessible. The paper makes the case for putting a higher priority on the development of public passenger transport systems. For this to work, "the needs of passengers must be put at the centre of decision-making at local, national and community level," Neil Kincock said.

The Commission sees its role as one of promoting information sharing and best practice. It will set up a "Citizens Network Forum" for interested partners to give their views. It will also see how its research and development activities, its funding mechanisms and existing legislation can encourage the development of public transport.

Women's absence from transport policy decision-making criticised

In an interview with *Women of Europe Newsletter*, German MEP Thomas Mann (PPE, D), who drafted an opinion for the European Parliament's Committee on

Women's Rights on the paper, said although he "welcomed the main thrust" of its suggestions, he regretted "it only mentioned women once. This is another typical example of policies being designed by men for men addressing mainly the needs of male commuters."

Women, he said, have very specific transport needs which have not been sufficiently addressed. "It's women you see struggling to get their babies and children onto badly designed buses, trains or trams and trying not to lose their bag, the shopping or ticket in the process." And, he asked "what about those women working part-time or shift hours? They often have to wait a long time for public transport because timetables are increasingly geared to commuters travelling at peak times." He also raised the problem of access to public transport for women living in distant suburbs or in rural areas and the need for more statistics about women's access to private cars and their use of public transport. "Regrettably in many households, women have no access to the family car."

Another major issue for women was security. "Women feel very vulnerable when travelling alone, especially at night." He criticised statistics used to show that the risk to women using public transport was no greater than in other public places and that women's perceived lack of security was "all in the mind." This fear, he said, is based on "concrete examples and on routine harassment in society."

"Women have a right to be protected," he said "and I will be calling for more staffing to protect commuters and increased protection for women on public transport systems." As examples, he gave the introduction of night taxis which operate after the last bus, giving discounted fares on presentation of a public transport ticket, and priority seats for women near the driver in buses.

By addressing women's transport needs, all users will benefit, Thomas Mann explained. "Ignoring these needs would particularly disadvantage women. This is why women must be formally part of any consultation process on public transport policy."

But consultation is only one step forward. It is also necessary for women to actively participate in decision-making so as to have a say in the technological choices that are being made about transport and urban planning. ●



Thomas Mann

© Source: European Parliament