

COMMISSION
OF THE
EUROPEAN COMMUNITIES, 1983

Directorate-General
Employment, Social Affairs
and Education

V/30/83-EN
Orig. FR

Doc. Nr 34

STUDY ON POSITIVE ACTION PROGRAMMES AS
STRATEGIES TO INTEGRATE FEMALE WORKERS AND
OTHER HARD-TO-PLACE GROUPS INTO THE LABOUR
MARKET

Summary report

Research project conducted by the
Brussels National Centre for the
Sociology of Labour Law, directed by
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at the request of the Commission of the EEC
November 1982

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SUMMARY REPORT

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This is an expert report, for which the autor alone is liable, and in no way expresses the views of the Commission.

INTRODUCTION

A. SCOPE

So basic is the grave subject of this study that it demands our approach to be strict and so rigorous as for us never to get involved in a cultural, socio-economic and political debate of a general nature.

Of course, the problem of equality between men and women in the work-place falls necessarily into a global context encompassing all fields of human activity. Our project, however, is far more limited and specific. It is an attempt to evaluate the strategies implemented in various States in the E.E.C., the U.S. and Sweden with a view to achieving greater equality of opportunity for women, or other under-privileged groups, in the labour market.

For several decades, social policy approached action for employment equality in a repressive and eliminatory manner. The aim was to ban or eliminate discrimination. Most texts moreover referred basically to anti-discrimination standards.

Technically, the legal instruments used were based on :

- 1) recognizing a general principle of equality or recognizing specifically a principle of labour equality;
- 2) defining, limiting and analysing the contents of concepts of equality and discrimination (direct discrimination, indirect discrimination, reverse discrimination, open or disguised discrimination) providing legal grounds for or against it (intentional discrimination, objective discrimination, neutral discrimination, positive discrimination, etc...);

(1) Generally speaking, the term "employment" covers access to vocational training, access to employment and all working conditions. It comprises any form of economic activity and all aspects of right deriving from work particularly as in the I.L.O. meaning and the I.L.O. study. "Employment Equality", I.L.O., Geneva, 1967, 142 pp.

- 3) formulating standards on a whole set of equality and discrimination problems in employment or provisions concerning equality in the framework of laws peculiar to certain sectors of activity or certain aspects of employment;
- 4) banning unjustified discrimination generally resulting in legal redress being incorporated into the law to protect individuals; hence the important role of courts and court decisions in determining individual rights;
- 5) preparing various sanctions (civil, penal, indemnification, back-pay, damages, reinstatement, loss of contractor status with a public authority, etc...);
- 6) setting up institutional devices designed to keep check on the effectiveness of equality standards or to promote them in order to remedy de facto cases of inequality.

In such a normative system, equality and discrimination are considered as each side of the same coin. Any perception of discrimination is, therefore, strictly contained within, and limited to, even organised by, the judicial instrument establishing a right to equality (1).

Indeed, the ideological foundation underlying equalitarianism is a belief that the principle of equality is the expression of a general wish or that it reflects a system of generally recognised values. Nothing can be further from the truth. Be they incorporated into devices such as solemn international declarations, supranational treaties, Constitutions, Acts or

(1) For example, recognition of the "same work; same pay" principle pre-supposes that discrimination exists only where it is a question of the same work; broadening the concept to include comparable work or comparable value opens up the way to new possibilities for exercising discrimination.

regulations, these legal standards embody neither the "general wish" nor the consensus of various social groups representing the interest of the nation. In fact, they are not the legal expression of sociological, economic and social reality. They often occur prior to any such confirmation or revolution in social customs and sometimes fail to provide themselves with the practical means to succeed.

An assessment of anti-discrimination legislation shows a record which is poor, inadequate and sometimes inexistant, when it is not upheld by machinery acting on the social frame.

Ten or twenty years after legislation requiring equality of pay or equality of treatment between men and women has been enacted, the situation for women in the work-place still bears the stamp either of segregation or of a two-track employment market. Despite the fact that in many E.E.C. countries, the U.S. and Sweden, the proportion of women in the work-place is high (33-55 %), it can be shown that the employment market situation is unfavourable, (therefore unequal) to women in terms of three significant criteria :

Female pay is still way below male pay for the work they do. This means that their work is under-valued.

Female workers suffer a higher unemployment rate than men, especially among the young.

This means that they have not yet lost their "reserve army" status.

As compared to men, female employment in marginal forms of work (part-time work, temporary work, etc...) is disproportionately high. Similarly, women do not get the same opportunities for training, in-service training, reconversion, work-credit training, etc... and far from it.

Subsequently, a second phase brings in active equality of opportunity taking the form of positive guidelines, i.e. positive action policies or programmes.

As a matter of fact, the decisive obstacle is overcome when thinking and analyses turn no longer on recognition of a right to equality of treatment, but on the means to change the rules of the game in practice, i.e. in the work-place. Often, as has been said, eliminating discriminatory acts in particular relations tied to employment is but one facet of the problem and is not even the most important one. In most cases, employment inequality results from certain categories of the population (women, youth, ethnic minorities, immigrants, the handicapped, etc...) being left aside (deliberately or accidentally) from endeavours to improve prospects for employment, productivity, training and economic advancement which the other categories benefit from.

The strategy then is to make available to all comparable wherewithal and prospects for training, employment and development of the potential and the income deriving from their activities (1).

Such rejection results from a combination of the most varied interacting mechanisms that may be termed employment "systems" or employment practices at play in a symbiotic relationship where they have a discriminating effect on the workers concerned being integrated into the employment market.

Positive action programmes bring into play economic and social

(1) Cf. I.L.O. Report by Panel of Experts for the Implementation of Agreements and Recommendations, Part Three : Employment and Job Discrimination.. International Labour Conference, 47th Session, 1969, Report III.

policy as a whole and go beyond the legislative and regulatory framework. They may be proposed, supported or imposed by the Public Authorities and translate greater or lesser governmental determination.

They may result from intentional moves brought about by extremely complex motivations (1) and be given impetus either by pressure groups, or by unions, or by collective bargaining provisions (through negotiation therefore), or by institutional instruments set up in order to promote equality of treatment.

And this is the crux of the debate on the compulsory implementation of these programmes. This first bone of contention immediately leads to a second debate on choice of method, procedure and on the means for monitoring the results and identifying the transformations, adaptations and innovations likely to produce change.

Since the seventies, a very large number of reports, symposia, seminars, workshops have been devoted to these matters. Most international organisations have provided a major contribution to the institutional and legal analysis of international or national action favouring employment equality, either for workers as a whole, or for women in particular (2).

Specific studies have been carried out in university research institutions, trade-unions, women's movements. A major impetus in this area was given to research by national bodies commissioned to enforce equality of opportunity (3).

(1) Cf. supra, Part 2, those concerned.

(2) Cf. the E.E.C., Council of Europe, O.E.C.D., I.L.O., Unesco, World Action Plan and Action Programme for the Second Half of the United Nations Decade for Women, adopted in Mexico, 1975, and in Copenhagen, 1980, etc...

(3) E.E.O.C. (USA), E.O.C. (United Kingdom), Female Employment Committee (France), Women's Work Commission (Belgium), Women's Equal Treatment Commissions, Federal Ministry for Social Affairs and Women's Division (Austria), Women's Affairs Directorate (F.R. of Germany), Employment Equality Agency (Ireland), Committee for Equality between Men and Women (Sweden), etc...

Such a volume of work, almost a plethora, goes to show that there is now a far keener perception of the problem. And that there now exist the intellectual tools suited to a critical and comparative examination of the problems making it possible to put them in their proper context and establish general prospects for equality of treatment.

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B. AIMS

§ 1. Our study endeavours to provide an answer to some precise questions. In the present economic context, is the strategy of Positive Action an effective means for achieving equality of treatment ? Can it contribute to eliminating the labour market segregation suffered by women (and youth and the handicapped) ? To what extent, to date, have Positive Action Programmes been the driving force behind changes ? Which techniques are transferable from one system of work relationship to another ?

§ 2. STUDY STANDPOINT

Within the institutional framework of the E.E.C., at European level therefore, make it possible to define the legal instruments suitable for giving impetus to national employment policy-makers (public and private sectors) and business concerns (industrial and commercial) to the adoption of positive measures resulting in the de-

partitioning and desegregation of the labour market to the benefit of the "under-privileged" categories of workers, essentially women.

§ 3. METHODOLOGY

- a) We have taken stock and made a critical analysis of the legal instruments adopted by certain EEC Member States, the U.S. and Sweden in order to counteract the processes of job discrimination.
- b) Legal techniques and methods used in implementing various active equal opportunity strategies have been identified together with the obstacles, hindrances and difficulties encountered.
- c) Solutions have been sought with a view to creating the machinery for change and promoting modifications in the traditional segmentation of the labour market. Positive action programmes have been subjected to case study examination.
- d) Effectiveness and supervision machinery.
- e) Strategies which pay off.
An examination of their transferability.

§ 4. STUDY FRAMEWORK : THE WORKPLACE

Our enquiry bore on recruitment, assignment, in-service job training, working conditions, promotion, contract termination.

§ 5. PRACTICAL RESULTS OF THE STUDY

- a) Producing a series of "Working Papers" on positive action programmes for women. These are national monographs drawn up to a comparable pattern and comprising :

1. Description of the national frame

- 1.1. Legal provisions on equality of treatment
- 1.2. Employer and trade-union positions
- 1.3. Bodies concerned
- 1.4. Positive action experiments

2. Public sector and private sector case studies

- 2.1. Collection of available data
- 2.2. Information on the parties concerned: the actors
- 2.3. Information on legal and institutional matters
- 2.4. Information on the positive action programme content as well as on method of production, implementation and supervision
- 2.5. Information on the results obtained.
Resistance factors, hindrances, bottle necks.
Success factors.

3. General observations and evaluation

The monographs are on the following E.E.C. countries : F.R. of Germany, Belgium, Denmark (Cf. Working Paper n° 3, 59 pp. + annexes), France, Ireland, United Kingdom (Cf. Working Paper n° 4, 104 pp. + annexes).

Naturally enough, the promoters expect us to make available to them studies which are both as encompassing and complete as possible. However, our ambition has been limited owing to various types of constraint :

- 1) limited resources (the cost of research and modest financial means; deadline : less than twelve months; human resources : dearth of means to finance in situ research).

2) Limited operational assets : inadequate basic documentation; difficulties in gaining access to private information.

Organisational problems (considerable delays in data collection).

It is of paramount importance to identify competent correspondents to gain fast access to rare information.

Communication difficulties; the non-existence of a common cross-disciplinary language.

3) Information on the behaviour of positive action programme leaders as well as on actions and the gaining of awareness by the groups concerned cannot be properly obtained through the analysis of documents or on the basis of written questionnaires. Field interviews, designed to complement desk analyses, were limited owing to financial and organisational constraints.

However, on-the-spot enquiries were conducted in F.R.G., Belgium (naturally), Denmark, France and the United Kingdom.

b) In addition to the E.E.C. countries, two monographs were drafted for Sweden and the U.S.A. An analysis of the situation in these two countries, pioneers in the field of equal opportunity implementation, provided us with the concept outline for our research : Working Papers n° 1 : Sweden (88 pp. + annexes) and n° 2 : the U.S.A. (50 pp. + annexes).

Such constraints (as in § 3 (1), (2) and (3)) curtailed our ambitions. One on-the-spot enquiry was carried out in Sweden.

Research on the handicapped was limited to an examination of quota systems. Working Papers n° 5 and n° 5bis concern Belgium, F.R.G., U.K., Sweden and France. The quota systems have been used since the end of the First World War as a "justified positive discrimination" in favour of the handicapped. We have strived to ascertain whether this system in fact provides solutions for the handicapped as well as perhaps for other target groups of less favoured workers.

- c) Drafting of the present summary report comprising Community guidelines on types of positive actions to be developed, the means to be implemented and the conditions for their actual materialisation.

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C. CONCEPT OUTLINE : WORKING PREMISES

§ 1. TARGET : THE WORKPLACE

Action on the workplace because there is :

a political system within which sex inequalities subsist, reproduce and renew themselves;

the decision-making place and the fact that the restructuring of employment and work-sharing systems jeopardises the various services or hierarchical levels within a business concern and in respect of the concern's outside relationships;

the place of employment practices with its impact on recruitment, work assignments, work substance, classification, evaluation, wages and working conditions, mobility, career path, training and promotion;

the power-sharing place, i.e. the place of the collective bargaining scene as an instrument of adaptation or transformation of the enterprise organisation;

this makes it possible to produce positive action programmes the content of which will be determined in concrete terms relating directly to the enterprise's socio-technical realities.

§ 2. ACTING ON THE VISIBLE AND INVISIBLE ORGANISATION OF THE ENTERPRISE

A close look at how a company functions highlights the existence of a range of practices, procedures and influences not shown on its organisation chart but which nonetheless have their own well-defined features and belong to the concern's unofficial machinery (1).

[Work sociologists stressed that when planning to bring in changes it is important to have perfect knowledge of enterprise organisation and particularly of everything to do with the concern's invisible organisation.]

By adopting the proper means for identifying treatment discrepancies in the company's official and unofficial organisation,

"employment systems" will be identified having harmful effects on groups of workers and excluding them

(1) This matter has formed the subject of detailed studies in a large number of countries (USA, United Kingdom) : Cf. LUPTON, T, *On the Shop Floor*, London, 1963, Pergamon Press and WILSON, A.T.M., "The New Forms of Organisation", in I.L.O., Geneva, 1979, p. 129 and seq.

from certain posts de facto. Positive action strategies at the place of work should be inserted into the organisational and social environment which conditions them and on which they seek to act.

§ 3. DYNAMIC NATURE OF WORKPLACE STRATEGY

Owing to the fact that any statement of the positive action problem takes account of the multiple interactions of working conditions, human factors, concerns for proper personnel management and the improvement of human resource cost-effectiveness, technology, work organisation, legal and institutional environment,

and that an analysis thereof constitutes the basis for any prior study making it possible to identify the employment problems affecting a target group (women, the handicapped, ethnic minorities, etc.) :

awareness of these specific problems is produced by the company's management and executives, the trade-unions, the workers and the members of the group concerned.

Such awareness should, particularly if it is supported by an effective communication system, cause the "aggrieved parties" to assume responsibility for their aspirations and the various parties concerned to make the necessary changes and adaptations.

§ 4. SYSTEMIC APPROACH

By favouring the systemic and therefore collective dimension by contrast with an individualistic approach to cases of discrimination,

One should be able to reach the roots of mechanisms which generate inequalities or discriminations. Grievances relevant to individual situations must be dealt with as symptoms or indications making it possible to identify practices applied to a group of people with a view to excluding them or giving them different treatment.

With the exception of the case of intentional discrimination against one individual in particular, our assumption is that individual litigation strategy, based on an assertion of rights or a law suit filed by the aggrieved person or on his behalf is very much a step-by-step policy the effectiveness of which is extremely limited. It may even jeopardise the objective of achieving equality of treatment in the broad meaning of the term in so far as - and numerous court decisions have shown this in the US, the UK, Italy, France, etc. - a lost court case can bring progress in this area to a halt for several years and hinder recognition of new conceptions of a general or abstract principle (1). Moreover, the balance of forces at the place of work between an individual (the aggrieved person) and the institution, its management, its hierarchy, its employment system, etc. is unfavourable. Suffice it to establish the quantitatively absurd inventory (2) of individual charges or appeals for redress listed in Member States, the legislations of which cater only to individual legal aid with no institutional support.

(1) Cf. the interpretation of the equal pay/equal job notion.

(2) EEC report on the application of the principle of equality of treatment between men and women, Cf. Com(80) 832 Final, p. 199.

D. DEFINITIONS - TERMINOLOGY - DESCRIPTION OF POSITIVE ACTION
MECHANISMS - LEGAL AND INSTITUTIONAL ENVIRONMENT

§ 1. DEFINITIONS

The notion of positive action has no specific definition as such. It is plain that the concept of positive action stems from action programmes and legal texts authorizing, promoting or requiring such programmes. It is, therefore, of importance to define the terminology we shall be using. Our terminology derives from a comparison of legal, regulatory or conventional provisions on positive action programmes with which we have become acquainted in the various countries under study. A summary is thus constituted leading to proposed definitions which could be used in a legal Community instrument (de lege ferenda).

It worth remembering that Council Directive n° (76) 207 (EEC) of 9 February 1976 on the implementation of the principle of equality of treatment between men and women in respect of access to employment, job training and promotion and working conditions in Article 2.4 provides that "the present Directive in no way obstructs measures designed to promote equality of opportunity between men and women, particularly, if they remedy de facto inequalities affecting opportunities for women in the areas referred to in Article 1 Paragraph 1."

It will be admitted that the notion of positive action is not made clear in the wording of the Directive.

a) What is positive action ? A strategy.

Positive action is an action programme orientated towards obtaining a precise result : increasing the presence of women or other marginalised workers (youth, the handicapped, ethnic minorities, immigrants) at every level in the hierarchy of posts and the production organisation or services of a concern. Positive action is designed to correct "employment systems" which comprise practices concerning personnel which have, or which may have, discriminatory consequences on the employment of those concerned. Positive action necessarily produces new task breakdown structures and new forms of work organisations.

By drafting and implementing a positive action programme, the concern's management, the trade-unions, the workers themselves, in a word the persons involved in the change, tend towards a modification in the rules and practices concerning personnel which have a discriminating impact on recruiting and initial assignment activities, on rules applicable to transfers and promotions as well as on working conditions in general.

Positive action programmes eliminate all the practices which prevent the workers concerned from benefitting from equality of opportunity in the enterprise.

"Neutral employment" practices are sought and implemented.

In the transitional change process phase, the positive action programme also include measures designed to penalise and correct previous discriminatory effects or to meet the specific needs of the group being dealt with.

Deadlines are established for the evaluation of the results obtained.

Positive action does not constitute reverse discrimination. Positive action is a special attempt to integrate individuals who had previously been excluded, into every sphere of the work force. Positive action is designed to correct under use of women and minorities and its aim is not to favour the exclusion of other groups.

Adopting a positive action programme (P.A.P.) necessarily involves training and advising management executive staff to ensure that they understand and apply the P.A.P. defined policy. It also means the bodies concerned co-operating with the programme officer(s).

§ 2. TERMINOLOGY

a) Alternative employment practices

Thanks to positive action programmes, employers use alternative employment practices replacing those which proved discriminatory in respect of women and minorities. Example, objective job tests are developed for selection and training purposes. Similarly, all jobs vacant advertisements are published rather than limited to internal service channels thus making sure that vacancies are brought to the attention of all those qualified.

b) Special measures

Special measures are required to overcome the effects of previous discriminations. Such measures are defined as a function of specific employment problems or obstacles encountered by women and minorities. They may include place of work, or alterations to the environment, a change of post or select training programmes for women or members of the minority group.

They may also involve periodically proposing a certain percentage of vacancies to the groups concerned. These special measures are basic to the strategy of the positive action.

c) Systemic discrimination

In an initial phase, employment discrimination was generally considered as a series of isolated and apparent acts, the expression of ill-will and prejudice on the part of an individual or an organisation. Nowadays, however, employment discrimination is also considered to be the product of employment practices and systems. Such "systemic" discrimination exists even in the absence of discriminatory intentions.

Experts have noted that some employment practices, although equalitarian in intention and application, are in fact discriminatory in respect of women and minorities. For example, employers sometimes make unnecessarily demanding requirements for certain jobs. This eliminates a large number of competent people because they are barred from competing for posts which they could perfectly fill owing to their lacking an academic background. Employers also resort on occasion to pre-job tests as a way of eliminating potential employees. However, these tests do not always relate to the job concerned. In some cases, people pass the tests and then prove unable to carry out their tasks.

Positive action programmes eliminate systemic discrimination and thus guarantee employers a more appropriate basis for the best use of human resources.

§ 3. DESCRIPTION OF POSITIVE ACTION MECHANISMS AT THE PLACE OF WORK

Stage One

Background : The company first of all draws up a policy constituting its commitment to creating equal employment opportunities.

For example : - it conveys this commitment to all its workers;
- it prints an equal opportunity declaration on all advertising supports.

Responsibility : A company executive is appointed to assume responsibility for the programme.

Support : Under the leadership of the appointed officer, a working group or a positive action committee is formed to analyse the company's work force and employment practices. The Committee is composed of representatives from the management, trade-unions, workers and sometimes non-company interests. However, the programme officer is supported by an equal-opportunity adviser or an expert.

Stage Two

Inside work force : Statistics on the company's work force composition are collected in compliance with job classifications in force.

Outside work force : Data are collected on female and minority representation in the corresponding work forces of the same activity sectors. This is only done in the USA.

Employment profile analysis : On the basis of the collective data, the company's employment profile is analysed in order to evaluate the over- or under-use of women and minorities for such and such specific jobs.

Employment system : All official and unofficial employment practices are examined to check for discrimination and place statistical information in this organisational context.

Example n° 1 : Examination of job descriptions and entry requirements

- redescription of duties
- modification of job descriptions
- broadening of selection criteria, validation of same
- elimination of groundless selection procedures.

Example n° 2 : Recruitment and situations vacant advertisements

- seek female candidates to increase the number of women in the enterprise
- encourage internal transfer of a worker whether male or female to a job where that sex is under-represented
- programme recruitment campaigns in co-educational or women's educational institutions where the company can find women graduates with the desired qualifications.
- inform referral service bureaus of the company's equality of opportunity policy
- draft vacancy advertisements stating that applications from women will be considered on an equal footing with applications from men.

Example n° 3 : Applications, selection tests and interviews

- do away with questions bearing on superfluous personal or family features (e.g. number of children, etc.)
- use new selection procedures in order check out potential aptitudes and not only professional background or know-how that might be limited to representatives of only one sex
- issue a manual on interview conduct based on proper equality of treatment practices
- include women on interviewing panels.

Example n° 4 : Promotion

- broaden access to, or open, career paths to women in the enterprise
- support company job vacancies with internal publicity

Example n° 5 : Training

- train management personnel with a view to assuming their responsibilities for implementing equal opportunity legislation and policy
- review access criteria to training courses
- check that opportunities are offered to both sexes
- provide courses reserved to women to prepare them for non-traditional jobs or duties
- alter the duration, frequency and timetables of training programmes to allow women with family ties to take part

- foster remedial training
- lay down training objectives
- provide special training for female workers with a view to directing them towards more qualified duties
- check job transfers following training courses and review results and feed-back
- introduce training designed to strengthen women's self-confidence and awareness
- set up seminars where career paths are dealt with
- have managers and executives take part in sessions designed to heighten their awareness of equality of opportunity
- train "equality delegates" within the concern.

Example n° 6 : Avoiding wastage of human resources

- work out job sharing solutions
- improve maternity and paternity leave systems
- organise child-care machinery (nurseries, child supervision, after-school child care and holiday play groups)
- encourage women to return to their company by undertaking commitments in respect of their conditions of reinstatement or by maintaining them on payroll during absences for family reasons
- set up opportunities for re-training
- improve conditions of access for part-timers to training with a view to promotion

Example n° 7 : Individual assessment

- introduce an evaluation of managers' and supervisors' equality of opportunity activities
- train evaluators to teach them how to provide workers of both sexes with the results of the analysis and the steps to be taken
- use regular evaluation procedures for educational purposes in order to encourage and develop "evaluated" career plans.

Stage Three

Objectives and schedule : objectives and schedules are established with a view to remedying employment discrimination.

Alternative practices : alternative employment practices are introduced replacing those which generate discrimination.

Special measures : previous discriminations are done away with, special training programme measures are developed.

Evaluation : a monitoring and feed-back system is developed to assess plan implementation progress.

Stage Four

Equality Commission : the positive action plan is submitted for review and goes through the national opportunity equality machinery.

Stage 5

The plan is implemented. Results are monitored and progress is assessed regularly. A plan monitoring system is essential if improvement in a position for less favoured groups is to be measured. Objectives and deadlines

constitute effective methods of verification. If goals are not met, then it must be found out why. For example, if women have not benefitted from internal promotions, what are the underlying reasons and what action should be taken ?

It is also important to publicise the company's commitment to the highest level of management both as a visible symbol of the employer's involvement in the PAP's and to obtain a favourable balance of power, i.e. a proper balance of the power and influence required to make the programme work.

In companies where trade-unions are represented, the equality of opportunity policy and the PAP should, from the outset, be placed under the joint responsibility of the employers and the trade-unions. Equal opportunity committees can prove to be important devices for positive action programme definition, on-going assessment and grievance processing. It must be seen to that women's (or minority group) representation on such committees is significant.

b) Trade-unions and positive action

Traditionally, trade-unions have made use of the collective bargaining process as an instrument for improving the status of workers at their place of work.

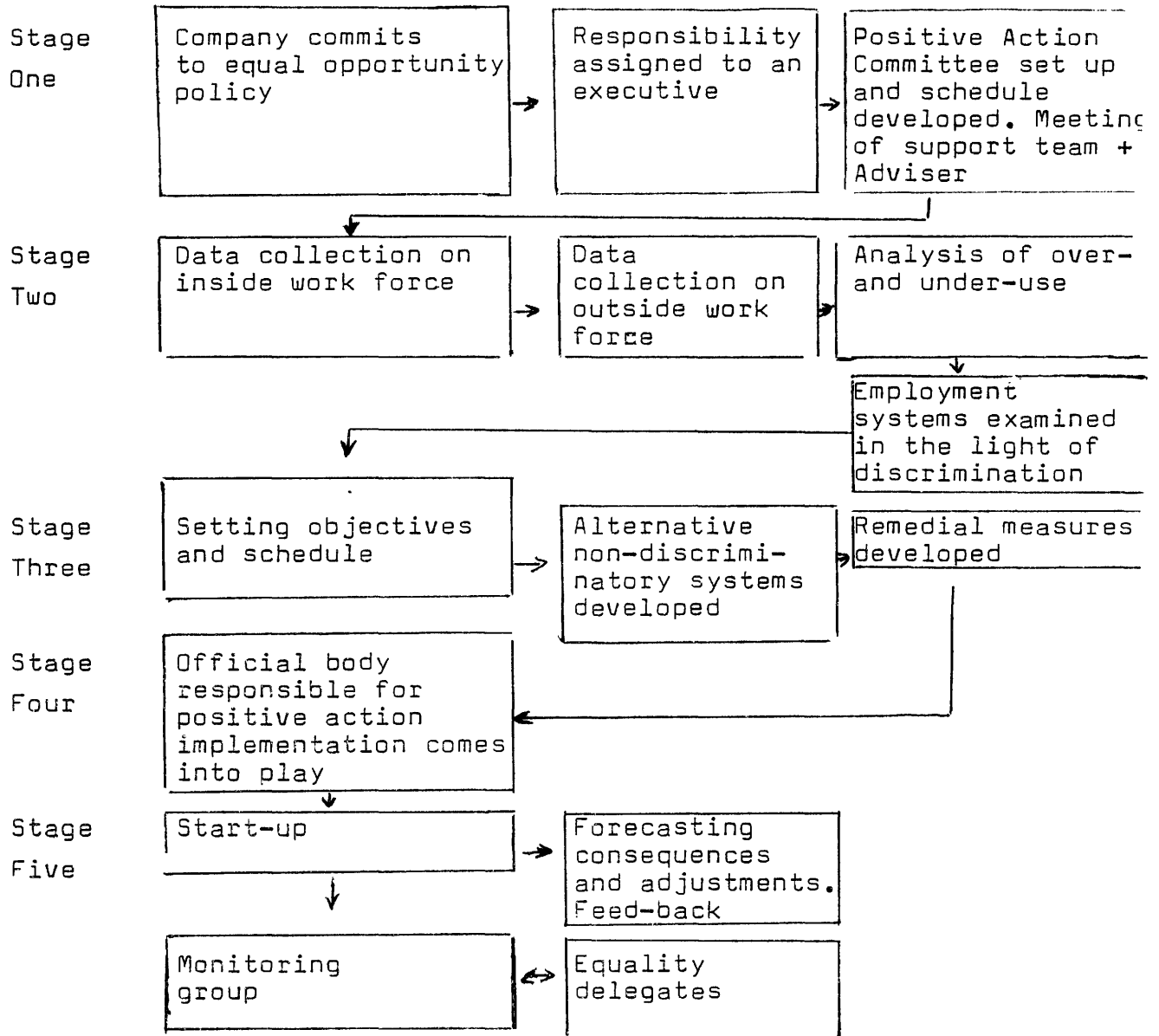
Trade-unions are responsible for representing all of their members, including women and minorities. They can do this by including a positive action clause in collective agreements. They can also provide a significant representation of workers in any positive action committee if the employer takes the initiative to develop a PAP.

A good union strategy is to include positive action proposals in negotiation demands.

Some American and European trade-unions have published excellent manuals on positive action programme implementation drawn up for their members and delegates. Trade-unions may also plan organising a positive action programme within their own organisation. In many cases, women and minorities are under-represented in trade-union leadership. Strategies for improving sensitivity to the problems posed by conducting a positive action programme have been experimented with : trade-unionist training, seminars, etc.

Adopting a positive action programme may be the result of complying with legal obligations or voluntary agreement procedures. Some legislations, in the event of non-compliance with the obligation to adopt and promote active measures, provide for sanctions which apply both to employers and trade-unions.

FLOWCHART OF A POSITIVE ACTION PLAN AT THE PLACE OF WORK



§ 4. LEGAL AND INSTITUTIONAL ENVIRONMENT

The law and Positive Actions

In most of the countries under consideration, positive action programme adoption is on a voluntary and optional basis. In these cases, the positive action programme is adopted on the legal foundation of an express obligation to grant enterprise workers the principle of equality of treatment. Such an obligation allows company management to choose means and machinery for implementation.

Generally speaking, the basic Act on equality of treatment stipulates that certain positive discriminations in favour of groups suffering from discrimination or specific measures adopted in the favour of a group with a view merely to correcting inequalities and making good their discriminatory effect are authorized. When it is a question of compulsory systems, they are never wholly binding. The legal methods are a complex mixture. Fear of legal action may mean a company adopting positive action measures in order to remedy the situation. Other more subtle strategies exist. In Sweden, the equal opportunity Ombudsman may refer a case to the Equal Opportunity Commission in the event of employers, not bound under collective agreement failing to comply with the Ombudsman's decisions or with their obligation in respect of the law to take the necessary steps to establish equality.

Most litigations stem from individual grievances and the law generally settles problems of onus of proof, protection of the aggrieved against dismissal, tort assessment procedures, the pecuniary aspect of a sanction, its time limits, possibly an extension of the suit to all members of the group suffering discrimination (class action). The possibility of a court decision requiring back-pay for a whole group constitutes a major threat to the company which indirectly induces it to commit itself to a positive action programme.

The institutional environment of the company necessarily encompasses the bodies for consultation and worker representation. In the job relationship system which prevails in EEC countries (despite marked socio-legal differences), companies have to respond to the pressure exerted by trade-union organisations.

In so far as company consultative bodies (Works Council, Works Committee, Betriebsrat, etc.) assume responsibility for a number of things including the application and implementation of equality of treatment programmes, these bodies will be the natural vehicles for negotiation.

However, the trade-union organisations also adopt positive action programmes leading on to "equality clauses", sometimes in the form of model clauses for insertion into collective agreements. This strategy is mostly implemented in the United Kingdom and Sweden.

The problem of applying collective labour agreements and the possible violation of an equality clause will arise both in the general legal frame of a collective bargaining negotiation and in respect of general provisions on the principle of equality of treatment.

In several member States, careful attention must be paid to the development and increased confirmation of the right to information enjoyed by the consultative body. This right to information is strictly defined along with the various deadlines (annual, quarterly, monthly) by which the information has to be published. This right in particular involves the compulsory supply of statistics on the internal work force position (according to sex, age, qualifications, wage classifications, seniority, etc). Such information may provide the means for checking progress in implementing the company's equality of opportunity programme.

Usually, these bodies are also acknowledged as being entitled to deal with work organisation and be consulted in the event of reorganisation, improvement of working conditions and the working environment. Such jurisdiction necessarily affects a systemic analysis of employment practices.

PART ONE : CRITICAL LEGAL EXAMINATION OF THE INSTITUTIONAL
ENVIRONMENT OF A POSITIVE ACTION PROGRAMME AT
THE PLACE OF WORK

FOREWORD

This part of our study endeavours to ascertain the legal, institutional and organisational devices that may be proposed within the juridical systems of job relationships in member States through Community law instruments or actions with a view to giving impetus to a true policy of equality of opportunity favouring women through positive action programmes at the place of work. It is not a comparative legal technique study on national legislations, nor a study on Community law. These are considered known. They have formed the subject of summary reports and papers published by or on behalf of the European Community Commission.

This part of the report seeks merely to provide legal sociological thinking as applied to the institutional and legislative structures under examination and to the implementation of positive action programme experiences observed by the "Centre National de Droit Social" task force.

§ 1. Legal basis for a Community instrument in this particular field

It may now be stated - and this results from a slow, difficult evolution bristling with pitfalls - that the principle of equality of treatment between men and women in respect of employment is an integral part of the "Community Legal Order":

"In contrast with ordinary international treaties, the EEC treaty has instituted its own legal order, integrated into the Member States' legal systems upon the coming into force of the Treaty and which is mandatory upon their jurisdictions;

Indeed, by instituting a Community of indefinite duration, endowed with its own institutions, a legal personality, legal competence, international representative capacity and in particular true powers resulting from a limitation imposed on national competence or a transfer of prerogative of States to the Community, States have curtailed their sovereign rights and thus created a body of laws applicable to their nationals and themselves".

(Costa v. ENEL case, 15 July 1964, E.C.C.J. Compendium, 1964, p. 1159).

This Court of Justice decision expresses several main trends resulting from an institutional analysis of the Treaty.

It is a de jure Community, some of whose norms are supra-national. The Community legal order is fundamentally law-generating.

Under this legal system, the Treaties are equivalent to a Community constitution. A parallel, therefore, may be drawn with a federal policy system.

Under the Treaty, Community institutions have been instructed with various missions, sometimes in the form of mandatory objectives with strict deadlines; sometimes in the form of "policies". The social policy (Art. 117 and 118 et seq.) constitutes the general basis for the social policy developed in favour of women (particularly the First Social Action Programme adopted by Council Resolution of 20 January 1974 which was followed by the Three Women's Equality Directives ⁽¹⁾).

Article 235 of the Treaty expressly provides that :
"If any action by the Community appears necessary to achieve,

(1) Equality of pay : 75/117/EEC.

Equality of treatment in respect of employment : 76/207/EEC.

Equality of treatment in respect of social security : 79/7/EEC.

in the functioning of the Common Market, one of the aims of the Community in cases where this Treaty has not provided for the requisite powers of action, the Council, acting by means of a unanimous vote on a proposal of the Commission and after the Assembly has been consulted, shall enact the appropriate provisions".

This was to become the legal basis for a future directive along with Article 100 on the approximation of legislative and administrative provisions.

Article 24 of Directive 76/207 on equality of treatment makes specific reference to positive action measures.

An often little-known aspect of the Treaty is worth highlighting at this stage in our analysis : it is the role of Member States in achieving Treaty objectives. Article 5 of the first part of the Principles clearly states that in addition to the four organic supranational institution (Cf. Art. 4 of the Treaty) Member States are to play a dynamic and creative role. They are to take all general or particular measures which are appropriate for ensuring the carrying out of obligations arising either out of this Treaty or resulting from acts of the institution of the Community.

This is a broad-based obligation which is not limited to compliance with the treaty and law stemming therefrom, but which commits States to implementing the Community legal order and action programmes.

As is already known, the target-groups which are the concern of our study were not referred to in any general way in the texts. The handicapped, for example, are not even mentioned in the Treaty. But Art. 5, 100, 117 and 235 make it possible to act in their favour both at Community level and in Member State law and practice.

CONCLUSIONS ON THIS ITEM

No legal obstacle stands in the way of any European law instrument being adopted in the area of concern to us. On the contrary, it would appear indispensable to proposed one as experience with positive action programmes show that a basic legal framework, stemming if possible from the highest level [Constitution or Federal Law (USA) (FRG); Constitution and National Laws (for the other countries)] is necessary. Owing to Community law taking precedence over national laws (a corollary to the Community legal order), we have an instrument of outstanding privilege (an instrument of derived law - cf. Art. 189/Treaty), capable of being enacted and being incorporated, as from a higher autonomous source, into national legal systems. The adoption, for example, of a directive and not only a resolution, of a recommendation or an Advisory Opinion presents the advantage of avoiding and pre-empting the technical weakness observed in the American positive action system.

In the report on the US, we have under-scored the fragility of the positive action implementation system which legally lies on "executive orders", i.e. Presidential Ordinances (1). Dependency of positive action programmes on the executive would be avoided if there were a directive that no national law could infringe and that no subsequent law could oppose. The primacy of Community law over national law has formed the subject of numerous European Court of

(1) Cf. Working Paper n° 2, USA, p. 43 et seq.

Justice decisions and national legal decisions (supreme or lower courts).

The Community legal order comprises a jurisdictional system entrusting to the institutional bodies and the European Court of Justice the mission of overseeing and implementing Community law and to institute legal proceedings in the event of violations. It is most important for the parties concerned in our study to be aware that the European Court of Justice can have laid before it cases of "redress against Member States for non-compliance" and "interlocutory questions" making it possible for national courts to have a single Community interpretation as to the application of European law giving the European Court of Justice the opportunity to rule on the validity or the legality of acts done by the parties in a national law suit (e.g. a dispute between a wage-earner and his employer), Member States or Community institution.

The European Court of Justice decision is binding upon the jurisdiction having referred the case to it and is also binding upon all the other national jurisdictions. The latter, however, are still entitled to put a case to the European Court if they have doubts as to the merits of a solution formerly rendered by the Court. The system is both open and flexible.

Finally, of all Community law instruments, the Directive is particularly well-suited to the problems which are posed by positive action programmes in the context of fairly well differentiated national systems of employment relationships. Indeed, the Directive leaves to domestic agencies a competence as to form and means; Directives are binding upon Member States only as to the result to be achieved (Art. 189 § 3/EEC).

This mandatory device is extremely flexible since the European Court, in assessing compliance with directives by Member States or all those upon whom the obligation is binding, check whether they have selected "the most appropriate means with a view to achieving the proper result of the directive" (Case 48.75, Royer, Compendium 1976, p. 519, Recital n° 75) or again whether the "competence left to Member States as to the form and means of measures to be taken by national agencies is a function of the result that the Council or the Commission understand should be achieved" (Case 38.77, ENKA, Compendium 1977; p. 2212, Recital n° 11). Diversity of Member States employment relationship systems will, therefore, be ensured and guaranteed.

Finally, we have one remark to add. We have not here got onto the extremely complex debate on the possibility of certain provisions of a draft directive being worded such as to have a "direct effect". Needless to say our position is in favour of such wording. However, our view is that it is premature to debate the matter. It will behove Community agencies and the legal services of the Commission to assume their responsibilities in this respect. It is plain that the remarkable developments of European Court of Justice case-law even at this stage makes it possible to acknowledge a Directive provision taken in isolation having a direct effect, and therefore making it possible for an individual to cite it before a national judge. Once again, we observe that the Court brings in a singularly creative evolution and that it deduces from "the nature, the economy and the terms of a provision whether the provision generates rights in favour of individuals which they can establish in a court of law" (Case 4174, Grad., Compendium, 1974, p. 1348).

All of these considerations of a technical legal nature, however, should not lead to there being forgotten the fact that adopting a Community law instrument specifically concerning the implementation of positive action programmes only constitutes a necessary basic guarantee though certainly not an adequate one. Far from it. It may also be ascribed merits other than those listed above. The content of a directive may give rise to a series of institutional and organisational devices likely to create incentives to adopting positive action programmes and the means for materializing them.

§ 2. IN SEARCH OF A DEFINITION FOR POSITIVE ACTION PROGRAMMES

Obviously, any legal instrument seeks to provide as rigorous as possible a definition of the notions it makes use of, the principles it states, the institutions or devices it sets up, the goals it seeks to achieve.

In our introduction, we devoted some time to describing the notions, the methods and the devices we encountered during our research. In addition, the national monographs supply us with elements concerning any given country observed. The chief notion on which our whole critical examination is hinged is that of the Positive Action Programme at the place of work.

Here we shall not take up once again the problems concerning the following definitions :

- x equality of treatment in respect of employment
- we assume that the definition in Art. 2.1. of Directive 76/207/EEC is maintained

- x equality of pay (cf. Art. 1.1. and 2. of Directive 75/117/EEC)
- x equality of treatment in respect of social security (cf. Art. 4 of Directive 79/7/EEC)
- x the notion of direct or indirect discrimination which could form the subject of in-depth research in accordance with the objectives set by the new social action programme providing for the bolstering of the existing Directives.

As for our research, it falls within the framework of the positive action programme development objective.

a) Community law

In positive Community law, there arises the matter of the definition in Art. 2.4. of the Directive on equality of treatment. It is worded in negative terms. It states that "the present Directive does not stand in the way of measures seeking to promote equality of opportunity between men and women in particular by remedying de facto inequalities affecting the opportunities of women in the areas referred to in Art. 1.1.",

i.e. access to employment, including promotion, and vocational training as well as working conditions.

If one thinks about it, the concept of promotional measures with a view to remedying de facto inequalities may only properly be understood if it is analysed from several angles.

Adopting positive discrimination measures bears in it the germ of reverse discrimination. This is why the Directive does not stand in the way of measures; in other words, it does not prohibit adopting measures with a view to granting

temporary privileges to any given target group; therefore, it authorizes a violation of the general principle of equality of treatment .(this is the static dimension).

The proper effect of such authorisation to perform preferential acts is to remedy de facto inequalities. Until what time are such measures permitted ? Until such time as the stage is reached when for women there no longer remain any employment discriminations, past, present or future. (This is the dynamic dimension).

The third angle is unusual for a lawyer. It looks at the correction of past discriminations. In European legal tradition, bans or sanctions applied to socially unjustified or legally prohibited acts concern present or future situations. The non-retroactive nature of laws is one of those elements considered essential to legal security. Yet of their very nature, positive action programmes have to produce results which not only strike at present or future situations by uprooting past practices which still have present consequences, but also which grant compensation to victims for acts, attitudes, practices in the sphere of employment which have discriminatory effects. It has, therefore, to be acknowledged that positive action programmes comprise a retroactive dimension.

Positive action programmes must also comprise a systemic dimension. They seek to bring about a transformation of employment practices, a radical reorganisation of the division of labour between sexes at the place of work.

Individual law suits for redress are laid down and organised in previous directives. Doubtless, improvements should be made to everything concerning individual cases for redress, but this is outside the area at present of concern to us.(1). The possibility of aggrieved persons pleading in court or protesting to ad hoc bodies must go hand in hand with a systemic strategy which alone can strike at employment practices and bring about lasting changes to the benefit of groups of workers rather than individuals. It is implicitly contained in Article 2.4. which should be interpreted teleologically. It must, therefore, be acknowledged that positive action programmes have a systemic, and hence a collective dimension.

Finally, it is important to interpret Article 2.4. with the Directive provisions which complemented and elucidated; and in particular in the light of Article 1 which establishes a link between indirect discriminations and "matrimonial or family status". We are aware that in order to build up a positive action programme, it is absolutely necessary to make an analysis of the difficulties encountered by women in their professional lives as they relate to the sharing (or rather the non-sharing) of roles between the sexes in family life. Numerous studies prove that social policy-makers have constantly to heighten their awareness of the fact that equality of treatment in respect of employment presupposes the achievement of equality in family life. This is the societal dimension.

Similarly, a comparison has to be made between Article 2.4. of the Directive and Articles 3 and 5 with strong references to the place of work.

(1) cf. p. 12 §§ 4 et seq.

In regard to access to jobs, these provisions refer to individual contracts, collective agreements, in-house regulations (Art. 3.2.b) and selection criteria, conditions for acceding to jobs or posts and promotions since the provisions refer to all levels in the job hierarchy (Art. 3.1.). The same goes for working conditions proper which are referred to in Article 5.1. and 5.2.b of the Directive.

Definition components for a Positive Action Programme proposed for a Community legal instrument based on Directive 76/207/EEC on equality of treatment.

<u>Characteristics</u>	<u>Components</u>
Static	Ban on discrimination
Dynamic	Promotional measures affecting present/future
Retro-active	Promotional measures acting on the past
Systemic	Employment practices
Societal	Family life
Located at the place of work	Job relationships Internal company organisation
Voluntary work	Depends on the initiatives embarked upon by the parties concerned.

b) In national legislations

1. In countries where the job relation system is chiefly based on collective bargaining

Denmark ⁽¹⁾ : Act n° 161 of 12 April 1978 on equality of treatment makes a major amendment to domestic law as it was.

(1) Working Paper n° 3, pp. 2-5

Before this bill was enacted, private and public sector employers were free to practice discriminations or adopt positive discriminations. However, regarding working conditions and dismissals, some collective agreements had brought limitations to the freedom to discriminate on the basis of sex. It was, however, legal to sack a pregnant woman. Act n° 161 applies to both private and public sectors. It bans the practice of any discrimination, whether direct or indirect, if based on sex. Public sector employers and the public authorities have to abide by the general principles of administrative law which requires that the grounds for decisions made by them be based on public service necessities. Act n° 161 provides but the vaguest of definitions for equality of treatment objectives and even the term "positive action". The law has been designed restrictively in that it is basically of the static type. Positive actions are of the nature of a deviational practice. Their on-going nature as a strategy in achieving equality of treatment does not appear. Discrimination in any form whatsoever is banned. Any positive action has to form the subject of an authorization procedure. This is granted by the Minister of Labour upon recommendation by the Equality Council and the Minister concerned. There exists, therefore, a legitimate attitude of suspicion towards positive action programmes. The act does not apply when the collective agreements contain a similar obligation to abide by the principle of equality of treatment. It is an accessory to the collective bargaining, and this is in compliance with the Danish job relationship system.

Ruth Nielsen strongly criticized the Danish act and stressed that the interrelationship between the banning of discrimination and the dynamic strategy of positive action is in no way established by this act. The absence of any conceptual link between these two notions imparts to the act a preponderantly static nature. The anti-discriminatory part of the law and the positive action part of it practically form two separate acts : the first belongs to traditional civic-type patterns, whilst the second falls rather into public function law (1). The approach here is individual rather than systemic.

Sweden : the law on equality of treatment in working life came into force on 1. July 1980 and covers three main areas :

- banning of discrimination between the sexes = anti-discriminatory part
- compulsory adoption of active measures
- creating ad hoc institutions : the ombudsman and the Equality Commission.

As regards positive action, Sections 6 and 7 of the Act are devoted to this aspect.

The Act makes it compulsory for private sector employers to conduct planned action with a view to promoting genuine dev equality between the two sexes (2). The same obligation is binding upon the public sector (3). What is important to note is that this Act - after having edicted a mandatory ruling of general application to engage in positive actions sets forth examples of active measures such as †

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- (1) NIELSEN R., Women's Law in Scandinavia, "Equality in working life legislation, positive action and introduction of new technology" pp. 75-147, E.W.L. n° 1, Copenhagen, 1982.
- (2) Cf. Working Paper n° 1 pp. 3 and 4, p. 6 et seq.
- (3) Ibid. p. 6

- taking account of the concern's work forces and of all the circumstances peculiar to its case, ensure that working conditions obtained for men and women equally;

- see that job vacancies are published and disseminated throughout the enterprise for men and women alike;

- through training and other appropriate means, see that there is an equal breakdown of men and women in various posts or among the various worker categories;

- gradually try to increase the proportion of workers from the under-represented sex in a particular type of work or functional category.

This Act, however, has come in for some criticism as in fact it is complementary to collective bargaining. Indeed, although collective agreements may make provision for positive actions, they are at complete liberty to decide upon the scope and content of such positive action programmes in the sectors covered by them. In practice, the Act has had little impact owing to the over-riding nature of the system of collective relationships in Sweden. It should be stressed that the systemic approach is very marked in the Swedish Act in so far as achieving desegregation of women in the workplace. By contrast, neither the Swedish Act, nor the Danish Act, despite the preponderant role of collective law and collective bargaining, draw the logical consequences of their professional relationship systems.

For example, in these two countries, no legal provision caters for proportional representation of both sexes on works councils, company management/worker bodies (Directory, Supervisory Council, etc.). Equal participation by men and women in collective decision-making procedures is not put

forward as a goal. It is significant to note that no major trade-union organisation has taken the initiative of adopting a positive action programme as applied to its own structure, its internal organisation, its hierarchy; of modifying, therefore, from within, the de facto inequalities which persist in the drawing up of collective agreements.

2. In countries where the work relationship system may be termed mixed (preponderance of collective bargaining at the place of work but within a binding legislative framework

United Kingdom ⁽¹⁾: The Sex Discrimination Act (S.D.A.) gives no definition of positive actions and makes no specific requirement to take positive measures. Sections 47 and 48 of the Act authorize employers, the Manpower Service Commission (M.S.C.), Industrial Training Board (I.T.B.) and vocational training bodies to organise specific training activities with a view to training and encouraging persons of a given sex to occupy posts where they are represented little or not at all. The criticism levelled against the S.D.A. stems from this restrictive limitation on positive action programmes in the sphere of training and not actual access to employment or working conditions. On the contrary, one important criteria deserves to be highlighted : Sections 48 and 49 of the S.D.A. deliberately provide for companies to be free to engage in positive training actions. Section 12 stipulates that it is illegal for employers and workers trade organisations to discriminate on the basis of sex or

(1) Working Paper n° 4

marital status to gain membership and enjoy benefits, services, allowances, etc. in a way differentiated by sex.

Ireland : Act N° 116 (Employment Equality Act) 1977 at Article 15 states that any person may engage in positive measures in the sphere of training for any given job to the benefit of members of one of both sexes.

Belgium : The Economic Reorientation Act 1978, Title V, Article 119 reproduces the exact words of Article 2.4. of the Directive on Equality of Treatment.

F.R.G. : The Equality of Treatment Act, 13 August 1980, expressly states that it is the place of work which is concerned and also stipulates the maintenance of rights in the event of company transfer. It does not recommend positive action measures. However, the Work Promotion Act, 25 June 1969 (amended several times up to 1979) determines the points of application for positive promotion measures for women and in particular work promotion or resumption, occupational training or reconversion for persons tied by family obligations (children, household duties). As regards worker representation bodies within the concern, the Act of 15 January 1972 on company social organisation recommends men and women be represented there in proportion to their numbers in the company.

France : A new law put forward by the Ministry for Women's Rights seeks the active achievement of occupational equality for women (1). It has no definition of positive actions but provides for new means to be set up in order to achieve equality, means of the same nature as positive measures in

(1) Working Paper n° 4, pp. 3 et seq. (France)

the labour market. In respect of the business concern, the provisions cover :

- the staff training plan
- information to be supplied to the Works Council bearing on the statistical analysis of the in-plant work force according to sex including the obligation to establish objectives in figures for making good situations on inequality and showing the means of achieving these goals.
- financial incentives for which provision has been made; they may be provided by the State or Public Community bodies.

In respect of in-company occupational relationships, a Bill on collective agreements provides for compulsory inclusion of clauses referring to positive discriminations in any collective agreement likely to be extended (1).

USA : Title VI of the Civil Rights Act is entitled "Equality of Treatment in Activities Granted Federal Subsidies".

Section 601 provides for general compulsory equality of treatment. The Act in Title VII gives a very detailed and precise definition of the content of discriminations based on race, colour, religion, sex or national origin.

This is done through recourse to the technique of unlawful practices descriptions in the fields of job-training, placement, recruitment.

Article 703 (j.) even stipulates that the Act shall not

(1) Ibid., pp. 4-5

be interpreted to require an employer, employment agency, labour organisation, or joint labour-management committee to grant preferential treatment to a target group merely on account of an imbalance which may exist with respect to the total number or percentage of members of the group under consideration in work as compared with the total population or the total available workforce in any community, state, section, or area.

The Act provides for the institution of the E.E.O.C. whose powers are laid down in Section 705 (j).

Section 706 deals with the prevention of unlawful employment practices. This is done from the litigation viewpoint on the basis of charges filed either by the person claiming to be aggrieved or by a member of the E.E.O.C. Such charges give rise to the following process :

- investigation
- an attempt by the Commission to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. (Section 706 (b)).

Here, however, it is important to note that Section 706 (g) provides that if the court dealing with the complaint finds that the respondent has intentionally engaged in an unlawful employment practice, it shall prohibit him from doing so and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back-pay.

More recently, the E.E.O.C. has been given broader powers to promote affirmative action programmes in companies, labour organisations and placement agencies (1972 Title VII amendment). No definition of affirmative actions is given as such in the Act.

Executive Order 11246 requires any federal contractor to undertake such compulsory affirmative action. However, the text does not provide a definition of this notion. By contrast, E.E.O.C. and O.F.C.C.P. guidelines, with a rigorous concern for proper analysis, give the range of various legal or institutional or organisational techniques to be adopted and obeyed to have a valid affirmative action programme (1) .

To conclude, we can deduce from an analysis of Community Law (Art 2.4. of the Directive) and from national legislations that a definition of positive action programmes is of paramount importance. It will have to include the following features that we feel are essential. It shall be :

- dynamic
- in action at the place of work, i.e. on the persons concerned and on employment practices
- systemic
- societal
- with retro-activity authorized
- semi-voluntary (results compulsory but means to attain them optional)
- compatible with the occupational relationships system.

§ 3. SCOPE OF POSITIVE ACTION PROGRAMMES AT THE PLACE OF WORK

Ratione personae : The Community would have to see to it that Community law instruments be adopted targeting :

(1) Cf. Working Paper n° 2 : USA.

1. the Community and its institutions (Commission, Court of Justice, European Parliament, etc.)
2. Member States, i.e. the public authorities in their capacity as State employers;
3. private sector concerns;
4. employers and wage-earners organisations (in their internal structures, for their negotiating activities).

1.A. The E.E.C. and its institutions as public enterprises

The example of the US shows us that a federal government has to demonstrate political and legal consistency and respect its own lawfulness.

Equality of treatment between sexes falls into the Community legal order; the Community has to implement equality and play its role of employer in its employment relationships.

For example, a Council resolution on positive action programmes within Community institutions with provision for on-going implementation of an effective programme in every department, service, body subservient to the organisation.

However, the E.E.C. has various roles to play in job relationship. As an employer, the E.E.C. is a major enterprise, but it is particularly because it is the E.E.C. and that as such it is a centre of attraction and a point of reference. Its actions are of decisive exemplary value. It owes it to itself to take up this challenge and apply to itself the equal opportunity policy that it acknowledges and proclaims in its legal system.

Furthermore, the E.E.C. can play a decisive role (comparable to the role played by the American Federal Government) in giving impetus to positive action programmes in two areas of occupational relationships where, with the balance in its favour, it can edict the rules of the game.

1.B. The E.E.C. as contracting partner

It should also engage in a programme of positive actions involving the revision of the clauses of specifications and general contract conditions with public or private companies which are its contracting partners. Such a programme might envision introducing the notion of "Federal contract compliance" into regulations which apply to these public and private contracts for various supplies and services. Owing to the Community and its institutions being located in so many different places, this policy would have effects in most Member States with companies which would be compelled to comply with the guidelines from the Community equivalent of the O.F.C.C.P. In short, any contract involving Community funds will require contractors to embark on a positive action programme. Obviously, conditions relating to the size of the concern and the value of the contract will be worked out.

1.C. The E.E.C. as provider of financial aid, subsidies or other forms of contributions

The same condition of equality of treatment compliance should be introduced to all the procedures involving Community financial assistance and require beneficiaries to apply equality of treatment criteria to their own organisation and put forward a valid positive action programme complying with Community guidelines. In itself, there is nothing novel in this proposal. Even the Lome Convention provides for similar conditions in regard to the respect of human rights.

2. Public sector : the State as employer

A directive should be specifically addressed to the public sector in each Member State. Public enterprises would be compelled to adopt positive action programmes covering their staffs in general (civil servants and State wage-earners together with local Community workers) as well as all public enterprise employees.

The same would hold for the letting of public and private contracts by the State, local authorities, public enterprises.

The same would hold for financial aid and any other supportive device financed by the public authorities.

3. Private sector

Using more flexible coercive means, the private sector should gradually be compelled to introduce positive action programmes. Initial factors comprising several variables would have to be carefully examined : company size, sector of activity, preponderance of female or male workers in the sector, the economic characteristics of the sector (expanding or undergoing a recession), new prospects promised by new technologies, etc... Here consideration will have to be given to patterns (and change trends) of work and job breakdowns according to sex.

Identifying male-intensive and female-intensive industries will make it possible to set priorities. Priorities would be a Community decision in order to prevent there being negative effects in the way of reactions from competing national enterprises and ensure there is concerted action for the whole of any one target sector.

4. Management and labour organisations

will be the addressees of an ad hoc directive designed for them as employers, as organisations (internal hierarchical structure, representation, etc...), and as partners in collective bargaining.

Ratione materiae : it is worth remembering that it is a matter of the place of work of the enterprise and the fields of application as defined in the Directive on equality of treatment 76/207/EEC.

Ratione temporis : we have shown the need for accepting retroactivity for certain remedial measures in respect of positive actions. Contrariwise, we believe that it would be useful to provide for incremental application of the proposed instruments over a period of time. We would be in favour of :

- 1) immediate adoption and implementation (respecting the traditional time periods) of instruments to cover the EEC, the public sector of Member States.
- 2) a more flexible system for the private sector.

§ 4. NATURE OF INVOLVEMENT IN A POSITIVE ACTION PROGRAMME

We have seen three methods :

- 1) compulsory system, O.F.C.C.P. type(U.S.A),
- 2) voluntary system, United Kingdom type,
- 3) mixed system, Swedish type.

Of its very nature, a positive action programme can only be defined in terms of result-oriented compulsion. On the medium term, the dynamic and systemic strategy features of positive action programmes should produce the effect of leading the way even in sectors not subject to voluntary procedures.

Let us take the example of the EEC or a national public authority negotiating with private sector contractors (voluntary system). To win the contract, the company chooses to engage in a positive action programme. This produces the following set-up :

Compulsory public sector
system

Voluntary private sector
system

Private sector
contracting parties

§ 5. EQUALITY OF OPPORTUNITY MACHINERY

In the national monographs, we have made a highly succinct review of the different "national devices" that have been set up in the countries under study with a view to promoting equal employment opportunity between men and women.

There is a tremendous variety of pressures applied, of powers, and capacities of such bodies to promote and monitor positive action programmes.

We, however, feel that these bodies do not fall within the scope of a Directive designed for "the place of work"; they rather constitute or could constitute an active and effective source of support.

By contrast, to bring positive action programmes to a successful conclusion, it appears undeniable that "non-institutional" devices set up not through the direct intervention of the authorities but by private initiative play a key role (cf. the part of the study on compared experiments and the Introduction).

For all the countries where occupational relationships are highly dependent on collective bargaining, we can only repeat that a very close eye must be kept on the enterprise in respect of all in-company participation and consultation structures. Here, the draft Directive should recommend that at the same time as specific channels are set up for implementing the positive action programme (leader, working party, equality commission, equality consultant, etc...), a proper revision should be made of the composition and assignments of representative and consultative bodies (cf. French law, German Act on co-determination, etc...).

This is an important point but at the same time a highly touchy one. It would seem doubtful whether, through a Directive on positive action programmes, it would be possible to see through a thorough-going revision the whole organisation of company occupational relations systems.

§ 6. MEANS, ACTION METHODS

By way of a reminder, these methods and means are looked into in the Introduction in respect of the theory and in the Part II of this report as to the practice.

From a technical standpoint, it would appear impossible to include them in the text of a Directive. On the contrary, in Anglo-Saxon national practice, mandatory legal texts are often paralleled with guidelines or Codes of Practices. Similarly, international labour law has accustomed us to this method which allows for a flexible codification of the guidelines of any given social policy. This is true of the I.L.O. which has two types of treaty : the International Labour Convention and the International Labour Recommendation which enjoys the status of official and formalised "instructions for use". In order to fulfil its obligations, a Member State has to choose at least one of the methods proposed in the recommendation whenever a Convention is accompanied and complemented by one.

To complete positive action programme Directives, a comparable method could be used though in an instrument of a merely indicative nature.

On the contrary, we feel it is essential to stress the absolute necessity of introducing into Community regulations on positive action programme related definitions concerning methodology, and, inter alia :

- alternative measures
- employment practices
- systemic procedures
- the notion of quantified objective / quota
- quotas
- diagnostic method criteria.

§ 7. SUPERVISION

Concerning companies, the role of the Monitoring Group is crucial if there is to be an on-going evaluation and continuous adaptation of positive action programmes to the company's problems. Compulsory provisions of this machinery should be included in any positive action programme. High level checks made either by ad hoc bodies (E.E.O.C., O.F.C.C.P., E.O.C., etc...) or by jurisdictional or arbitration authorities are necessarily provided for.

Community monitoring would be through the traditional channels (Commission, Court of Justice).

§ 8. Sanctions

Characteristics :

Civil sanctions :

- retroactive (back-pay)
- systemic (damages)
- requiring writ (undertaking a positive action programme to put an end to discriminations)
- contract termination.

Penal sanctions :

In the event of intentional discrimination or deliberate obstruction.

Labour Law sanctions :

Annulment of collective or individual contract clauses and labour regulations.

PART II : COMPARATIVE ANALYSIS OF EXPERIMENTS

PRIVATE SECTOR

I. Decision-making procedure : actors, initiative, motivation incentives.

In the private sector, several actors may make a decision (or play a decisive role in the decision-making) to engage in a policy with a view to improving the lot of women in enterprise and promoting the equality of the sexes. In outline, they are the employers, workers and the women themselves.

Owing to the different positions occupied by these various actors in the social system, and in-company, it may be observed that the reasons for undertaking such a commitment vary.

1. The actor concerned is the employer.

Basically, the employer resorts to two methods of decision-making : engaging in an action in favour of women is the result either of constraint or of free choice, i.e. on a voluntary basis.

1.1. Commitment on a voluntary basis

1.1.1. Although freely undertaken, the commitment is nonetheless induced on occasion through an outside body, whether national or international.

In Germany, three employers decided to implement an equality policy in favour of women by adopting the model positive actions programme drawn up by the Directorate for Women's Conditions which helped the employers in providing them with a practical methodology to put their intentions into practice.

In England, Thames Television Limited, in a favourable response to a request from the Equal Opportunities Commission and the National Council for Civil Liberties, accepted collaborating with them on a study of positive action on women at work.

At the Volvo Company in Sweden, the Parliamentary Committee for Equality approached this employer to propose an action to promote equality between sexes.

Several employers have received requests from European institutions enjoining them to undertake actions in compliance with the aims and objectives of these institutions.

In Belgium, the personnel Managers of Sabena and the Compagnie Belge d'Assurances Générales reacted positively to a proposal from the European Vocational Training Development Centre to provide women with skills training.

As has already been stated among the companies surveyed during our study, there is a Belgian bank and an English bank which accepted the EEC Commission's proposal to take part in a research/action on mixed employment.

a) When the incentive originates from bodies outside the concern, in many cases it is accompanied with a financial carrot : the Sabena and the Compagnie Belge d'Assurances Générales training costs were subsidised by the European Social Fund.

At Thames Television, the study project was financed by the two bodies which made the request. In addition, this company came under pressure from the Independent Broadcasting Authority which, taking advantage of the renewal of televised programme procurement contracts, insisted on setting up a programme. As for the banks, although they enjoyed no financial benefit, they nonetheless were able to take advantage of studies conducted by the research centres funded by the European Community.

b) Other factors may also play a role of considerable importance, although difficult to assess, as to the outcome of a process of negotiations between an employer and an outside body. On several occasions, it has proved that representatives from bodies making such requests or persons acting on their behalf made use of personal contacts with certain members of the management staff in the company contacted. This was the case in regard to Sabena, the Belgian bank and Thames Television Limited. In the last case, ubiquity would be a more suitable word than relations as one of the members of the E.O.C. is also an executive in the company !

1.1.2. It sometimes happens that an employer may appear to be the only sponsor taking the initiative for an action conducted in respect of women.

Although infrequent, there are some examples to illustrate this model of decision-making.

In France, the action embarked upon at SNIAS originated in the isolated and personal determination of the Chairman of the company.

At the Thomson Company and at Servier's there was no need for outside pressure for there to develop measures in favour of female workers !

In Sweden, in the early seventies, it was the deliberate determination of Volvo which brought about a female recruitment policy.

An in-depth study of sponsor-employer motivations for launching such a project shows that the driving force is often economy of personnel management.

For Volvo, the determination to recruit women originally goes back to a shortage of labour and not to any equalitarian goal as the wage level and skills of the women taken on show.

Later, in 1977, action in favour of women is given new impetus, the origin of which this time lies in an employer's decision to implement a job enrichment and development policy for low-skill jobs carried out by women in the plant. At this stage in the proceedings, the Parliamentary Committee for Equality stepped in and proposed an action to promote equality between the sexes (See § 1.1.1.).

At the Thompson Company, technological developments required improved use of human resources : such action became necessary merely to maintain staff in their jobs; the greatest benefactors were the women in so far as for the greater part they were in unskilled jobs modified by the new technologies.

At Servier's also, the employer is attempting to solve a personnel management problem by implementing a general action where women, representing two thirds of total payroll, are the most interested actors.

Faced with the risk of a drop in worker loyalty brought about by the performance of monotonous, repetitive tasks, with no prospects of mobility, the employer has decided to restructure the production set-up with a view to promoting a new type of work relationship and a better in-company life. This is not an equality policy but an improvement in working conditions.

1.1.3. Some examples bear witness to the impact that pressures originating within the company may have on an employer's commitment, whatever may be the origins of, and the reasons for, such pressures.

At the Compagnie Belge d'Assurances Générales, the decision made by the employer is a means of preparing for and pre-empting a threat of trade-union agitation brought about by the anxiety of workers confronted with the possibility of job losses due to the introduction of EDP in insurance contract production.

The choice was to retrain typists to become account executives, and may be explained by the need for the employer to show his skill in managing major staff operations required for adapting to new production techniques and his faithfulness in standing by the commitment not to dismiss staff.

At Thames Television Ltd, pressure was brought to bear on the employer to get him to agree to a proposal which had been put to him to have a study conducted on positive action in respect of women at work. The pressure came from the company's female workers who in turn were supported by Women's Organisations for Women Working in the Media (1).

1.1.4. The effect of publicity

Some factors are worth mentioning as at some given point in a decision-making process, they show up in employers' motives. Some companies use this new product "Women" to maintain their brand image as a leader in social progress : equality is a

(1) The organisations are "Women in Media" and "Women's Broadcasting and Film Lobbying".

moral value upheld by a humanistic enterprise (Volvo, A.G., the Belgian bank, Servier).

The employer is pursuing a personal publicity goal : either as a public servant to give lustre to his humanitarian profile, or as a senior executive to sell himself along with the action project to his hierarchical superior (such an executive is often in the position of Personnel Manager).

Finally, the publicity effect takes on a more traditional meaning when it comes to marketing the company's products. In the United States the Levi Strauss Company at regular intervals reaffirms its faithfulness to an equal opportunity policy with a view to ensuring the maintenance of its jeans sales (1).

This strange behaviour, no trace of which is to be found in Europe, may be explained by the pressures exerted by women's organisations on women, through press and media campaigns, to control their purchasing power and orientate spending towards products manufactured by companies committed to an equality promotion action.

1.1.5. Fear of legal sanctions

It also happens that some employers engage in an action process in order to pre-empt legal sanctions.

In the United States, before being taken to the Court, several stages come into play, the effectiveness of all of which derives from the legal guarantee offered by Court redress and the tough sentences for failing in attempted conciliation between the actors involved (individual

(1) In this way, Levi Strauss seeks to dissipate any doubt which might arise in respect of its ability to persevere in the present context of equality policies in the U.S.A.

female worker - EEOC - group of wage-earners - etc...)). In this type of decision-making process, the employer's motives lie in his desire to anticipate what may happen by terminating notoriously and very visibly discriminatory practices. The Chase Manhattan Bank has set up a positive action programme in order to put an end to a charge made by its female administrative staff.

Following a gentleman's agreement, the American Telegraph and Telephone Company embarked on an affirmative action (paying 12 million dollars back-pay and bonuses to thousands of women and minority members who had been refused wage increases and promotions)..

1.2. The basis of the commitment is constraint

1.2.1. Near constraint

In the United States, when contracts are signed up with the Federal Government, states, or local authorities, the employer is under obligation to submit affirmative action policies to the office of Federal Contract Compliance. The mandatory nature of this obligation stems from the fact that the contract may be terminated for non-compliance and the company may be barred from future calls for bids made by public authorities. Uniroyal, having been thus barred from State's contracts, decided to adopt a positive action programme in favour of women.

1.2.2. Far constraint

In Europe, as elsewhere, some multinational subsidiaries, the head office of which is in the United States comply with American legislation on non-discrimination. IBM France, IBM Belgium, Dow Corning Belgium, Rank Xerox in the United Kingdom and Digital in Ireland are developing equal opportunity programmes.

2. The actor is a joint labour-management commission

In Sweden, actions have been undertaken in certain companies following the momentum provided by a collective agreement between the employers' confederation and the employees' confederation in the private sector. On the basis of this agreement as to equality, there was instituted a joint commission tasked to promote equalitarian actions in companies. Companies wishing to join in this initiative for promoting equality between men and women were under compulsion to prove that the request had originated from management and trade-unions jointly.

The chief argument developed by the employers' confederation is basically economic in nature : better use of human resources.

Trade-unions base their position on an equalitarian ideology.

3. The actors are workers' representatives

The commitment is voluntary.

In Sweden, certain actions have been undertaken on the initiative of union representatives in the concern. Shop stewards draw up action programmes and submit them to the management.

The trade-union movement finds its driving force in allegiance to the national equalitarian consensus.

In the United Kingdom, it would seem that the Banking Industry and Finance Union (BIFU) was behind the equality programmes in the banking and finance sector.

Trade-union action, with a marked preference for the collective agreement, is supported by their being able to benefit under English law from the possibility of Court redress against injustices and for equality.

In the United States, the legal responsibility of the trade unions (as partners to collective agreements and subsequently in the drafting and implementation of positive action plans) is concerned. This involves the possibility of their being sentenced in court in the event of non-collaboration, inertia or abstention. Just as for the employer, fear of the sanction is a powerful incentive for promoting equality. Realising the tremendous discriminations affecting female workers in Westinghouse electrical plants, the International Union of Electrical, Radio and Machine Workers (IUI) decided to put an end to certain discriminatory practices. It did so through collective bargaining and using pre-judicial and judicial procedures. The trade union is drawing up its own action programme.

Conclusion

From the synopsis of the various decision-making methods used in the private sector, some work orientations could be derived for a theoretical essay.

1. In European Community member Countries, it is clear that the actor most concerned by the decision to promote equality is the employer. The trade-union organisations, agreement from which is obviously indispensable if a favourable environment is to be created, nonetheless play a fairly passive role in respect of the decision-making. Due account must be taken of this aspect, peculiar to market economy systems, of confining trade-unions to a consultative, supervisory role.

2. Notwithstanding the content of the decision and the results to be developed in § III, the contractual constraint model has the definite advantage of automatic implementation. In a further measure, the effectiveness of which is perhaps less immediate, the legal instrument and the specialist equality bodies developed in the United States operationally fulfil their incentive function on the one condition that there exists flagrant discrimination.
3. In contrast to this model, whose simplicity and oneness of argumentation is attractive, there is the voluntary decision-making system. This system is the climax of a long process and the result of a whole configuration of factors. Negotiation is certainly longer, whether the negotiating partners come from outside the company or belong to it. In the event of a request originating from an outside body, two arguments appear to us to have a favourable influence on the response from the company. An employer is always sensitive to the economic rationale: utilisation of human potential, optimilisation of aptitudes and competences. Secondly, in so far as the discriminations are, in the employer's eyes, the result of neutral practices, a proposal whose aims are relatively modest has more chance of proving successful. In this regard, a significant statement was made by the industrial relations manager of Thames Television at a conference organised by the National Council for Civil Liberties (1) explaining that the chief reason for which the proposal had been accepted was its absence of risk. Indeed, it bore on a study and research project into the position

(1) John O'Keefe : Conference of 6-8 April 1981

of women in the company.

Finally, in this period of crisis or far-reaching mutation, in accordance with an analysis carried out on the events and upheavals affecting our economy, there may be witnessed in companies a questioning of work organisation, a development of adjustment procedures to cope with the unsuitability of staff to cope with technological evolution, which women can take advantage of, as long as they are present, informed of projects concerning staff management and organised so as to be able to claim a right to participate.

It would, therefore, be essential for any positive action sponsor to carry out inspections in concerns undergoing production reorganisation or restructuring.

II. Machinery or procedures developed to produce a positive action programme and implement it

Having looked at the variety of reasons which have induced certain companies to undertake a positive action programme, let us now turn to the machinery to be established with a view to assuming responsibility for the implementation of such a programme.

The methods differ from one experiment to another and the effectiveness of each one does not make it possible to produce any general model which is more workable than others.

1. General responsibility

Usually such responsibility is placed by top management with a male or female executive (1), usually working in the personnel division. However, programme responsibility is a collective affair and is entrusted to a working group. Let us take some of the illustrations which appear in the working papers.

1.1. Individual responsibility

Example 1 : United Kingdom

At the National Westminster Bank Ltd, the key person for implementing the programme is the Manager of Personnel (m). For Thames Television Ltd, it is an executive director who has been appointed as leader (m).

Example 2 : France

At SNIAS, it is a woman executive from the Social Affairs

(1) (m) male
(f) female

Directorate (Central Division) who has been appointed responsible and seconded full time to carry out her task. She is under the direct authority of top management. The choice of a woman was dictated by a concern to provide the assignment with greater credibility. At Servier's, it is the Personnel Manager (m) who has been entrusted with the responsibility for the training programme.

Example 3 : Belgium

In the bank already referred to, the programme leader is an assistant-manager in the Social Affairs Directorate (m). At Assurances Générales de Belgique, it is the Personnel Manager who is responsible for training (m). At the Sabena, the General Manager for Personnel Services delegates responsibility for action to the Training Department Manager (as the activity takes place in this sector) (m). At Dow Corning, a woman is the executive with responsibility for the programme.

Example 4 : USA

Here again each company has its executive to set up and implement the programme. Owing to the fact that in the US, PAP implementation results from a more formalised procedure than in other countries, forming the subject of inside and outside publicity, the programme leader occupies a specific post in the company's organisation chart. In large companies, the organisation chart generally shows, side by side with the Personnel Department (Personnel Management in the traditional sense), a Department for upgrading human resources (with special responsibility for

training the internal work force, transfer procedures, reorganisation and job enrichment, acknowledgement of civil rights for blacks, ethnic minorities, the handicapped, Vietnam war veterans, women).

The PAP executive will have responsibilities peculiar to both departments, but it is up to him to co-ordinate them, transform them. Hence the necessity to identify such a person as PAP leader.

Note

In most cases, there is no doubt that the personality of responsible executives, their personal commitment to the question of equality of opportunity and their attitudes in this respect together with the extent of their decision-making power constitute factors which are decisive for the success of the programme.

Some criteria which enhance the leader's mission effectiveness are worth highlighting.:

- . the fact that he is seconded from the classical hierarchical channels in order to be placed under the direct authority of the top management promoting the programme;
- . the fact that he is entrusted with this mission half-time or full time, so as it is a single duty, rather than an add-on task to his other functions.

This makes it possible to identify the person responsible for this work and therefore constitutes an incentive in so far as the person will be evaluated in accordance with the success of his mission. Otherwise this function might well be experienced as an extra duty, the importance of which would be ill-evaluated by the executive who would find it difficult to prioritise it.

Similarly, perceiving the importance ascribed by the management to the priority success of the PAP goes through the hierarchical channels; choosing a woman or a man does not appear to us as decisive as the personal involvement of the leader and his determination to bring the work entrusted to him to a successful conclusion.

1.2. Group responsibility

Example 5 : Sweden

In the companies which took part in pilot actions, the sponsor entrusted responsibility for setting up the programme to a group composed of employer and trade-union representatives. In the case of Volvo (in Koping), preparing training is also conducted by a working group composed of representatives from management, trade unions and outside persons (a grammar school headmaster, a representative from the local work directorate and a parliamentary committee representative).

Note

By including people totally outside the company, support for the action is diversified and there is less risk of getting bogged down or manipulated.

2. Assistants

To assist him in his task, the action leader takes on in-company staff or outsiders or again a group of people gathered under such terms as "working party", "positive action committee", "steering committee" or both.

2.1. Outside consultants

These are people brought in from outside for a limited duration to provide support through their experience, knowledge

and professional authority in respect of PAP implementation.

a) In the United States, there are to be found equality officers who are consultants specializing in this field. It is of interest to note that in the US this function is a real job, and that universities, business schools, management institutions provide specific training in this area. In 1974, the Conference Board which groups the most important industrial companies in the USA undertook a permanent study programme inter alia to supply competent experts in the various sectors of the economy with the knowledge of information, evaluation and diagnostic techniques required for working out a PAP (1).

b) In several experiments referred to in working papers on EEC nations, the consultants are persons appointed by a body which is outside the company and which finances the project.

- . The consultant is then involved in the approach phase and the study phase of the company.

It is his job to draft recommendations.

Example : Thames Television Limited (United Kingdom). It is an outside female consultant, selected by E.O.C. and N.C.C.L. who is conducting the research.

- . He may then work with the executive to design and implement actions.

Example : As in the two bank cases (one in the United Kingdom and the other in Belgium) it is a university research team which contacted the company, carried out the study phase and started up the action phase.

(1) Cf. Ruth Gilbert Shaeffer and Helen Axel : "Improving job opportunities for women. A Chartbook. Focusing on the progress in business", Conference Board, New York, 1978.

- . Choice of consultant and his sphere of action may be determined by the trends and objectives pursued by the initiator.

Example : in Belgium, at the Sabena and Assurances Générales, the researcher was delegated by CEDEFOP, a training organisation. Consequently, the project focused on this aspect of employment policy and was therefore considerably limited by it.

2.2. In-company persons

At SNIAS (France), the programme leader was assisted by three people selected for their specific competences : a sociologist, a statistician and a secretary, all female.

2.3. In-company or outside groups

Such groups are often constituted by representatives of the various parties involved in the project.

Example 1 : USA

Under the leadership of the responsible executive, the positive action committee is set up to gather information on the work force, the organisation and employment practices. The committee comprises representatives from management, the trade unions, and sometimes the community.

Example 2 : Sweden

Cf. above.

Example 3 : Belgium

At the bank referred to, a steering committee was set up composed of representatives of the employer and of the research team. At Sabena, there was also a steering committee.

Example 4 : United Kingdom

At Thames Television Ltd, a Positive Action Committee was set up to monitor progress and the development of the project. Led by the Executive Director, it comprises representatives from management, the Women's Committee and members of unionised and non-unionised staff.

2.4. Involvement of executives and employees in the Personnel Department

Very often, the Personnel Department will be involved in implementing the action programme.

For example, it will supply the statistics on company work force composition.

It might also examine employment practices in order to identify those that are discriminatory.

Also, it may take part in implementing new measures such as training programmes. In some cases, a department or people will be designated to work on the equal opportunity question.

2.5. Nominating local officers

In order to ensure the effectiveness of a programme in a company with subsidiaries spread out over several geographical areas or for a large company comprising several departments, it is useful to have local officers appointed who get involved in the programme and who are trained to defend it.

Failing this, projects run the risk of coming up against local resistance from management staff or employees.

3. Monitoring group

This group comes into play at the last phase.

Once the plan of action has been implemented, the monitoring group regularly checks results and evaluates progress made or resistance encountered and bottle-necks.

This group draws the attention of the officer(s) on the need to make adjustments or adaptations to the procedures set up.

The monitoring group's function is both mixed and dynamic. If the group is empowered to report direct to the chief officer without going through the hierarchical channels which could possibly block or hamper the communication system, it can constitute one of the driving forces in the PAP implementation process.

If observed results contained in the monitoring group evaluation reports are given internal publicity, such information will affect all the consultative bodies and pressure groups within the enterprise. It is in the USA that monitoring groups are made the best use of and have been the best analysed.

III. Drawing up a Positive Action Programme and determining its content

3.1. Diagnosis : data collection and analysis

3.1.1. Place for diagnosis in Positive Action Programme

The place occupied by diagnosis varies according to the stage in the action programme.

It also varies according to the country and company where the positive action is being implemented.

- a) In the United States and in the subsidiaries of multinationals, data collection and analysis constitutes a phase prior to selection of objectives and implementation of any positive action. Diagnosis is part and parcel of the action programme and constitutes the first and foremost phase once a commitment has been entered into. This model, the uniform nature of which is due to the fact that positive action programme content is determined by guidelines, is to be found at IBM, Digital, Dow Corning, Rank Xerox, Westinghouse, etc...
- b) In European countries (European Community and Sweden), the place reserved to diagnosis depends on the aim of the decision to be made, i.e. the purpose of the commitment which itself is determined by the circumstances surrounding the decision-making.
 - 1) In the event of a commitment resulting from a request made by an outside body, the place reserved to diagnosis will vary as a function of the purpose of the request. The European Social Fund and Cedefop both pursue a goal of occupational training development. There is no doubt that their decision will involve a training action. In such cases, diagnosis occupies a very limited phase in the positive action programme and may even be completely done away with.

At A.G., no data collection is made on the position of women. At Sabena, an in-depth study phase on the position of women in the company was envisioned by the employer, but was unable to be conducted as Cedefop does not subsidise this type of action.

The employer's behaviour is quite different when the request made to him bears on the more general objective of improving equality between the sexes. It may then be observed that diagnosis constitutes the chief if not the only purpose of the employer's commitment. For the reasons referred to in § 1, the employer concentrates all his energy on the study and research phase.

There is doubt as to the wisdom of conducting the diagnostic phase in advance, as the employer might call a halt after this phase. This has been the attitude of Thames Television.

2) The person concerned acts on his own initiative

- In Sweden, companies which have embarked on a programme at a very general request from a trade union to promote equality, have devoted a major part of the action to gaining awareness of discriminations, i.e. establishing a diagnosis of the position of women.

At SNIAS, in France, where the purpose of the commitment bore on a very general objective to improve conditions for women, prudence and the communication of information took precedence over an initially more radical commitment. Diagnosis occupies an important place in the action.

- In companies where the commitment stems from in-company pressures acting on a precise problem (a need for restructuring, labour conversion) the actor does not collect data on the position of women. Diagnosis preceding implementation of the action, bore on shedding light on production difficulties (Thompson, Servier in France, Volvo in Sweden).

3.1.2. Diagnostic content : a systemic rationale ?

Employment practices analysis

The discriminatory nature of employment practices or systems shows up in their effects. Consequently, making a systemic investigation means pointing up results, i.e. the position of women in the enterprise.

How can one highlight discrepancies in effect on men and women produced by employment systems ?

a) Data collection

In the US, data collection comprises the following statistical information :

- inventory of company work forces;
- identification of work posts, grades and functions (job qualifications);
- inventory of outside work forces.

The data collected may be static : an inventory of the proportion between men and women according to age, wage-level, duties, qualifications, skills, participation in occupational training programmes in the company, and dynamic, an analysis of cohorts.

This method of statistical data collection is used very widely in Europe, but the interpretative assumptions adopted in the USA as to their expressing the consequences of employment practices, are not accepted in Europe. As this assumption has not been formulated, one may witness a whole range of opinion surveys, sampling surveys, interviews,... with the various staff categories (SNIAS, Sweden, Belgian bank, English bank, Thames Television).

Staff are interviewed in respect of selection procedures, affectation, promotion, career planning, remunerations, etc... Opinion polls are conducted on personnel aspirations concerning mobility, work attitudes, sexual equality.

b) Data analysis

1) Precise criteria lead one to conclude that there are discriminatory employment systems (USA).

Recruitment system : there exist minority recruitment "minimum thresholds". The minimum threshold is in regard to the overall proportion of minorities in personnel recruited by the company.

Employment system : in concluding as to the under-utilisation of women in any particular employment group, four criteria are used :

- the percentage of women in the civilian working population in the company's labour market area;
- the percentage of women with the skills required in this area,
- the percentage of women with the skills required in the recruitment area;
- the percentage of women who may be promoted.

There is under-utilisation in every case where women are less represented than might reasonably be expected in regard to their proportions on the labour market. In such cases, the recruitment system, the affectation and promotion methods for men and women in the company may be called in question. An analysis at Westinghouse showed discrimination in the following fields ; practices of assigning women to low-skilled, under-paid, promotionless jobs.

2) An analysis is derived from interpreting the data.

At SNIAS, the statistical data analysis (showing personnel breakdown) bears witness to discrimination in affectations and an analysis of cohorts shows promotional practices discriminating against women.

At Thames Television, the study also showed employment segregation. Similar conclusions may be derived from the data analysis at the Belgian bank, the English bank, and Volvo. The American system when compared with the European model offers definite advantages :

- 1 - A comparison between internal and external work forces makes it unavoidable to show the significance of any disparities observed between male and female establishments in the various functions recorded in the company. In Europe, it happens that the discrepancies observed are said to reflect shortages of female labour, but such shortages are not proved to exist.
- 2 - In the United States, the mere fact of showing statistical disparities involves the selection process, recruitment tests, selected promotion criteria being called in question. In Europe, the existence of discrepancies may still be interpreted as indicating the lack of ability of women to occupy certain posts, particularly executive ones.

By way of a conclusion, to be confirmed in the light of other experiments and in-depth analyses, one might formulate the assumption that although data collection is carried out systemically both in the American and the European model, only the American analysis is systemic. In Europe, it would appear that the analysis tends to be systemic if societal, but not in regard to the company.

3.2. Establishment of objectives

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It is obvious that any interpretation of data has a direct impact on the formulation of objectives.

In the American model, employment practices are called in question through the statistical analysis results, the purpose of positive actions is towards improving the representativeness of women at every level in the job hierarchy. Such improvements are expressed by target figures to be met within a given period (IBM, Uniroyal,...).

In Europe, a distinction has to be made between companies which have carried out an equalitywise diagnosis of the situation for women and companies which have drawn up a productionwise diagnosis of the situation of women. In respect of the latter, the purpose of the positive action is to provide a response to the company's problems.

Should the problems concern the unsuitedness of personnel, the aim then is retraining (Thompson, A.G.), should it be for a new type of work organisation, the aim is also training with a view to new production methods (Servier, Volvo).

If the problems concern occupational sex equality, setting objectives depends on the company's awareness of its assumption of responsibility in the causal chain leading to the facts observed, and of its interest in finding a way to remedy the situation.

One company in France, after having conducted an in-depth study of discrepancies between men and women, concluded : "The under-employment of women is not merely the result of deficiencies or the unsuitability of women for certain jobs... The inequalities arise out of basic training differences, differences in initial job affectation,... Under such conditions, reducing the inequalities between men and women can only be achieved if recruitment policies are reorientated. Is this possible... or advisable ?"

At SNIAS, an analysis of the data produced some timid recommendations in the formulated proposals : mixed recruitment, career acceleration for certain women, an effort to provide more training for women.

The objectives have not been quantified. The scheduling is vague. At Thames Television, the data collection showed that job segregation does exist. However, most men are convinced that there was no discrimination against women. The management was taken aback by the research report criticism. Nonetheless, subsequent to pressure applied by the Women's Committee and the publicity given to the study on the outside, a positive action programme was decided upon with a view to increasing the number of mixed jobs.

In Sweden, out of the ten companies having carried out a major investigation into the equality problem, the objectives, for most of the companies, were "actions on the mind", i.e. gaining awareness of the problem, and awakening interest. Three companies decided on orientations towards promoting sexual equality. No deadlines were set, and no objectives quantified.

At the English bank, the data analysis highlighted practices with discriminatory effects for women, and special measures were adopted to correct the consequences of discrimination. Moreover, quantified objective setting operations were set up with a view to increasing the percentage of women promoted and the percentage of women taking part in management training courses.

3.3. Implementation methods

a) The means implemented can have an impact on the recruitment system :

- . actions comprising an obligation to add women's placement services and active recruitment among schools with a high female population density to usual recruiting sources (USA);
- . actions involving a revision of worker selection procedures, including recruitment tests (USA, Thames Television, English bank);
- . for equal skills, preferential recruiting of women for as long as they constitute an under-represented category (model programme in FRG);
- . sensitization to potential discrimination in selection and job-affectation (Belgian bank, Digital);
- . recommendation to enhance female recruitment (SNIAS, English bank);
- . development of an interview practices code (Thames Television).

b) The means used affect the promotion system :

- . an inventory skills and aptitudes system making it possible to identify female workers capable of being promoted has been set up (USA).

- . acquiring the reflex of enquiring about potential women applicants in the event of promotion (Digital, Belgian bank);
 - . appointing five women branch managers (Belgian bank);
 - . recommending an accelerated career for some women (SNIAS);
 - . publishing a job careers guide (Digital);
 - . thinking out promotion criteria (English bank, Thames Television).
- c) The means implemented affect the job description system :
- . job attitudes and skills are reviewed such that they do not produce discriminatory effects (USA).
- d) The means implemented involve organising specific training programmes :
- . such training involves learning atypical jobs (Sabena, Volvo, SKAS in Sweden, SNIAS) or atypical qualities (Digital);
 - . the training provides for maintaining staff on the job (Thompson, A.G.);
 - . the training involves learning polyvalence, -autonomy (Servier, a Swedish company).
- e) The means implemented alter the training system :
- . recommendation on the training of executives and women (English bank);
 - . introduction of training course for executives on equal opportunity (Thames Television);
 - . fostering of training by disseminating appropriate information on career paths (Thames Television).
- f) In a specific way, the means implemented affect certain employment practices :
- . creating ten extra posts in order to open a traditionally male function to women. The possibility of recruiting ten women on the basis of examinations without requiring degrees (Sabena);

- . doing away with a selection criterion for recruitment :
deletion of the international mobility criterion (English bank and Belgian bank);
 - . suppressing of a rule of conduct prohibiting a person having left the company to be re-engaged, plus setting up an employee re-engagement programme for those having left the company for family reasons (English bank).
- g) The means implemented affect the working conditions system (broad meaning) :
- . setting up a programme with a view to keeping on female staff on the point of leaving the company for family reasons (English bank);
 - . extending aid for child care (Thames Television).

IV. Impediments and obstacles

A. General obstacles

When looking at the various experiments conducted, there may be observed some dominant traits in the introduction of positive action programmes at national level.

1. Weakness of institutional machinery

The services set up with a view to ensuring equality of treatment are often endowed with limited means. Their terms of reference are consultative and it can be seen that many of their advisory opinions are not followed up, cf. examples of specialist departments in the study on women's problems in FRG and the Advisory Commissions in other countries.

2. Legal obstacles

- 2.1 Many women work part-time. Yet in the USA as in European countries, most social security measures apply differently to this category of workers. A recent effort has been made in EEC Member States to give part-time workers the same status as full-time wage-earners and integrate new work organisations into the general worker protection machinery (1).
- 2.2 The question of the constitutional legality of positive action programmes has not been solved. This controversy is based on the notion of reverse discrimination which is particularly keenly debated in the United States.
- 2.3 Some basic notions are still lacking a clear and precise definition.
- 2.4 In most countries, the scope of laws is very restricted; and implementation instruments inadequate. On this account, few charges are ever brought and most of them fail to be taken up.

(1) Cf. Draft directive on part-time work.

Individual litigation procedure involves most unwieldy constraints in respect of the burden of proof, in respect of the situation in the company of the person who feels aggrieved, in respect of trade-union support, or support from ad hoc devices. It is difficult to determine the prejudice suffered and assess its financial consequences.

The absence of any conceptual link between individual redress and systemic action constitutes a major obstacle.

3. Political obstacles

Some jobs and services set up in various States are directly tied to the Executive. Accordingly, they may be done away with or considerably weakened by a decision from the elected authorities or by a change in social policy.

B. Obstacles in the company

1/ Respecting sponsors

1. In most European legislations, positive actions are a purely voluntary initiative on the part of the employer who in no way feels under any obligation to incorporate the question of equal opportunity into the social policy of his company.

His thinking may be summed up in the words of one of them, "As long as the pressure is not applied, why bother with it ?".

2. The prime difficulty, therefore, would appear to be in gaining awareness of and recognizing the problem. There are seldom employers who will admit from the outset that there may be discriminations against women in their companies.

3. When an employer realises that there is job segregation or discriminations or when an analysis clearly establishes this fact, he still has to feel this problem worth his consideration as for him it in no way constitutes a priority.

Example in United Kingdom

Between submission of the Thames Television report and consideration of its recommendations, a wait-and-see policy came into being broken only by various pressures to act.

4. An employer very often takes cover behind the general responsibility of the company, traditional socio-cultural patterns or women themselves. If actions there are to be, the change must first and foremost take place at the macro-sociological level or within institutions whose finality is education.

They deny the active part played by their companies in maintaining traditional patterns.

In their view, the place of work confines itself to taking in human potential adapted to the requirements of production.

5. Such requirements are put forward as constituting an absolute necessity required by the work process, itself defined as being purely technical. The discourse proffered is neutral, and it is sought to exclude from it any value judgment, any ideology. Sex is said not to be a selection criterion. The only aspects considered are the competence and skills of candidates. Employers then say that there are few women or none at all, with the necessary technical training, with the required command abilities, the desired commercial profile, etc...

6. They also refuse to take on any creative role they might play by initiating change : equality is "the business of couples or societies but not companies".

7. Promoters fear that complaints might be made and problems might arise should any measures be made along these lines.

8. Behind the "objective" language, there looms tremendous resistance. For in a period of economic recession, the stakes are even higher : it is the very notion of the right to work for women which appears to be being questioned.

Female labour on the employment market steps up competition.

9. There is resistance in attitudes as well. This brings us back to the basic structures of society and personality. The traditional pattern of male domination is called in question. The issue of equality of opportunity indeed goes far beyond mere staff management practices.

It may be observed that most executives conceive of women at work in relation to their family references. And they have about them home-keeping wives; any demand for equality at the place of work is a dysfunction and constitutes a threat to them.

10. Yet without the support and good will of top management, the subordinate hierarchy cannot take the problem seriously.

The example given from Sweden illustrates this trend.

Some executives fear their regular function will suffer a loss of prestige if it is related to an assignment on equality.

2/ Respecting trade-union representations

1. In various countries, we have seen trade unions revising their own structures with a view to enhancing female participation. Here, as in business, it is the male model which prevails and there is keen resistance to allowing women access to decision-making bodies.

2. In the employment sphere in general, although trade-union leaders at national level are truly desirous to implement actions, to introduce equality clauses, local trade-union leaders are reluctant to do so. Similarly, female trade-union officials dare not act in the defense of their interests as women.

3. Furthermore, trade-unions consider any actions in this area by the legislator or the employer is an encroachment on their territory.

Thus at SNIAS (France), the trade-union representatives were of the view that they alone represented women's rights and ridiculed the employer's initiative.

In the United Kingdom, they are seeking to keep this issue a matter of collective bargaining outside the ambit of legislation.

3/ Respecting middle management

In many experiments, it has appeared that when top management has made a policy statement on equality of opportunity, blocks have occurred at middle management level.

With direct responsibility for the day-to-day management of female staff, the "supervisors", "foreman", etc... bear the real brunt of the change.

Positive action programmes cannot be implemented without the collaboration and support of first-line management.

4/ Respecting personnel department staff

Executives with responsibility for designing personnel policy feel challenged if recruitment, promotion, etc... procedures are revised, and are reluctant to admit that the criteria they established could give rise to discrimination. As for clerical staff, they are in a position to short-circuit the process by refusing to produce the necessary information.

5/ Respecting the women themselves

The attitude of the majority of women is the result of their upbringing and the present distribution of domestic tasks.

Lack of self-confidence, non-availability, shortage of time, fear of change, these are some of the traits which prevent

women from showing more enthusiasm in taking advantage of the new means made available to them through positive actions by employers. This is why sponsors have been disappointed with some occupational training experiments, openings of posts for which there were no female candidates.

Conclusion : the success of positive action programmes cannot be achieved without the involvement of the various groups mentioned; this can be accomplished through a sensitisation and training campaign.

6/ Respecting means

Positive action campaigns require financial means that companies are not always ready to invest.

7/ Respecting attitudes

In Sweden, though considered to be in the forefront here, it was noted that positive action sponsors are still only at the stage of changing attitudes and behaviours through drives for increased awareness.

8/ Respecting work organisation

1. Studies show that a company's hierarchical structure hampers women's career paths.

It is thus that the Swedish Civil Servants Federation is demanding flatter structures with a broadening of tasks and responsibilities.

2. An analysis of career paths shows how difficult it is to be transferred from one sector to another. For example, from the administrative sector to the marketing sector where more career opportunities exist. Most women working in the administrative sector will experience a flatter career path than if they had gained access to the marketing network.

3. A study of various staff management practices such as recruitment and selection, training, promotion and transfer procedures makes it possible to find explanations for numerous hindrances to female careers.

C. Respecting countries with long experience

Experience from the United States provides us with meaningful results on the obstacles encountered when implementing positive action measures. On both proponents' and opponents' sides, sharp criticisms are made. Let us quote some of the examples mentioned in the working paper.

a) obstacles of a legal and organisational nature

- deficiencies in the various legislations;
- procedural slownesses;
- numerous derogations possible;
- fears in women discriminated against not to be able to support court expenses;
- considerable delays in paying back-pay and compensation;
- lack of co-ordination between bodies;
- the difficulty in comparing men and women in different jobs as the law makes no provision for any task evaluation method;
- slowness in settling demands for redress,...

b) sponsors' reactions

- dissatisfaction on account of excessive red tape;
- over-constraining methods;
- fear of court cases;
- court demands for back-pay are too great;
- cost too high in terms of money and time;
- the risk of "tokenism"...

c) present situation

Following a change of government in 1980, new trends would appear to be slowing down implementation of Positive Action Programmes. The causes have been analysed in Working Paper n° 2 (U.S.A.) and basically are characterised by the following factors :

- dependency of Affirmative Action programmes on the Executive;
- guidelines with a view to slowing Court activity;
- abandonment of the systemic approach;
- failure to appoint top-level officers;
- budget reductions.

PUBLIC SECTORI. Decision-making procedure : parties concerned, initiative, motivation, incentives

Preoccupations with working-out a strategy to achieve equality between human beings finds its roots in democratic ideal.

In the states where the visions of those in government are imbued with this ideal, policies favouring equality between men and women are felt to fall naturally within their field of action.

In the United States, concern in this sphere is not confined to campaigning against sexual discriminations, but encompasses Negroes, ethnic minorities and other less-favoured categories of the population.

In Sweden, the handicapped benefit from a policy designed to allow them (as far as is possible) to live on an equal footing with everyone else.

If in some countries a strategy to promote sexual equality was implemented a fair time ago, it was often thanks to there existing true political determination, supported - in Sweden in any event - by a general agreement on the part of the population as to the principle.

Seen in this light, State action is basically motivated by the desire to serve as a model. Governments adopt provisions whose premise is equality of treatment that the public authorities, in their capacity of employers, are compelled to abide by in order to serve as an example for private sector employers for whom such an objective is not a priority preoccupation although in general they agree in acknowledging the legitimacy of the principle.

In the United States, promotion campaigns favouring women are based on legal instruments requiring any federal contractor, with over 50 workers on his payroll, to apply a programme in favour of women. As an employer, the government itself is compelled to apply this principle as its staff's salaries are financed out of public funds.

The case described in the report is that of the Environmental Protection Agency (EPA), with a payroll of some 10,000 working in a large variety of places and under extremely different conditions. At the start of the action programme, in 1976, there was a major concentration of women in administrative functions and under-representation of women in the well-paid jobs. The decision to act seemed to relate directly to the arrival of a new director with experience in the implementation of equality rights (Civil Rights Act, Title VII), and a director of the "weaker sex" known for her feminist commitments. In fact, the action programme had already existed on paper for some time, but EPA management had not adopted it as a priority goal.

In Sweden, following an investigation in 1972 on the position of women in public service, the Government proposed putting an end to the division observed between male and female jobs. A decree became the embodiment of this political determination and required the authorities to take steps to correct the existing distribution and ensure that women and men benefitted from the same occupational conditions.

The various action programmes studied in the report were generally brought about by specific governmental decisions. It is worth recording that the Government is assisted by the

National Committee on Equality between Men and Women whose terms of reference include studying and developing the principles of the equality action undertaken by the Government, proposing measures, co-operating with the public authorities. It is

thus that it exercises pressure on ministers and borough officers with a view to conducting actions.

In recent years, a number of government departments have participated in these programmes. And why some rather than others? A central management body, the State Committee for the Labour Market (SAMN), plays a major decision-making role in this sphere. It takes up contacts with Government departments likely to be interested in a given project.

In certain cases, Committee officers have informal contacts with Government officials interested in undertaking an action; in other cases, they turn to divisions where there is a particularly exclusionary sex grade breakdown. In addition, projects have materialised thanks to subsidies made by the State to Government departments wishing to undertake promotional action beyond the regular measures in favour of equality and stimulating the development of new methods (e.g. purchasing a microprocessor with a view to developing the data processing competence of female staff).

Some Government departments are more open-minded towards equality actions than others, and do not need Government decisions before launching out into projects designed to improve women's position. This is so, inter alia, of the Labour Market Board with its activities on two levels: on the employment market on the one hand, within Government departments on the other.

In Great Britain, the equal opportunity programme implemented by the Borough of Camden was born out of the political actions of one of its councillors.

In this country, it might also be added that Government departments already practice equality promotion inspired by race relations legislation. The powerful trade-union, NALGO, for civil servants, plays a role of considerable importance in the decision-making process. At national and regional level, it has set up committees which campaign for equal rights. Its members are active participants in them. The experience of two state-subsidised bodies have been studied in Ireland.

At AER RIANTA, Irish Airports, it had been noted that the grade breakdown structure between men and women was very unequal and that, given the same skills, men were promoted more than women. Behind the move leading to an action programme, there had been the Personnel Management commitment to encourage participation, personnel development and a better work climate in the company.

At RTE (Radio Telefis Eireann Authority), many women occupied the least responsible and most routine posts. It was the chairwoman of RTE at the time who took the initiative of convening some people in the company with a view to embarking upon an action.

In France, since the advent of the socialist-communist government, there may be witnessed a revival of interest for a concerted policy in respect of women. In March 1982, the President of the Republic recalled that all Government members are tasked to see that women's rights actually materialise, and in particular their right to economic autonomy through equality in occupational life. The Government, itself comprising six women, gave the example by appointing a large number of women to responsible positions. It is endeavouring to do away with all forms of employment discrimination in public service.

Compliance with governmental commitments is, therefore, the basis of actions embarked upon in public services. In Belgium, in public service, there is no real policy of equality of opportunity.

The only action which has been carried out to date arose out of initiatives taken by a person using a promotion organisation, the dynamic Women's Work Commission, of tripartite composition, under the Ministry of Labour and Employment. It is this commission which is also responsible for a project which is to lead to the implementation of positive actions in public service. At the present time, a specific working party, set up within the Women's Work Commission, is producing practical proposals along these lines.

In Denmark, a few initiatives far and few between have been taken by borough councils and by regional employment bureaus in compliance with the Act of 12 April 1978 prohibiting discriminations, but allowing derogations with a view to promoting equality. Although the Ministry of Labour, the competent authority for granting the derogations, has betokened a positive attitude towards promoting sexual equality, very few schemes have come into being to date. Of those that have, some have been at the initiative of the Equality Council, a body set up by the Prime Minister and composed of representatives of the social partners and women's organisations. This brief overview shows that the decision-making process in the public sector is extremely complex.

In Sweden, projects are often started by Government decisions on the basis of a legal instrument requiring the public authorities to act. A parliamentary promotion body plays an important incentive role.

In the United States, action stems directly from the legal instrument requiring all public-funded (or subsidised) enterprise to draw up action programmes.

In France, it is compliance with governmental commitments which have been the driving force behind actions implemented in public service.

In Great Britain, the legal instrument contains provisions encouraging positive actions and in Denmark, it provides the authorisation.

In countries where the legislation is lax or non-existent, the impetus to act comes either from individual initiatives (Great Britain, Ireland), or from a promotional body (Belgium, Denmark).

In order to ascertain how the companies where experiments have taken place were selected, the decision-making machinery would have to be examined and studied in the light of the influence a complex network of power relationships has on it.

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II. Machinery or procedures developed to produce an action programme

2.1. Programme officers

In the United States, the chief programme officer is an equality expert (National Federal Women's Program Manager - F.W.P.M.) taken on as a full-time outside consultant with a remit to recruit more women high level executives and more

women in other non-traditional functions and to improve the status of women already in employment.

During the experiment, she tours regional offices and laboratories in order to make programme evaluations, chair training sessions, take up contacts with the local management and local officers.

The local officers, trained by the Civil Service Commission, are tasked to see the programme through in the various agencies and laboratories. Their mission (voluntary and unpaid) is somewhat delicate as it is in addition to regular work duties. It is often a thankless task. As conditions for promotion are tied to the regular duties, there may be incompatibility between the two types of activities.

In Sweden too, working on equality issues is not always to one's own advantage and can cause prejudice to the image of the regular duties.

In this country, public service units have appointed one or more equality officers whose responsibility it is to stimulate and supervise the promotion actions as provided for under the Royal Decree. In some cases, this mission is incorporated into the regular duties, for example, into those of Assistant Head of Personnel (e.g. SIDA), in others, it forms the subject of a separate appointment (full-time or part-time). In borough and rural councils, equality officers co-ordinate activities and are responsible for follow-up. The women who play this role of "missionary" in the field are of no well-defined profile, except that the majority of them are university graduates or equivalent. Some have been given in-house training on the equality problem, sometimes in the form of a course within the framework of occupational training subsidised by the State.

Generally, they are placed in personnel policy services and report to the head of the service. If their hierarchical superior is neither a "convert" nor a "died-in-the-wool" equalitarian, their position can be uncomfortable. In addition, their position does not give them automatic access to the information necessary for maximum effectiveness.

If the idea of setting up equality officer positions is maintained, it should be seen to that these officers be given an independent position in the hierarchy at a sufficiently high level to enable them to have access to information from every department in the organisation.

Project officers are not always civil servants with equality responsibility in their job descriptions. Sometimes, the project is managed by the head of the department in conjunction with the trade unions or by a joint labour-management committee. Sometimes, the women themselves are responsible for the project such as in the scheme set up by the National Labour Market Directorate with a view to allowing low-grade employees to study their work position themselves.

In the Telecommunications Department, for example, each head is responsible for compliance with the plan designed to distribute tasks in an equalitarian way.

2.2. Bodies : councils, committees, groups

In the United States, programme responsibility was also assumed by a Council (FWP Council) composed of a member from headquarters, representatives of small and large laboratories as also of regions, selected in such a way as to represent minorities. Its remit was to train local officers, establish an information dissemination network, to enhance planning and co-ordinated evaluation.

It produced a handbook for programme officers and organised a monthly mail information service. Meeting regularly, along with the national expert (F.W.P.M.), it supervised the local officers. The members of the Council had established an informal communication network between themselves.

Local officers were assisted by committees, composed of volunteers, working out specific programmes and organising training sessions. Committee members provided invaluable information to other women at the place of work, for example, on internal vacancies. They organised women's gatherings in order to provide incentive for the unofficial contacts they often lacked and help the women who had problems, for example, by preparing them for interviews they would have if they had applied for a vacant post.

In Sweden, at the highest level of public service, two central State committees co-ordinate promotion activities; one is responsible for training (SIPU), the other for management (SAMN). For some schemes, there functions between Government departments, a co-ordination group comprising representatives from the central committees, heads of personnel and programme officers. Within Government department management structures and those of their services or units, one comes across the most varied forms of organisation :

- central joint labour-management group operating as a promoter, the secretariat of which is under the Personnel Division; in this department, a sub-group composed of representatives from each part of the department meets regularly;
- joint groups for regional directorates;
- co-ordination bodies for Government departments and equality committees;

- working parties, joint or otherwise;
- informal groups of active women are often at the basis of a project.

At SIDA, for example, a pressure group comprising a few women informs their female colleagues of vacant management posts and induces them to apply (cf. USA). Thanks to this group, many women move into higher grade posts. In the final analysis, a study of Swedish experiments has shown that equality promotion action may have different aspects :

1. At the top : organising official schemes by virtue of Government decisions. In this case, responsibilities are organised, for example, in the form of a joint labour-management committee under the chairmanship of a senior civil servant. For example, actions with a view to training women for predominantly male-held jobs and vice-versa, in the Telecommunications Department;
2. At an intermediary level : launching a scheme through a Government department's national directorate. Those responsible are the female workers themselves, as we said for the labour department;
3. On the floor : the women themselves gain awareness of the problems, react, take initiatives leading to a questioning of the traditional policy. At the National Directorate for Hydro-Electric Energy, the equality action - solidly organised today - sprang from a small group of women campaigning for democracy and participation. It reacted by adopting a stance against an official equality report prepared by the personnel department. At the Central Statistics Bureau, at the origin of projects at present in progress, we find a group of highly active women who

made constructive proposals during consultations on department reorganisation.

One of the sine qua non conditions for the success of a project would appear to be the presence in-situ of motivated women who are tough and prepared to get involved in an action where traps abound. Theirs is the indispensable role of informing, persuading, egging on all the women who otherwise remain passive, not out of indifference but out of a lack of self-confidence.

In the various services or units of the organisation, representatives of the women have to be appointed. They have to meet regularly to provide and receive information, maintain contacts between women, encourage, incite, assist,... A favourable attitude on the part of the head of department, and also on the part of trade-union representatives, is another important condition for making the work scene more equalitarian.

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III. Drawing up a positive action programme and determining its content

3.1. Diagnosis

In the United States, any action, to comply with Federal requirements, must contain a series of employment analysis elements (see chapter on private sector). In its capacity as an employer, the State is compelled to abide by these standards.

It will be remembered that State action in Sweden began with a study of the position of women in public service. This study revealed that the majority of female civil servants

were in subordinate, ill-paid posts. The Government decided to put an end to the existing division between male and female posts. The provisions of this ordinance specified that the authorities must take steps in order to terminate the present grade breakdown between men and women and ensure that State employees benefit from equivalent working conditions whatever be their sex. In their annual report, the Government departments inform the Ministry for the Budget of the measures taken, by comparing the employment situation from one year to the next.

It is, therefore, plain that the Swedish policy seeks to modify the employment system with a view to setting up a more equalitarian structure. All official actions undertaken are based on this final aim.

3.2. Establishing objectives

The action programme studied in the United States, the Environment Protection Agency Programme, was conducted over two phases :

- . establishing a management structure by appointing officers and setting up a co-ordination and information council;
- . implementing the objective : recruiting women for high level management posts; an objective supported by the assumption that the new female executives will in turn recruit other women for management posts.

The American programme was designed to improve the status of female civil servants already at work.

As for the Swedish policy, the aim is to achieve results with continuous, in-depth effects on job distribution through increasing the number of female top managers, organising women among themselves with a view to generating solidarity and co-operation. An objective which is more qualitative than quantitative.

It is not always easy to strike a clear distinction between objective and means implemented; in fact, the means may become ends. Some Swedish projects brings this to mind, e.g. the training courses provided in an administrative area (Garrisons I and II), the chief result of which was to increase the self-confidence of the women participating. This was an indispensable prior condition for them to be able to play an effective part in altering their work situation. Many actions undertaken in Government departments have been designed precisely to bring about this awareness and an upgrading in aptitudes and competence. Although certain schemes may appear highly specific in so far as they are a benefit to a limited number of people in a given area, they have always been designed to produce emulation in the environment to get others constantly to take over such action and this should lead to a profound change in attitudes. Creating a new cultural model where men and women benefit from the same conditions and assume the same responsibilities in their occupational lives as in their family and social lives, should be the final result of this process.

3.3. Means

In the action programme in the United States, means were designed for pursuing two objectives.

In the Washington headquarters, the national officer made a series of moves with a view to finding female candidates for top management posts. She used informal acquaintance networks but also used the services of professional headhunters.

Every applicant was closely monitored; in the event of refusal on the part of the personnel division, it was sought to establish the motive.

This recruitment action sparked off emulation at local level. A regional office drew up a recruitment and promotion plan. Several laboratories took on a greater number of women scientists and engineers.

In Washington, monthly programmes processing career options, financial planning, etc... attracted women from different occupational and organisational groups.

The second objective was to improve the status of female workers already in the organisation. To this end, the most varied means were used.

Some were specifically designed for women. The most ambitious one was to break the isolation of women in a company. One of the obstacles to improving their position stems precisely from the fact that women seldom enjoy the informal relationships that men develop between themselves and which foster communication and information flow, itself a source of power with an influence on ability to act. This is why a mutual support and communications exchange programme (the network and monitoring programme) was drawn up. It comprised, inter alia, convening meetings between people ready and able to help those women who were in need with a view to facilitating promotion and improving working conditions. To be effective, this form of activity presupposes solidarity between women and this is not, it would appear, a social given.

Information sessions were organised, and once a year there was held a women's week comprising information programmes and training programmes to reinforce self-confidence and

develop the ability to upgrade one's capabilities. Side by side with this action which was for all women, the programme comprised measures for the benefit of specific categories of female staff, top women managers (regular informal lunches in order to discuss promotion problems), scientific researchers (training sessions), non-white women (self-confidence programme), secretaries and clerical employees.

These measures as a whole, through informing and training, through creating relational and communicational networks, were designed to improve opportunities for women to assume responsibility for modifying their work and promotion conditions.

In Sweden, a distinction perhaps should be made between the official organisation of specific projects and activities favouring sexual equality which government departments are meant to implement on a continuous basis.

The means implemented for the former are basically as follows :

- recruitment (outside or inside) and training for jobs traditionally done by the opposite sex. These actions are designed for workers of both sexes. At the present time, there are experiments in progress with a view to engaging women for male jobs and men for clerical jobs;
- recruiting women for technical jobs. The reason for this measure is partly of an economic nature as supply forecasts show requirements for technical skilled labour. Government departments are subsidised for their information campaigns;
- training given to low-wage employees with a view to their gaining promotion.

In the framework of their regular activities fostering sexual equality, Government departments are supposed to review traditional recruitment procedures. If in any Government department, one of the sexes is under-represented, the department is under obligation to organise special campaigns to induce the representatives of this sex to apply for jobs vacant. Type of announcement : "In our department, there are a majority of men and we are looking for female applicants!". For in-company vacancies, the stress is put on the job description and not on the applicants' qualifications.

Other measures are initiated with a view to creating possibilities for lower-level employees to develop workwise in order to be able to assume more skilled duties. They are encouraged to try to take on new tasks, using a rotor system or by replacing someone temporarily.

Mention has been already made of the National Labour Market Directorate : low-level female employees are themselves studying their work situation. This experiment is broken up over three phases :

- a week's training on enquiry methods, the issues to be studied, public speaking;
- setting up a working party (7 to 8 women) at each place of work with members studying the various aspects for 14 weeks : grade breakdown, training, promotion, attitudes of heads of department, etc...
- convening all participants to exchange experience. A summary report was drawn up containing a series of proposed measures with a view to eliminating discriminations. It was followed by a handbook on the method used in order to induce other female employees to study their work organisation and the changes to be made to it.

This type of action is likely to result in increased awareness and a heightening of doubt resulting in more and more women wishing to assume responsibility for their professional future. What is important is its empirical approach involving not only those women who are playing a direct role in it, but also all those in their departments, including their heads, who are questioned and provide information. In addition, it requires little in the way of financing.

Some means are implemented for employees having already reached a certain level in the hierarchy. At SIDA, women have access to management training. Furthermore, a seminar, (financed from a special endowment for programmes to stimulate the development of new methods) organised for female heads of departments, is entitled "Learn about a Head's Work".

IV. Obstacles

Obstacles come in every guise.

The greatest one is due to the fact that any action in favour of equality disturbs the traditional model for role distribution in which women enjoy the status of subordinate. Deep within, this model has been internalised by everyone : by men who prefer the status quo, by women who like their role or who fear change. Even a majority of young people defend this prevalent conception of the roles, although the young are more receptive than their elders to a "cultural revolution" involving the change which has started.

On the employment market, promoting equality disrupts not only the work organisation but above all the hierarchy and job distribution. This explains the enormous resistance met with by women who attempt to acquire or succeed in acquiring higher positions. Such women are often isolated,

marginalised and excluded by their male colleagues. And the women have no self-confidence, a phenomenon reinforced by the attitude of men in general, and heads of departments in particular. They tend to look down on the content of higher posts, i.e. they feel unable to assume them. Besides these manifestations of psychological resistance, there should be added the sociological obstacles resulting from the family situation which makes women reluctant to accept geographical mobility, travel, overtime.

Finally, the barriers of an organisational and administrative nature are not of the least formidable as the sociologist S. Fürst Mellström proves in her study on public service (1).

- + The absence of any "gangway" between a subordinate career and an executive career and the chasm between these two categories of post. Even though in principle it is possible to shift from one career structure to the other, this is difficult in practice. Women fall victim to arbitrary assessments concerning the formal qualification required for the appointment. These change from one year to the next and make it impossible to work out a promotion strategy.
- + Situations vacant announcements are worded in such a way as to put off female applicants. For example, qualifications beyond the needs of the function are demanded; the difficulty of tasks involved in the work are overestimated. We have noted that some Government departments have overcome these obstacles by doing away with qualification demands and focusing the announcement on the description of the job content. (e.g. National

(1) And M. Sterner "Improving working conditions and advancement opportunities of women", Department of Sociology, University of Gothenburg, Friedrich Ebert Stiftung, Bonn, Dec. 1980, 167 pp.

Directorate for Hydro-Electric Energy).

In job interviews, women are questioned as to their family status. Moreover, through the lack of confidence stemming from their socialisation, they do not have the same ability as men to show themselves off in a favourable light, to "sell" themselves in a competitive situation. Very often, unequalitarian recruitment criteria, such as military service, are considered deserving, but child care is not.

It will be remembered that in Sweden, the Parliamentary Committee, in its recent proposals to Government suggested that having stayed at home to look after infants should be considered as a positive reference for recruitment.

- + Women hesitate to apply for a job if they believe that they will not be assessed against the same criteria as men.
- + Information on training courses and vacancies are not always brought to the attention of women. In this respect, it should be stressed that women only seldom enjoy the informal relationships which men, within an organisation, develop between themselves and which make for communication and ease information flow, a source of power with an influence on the ability to act. Here again, the SIDA example shows that women have to assume responsibility for their fate, by getting organised and supporting each other in order to gain access to information and to foster action.
- + The hierarchical system constitutes an especially formidable obstacle to women in so far as their possibilities for advancement depend on their occupational experience and cannot be used, owing to their degree of specialisation, elsewhere than in departments where women are assigned.

- + Large work units are considered a disadvantage to women as they engender informal relations which they are often excluded from (see above).
- + The reluctance shown by managers to delegate power or responsibility is perceived by women as being a major obstacle to work advancement.

The psychologist, Helena Herlin, in her study "Twenty-five Women on Equality in Public Service" (1) suggests that the large majority of obstacles derive from attitudes, values, representations, which make of women a "psychological minority", vulnerable, peripheral to the organisation and inclined to adopt the dominant model. The consequence of this is that women have a male view of their own "people" and this undermines the necessary condition for solidarity between women and common actions with a view to bringing about change.

This opinion, which may appear defeatist for those wishing to promote equality, does not exclude the existence of "breaches" in the wall of traditional values.

In fact, the actions embarked upon in Sweden at national level (e.g. parental insurance) and in the public sector, have triggered a process of change and opened the way for a more equalitarian situation. Women get together and act. Thanks to their presence at the places of work where there are mainly males, the working atmosphere is improving and becoming more human. And then, the increasing number of women who have succeeded provides a model that those who "haven't yet dared" were not able hitherto to identify with.

(1) "25 kvinnor om jämställdheten i statsförvaltningen", Arbetslivcentrum, 24.1.1980, 89pp., Stockholm.

IDENTIFYING PRACTICES WHICH HAVE CONTRIBUTED TO THE SUCCESS
OF EXPERIMENTS

- + From the economic standpoint, the measures to be adopted must be supported by a demand, e.g. for recruitment, it is necessary to have a labour requirement.
- + Careful preparation of the project, on the basis of desiderata expressed by the persons concerned. Disseminate information at every project stage : preparation, execution, evaluation.
- + Present a credible project (in particular, suited to the enterprise's resources) in order to get a serious commitment from management.
- + Management must play an active part and the whole staff must be aware of management support.
- + Work in harmony with the tradition of each enterprise with trade-union participation.
- + Appoint an officer in the organisation responsible for equality issues. This person must enjoy an independent position in the hierarchy with access to information.
- + Provide an information network for women, particularly in respect of recruitment and advancement systems. For example, creating in each department or unit a group of women whose task it is to help and support their colleagues.
- + For any given project, select psychologically resilient and motivated women. Strengthen women's self-confidence through information and training sessions. Plan projects to benefit a group of women, as collectively they will better affront difficulties and resistance.

- + Specific training for executives and members of staff entrusted with implementing the programme.
- + Introducing into management's assessment criteria as applied to department heads an appreciation of their activities in respect of equality of opportunity.
- + The existence within the enterprise of a monitoring group.

ASSESSMENT OF POSITIVE ACTION PROGRAMMES FOR THE EMPLOYMENT
OF YOUNG PEOPLE

A. DEFINITION

Strictly, the only measures belonging to a positive action are those such as to create jobs for young people or contribute directly to equalizing opportunities for gaining access to existing jobs through reducing the objective discriminations young people suffer from in enterprise (in regard to wages, working conditions, training, qualification training and promotion, etc).

We do not consider the economic policy measures with a general view to improving the employment situation as being positive action. Neither do we consider education and training policies for young people as positive action unless they have an immediate impact on access to employment.

By contrast, we do, in this context, envision programmes which, from a formalistic point of view do not belong to the framework of youth policy but which in fact are beneficial to it.

This concern for a strict definition of what may be considered as a positive action does not stem from any type of formalism. It is owed to the observation that a certain number of general measure "in favour of employment" or "in favour of young people" have perverse effects on the employment of young people. A case in point is the reduction in remuneration discrepancies between young people and adults. Although totally legitimate from the social justice point of view, this type of measure, if it is not accompanied by the indispensable corrective steps, turns against young people in so far as employers prefer to take on workers with a degree of occupational experience (1).

(1) P. MELVYN and D.H. FREEDMAN feel that this attitude on the part of employers operates mostly to the disadvantage of young, unskilled workers ("Unemployment among young people : a worsening", in "Employment : Facts and Assessments", I.L.O., Geneva, 1980, p. 100).

B. BASIC DATA SUMMARY

In addition to the deterioration of the employment situation in general, there is a widespread worsening of unemployment among young people in developed capitalist countries. (We are not including the situation either in developing countries or in planned economy countries). OECD member countries recorded six million young unemployed at the end of 1978; two years later, they numbered six and a half million. EEC member countries in 1980 had recorded two and a half million young unemployed, i.e. 42 % of the overall number of jobless. However, what is more important, are the relative characteristics and development trends in youth unemployment.

Percentage of young people in total jobless, 1980 (OECD, 1980)

Italy	62.4	United Kingdom	42.2
Spain	57.5	France	42.1
Australia	55.9	Belgium	38.0
Turkey	48.6	Norway	35.9
Portugal	47.4	Finland	33.9
Canada	47.1	Denmark	27.9
Israel	46.6	F.R. of Germany	27.3
United States	45.7	Switzerland	23.5
Netherlands	44.7	Japan	21.9
Sweden	42.4		

Percentage of young people in total jobless, 1981 (EEC, 1981)

Italy	53.8	United Kingdom	40.0
Luxemburg	51.8	Denmark	31.0
Netherlands	47.4	F.R. of Germany	29.8
France	46.9	Ireland	27.5
Belgium	41.3	TOTAL EEC	43.1

In the EEC, only three countries, therefore, show a proportion under one-third.

Percentage of jobless among young people, 1980 (OECD, 1980)

Italy	25.2	Finland	9.3
Spain	25.2	Norway	6.6
United States	13.3	Sweden	5.1
Canada	13.2	F.R. of Germany	4.0
Portugal	11.7	Japan	3.6

Only Japan and the F.R.G. show proportions less than the national average.

All round, there is to be seen an increase of the gap between the employment rate among young people and the employment rate among adults to the detriment of the former. Some analyses have weighted these data as a function of the population growth which will contribute to increases until 1985, subsequently to fall off. We believe this is a mistake : there is in fact a constant trend towards increasing the duration of unemployment among young people, hence, if all the other conditions remain unchanged, the maintenance of the present trend, even though the population growth will no longer be felt.

C. NATURE OF UNEMPLOYMENT AMONG YOUNG PEOPLE

The starting point for any assessment of possibilities for action is an understanding of the structural nature of the situation. Naturally, it is extremely difficult to classify the various factors acting on it without oversimplifying. Nonetheless, a distinction may be made between three major categories of causes (four if one considers the demographic aspect) :

a) the general economic situation in industrialised countries :

The present economic recession is likely to last and to worsen : no serious indication of a recovery can be seen for the near future, rather the formation and the development of new imbalances;

b) the inadequacy and unsuitability of education and training systems :

There are two aspects at stake here : on the one hand, it is generally recognized that schooling does little to prepare young people for their future occupational life; on the other, once in working life, young people do not have sufficient possibilities for on-going training, adaptation to technological change or reconversion;

c) the obstacles of a psycho-social or cultural nature to occupational integration :

With employers, their attitude is often one of defiance in respect of the inexperience and presupposed instability of young people.

For adult wage-earners, it is a question of attachment to the hierarchy, to acquired privilege and right based on seniority. The frequent indifference of trade-union organisations in respect of the problems specific to young people is an expression (and a reinforcement) of this attitude. Finally, among young people themselves, the minority though extensive trend to "refusing work" is an expression of work having ceased to be an essential value and the place of work no longer being considered as the best place for socialisation. Most young people - without going that far - have ceased to associate positive socialisation, with an identification with institutions.

These causes are heterogenous but all concur in broadening youth unemployment from an economic problem to a general social one : integrating new generations into the working world has ceased to be an automatic process, requiring certain adjustments; it is partial, inadequate and contradictory. The effectiveness of an "ideal" positive action would be assessed in terms of its capacity to provide a global response to this phenomenon. Available documents, however, do not give the impression that this criterion governs an overall policy. More often than not, public authorities envision their interventions along four parallel axes :

1. measures to enhance the transfer from school to work
2. training
3. financial assistance for employment
4. direct creation of jobs.

D. TRANSFER FROM SCHOOL TO WORK

The particularly small proportion of unemployed among young people in the F.R.G and in Sweden is explained by the major development in these two countries of post-school preparation. In the F.R.G., the young people are legally bound to attend occupational training courses to the age of 18; in Sweden, the Employment Market Council has developed both the organisation of new occupational courses in secondary schools and special, more specialised training programmes focusing on a particular type of job. Very recently, guidelines adopted on 7 October 1982 by the European Commission in its new five-year programme for occupational training followed this example. According to the Commission, once their compulsory schooling is over, young people should not find themselves immediately

out of work and should be given training and/or an initial work experience. This will be named the Social Guarantee, and the Commission has suggested that in the space of five years, all school leavers should be entitled to at least two years of training.

We cannot, however, term these measures "positive actions" : statistics should not cause us to forget that by delaying the time when young people come into working life to provide them with increased qualifications, one is only deferring their possible unemployment.

E. TRAINING

Very different provisions come under the notion of training :

- training properly so-called considered as an extension of prior studies;
- vocational traineeships where the accent is put on learning a job;
- insertion into the working environment focusing on adaptation to the socio-occupational environment.

There is no well-defined border-line between the different options. Our review, therefore, will look into the various programmes according to the chronology of their adoption.

An initial distinction to be made between the various training programmes makes a distinction between those which are organised by the public authorities in conjunction with teaching establishments or specialist centres and those which comprise traineeships in public or private enterprise. In the last category, it is also important to specify the place reserved for teaching and professional experience respectively. Indeed, the programmes closely supervised by the public authorities are more "scholarly" in nature;

on this account, employers often criticise them for failing adequately to meet their needs, and it is seldom they lead into an actual job. On the contrary, programmes based on a more direct insertion into the working environment are better suited to employers' desiderata. They more frequently lead to final recruitment but offer less diversity and possibility for choice as to orientation. The new European Commission five-year programme explicitly criticises most present day training programmes in Member States saying that "Often their aim is to make young people more "employable" in the eyes of industry without in any way contributing to increasing the true number of vacancies or truly improving their social competences and occupational qualifications". (1)

One example which could be taken of this type of training programme are the measures adopted in Belgium. Indeed, since its adoption in 1976, the Act on Economic Recovery Measures (an Act since then prolonged), business enterprises must take on one trainee per slice of 50 workers; these trainees receive remuneration equivalent to 90 % of the normal salary. (Companies employing less than 50 workers and who employ one or two trainees on a voluntary basis, receive an incentive bonus). The rate of recruitment following a traineeship is high... to go on in the same job.

In France, there are three different types of traineeship :
a) job-training contract (2) : its purpose is to provide extra-vocational training to adapt to a job or to occupy a skilled post. The new recruit is remunerated at regular

(1) Quoted in C.R.E.W. Reports, Brussels, October 82, Vol. II, n° 9

(2) Ordinance n° 79-582 of 10/7/79 and Ordinance n° 81-770, of 7/8/81

rates and receives training of between 120 and 1,200 hours.

The employer undertakes to organise and finance the training and guarantees employment for a minimum duration. State aid is a function of the duration of training.

- b) Practical in-company traineeship (1) : the purpose is to provide occupation experience in a six-month traineeship and personalised follow-up by the National Employment Agency (ANPE).
- c) Occupational preparation traineeship (2) : this involves acquiring a real skill leading directly to a job. The traineeship in fact comprises two distinct categories : a skills traineeship lasting five to eight months with a view particularly to gaining practical work experience in a company, and an insertion traineeship offering the wherewithal to work towards a job or gain access to subsequent training.

The so-called occupational insertion traineeships have been particularly well-developed in the alternating training machinery for young people between the ages of 16 and 18 years set up by the French Government in 1982 (3).

Alternating training comprises :

- a) alternating training actions for skills acquisition
- b) alternating training actions for social insertion
- c) in-depth orientation traineeships.

The principles of these training methods is to alternate between periods of general and theoretical training and periods of practical training in the company. What sets them apart is that they seek to combine access to a skill and

(1) Act n° 79-575 of 10/7/79; Ordinance n° 79-578 of 10/7/79 and Ordinance n° 81_771 of 7/8/81

(2) Act n° 79 of 10/7/79 and Ordinance n° 79-579 of 10/7/79

(3) Order n° 82-273 of 26/3/82

a job and social insertion. The philosophy behind this strategy is expressed in the Bertrand Schwartz report and is based on the idea of the dependency of occupational insertion on successful social insertion; in other words, the success of the latter is a function of the ability of organisations and group moderators to contribute to the positive socialisation of the young person. This in its turn depends on the reforms which go beyond the occupational framework and affect housing, the urban fabric, free time, health, justice and the media. Alternating training seeks, therefore, to provide a global and multilateral approach. It clearly presents the features of a positive action owing to its intended implementation of positive discriminations with a view to reducing inequalities.

As in any remedy, alternating training is based on a diagnosis. Beyond the general economic, social and cultural factors, there exist specific inequalities at the heart of the processes excluding young people from the schooling and production circuits.

The Schwartz report lays special emphasis on the following four issues :

- 1) rejection by young people of formal apprenticeship and over-theoretical approaches
- 2) limiting their contacts with adults to teaching staff, which consequently deprives them of the knowledge and experience born out of workers' own practice
- 3) the brutality of the border-line marking the transfer from school to working life
- 4) the absence of self-knowledge, of critical distance in relation to one's present situation.

Alternating training would be able to make good these deficiencies owing to its flexibility, openness, incentive processes and on-going education which it would trigger. The report, therefore, stresses the importance of trainers' qualities and motivations. French Government provisions, moreover, stipulate a whole series of "trainer training" measures.

This is basically a psycho-pedagogical approach. It conceives of positive action in respect of socio-occupational insertion in terms of the practices used in comprehensive or alternating teaching to overcome academic handicaps. It is too early to assess the fruits of the present French experiment, but in our view, this method suffers from a basic defect : it assumes that beyond the aspirations or the refusals of a young person, there must exist in him a virtual desire to be incorporated in the work circuit and that it suffices to create the conditions for it to mature. In this respect, the idea central to the Schwartz report is that it is possible to motivate young people for new technologies and thus prepare them for the foreseeable changes in the production machinery. There seems to be an under-estimation of the difficulties involved in existing work relationships into which the young person would have to find his way. The future will tell us to what extent the affirmed intentions to respect and develop the autonomy of young people are compatible with the maintenance of traditional work relationships. In Great Britain, the Youth Opportunities Programme has developed at a very great pace : 234,000 young people benefitted from it in 1980, on 28/10/1982 the figure had reached 667,000 . Of its eight programmes, two involve traineeships in companies.

- a) Employer's premises : the purpose here is to provide an initial experience as to the types of work offered by employers (duration : six months).
- b) Training Workshop : this is to provide initial experience of work in the production of goods or services (duration : six to twelve months).

Other British YOP programmes provide for traineeships in community service activities. Their purpose is to meet unsatisfied local needs. Known as "Community Projects", they have a variety of organisers (local authorities, voluntary organisations, community groups, etc...) either for various types of community work, or around a project to be achieved for the community.

Traineeships of the French or British type for work experience within enterprise offer definite flexibility in so far as they make it possible to incorporate a large number of young people at the same time and in so far as they sometimes offer the possibility of renewing the experience. But the occupational insertion they are seeking (we are not making an assessment here of the training as such) should be termed indirect. Having first-hand knowledge of the work environment, getting a "taste of it" as it were. Traineeships of the Belgian type more often lead to permanent recruitment, but only contribute to facilitating a "national" process of personnel turnover. In Belgium, the "Cadre Spécial Temporaire" programme was with a view to meeting the same types of Community needs as the British Community Projects. But the difference with the Belgian system was that it provided nothing specific for young people and therefore did not include any training. It has

thus been rebuked with reproducing and accentuating the precarious nature of employment : the bodies to whom they are assigned only seldom are able to remunerate the worker themselves upon expiry of the contract tying them to the National Labour Office (ONEM) and the workers themselves acquire no extra skills.

If it may be considered that traineeships should meet three well-defined criteria :

- ensure a useful need is met (at least potentially, for a project);
- ensure the development of a worker's skill;
- enable him to get a stable job.

It will be observed that these requirements are difficult to harmonize and that, depending on the project, one criterion takes precedence to the detriment of the other two.

F. FINANCIAL AIDS FOR EMPLOYMENT

If we attempt to specify the factors which hamper immediate access by young people to jobs potentially within their reach, there figure first and foremost the costs of recruiting and training which employers refuse. The disappearance of wage hierarchies based on age have brought about increasing reluctance on the part of employers to take on young people. The unskilled suffer most from this although there must be noted a trend to take on exclusively unskilled young people for brief time, particularly in the distribution sector. The public authorities have developed a subsidy policy for companies to help them remedy this situation. In Sweden, Norway, Finland and Ireland, the State makes temporary grants for the recruitment of the young persons under 20 years of age (under 25 years of age in Ireland).

The grant is payable for a period between six months and two years. In France, exemption from employers' social charges for recruiting young people under the age of 26 years is now set at 50 % (as compared with 35 % previously). Other fiscal exemptions are also applied. Such assistance to the private sector appears to be becoming increasingly important as the economic situation worsens. However, it may fail to have any really positive effect if the workers taken on are to be dismissed as soon as the assistance stops or if there is but a mere redistribution of jobs without their being any new jobs created.

EEC-wide, European Social Fund assistance (Commission Regulation of 18/12/1978) only bears on extra jobs likely to provide young people with an experience offering occupational content or facilitating their being recruited into a stable job. It is to be feared that the present trend of aid to companies is using the recruitment of young people as a pretext, without ensuring proper control over the effectiveness of employers' commitments. These financial aid measures for employment, therefore, are being developed along the dominant axis of present economic policies : the reduction of production costs. We, therefore, believe that it is more correct to interpret them as being a transfer of apprenticeship and training costs of employers to the Community, rather than a positive action.

G. DIRECT CREATION OF JOBS

Direct job creation programmes in the public sector have been implemented in Canada, Denmark, the United States, Norway and the

United Kingdom. With the exception of the US, the programmes have basically benefitted young people. The under twenty-fives represented 50 % of the Canadian programme's beneficiaries, 60 % of the Danish programme's and 72 % of the British programme's.

The "Canada to Work" Programme has been designed to reduce unemployment due to economic, seasonal and regional factors. The "Canadian Youth to Work" Programme is first and foremost for students and has been designed as a seasonal programme for summer jobs. The "Aid for the Creation for Local Jobs" Programme, as for it, is tackling the problem of the chronically jobless belonging to a group of less-favoured people. The projects are financed on the basis of a contract between public authorities and organisers for a maximum duration of three years. In Denmark, the programme favouring employment for young people is under the responsibility of the local authorities. The projects have to fit in with extended vocational intitiation courses or fall within the framework of combined teaching plus production programmes: Any worker may participate in a project for twenty-six weeks in any twelve-month period.

In the United Kingdom, the job creation programme comprises several variants. It is focused on a temporary response to local needs (particularly the environment) and must involve activities which would not have been undertaken without grants. Normally, the schemes are not designed such as to provide thorough training.

Generally speaking, these programmes only cover a limited duration. Of themselves, they do not provide a solution to

the problem posed by structural, long-duration unemployment. They always offer precarious jobs, with no possibilities of promotion, only maintained as they are if constantly fed with further subsidies. Of all these experiments, the widest-reaching and longest-duration one has been in Canada. The conclusions which the sponsors of it have reached call for reducing the precarious nature of the programme, shifting the goal of temporary aid to less-favoured people towards creating permanent and autonomous job-openings.

H. POSITIVE ACTION PROGRAMME CONTRADICTIONS

The non-integration of young people in the working world is the expression of a twofold rejection : by the system in respect of young people, in so far as it inevitably marginalises them by exposing them to the risk of its business-cycle fluctuations ("last in, first out"); by offering them uninteresting jobs or jobs not related to the training, etc.; by young people in respect of the system, as they do not share the values which govern it as they feel stifled, etc. The high rate of turnover, absenteeism and instability among young people at work confirms this state of affairs.

The measures that we have listed have been designed to provide an immediate solution to a situation which gives rise to crisis and conflict. However, the opportunities that they propose merely mimic the original situation.

Job creation programmes shift around precarious occupation offering no future. The grant systems for companies afford the young beneficiaires with no degree of self-determination;

they can but find themselves locked into a pre-existing work structure. Training programmes either constitute an extension of school, or contribute to meeting employers' short-term requirements.

The French socio-occupational insertion programmes are the only ones which strictly meet the criteria of a positive action in accordance with our definition. It is too early to judge their results. Among experiments which offer a certain degree of attraction, we consider those (in Canada, Great Britain : Community Projects; and partly for Belgium, the "Cadre Spécial Temporaire") which have combined a financial contribution with possibilities for training to meet social needs, as interesting and useful for young people themselves. The key in the combination of these three factors is to be found in the possibility of the persons concerned in this scheme to invent and take the initiative. The chief beneficiaries have been young people themselves, often skilled, who have been able for a certain time to bring to a successful conclusion the project, the definition of which they had participated in and in which they were able to benefit from a relative degree of self-determination.

Thinking about it, there is an unbelievable paradox in the general attitude of the authorities responsible for young people out of work. On the one hand, there is a determination to incorporate them in productive activities, and, to this end, ensure there are possibilities for recruitment and training and to provide resources for this purpose; and, on the other

hand, there is an inability to offer the freedom in which such an activity could develop and in relation to which the training takes on meaning. The response given up to now to this paradox has been in the form of an explanation of incentives provided to employers in the pertinent knowledge that the economic structures will be less and less able to absorb surplus labour and that this solution does not meet the need of an increasing number of interested parties. Subsidiarily, we have witnessed a multiplication of efforts on the part of socio-cultural moderators, psychologists, sociologists, etc. tasked to invent new needs to be satisfied, preparing projects, and providing support to the manpower assigned to them.

It seems to us that one formula, which is more modest no doubt, but also more rational for positive action, would be to identify or more precisely give free rein to the expression of, informal projects by groups of young jobless persons and provide them with financial, administrative and training assistance to set them off. It so happens that although a certain number of private bodies nurture these concerns, there is no overall policy in this respect. Although the approach may appear make-shift it is still doubtless the only type of contribution which comes near to the heart of the matter.

I. CONCLUSION

All the attempts to think through positive action for the employment of young people along the lines proposed for women, the handicapped or ethnic minorities have proved to be in vain as they contain a basic defect.

In all these other cases, the situations are ones which have been inherited from the past, discriminations which find their roots in the oldest of inequalities.

The non-insertion of young people, on the contrary, is a novel phenomenon, a product of the failing stamina of the reproduction mechanisms of institutions, values, of the human type in the heart of industrial capitalist society. From a historical point of view, it is to no avail to wonder whether this is rather the result of sclerosis and an aging of existing structures or a refusal on the part of the new generation to adhere to it. If here we should turn to interpretation patterns valid for other situations, this would show a total lack of knowledge of the specificity of our times. The inability of the system to generate change and the absence of alternatives outside the system both express the same process of accelerated decomposition affecting the whole of society.

INTEGRATING THE HANDICAPPED INTO THE LABOUR MARKETDRAFT SUMMARY REPORT

The descriptive studies contained in Working Papers 5 and 5 bis, deal with Belgium, Great Britain, F.R.G., Sweden and France.

Out of these five countries, Sweden is the only one, if only theoretically, not to have a compulsory quota system organised under the law. Reading through these various descriptions, it would at first sight appear that implementation of the quota is so different in the four countries which use it that one might well wonder whether the objectives in each country are not themselves different.

The enquiry should be taken to its logical limits : is there anything in common between the five descriptions constituting Working Papers 5 and 5 bis ? The answer should be "The handicapped person".

First of all, it will be attempted to verify this assumption. Subsequently, we shall endeavour to establish comparisons of the quota systems described there.

We shall also try to ascertain the specific nature of measures implemented in Sweden and compare them with the quota system.

Finally, a critical question will be raised as to quota system.

SECTION 1 : THE HANDICAPPED

Who are the handicapped it will be endeavoured to integrate into the labour market ? Does their profile meet any precise definition ? Do such people form a homogeneous group whose common features it would be fairly easy to determine ?

An examination of the systems used in the countries surveyed shows that the classification of people falling in the "handicapped" category and on this account benefitting from various aids to employment, either directly or indirectly through the intermediary of the employer, shows that the criteria used to define the category are different.

a. Quantitative measures

Certain states establish the category on the basis of a quantitative measure, a bench-mark, constituted by the work capacity or the earning capacity.

- 1) Belgium considers a person to be handicapped if the reduction of capacity
 - exceeds 30 % if it is of physical origin
 - exceeds 20 % if it is of mental origin.
- 2) The Federal Republic of Germany classifies a person as handicapped if his/her earning capacity reduction exceeds 50 %, be it of physical, mental or psychic origin (with the possibility of including in this category people with between 30 % and 50 % earning reduction).

b. Criterion of the difficulty of entering the labour market and maintaining one's position in it

Other countries establish the category on another basis : entering the labour market or maintaining one's position in it. Here, apparently, there are no quantitative measurements.

- 1) Great Britain places in this category people suffering from a major disadvantage in respect of getting or keeping work; basically such a disadvantage would be of organic origin.
- 2) France places in this category people whose potential for getting or keeping a job are diminished owing to physical or mental inabilities.
- 3) Sweden includes in the handicapped category people experiencing difficulties in getting or keeping a job owing to physical, psychic or social difficulties; the last groups comprise alcoholics, drug addicts, prisoners. However, it should be added that in Sweden, age is put into the same category as a disability when age makes it difficult to get and maintain a job.

Although the criterion of the difficulty to enter or maintain one's position in the labour market is common to all three countries, one must not draw the conclusion that the categories of handicapped people constituted in each of these countries as a function of this criterion are similar.

Thus, the "handicapped person" category as constituted in Great Britain is certainly less comprehensive than in Sweden; in particular as in Great Britain only the organically handicapped are concerned and in addition those who have a notoriously bad reputation as alcoholics, drug addicts and prisoners are excluded.

Although Great Britain and France do not determine the "handicapped" person category using a quantitative yard-stick, this lacuna is counter-balanced by an "acknowledgement" procedure conducted by an administrative authority.

In the definition derived from the entry or maintenance criterion, inclusion in the "handicapped person" category is less direct than under the definition established by quantitative measures.

In regard to Sweden, one might well wonder if the country is not moving towards a dilution of the "handicapped person" category as a specific category, in so far as the origin of the difficulty of entering or maintaining one's position in the labour market is becoming irrelevant to this situation and in so far as a fatality such as age may provide grounds for various forms of assistance to ensure integration into the employment market.

On the basis of these legislative and regulatory systems in the countries under study, it would appear difficult to produce a definition which would be common to all five countries; it has even just been noted that the concept of handicapped person might even disappear in Sweden.

In actual fact, one single feature is common to all the systems being studied : it is to observe the difficulty in getting integrated into the labour market, which is also the case, for example, of the long-term unemployed. However, the dilution of the notion of "handicapped person" which is beginning to appear in the Swedish system makes it difficult to designate and describe what is commonly known as a "target group" constituted by the handicapped. Might one well not wonder, by taking the enquiry to the extreme limit, whether the designation of so-called "target" groups and in particular, the designation of the handicapped target group, does not depend on a political conception of work ?

If it is true that the social democratic movement in Sweden is most concerned with "full employment" (cf. report on Sweden) and although the right to work has devolved upon, and is recognised in, each individual, it is somewhat indifferent to "each individual" being disabled, out of work, old or addicted to drugs, while the logic inherent in a full employment policy of this type leads to there being taken measures which technically are well suited to the persons demanding to exercise their right to work without producing from amongst them very precise categories based on the difficulties that they may have in exercising their right to work.

Might one take the assumption so far as to say that to ensure integration into the labour market, the business of designating and describing highly differentiated, specific "target" groups is a task demanded of political systems which have no full employment policy considered as a priority objective and which therefore see themselves appealed to by competing social groups for whom work is a commodity or a value to be acquired through great struggle in a market where there is competition and not a right acknowledged to each individual.

SECTION II - THE QUOTA MECHANISM

In four of the five countries studied, there exists a system of reserving jobs for a fixed percentage of handicapped people through laws and regulations. Sweden does not use a quota system.

The most consistent systems appear in Great Britain and the Federal Republic of Germany; this does not mean that they are alike.

In France, the system appears to be fairly confused. In Belgium, it has hardly been applied at all in the private sector while in the public sector it is not possible to discern the driving force that led to its implementation. Again, for Belgium, the failure to apply the quota system in the private sector is due chiefly to one of the characteristics of the labour relationships organisation, an organisation concerned mainly with collective bargaining between employers' representative bodies and workers' representative bodies. In so far as neither the former nor the latter gain by implementing the quota system in the private sector, legislation has remained inoperative. In this sphere, the executive has not taken the initiative (one sector alone, clothing and ready-to-wear has a 3 % quota established under a Royal Decree). In the public sector, the executive has issued ordinances. However, it should be clearly stated that the handicapped, when applying for a post in the public sector, are subject to all administrative obligations.

France provides for two categories of officially recognised handicaps which may benefit under a quota system : the regular handicapped person included in a quota generally set at 3 % in the private sector and in the public sector, and

war casualties (and similar) or work accident victims or those suffering from an occupational disease, included in a quota set at 10 % in both the private sector and the public sector. Opinions in the circles concerned in one way or another with work for the handicapped appear fairly reserved as regards the effectiveness of the quota system. It is found that it does not achieve its goals.

The British and German systems have more in common : consistency, extensive regulations and an already long practice with their respective quota systems.

Also common to the two countries is the fact that the quantitative objectives set in each of the quota systems are not met, although the quantitative objective as set under the British system seems more moderate than the F.R.G. one.

The British system would appear to be a choice observation ground for at the present time it is the subject of a critical examination which appears to be looking at the system in depth and is being called in question. It might, therefore, become the subject of a more developed survey producing more detailed knowledge of the quota system and its effectiveness. Even now, when comparing the internal consistency of the British and German systems, one question does arise. May it be said with certainty that the purpose of the British system is, or any case was at the outset, to provide work for the disabled ? Was it not rather a question of seeing to it that the British economy, which had a great need for manpower (with such a huge war effort on hand), required every available worker, particularly all the war casualties and invalids who could contribute more than might have been be-

lieved (looking at their infirmities) and more than the employers, bogged down in their prejudices, might have thought ? In fact, it has been noted that the registration as handicapped offers no specific advantage to the handicapped person but rather constitutes an assurance, a guarantee that the person will be able to provide a useful job performance. It is much more a question of reassuring the employer than of protecting or assisting the handicapped. It is much more a question of ensuring economic production and, to this end, using every available force rather than of guaranteeing employment for a handicapped person, even if it is acknowledged that he may benefit from some form of protection (particularly against dismissal; although in fact the common labour protection has proved more effective in this respect). The British quota system, at least at its inception, belonged to a policy for integrating the handicapped into the labour market which at that time was relatively short of available labour. If this statement is accurate, one may better understand the relative success of the British quota system in the first ten or fifteen years of its implementation and the crisis it has been going through since the end of the sixties. At that time, the quota system for the handicapped was contributing to economic production; it was able to supply a work force to fill an apparent vacuum. There was doubtless also the intention to give recognition to the services of all those who in various capacities were victims of the war. Happily, this concern coincided with the needs of the economy. At the present time, the labour market in Great Britain is operating under totally different conditions.

In the Federal Republic of Germany, the quota system, on the contrary, is first and foremost designed to provide the handicapped with work. As has been seen, the system comes under the general objective to integrate the handicapped as guaranteed in the Social Code. The German quota system may be conceived of, and in fact in Great Britain is perceived as such, as conferring a privilege upon the handicapped; the British system refuses to do this. The German quota system, moreover, is provided with a representative institution for defending the handicapped within their companies; this does not appear to be the case in Great Britain.

A provisional conclusion might be that in the Federal Republic of Germany, the quota system constitutes a set of measures, a policy or a "strategy" with a view to protecting a "target" group, the disabled. As we have seen, the objectives of this strategy are not met.

SECTION III : "THE SWEDISH CASE"

When compared with the consistency and perhaps the rigour even of the British and German systems, with their vertical structures, the "Swedish case", in regard to the handicapped (and in so far as in Sweden the handicapped still have a specific profile), looks like a net, a net with fairly tight meshes where continuously, in some way or another, there may be seen some form of assistance upon recruitment, aid in redesigning a work station, help given to personnel to improve support for the handicapped.

At present, it is not possible to assess the cost and extent of this fairly tight net which must concern a proportionally greater population than the officially registered handicaps in quota countries such as Great Britain and the F.R.G. There are no statistical data available.

The most characteristic phenomenon, concerning Sweden, and in respect of its institutions, is the setting up of "tripartite adaptation groups" which in concerns of some size implement a full employment policy for and in the company. To the extent that these groups comprise representatives of the company's management, the workers and placement services, it may be supposed that these "tripartite adaptation groups" are the vehicle, the conveyor-belt which in the field and in the production unit, implements and applies this full employment policy drawn up at national level by the State.

One might well wonder also if, through the action of these tripartite adaptation groups, the "handicapped person" category might not also get diluted at the level of the business concern as it is at the present time at the level of the State.

SECTION IV : WHAT ABOUT THE QUOTA SYSTEM ?

The quota system as such is not a perse solution at least as regards the handicapped and in the countries surveyed. It has been seen that in Great Britain, it has no unequivocal meaning.

In Great Britain, it can be taxed with being ambiguous, at least at the outset.

In an employment market where the pressure from competition is so great as is the case in Great Britain and the F.R.G., the quota system fails to make its quantitative objectives. Doubtless this observation would deserve to be qualified by an in-depth examination of the causes underlying this situation. If one looks at the Swedish case, it may be supposed, although this assumption requires further development, that a political determination to implement a full employment policy for all may mean, institutionally, that a legal and regulatory quota system for the benefit of the handicapped can be done without. Any full employment policy, to be consistent, is bound to adopt adequate technical measures to the benefit of all.