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EQUALITY OF TREATMENT BETWEEN MEN AND WOMEN WORKERS

(Access to employment, to vocational training, to promotion, and as regards working conditions)

(Communication of the Commission to the Council)

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INTRODUCTION

In its Resolution of 21 January 1974 (1) the Council of the European Communities decided :

- (a) to take action to ensure equality between men and women regarding access to employment, to vocational guidance and training and in respect of work conditions and pay ;
- (b) to strive to reconcile family responsibilities with the professional aspirations of the people concerned.

The attached Memorandum is a first step in the direction indicated by the Council. It has been drawn up after consultation with a group of experts nominated by the Member States and a group of representatives of the social partners. The Memorandum contains a short analysis of the problems affecting women at work as well as some guidelines for action in each of the areas specified in the Council Resolution. These guidelines are addressed in the main to the Member States. They constitute the general framework within which the initial series of Community activities set out in Chapter VII, the most important of which is the proposed Directive annexed to the Memorandum, can be undertaken.

The achievement of equality of pay for equal work between men and women is the subject of separate action under Article 119 of the Treaty of Rome.

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(1) Official Journal C 13/1, 12 February 1974.

CHAPTER I

THE SITUATION OF WORKING WOMEN IN THE COMMUNITY

1. When it resolved to take action for the purpose of achieving equality between men and women as regards access to employment and vocational training and advancement and as regards working conditions, including pay, the Council expressed its desire to widen and intensify the action begun in 1958, particularly under Article 119 of the Treaty of Rome, in order to improve the situation of women at work.

2. In accordance with this, the Memorandum deals with problems relating to the preparation for access to, and the exercise of vocational activities by women. It defines the measures to be taken to encourage equality of treatment and opportunity for women in regard to access to employment, education and training, promotion and working conditions.

3. Equality of treatment between men and women in these respects is dependent on the progress which can be made towards "reconciling the family responsibilities of those concerned with their professional aspirations". The Commission does not, for the present, seek to deal with all aspects of this question. In particular it is not here concerned with family policy as such. In accordance with the mandate given by the Council, the Commission in this Memorandum confines itself to those aspects which are of particular importance to women working outside the home and notably those arising from the need to care for young children or elderly and infirm persons.

Women's situation on the labour market

4. The number of employed or self-employed women in the Community is estimated to be about 35 million. Their proportion in the total working population ranges from 35 to 40 % in most of the Member States and about 25 % in the Netherlands, Italy and Ireland. The most significant recent phenomenon is the growth in the activity rate of married women.

5. Their position in the labour market comprises a certain number of specific characteristics (1). These characteristics make it possible to define the nature of the problems encountered by women holding a job or wishing to take up a vocational activity.

- (a) Women's employment is concentrated in certain sectors (notably the tertiary) and in certain types of jobs, usually those requiring a lower level of qualification. Work done mainly by women often carries lower wages and provides fewer opportunities for promotion.
- (b) Many women are ill prepared by their education and training for the exercise of a trade or profession. For many young girls their future role as wives and mothers tends to overshadow the role which they could play in the working world.
- (c) The development of the working career of many women is decisively influenced by marriage and motherhood. Having interrupted their careers to have a baby, women have considerable difficulty in reconciling their careers with their family responsibilities.

6. The concentration of women in certain types of activity, the limited training opportunities open to them, and the actual or potential interruption of their careers exert, albeit in different measures in the various Member States, an inhibiting effect on their working careers. The first handicap is found in vocational guidance and training. Thus unimaginative guidance at home and at school frequently leads young women to opt for short so-called "Women's" training courses, often without any professional future. In some countries, there is also the segregation between boys and girls in the general educational systems and even at the point of vocational training. This produces a demarcation in the labour market which no longer corresponds to the

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- (1) The analysis touched on in the paragraph is based on studies of women at work undertaken by the Commission, notably :
- E. Sullerot, *The Employment of Women and the Problems it raises in the Member States of the Community*, 1970.
 - E. Vogel, *Conditions of Employment of Wage-Earning Women*, 1972.
 - R. Cornu, *Women's Employment in Denmark, Ireland and the United-Kingdom*.

jobs which are actually available. A second obstacle arises at the point of access to employment, since a young woman applying for a job represents in the eyes of her employer a potential absentee. This attitude hinders not only her employment but also limits her chances of promotion. Lastly, when a 35 or 40 year old woman wishes to return to work after a long absence, she meets specific difficulties of both a psychological and a vocational nature.

7. A growing number of women are aware of this situation. They actively resent the discrimination which they suffer and their confinement to a ghetto of women jobs. They demand a substantial change towards greater equality of treatment. The past few years have seen a considerable increase in protest action by women. Such action, however, gives only an inadequate indication of the tensions and difficulties with which working women have to contend from day to day.

8. The solution of these problems is not easy. Equality of treatment between men and women in employment is one of the elements in the wider area of social progress and the achievement of equal opportunities for all. Because of the need to make up for past neglect, the achievement of equality may entail, particularly in the short term, expenditure greater than can easily be incurred at a time of economic difficulty. But quite apart from the essential justice of this development, such short term expenditure will bring a return in the medium and long term as a result of the provision of competent and flexible labour for the economy and by the contribution which women workers will make to the country's gross national product, to tax revenue and by way of social security contributions.

9. No one would wish to belittle the substantial progress towards equality which has been made in the last few decades. The range of professions and trades open to women has widened ; the level of women's qualification has been raised ; education for girls has improved significantly ; and segregation has been reduced. These developments have

been brought about by a number of factors, notably the growing demand of the labour market since the second world war and the profound change which society has undergone throughout Europe, not least in patterns of consumption and the role of the family.

10. This rate of progress is, however, inadequate. Women's expectations and their individual and collective wish for equality have grown faster than the improvement of their position in the labour market. In the face of this disparity, those who have the power to make changes would lay themselves open to reproach if they were to use the present economic difficulties as a reason for postponing the measures needed to achieve full equality.

11. In the first place the expanding economic situation and the virtually permanent labour shortage which it has brought about have created habits and patterns of behaviour difficult to reverse in the period of slower growth into which we are moving. Neither the economic needs of families nor the educational level of women will permit the removal of women from the labour market. Moreover, women today are no longer content to provide a pool of casual labour.

The change in the socio-economic character of the family means that parents increasingly tend to plan when to have their children. Young people are getting married earlier and tend to have a limited number of children in the earlier years of their marriage so that the wife is soon able to resume work outside the home.

Equality of treatment and its implications

12. To obtain equal treatment for men and women in employment, it is necessary to attack the inequalities in the various fields of vocational life, remedying the cause where possible. The following chapters examine the various fields. A detailed examination shows that objective and subjective factors are closely interwoven.

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13. Differences in treatment can be the result of laws or of contracts or of individual habits and behaviour. They stem from a number of causes :

- (a) considerations of a physical nature (work needing physical strength or involving potential physical danger) or of a moral nature (danger involved in certain night work). These considerations are hardly viable now in view of changes in the content of the work. Moreover they were not applied in certain traditionally female sectors (e.g. nursing) ;
- (b) considerations relating to the disturbance which maternity and child care may cause to a woman's career (interruption of work, absenteeism, the need for flexible working hours). This is a crucial problem demanding full recognition of the social function of maternity. Under present conditions, a married woman who works is doubly handicapped : in her private life, and as regards her employer's reluctance to bear the risk and cost of her possible absences.
- (c) the way in which women's work tends to be regarded as a supplementary source of income ; this concept results from (b) above and is partly explained by anxiety related to possible competition on the labour market.

14. Each of the three sets of causes reflects a genuine problem. But a more serious problem exists which underlies the others. This is the general attitude towards women workers. Whether married or single, whether her wage is the main or a supplementary source of family income, whatever her plans for the future, a woman still tends to be regarded on the labour market, because she is a woman, with an element of suspicion.

When she presents herself for an interview or a promotion, the fact that she is a woman tends to weigh more heavily than her other attributes. This attitude is of course partly explained by objective factors, such as the risk that she may have to interrupt her work, which are often exaggerated. But the difficulties encountered by women wishing to return to work after childbirth and the initial period of care, when the risk of absence is reduced, indicate that it is not only a question of the objections referred to above but of a widespread prejudice among employers, trade unions and educators, as well as in the public services.

15: Two steps must therefore be taken to achieve equality of treatment : action on a broad front to eliminate prejudice against the exercise by women of free choice on the labour market ; and the effective recognition of the social function of maternity in order to reduce the handicap which this constitutes for women wishing to work. Of course, these objectives can be achieved only gradually. They are the basis of the measures outlined in the following chapters.

General guidelines for action

16. The economic reversal noted since the establishment of the Social Action Programme changes the circumstantial context in which this Memorandum is placed. New problems have arisen as regards the achievement of full and better employment. There is a risk that the will to take the necessary action will be weakened and that inertia factors may weigh heavily. But the urgency of the problem of equal treatment in employment persists. In spite of the present economic difficulties a beginning should be made towards its resolution without delay.

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17. The development of this action depends primarily on Member States, the social partners and on women themselves. In several respects it also concerns the Community. First, it is the basis and extension of the action taken to achieve equal pay envisaged in Article 119 of the Rome Treaty. Secondly, it forms part of the achievement of a high level of employment which the Treaty of Rome lays down as one of the Community's prime objectives. Lastly, it is a field where workers' solidarity, already well established at the European level, can yield practical results. If the positive experience already gained in the field of women's employment is disseminated it is likely to encourage further constructive measures.

18. The principal objective of the Commission is to guarantee both men and women the effective exercise of the right to work and of access to it. This right, which is enshrined in the constitutions of most Member States has up to now seemed to many women to be only a formality, the realization of which they have been unable to achieve.

19. In the following chapter the various aspects of the problem of equal opportunities for women at work are reviewed. The guidelines suggested at the end of each chapter are addressed to the Member States. At the same time they are the source of the proposals, and in particular of the annexed draft Directive, which the Commission sets out in the last chapter.

20. If the right to work is to be assured action of the following kind is needed :

- (a) Legal discrimination as persists between men and women in occupational terms must be eliminated. This is the purpose of the draft Directive which the Commission is proposing to the Council.
- (b) Action to redress the all too frequent unbalance between men and women as concerns training, employment and promotion opportunities and conditions of work. Action to redress this balance is essentially by responsibility,

of Member States. It is intended, however, that the Social Fund should play a promotional role and the Commission proposes to develop such a role in 1975.

- (c) Lastly, it is necessary for the Community to fight for a change of attitude to women's work and, as already indicated on a broad front, for the progressive reduction of entrenched prejudices by an active information policy which should include the dissemination of examples of effective action to eliminate discrimination.

CHAPTER II

EMPLOYMENT, RECRUITING CONDITIONS AND PROMOTION

1. The participation of women in the labour market varies according to country, region and social background. Table I of the Annex shows the proportion of women in the total active population. In general, the number of women at work depends on factors such as the length of the compulsory and optional education period, improved pension schemes and the restructuring of certain sectors of the economy. As regards the individual, the social background, which affects men in purely qualitative terms only, has a far greater effect as regards women ; whilst a woman from a comfortable home can choose between staying at home or going out to work, it is not unusual to find women with several children whose living conditions force them to work. At all events, the most significant phenomenon of the past few years, in all the Community countries has been the rapid growth of the activity rate of married women. Account should nevertheless be taken of the fact that this trend is mainly due, particularly in Denmark, Ireland, Netherlands and the United Kingdom, to the rise in the number of part-time jobs.

2. Although most countries show an increase in the number of women taking part in economic life, women's employment is nonetheless very sensitive to economic variations. Thus, in a number of countries, the rate of female unemployment has increased more rapidly than that of male unemployment. It should be pointed out, however, that female unemployment cannot easily be discerned since women who lose a job often tend to withdraw from the labour market, although this number has dropped in the past few years.

3. Thus the threat of recession or slowing-down of growth rapidly reveals the structural problems of women's employment. The high proportion of women employed in firms on the decline are often the casualties when these firms shut down, particularly in the textile,

clothing, footwear and food industries. The difficulties encountered by women in finding a new job, and their low and unsuitable qualifications explain the long periods of female unemployment in comparison with male unemployment. This is often due to the fact that fewer women than men benefit from retraining courses. Furthermore, the increasing number of young women in Belgium, France and Italy, who are unemployed is a result of the bad vocational and educational guidance given to girls who either come on the labour market without qualifications at the end of compulsory schooling, or with qualifications which are not easily usable on the labour market.

4. The difficulties encountered by women in employment are partly explained by their concentration in certain so-called feminine activities (1). Women's lack of mobility in regions where there is no such employment heightens these difficulties. The concentration of women in certain industrial sectors is due not only to tradition but also to the recognition of their manual dexterity, as in the electronics, electrical, machine assembly and similar industries. Furthermore, the relatively lower qualification of the female labour force, badly trained for jobs requiring, for example, mechanical skills and knowledge, help to keep women in the least capital-intensive sectors where salaries also tend to be lowest. Thus women are unable to profit from their qualifications in industries where technical qualifications are more important than manual dexterity.

5. The concentration of women in certain sectors and branches of activity is accompanied by a concentration at certain levels of employment. Women constitute the majority of those with little or no qualification. Even when a woman is qualified, the qualification may be unsuitable and lead a woman with a qualification in one branch of activity to accept unskilled work in another branch. Thus, it is

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(1) See Table I-a of the Annex.

not unusual to find the electronics industry recruiting dressmakers to carry out meticulous assembly work or other manual operations. This example illustrates how mistaken advice may waste training opportunities and restrict the employment opportunities of women throughout their lives.

6. Employment difficulties not only concern young women. The age structure in women's employment has changed so that the working population comprises fewer very young women and more married women aged over 35. The problem of reinsertion into the working population of women returning after an absence, or of those who have never worked, is principally one of guidance, vocational training and adequate information. When women are isolated in their home, they are barely aware of economic and social developments. For want of information, their talents remain unused.

7. Moreover, employment services and agencies often reinforce traditional attitudes by failing to advise women on the range of jobs which are open to them. They may also discriminate in offering vacancies or in selecting candidates for submission to prospective employers. Professional associations and trade unions sometimes influence a person's possibilities of gaining employment. Again, the exercise of certain activities requiring public control is dependent upon the possession of a licence issued by public authorities, which may discriminate on ground of sex. The holding of separate recruitment competitions constitutes, for women in the recruitment for jobs which are open to both sexes, another form of discrimination which is wholly unjustified.

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8. The traditional attitudes to the role of women have tended to limit much of their employment to the margins of the labour market. The work offered to them has too often been below the level of their skills, in the less stable sectors of employment, where continuity and the development of a career structure are largely absent. Thus the work women are thought to be willing and able to do has tended to become a self-fulfilling prophecy : because women have not been given jobs capable of development, they have not developed in the jobs they have been given, and employers have been confirmed in their prejudices.

9. Equality of opportunity within a career structure is as important as access to a career. The proportion of women at the upper levels of almost any sector of the labour market is not proportionate to the total number of women in that sector. The recent study of a sample of women in employment has confirmed that women are under-represented, particularly at the professional level of employment. Thus, in Germany, one in every eight heads of firms is a woman. At the managerial level, there is one woman for every 50 men. In France, 60.5 % of women working in industry are manual workers; only 10 % (compared with 32.5 % of men) reach supervisory and managerial levels.

10. The effect of education and training opportunities on promotion prospects must not be overlooked. Because women cannot always take advantage of suitable training facilities, they do not become qualified for higher posts. And because their chances of promotion are traditionally poor, they are not always motivated to prepare themselves for them by suitable training.

Guidelines for action

11. In order to remedy the present situation and to make progress towards equal opportunities for men and women at work, a number of guidelines for action are set out below. Their implementation requires, depending on the circumstances, statutory and regulatory measures as well as practical steps

on the part of those responsible. The proposed Directive is intended to deal with those measures which are susceptible to statutory or regulatory action. By this means it is hoped to make progress towards the harmonization of those areas covered by the Directive. The range of possible measures includes :

- (a) the elimination of all outdated or unjustified obstacles to the employment of women ;
- (b) the creation of arrangements to ensure equal access for men and women on the basis of individual qualifications and experience and without regard to sex or marital status, to all sectors of the labour market ;
- (c) the promotion, in the organisation of national labour markets, of measures to ensure effective help to women in the choice of their careers and in their later return to work (especially by the orientation of the employment services to this end and by establishing effective public supervision of the regulations governing temporary employment) ;
- (d) the raising of the levels of employment in sectors mainly staffed by women (by the revision of job specifications and the enlargement of career prospects) ;
- (e) the provision of equal opportunities for promotion on the basis of individual qualification and experience without regard to sex or marital status ;
- (f) the inclusion in plans for regional development of the need to create jobs both for men and women ;
- (g) the review of conditions of employment and particularly of the age limits at present set for entry to those occupations in which an upper age limit for entry is operative.

CHAPTER III

VOCATIONAL GUIDANCE, TRAINING AND RETRAINING

1. The achievement of equal opportunity for women in employment depends not only on the opening of access to a wider range of jobs. Education, inherited assumptions about types of work suitable for women, and limited access to vocational training are also important determinants. Here there is a link-up between conventional ideas, their effects, the resulting behaviour and the repetition of previous situations. Even when they know that they have access to a greater number of training possibilities, a number of girls are likely to abandon the idea, fearing the difficulties they may encounter on the labour market.

2. Formal segregation traditionally begins at school. Although mixed schooling is now widely accepted in Member States, some subjects continue to be regarded as more suitable for boys and others as more suitable for girls. In certain Member States, moreover, different textbooks are used for boys and girls. Thus boys and girls tend, by their education, to be type-cast for certain types of work to the exclusion of other types. The influence of the school in this respect tends to be reinforced by other inherited prejudices. The combination of the influences of home and school often limits the range of choices open to girls when they leave school. Their generally restricted range of qualifications and their expectations influence the vocational guidance given to them, often by advisers who have been conditioned by similarly restricted backgrounds.

3. For instance, not many young women receive training in electronics, although the industry employs a high percentage of unskilled women. The distortion of the proportions of qualified and unqualified women in the industry is due to the fact that girls tend to make less use than boys of opportunities for further education and training.

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Similarly, in most Member States, the percentage of girls at the various levels of qualification is about the same in those types of job mainly done by women, whereas in the sectors with a higher proportion of men, the proportion of women drops as the level of qualification increases. Thus, even if they take the same courses as men, women tend to drop out earlier with a lower level of qualification confining them to a lower level of job.

4. A recent survey of the working conditions of employed women in the six original Member States (1) showed the lack of further training facilities provided by firms for the women they employ. Only 12 % in the Netherlands, 38 % in Germany, and 39 % in France had received vocational training since they began work and the training referred to was in many cases quite brief, oriented more towards the employees than the workers, and offered to a large proportion of those who had completed some form of initial training before entering employment than those without such training.

5. This example shows that access to educational and training opportunities is cumulative. Those who have had them are likely to recognise the need for further opportunities and to have the initiative to obtain them. Those who lack education and training find it more difficult to obtain them later in life.

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(1) Eliane Vogel-Polsky : Les conditions d'emploi des femmes salariées dans les six Etats membres de la Communauté.

6. For this reason, energetic action by Member States is needed to accelerate the improvement of educational opportunities for women so as to bring them into line with the demand for equal opportunities. Moreover, special efforts need to be made in order to enable those women who find the lack in their own earlier education and training to be a handicap to catch up with the educational opportunities now available to the rising generations. Special courses should be provided to enable women to take examinations such as, for example, those normally taken at the end of secondary education, which they may need to gain admission to vocational training courses. Entrance requirements for such courses for mature students should also be reviewed in order to allow experience to compensate for the absence of qualifications to an appropriate extent.

7. Where this is not done already, account must also be taken of the particular needs of women in the design and organization of adult vocational training. For example, where women wish to train for jobs from which they have traditionally been excluded, there may well be psychological or social difficulties which women need to be helped to overcome. Again, family responsibilities often conflict with the ways in which training courses are organized : centre are remote and courses are held at times when women cannot attend. Unless training opportunities take account of these difficulties, women are in practice excluded from them and find themselves in situations where they can neither improve nor refresh their knowledge or skills.

8. The demand for opportunities to improve their levels of competence and skill would no doubt be greater if vocational guidance were more readily available to women, particularly at the end of the child-bearing phase of their lives. In this area particularly there is room for development.

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Guidelines for Action

9. In order to achieve these ends it is necessary :
- (a) to promote equal opportunity for boys and girls in the general educational system ; to consider the possibilities of extending effective co-education : these matters should be examined in the context of the Education Committee of the Council of Ministers ;
 - (b) to ensure non-discriminatory educational guidance arrangements offering a wide range of choices, and to encourage the awareness among teachers of the need for such guidance ;
 - (c) to develop vocational information and guidance arrangements for young people and adults of both sexes so as to enlarge the range of their choices beyond the traditional types ; and to warn them against entry into careers with no scope for development ;
 - (d) to ensure that vocational guidance services for men and women re-entering the labour market after an interruption, operate on the basis of individual interest and potential without regard to sex or marital status ;

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- (e) to ensure equality of access for men and women to occupational apprenticeship and training schemas as well as to all institutions of further and higher education ;
- (f) to ensure that men and women have access to similar financial and material help in their studies particularly as regards accommodation, and to make grants to both sexes on the same terms and in relation to the same range of courses ;
- (g) to enable women to use training institutions by providing these at points of convenient access ; and by the development of day care facilities ;
- (h) to provide special opportunities for education and training for these women who require them in order to enable them to re-enter employment after a period of interruption.

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CHAPTER IV

WORKING CONDITIONS

1. The concern for an improvement in the working conditions of workers in general benefits both men and women. The Resolution of the Council of Ministers of 21 January 1974 includes the improvement of working conditions among the stated objectives and calls for priority action which will benefit both men and women. Such action includes the raising of standards of health and safety ; the gradual elimination of physical and psychological stress at work ; as well as the provision of wider opportunities for vocational training. These aspects of working conditions are of particular relevance to the many workers employed on repetitive, monotonous or over-specialized tasks, whether on assembly lines or in clerical positions. In such sectors it is especially important to eliminate excessive rates of work and to introduce rota systems. In this context the Conference on Work Organisation, Technological Development and the Motivation of the Individual, organized by the Commission in November 1974, is significant. These aspects of working conditions, which apply to both men and women, will be the subject of a separate Commission Memorandum. In addition there are certain aspects which affect women in particular and which require special attention if equality of treatment is to be achieved.

The Adjustment of Working Hours

2. For several years now new forms of the organization of working time have tended to expand in some sectors of the economy (such as banks, insurance, public service, and other offices).

Flexible working hours, unlike fixed hours of work, allow workers to decide for themselves when to begin and when to finish

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day. Such research on the results as has been published (1) suggests that more flexible arrangements benefit both the worker and the organisation.

Although it is forced on some employers and employees by external problems such as the difficulties of travel to and from work in large conurbations, it is also being developed voluntarily in response to the wish for greater autonomy for the individual worker. Although the rational organization of many work situations may well prevent a wide measure of flexibility of working hours, every effort should be made to ensure the adoption of the more advanced practices in this field by large sections of industry and commerce. This would go far to help working mothers and fathers to reconcile their family responsibilities with their work.

3. The dangers and disabilities inherent in part-time work are well known. It is often associated with jobs on the margins of the labour market which offer few opportunities of advancement, as well as with the exploitation of workers. It may carry with it legal disabilities affecting entitlement to social security benefits. It may also constitute a form of disguised unemployment. It is therefore understandable that in general trade unions are reluctant to countenance part-time work, particularly at times of economic difficulty such as the present.

4. There is no doubt, however, that in some Member States the flexible character of part-time work meets the needs and wishes of many people, the large majority of them women. In the Netherlands it is estimated that 50 % of the working married women of over 24 years of age work less than 25 hours a week. In the United Kingdom, some 2,750,000 women of the 9 million who make up the working

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(1) - Flexibility in Working Life, OCDE 1973.

- New Pattern of Working Time, OCDE 1973.

- "Le rythme journalier de l'homme et l'organisation de l'horaire variable", Prof. Dr. Rolf Hackstein, Doc. V/988/73.

population work less than 30 hours per week. In Germany, 1,640,000 women are employed part-time and the demand for such work greatly exceeds the supply. In Denmark 354,000 women out of over 1 million working women are employed on a part-time basis. Unfortunately given the present role of the women in the family, opportunities for part-time work tend to be provided almost exclusively for women. It is desirable that this type of work should also be made available to men so that the care of the family may increasingly be shared by men and women.

5. In view of this demand it is important that part-time work should provide the same guarantees as regards social security as full-time work and that it should not be used to obtain cheap labour. It should be made available to men as well as to women (for example students) according to personal circumstances.

Educational leave

6. The need for educational leave for women workers is particularly important when women need to compensate for the inadequacy of their early education and training. No doubt women will benefit from generally applicable provisions in those Member States where they exist. It is however appropriate, in view of the tendency of women to underrate their chances of promotion, to lay special emphasis on the opportunities of women workers to obtain educational leave. The Commission is at present undertaking a study of provision for educational leave in the Member States and will consider what action might usefully be taken at Community level when current practices are known. It also envisages that the European Centre for Vocational Training should have particular regard to the needs of working women in this respect.

Representation of Women Workers in Negotiations about Working Conditions

7. The improvement of working conditions is a matter of cooperation between workers and their unions and management in each individual plant. It is important that women workers should be effectively represented in the leadership of trade unions and in works councils in those undertakings which employ significant numbers of women. It is desirable that managements and trade unions should make every effort to encourage more women to participate in such leadership.

The protection of Women at Work

8. The area of work outside the home in which it is thought necessary to maintain protective provisions expressly for women has contracted in recent years. Beyond the recognized need for protection during pregnancy, women at work now seek little, if any, differential protection from that regarded as appropriate for men. Protection from excessive physical exertion (as in heavy engineering) is no longer needed because of the automation of the production process. Although many dangerous jobs (such as mining) remain, some women now regard such jobs as well within their range of interest and would resent the attempt to protect them from doing them. And equality between men and women means that in most Member States women are expected to take night-shifts in the same way as men when the circumstances of the industry demand this.

9. The most important measure to protect maternity, which is taken by the majority of Member States, is the provision of paid maternity leave and the guarantee of continued employment, which enable women to return to their jobs when they feel able to leave their children. The problem here is not, therefore, so much the absence of leave as the effect of taking maternity leave on a woman's prospects of promotion. It is important, as already emphasized (1) that associated discriminatory practices should be eliminated. This requires the recognition by employers of the importance of ensuring equal promotion prospects for men and women.

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(1) See Chapter II, para. 9.

Guidelines for Action

10. The following action is called for to achieve these objectives :

- (a) careful attention to measures ensuring the safety of workers in general and of pregnant women in particular, as well as special protective arrangements for the latter ;
- (b) the development of more flexible working hours to take account of the family responsibilities of workers ;
- (c) the more extensive provision of educational leave in order to ensure that, in particular, working women with family responsibilities are enabled to take advantage of such leave ;
- (d) the active participation of women in the work and the leadership of professional and trade union organisations ;
- (e) the prohibition of dismissal on grounds of pregnancy and the payment of full salaries or wages during the whole period of legally approved maternity leave ;
- (f) the provision for part-time workers of opportunities for promotion in accordance with their qualifications and experience, of "fringe" benefits and social security benefits on a proportional basis.

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CHAPTER V

CHILD CARE FACILITIES AND SUPPORT FOR WORKERS
WITH FAMILY RESPONSABILITIES

1. The increase of the proportion of married women in the female working population in recent years has accentuated the shortage in all Member States of arrangements for the care of children and other dependents while women are at work. This shortage is a real obstacle to equality of opportunity for men and women as regards employment and working conditions. In its Resolution of 21 January 1974, the Council recognised the importance of this problem by adding to its Resolution a reference to the need "to reconcile the family responsibilities of all those concerned with their professional aspirations".

2. It is here that the working mother faces the most difficult dilemma. She has to decide whether to look after her baby herself for the crucial early part of its life or to arrange for someone else to do so. If she decides to stay away from work for longer than the bare length of her maternity leave, she risks not only the loss of her continuity of employment, but also her income. If she seeks some other care for her baby she finds that the demand for places in publicly approved day nurseries in all Member States exceeds the supply (see Table III of the Annex). Unless a place is available, she may resort to makeshift arrangements which are unsatisfactory.

3. The following particulars illustrate the shortage of day nursery places. It is estimated that there are 800.000 children under 3 years in Germany and 79.000 in Belgium, whose mothers go out to work; and that the number of places in day nurseries are 20,428 in Germany and 13.568 in Belgium. In Denmark there are places in public day nurseries for only 7 % of the children in the relevant age groups. In France, it was estimated in 1968 that there was one day nursery places for every 10 children under 3 years whose mothers are at work, and the position has not changed much since. In the United Kingdom, the 27,104 places in public day nurseries are open primarily to cases of social need, i.e. children of unmarried mothers, widows, divorcees. In Italy the law of 6 December 1971 is an example of a positive development. It established a five year plan for the building of 3.800 day nurseries of which 1.400 were completed within two years.

4. There is therefore a need in all Member States for more support of working mothers of young children, particularly for those in the lower income groups. More publicly-approved day nurseries in adequate premises and with qualified staff should be provided. It is also desirable to introduce measures to guarantee job security and provision of adequate temporary financial support, for a working parent allowing him or her to decide whether to have an infant cared for at home or sent to a day nursery.

5. In most Member States the provision of nursery schools or classes for children between 2 or 3 years and the age of compulsory school attendance at 5 or 6 years is distinctly better. In several countries nursery schools are part of the general educational system. Table IV in the Annex sets out, insofar as figures are available, the proportion of children in each age group who attend. There remain, however, gaps to be filled.

6. Even when children are of compulsory school age, problems remain, particularly in Member States where school attendance is confined to the morning. Responsibility for the supervision of children out of school hours is not, in general, taken by the schools. Thus arrangements have to be made by the family and tend to devolve upon the mother. Attempts to combine work outside the home with the care of children inevitably lead to difficulty. The phenomenon of the "latch-key" child left uncared for between the end of school hours and the return of the parents from work often leads to much unhappiness. Similar problems arise during the school holidays.

7. When the needs of society at large, as well as the inclinations of a growing proportion of women, lead to their engagement in the economic life of the country, provision for the care of the younger generation has to become the subject of public intervention.

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Although Member States appear to be increasingly aware of this need, the division of responsibility between the family and the Community at large for the care of children varies from one country to another. In general little attempt appears to have been made in most Member States to develop a broad policy upon which long-term public intervention in this field could be based. As a result, at times, of economic stress public investment by Member States for the care of children runs the risk of being reduced without regard to the consequences for women in employment.

8. In considering support for workers with family commitments, the care of ill and elderly members of the family must not be forgotten. The growth of occupational and geographical mobility has broken up the extended family within which the care of elderly members could be absorbed. Responsibility is now often carried by only one relative, and single women and men are concerned as much as married women. As the expectation of life extends, so the responsibilities of the working generation for their elderly relatives are likely to increase. Policies for the assumption by the community of a share of their responsibility are as important as the sharing of responsibility for the children.

Guidelines for Action

9. Taking into account the objectives laid down by the Council and the situation described above the following action should be undertaken :

- (a) The planned development of day nursery and other publicly approved childcare facilities for children under three years, as well as of arrangements to permit the care of such children at home ;
- (b) The extension in both urban and rural areas of :

.../...

- (i) nursery-schools for children below the age of compulsory school attendance, and,
 - (ii) facilities for the supervision of, and for the provision of creative leisure-time activities for children of school age outside normal school hours.
- (c) The provision, when this is not made at present, of paid leave for either the mother or the father in the case of child's illness ;
- (d) the provision of facilities and arrangements under (a) and (b) should also form part of regional development plans, particularly those envisaging housing areas related to new industries ;
- (e) Member States should extend the arrangements for the support for workers with ill or elderly dependants.

.../...

CHAPTER VI

SOCIAL SECURITY

1. Despite the progress made in some Member States the social security systems of most countries still contain provisions which discriminate against working women.

Retirement Pensions

2. In most countries the amount of the retirement pension is proportional to the number of years of service completed and to the income received. Many women are therefore at a disadvantage compared with men both because they have to interrupt their careers for family reasons and because of the less well paid nature of the work they often do. This indirect form of discrimination penalises those women who commit a substantial period of their lives to the raising of a family. Steps should be taken to preserve a woman's pension rights while she is looking after her child (possibly up to the age of 3 years), and during periods when she has to look after an elderly or disabled relative.

3. The retirement age for women is generally lower than that of men. As a result of this women cannot benefit from any extra annuities which may be payable on the last years of employment.

4. Discrimination still exists in several countries as regards complementary systems of social security, in particular concerning retirement pensions. In certain cases women are either not included in the complementary systems or receive pensions lower than those of men.

Reversionary pensions

5. With regard to reversionary pensions, it is generally accepted that the widow receives the part of her husband's pension to which she is entitled, but the reserve does not apply. It is a form of

.../...

discrimination to refuse a widower his wife's reversionary pension to which she has contributed throughout her working life.

Sickness benefits

6. The payment of social benefits is generally linked to the concept of "the head of the family". This gives rise to differential treatment between male and female workers. Thus, the benefits payable to a man in the case of illness or disablement may increase in proportion to the number of dependants whereas this is not the case for women with dependants. There is also discriminatory treatment of women with regard to sickness benefits in the form of unequal benefits due to differences in pay.

Unemployment benefits

7. Unemployment benefits are also a source of discrimination in a number of respects. The concept of the "head of the family" may be taken into consideration when calculating amount and duration of these benefits. Thus here also unemployment benefits for the mother of the family may be lower than those for the father since the latter receives a supplementary benefit for dependant persons.

8. Under certain schemes, a married woman who is redundant does not qualify for unemployment benefits if her husband is working. This means that the household income is reduced by the amount of benefit which would have been paid to the wife.

9. The fact that the level of benefits is earnings related means the dependants of a working woman may suffer as a result of her lower earnings.

The problem of the self-employed women

10. The social security provisions for the self employed are often less comprehensive than those for employed persons. In some countries many women pursue an activity which is classified as self-employment, such as piecework done at home.

Guidelines for Action

11. These examples are not exhaustive. They illustrate the extent to which social security systems lag behind the socio-economic realities. It is therefore proposed that Member States should take measures in the reform of their social security systems to assure equal treatment of men and women in respect of social security benefits and to eliminate that deriving from the orientation of their social security systems exclusively towards the man as the breadwinner and head of the household.

CHAPTER VII

ACTION TO BE UNDERTAKEN AT COMMUNITY LEVEL

1. The preceding chapters set out the guidelines suggested to the Member States and the Social Partners with a view to achieving real progress. For their part the Community institutions can give substantial support to the implementation of these guidelines. Without prejudice to initiatives which it may take in future, the Commission, for its part, envisages action in three areas in 1975. It is presenting a draft Directive (annexed to this Memorandum) to the Council setting out legal aspects of equality of treatment at work. It also proposes to develop the use of the ESF for innovatory and demonstrative projects in the field of women's employment. It proposes, thirdly, to take action to improve information about women's work in order to contribute to the changing of attitudes in regard to this.

The proposed Directive

2. The proposed Directive aims at establishing the principle of equality of treatment for men and women in the following areas : access to employment, education, vocational guidance and training, opportunities of promotion, working conditions including social security. The Commission is aware that statutory means by themselves can achieve the objective only in part. They must be supported by other action aimed at the changing of traditional attitude and received ideas.

The Use of the European Social Fund

3. The promotion of employment for women is included among the objectives of the Social Fund. Article 5 of the Council decision of 1st February 1971 includes among the categories of workers who may benefit from grants, women above 35 as well as young workers of both sexes below the age of 25.

However, no request aiming specifically at the promotion of women's employment has been submitted since the establishment of the new Social Fund in 1972. The fact that some women may have benefitted from its actions has arisen from standard types of interventions (regional development, reconversion, etc.) where the level of women's participation is markedly lower than their overall place in the working population. This situation is illustrated by the analysis shown in Chapter III of the difficulties of women in obtaining vocational training, and merits special attention.

4. The absence of requests aimed at promoting women's employment is due to several reasons. Firstly, training programmes aimed specifically at furthering women's employment are rare in Member States. In addition, several projects (aiming notably at the reintegration of women over 35 in the labour market) of which the Commission is aware, have not met the criteria laid down for eligibility of funds under Article 5 (1). The lack of publicity given by the promoters, the complexity of the Regulations, and the inherent research difficulties are other factors which go towards explain the situation.

5. The Commission urgently requests Member States to intensify the search for requests aimed at promoting women's employment within the framework of the present Article 5, and for pilot-projects in Article 7. The Commission considers that, with a little more effort, the present possibilities could be used more widely :

- (a) In sectors where technical progress leads to major modifications, some of which may include an appreciable proportion of women workers ; while others could probably use a greater proportion of women workers.
- (b) In addition possibilities appear to exist in regions characterized by a prolonged decline in their dominant industry. In such regions the lack of work for women may aggravate the economic and social problems and provoke sometimes permanent demographic consequences.

.../...

(1) By virtue of Article 1 ! 1 of the rules applying to applications, N° 2396/71 of the Council of 8 November 1971, eligible operations must relate either to regions characterized by under-development or by a decline in their principal industries, or to sectors where technical progress has lead to large modifications of the work force, or professional skills and crafts, or finally to groups of firms forces to cease, to reduce or to change their activities.

(c) Finally, as regards pilot-schemes, and despite the limitation of 30 workers who may benefit, the mounting of innovatory operations appears feasible : a first scheme of this type is under preparation.

It is of course the responsibility of national or regional administrations, firms and other qualified promoters to develop such projects.

6. The Commission is also examining the possibility of recognising for grant under the procedure of Article 4 demonstration projects on a limited scale aimed at the promotion of women's employment. Such use of the Fund would concentrate on activities of a genuinely developmental or innovative character aimed at overcoming specific obstacles to the employment of women. Ongoing activities would not qualify for aid.

7. Such actions should be inspired by the consideration set out in this paper, and particularly on its Chapter on Vocational Training. Community assistance is likely to be destined for integrated programmes where the provisions of training opportunities for women are complemented by the dissemination of information about such opportunities and by appropriate vocational guidance (including the training of specialist personnel for these purposes), by schemes of industrial acclimatisation, by the provision of child care facilities and the transformation of jobs. Such integrated projects are already being developed on an experimental basis in Northern Europe. Community action will find its place in supporting the action of promoters in Member States by encouraging their operations and the dissemination of results.

.../...

8. Clearly the conditions of eligibility for grant should put the accent on the establishment of adequate liaison between the various elements of such integrated programmes.

Information

9. Actions in the information field are at least as important as those in the fiscal and legislative fields. Throughout this paper the scale of the discrimination against women is brought out. On the one hand many women, often including the least favoured, are poorly informed of their rights, the possibilities open to them to exercise them, the means open to them, for example, to improve or to widen their training, or to reconcile more effectively their family and work activities. On the other hand, these latter activities are often determined by inherited attitudes, by an under-estimate of vocational talents and by a lack of information about successful exemplary schemes.

10. Direct information for women on their rights and the means available to achieve them at both local and national levels raises, of course, the question of action to be taken at these levels. The fight against inherited prejudices and the dissemination of the results of exemplary operations could receive significant support from Community action. This action could consist of the collection and dissemination of information relating to not only the overall situation of women working in the Community, but also to the success enjoyed by women in jobs traditionally done by men, or by programmes to overcome the practical obstacles facing women seeking access to work. The great number of requests received by the services of the Commission from various national organisations witness to the real need which exists in this field.

.../...

11. The Commission recognises the importance of this problem. It proposes to take measures at Community level to help to meet the need for information.

Other Activities

12. The Council decided on 17 December 1974 to set up a European Centre for Vocational Training and a European Foundation for the Improvement of Living and Working Conditions. Questions relating to the vocational training of women and their working conditions should be, in the Commission's opinion, one of the first tasks of these organisations within the framework of their respective responsibilities.

Conclusions

13. The achievement of equality for women at work implies a sustained effort. Action in this field should be aimed to implement action under Article 119 of the Treaty of Rome to promote equal treatment of men and women at work it should also help to reassure those women who are worried by the employment difficulties now appearing. It is particularly important that 1975, being International Woman's Year, should be a year of substantial progress within the Community.

14. For this year, the Commission considers that the Community contribution should be concentrated mainly on the following areas :

- (a) the adoption and implementation of the proposed Directive on equal pay ;
- (b) the development of Social Fund intervention benefitting women under Article 5 of the Fund Regulations ;
- (c) the examination of the possibility of recognizing for grant under Article 4 of the Social Fund Regulations in order to encourage integrated development schemes at local level for the promotion of women's employment ;

15. The Commission will also, on the basis of studies which are at present under way, give particular encouragement to the assembly, and diffusion of information about initiatives taken in the Member States to overcome the practical barriers which prevent access by women to jobs.

16. In addition, the Commission will continue, in consultation with the social partners and Member States, to review the situation concerning women's employment. In the light of these results it will consider the possibility of making proposals and specific recommendations in the various areas covered by this Memorandum.

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TABLE I
WOMEN IN THE LABOUR FORCE
1966 AND 1970 - 1973

ANNEX

Active Population	Year	Belgium	Denmark	France	Germany	Ireland	Italy	Luxembourg	Netherlands	United Kingdom
Total (thousands)	1966	3 703	.	19 964	26 481	1 110	19 221	140	4 459	25 759
	1970	3 823	2 332	20 750	26 318	1 110	19 123	144	4 641	25 303
	1971	3 862	2 366	20 958	26 410	1 112	19 064	148	4 681	24 712
	1972	3 875	2 378	21 155	26 372	1 108	18 837	151	4 678	24 816
	1973	3 914	2 404	21 403	26 475	1 108	18 978	154	4 681	25 129
Women (thousands)	1966	1 169	.	7 340	9 745	289	5 228	(35)	(1 045)	9 210
	1970	1 265	918	7 467	9 638	(289)	5 232	33	(1 140)	9 206
	1971	1 294	943	7 618	9 677	288	5 236	34	(1 184)	8 879
	1972	1 319	973	7 766	9 719	(288)	5 110	(35)	(1 216)	9 006
	1973	1 350	992	7 907	9 763	(288)	5 267	36	.	9 347
Women as a percentage of the total active population	1966	31.6	.	36.8	36.8	26.0	27.2	(25.2)	(23.4)	35.8
	1970	33.1	39.4	36.0	36.6	(26.0)	27.4	25.8	(24.6)	36.4
	1971	33.5	39.9	36.3	36.6	25.9	27.5	25.8	(25.3)	35.9
	1972	34.0	40.9	36.7	36.9	(26.0)	27.1	26.6	(25.9)	36.3
	1973	34.5	41.2	36.9	36.9	(26.0)	27.8	26.9	.	37.2
Married women as a percentage of female population.	1966	.	.	(52.1)	50.1	8.9	50.5	37.5	(28.3)	56.6
	1970	63.5	61.6	50.0	57.6	.	51.1	46.6	(28.6)	61.9
	1971	64.2	65.6	60.3	58.6	13.5	53.3	45.5	(28.9)	62.4
	1972
	1973	65.8	.	62.0	59.6	13.5	51.4	43.5	.	67.2

Source: Statistical Office of the European Communities.

Note: Figures in brackets: estimations.

. : data non available.

TABLE Ia

Women in the various Economic Sectors

		Germany		France		Italy		Netherlands		Belgium		Luxembourg		United Kingdom	
		1000	%	1000	%	1000	%	1000	%	1000	%	1000	%	1000	%
Agriculture, forestry, fishery	T	248	100,0	397	100,0	866	100,0	76	100,0	15	100,0	(1)	100,0	336	100,0
	F	27	27,0	59	14,8	184	21,2	(5)	6,5	(2)	13,3	.	.	72	21,4
Energy and water	T	559	100,0	283	100,0	201	100,0	78	100,0	79	100,0	(1)	100,0	708	100,0
	F	44	7,9	36	12,7	11	5,5	5	6,4	(3)	3,8	.	.	76	10,7
Extraction and processing of non-energy-producing minerals and derived pro- ducts, chemical industry	T	1.592	100,0	1.029	100,0	322	100,0	161	100,0	254	100,0	26	100,0	1.117	100,0
	F	344	21,6	215	20,9	49	15,2	15	9,3	29	11,4	(1)	3,8	235	21,0
Metal manufacture; mechani- cal electrical and instru- ment engineering	T	4.309	100,0	2.272	100,0	1.722	100,0	404	100,0	348	100,0	5	100,0	3.341	100,0
	F	1.037	24,1	508	22,4	278	16,1	35	8,7	62	17,8	.	.	762	22,8
Other manufacturing indus- tries	T	2.976	100,0	2.188	100,0	2.364	100,0	493	100,0	481	100,0	11	100,0	2.809	100,0
	F	1.326	44,6	1.002	45,8	967	33,8	106	21,5	186	38,7	2	20,0	1.201	42,8
Building and civil engineering	T	2.011	100,0	1.492	100,0	1.370	100,0	456	100,0	222	100,0	11	100,0	1.347	100,0
	F	125	6,2	77	5,2	19	1,4	14	3,1	7	3,1	.	.	90	6,7

(continued)

Source: Statistical office of the European Communities

Note: Figures in brackets: estimations.

. : data non available

TABLE I a (continued)

		Germany		France		Italy		Netherlands		Belgium		Luxembourg		United Kingdom	
		1000	%	1000	%	1000	%	1000	%	1000	%	1000	%	1000	%
Distributive trades, hotels, restaurants and cafés, repairs	T	3.235	100,0	2.508	100,0	993	100,0	545	100,0	329	100,0	17	100,0	3.282	100,0
	F	1.701	52,6	1.062	42,3	299	30,1	177	32,5	135	41,0	8	50,0	1.762	53,7
Transport and communications	T	1.435	100,0	1.115	100,0	822	100,0	256	100,0	230	100,0	7	100,0	1.413	100,0
	F	272	18,3	259	23,2	67	8,2	24	9,4	21	9,1	.	.	270	19,1
Financing, insurance etc.	T	1.085	100,0	1.001	100,0	293	100,0	257	100,0	150	100,0	7	100,0	1.223	100,0
	F	552	50,9	493	49,3	54	18,4	81	31,5	57	38,0	3	42,9	563	46,4
Public administration	T	2.099	100,0	1.407	100,0	1.027	100,0	252	100,0	257	100,0	11	100,0	1.975	100,0
	F	583	27,8	574	40,8	189	18,4	41	16,3	53	20,6	3	25,0	780	39,5
Other services	T	2.243	100,0	2.554	100,0	1.812	100,0	646	100,0	456	100,0	13	100,0	3.068	100,0
	F	1.484	66,2	1.785	69,9	984	54,3	354	54,8	278	61,0	8	61,5	2.118	69,0
TOTAL	T	11.963	100,0	16.245	100,0	12.292	100,0	3.660	100,0	2.821	100,0	109	100,0	20.991	100,0
	F	7.594	34,6	6.069	37,4	3.101	25,2	866	23,7	831	29,5	27	24,8	8.074	38,5

Source: Statistical Office of the European Communities

Note: Figures in brackets: estimations

. : data non available

TABLE II

UNEMPLOYMENT AMONG WOMEN: ANNUAL AVERAGE 1966 AND 1970-73.

ANNEX

	Year	Belgium	Denmark	France	Germany	Ireland	Italy	Luxembourg	Netherlands	United Kingdom
Registered un- employment Total	1966	61.5	18.3	147.1	161.1	52.2	1 115.3	0	42.9	362.0
	1970	71.3	23.9	262.1	148.8	65.3	887.6	0	44.5	618.0
	1971	70.9	30.0	338.2	185.1	62.4	1 038.1	0	62.0	799.1
	1972	86.8	29.9	383.5	246.4	72.0	1 047.8	0	107.9	885.5
	1973	91.7	20.1	394.1	273.5	66.6	1 004.9	0	109.9	630.3
Registered female un- employment	1966	18.2	2.1	55.3	44.5	8.6	303.4	0	5.0	79.7
	1970	28.9	4.3	116.3	55.9	11.0	267.6	0	8.1	95.1
	1971	28.5	5.3	150.0	84.3	12.2	332.7	0	11.5	128.1
	1972	35.0	5.2	175.8	105.8	13.2	342.2	0	17.4	149.9
	1973	43.1	4.3	200.5	123.6	12.0	341.8	0	21.5	107.4
Women as a percentage of total un- employment	1966	29.6	11.5	37.6	27.6	16.5	27.2	0	11.7	22.0
	1970	40.5	18.0	44.4	37.6	16.8	30.1	0	18.2	15.4
	1971	40.2	17.7	44.4	45.5	19.6	32.0	0	18.5	16.0
	1972	40.3	17.4	45.8	42.9	18.3	32.7	0	16.1	16.9
	1973	47.0	21.4	50.9	45.2	18.0	34.0	0	19.6	17.0

Source: Table drawn up on the basis of available data published by the competent national Offices.

ANNEXTABLE IIIDAY-NURSERIES

(Publicly approved day-nurseries for children of
0 to 3 years of age)

Country	Date	Number of establishments	Number of places
Belgium	9 July 1974	150 crèches	7 668
		295 "sections pré-gardiennes" (1)	5 900
Denmark	31 March 1974	484 public crèches	16 829
		208 crèches in private homes (2)	24 821
France	1 January 1974	797 crèches	36 585
		234 crèches in private homes (2)	14 479
United-Kingdom	31 March 1973	563 local authority day nurseries	27 104
		70 crèches run by firms (3)	2 198
Germany	December 1973	653	20 428
Ireland	October 1973	20	1 250 approx.
Italy	1973	2 040	91 800 approx.
Luxembourg	1974	8	400
Netherlands	1974	113	4 500 approx.

Notes:

- (1) For children older than 18 months.
(2) "Crèches in private homes" are networks of child-minders based in their own homes, sometimes attached to a day-nursery or a social centre, sometimes working for local authorities. The child-minders are officially approved and supervised by qualified children's nurses.
(3) England and Wales only.

ANNEX

TABLE IV

NURSERY-SCHOOLS

(For children between 2/3 years and the beginning of the compulsory school age)

COUNTRY	NUMBER OF CHILDREN ENROLLED	AGE OF ADMISSION	% OF THE TOTAL NUMBER
Belgium (1973)	243 429	3-6	3-6 years = 60%
Denmark (1974)	89 208 37 635 (1)	2 (or 3)-7	3-6 years = 30%
Germany (1972)	1 319 854	3-6	3-4 years = 17.4% 4-5 years = 38.8% 5-6 years = 53.9% 6 years = 53.4% (2)
France (1973)	2 359 702	2-6	2-4 years = 50% 4-5 years = 70% 5-6 years = 90%
Ireland (3)	-	-	-
Italy (1973)	1 567 280	3-6	3-6 years = 50%
Luxembourg (1973)	8 254	4-6	4-6 years = 85%
Netherlands (1973)	521 793	4-6	4-5 years = 90% 5-6 years = 100%
United Kingdom: England and Wales (1973)	46 693 (4) 77 263 (5) 260 309 (6)	3-5	3-4 years = 27%

- (1) In pre-school classes, for children aged 6-7.
- (2) 6 year old children before entering primary school.
- (3) In Ireland, the data about nursery-schools are not available. Even though school attendance is compulsory from the age of 6, it is estimated that in 1972 about 50% of children aged 4-5 and 90% of those between 5 and 6 years were attending primary school.
- (4) Full time.
- (5) Part time.
- (6) In primary schools.

Proposal for a
COUNCIL DIRECTIVE

on the implementation of the principle of equality
of treatment of men and women as regards access to
employment, vocational training, promotion and
working conditions

EXPLANATORY MEMORANDUM

In its Resolution of 21 January 1974 on a Social Action Programme, the Council of the European Communities expressed the political will to adopt during a first stage covering the period from 1974 to 1976 measures necessary to achieve certain objectives, including that of the attainment of full and better employment in the Community. Among the priority actions to be taken to achieve this objective, the Council selected those aimed at "achieving equality between men and women as regards access to employment and vocational training and promotion and as regards working conditions, including pay".

From the wording of the above Resolution, the Council considered that equal pay is only one factor in achieving equality between men and women in employment. In view of the fact that equal pay, referred to in Article 119 of the EEC Treaty, forms the subject of a binding instrument in the form of a Directive on the approximation of the legislation of the Member States relating to the implementation of this principle, it is desirable to adopt a parallel instrument on the other elements of equality between men and women referred to by the Council, i.e., access to employment, vocational training, promotion and working conditions.

Although the Member States have ratified certain undertakings both at the national and international level on the principle of equality between men and women, data collected by the Commission show that despite some progress, certain workers are still being discriminated

.../...

against, either under the law or in fact, on the basis of sex, marital or family status as regards access to employment, vocational training and employment. It is therefore necessary to adopt an appropriate legal instrument in order to eliminate such discrimination. The view is supported by the ad hoc Group on Women's Work and the Joint Group of Social Partners.

The measures proposed in this Directive deal only with certain essential aspects of discrimination which are the direct responsibility of the public authorities. In order to be fully effective, they need to be reinforced by more extensive measures oriented towards the implementation of the principle of equality. These are referred to in the Memorandum on the achievement of equality between men and women at work.

Article 1 of this Directive is aimed at defining the scope of the instrument and identifying the areas which it covers, namely access to employment, vocational training, promotion and working conditions.

Equality of treatment in respect of access to employment involves the elimination of discrimination arising from any legal provisions which prevent access of women to all forms of employment, either as regards the type of activity that they wish to exercise, or as regards the position to which their qualifications entitle them (Article 2). At present, although the range of jobs for women is gradually increasing, certain jobs remain closed to women due to either convention or legislation. These restrictions may arise from the desire to protect women by legislation, which is no longer altogether justifiable. There are also discriminatory provisions based on marital status which prevent the recruitment of married women. Other provisions such as a maximum age limit for recruitment, put at a disadvantage women seeking employment later in life.

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Finally, individual contracts of employment frequently contain discriminatory clauses leading, in particular, to the grading of women at a lower level than their qualifications warrant. Without questioning the general freedom of both sides of industry to negotiate contracts, it is clear that any provision of a contract or agreement which is at variance with the principle of equality of treatment must be rendered void.

As regards equality of access to vocational training, the Directive aims at eliminating such discrimination against women as persists in education, vocational guidance and initial and advanced vocational training (Article 3). Furthermore, the distinction made between girls and boys both in general and technical education and vocational training systems often leads to girls having a different educational programme and a lower level of qualification. Equal opportunity in employment is dependent on equal opportunity in training. This in practice involves comparable general education for both sexes, with comparable educational and vocational guidance, and equal opportunity in access to initial and advanced vocational training and retraining.

As regards promotion, the fact that a worker is female and consequently either married or likely to be, with family responsibilities, weighs against her, independently of her own qualities. Equality of treatment consists in ensuring that advancement within the career structure is based on qualification, ability and competence on the job, experience and any other objective criteria connected with the post in question (Article 4).

To pursue the aim of equality in employment, the Directive aims to eliminate differences in treatment which exist in working conditions. It is noteworthy to mention sackings. In practice undertakings in difficulty have a tendency to lay off firstly women.

On the other hand, certain discrimination in Social Security fetters the implementation of economic and social equality between the two sexes. These discriminations are to be found in sickness and family benefits (these are generally bound up with the concept of "head of household"), unemployment benefits (often related to marital status), and retirement pensions provided by both general and supplementary schemes which do not provide exactly the same terms for men and for women (Article 5).

Since there is no law without sanction, this Directive provides persons who consider themselves prejudiced with the possibility of legal recourse to enforce their right to equal treatment (Article 6).

Since fear of dismissal is generally one of the major obstacles to individual action, it is necessary to prevent such dismissal or any other serious prejudicial act such as down-grading or any other coercive measure due to such action (Article 7).

Lastly, Article 8 provides for the dissemination of information on women's rights, since various surveys have shown that women are often badly or insufficiently informed in this respect. Information will be provided on the situations inadequately covered by the measures proposed within the framework of the Memorandum on achieving equality between men and women at work.

The other Articles contain the general clauses found in all Directives.

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COUNCIL DIRECTIVE

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee ;

Whereas the Council, in its Resolution of 21 January 1974 (1) on a Social Action Programme, laid down that one of the priority actions to be undertaken was "to achieve equality between men and women as regards access to employment and vocational training and advancement and as regards working conditions, including pay" ;

Whereas, as regards pays, the Council adopted on a Directive on the approximation of the laws of the Member States on implementing the principle of equal pay for men and women referred to in Article 119 of the Treaty of Rome, and whereas the outcome of the above-mentioned Council Resolution is that equal pay is only a part of the objective to be achieved, which is equality of treatment between men and women ;

Whereas women should therefore be given legal protection equivalent to that available to them in respect of pay, as regards access to employment, vocational training and promotion and working conditions ;

.../...

(1) OJ n° C 1311, 12.2.1974

Whereas there is discrimination against women at the level of freedom of choice of job, access to employment and promotion, which is due, in particular, to the lack or inadequacy of their qualifications, and whereas present inequalities should be eliminated by approximating the legislations of Member States.

Whereas social security benefits are determined on the basis of criteria which vary according to the sex of the worker ;

Whereas, moreover, the above-mentioned provisions should be improved and harmonized to enable the increasing number of female workers to benefit from equality in the progress of the living and working conditions of the labour force, within the framework of balanced economic and social development in the Community ;

HAS ADOPTED THIS DIRECTIVE :

Article 1

This Directive shall apply to the approximation of laws, regulations and administrative provisions of Member States with the aim of ensuring in each the implementation of the principle of equality of treatment for men and women as regards access to employment, vocational training and promotion and working conditions, hereinafter referred to as "the principle of equal treatment".

For the purposes of this Directive, "equal treatment" shall mean the elimination of all discrimination based on sex, or on marital or family status, including the adoption of appropriate measures to provide women with equal opportunity in employment, vocational training and promotion and working conditions.

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Article 2

The implementation of the principle of equal treatment in employment entails access to all jobs, in all sectors and branches of economic activity, at all levels appropriate to a person's qualifications. For this purpose, the Member States shall take measures to :

- (a) abolish provisions arising from laws, regulations or administrative provisions at variance with the principle of equality of treatment ;
- (b) annul provisions at variance with the principle of equality of treatment included in collective agreements or individual contracts of employment ;
- (c) amend those laws, regulations and agreements originally drawn up with a view to the protection of workers which are no longer justified owing to technical progress and which constitute an obstacle to equality of access to employment.

Article 3

The implementation of the principle of equal treatment in regard to vocational training requires access to all levels of general education, initial and advanced vocational training and retraining, in accordance with their abilities and aspirations, whether such education and training is provided in institutions or on the jobs.

In order to enable women to obtain the qualifications assuring them equal opportunities of employment, Member States shall take steps to ensure that equal standards and level of general and technical education and vocational guidance, initial and advanced vocational training and retraining, shall be available without discrimination based on sex, or on marital or family status.

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Article 4

With a view to implementing the principle of equal treatment in regard to promotion, Member States shall take steps to ensure that the conditions of promotion within the career structure are determined and applied on the basis of equal treatment in accordance with individual qualifications and experience, without regard to sex, marital or family status.

Article 5

In order to enable women to benefit from equal treatment without discrimination based on sex, or marital or family status, in respect of working conditions, including dismissals and social security provisions, the Member States shall take measures to :

- (a) abolish laws, regulations and administrative provisions at variance, in these areas, with the principle of equal treatment ;
- (b) annul such provisions of collective agreements or individual contracts of employment as are at variance with the principle of equality ;
- (c) amend those laws, regulations and agreements originally drawn up with a view to the protection of workers such as are no longer justified, owing to technical progress and which constitute a discrimination in working conditions.

Article 6

Member States shall introduce into their national legal systems such measures as are necessary to enable all persons who consider themselves aggrieved in the non application of the principle of equal treatment to pursue their claims by judicial process after possible recourse to other competent authorities.

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Article 7

The Member States shall take measures to protect workers against dismissal or any other serious wrong consequent upon a complaint by him or her to the employer or upon the bringing by him or her of an action at law to enforce compliance with the principle of equal treatment.

Article 8

Member States shall take measures to ensure that the provisions adopted pursuant to this Directive, and those already in force in this respect shall be brought to the attention of the persons concerned by all appropriate means, for example at the place of work.

Article 9

The Member States shall put into force all laws, regulations and administrative provisions needed in order to comply with this Directive within one year from the notification of this Directive and shall inform the Commission thereof.

The Member States shall also notify the Commission of all laws, regulations and administrative provisions adopted in the field governed by this Directive.

Article 10

Within two years from the notification of this Directive, the Member States shall forward to the Commission all necessary information to enable the latter to report to the Council on the implementation of this Directive.

Article 11

This Directive is addressed to the Member States.

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