

Hans Böckler Foundation/Equal Opportunities Unit at the EC Commission (publ.)

EUROPE – a chance for women's issues?

Report of a conference on 25th/26th november 1993 in Brussels



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Hans **Böckler**
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Equal Opportunities Unit
at the EC Commission

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taken from a tape recording and in some cases considerably abridged.

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Using the opportunity together



Equality of men and women was and is an important element of the European Union's social policy. Since the beginning of the seventies the EC Commission has made efforts, at member-state level, as well as through the social partners, company managements, those responsible for the media, and EU citizens themselves, to raise consciousness about women's equality, with the help of recommended guidelines, information campaigns and special programmes.

In the field of legislation, extensive work has been done. Six guidelines have laid the legal framework for a radical change in practice. Through its decisions, the European Court has been instrumental in more closely defining and broadening the scope of the concept of equality. This has included questions of remuneration for work, access to employment, working conditions or in the area of social security.

But actual equality is not going to be achieved through new laws and through legal jurisdiction alone. This realisation has caused the Commission to introduce further measures. Thus, numerous networks on differing themes have been set up. They serve mainly to open up contacts, with the aim of increasing awareness of the topic, promoting exchanges of information on positive experiences and carrying out studies on the changed status of women in the twelve member states.

Encouragement of equality of opportunity means that in future, too, further measures will constantly be called for. The Commission is aware of this fact and of its responsibility to the women of Europe. It therefore sets out in the "Green paper on European social policy" the necessity for combined employment and social policies which properly take into consideration the status of women in society, and their needs in all areas of life. Through equality of opportunity in society, the strategic objective should be to move from equal rights to equal treatment on the labour market and thus better utilise the experience and skills of women for the good of society as a whole. This applies also to the increased inclusion of women in decision-making processes.

The trade unions are also urged to pursue an active policy on equal opportunities. At present, indeed, a severe imbalance is to be observed in the bargaining power of women and men in the organisations of the social partners. In addition, research has shown that existing collective bargaining systems and processes have contributed to widening the earnings gap between women and men still further. We should therefore make it our collective responsibility to take advantage of the opportunities which Europe offers women.

Agnès Hubert, head of the Equal Opportunities Unit at the EC Commission in Brussels

Gudrun Linne

Women's research must address the topic "Europe"

The member states of the European Union (EU) collectively, in the opinion of Gudrun Linne, research department head at the Hans Böckler foundation, and co-organiser of the conference, had a gender-specific segregated labour market from which particular risk potential for women developed. At the same time, the internal market project could represent a real opportunity and driving force for positive action policies extending beyond national boundaries. To be able better to explore future prospects for European equality policy, the research specialist said women's research also had to be more receptive to the subject of "Europe". Here, critical discussion of relevant strategies for pan-European women's politics and the level and approaches to policymaking was crucial.

In Gudrun Linne's view, European law as well as the equality activities of the European Commission, had already



Gudrun Linne

set important landmarks for anti-discrimination policy in the member states of the European Union (EU).

An early example she mentioned was the principle incorporated into the articles of association of the European Economic Community of "equal pay for men and women for equal work" (Article 119, EEC-Treaty). Thus, in the fifties, the EEC already possessed an instrument of equality policy which, in comparison with then contemporary social guiding principles, was really progressive.

However, Gudrun Linne warned against interpreting equality policy initiatives of the newly established Community as "de-patriarchalisation". The initiators of the equal pay precept were far from "renouncing the construct of the male leadership role in the economy and society". European women really owed the equality principle embedded in Article 119 of the EEC Treaty to France's intercession on competition policy grounds. At that time, France was the only EC country with a national ban on pay discrimination. In the new economic alliance, the pressure to impose similar obligations on other member states originated rather from fear of competitive disadvantage.

Equal treatment guidelines decided upon by the EC between 1975 and 1986 aroused similarly conflicting reactions—from breakthrough to disillusionment. The EC's trail-blazing signal, according to Gudrun Linne, was counteracted again and again by the mem-

ber states' only half-hearted acceptance and pursuance of implementation policy.


Whether EC equality policy can achieve noteworthy successes in the future, was an open but strategically significant question, for the research department head. Some observers of European integration processes, she reported, were confident that EC law would continue to provide important impulses for positive action schemes in the member states of the community. Critical observers, on the contrary, felt that the debate on the social dimensions of the internal market still took place in the shadow of the debate on economic and economic policy integration. The gender problematic was also taken up correspondingly timidly within the EC. In the meantime, virtually insuperable hurdles to consistent and legally binding equal treatment policy had stacked up within EC institutions. As a result, many women's policy issue guidelines had foundered

in recent years, or been transformed into legally non-binding resolutions.

For the sceptics of the internal market project, there was an obvious increasing structural discrepancy between the progressive internationalisation of politics and the actual scope of international formative action instruments. Despite the prospective aims of a European policy, relevant regulatory systems continued to be negotiated within national state frameworks.

In view of such variety of views over the opportunities offered by future European equality policy, Gudrun Linne felt it necessary to keep looking for the right strategies and levels of policymaking for successful women's policy in Europe. New ways had to be sought in particular for gearing Brussels initiatives more strongly to national activities in women's politics.

Gudrun Linne regards it as a duty of research on women to be more open to

these discussions. The conference should make a contribution to this. Its objective was to give those present the chance to exchange views on lobbying opportunities with European bodies and the influence of national initiatives in women's politics, and to make personal as well as working contacts. In particular, it was about gradually extending the women's networks which already exist in Europe. 

Jill Rubery

Women are not banging on the door

In the past ten years women's employment in the European Community (EC) has increased continually. Yet, although women account for almost half of the European workforce, they are certainly not working side by side with men. Jill Rubery, from the Manchester School of Management, sees a strong trend in all European countries to a greater or lesser extent, towards segregated labour markets for women and men. This corresponds with inequality of earnings between the sexes.

According to a study commissioned from Dr Jill Rubery by the Equal Opportunities Unit of the EC Commission, women now account for 41 per cent of those in, and seeking work, in the European Union (EU). The main reason for the increase in female employment throughout Europe is, in her opinion, the strong growth during the eighties of the services sector in all EC member states.



Jill Rubery

Nevertheless, although employed women now make up almost half of the European workforce, the British academic's view is that there is no question of equality of women at the workplace. Only in the most unusual cases do they work side by side with men, more often than not in areas fully segregated from men and mostly also under much worse conditions.

The trend to occupational segregation was observed by Jill Rubery in all European countries, although to varying degrees. Women have gained a

toehold in gainful activity in recent years through the services and caring professions in particular. In contrast, their employment in agriculture in nearly all EC member states declined sharply. In production, they were only able to gain a stronger foothold in those countries where services expanded particularly quickly.

In teaching, women at present represent a majority in all EU states, apart from the Netherlands. In sharp contrast, women comprise less than a third of those working in statistical occupations or in the computer sector.

The greatest career opportunities for European women are in the public sector, notably in caring professions associated with health, education and social services. In comparison to private industry, women were better able to gain access here to the more strongly male-dominated professions, such as science, mathematics or engineering. This, explained Jill Rubery, was be-

cause women in the public sector today were less discriminated against, thanks to European legislation and positive action programmes. In addition, women are clearly attracted by the social value offered by public sector work. Fundamental to their decision to work in the public service, however was also greater job security and – at least in some EC states – better possibilities for reduced or flexible working time.

Frequently women were able to gain higher level positions in the public sector in the last years because such positions had become less attractive to men. In England and Germany, in particular, Jill Rubery reported, it had been shown that as women occupied higher positions in public service, so pay levels deteriorated.

The office and administration sector has in the meantime become women's domain throughout Europe. More than 60 per cent of white-collar workers in this sector in the EU are now women.

An enormous change: since at the beginning of the 1980s, men still represented the majority of office workers in a range of member states (for example Belgium, Greece, Spain, Luxembourg and Portugal). In Denmark, France and Great Britain, women already comprise 70 per cent of such employees.

Jill Rubery is worried, nevertheless, that in the long term opportunities for women in clerical employment could decline once again. Since the end of the 1980s, many employers, notably banks and insurers, have tried, through restructuring and reassignment of functions, to adapt to changed market conditions. Activities hitherto seen as "typically female", were increasingly being transferred to jobs occupied by men—with the result that many women lost their jobs. And those who did retain their jobs,

had to compete increasingly with the men for retraining and promotion opportunities.

A stable majority of the jobs in services occupations are also held by women. In this connection, though little changed during the 1980s.

In the catering sector, for example, women's share of employment in the whole EC averages around 60 per cent, or even 77 per cent in Denmark and Great Britain, whilst in Greece it is 38



The conference theme: Europe - a chance for women's issues?

per cent. The high female employment rate here is not just because the skills required (cooking, cleaning, serving) correspond to many women's own role perceptions. It also has to do with the organisation of these services. Where large companies were offering these services, the female participation rate was particularly high; however, where this market was dominated by small family firms, the men were in the majority. In addition, there were cultural differences in the different EC member states. In France, for example, the cultural value of cooking is relatively high and it is still seen as a traditional male craft. Similar cultural traditions exist in the different states of the EU again for serving staff in bars and restaurants. In southern EC states this area was clearly male-dominated.

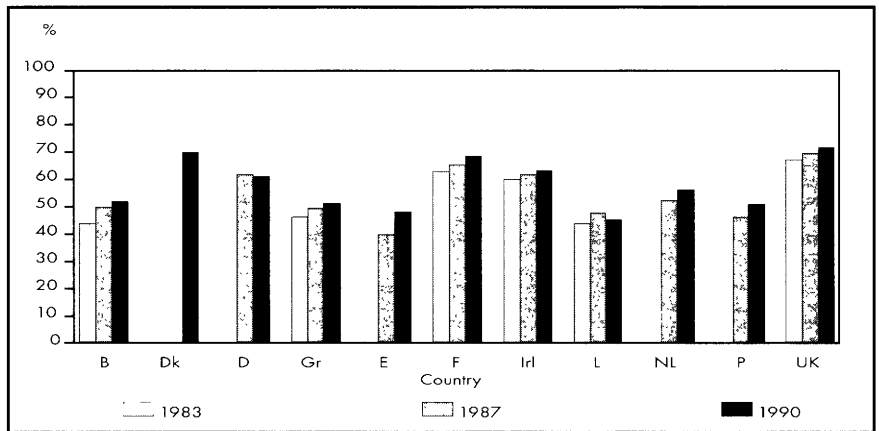
According to Jill Rubery's study, European women have only managed to make modest inroads into typical male employment. Between 35 and 48 per cent of male employment in the EU is

concentrated in manufacturing and construction. Some 84 per cent of European production workers are male. Women's share of production work only exceeds 20 per cent in Portugal and Denmark. Throughout Europe, without exception, only 12 per cent of working women are active in production. In most countries this proportion is constant or declining.

In the transport sector, too, women had scarce opportunities in the past. In

all EU member states men have a share of between 95 and 99 per cent of employment. Few women have managed to enter this male-dominated sector and if they had then it was usually as bus, tram or taxi drivers.

The main reason why, despite positive action programmes at national and EC level, women have not been able to any great extent to storm the bastions of men in the world of gainful employment, Jill Rubery considers, is




The proportion of women in office and administration work is growing

that they do not want career advancement at any price. "Women are not banging on the door to get into male employment areas with high overtime, low pay and poor working conditions – even though the economic recession leaves them little room for manoeuvre. They do not want to waste their energy in male-dominated jobs, where the effort demanded is not compensated for – either by decent working conditions or adequate remuneration.

For Jill Rubery, it is clear that the emergence of occupational segregation by gender in Europe corresponds with continuing female discrimination over earnings. Wherever women in better paid jobs were able to penetrate higher levels of hierarchy, these had already been abandoned by men because the work had been reorganised and downgraded.

Women's research, it followed, must devote itself more intensively to the differing pay systems in the EC mem-

ber states, so as to be able to identify the causes of segregated labour markets. It was also important, Jill Rubery said, to continue the fight for equal pay for equal work, with help of the EC's action programme for equal opportunities for women and men. 



Presents dates and facts: Jill Rubery

Friederike Maier

How unequal job opportunities are legitimised

Gender-specific labour markets for women and men have evolved in nearly all EU member states. Taking Germany as an example, Friederike Maier, a professor from Berlin's Fachhochschule für Wirtschaft, made clear where the causes of women's unequal employment opportunities lie: first, existing educational structures push women and men into gender-typical training early on. Second, professional training only gives most women access to a limited number of jobs. And third, income differentials between women and men are established through specific grading in German pay systems.

As in all EU member states, women and men also have unequal employment opportunities in the German labour market. Women account for only 37 per cent of the gainfully employed in west Germany. But they comprise 52 per cent – in east Germany even 68 per cent – of the registered unemploy-



Friederike Maier

ed. On average, women receive between 60 and 73 per cent of the remuneration of men. Despite full time working, 80 per cent of them earn less than 2,205 DM per month. That is a mere 66 per cent of average income in the federal republic.

Friederike Maier lays the blame for this on a sexually divided (segregated) labour market. In the federal republic, women pursue just a few occupations with mostly modest prospects (horizontal segregation). And they tend to occupy the lower rungs of corporate hier-

archy (vertical segregation). Both factors combined are reflected in low incomes.

Up to now, women's inferior opportunities on the labour market were frequently legitimised by the fact that women were only poorly qualified. However, today, in Friederike Maier's view, women can no longer be seen as having a lower level of qualifications than men. In terms of both school attainments and higher education women had strongly caught up. Nevertheless: in spite of having the same formal qualifications as their male colleagues, they were far from having the same opportunities.

It was striking that only a few occupations came into question for women. Some 53 per cent of all gainfully employed women work in just five occupations: as clerical assistants or secretaries, sales assistants, in various health occupations, and in the cleaning industry. For men, on the contrary, the spec-

trum of typical male occupations is broader and more finely differentiated.

Most women are also trained in so-called “women’s jobs”. These include in particular production jobs with limited skills (clothing seamstress), simple personal service occupations with limited qualifications (hairstresser, receptionist), and services occupations with a low level of job-specific skills (shop assistant, secretarial assistant, etc.).

Women often choose “typical women’s occupations”, Friederike Maier observed, because these correspond most closely to their own role perceptions, but also because they have little hope of opportunities in other jobs requiring training, or have already unsuccessfully searched for a training place in an occupation offering good future prospects. For Friederike Maier, therefore, it is existing training structures which channel women at a really early stage into traditionally female occupations. This is a mirror

image of further employment opportunities.

Her respective training, however, according to Friederike Maier, also influenced a woman’s further career development. In a labour market largely geared to job-specific criteria, such as



Attentive listeners

Germany’s, access to employment and job remuneration was oriented to these criteria. Thus, for certain jobs and for grading into defined pay groups, specific minimum job qualifications were set out. In many branches of industry, owing to the restricted range of skills acquired by many women during their training for

“women’s jobs”, they were often taken on merely as semi- or unskilled employees, despite having served a full apprenticeship. Even if formally their qualifications were the same as those of many men starting work who had completed a vocational training, they were more poorly paid from the outset. From this point on the segregation of women and men was no longer legitimised – as hitherto – by their too modest qualification level, but much more on purely technical grounds.


Amongst white-collar occupations, the lack of, or wrong vocational qualification, no longer represented a distinguishing criterion for women. Nevertheless, here too, female and male employees with the same qualifications were treated unequally, in terms of their status, their monthly gross income and career advancement. Other segregative mechanisms came into play here. For example, career promotion and opportunities for higher grading were determined by the chance of

taking part in training courses or by promotion by superiors, but also by altered job specifications and changes in work organisation, which enriched or limited their range of activity.

Pay policy reinforces the differing employment opportunities of men and women, according to Friederike Maier. Because the trade unions followed the principle that only equal work be rewarded with equal pay (but give little consideration to the fact that there is also work of *equal value* which must be equally rewarded), they were jointly responsible with the employers for wage differentials. Important criteria for differentiation, which they updated in collective bargaining agreements, were, for example, "level of qualification" primarily here: "standard of work", "responsibility", "range of skills", "self-sufficiency" - criteria, whose interpretation was dictated to a considerable extent by workplace conditions, and which gave broad scope for pay discrimination against women.

In this way the trade unions helped to sustain a sexually hierarchical earnings system. In past years they had refrained from scrutinising ruling pay agreements for sexually specific criteria which could remove existing pay discrimination against women - and the cause of occupational segregation in the labour market.

Friederike Maier drew three conclusions for women's issues: first, that there had to be more intensive discussion about valuation of women's work so as to break down and change gender-specific pay structures. Second, that political demands geared to removing gender segregation also make sense. Though women should have no illusions about their limited effect. Third: even if the situation of women in EC countries were to come more into line, there could be no uniform political programme for women or unified strategy on equality. The reasons for and effects of segregation of women and men differed from country to country.

The EC indeed had an important function as mediator, to comment on different developments, exchange ideas or identify and make use of legal flexibility. Nevertheless concrete demands and strategies had to be oriented towards national terms of reference. After all that was where, in the end, the conditions of women's employment would be negotiated. 

Carola Möller

Lean production – label for downward harmonisation

The economic recession throughout Europe caused many companies to look for new production concepts in recent years so as to be better able to maintain their position under changed competitive conditions. Numerous enterprises throughout Europe were restructured under the label "lean production" – with lasting effects for the European labour market, in the opinion of the Cologne sociologist Dr. Carola Möller. Women are on the whole the most affected. They are worst hit by the hiving-off of activities hitherto carried out in-company and are increasingly pushed onto the second labour market where pay is below agreed rates.



Carola Möller

terms. However, Carola Möller supports the theory that "it is not work for society as a whole that will be in short supply (in other words paid and unpaid), but work paying enough to live on". The first wave of this development has been entirely to the detriment of women, who ended up in unprotected employment. Not until the second wave had also affected men was consideration given to solutions.

The new rationalisation plan with which the employers wanted to save production costs is called "lean produc-

tion". Parts of production, warehousing and workforce are hived off. The main company thus makes savings which include staff costs. In the small supplier companies, which are often outside collective bargain agreements, lower wages are paid. Unit labour costs also sink.


This process, in Carola Möller's view, has wrought serious change in the labour market throughout Europe within a short period. In line with the Japanese model, women, for the most part, are pushed into the second labour market where pay is below agreed rates. The remaining employees are to work more intensively with the help of team work and new qualifications. Requirements such as "flexibility", "self-sufficiency" and "conflict ability" are mentioned. But, although the trade unions link this to claims for effective co-determination and safeguards against rationalisation, employees are only allowed to say so far overbetter company performance.

In Carola Möller's view, business is imposing a complete reorganisation of the welfare state through these new production strategies. First the trade unions are to be deprived of power, to secure satisfactory wage differentials for employers between east and west, poor and rich regions, town and country, or companies with differing levels of production. Secondly, employers want to individualise employees, in order to impede collective negotiations in companies. To do this, they make use of flexible working time, new working patterns – such as tele-homeworking, temporary work, new forms of ostensible self-employment – or co-operate with non-union-organised supplier companies. Thirdly, they are setting about externalising larger and larger parts of production and services. "Just to declare the intention to relocate the company or parts of it abroad," explained Carola Möller, "puts astounding extortive pressure on domestic operations". Fourthly, companies are pushing for further deregulation and radi-

cal social cutbacks, to keep non-wage costs low.

Competition on the labour market will intensify, in the opinion of the Cologne sociologist, and, as in the past, even more to women's disadvantage. Thus, in 1991 for 50 million people of working age in Germany there were only 34 million jobs. In 1991, the income of 78 per cent of women aged 15 and upwards was below subsistence income or non-existent. and this despite the fact that women do two-thirds of the overall work in society.

Alternative concepts had to start out from the re-distribution and re-evaluation of paid and unpaid work. "Today, work which is most necessary for our survival – cooking, sewing, bringing up children and caring – is either not paid for at all or at

below subsistence, while work which has still to prove its worth – for example journeying to the stars, the search for the homunculus – is extremely highly paid." That is why there had to be intensive debate over "socially essential work": over, which work is important for society, and how it could be properly rewarded – which had to mean ensuring a livelihood. 



Well-earned coffee break

Reasons for Europe's divided labour market

The first discussion session of the Brussels conference was devoted to taking stock of previous policy for women in trade unions and on earnings questions. Women had to get more involved in wages councils, change pay systems through reassessing jobs, and redetermine the relationship between paid and unpaid work, urged many of the discussion participants.

Bonn government policy was made partly responsible for women's unequal employment opportunities in the federal republic. In the view of the Bonn lawyer, *Barbara Degen*, it would certainly be possible to incorporate Article 1 of the EC equal pay guideline into collective bargaining agreement law. This says that pay systems must be free of discrimination. "But one of federal government's favourite arguments is that they weren't able to do anything because the collective agreement partners were responsible."

The Hattingen women's commissioner, *Ingrid Wawrziniak*, too, complained about the halfhearted politics of the federal government in the realms of women's equality. Women's employment would be regarded as supplementary earnings so long as there was split taxation of spouses. In the discussion over a new constitution in the federal republic, the federal government could have supported a fundamental alteration of Article 6 of the Basic Law (protection of the family). It was the major contribution to stabilising occupational segregation and ju-



Barbara Degen

stified split taxation of spouses. "But nowhere during the discussion on the constitution did the men defend themselves so staunchly as against a new version of Article 6."

But the focus of the discussion was on the deficiencies of previous women's policy in trade unions and wage agreements. For *Marianne Giesert* from the DGB education centre in Bad Kreuznach, wage policy is still men's domain. "Women are not wanted here. Wage policy representatives know of course what is discussed in women's committees, but they don't implement it."

Brigitte Schmidt, too, from the wood and plastics trade union in Erfurt, would like to see more women represented in wages councils in future: "We cannot leave it to the men to carry out our demands because it is they who negotiated previous collective bargaining contracts. Women must have a voice in wages councils, put their own

demands and make them bargaining points. We have seen it again and again: when we had women trained in bargaining techniques in wages councils, we also achieved something”.

All the discussion participants welcomed the newly begun debate in trade unions over reassessment of women’s work. For *Gisela Notz* from the Friederich Ebert foundation in Bonn, it is also important to research the glass ceiling syndrome in women’s career advancement. To her it was scarcely comprehensible why, for example, women’s social skills played no role in grading, while representing qualities of leadership to which career advancement is geared and which men have to train hard to achieve.

Petra Frerichs from the ISO institute in Cologne, however, emphasised that not only the jobs allocated to women within occupational segregation should be more highly valued. “We also have to ensure that women get

better opportunities where the future of paid work lies – in the highly skilled data-processing occupations as much as in the core workforce of industry. For this reason, aside from the discus-



Petra Frerichs

sion over revaluing women’s work, we also have to activate debate over the organisation and distribution – workplace-level distribution too – of paid and unpaid work.”

Similar arguments were put forward by *Susanne Schunter-Kleemann* from Bremen Hochschule: “The ‘growth model’ for managing crises is worn out. We don’t need ever more motorways and ever more cars. There are enor-

mous unsolved problems such as the emergency in caring. Social and cultural needs must be fulfilled. That would also create jobs. To overcome the crisis, we can’t avoid devising completely new models of paid and unpaid work. But in doing so we push the system to its limits.”



Nathalie Davies

The equal opportunities policy of the EC Commission

The most important activities of the EC Commission in anti-discrimination policy throughout Europe were detailed by Nathalie Davies from the Equal Opportunities Unit of Directorate-General V (employment, industrial relations and social affairs) of the EC Commission. The EC's third action programme for equal opportunities for women and men involves promoting comprehensive measures for women's equality in the EU member states and winning over employers and trade unions.



Nathalie Davies

Since 1975, the EC Council of Ministers had approved six equality guidelines on the basis of Article 119 of the Treaty of Rome (over equal pay and equal treatment of women and men at work, equal treatment of women and men in self-employment, and equality in social security matters, as well as security and health protection for pregnant women and mothers). At the beginning of the eighties, it became

clear, however, that new laws alone would not be sufficient to achieve equality for women in employment. Additional measures were needed. The result was three EC action programmes (1st programme 1982-85, 2nd 1986-90, 3rd 1991-95) which were intended to improve considerably women's situation in the labour market and in employment through selected activities in individual member states.

Nathalie Davies described the third EC action plan in particular, which she characterised as being extremely inno-

vative. In contrast to previous programmes it also touched on the role of women in society. It assumed, for example, that equality could only result if the status of women in society changed. For this reason, it had to be ensured in all relevant political areas that women were given equal rights and opportunities. The programme called for appropriate initiatives both from the EC Commission and the member states, and from the social partners on both sides of industry – the employers and trade unions.

The third EC action programme on equal opportunities for women and men concentrates on:

1. initiating legislation at European level and in the member states,
2. promoting the integration of women in the labour market and at work throughout Europe,
3. improving the status of women in society and in particular their representation in (political) decision-making processes.

To achieve progress in these fields, the EC Commission wanted to use its existing competence and instruments more effectively. For example, explained Nathalie Davies, the EC Commission could take legal steps against a member state which did not implement EC law and take the matter to the European Court in Luxembourg.

Through practical measures and with the help of instruments in the action programme, it could also proceed actively against discrimination and occupational segregation by gender.

Programmes providing vocational training for women and financial pump-priming for women going self-employed were already available. For the NOW programme (New Opportunities for Women) alone, the EC had ready financing totalling 120 million Ecu. Apart from this, the Local Employment Initiatives Programme provided 1,500 Ecu in subsidy for each new woman's job created.

Recently, according to Nathalie Davies, the EC Commission had been making increased efforts to push for measures in the member states against sexual harassment at work, and for child care provision.



Participants in discussion

The EC had launched a large-scale media information campaign to propagate a modern image of woman in society. Part of this was to encourage member states to ensure that women were given better opportunities to influence political decision making. In this connection Nathalie Davies also called strongly for support for the

“Vote for women” campaign in the 1994 EC election year.



Creative scope for European women's issues

The Bremen professor, Susanne Schunter-Kleemann, put forward several theories on women's issues which are reproduced below in shortened form. It is her view that approaches to equality policy cannot take hold because they always conflict with the neoliberal ideology of the European Union (EU). EU policies across the board split women into winners and losers.



Susanne Schunter-Kleemann

1. European equality policy takes place on five levels:
 - on the legislative level, with the EC Commission's guidelines;
 - on the level of positive action measures, which come under three EC Commission action programmes for equal opportunities of men and women. These are flanked by ten networks in which interchanges between national women's movements and the EU should take place;
 - on the level of employment and structural policy instruments for promoting women, particularly within the European Social Fund framework;
 - on the judicial level, with the European Court, and
 - finally on an informational level, with a mass of enquiries and resolutions by the European Parliament, which have not however been reflected in statutory terms.
2. But the decisions that are important for female Europeans are not taken in these five policy areas, but

rather by the Deutsche Bundesbank (central bank), the Brussels directorates-general II for economics and finance and III for the internal market and commercial business, and at the European "round table", where the EC Commission and multinational companies co-ordinate.

3. Policy approaches to equality of the sexes selected by the EU cannot take effect because of structural and conceptual shortcomings. The democratic deficiency of the EU, characterised from the beginning by its administrative bodies, also affects equal opportunities policy. The EU, furthermore, is just a project of the free market economy with no social or democratic fundament.
4. Because the Eastern European countries' "crash course" in market economy is allied to a rollback in women's policy terms, it is doubtful whether the EU's political culture,

with its market economy character, and the equal treatment concepts embedded in it, foster equality of the sexes and the democratisation of society.

5. The transformation process in Eastern European tells us:
 - that achievements in social and women's policy are rapidly throttled back when market freedom rules;
 - that patriarchal reasoning and power are reinforced when welfare support is given for motherhood instead of for parenthood on an equal footing;
 - that women are increasingly pushed back into their traditional role when recessions sharpen competition between the sexes on the labour market.
6. The EU promotes the equal rights idea less on human rights grounds than primarily on competition grounds. From the start, EC equali-

ty policy was supposed to eliminate competitive disadvantages in those countries which discriminated less against working women (France in particular). The five existing European equality guidelines thus restrict themselves to gainful employment. Politicians totally underestimate the significance of work distribution within the family for women's disadvantages on the labour market. Family policy is left entirely to member states, which can then limit or even neutralise the effects of equality guidelines.

7. Women do gain from the structural funds and from resources for regional economic and social policy. Nevertheless, special subsidies for women are only sufficient for model projects. They cannot comprehensively improve the social situation of women. On the contrary, because ruling neoliberal ideology says that employment and social welfare problems cannot be tackled until

the central economic data add up, economic and social welfare objectives compete with each other. It is still the case that subsidies for women through the Regional Development Fund and Agricultural Fund are not even commensurate with their share of those affected.

8. The idea of equality is subjugated again and again to ideas of competition and deregulation. This is shown by the guideline package presented in 1991 on atypical employment conditions. This was less about the social security of women affected than about avoiding distortion of competition. Some directive components were defeated on a German "no". In particular those which determined that for employment of eight hours or more per week employers had to take over full social security contributions. Up to now, only the part-directive on security and health protection

in the workplace has been approved.

9. Neoliberal political approaches in Brussels are based on the assumption that competitive pressure is also created in areas not expressly included in the internal market – such as social, pension and family policy – which will lead long term to an alignment of the social systems. As long as there are no minimum standards, security and welfare rulings compete. Even if a social dumping policy is not explicitly operated, it will lead to social cutbacks.

10. European women are not uniformly affected by the economic crisis. There are winners and losers in the common market.

11. In all EU states, white central European females are contained within a web of patriarchal dependency: they depend personally on one man, have to rely on a welfare

state which, to a greater or lesser extent, treats them like children and disciplines them, and a labour market which discriminates against women. Degrees of difference between the countries depend on the fairness of the social system to woman's special situation. White European females come into an insoluble conflict: on one hand profiting from the exploitation of the Third



S. Schunter-Kleemann (l.), G. Linne (r.)

World, on the other edged out of the labour market themselves through the European internal market.

12. The inconsistency of western civilian, constitutional societies, which

invoke general human rights and simultaneously with "internal and external colonisation" damage human rights, has shifted to European level. In the new Euro-chauvinism, nationality becomes a question of class. Improved mobility of the workforce in the EU is confined to an elite of white EU citizens. For the mass of migrant workers from third countries, civil war refugees and asylum-seekers, an apartheid system comes into being.

13. Countervailing forces and enlightened debate have to tackle questions of the EU's military support, the process of corporate concentration, the exploding volume of traffic, the destruction of the environment and supra-state racism.

14. Along with the democracy deficit, there is the welfare deficit. The Council of Europe can indeed, since the Maastricht agreement on social policy, vote on some social

welfare questions with a qualified majority. Unanimity is no longer demanded. The European Parliament was also given a limited right of veto. Nevertheless, the more fundamental the matter, the fewer parliamentarians take part.

15. Cornerstones of "a feminist Utopia for Europe": the secret and hidden barriers of "limitless Europe" must

disappear. The European people ought to have democratic control of central decision-making bodies – legislative, executive and judiciary. In a two-chamber parliament women and men could consult separately and subsequently co-ordinate their positions. Decentralised and regional possibilities for influence have to be improved as does involvement of social, women's and

civil rights movements and the environmental protection organisations. A new internationalism from below should stave off "Fortress Europe".



Obstacles to a European equality policy

The origins of the limited scope of European equality policy were the main topic of the second discussion round. It became clear primarily that progress on women's issues in the EU is achievable only through political pressure of the member states on the European institutions as well as through national equality activities.

Bärbel Kern, from the state of Lower Saxony's Brussels liaison office came out decisively against making "the European Union per se" responsible for the fact that the situation of European women in employment and society had not considerably improved in the past years. Firstly, no particular political stance could be ascribed to it. For EU decisions consist in the votes of the individual states' ministers. "But that is what is undemocratic about it: the national executive becomes a legis-



Bärbel Kern

lature at EU level." And secondly, the EU could only act in areas where the member states relinquished their sovereignty. "It is up to them to decide, for example, on the powers of their equal opportunities departments."

Similar criticism was made by *Marianne Wiemann* from Bochum's Ruhr University of a wholesale condemnation of EU poli-

cies: "We criticise Brussels' policy. But we must not forget that this stems from national governments. German women's and trades union movements, for example, failed to put pressure on the federal government to pursue a different policy in Brussels over the guidelines on atypical working conditions."

For *Gaby Bischoff* from IG Metall's board in Frankfurt, the reason for stag-



nation in European equality politics was primarily the male dominance of the committees in which European economic and structural policy is negotiated. "Everything that has come from the EC in past years had to do in some way with motherhood and parental leave. The male-dominated committees still accept this most easily. Questions of economic and structural policy, which are much more important for the future of women's employment, are discussed by the men amongst themselves. This is why no one thinks of linking it with positive action concepts. Women's policy is pushed into niches and excluded from the core business."

Gaby Bischoff

Barbara Degen

More rights for women through Europe?

It is not just European policy approaches to equality of women that fall short, but also EC law. The Bonn lawyer Barbara Degen spoke on this subject. She pointed to the inconsistency between the neoliberal politics of the economic Moloch, the European Union (EU), and EC law, which was the supposedly progressive for women, and warned against too much optimism.



Barbara Degen

Federal German institutions have the tendency, in Barbara Degen's view, to ignore existing European law. For example, in the federal constitutional court's judgement on Paragraph 218 (abortion law) no mention was made of freedom of movement in Europe, which allows German women to seek abortion in other EC member states. Constitutional judges again took the opportunity in the judgement on the Maastricht treaty of emphasising the German courts' autonomy from the EC.

The law – according to the Bonn lawyer – had two functions in a patriarchally structured society such as the federal republic's. It served on the one hand to safeguard authority, and on the other, pacification and containment of power and violence. For this reason, in the patriarchy, the state ought also to a degree to make concessions to women's interests in equality in employment and society. However, federal German equal treatment regulations were very weak. Maternity protection or parental leave laws, for example, demonstrated especially that

these in no way questioned the traditional role of woman as wife and mother. Here, EC law, such as the equal pay or equal treatment guidelines, went a crucial step further.

Both guidelines had however been implemented only hesitatingly and inadequately by the federal government. Today it would possibly not even sign them. Its pointed restraint over equality policy was also demonstrated in its continued blocking of the guideline on so-called "atypical working conditions". Even the legally non-binding recommendation on sexual harassment at work had had no legal consequences in the country.

The crucial advantage of EC law, in Barbara Degen's view, was that it recognised the women's question as structural discrimination. In contrast, German law saw the disadvantage of women as an individual problem between man and woman. Therefore the federal government had not felt obli-

ged in the context of implementing EC equality guidelines to act legally on problems of pay systems, direct discrimination through marital and family status, or the adequacy of positive action programmes.

Nevertheless, the guidelines had brought movement into court decisions: in the so-called "Kroschu verdict" of 1988, the definition of heavy physical work was broadened through new workload criteria. In the meantime there had been many cases of direct discrimination of part-time employees.

Two other interesting judgements of the European Court also stood out: firstly, the federal labour court had asked the Luxembourg judges whether regulations in Bremen's positive action law which require preferential recruitment of women with equal qualifications and suitability were permissible. Second, the Hanover social security tribunal wanted the European Court to confirm that the exclusion of low-paid

employees from social security went against EC law.

But German federal courts were increasingly refusing to comply with EC law, reported Barbara Degen. After the European Court had decided that part-time works council members doing all-day training courses should have full time off in lieu, the federal labour court put the same case again to the Luxembourg judges, formulating the question slightly differently, because it did not agree with the verdict.

Although EC guidelines and European Court decisions were seemingly pro-woman, EC law entrenched existing patriarchal structures in the federal republic. Barbara Degen mentioned several reasons for this:

a) EC law, insofar as it affects gainful employment was based on fair play rules of economic law among formally equal employees. The yardstick, however, was normal male employment. Those whose situation

differed from the "ideal" should receive equal opportunities on the labour market through protective rights and compensation laws. In practice this was very rarely decided upon by those for whom it was intended, but rather by those whose strong status in the employment world defined the norm: the men. This, however, made it particularly difficult for those who differed from the "norm" – mostly women – actually individually to claim the protection due to them.

b) EC law only recognised sexual discrimination, not discrimination against women. In this way patriarchal control was disguised. Men also appealed to the European Court or the federal constitutional court over alleged discrimination and thereby undermined protective rights.

c) Since women formally received the same rights, they were being increa-

singly deprived of existing protective laws. The most recent example was the lifting of the night working ban by the federal constitutional court. Barbara Degen: "The retention of protective rights results in reinforcement of traditional roles. The repeal of protective rights, though, results in a formal equality, which leaves no room for the living requirements of women."

d) The EU left marital and family law to the member states. The connection between the production and reproduction areas remained blotted out. Family law was, however, increasingly misused in the member states to restrict women's rights. Tax splitting between spouses, for example, consolidated the housewife role in marriage.


In Barbara Degen's view, the EU integrated women only on the labour market. Since social rights do not keep pace, the living conditions of women

were abused and protective rights undermined. The result was that increasing numbers of women throughout Europe were becoming impoverished.

For Barbara Degen, EC law represented against this background a "latent danger for women". It made the economic potential of women exploitable and modernised the patriarchal relationship of subordination. The "individual man" gave up some of his rights to "collective man polity" or to the EC.

Two strategies were proposed by Barbara Degen to improve the situation of women: on the one hand they had to fight for their rights. On the other, they had to challenge the whole system of male-dominated legal structures.

The former women's movement had fought for the formal legal equality of women, but not cast doubt on the tra-

ditional role distribution. Women could at that time at least claim their rights. But the still existing patriarchal power relationship remained veiled. The subjects of "gender specific roles/work distribution" and "violence against women" had been tackled first by the new women's movement. The theme of "sexual harassment in the workplace" had for the first time thrown light on the relationship between the labour market, violence at work, and marriage and the family. More veils had to be raised. 

Concluding discussion

Europe – a chance for women's issues?

To drive forward equality of women in Europe, women's policy initiatives within the European Union (EU) must be more closely interlaced. The closing podium discussion focused on the question of how this can be done. Those taking part were Gabriele von Camen, head of the women's department at the federal board of the German trades union federation (DGB) in Düsseldorf, Beatrice Hertogs from the European trades union federation (EGB) in Brussels, Martina Leyendecker, academic assistant to the European parliamentarian Lissy Görner, and Angelika Hauf from the EC Commission's Equal Opportunities Unit.

Gabriele von Camen called for concerted action on women's issues in the EU, so as to progress on equal pay in particular. In the framework of social dialogue, the unions, the EGB and the sectoral trade unions should make equality policy a responsibility of the

parties to European collective pay agreements.

Taking stock almost 20 years after European equal pay guidelines came into effect had revealed that this had brought scarcely any progress in EC member states. On the contrary: in some countries retrograde steps were noted because the gap between male and female pay had widened further. To make progress on this question, however, it was urgent for women to act more strongly within their own national framework. The women's day of protest on 8 March 1994 (international women's day) could mark the



M. Leyendecker(l.), G. von Camen(r.)

beginning of this. The trade unions also had to take on more responsibility for equalising pay between women and men. New systems for valuing work would have to be set up, and women's pay nominally increased compared with male earnings, to achieve equal levels.

Equality policy had to become a part of pay policy. Collective agreements had to incorporate well-directed training measures for women, preferential treatment in recruitment and in career advancement, as well as quota agreements. The first approaches were already being discussed in the federal republic.

At European level women needed their own structures, notably a conference of women's ministers, and effective networks in order to seek common strategies in European women's policy. Previous institutionalised forms of knowhow exchange – notably the European women's lobby with its difficult

consensus principle – were inadequate for this.

Beatrice Hertogs reported on the EGB's initiatives to get new legislation on women's equality under way. In the past four years it had proved increasingly difficult to make progress at the legal level. She was less pessimistic about achieving new agreements within the framework of social dialogue, for example on improving the availability of childcare or on pay equality. The problem lay in their implementation. *Beatrice Hertogs* mentioned two other topics for social dialogue: increased respect for human dignity (the recommendation of the Council on protection against sexual harassment in the workplace dealt with only part of this problem) and the improvement of women's vocational training. Even if agreements were not reached immediately on these problems, the topics



Beatrice Hertogs

would serve to stimulate discussion greatly at national level. In addition, it was important that national trades union federations and the EGB co-operate more strongly at both national and European levels. The union women ought also to look for new ways of exchanging experiences regularly.

Martina Leyendecker sketched out the contribution of the European Parliament's committee for women's rights to European equality policy. Its goal was "Half of the sky, half of the earth, half the power for women". To reach it, however, there was a need for well-directed positive action programmes for women. The women's committee was particularly committed to seeing that the NOW ("New Opportunities for Women") programme was continued.

Martina Leyendecker judged it a great success that it had been possible

in July 1993 to incorporate women's interests into the European structural and regional funds. Promotion of women had now become a permanent element of European structural and regional policy. This showed positive effects for women particularly in programmes for stimulating the labour market.

Taking as an example development programmes for the unemployed, inclusion of women now had to be commensurate with their share of unemployment. The committee saw taking action against "feminisation of poverty" in Europe as a crucial element of its work. But so that words be transformed into action, it was pushing for a women's commission, in other words: the creation of an organisational unit devoted to women's policy at EC Commission level, a council of women's ministers, as well as an equality article in the EU treaty. Women's politics had to come out of the shadowy existence it still had in the EC and be given lasting foundations.

Angelika Hauf regretted the limited competence of the EC Commission's Equal Opportunities Unit. Since it was not a cross-sectional department, but was part of the directorate for "employment and labour market", the opportunities for rigorous equality policies were naturally restricted. It could certainly pursue a much more effective policy if a directorate-general for "equal opportunities" were created or a commissioner for women's questions were to be appointed. And corresponding demands from the member states for a broadening of competence and a reassessment could very probably force it through. But that alone would not be enough, since the main obstacles to effective legislative action currently lay in the Council of Ministers. The failure of the parental leave guideline in the Council a few days earlier had made it clear that an icy wind is blowing in the faces of Eu-



Angelika Hauf

rope's women. The original content of this guideline had been weakened to such an extent, that one had to ask whether it was still worth the effort at all to see that it was approved. The EC Commission was full of good intentions, of course, but if the Council did not implement its legislative initiatives, no progress on women's issues in EC legislation was possible.

Other conference participants then joined the discussion with concrete suggestions on how women could put their demands more vigorously.

Bärbel Kern pointed out that the EC Presidency would pass to a German candidate in the second half of 1994. Labour and social affairs ministers had already come to agreement on the topics which they wanted addressed during the period of the German presidency. Women's ministers, however, had not

yet done so. Women in the political parties therefore ought to put pressure on them. They ought also to demand that the Brussels liaison offices of the German states concern themselves more with women's politics and – as Lower Saxony's liaison office had already done – establish special areas of responsibility.

In the view of *Barbara Degen*, women should not wait until a women's council of ministers be established "from above" for them in the EU, so to speak, so that they could exchange views on common strategies for equality policy. She called on participants, wherever they are, to press for separate structures to be set up: women's arbitration boards, a women's council in the trade unions, etc.

Collective work was important, emphasised the jurist *Daniela Schmitz* from Halle, but this could only succeed if pressure came from the streets. The planned German women's strike day

on 8 March 1994 prompted her to ask why nobody was organising a European women's strike? If women's politics were to make further progress, a pan-European women's movement was needed, which was also in a position to develop effective pressure to back up its demands.

Gaby Bischoff complained that not even the trade unions had managed in past years to organise regular exchanges of experiences between women at European level. There was indeed a meeting three or four times a year of women's functionaries, which looked at the broad outlines of policy. What was missing was a continuous exchange of experiences by women from corporations active throughout Europe. In particular, female shop stewards and women on equality committees had inadequate information about strategies and instruments of equality policy in other European countries. They were not informed of these at meetings of Euro-shop stewards, since these were

dominated by men. She put forward a proposal to the Equal Opportunities Unit: it should see whether it could make funds available for such meetings of women from multinational companies. She put another suggestion to her own organisation, IG Metall, the engineering trade union: in future works councils which take part in works councils meetings at European level should have a women's quota.

Manfred Bobke from the European Metalworkers' Federation also pointed out that virtually only male trade unionists meet at European level. However the European trade union institutions and umbrella organisations had not yet been requested by the women to do something about exchanges of experience. They had far from exhausted the possibilities for communication among themselves. 