



a newssheet for journalists

Weekly n° 36/90

19 - 26 November 1990

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Mailed from: Brussels X

EUROFORUMS

A PEOPLE'S EUROPE: The Court of Justice scrutinizes pregnancy and work

There is a ban on total discrimination when hiring, but dismissal in the event of prolonged absence from work because of illness following a pregnancy is legal.

An employer violates the principle of equality of treatment of the sexes if he refuses to conclude a contract he had offered a woman candidate, when the refusal is based on the likely consequences of hiring a pregnant woman. No such problem arises, however, if a woman is dismissed because of prolonged absence from work owing to illness which can be traced to pregnancy or childbirth.

The European Community Court of Justice has ruled along these lines in two separate cases regarding the interpretation of the EC directive of 9 February 1978. This directive deals with the implementation of the principle of equality of treatment of men and women as regards access to employment, training and job promotion as well as conditions of work.

In June 1981, Mrs Elisabeth Dekker, a Dutch national, applied for the job of instructor at a training centre for young adults. At the same time she informed the committee examining applicants that she was three months pregnant. The committee nevertheless recommended Mrs Dekker to the management of the centre as the person best qualified for the job. The management, however, decided not to hire Mrs Dekker. It held that as she was pregnant at the time she applied for the job, it was unlikely that the insurance company would reimburse the centre the allowances it would have to pay Mrs Dekker during her maternity leave. As such a refusal did not violate Dutch law, the country's administrative and legal authorities successively rejected Mrs Dekker's efforts to obtain an indemnity from the centre. The matter finally reached the High Court, which decided to refer it to the EC Court of Justice in Luxembourg, which ruled in favour of Mrs Dekker. A 9-year legal battle thus ended in victory for both this tenacious woman and European law.

There was not the same outcome in the case of Mrs Birthe Hertz, part-time cashier and salesgirl. In June, 1983, she gave birth to a child after a difficult pregnancy, for much of which she was on sick leave, with the agreement of her employer, Aldi Marked K/S. At the end of her maternity leave (24 weeks following

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childbirth, in accordance with Danish law), Mrs Hertz returned to work and remained in good health until 1984, when her health deteriorated. Between June 1984 and June 1985, she was on sick leave during 100 working days. Both sides agreed that the illness was the result of her pregnancy and childbirth.

On 27 June 1985 Aldi Marked K/S informed Mrs Hertz that it was terminating her work contract and giving her four months' notice as required by law. The company justified its decision on the grounds of her absence from work, and held it to be in accordance with current practice in the case of any worker who is absent from work for long periods of time because of illness. Mrs Hertz' initial attempts to obtain redress through the lower courts having failed, the matter came before the Danish High Court. The latter preferred to ask the EC Court of Justice for a ruling on an eventual incompatibility between the European directive and Danish legislation in the matter of discrimination. The Danish Court also wanted to know if an eventual protection against dismissal because of illness due to pregnancy or childbirth can be granted for an unlimited period of time.

The short answer is no. The Court replied only to the first question, stressing that if a woman is dismissed because of prolonged absence, due to illness, and the dismissal takes place in the same conditions as in the case of a male worker, there is no discrimination based on sex. Consequently, the Community directive had not been violated, and there was no need, therefore, to rule on the duration of an eventual protection. The fact is the directive in question is not aimed at the hypothesis of an illness whose origins lie in pregnancy or childbirth. Women are protected against these risks, and in particular against dismissal, during the period of maternity leave foreseen under national law. It is therefore up to each Member State to fix the duration of this leave, so as to enable mothers to stay away from work because of problems specifically feminine in nature.

CONSUMERS: Frontier-free life and car insurance

The Twelve give policy holders a European choice.

Consumers throughout the 12-nation European Community who want to take out an insurance policy will have a truly European choice in the single market of 1992. The EC Council of Ministers adopted on November 8 a "European law" which will allow future policy holders to address themselves to whichever company they like in the Community.

Consumers will thus be able to enter into direct contact with a company in another Community country than the one they reside in or take out a policy in another country through a local broker. In all cases, tax payments - and any tax allowances - will remain subject to the legislation in force in the country in which the policy holder pays his taxes, which should simplify matters for him.

The EC Council of Ministers also adopted on November 8 a "European law" allowing car owners - both individuals and companies - to insure themselves against civil liability anywhere in the 12-nation Community.

This "law" fills a gap, given that the Twelve had already rendered all forms of insurance, other than life insurance, "European" some two years ago. The new Community legislation provides special protection for insured persons and accident victims through certain controls in the country in which the vehicle is registered, even if the policy holder is resident in another country.

HIGHER EDUCATION: Not enough students in the 12-nation Community?

Ministers want to promote "European" student exchanges.

If the present trend continues, the single European market of 1992 runs the risk of finding itself short of specialists and managers, especially in scientific fields. What is more, those that will be around would not be "European" enough to be able to

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work effectively in the new, frontier-free Europe. Such concerns were very much to the forefront of the discussions among the more than 200 European leaders who met at the University of Sienna, at a conference organized by the European Commission from November 5 to 7. The following day, November 8, the EC's education ministers, meeting in the same city, tackled the same problems. There is general agreement on the diagnosis - but not on the treatment. Everyone wants to develop student and teacher exchange programmes, but there are differences of opinion as to the means to be employed.

Everyone knows that Europe is short of young people, because of falling birth rates. The European Commission is also of the view that the Community is short of students: It has a mere 39 students for every 1,000 people, as compared to 88 in Japan and 79 in the United States. A shortage of students today means a shortage of specialists tomorrow. Europe clearly runs the risk of finding itself in a vulnerable position vis-à-vis its two major rivals.

For the European Commission, as for the Sienna conference participants - senior officials from the Twelve, university professors, trade union leaders, businessmen - it is necessary to improve the cooperation between higher education, research and industry, as well as the exchanges between the various Community countries. From this point of view the education ministers were enthusiastic as regards European exchange programmes such as ERASMUS and COMETT.

But these programmes do not have the funds needed to meet all the worthwhile demands made of them. In addition, it would be practically impossible to have all European students take part in these Community programmes. This led the conference participants to suggest that education ministers and the universities set up programmes which would allow all students to experience Europe, in one form or another.

In any case, the idea of boosting higher education on a Community-wide basis is in the air. Several ministers would like to take the opportunity of the forthcoming EC conference to reform the treaties that make up the "European Constitution" to introduce elements of European university policy. The Commission, for its part, will present to the Twelve next year a green paper devoted to higher education.

INTERNAL MARKET: Opportunities everyone should seize

The European Commission measures the impact of 1992 on industry.

"1992" is not a game in which regions, countries and manufacturers are called, almost automatically, to enrich themselves or suffer, according to their place on the board. Neither winners nor losers are designated in advance. This is roughly the message contained in a document of more than 350 pages prepared by the economists of the European Commission and the 12 European Community countries. Entitled "The impact of the internal market by industrial sector: the challenge for the Member States", the report, published in early November analyzes the situation of the various industrial sectors in the different Community countries in the face of the single market.

The experts take the view that 1992 will mean big changes for only one industrial sector in three - 40 sectors in all, out of the 120 which were looked at. But the economic weight of these sectors is enormous: together they account for half the wealth produced by industry in the 12-nation Community. They are very varied, ranging as they do from energy to clothing and railways, and from household appliances to shipyards and electrical equipment. All these sectors have one thing in common, however: throughout the Community they are strongly protected against competition from other Community countries. This national protection, assured by legislation, regulations, technical standards, etc. must disappear by 1 January 1993 at the very latest.

Does this mean that hundreds of factories will close their doors and that entire industries will have to move from one country to another in the single European market? Some fear just this, and they are to be found in the Community's poorest regions - as well as in its richest. Such fears are exaggerated, according to Henning Christophersen, the European Commissioner for economic affairs. He stresses nevertheless that manufacturers must make the right choices in time.

According to the report, each company must therefore organize itself in accordance with the region and industrial sector in which it finds itself. In the countries in the north and centre of the Community, companies - and the authorities - have a choice between the construction of a truly European industry, by means of alliances, mergers, reorganizations and other forms of regrouping, and the defense of large national companies, supported by the taxpayers. In the industrially less developed countries - Spain, Greece and Portugal - manufacturers can enter relatively new sectors, such as computers, or specialize in such traditional sectors as clothing and footwear, while banking on quality.

OPINION POLL: 61% of Europeans favour a single currency for 1996
Greeks and Luxemburgers display the greatest conviction.

Replace the national currencies of each of the European Community countries with the ECU in five or six years' time? It's plausible - in any case a few years later, given the progress made by the Twelve in this matter. Be that as it may, most Europeans who live in the Community seem to favour such a change: 61% of those holding an opinion, according to a poll carried out by the Association for the Monetary Union of Europe, the results of which were published in early November.

Those most convinced of this are the Greeks (80% "for"), followed by the Luxemburgers (79%), Belgians and Portuguese (76%), Spanish (75%) and Irish (74%). Sixty-six percent of the Italians are for a single currency, although in the Netherlands and Germany the figure drops to only 56 and 51% respectively. In Britain and Denmark, however, the antis are in a clear majority.

What will be the "major" consequence of the transition to a European currency? First of all, a stable and strong currency for all the countries in question in the view of some 85% of those polled. Next a stronger European Community (for 84%). The single market will operate better, according to 83% of those polled, while for 81% it will be possible to compare prices instantaneously. But as some 52% point out, mental arithmetic will be needed to convert prices. This inconvenience is viewed as important, especially by Britons and Greeks, and much less so by the Germans, Dutch and Belgians. Finally, Danes and Luxemburgers in particular consider the loss of national sovereignty as a result of the introduction of a single currency to be important.

SOCIAL: The European Year of safety at the workplace

The European Commission prepares the orientations for the European Year 1992.

1992 will also be the European Year of safety, hygiene and health at the workplace, in keeping with the resolution of the EC Council of Ministers of 21 December 1987. The theme fits in with the spirit of the Community Charter of the fundamental social rights of workers, and it will make it possible to conduct a major information campaign, aimed at both the workplace and the public at large. The objective will be two-fold: firstly, to publicize the work of the European institutions in this field, and Community legislation in particular, and secondly, to highlight the actions undertaken by employers, workers and the authorities in order to assure stringent safety, hygiene and health standards at the workplace.

It must not be forgotten that improvements to conditions of work are undertaken not only in the interest of workers but also those of European industry and its competitiveness. This is because safety, as well as hygiene and health, help make companies more effective and their products of better quality.

The European Commission began by identifying the priorities to be pursued with the aim of improving working conditions in the Community: the air one breathes to begin with; one would like it to be as pure as pure can be. Next comes safety proper, but especially well-being at work, which alone makes it possible to give oneself to the work in hand with efficacy. The fight against noise and vibrations also enjoys an important place in the Year's programme, in the organization of which the European Commission is calling for the active participation of all interested parties: governments and national Parliaments; local and regional organizations; employers' organizations and the trade unions; companies, notably small and medium-sized enterprises; charities, etc.

Preparations for the campaign will begin next year. On that occasion all interested bodies will be invited to submit projects likely to fit into the framework of the European Year and which could therefore be helped financially to some extent or be authorized to use the logo symbolizing the Year.

CULTURE: The best TV programmes devoted to women win prizes in Athens

Mr Dondelinger presents the NIKE prize, whose aim is to help better illustrate the role of women in our society.

Three programmes were crowned this year by the NIKE prize: a Greek production, "The clarity of her look", which won the highest accolade in the documentary category; a programme of German television, "Der neue Mann", won the award in the light entertainment category, and a British production, "Choices: who'd be a woman?" in the category of programmes for children and the young.

Instituted in 1988 in a proposal of the European Parliament, the NIKE prize seeks to improve the way in which the media present the role of European women. It is awarded by a jury whose members are equally divided between representatives of the TV companies and personalities from the world of politics, education and women's movements. Its ambition, as Mr Dondelinger, the European Commissioner for information and culture, pointed out, "is to call into question the oldest prejudices regarding the image of women in contemporary society. It is a long and exacting task, given that if the laws have changed, mentalities have not changed at the same pace. The media, generally quick to seize on innovative currents, have shown a surprising degree of slowness, because few women are in positions of responsibility in television companies and this imbalance is reflected in the very conception of programmes."

Changes are nevertheless taking place. The NIKE prize offers proof of this because the number of candidates has more than doubled in two years. Mrs Colette Flesch, Director-General for information, communication and culture in the European Commission, has underlined the fact that the programmes chosen no longer deal with exceptional women only but deal increasingly with situations closer to everyday life. "Life is hard, as are the lives of women; they must meet the two-fold challenge of work and family. The role of women is unique, and yet our society is miserly in granting them recognition and equality of opportunity."