



LOBBY EUROPEEN DES FEMMES EUROPEAN WOMEN'S LOBBY

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European Women's Lobby Statement to the Spring Council 2007 50 years of European gender equality legislation: implement gender justice now!

Despite 50 years of European, legislation and policy development on equality between women and men, there is an implementation gap regarding economic, political and social equality between women and men. The European Women's Lobby (EWL), presenting its Statement to the Spring Council 2007, stresses that the equal enjoyment of social and economic rights between women and men is an indicator for progress towards social justice, enjoying human rights, and eliminating poverty in Europe. In 2007, the European Year on Equal Opportunities for All, gaps between women and men persist in most categories of human political, economic, social and cultural activity. These gaps need to be closed if Europe is to deliver its promises in terms of equality and human rights.

The Treaty of Rome established in 1957 the principle of equal pay for equal work. Since then, European legislation has expanded on women's rights, and the promotion of equality between women and men is now one of the missions of the European Union. In 2006, the EU Spring Council adopted a Gender Pact, and the Commission adopted a new Road Map for Equality between Women and Men 2006-2010. However, a "year of delivery" of the Lisbon Strategy for growth and jobs shows lack of awareness of such commitments, as the majority of the Member States Implementation Reports related to the Lisbon Strategy do not refer to specific measures aimed at promoting women's employment or reducing gender gaps, and evidence of gender evaluation of policies is very rare in the 2006 National Reform Programme implementation reports. Few Member States report on progress towards the European childcare target set during the Barcelona Council in 2002, and overall progress towards this target remains slow.

How much has really changed in women's lives these past 50 years? The persistence of gaps between women and men in the economic sphere is the sign of a dysfunctional labour market, which also is influenced by globalization, and where individual aspirations and qualifications are not fully supported nor valued and even act as a disincentive to labour market participation.

While EU legislation has been instrumental in promoting gender equality and women's rights in Member States and accession countries, the binding legal instruments do not address the obstacles and inequalities that women confront in the private sphere. The challenge that still lies ahead is transforming macroeconomic policy with a gender equality perspective by which social regulation of the market can also be taken into consideration.

1) The pay gap between women and men

The guarantee of equal pay for equal work, given to European women 50 years ago, is still far from being achieved. This situation is due to a number of structural problems of direct discrimination against women, sectoral and occupational gender segregation, gender-specific employment patterns (part-time work for example), structural inequalities in access to education and training, biased evaluation and pay systems, and stereotypes. Women's pay gap includes an hourly-wage pay gap, a position gap (even in the sectors dominated by women, such as health, education, and the retail and wholesale trade, more men than women occupy the higher pay bracket), an income-distribution gap and a time gap.

Equal pay legislation, equal opportunities policies and relevant wage policies are neither effective nor adequate, given that affordable, accessible and high-quality care for dependants and people with additional support needs, and women-sensitive leave arrangements are not intrinsic components of the effort to close the pay gap. It is the collective responsibility of the EU, Member States' governments, employers and trade unions to implement a specific set of measures to close the pay gap. These measures should be highlighted in the EU Employment Strategy as a special target.

EWL recommendations:

- Analysis of the root causes of the pay gap shows that **specific positive actions**, for example, reformulating the EU Employment Strategy, concrete objectives and timetables on the closing of the gender pay gap are required. Effective institutional mechanisms for closing women's pay gap must be instituted, and active involvement of social partners and women's organisations is a prerequisite.
- An **exchange of innovative policy initiatives amongst Member States is needed to support progress. These initiatives might include:** equal pay policies aimed at tackling direct or indirect wage discrimination, policy for the desegregation of employment by gender, policies directed towards a more integrated system of wage setting, the availability and dissemination of information about closing the pay gap among relevant actors such as employees and employers, the strengthening of infrastructure in respect to equal pay, and policies to develop legal measures enforcing equal pay.
- EU and national legislation regarding equal pay for equal work or work of equal value is quite extensive, but the effectiveness of its enforcement is problematic. Rules of procedure are missing on how to compare jobs in an objective manner, and **job evaluation systems** used often discriminate against women directly or indirectly. It is important that a **critical assessment of system-specific characteristics and criteria** is made and that Member States take **additional legal measures** to improve the effectiveness of equal pay legislation.

2) Women's pension gap

Many EU Member States still have not individualised their tax, benefit and pension systems; this reinforces women's economic dependency and constitutes direct discrimination. One of the consequences is that the majority of older people in Europe

living in poverty are women. Ensuring a better life for older women requires addressing the structural factors contributing to inequality in the levels of pensions, including the organisation of care and combining private and working life, inequalities in the labour market, and direct discrimination in second and third pillar pensions. Derogations from the Community legal principle of equal treatment of women and men in statutory social security are allowed for certain issues regarding legal retirement age, survivors' benefits and pension rights related to bringing up children. Furthermore, despite directive 2004/113 on gender equality in goods and services, community law does not prohibit adequately the use of actuarial factors based on sex for pensions of the 2nd and 3rd pillars, which may result in lower benefits for women. Such derogations from the principle of equal treatment between women and men cannot be justified.

EWL recommendations:

- Review and eliminate the **opt out clause on equal treatment between women and men concerning private insurance** schemes contained in Article 5(2) of Directive 2004/113.
- Develop gender analysis and mainstreaming **on the impact of pension reforms on women's lives** in the EU, with the objectives of individualising pension rights and social security and taxation systems overall.
- Develop mechanisms to **accommodate women's employment patterns** as experienced throughout women's life cycle, so that career-breaks or part-time work are considered as full-time work in the calculation of pension benefits.

3) Women's time gap and women's care gap

Part-time work, in which women are over represented, is one of the key determinants for being in lower income brackets. One of the root causes of women's time gap is women's care gap: women spend more time in paid and unpaid care for dependents and people with additional support needs than men do. Women in part-time employment work more hours than men in full-time employment, when paid work and unpaid domestic caring work are combined (56 against 54 hours).

Although these gaps between women and men, better known as women's 'double burden', have been factually documented at least for the past 30 years, caring for others in society continues to be institutionally and systemically viewed as a biological female trait, a service offered 'naturally' by women to society, an 'obligation' of women to provide care. Not participating in the labour market is considered unnatural for men, and the common view is that the most valuable contribution to well being and economic growth is following the white male middle-aged model of paid full employment. Reconciliation of work and private life can only be implemented if the social right to private life is considered equal to the social right to employment and prioritised as such by Member States. 'Active inclusion' to strengthen social integration will remain a policy on paper if not accompanied with a gender mainstreaming analysis and reporting and a guaranteed minimum income.

Violence against women is both a cause and a consequence of women's inequality and as such contributes directly and indirectly to women's relative poverty and their disadvantaged position in the labour market. As the leading cause of morbidity and mortality for women of working age, violence against women imposes massive costs on employers and employees. These costs are both direct (loss of work time, impaired productivity) and indirect (opportunity costs to individuals and the market).

EWL recommendations:

- Improve **legislation regarding maternity, paternity and parental leave**, including making the parental leave period non-transferable and shared between parents, entitling women on maternity leave to an income equivalent to full salary and adopting a **directive on paternity leave**.
- Develop an **Open Method of Coordination in the field of care services** and **recommit to achieving the Barcelona targets** to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age); establish sanctions against Member States that do not progress with achieving targets.
- Take concrete measures to provide **universal and affordable provision of care services for older, disabled people and persons with additional support needs including setting European targets to achieve this goal**.
- Develop an Action Plan outlining how **EU macro-economic policies can contribute to increased investment in public care services** as an essential part of the European social model.
- **Develop a strategy / legal basis to address violence against women at European level.**

4) Women and poverty, social exclusion, social protection and health care

As a result of inequalities and gaps between women and men in employment, pay, pension, and social protection, the at-risk-of-poverty and social exclusion rate is higher for women than men in the majority of EU countries, especially for women heading single-parent households.

Employment alone is insufficient to protect women from poverty if the jobs available are low paid or insecure or if quality and affordable childcare services are not provided: the 'adult worker' model of integration for 'making work pay' is a male bread-winner model that needs to be transformed in order to respond to women's life cycle experiences.

Welfare systems that view the family as the central unit of society for calculation of benefits instead of the individual do not establish individual rights to social protection. These welfare systems reinforce women's social protection dependence on their partner's social security record, thus directly discriminating against women.

Women experiencing multiple discrimination are at higher risk of poverty than men in disadvantaged groups. Every social group includes women, who often constitute the

majority of a group facing discrimination or social exclusion on the basis of age, race, ethnicity, disability, migrant status, sexual orientation, geographical location or other social identity grouping.

Violence against women further marginalizes and disempowers women, often producing a nefarious synergy with poverty, unemployment, and inadequate law enforcement, prosecution and social services. This synergy creates favourable conditions for traffickers to effectively target disadvantaged groups of women of all ages; the most vulnerable, as always, are the most socially excluded. The issues of women's economic independence and in particular gender gaps in the labour market and social protection systems, added to discrimination and social stereotypes, are therefore central to tackling all forms of male violence against women and this fundamental social gap requires immediate positive action in order to start being eliminated.

EWL recommendations:

- Strong gender equality objectives must be integrated within the EU **Strategy to Combat Poverty and Social Exclusion**.
- EWL calls on Member States to adopt **actions supporting women experiencing multiple social exclusion and discrimination, including targeted policy action for their inclusion in the labour market** and supporting non-traditional and one-parent families.
- Deliver an analysis and strategic action plan on the reform of social protection systems in support of equality between women and men, including a **plan for the individualisation of rights to social security and benefits**, within the context of the OMC in the social protection field.
- **Incorporate specific EU gender equality objectives within the Open Method of Coordination in the field of health care**, including strengthening preventive programmes that promote women's health, carrying out more research on health and ill health of women, financing for equal access to healthcare services, and developing the capacity for health professionals to properly respond to women's health care needs and illnesses.

6) Implementation gap

Persistent inequality between women and men in the economic, political and social sphere demonstrate long-term implementation gaps in EU and national laws and policy on equality between women and men and non-discrimination. European directives on gender equality in employment have not been sufficiently used, and women in Europe do not know enough about their rights. Through the European Pact for Gender Equality adopted at the 2006 Spring Council, Member States committed to adopt "Measures to close gender gaps and combat gender stereotypes in the labour market". These should have included integrating a gender perspective in the implementation of the European Strategy for growth and jobs and the National Reform Programmes; the European Commission found, however, that the promotion of women's employment and systematic gender mainstreaming of policies are rarely emphasised. Indeed, measures to address women's inequality have a *reduced* visibility.

The Spring Council 2007 must demonstrate its political will for implementing existing legislation regarding equality between women and men and gender mainstreaming by calling for renewed commitment to implementing the **Gender Pact**.

EWL recommendations:

- The **European Employment Strategy must include specific and targeted objectives on equality between women and men**, which should be carefully monitored.
- Member States should recommit to the **full implementation of European gender equality legislation** through a concrete set of actions directed to potential victims of discrimination, employers and legal and justice professionals.
- Member States should **include gender evaluations** as an **integral part** of yearly national reports on implementing the renewed **Lisbon Strategy for Growth and Jobs** at the macroeconomic, microeconomic and employment dimensions and at Community and national level and when reporting on implementing actions in the four priority areas (R&D and innovation, business environment, employment opportunities, energy policy).
- Member States should **include gender impact assessments(or/and social relations analysis)** in all dimensions and levels of **policy design** regarding the renewed Lisbon Strategy for Growth and Jobs and apply **gender budgeting** at EU level, including in the Structural Funds programming.
- To improve efforts to root the renewed Lisbon Strategy firmly in civil society, the most important positive action required is to **institutionalise consultations** with **women's organisations** and to involve them in the evaluations of employment policies, both at the EU and at national level. This institutionalised dialogue between decision makers and women's organisations needs to be established as a **formal consultation process** that supplements the social partners' efforts to eliminate the gaps between women and men in employment and society.