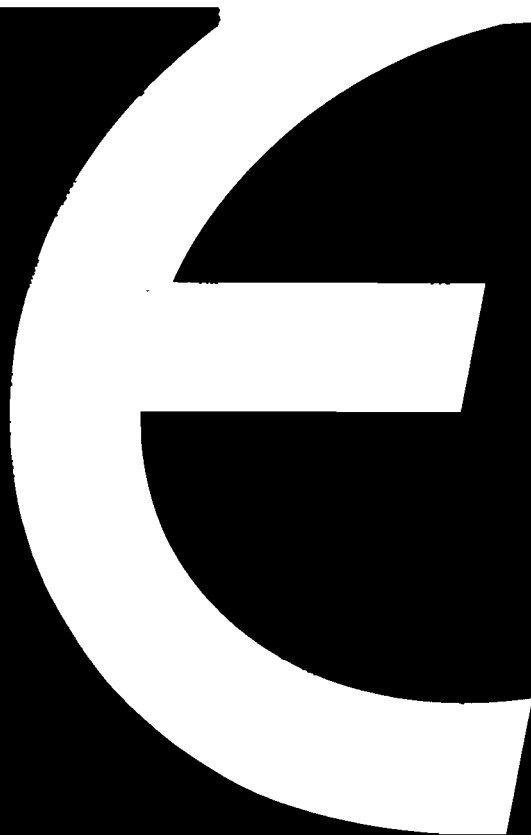


# Equal opportunity for women



## European File

In the European Community 52% of women aged between 14 and 59 have a job or are looking for work. The proportion is increasing under the double pressure of women's desire for independence and their need to boost family income. Out of a total working population estimated at 118 million, women account for about 44 million. Of these 69% work in services, 25% in industry and 6% in agriculture.<sup>1</sup>

Women are also to be found amongst Europe's unemployed. In fact, there are more women out of work than men, in proportion to their share of the total workforce. Women make up 41% of Europe's jobless. They are often the victims of the fact that their training is no longer suited to present-day economic needs. The recession has also made women's jobs more vulnerable. Unemployment has, indirectly, had a negative effect on the rights of women.

At the same time, women occupy 90% of Europe's part-time jobs. Such jobs frequently carry the same benefits as full-time work. They rarely lead to promotion or a more responsible job.

The employment of women raises other problems, which cannot be illustrated in figures. Equality in education and training, equal pay and equal social security rights are objectives set by society. But in many cases there is still a wide gulf between principle and practice.

The European Community is constantly striving to improve the lot of working women as part of its efforts to better the working and living conditions of all its citizens. Thus:

- Article 119 of the Treaty of Rome, the agreement which created the Community in 1957, states that 'each Member State shall . . . ensure and . . . maintain the application of the principle that men and women should receive equal pay for equal work'. The chief reason for including this article at the time was undoubtedly economic. It was necessary to avoid a situation where fair competition between Member States of the Community would be distorted by lower wages for women, compared with men, in some Member States. But later events show that social considerations gradually took over.
- At the Paris Summit in 1972, the Community Heads of State or Government agreed to create a European social policy.
- The European Commission drew up a social action programme, including measures in favour of women. In 1974 the Council of Ministers of the Community agreed to take steps to ensure equality between men and women in access to jobs, training, work conditions and wages.
- As a result of this agreement, the European Commission drew up a series of action programmes. In 1975 it published a memorandum on equal pay for men

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<sup>1</sup> This file updates and replaces our No 5/80.

and women. In 1981, it tabled a new programme dealing with equality of opportunity. This was approved by the Council of Ministers in July 1982 to cover the period up to the end of 1985. The programme created a consultative committee on equality of opportunity, grouping representatives of similar organizations in the Member States. The Committee acts as a liaison between the work of these national bodies and helps the Commission to implement its action programme.

- The European Parliament has also shown an active concern for the problems of women and set up a special women's committee in 1979. An important debate was held in January 1984 on the problems of women.

## **Equal pay**

Community efforts to ensure equal pay between men and women have included:

- Forbidding the payment of lower wages to women who carry out the same work as men. Article 119 of the Treaty of Rome is explicit on this point: 'For the purpose of this Article, "pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer. Equal pay without discrimination based on sex means: that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement; that pay for work at time rates shall be the same for the same job.'
- In February 1975 Community ministers agreed upon a European directive which put this principle of equal pay in concrete form. Since 1979 this directive has obliged Member States to adapt their laws to forbid all sex discrimination at work, particularly in the area of job descriptions. Member States must also give workers who believe this right has been transgressed the right and opportunity of redress in the courts. The directive prevents the retaliatory sacking of a worker who exercises this right.

This right of legal redress is crucial. It gives legal protection to workers in an area frequently not covered in previous national legislation. Anyone who believes their rights have been infringed can lodge a complaint in the courts or some other competent national tribunal. If a dispute arises about the interpretation of Community legislation, the case is referred to the European Court of Justice. There have been many such 'preliminary rulings'. Perhaps the best known is the Defrenne case. This involved a complaint by a Belgian air hostess that she was being discriminated against in comparison with her male colleagues. The Court judgment drew attention to the clear commitment given in Article 119 of the Rome Treaty to equal pay for women. An important recent case involved a Mrs J. P. Jenkins against Kingsgate Ltd. The Court ruled that a difference in the hourly rates of part-time and full-time workers could be considered a breach of

Article 119 if it was an indirect means of reducing the pay of mainly female part-time workers.

In 1979 the European Commission reported to the Council of Ministers that the 'equal pay principle had not been fully respected in any Community country'. This state of affairs, which still applies, led the Commission to take proceedings in the European Court against the Member States.

### **Equality at work**

Working conditions for women vary from one country to another. But similar problems arise to different degrees in all countries:

- Inadequacies in career-guidance and training for girls and women, who often opt for shorter education and training periods, offering lower qualifications and poorer job-opportunities;
- The impact of family responsibilities – marriage and child-rearing – on women's careers. Often the problem is caused as much by the exaggerated fears of employers as by the actual effect on a woman's working life;
- The predominance of women – partly for the above reasons – in a narrow range of jobs, needing the least qualifications and offering the lowest pay and promotion chances.

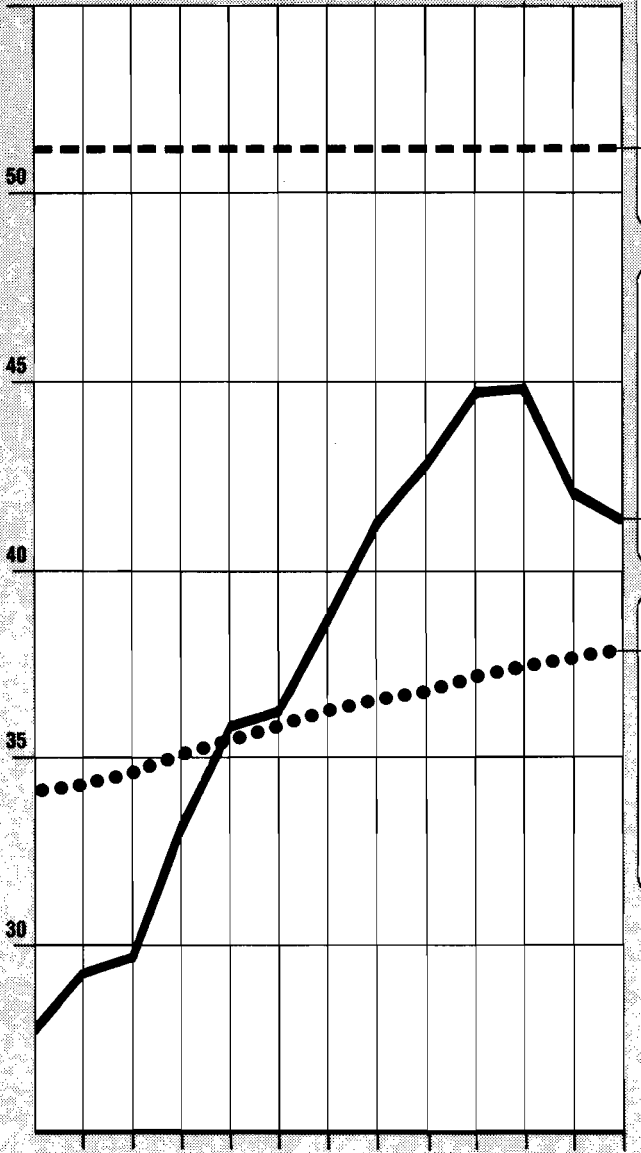
To tackle these problems, efforts are needed to change the attitude of men, women and employers alike. But there must also be adequate legal safeguards. A European directive, adopted in February 1976 and applicable since 1978, obliges Member States to guarantee equal treatment for men and women in working conditions, access to jobs and professional training. By equal treatment, the directive means the complete absence of discrimination based on sex, matrimonial or family status. Once again, national laws had to be swept clean of all discrimination. The European Commission has taken offending States before the European Court. Workers must have the opportunity for legal redress without fear of losing their jobs.

A series of draft directives with important implications for working women were tabled or amended by the Commission during 1982. One of these proposals suggested increased protection for part-time workers. The other suggested similar protection for temporary employees.

The new Community programme to promote equal job opportunity for women complements this legislation on equal treatment. It aims to bolster individual rights through concrete efforts to positively promote job opportunities. Against the background of the recession, which has worsened discrimination against

# The proportion of women in the European Community

%  
55



Source: Eurostat.

women, equal opportunity requires sustained efforts to consolidate the gains already made through legislation. The 1982-85 action programme proposes to:

Consolidate the principle of equal treatment by strengthening individual rights. Specific measures include:

- Better monitoring of the application of the various European directives; streamlining the complaints procedure; the abolition of protectionist measures which bar women from certain jobs and promotion opportunities.
- Improvement of the occupational status of self-employed women and women employed in agriculture, especially in family businesses. The European Commission has drawn up a draft directive covering equal treatment in these areas.
- Reforms of provisions of the tax system which have a negative impact on the employment of women.
- A variety of measures concerned with the improvement of living and working conditions: increased parental and family leave (a draft directive was tabled in November 1983); extensions to the network of cooperatives and their facilities; strengthening and harmonizing measures to protect the rights of pregnant women and mothers.

To achieve equality of opportunity in concrete terms, in particular through measures to promote positive discrimination:

- Attempts to change attitudes to women at work; efforts to promote better relations between men and women at work, in the home and in society at large.
- An increased range of training opportunities for women and girls, partly through the Community programmes on vocational training and preparation for working life. A better employment mix in all jobs and industries and at all levels of seniority, taking account of the development of new occupations and technologies and their impact on job-opportunities, qualification requirements and health and working conditions.
- The application of the principle of equal treatment to immigrant women.

In the face of the high level of unemployment amongst women, the European Commission has reaffirmed their right to work and to economic independence. It has suggested a series of measures, aimed especially at the worst-off cases, to promote new jobs, to encourage the employment of women, to improve their training and career guidance, to broaden understanding of grass-roots problems and to change attitudes to women at work.

## **Equality at school**

The range of job opportunities for women — or the lack of them — begins in the classroom. Schoolgirls are still far too frequently the victims of prejudices which close off career opportunities which are increasingly opening to them.

The Commission memorandum of 1975 suggested the promotion of true equality of opportunity for girls and women at all stages of their lives: at school, their first job and when returning to work after bringing up a family. The 1982-85 programme concentrates on:

- Informing girls and their parents and schools of the full range of available job opportunities;
- Promoting a wider range of job choices and familiarity with new technologies, through career guidance, training and retraining.

The Community supports a series of pilot programmes and experiments in the exchange of information which are to be extended following resolutions adopted by education and social affairs ministers in June 1983. One of these resolutions deals with vocational training in the 1980s. It aims to promote equality of opportunity in access to jobs. In particular, it is designed to encourage more women to train for jobs in which they are traditionally seldom found. Two other resolutions were concerned with the introduction of new computer technologies into education and vocational training. They contained specific proposals to encourage more women to enter this new field of employment. The European Commission has also set up an information group whose brief is to encourage the creation in Member States of integrated education and training programmes to establish a wider job choice for women and entice them into new technology industries. Equality of opportunity for boys and girls also depends on the self-images promoted from early childhood. It is necessary to establish a view of men and women which does not confine them to predetermined roles. The European Commission has set up a study of feminine and masculine stereotypes in school-books. It also helps to finance educational broadcasts on the equality of opportunity for girls and boys.

## **Equality in social security**

Discrimination between men and women by social security systems is still widespread. This stems from a traditional image of the family, which sees the father as the bread-winner and the mother as the home-maker. The result is unfair treatment of women, especially those with dependants. Discrimination of this sort must be abolished:

- Article 119 of the Treaty of Rome states that 'equal pay' means not only equal wages or salaries but also equality for 'any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer'.

- In December 1978 the Council of Ministers adopted a directive ordering the gradual application of equal treatment for men and women in social security systems. By 19 December 1984, all Member States must abolish discrimination in statutory social security schemes, covering illness, invalidity, old age, accidents at work, occupational diseases and unemployment, as well as family allowances. The directive applies to all workers, whether employees or self-employed.
- As part of its 1982-85 action programme, the European Commission tabled a draft directive in April 1983 which sought to extend these provisions to in-work social security schemes. The same risks and categories of beneficiaries were covered. The new proposals would apply to schemes operated by employers, trade-union agreements and even self-help organizations for self-employed professional people. The Commission is working on extensions to the application of the 1978 directive.

### **Activities of the European Social Fund**

Set up by the Treaty of Rome, the European Social Fund is the Community's major weapon against unemployment. It goes without saying that men and women have equal access to schemes financed by the Fund. But it also subsidizes training schemes aimed specifically at women. Thus, the Fund supports:

- Schemes to train women over 25 years old whose existing qualifications are lacking in some way. They benefit women who have lost their jobs as well as women who wish to return to work after giving up their careers. In 1982 14 000 women took part in programmes of this kind with the help of aid from the Social Fund totalling 26.2 million ECU,<sup>1</sup> compared to the 7.7 million ECU with which the schemes started in 1978. Priority is given to projects which encourage a better mix of employment in new industries and areas where women are traditionally under-represented. Second-level priority is given to victims of large-scale redundancies and women who wish to gain a more responsible job in traditionally feminine professions. To ensure that the schemes make a real contribution to problems of female employment, they must involve some sort of job-experience programme or a widening of job-choice with financial assistance towards finding employment.
- Projects for women aged less than 25, for the most part unemployed, who wish to learn a new trade or enter a profession where women are seldom found. In 1982, 35 000 young women benefited from schemes of this kind. This was double the number in 1981 and the figure will continue to increase sharply. The Social Fund is to reserve 75% of its resources in future for young people because of their special vulnerability to the high levels of unemployment in Europe.

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<sup>1</sup> One ECU (European currency unit) = about £0.57, Ir. £0.73 or US \$0.80 (at exchange rates current on 10 January 1984).



A certain amount of cash is also to be reserved for experimental projects which might serve as a model for new programmes or which help to improve the effectiveness of the selection of schemes for grant aid by public authorities.

### **The 'women's' services of the European Commission**

The European Commission has set up specialized services to tackle women's problems:

- The women's employment and equality office, within the Directorate-General for Employment, Social Affairs and Education, coordinates the activities of various Commission services in the promotion of jobs for women as well as the activities of other Community institutions such as the European Centre for the Development of Vocational Training in Berlin. The office plays a central and motivating role in Community activity on wages, social security, family policy and Social Fund grants. It runs the Community's action programmes, both in the field of women's rights and concrete assistance. It monitors and promotes the application of European directives on women's rights in the member countries. It ensures that the particular problems of working women are taken into consideration in all Community policies.
- The press and women's organizations information unit, within the Directorate-General for Information, keeps constant contact with the leaders of women's groups who are able to convey information on Community activities to the 140 million women in the EEC. The unit's activities include the organization of seminars and conferences; providing information for women's magazines; the bi-monthly publication *Women of Europe* and various special studies. *Women of Europe* is published in seven languages and provides information on those aspects of Community institutions and policies which affect women. It also covers women's rights, developments in national institutions, laws and current affairs and the activities of national and international women's organizations ■

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#### **Commission of the European Communities**

Information offices (countries fully or partially English speaking\*)

**Ireland** 39 Molesworth Street, Dublin 2 – Tel. 71 22 44

**United Kingdom** 8 Storey's Gate, London SW1P 3AT – Tel. 222 81 22  
– 4 Cathedral Road, Cardiff CF1 9SG – Tel. 371631  
– 7 Alva Street, Edinburgh EH2 4PH – Tel. 225 2058  
– Windsor House, 9/15 Bedford Street,  
Belfast BT2 7EG – Tel. 40708

**Australia** Capitol Centre, Franklin Street, PO Box 609,  
Manuka 2603, Canberra ACT - Tel. (062) 95 50 00

**Canada** Inn of the Provinces-Office Tower, Suite 1110, 350 Sparks Street,  
Ottawa Ont. K1R 7S8 – Tel. (613) 238 64 64

**USA** 2100 M Street, NW, Suite 707,  
Washington DC 20037 - USA – Tel. (202) 862-9500  
– 245 East 47th Street, 1 Dag Hammarskjöld Plaza,  
New York, NY 10017 - USA – Tel. (212) 371-3804

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\* Offices also exist in other countries including all Member States.

