

EUROPEAN BACKGROUND INFORMATION COMMUNITY

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BACKGROUND NOTE

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WOMEN'S LIBERATION IN THE COMMON MARKET

The principle of women's equality with men, notably in employment, was laid down in Article 119 of the 1957 Treaty of Rome. But, despite the irrefutable progress made in applying this principle, a new Commission report reveals that real job equality for women is still a long way off.

The work of Article 119 Special Group, the July report shows widely differing work patterns among Europe's women who now account for one third of the Community's total working population. Half of France's female population between the ages of fourteen and sixty-five hold a job. In the Netherlands, only one woman in four goes to work, in Italy, only one in five. In all the original Community countries, except for Italy, more than half of the female workers are in service occupations.

In most cases, equality for women is set out in Member States' own constitutions. Since 1949, Germany's constitution has said that "nobody may be placed either at an advantage or a disadvantage because of his or her sex." France put women's liberation into the constitution in 1946, Italy in 1948. By 1965, legislation in Luxembourg gave equal wage rights to all women. Only Belgian women working under collective agreements could assert their claim to equal pay until 1967, when the right was extended to "any female worker." Belgium applies criminal sanction to discriminating employers.

Although the French government believes the principle of equal rights for women, laid down in its constitution, constitutes the basis for court action, and enacted a 1972 law providing for criminal sanctions, there has never been a court ruling in this respect.

In the Netherlands, apart from the arrangements for application of a minimum legal wage, the right to equal pay exists only in collective agreements or individual work contracts. The Netherlands, however, is the only EC government having the power to cancel discriminatory collective agreements.

Special Group 119 found that many Member States have inadequate supervisory facilities. The inspectors used by Luxembourg and France to oversee the application of equal rights provisions have too many other responsibilities and are too few in number to be sufficiently effective. Only Italy employs inspectors whose sole responsibility is to supervise this area. Germany and the Netherlands have no administrative checks whatsoever.

The principle of equal pay has been relatively easy to implement, says the Commission, but "equal pay for equal work" is much harder to achieve. Article 119 gives no precise definition of equal work, other than to indicate that "equal pay without discrimination means that pay for the same work at piece rates (pay based on output) shall be calculated on the basis of the same unit of measurement; and that pay for work at time rates shall be the same for the same job." Since most workers are paid by the hour, the time rate clause presents the most problems.

Italy and Germany have decreed that women cannot receive lower wages for their supposed lower yield. Nor can the fact that social protection of women is costlier than for men be used as an excuse to reduce their salaries. In the Netherlands, the Special Group discovered that women are excluded from one in every four pension plans, and when allowed to join, receive about 25 per cent less than men in monthly pension payments, because they either live longer, retire earlier, or both.

Several categories of workers, many of which have a high female labor component, are not covered by national minimum wage requirements. Among those excluded in France and Luxembourg are caretakers, domestic servants, farm, wine growing, and truck gardening workers, as well as those under eighteen years of age. Though nearly 60 per cent of all women workers in the Netherlands are under twenty-three, Dutch law applies only to full-time workers between the ages of twenty-three and sixty-five.

The Commission's Report separates what it calls "direct" and "indirect" discrimination. Most EC Member States claim that direct discrimination (differing wage scales) has either been or is in the process of being eradicated. The report also notes, however, that in Italy, 1,500,000 workers, three quarters of whom are women, work at home. Only 40,000 of these are covered by collective agreements. According to the trade unions, the others, regarded as self-employed, are, in fact, engaged in disguised salaried work.

Lower salaries for Dutch women persist in such sectors as the garment, textile, bakery, laundry, ceramic, and footwear industries.

Indirect discrimination, through inequitable job classification systems, is widespread. This amounts to setting low salaries for jobs reserved almost exclusively for women, or in some cases for "light work." So called "light work" is only light in that a low degree of physical strength is required.

Member States have moved to combat indirect discrimination through introduction of single classification systems for men and women. Nevertheless, trade unions in most countries complain of discriminatory practices in the application of the new unified systems, and in real wages and bonus payments. There is still no single classification system for Italy's jasmin and olive pickers, for instance.

Exploring the inferior status of the Community's working woman, the Commission found that in most countries, a man is automatically assumed to be head of his family, while a woman, if she is, has to prove it. Belgian labor leaders reported that women tend to be the last hired, first fired -- a problem which the Commission suspects is Community-wide. French labor leaders maintain that employers' attitudes are prejudiced by the higher absenteeism rate and shorter work careers of women; but Luxembourg says that its high labor shortage has created a real demand for women workers.

Women suffer from having less training opportunities than men. The notion that women are essentially part-time or occasional workers has encouraged their omission from many training programs. EC governments have acted to remedy this situation by stimulating special training programs to give women more lucrative skills. Other programs have been expanded to include more women.

Realizing the rising importance of part-time female work to the economy, Luxembourg is pioneering improved conditions, including the extension of pension and insurance plans to some part-time workers. Italy, however, is still at the stage of introducing government-run day-care centers, and the Netherlands is only just passing legislation to outlaw the firing of women who get married or become pregnant.

Despite all legislative efforts to improve the status of the working woman, wage differentials still exist in most sectors of the Community's economy. The textile, food and clothing industries show a variance of 13 per cent in Italy, 15 per cent in France, 20 per cent in Germany, 22 per cent in Belgium, and 27 per cent in the Netherlands. Differentiation statistics for the electrical equipment industry in France are 10 per cent, in Italy and the Netherlands 12 per cent each, 20 per cent in Germany, and 21 per cent in Belgium. Most women still fall at the bottom of the wage hierarchy. The most striking reforms have occurred in government services.

The Commission, seeing national public authorities as having a crucial role in the implementation of equality for women, has recommended urging Member States to institute firmly entrenched equal wage provisions, protection for women from dismissal when cases alleging discriminations are brought to court, nullification procedures for labor agreements contrary to Article 119, and more supervisory inspections with effective penalties.

The Commission also calls on employers and unions to clean their own houses by refusing to sign discriminatory collective agreements, by including in collective agreements a clause specifying the manner in which equal pay will be applied, by streamlining job classification systems, and by giving priority to raising the lowest wages.

Employers organizations are urged to direct their members to apply the equality to wages actually paid as well as to rates fixed by collective agreement, and to give women better access to skilled posts. Unions are urged to play a greater watchdog role, to support and promote legal action in cases of discrimination, and to give women more say in negotiations involving their interests.

The Commission says it will start proceedings against Member States which do not faithfully apply Article 119. The Commission also plans to draft a new Community instrument containing more detail than Article 119, and proposes that the Special Group be enlarged to include representatives of the Commission, member governments, employers' organizations and unions.

An additional report on the status of wage equality for women in the three new Member States (England, Ireland, and Denmark), is currently being prepared by the Commission.