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**Equal Opportunities for Women and Men in the European Union
- 1998 -**

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EXECUTIVE SUMMARY

1998 was the year when equality between women and men took its place at the top of Europe's political agenda. This - the third Annual Report on Equal Opportunities for Women and Men in the European Union¹ - presents the developments and achievements in 1998 and flags up the issues which will be important in 1999 and as the new century approaches.

Mainstreaming in the Treaty

The Treaty of Amsterdam specifically identifies the elimination of inequality between women and men and the promotion of equality in all the EU's activities as among its fundamental aims. This Treaty thus formalises the concept of mainstreaming equal opportunities in all other policy areas. The agreement to strengthen and mainstream equal opportunities policies at European level has been a major factor in raising the political profile of women's right to equality in 1998. The report tracks the growing importance of mainstreaming as a political instrument.

Mainstreaming in the Employment strategy

The European employment strategy is perhaps the best example of what mainstreaming equality will mean in practice for policy formulation. The Treaty made employment a matter of common European concern. The Luxembourg Jobs Summit committed the 15 Member States to a co-ordinated policy for employment and identified a gender gap of 25 million jobs - 25 million fewer women than men employed - in the Member States as one of the main problems. This report examines in detail the implications of two of the main conclusions of the Vienna Summit in December 1998 that "employment is the top priority of the European Union" and that equal opportunities for women and men are a vital component of the whole employment strategy.

Thus, equal opportunities and employment are now inextricably linked; equal opportunities is now both a matter of social justice and of good economics. In the next ten years Europe's working age population will begin to shrink in terms of numbers. Employment growth, so vital to our long-term economic success, will depend, even more than in the past, on the increased participation of women in the labour market. Member States must create the conditions that will enable the European economy and the European workplace to benefit fully from the creativity, talents and skills of women and to enable both men and women to have greater balance in their working and family lives.

Mainstreaming in other policy fields

Mainstreaming as a tool and an objective is not limited to the employment strategy: the essential principle of mainstreaming is that all areas of policy formulation must be subjected to gender assessment. The report, thus, examines the significant progress

¹ In the context of co-operation within the Agreement of the European Economic Area, some information about Norway, Iceland and Liechtenstein has been added where appropriate.

made in 1998 on equality in a number of different and varied policy areas: development co-operation, youth, education and training, the 5th framework programme on research and development. Special mention in this area is made to the proposed reform of the Structural Funds, with its emphasis on the dual strategy: specific action and mainstreaming.

Balanced participation in decision making

The objective of a balanced participation of women and men in decision-making is a key area as regards equal opportunities. The under-representation of women in decision making can be seen as undermining the practical impact of mainstreaming in that it militates against the integration of women's needs and interests across the full spectrum of political, social, cultural and economic life.

Equal opportunities and enlargement

The process towards enlargement of the union is one of its greatest challenges in the near future. In the light of this, the 1998 report devotes, for the first time, a full section to the issue of equal opportunities between women and men in the candidate countries.

Equal opportunities policies 1999

Much has been achieved in the field of equal opportunities. 1998 can be seen as a year of consolidation, of reflection and of forward planning. The report concludes that the dual strategy for equality - combining mainstreaming in all policy areas with activity that focuses specifically on women - produced tangible results over the course of the year. 1999 promises results that are even more telling. We can expect the ratification of the Treaty of Amsterdam, the adoption of new regulations for the Structural Funds, the deepening of the Luxembourg process and the European Council's plans for a European Employment Pact, the preparations for the review of Beijing Platform of Action in the year 2000. These are events to come in 1999 which can be expected to bring yet more change to the architecture of the Union's equality policies.

SECTION 1 : MAINSTREAMING EQUAL OPPORTUNITIES

Gender mainstreaming saw its breakthrough on a global scale at UN Fourth World Conference on Women in Beijing 1995. Strongly backed by the EU delegation, mainstreaming was defined as the promotion "by Governments and other actors" of "an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men respectively".

At European-level the commitment to mainstreaming was immediately followed up in very concrete terms firstly in the Commission's Communication on: Incorporating equal opportunities for women and men into all Commission policies and activities² and later in its Social Action Programme 1998-2000³. The Social Action programme, where the steps to be taken for the future development of European social policy are outlined, in particular focussed on the promotion of equality between women and men through the dual strategy of mainstreaming and specific actions. Indeed this dual strategy now guides all policy formulation in the domain of equal opportunities.

The European framework for mainstreaming equality is now formalised in a legal and institutional sense in the new Treaty of Amsterdam. Its Article 3 states that 'the Community shall aim to eliminate inequalities and to promote equality between women and men in all its activities'. With the ratification of the Treaty, the European Union will provide the first example of a comprehensive formal equality framework.

Developing the instruments for mainstreaming

Throughout 1998, the Commission continued and consolidated its strategy of assessing all general policies and measures for their gender impact. The Group of Commissioners on Equal Opportunities between women and men, chaired by President Santer, has been particularly a driving force to this end.

Gender impact assessment is carried out to avoid unintended consequences of policy decisions and to improve the quality and efficiency of policies. Mainstreaming is a complex, long term approach, which requires the development of appropriate training and tools. Developing such training and tools to overcome the main barriers to progress have figured high on the order of priorities. A very practical step towards implementing gender impact assessment was advanced in 1998 with the publication by the Commission of a short guide⁴, introducing the notion of gender impact assessment to the Commission services. The Guide explains and provides examples of gender relevance and sets out indicators for assessing gender impact. Further measures will be taken in 1999 to ensure that gender impact assessment of Commission policies becomes a regular and, indeed, reflex procedure. Measures are

² COM (96) 67 final, 21.2.1996.

³ COM (98) 259 final.

⁴ 'A Guide to Gender Impact Assessment', European Commission, DGV, 1998, Luxembourg: Office for Official Publications of the European Community.

also foreseen to reinforce the commitment of Member States to implementing gender mainstreaming.

In this context, it can be mentioned that an instrument has been developed by the Netherlands⁵ for gender impact assessment and has been used in a number of policy fields by the government. Developing on the Dutch experience, a similar instrument has been developed in Belgium at the request of Flemish regional authorities. Yet another instrument for gender impact assessment is being tried out at the local and regional levels in Sweden. What can be noted is that gender impact assessment relies heavily on gender expertise and the availability of sex-desegregated and gender relevant data.

Increasing the visibility of the gender mainstreaming process was the goal of the Parliament's Women's Rights Committee, when they undertook a detailed screening of the 1998 budget to establish how the allocations benefited women and men respectively.⁶

Promoting equality in the Structural Funds

As the main Community instrument for social cohesion and sustainable development, Structural Funds have a major impact on equal opportunities for women and men. During 1998 some specific initiatives were launched in the framework of the Structural Funds with special impact for women.

In the framework of Recite II (Article 10 of the ERDF⁷) six European resource centres were launched to promote and support women's integration into economic activity. In fishing areas, 29 projects for women were supported under a specific pilot programme. The EMPLOYMENT-NOW Initiative⁸ has supported specific activities for women and, at the same time, developed gender mainstreaming approaches: in France a project to promote women in decision-making in the services sector was supported. In Italy a project to introduce a gender sensitive quality mark in work places was supported. In the framework of the EMPLOYMENT-ADAPT Initiative,⁹ a special transnational working group on desegregation of the labour market was formed across Member States, in order to disseminate and mainstream the results of the EMPLOYMENT-NOW programmes at European level.

The mid-term evaluation of the Social Fund¹⁰ (ESF) included a special chapter on equal opportunities. During the 1994-1999 programming, in the framework of Objective 3, the principle of promoting equal opportunities in all programming documents has been considered as a transversal orientation. However, its implementation in practice has been weak.

Studies published on the impact of ERDF interventions in Finland, Spain, Ireland, Portugal and Greece and in four rural areas in Italy, Greece, the Netherlands and

⁵ Gender impact assessment, Mieke Verloo, Council of Europe, group of specialists of mainstreaming, 1996.

⁶ Working Document on gender mainstreaming and the targeting of women in the budget. PE 227.894 of 29.7.98.

⁷ European Regional Development Fund.

⁸ 1994-1999.

⁹ 1994-1999.

¹⁰ Conclusions of the ESF mid-term evaluations, European Commission, DGV, June 1998.

Norway all concluded that the promotion and encouragement of equal opportunities through Structural Fund interventions has been a useful instrument to increase the labour market integration of women, particularly through specific action in women's entrepreneurship and in childcare.

A study funded by EAGGF¹¹ was published concerning the labour situation and strategies of women farmers in diversified rural areas. It shows the importance of women's participation in diversifying activities. An analysis of the rural development programme for Ireland showed the weakness of women's participation at the level of agricultural investments, but on the contrary an important participation in tourism and training activities.

Drawing conclusions on the implementation of equal opportunities under the current Structural Fund programmes, and lessons for the new programming period, were the themes of a European conference which took place in September 1998¹². Two years after the Brussels conference of 1996, the meeting stressed the importance of the contribution of the Structural Funds in reducing inequality for women in employment, and desegregating the labour market, as well as using women's capacities for local development in urban and in rural areas, or for new entrepreneurship. Examples of mainstreaming strategies were presented. An example was that of the Luna project of the General Union of Portuguese workers, to provide women trade unionists with training to become equality officers in Portuguese companies.

Reforming the Structural Funds: new perspectives

The current round of Structural Funds is due to expire at the end of 1999. On 18 March 1998, the European Commission adopted five draft Structural Fund Regulations. The *'removal of inequalities and the promotion of equal opportunities for women and men'* in economic and social activity has been introduced as a general principle in the objectives and tasks for the future Funds. If approved, this would represent an important advance in transforming the Funds into a major instrument for promoting equality in the Community. The gender dimension would in effect permeate the whole process, from the planning through to evaluation.

The ERDF, EAGGF and FIG¹³ draft Regulations propose that Member States should commit themselves to provide for equality actions. The ESF will contribute to the actions undertaken in pursuance of the European Employment Strategy. One of the five ESF policy fields of intervention proposed is the improvement of women's situation in the labour market, including their career development, their access to new jobs opportunities and to entrepreneurship, and reducing vertical and sectoral segregation in the labour market.

¹¹ European Agricultural Guidance and Guarantee Fund.

¹² The integration of equality between women and men into the Structural Funds, Seminar organised by the Portuguese authorities in co-operation with the Commission in Viana do Castelo, Portugal on 13-15 September 1998.

¹³ Financial Instrument for Fisheries Guidance.

In Ireland, to prepare the next round of Structural Funds, suggestions have been put forward to include the setting up of an equality co-ordinating committee under the next CSF¹⁴ and to commence training sessions on mainstreaming.

Several seminars were held in collaboration with the Women's Commission of the COPA-COGECA (Federation of Farmers Organisations at European Level) to inform women in rural areas on the reforms related to Agenda 2000. They have been financed under the specific budgetary line allocated by the European Parliament to information and training in rural areas.

The Commission intends to introduce a new Community Initiative on human resources to combat all types of discrimination in the labour market, and targeting all groups that may experience disadvantages in accessing employment. Equal opportunities for women and men could be integrated as a cross-cutting issue.

The Commission's Advisory Committee on equal opportunities, composed of Member States representatives and social partners, issued an Opinion on the reform of the Structural Funds,¹⁵ in which it suggested a greater involvement of equal opportunities machinery in the decision-making processes concerning all Funds.

At its plenary session of 19 November 1998,¹⁶ the Parliament approved the Commission's proposal to reform the ERDF and ESF. Amendments were designed to strengthen the ESF's commitment to tackling unemployment, equal opportunities and to encouraging training.

In September 1998 the Economic and Social Committee¹⁷ and the Committee of the Regions¹⁸ approved the regulations proposed by the Commission, with equal opportunities for women and men as one of the five priorities of the Funds.

The role of the Medium-term Community action programme on equal opportunities for men and women

The Commission adopted the interim report on the implementation of the Medium-term Community action programme on equal opportunities for men and women.¹⁹ Mainstreaming, and its inherently global exhaustive approach, was adopted both as a guiding principle and as the primary strategic objective of the Programme. Its implementation in practice opened the door to new actions and a whole series of previously unused initiatives at every level.

In total, an important number of projects, studies and conferences targeted at a range of different political levels and policy areas, have been developed, with the objective of promoting gender mainstreaming and developing tools and instruments for its implementation.

¹⁴ Community Support Framework.

¹⁵ *Opinion of the Advisory Committee on equal opportunities for women and men on the reform of the Structural Funds*, 6 July 1998.

¹⁶ PE 273.811/39.

¹⁷ 9-10 September 1998.

¹⁸ CoR 167/98.

¹⁹ COM(98) 770 final of 17.12.1998.

Educational and research programmes: towards gender equality

Community programmes in the fields of education, training and youth policies have a long tradition of respecting equal opportunities for women and men. The main challenges for the future include further development and expansion of these achievements in the 'new generation' of Community programmes, which are being prepared for the period 2000 - 2006. The Council adopted on 4 December 1998 a common position on the proposals for the next phase of the Socrates²⁰ and Leonardo da Vinci²¹ programmes. For Youth for Europe²² the proposal for the second phase is currently being negotiated. The proposals will ensure an improvement of the profile of equal opportunities in these fields of action. In the new programmes, special attention will be given to removing all forms of discrimination and to promoting equal opportunities for women and men. These provisions are to be integrated into all objectives of the three new programmes.

Women are seriously under-represented in research activities. This was the conclusion of a Conference on 'women and science', organised by the Commission and the European Parliament and held in Brussels on 28-29 April. In the Conference, all kinds of questions related to women and science were debated such as obstacles, options, career development, women's approach to science and policies to increase women in science.

In November 1998 the Commission set up an expert group composed of a dozen of female scientists to work on the mainstreaming of women in research in Europe. The Commission is to establish links with already existing networks of female scientists in Europe, which would allow for exchange of information and experiences with a view again to formulating recommendation and developing a European wide structure. A gender perspective is being incorporated into the Fifth Framework Programme on Research and Development. Research on -, by - and for women will form an integral part of the programme. Twenty-seven per cent of the projects currently supported are managed by women, whereas they only accounted for ten per cent of all tenders. An Observatory will monitor women's positions in scientific posts.

An important outcome of the April 1998 conference on "women and science", was the Commission commitment to prepare a Communication aimed at promoting equality between women and men in science and research. The draft Communication deplores the continued persistence of male dominance, traditional mentalities and stereotyped roles characterising Community science and technology policy, and addresses the need for more and better data desegregated by sex, the need to improve the career paths for women in science and technical occupations, and launches a proposal on the attainment of 40 per cent women in all advisory committees, evaluation boards and other relevant decision-making bodies in the field of research and technology.

Gender dimension in development co-operation policies

Change is occurring among governments in developing countries in favour of discussing women's needs and their potential to participate on equal terms with men.

²⁰ Council document 13327/1/98 Rev. 1 of 22 December 1998.

²¹ Council document 13380/98 of 15 December 1998.

²² COM (98) 695 final of 22 November 1998.

The Commission is now taking the gender situation of the country and sector into account in its own strategy work, as well as in the preparation of projects. Nevertheless, important gaps remain, such as the effects on women of changes in the World Trade Organisation, women's long working hours in many countries, violence against women and girls within families and local society, and the under-representation of women in political and other decision-making bodies.

The complexity of integrating gender issues across the large number of sectors covered by development co-operation was acknowledged by the Development Council which in May 1998 undertook a review of the Gender in Development Resolution of 1995²³. Noting shortages of staff and other resources to facilitate the integration of gender issues, the Council called on the Community and Member States to increase capacity to implement the Resolution.

At Community level, planning and follow-up instruments have been reviewed and modified in order to include gender analysis and indicators through the whole project cycle, from the beginning of project identification until evaluation. Mainstreaming of gender issues and gender equality is one of the three guiding principles for systematic application in all areas of co-operation.

The Council Regulation on integrating gender in development co-operation was adopted by the Council on 22 December 1998.²⁴

Implementing the Beijing Platform for Action

The 42nd session of the UN's Commission on the Status of Women (CSW) was held in New York in March 1998.²⁵ The UK Presidency, speaking on behalf of the European Union, pointed out that at the heart of the Platform for Action is the principle of mainstreaming. Essential characteristics of the principle of mainstreaming are more sustainable policies in which people will feel greater 'ownership' of the solution, 'empowerment' and the equal participation of women and men in decision-making, an essential to the implementation of human rights, democracy and people-centred sustainable development.

In preparation for the Beijing +5, the global review of the implementation of the Declaration and Platform for Action adopted at Beijing 1995 that will take place in New York in June 2000, the Ministry for Labour and Social Affairs of Spain, jointly with the Commission, hosted a conference in Madrid in November 1998. Focusing on key areas of concern in an EU perspective, the conference confirmed that a common EU agenda for equality has emerged, where emphasis is largely on specific, but moderate measures, particularly in the fields of education, employment and decision-making. A Conference Declaration denouncing all forms of violence against women was adopted.

Beijing itself was host in October 1998 to a five day seminar on women's rights, in the framework of the European Union/China human rights dialogue. The seminar was

²³ Council conclusions on integrating gender issues in development co-operation of 18 May 1998.

²⁴ Council Regulation (EC) No. 2836/98 of 22 December 1998, OJ L 354/5 of 30.12.1998.

²⁵ United Nations Commission on the Status of Women 42nd session, UN Headquarters, 12-13 March 1998.

organised by the Austrian Presidency jointly with the Commission.²⁶ The meeting was a unique occasion for Chinese and European NGOs to sit side by side with representatives of governments and the academic world.

The Council for Labour and Social Affairs of 2 December 1998 undertook an examination of the Beijing follow-up giving particular attention to the importance of gender-desegregated data, indicators and benchmarking in the field of women in decision-making, on the basis of a proposal of the Austrian Presidency. As a result, a process has been launched to develop indicators and benchmarks in the European Union follow-up to Beijing.

Launching the debate on gender equality in the public sector

Integrating a gender dimension in the public sector was one of the most significant themes of discussion during 1998. As part of the UK Presidency, a major international conference on 'Mainstreaming sex equality in the public sector',²⁷ was organised jointly by the Equal Opportunities Commission and the European Commission, with the support of the UK Government and the British Council.

The Austrian Presidency pursued the discussions through a conference on 'Support for Women in the Civil Service',²⁸ which focused on the challenges facing the public authorities in implementing equal opportunities policies. A seminar on 'Positive Action in the Public Services',²⁹ was also held under the Austrian Presidency and supported by the Commission. The Commission stressed that mainstreaming is not contrary to positive action.

A training and awareness-raising programme aimed at the very top-level managers in all fields of the public sector is the approach taken in Sweden. The participation of the Prime Minister and all members of Cabinet, underlines the importance ascribed to the programme. Sweden stressed the importance of good sex-desegregated statistics and indicators, and their role in elucidating new questions and perspectives on mainstream policies. The Swedish Association of Local Authorities, within the framework of the JÄMKOM project, is examining how a Committee or Board can work systematically to achieve gender equality in its own field of operations.

In Sweden, best practices in public service as well as in political parties have led to equal representation of women through training, mentoring, awareness-raising, and promotion of preferential treatment for equally qualified candidates of the under-represented sex.

The gender dimension of public administration got additional recognition in Italy, through new positive actions and training in gender awareness. In Greece, following the reorganisation of the General Secretariat for Equality reported in the 1997 Annual Report, Offices of Equality were established in the Ministries of National Economy,

²⁶ EU-China Seminar between European Union and the All China Women's Federation, Beijing, October 26-30, 1998.

²⁷ EC Conference on 'Mainstreaming sex equality into the Public Sector', London, 22-23 June 1998.

²⁸ Vienna, 12-14 November 1998.

²⁹ Austrian Academy of Public Administration, Seminar on Positive Action in the Public Services, 12-13 October 1998, Vienna.

Development, Labour and Social Security, Health, Education, Agriculture, Transport, Justice, Press and Mass Media, and National Order.

SECTION 2: NEW STRATEGIES FOR EMPLOYMENT AND EQUALITY

Equal opportunities within the European employment strategy.

The adoption of the 1998 Employment guidelines by Council in December 1997 signified a major step forward for the promotion of equality between women and men and 1998 has witnessed a consolidation of the process including a full recognition of equality of opportunity as a vital fundamental component of the European model to create employment.

The Joint Informal Council of Employment, Social Affairs and Equal Opportunities held in July 1998³⁰ in Innsbruck, Austria, declared that equal opportunities had become an economic requirement and that maintaining the European social model would depend on women's participation in the labour market. Ministers discussed the contents of a report presented by the Austrian Ministry of Labour, Health and Social Affairs,³¹ which identified three main reasons as to why an equal opportunities dimension is needed in the employment strategy:

- One of the major sources of divergence in employment rates among advanced countries is the share of women in employment;
- A gender equality perspective is essential to understand recent changes in the employment system and the welfare system;
- Progress toward a higher employment rate demands also a change in the basis of social and economic organisation to a more dual-earner employment and welfare system.

The Commission's Advisory Committee on equal opportunities for women and men, in its Opinion³² on the 1998 Employment Guidelines welcomed the steps taken by certain Member States to incorporate equal opportunities into all the pillars.

The 1998 National Actions Plans for employment

In 1998, for the first time, Member States drafted National Action Plans (NAPs) in which they presented new measures aiming at creating employment. In a Communication published in May 1998,³³ the Commission examined the commitments made by the Member States as regards the 1998 Employment Guidelines. Generally, the responses of Member States demonstrated that there was a clear commitment to making progress on employment. A number of positive elements

³⁰ From 8-10 July.

³¹ Rubery, J. And Fagan, C., March 1998, 'Equal Opportunities and Employment in Europe', Final Report for the Federal Ministry of Labour, Health and Social Affairs, Republic of Austria, European Work and Employment Research Centre, Manchester.

³² Opinion of the Advisory Committee on Equal Opportunities for women and men on the 1998 Employment Guidelines, 7 July 1998.

³³ COM(98) 316 of 15.5.1998.

could be discerned. However the principal focus in the Plans was on the first two pillars, 'employability' and 'entrepreneurship'. On the fourth pillar, the content of the NAPs addressing the issue of equality between women and men appeared to be modest and insufficiently detailed in the 1998 National Plans.

The Commission's Gender and Employment group of experts carried out an assessment from a gender perspective of the 1998 NAP's³⁴. The results of this evaluation was discussed at a seminar organised by the Commission in July 1998³⁵ with the national authorities and the social partners at European level. The following are some of the main findings:

- In their 1998 National Action Plans, most Member States recognised gaps existing in matters of care services, especially for children, and indicated that they intended to develop the supply of care services. Austria, the Netherlands, the United Kingdom and Luxembourg have fixed their targets. Spain, the United Kingdom and Italy have indicated they would provide for the cost of care services through taxes and allowances. Whether services for the elderly and other adult dependants exist has been rarely mentioned.
- Some Member States have mainstreamed equality into their general measures. This is the case in Luxembourg where special contributions will be raised to increase the rate of female participation in in-company training. In Austria, an integrated approach has been outlined to reduce gender gaps in employment, and combine different measures for women such as training, wage subsidies, vocational training in occupations traditionally dominated by men and provision of childcare facilities.
- Belgium, Greece, and the Netherlands underlined their provision of supports, designed to make working hours more compatible with family life and improve the availability of after-school care. Ireland established an Expert Working Group on childcare to develop a national delivery framework for childcare. The Commission studied developments in care services throughout the year³⁶.

At the Cardiff European Council, held on 15-16 June 1998 during the UK Presidency, Member States were urged to

- strengthen action on equal opportunities by ensuring that equality between women and men is mainstreamed in all employment policies;
- promote family-friendly working practices, including suitable childcare and parental leave schemes.

³⁴ Bettio, F. Bimonte, S. And Tiezzi, S., 'The National Action Plans for Employment: Assessment from a Gender Perspective', Report of the 'Gender and Employment' Network of Experts, European Commission, DG V, July 1998.

³⁵ Brussels, 3 July 1998.

³⁶ 'Gender and working time Policies', 1998, European Network of Experts on Employment, European Commission, DGV.

'Care in Europe', Joint Report of the 'Gender and Employment' and the 'Gender and Law' Networks of Experts, 1998, European Commission, DGV.

The Joint Employment Report³⁷ of 14 October 1998 presented an analysis of the implementation of the NAPs and a series of good practices in Member States. The Heads of State and Government at the European Council in Vienna in December 1998 considered this detailed examination.

On 14 October 1998, the Commission also presented the first 'Employment Rates Report' prepared following the request from the European Employment Summit in Luxembourg in November 1997. The Report highlights that women represent a significant potential for increased employment in the Union given the right incentives and opportunities. It stresses the importance of measures encouraging and enabling women to stay in employment for a longer period of their working lives. Fiscal and social protection and childcare systems should be reformed to contribute to a growth in women's employment.

The 1999 Employment Guidelines

The Council of Social Affairs commitment to equality was reinforced when it agreed the 1999 Guidelines in December 1998. Equal opportunities for women and men was mainstreamed in all employment policies and, at the same time, continued to constitute a pillar of employment policies requiring special attention and special measures for women's integration in employment.

The new Guidelines for 1999 mainstream equal opportunities in all pillars and maintain a fourth specific pillar on equal opportunities between women and men

Equal Opportunities for Women and Men in the Fourth Pillar of the Employment Guidelines for 1999:

'Gender mainstreaming approach'

Women still have particular problems in gaining access to the employment market, in career advancement, in earnings and in reconciling professional and family life. It is therefore important, inter alia: to ensure that active labour market policies are made available for women in proportion to their share of unemployment; to reduce tax-benefit disincentives, wherever identified, because of their negative effects on the female labour supply; to give particular attention to obstacles which hinder women who wish to set up new businesses or become self-employed; to ensure that women are able to benefit positively from flexible forms of work organisation.

Therefore, the Member States will:

adopt a gender-mainstreaming approach in implementing the Guidelines of all four pillars. In order meaningfully to evaluate progress on this approach, Member States will need to provide for adequate data collection systems and procedures.

Tackling gender gaps

Member States and the social partners should translate their desire to promote equality of opportunity into increased employment rates for women. They should also pay attention to the imbalance in the representation of women or men in certain economic sectors and occupations, as well as to the improvement of female career opportunities. Member States will:

attempt to reduce the gap in unemployment rates between women and men by actively supporting the increased employment of women and will take action to bring about a balanced representation of women and men in all sectors and occupations. They will initiate positive steps to promote equal pay for equal work or work of equal

³⁷ SEC(98) 1688.

value and to diminish differentials in incomes between women and men. In order to reduce gender gaps, Member States will also consider an increased use of measures for the advancement of women.

Reconciling work and family life

Policies on career breaks, parental leave and part-time work, as well as flexible working arrangements which serve the interests of both employers and employees, are of particular importance to women and men. Implementation of the various Directives and social-partner agreements in this area should be accelerated and monitored regularly. There must be an adequate provision of good quality care for children and other dependants in order to support women's and men's entry and continued participation in the labour market. An equal sharing of family responsibilities is crucial in this respect. In order to strengthen equal opportunities, Member States and the social partners will:

design, implement and promote family-friendly policies, including affordable, accessible and high quality care services for children and other dependants, as well as parental and other leave schemes.

Facilitating reintegration into the labour market

The Member States will:

give specific attention to women, and men, considering a return to the paid workforce after an absence and, to that end, they will examine the means of gradually eliminating the obstacles in the way of such return.'

Source: Draft Council Resolution of 16.12.1998 on the 1999 Employment Guidelines.

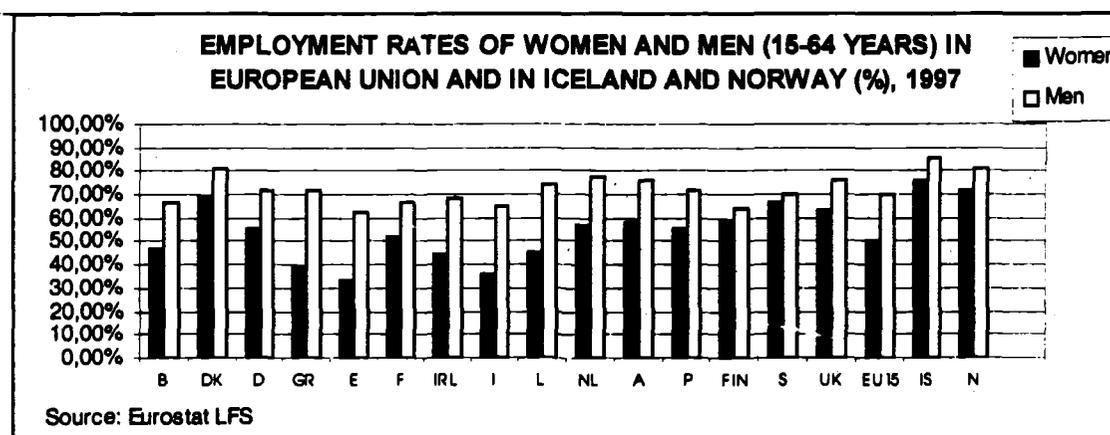
The fight against the gender gap in employment

The desegregation of employment remains a central goal of employment strategy. The concentration of women's employment in certain sectors remained high and even increased slightly between 1996 and 1997.

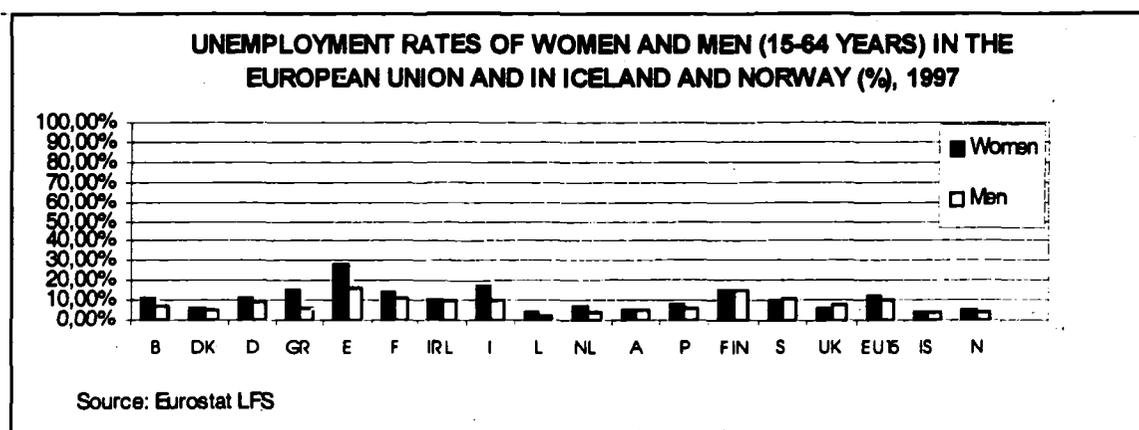
Women's share of non-standard employment was higher than that of men. In 1997; 13 per cent of women employees had a work contract of limited duration, compared with 11 per cent of men. Women continue to account for 80 per cent of part-time workers.

The share of employment in the services sector continues to increase and accounted for 66 per cent of all employment in 1997. Women's employment continues to be concentrated in services and now accounts for just over 80 per cent of women workers across the European Union, ranging from 56 per cent in Greece to 94 per cent in Denmark.

The trend towards the growth of professional employment in recent years has been accompanied by women taking up an increasing share of these higher level jobs. However, other parts of the labour market have become more segregated. For example, women's share of employment in clerical jobs, a sector in which women in a number of Member States were already highly represented, has increased across the European Union. New divisions have emerged. Differences in the labour market opportunities and experiences of highly educated women, compared with those with lower educational qualifications, have become more pronounced.



The balance between work and family life



Demographic prospects show that the population of the European Union will be composed of fewer children but more older people. This fact means a change in the nature of dependency which will have significant implications not only for the participation of women and men in the labour market but also for the supply of both paid and unpaid care services.

Women largely carry out caring, often informally and either unpaid or underpaid. A number of quite different measures to facilitate the combination of work and caring responsibilities have been identified.³⁸ Including time-related provisions, such as leave arrangements, reduced working hours, as well as money benefits and childcare provisions. These were the subject of an exchange of views at the Innsbruck Informal Council.³⁹

³⁸ Reconciliation between work and family life, European Commission, DG V, 1998.

³⁹ Informal meeting of Ministers of labour and social affairs, Innsbruck, Austria, 8-10 July, 1998.

The Commission's Advisory Committee, giving an Opinion on the Commission's Communication on the future of social protection,⁴⁰ stressed that social security systems should recognise the valuable contribution of caring to society.

The ageing of the population of the European Union is a far from gender neutral trend. There are three women for every two men aged 65 to 79, and the ratio increases with each decade. The effects of change associated with the creation of employment in areas that have traditionally been unpaid, - work carried out by the family or as voluntary work - were the subject of new research launched by the Commission in 1998 in ten countries.⁴¹ Gender equality implies a new employment order, based on the principle of a better distribution of responsibilities between women and men. For the European Union, the introduction of stronger policies to allow for better reconciliation of work and family responsibilities is essential for strengthening equal opportunities for women and men. This was stressed in Guideline 17 of the Employment Guidelines for 1998, which stated that 'the Member States will strive to raise levels of access to care services where some needs are not met'.

The will to raise levels of access to care services where needs are not met was reinforced in the fourth pillar of the 1999 Guidelines. This followed on from discussions between Equality Ministers on 5-6 May 1998. The Ministers concluded that achieving a better reconciliation between work and family life is central to a whole range of social issues, and that affordable, accessible and high quality childcare, parental and other leave schemes and family-friendly working policies are essential. Taking account of the conclusions of Ministers at the Belfast meeting, the 1999 Guidelines agreed by the Council of Social Ministers and endorsed by the Vienna Council in December 1998, state that: 'the Member States and the social partners will design, implement and promote family-friendly policies, including affordable, accessible and high-quality care services for children and other dependants, as well as parental and other leave schemes'.⁴²

Mainstreaming equality of opportunity into all employment guidelines

The 1999 employment guidelines call explicitly, for the first time, on the Member States to mainstream equality in the first three pillars of the strategy, on employability, entrepreneurship, adaptability. This implies the integration of the gender dimension in policies which are wider than the 'classical' equality policy. At European level, mainstreaming has already started in these areas and continued during 1998. What follows gives an illustration of the relevance and the practicalities of mainstreaming in employment related topics.

• Women's Entrepreneurship

Women remain insufficiently involved in business start-up ; they are confronted more frequently than men with difficulties on business development or access to credit. In the framework of the Employment-NOW Initiative a thematic group was launched to promote women's entrepreneurship. Numerous successful initiatives were examined

⁴⁰ COM(97) 102 final of 12.3.1997, Modernising and Improving Social Protection in the European Union.

⁴¹ Employment, family and community activities, European Foundation on the Improvement of Living and Working Conditions, Dublin.

⁴² Draft Council Resolution of 16.12.1998 on the 1999 Employment Guidelines.

and a special booklet⁴³ was published in 1998, summarising analysis and good examples.

In the framework of the third multiannual Programme for SMEs⁴⁴ a call for proposals was launched in 1997.⁴⁵ Women entrepreneurs and co-entrepreneurs are specially targeted in more than a third of the supported projects.

- **New working time patterns**

Opportunities for part-time work and flexible working hours are needed to remove structural and incidental bottlenecks relating to the care tasks of women and men. Job sharing, the ability to manage time during the working week, reductions in working hours - these and other measures are expressions of a growing work-life debate.

Monitoring working time patterns is rather complicated. Current developments seem to indicate that progress in this field is slow. The gap between the working hours of women and men is decreasing. This may be occurring as the hours of women resemble the longer hours of men.

At the very heart of divisions between women and men on the labour market lies the question of gender and working time policies.⁴⁶

- **Women's participation in the information society**

The information society, with the development of new technologies, is providing an important number of new jobs. It also provides new forms of employment such as teleworking, which, in some cases, can contribute to and facilitate the reconciliation between work and family life. On 27 May 1998 the Commission called on the Member States to ratify the International Labour Organisation Convention on homeworking (see Section 4).⁴⁷

Women are under-represented in the field of new technologies. It is, thus of central importance for the future to avoid segregation and to integrate women in new 'high tech' sectors. Taking account of the division of jobs and tasks between women and men arises when new technology is first introduced into the workplace. This was a conclusion of a conference entitled 'Employment 2002, the future for women' which took place in Linz, Austria, on 3-4 September 1998. The seminar concluded that development of skills, changes in outlook and provision for family-friendly policies can increase opportunities for women.

⁴³ 'Business creation by women, measures to support the creation, consolidation and growth of women-owned business', European Commission, DG V, Unit V/B/4, 1998.

⁴⁴ Third Multiannual Programme for Small and Medium sized Enterprises in European Union (1997-2000).

⁴⁵ OJ C 117/17 of 15.4.1997.

⁴⁶ Gender and working time policies, Gender and Employment Group of Experts, European Commission, DG V, 1998.

⁴⁷ OJ L 165 of 10.6.1998.

- **Gender dimension in the social dialogue**

The Vienna European Council confirmed that the social partners at European level (UNICE, CEEP and ETUC)⁴⁸ have an important role to play in the implementation of the employment strategy. The 1998 and the 1999 Employment Guidelines refer to the importance of their contribution to the employment strategy in all pillars.

The social dialogue and the European social model were the subjects of a conference under the Austrian Presidency, hosted in Vienna⁴⁹ in November 1998. The importance of the role of the social partners in the field of equal opportunities for women and men was stressed, in particular on the enforcement of equal pay and the reinforcement of the status of part-time workers and workers on fixed-term contract, where women account for a majority.

The social partners at European level opened negotiations on fixed-term contract workers on 23 March 1998, to supplement an agreement on part-time work⁵⁰ concluded in 1997.⁵¹ This is of crucial importance for women, as they constitute a majority of employees in part-time employment. They have also an important role to play in working time policies in order to facilitate reconciliation work with family life.

Social partners can contribute to the modernisation of the organisation of work, which is a means to facilitate and complement the implementation of the adaptability pillar of the Employment Guidelines. A Communication was adopted on the 25 November 1998 inviting the social partners to examine further ways of improving both flexibility and security in the new organisation of work.⁵² Social partners could usefully address the issue of entry or re-entry of women into the workforce, and access to training, as well as the issue of better combining family and work responsibilities. In Vienna, in September 1998, an expert meeting stressed the important role of the social partners in the effort of reconciling family life and work, and the necessity for the future of a society which listens to its children and targets its policies towards their needs and their life prospects.⁵³

Sectoral dialogue is, in many cases, an appropriate level at which to promote better equal opportunities for women in the labour market. A study on working conditions in different sectors of the European economy⁵⁴ concluded that there is a link between strong sectoral bargaining and good practices in equal opportunities. As a follow-up to this report, social partners in the textile and clothing sector and in the electricity sector will launch research-action projects, studies and conferences with the support of the Commission, during 1999.

⁴⁸ Union of Industrial and Employers' Confederations of Europe, European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest, European Trade Union Confederation.

⁴⁹ 'The European Social Model and Social Dialogue', Vienna, 9 November 1998, Conference organised by the Federal Ministry for Labour, Health and Social Affairs.

⁵⁰ Council Directive 97/81/EC concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC.

⁵¹ Council Directive 98/23/EC extended to UK Directive 97/81/EC.

⁵² COM(98) 592 of 25.11.1998, Modernising the organisation of work – A positive approach.

⁵³ 'A Strategy for Europe – Balancing Family and Work,' Vienna, 14-15 September 1998.

⁵⁴ Women's working conditions in different sectors of the European economy, final report by Tina Weber and Peter Foster.

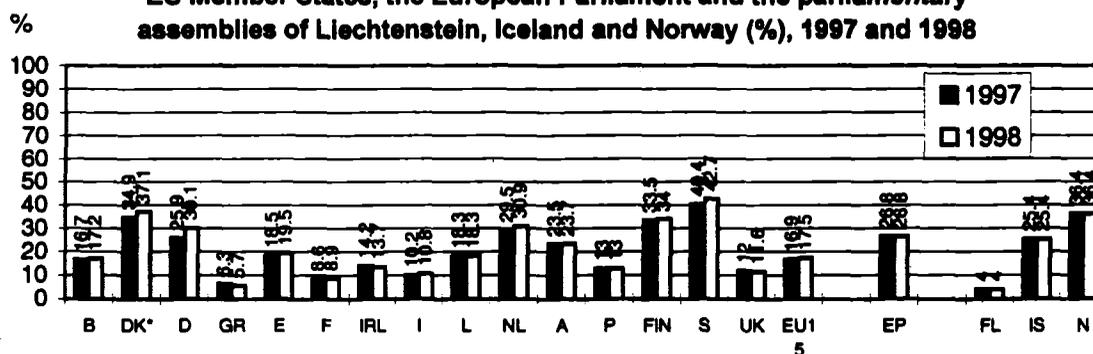
SECTION 3: PROMOTING A GENDER BALANCE IN DECISION- MAKING

The 'gender balance issue'

The representation of women in posts of responsibility and at decision-making level in political bodies has been the subject of considerable debate during 1998. The availability of comparable statistics on gender balance in political decision-making in the Member States over the most recent years has gradually improved the visibility of the issue. A considerable number of governments, political parties and institutions in the European Union have recognised the necessity to change the situation and aim at a balanced participation of women and men in elected and nominated bodies, commissions and committees. The arguments connected with this objective are of political, economic and social order. The principle of democracy suggests a better representation of women and men extended up to the target of parity democracy. The principle of better utilisation of human resources suggests taking full advantage of women's talents and potential. The principle of social justice suggests the provision of a *de facto* equality of access in all available economic and power sources.

The quantitative objective of a balanced participation of women and men in decision-making bodies is also connected with the qualitative objective of changing politics and the way decisions are taken. A critical mass of around 30% of women is seen to be necessary to create the necessary dynamic for improving the quality of decisions allowing the concerns, needs and interests of women and men to be reflected in them. The different but complementary and mutually enriching views of women and men should be reflected in all public policies shaping citizens everyday lives. The Treaty of Amsterdam stresses the Union's commitment to equality between women and men in all its policies. This task needs a large partnership and the co-ordinated action of all European Institutions, Member States, social partners and NGOs if real progress is to be made towards a gender balance in decision-making.

Table
Participation of women in the national parliamentary assemblies of the EU Member States, the European Parliament and the parliamentary assemblies of Liechtenstein, Iceland and Norway (%), 1997 and 1998



Source: FrauenComputerZentrum Berlin. 1997 data updated June 1997; 1998 data updated June 1998 with data for D and S updated September 1998.

Note: *Data for Lower Chamber excludes 4 members elected in Greenland & Faroe Islands.

Women's participation in parliaments and governments in the European Union

A significant growth in the participation of women in national parliamentary assemblies occurred after a series of elections in 1997. This was consolidated, but not substantially improved, by elections in Denmark, the Netherlands, Sweden and Germany during 1998. Overall, the participation of women in national parliaments increased by meagre 0.6 percentage points (from 16.9 per cent in 1997 to 17.5 per cent in 1998).

When the lower chambers of parliaments are examined, a slightly more favourable trend is revealed: in 1997 women's share of seats in the lower chambers of Europe stood at 20.3 per cent. It rose to 21.1 per cent in 1998. The gender gap in the upper chambers of national parliamentary assemblies is much more substantial, with only 10.3 per cent female representation (1997:10.4 per cent, 1998: 10.3 per cent).

At government level, an increase can be detected in the proportion of women holding government posts between 1997 and 1998 (rising from 19.3 per cent to 21.9 per cent). There were significant increases in the proportion of women in the governments of Luxembourg (25 per cent to 33.3 per cent), Denmark (26.5 per cent to 35 per cent), Germany (15.6 per cent to 35 per cent) and Italy (17.1 per cent to 20.5 per cent) between 1997 and 1998. However, there was a decrease in Finland and Austria, where the proportion of women in government fell by more than five per cent.

The highest levels of participation of women in political decision-making are to be found at regional level. Between 1997 and 1998 women's participation rose by 1.3 percentage points (from 23.2 to 24.5 per cent) for regional governments, and by 1.2 percentage points (from 26.6 to 27.8 per cent) for regional parliaments.

Women's representation in the European Parliament

The next elections to the European Parliament will take place in June 1999 for a period of five years. The overall trend in women's representation in the European Parliament is one of a steady increase of women MEPs over the last two electoral periods. The proportion of seats taken by women MEPs rose from 17.3 per cent (or 75 seats) after the June 1984 elections to 20 per cent (or 103 seats) after the June 1989 elections. This figure increased again after the June 1994 elections, with representation of women in the European Parliament rising to 25.7 per cent (or 146 seats out of a total of 567 seats).

On 1 January 1995 Austria, Finland and Sweden joined the European Union. This increased the representation of women to 26.4 per cent in 1996. Allowing for replacements and resignations, women MEPs made up 26.7 per cent of all Members of the European Parliament in 1998 before the forthcoming elections in 1999.⁵⁵

The Bureau of Parliament is composed of 14 vice-presidents and five Quaestors. There are currently three (21.4 per cent) women vice-presidents. At present, there are three (among 20) women Presidents of standing committees and one (among three) woman President of a sub-committee.

⁵⁵ European Parliament 1998.

The European Parliament⁵⁶ undertook an analysis of electoral systems currently applied in Member States and their impact on women's political representation. The results show that the highest representation rates of women are in national parliaments (Sweden, Finland, Denmark, the Netherlands) which have either proportional or mixed electoral systems. Member States with lowest levels of women's participation (Greece, France and the United Kingdom) apply majority vote or mixed systems. The validity of those findings is strengthened by international research comparing 162 countries.⁵⁷

In the run-up to the 1999 European Parliament elections, networks such as EUDIF⁵⁸ and the European Women's Lobby are campaigning to convince political parties in all Member States of the necessity to offer lists of candidates which utilise a system of woman/man alternation. The European campaign 'Vote for a gender balance' supported by the Commission will contribute significantly to the increase of women in elected posts.

Women's representation in the other European institutions

Many new structures to implement the Third Action Programme for equal opportunities for women and men (1997-2000) for Commission personnel were established during 1998. By mid-1998, some 22 Directorates and offices had become involved in creating new structures, action plans and follow-up, thereby revitalising the issue of equality for the Commission staff. An important change occurred during 1998, with the adoption of a new Council Regulation which integrated equality clauses into the recruitment procedures and status of officials.⁵⁹ Recruitment and promotion targets were fixed for 1998 for senior grades. The targets included the nomination of women to Director Grade, the increase of nominations to middle management level, the recruitment of a maximum number of women at principal administrator level and for 'enlargement' staff, and the recruitment of a maximum number of women as administrators and deputy administrators for the overall staff⁶⁰.

The 1989-1993 Commission had 2 women Commissioners out of 17. The current Commission is composed of 20 Commissioners, of whom 5 are women. By the end of 1999, a new Commission will be appointed.

Definite progress in women's representation can be mentioned in the Economic and Social Committee and in the Committee of the Regions.

The Economic and Social Committee (ESC) has 222 members drawn from the social and economic groupings of the Member States. The nomination of women to the ESC has risen in recent years and the proportion of women members in the current mandate (1998-2000) stands at 17 per cent. A woman was elected as president to the ESC for the first time in 1998.

⁵⁶ European Parliament Directorate for Research, *Differential Impact of the Electoral Systems on Female Political Representation*, Women's Rights Series, No. 8, 1997.

⁵⁷ Inter Parliamentary Union, *Electoral Systems: A Worldwide Comparative Study*, Geneva, 1993; *Men and Women in Politics: Democracy still in the Making*, Geneva, 1997.

⁵⁸ Women's European Network of Documentation and Information, Paris, France.

⁵⁹ Council Regulation 781/98 of the 7.4.98. OJ L 113 of 15.4.98, p. 4.

⁶⁰ SEC(1998) 518.

The 222 Members of the Committee of the Regions are nominated for a period of four years. The proportion of women nominated to the Committee for its second term of office (1998), increased to 14.9 per cent from a proportion of 9.9 per cent in the Committee's first period of office (1994-1998).

No progress can be observed in the Court of Justice of the European Communities, which consists of 15 Judges, and nine Advocates General, all of whom are men. The Court of First Instance, composed of 15 Judges was added to the Court of Justice in 1989 and includes two women judges. In the Court of Auditors, all 15 Members are men.

The next steps

Elections or changes of government occurred in almost half of the Member States over the last 24 months. In most cases there has been a clear increase of the number of women in governments and national parliaments. In addition to these factors, the mobilisation for elections to the European Parliament in June 1999 has further heightened interest in the political sphere. These developments have increased the potential for action in favour of a balanced participation of women and men in politics. In this favourable context, 1999 is the year when Member States must report on their actions in this field pursuant to the commitment taken in Council Recommendation (96/694/EC)⁶¹ of December 1996, on the balanced participation of women in the decision-making process.

For the preparation of this report the Commission organised a seminar⁶² in May 1998, in order to support Member States with the development of integrated national strategies enhancing women's participation in decision-making. Assembling national key-actors, the seminar provided a forum for exchange and dissemination of good practice already under way in many countries. During 1999 the Commission will request from the Member States and the European Institutions (also addressed in the Recommendation) the information necessary to assess the implementation of the Recommendation for the first three-year period since its adoption. The report will serve as a basis for a systematic comparison of national policies in favour of a gender balance in the coming years. It will become an important tool for the monitoring of progress in the field.

This would also contribute to the establishment of indicators and benchmarking in the field of decision-making which can feed into the EU monitoring of Beijing Platform of Action (see chapter 1). For the 1998 Council review of the Beijing follow-up, the Austrian Presidency prepared a discussion paper on the importance of gender disaggregated data, indicators and benchmarking. The paper focused on the promotion of women in power and decision-making, more specifically women in political decision-making, as a strategic objective, recognised by Member States. The agreement expressed by all Member States on this approach at the Employment and Social Affairs Council of 2 December 1998, indicates the high-level commitment of the European Union political leaders to mark progress towards a gender balance in

⁶¹ OJ L 319/11 of 10.12.1996.

⁶² Brussels 11 May 1998.

decision making in politics. This commitment joins and mutually reinforces the political commitment of the European Institutions to the same direction.

SECTION 4: EQUALITY LEGISLATION

Introduction

1998 was a year of consolidation as regards the legal aspects of equality of treatment between women and men. In legislative terms, the Council adopted two Directives, extending to the United Kingdom the Directives on the burden of proof and on part-time work, adopted in 1997 under the Social Protocol. This new extension to the United Kingdom, following the extension, in 1997 of Directives on parental leave and on informing and consulting workers, symbolises a return to a balanced and unified social policy. These Directives have updated and completed the European Union's framework of equality law.

In terms of judgements, the Court of Justice has given an unusually high number (11) of important judgments in the area of equal treatment between women and men. For several other cases, where a hearing was held in 1998, a judgment is expected in the coming months. This high number of judgments undoubtedly indicates a rise in the level of awareness of their rights by female workers who feel they are discriminated against in terms of pay, access to employment, working conditions or social security rights. 1998 has also been a year of examining the practical implementation of equality directives by the Member States, and where necessary, taking infringement actions to ensure correct implementation. The adoption by the Commission in 1999 of two reports on the implementation of the Directives on maternity and parental leave will further reflect the objective of a strict scrutiny of the proper implementation and application of Community equality law by Member States.

Protection of pregnant women and women who have recently given birth

In accordance with Article 14 of the Council Directive 92/85/EEC of 19 October 1992, concerning the implementation of measures to promote the improvement of health and safety for pregnant women, women who have recently given birth or are breast-feeding at work (10th specific Directive within the meaning of Article 16 paragraph 1 of the Directive 89/391/EEC),⁶³ the Commission is to adopt a report on the implementation of this Directive in the Member States. In its report, compiled on the basis of the responses provided by the Member States to a questionnaire, the Commission verified that most of the provisions of the Directive had been transposed correctly.

It is of particular interest to note that, although all national legislation is in line with the Directive on this point, major differences appear between Member States concerning both the length of maternity leave and the level of remuneration or allowance paid during this period. In this respect, it is worth mentioning that in Portugal, the law relating to the protection of maternity of pregnant workers (and paternity) was amended in 1998, increasing maternity leave to 110 days from 1 January 1999 and to 120 days from 1 January 2000. Other aspects of the

⁶³ OJ L 348 of 28.11.1992, p. 1.

transposition measures in the Member States, however, call for certain reservations as regards their compatibility with the Directive. The Commission has initiated infringement proceedings against Member States, which have not transposed certain provisions of the Directive correctly.

The European Court of Justice has, moreover, given two extremely important judgments in the *Brown v. Rentokil* case⁶⁴ and the *Boyle*⁶⁵ case relating to the protection of the rights at work of pregnant women and women who have recently given birth. The *Brown* judgment provides that women with pregnancy related illnesses must not be discriminated against, and is a complete reversal of the Court's previous judgment in the *Larsson* case.⁶⁶ The judgment in the *Boyle* case was the first on Directive 92/85/EEC on pregnant workers. In a complex judgment concerning the relationship between the rights granted under the Directive and more generous rights under the contract of employment, the Court confirmed, amongst other things, that women have a right to 14 weeks continuous maternity leave which may not be cut short or interrupted by a period of sick leave.

Burden of proof in cases of sex discrimination

On 13 July 1998, the Council adopted a Directive⁶⁷ extending to the United Kingdom Directive 97/80/EC⁶⁸ on the burden of proof in cases of discrimination based on sex. It gives the United Kingdom until 22 July 2001 to implement Directive 97/80/EC.

Parental Leave

The deadline for the implementation into national law of the Directive 96/34/EC⁶⁹ of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC, was 3 June 1998. The Commission began infringement proceedings against Italy, Luxembourg and Portugal for failing to transpose the Directive within the given period. Ireland and Austria used the possibility of Article 2, paragraph 2 of the Directive to delay the implementation of the Directive. The Commission is examining the national legislation of the Member States that have transposed the Directive.

There is a new commitment at national level to invest in work-family arrangements to provide leave for working parents. Many changes took place during 1998. Some Member States, which already had parental leave provisions, decided to improve them (Netherlands). Others, which had no or limited statutory parental leave, announced their timetable to comply with the Directive, (Ireland, Luxembourg, and the UK) while Italy developed a law to address maternity leave, parental leave and working hours. Austria introduced the right of parents on parental leave to take up temporary paid employment to help re-entry into the world of work.

⁶⁴ Judgment of ECJ on 30.06.1998, Case C-394/96, *Brown v. Rentokil*, [1998] ECR I 4185.

⁶⁵ Judgment of ECJ on 27.10.1998, Case C-411/96 *Margaret Boyle and others v Equal Opportunities Commission* [1998] ECR (n.y.r.).

⁶⁶ Case C-400/95 *Larsson v Føtex Supermarked* [1997] ECR I-2757.

⁶⁷ Directive 98/52/EC, OJ L 205 of 22.7.1998, p. 66.

⁶⁸ OJ L 14 of 20.01.1998, p. 6.

⁶⁹ Directive 96/34/EC, OJ L 145 of 19.6.1996, p. 4.

Equality of treatment between women and men in the social security field

The Commission launched infringement procedures against all Member States for non-communication of transposing measures of Directive 96/97/EC⁷⁰ of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for women and men in occupational social security schemes) ('Post-Barber Directive') by the deadline of 1 July 1997. Currently, infringement procedures for non-communication are continuing against only three Member States (France, Greece, and Luxembourg).⁷¹

On 11 December 1997 the Court of Justice gave an important judgment on the right not to be discriminated against in terms of access to an occupational pension scheme by part-time workers.⁷² The Court held that periods of service of part-time workers must be taken into account retrospectively for the purposes of calculating additional benefits, and that the direct effect of Article 119 of the Treaty was not limited by Protocol N°2 annexed to the Treaty on European Union.

Equality of treatment in statutory schemes of social security

The Court specified the real meaning of derogation to the principle of equal treatment still authorised by Directive 79/7/EEC⁷³ of 19 December 1978 on progressive implementation of the principle of equal treatment between women and men in the social security field (statutory schemes) by virtue of its Article 7 (paragraph (1)(a) (pensionable age). By its judgment of 30 April 1998⁷⁴ in the *DeVriendt* and other cases, the Court recognises that the new Belgian legislation on pensions is in conformity with Directive 79/7/EEC.

Homeworking

In its Medium-term Social Action Programme (1995-1997), the Commission had fully recognised the need to strive at European level to improve the working conditions of the large numbers of homeworkers. On 27 May 1998, the Commission adopted a Recommendation⁷⁵ concerning the ratification of International Labour Organisation (ILO) Convention No. 177 on Homeworking of the 20 June 1996. According to available figures, around seven million people in the European Union usually perform their work at home. At Community level, this is equivalent to 4.9 per cent of the working population. The ILO Convention provides, in particular, that countries, which ratify it, must adopt, implement and periodically review national policy on homework aiming at improving the situation of homeworkers, in co-operation with the social partners. In the Recommendation adopted by the Commission, Member States, which have not yet done so, are invited to ratify the ILO Convention and to inform the Commission, before 10 December 1999, of the steps taken pursuant to the Convention.

⁷⁰ OJ L 46 of 17.2.1997, p. 20.

⁷¹ For details, see 15th annual report on the control of the application of the Community law 1997, COM(98) 317 final of 19 May 1998, Annex IV p.48.

⁷² Case C-246/96, *Magorrian and Cunningham*, [1997] ECR I-7153.

⁷³ OJ L 6 of 10.1.1979, p 24.

⁷⁴ Judgment of 30.04.1998, Cases C-377/96 to C-384/96 *DeVriendt* and others [1998] ECR I-2105.

⁷⁵ OJ L 165 of 10.6.1998, p. 32.

Further steps to better defend women's human rights and combat gender based violence

The fight against trafficking in women maintained a high profile within the European Union during 1998 and was the subject of a new Commission Communication in 1998⁷⁶. In order to assure continued political and financial support for actions in this field, the Commission presented a proposal⁷⁷ to provide a legal basis for the DAPHNE Initiative in May 1998.⁷⁸ This will assure continued support to NGOs activities in the fight against violence against women, including trafficking and will be open to the eleven applicant countries.

The European Parliament, the Commission, the Member States and NGOs undertook preparations during 1998 to establish a European Union wide campaign for zero tolerance of violence against women in 1999.⁷⁹

The European Observatory on Violence against Women, supported by DAPHNE, presented the concerns of European NGOs for better and more integrated actions at a one-day conference in New York on the occasion of the 42nd Session of the UN Commission on the Status of Women.⁸⁰

Co-operation with countries in Eastern and Central Europe in the field of the fight against trafficking in women is a high priority, both at government level, for example between migration, judicial and police authorities, as well as between non-governmental organisations (see section 5).

New important cases before the European Court of Justice

In the *Anderson* case⁸¹ the Universities' Appeal Board has referred a question concerning the appointment of a woman as Professor of Hydrospheric science at the University of Goteborg. The crux of the question is whether a woman who is less qualified than a man who also applies for the job can be appointed in order to give effect to the University's policy of increasing the number of women professors. This case may provide an opportunity for the Court to refine its previous case law on positive action⁸².

The Swedish Labour Court has referred the case of *Svenaesus*⁸³ to the Court for a preliminary ruling on the question of job classification schemes. Despite the legal requirement of equal pay, in practice women are discriminated against in terms of pay and for the first time the Court itself will have to make a decision on job comparison, and may give guidelines on how the wage gap between women and men can be effectively tackled.

⁷⁶ Adopted on 9.12.1998.

⁷⁷ COM(98) 335 of 20.5.1998.

⁷⁸ Referred to the Council by the Commission on 9 July 1998.

⁷⁹ Report of Mrs Marianne Eriksson of 16.7.1997, EP 220.962.

⁸⁰ UN Commission on the Status of Women, 42nd session, UN Headquarters, 12-13 March 1998.

⁸¹ Case C-407/98, OJ C1/10 of 4.1.1999.

⁸² Marschall, Case C-409/95, [1997] ECR I-3051.

⁸³ Case C-236/98.

SECTION 5 : EQUALITY AND ENLARGEMENT

Gender equality - a condition of accession

A new stage in European integration is emerging as we enter into the 21st Century. More than 100 million new citizens from Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia have expressed their desire to become members of the Union.

The social dimension is an essential element of the Community order and gender equality and equal opportunities are an integral part of the social dimension. There is no accession without equal opportunities between women and men. This message has been clearly formulated by the European Parliament and by the European Commission.⁸⁴

Legal acquis

The European Union is a Union based on law. The body of common rights and obligations which apply to all the Member States within the European Union is called the "acquis communautaire" (the "acquis"). The first condition of membership in the Union is that the candidate country accepts and transposes that acquis and secondly, thereafter applies the laws adopted. The acquis in the field of equal opportunities comprises eight directives in the area of equal pay, equal access to work and promotion, equal treatment in social security and in a self-employed capacity, protection of maternity and parental leave.

The Screening exercise

The process by which the Union explains its acquis and examines the laws of the candidate States is called "screening". The first examination was based on a questionnaire filled out by the Candidate States along with several meetings with officials from the ministries responsible upon which the Commission based its opinion. In March 1998, Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia were judged to be the applicant countries closest to fulfilling the criteria for membership of the European Union. A further stage in the enlargement process was reached, when a complex series of multilateral and bilateral meetings with these countries were held to analyse the application of the *acquis communautaire*. In-depth meetings relating to equal opportunities legislation took place between October and December 1998.

Results of the Screening exercise

After the meetings with the countries the Commission analysed the state of legislation in the respective countries and came to the conclusion that in the field of equal opportunities the principle of non-discrimination on grounds of sex can be found in the constitutions of all the applicant countries. However, the representation of this principle in civil and labour codes is much more uneven. This raises many questions concerning the enforcement of equality provisions. The only case on gender discrimination ever ruled on in a central and eastern European country is a Hungarian

⁸⁴ Heidi Hautala and Commission Representatives 8.10.1998 in Bled, Slovenia.

case.⁸⁵ The Hungarian Monor City Court considered that an advertisement in which a young man was sought was incompatible with Hungarian law.

Directives on equal treatment, such as equal access to work and training, and equal pay are currently incorporated into legislation in most candidate countries. Directives on parental leave and on the burden of proof which defines indirect discrimination, are, however, translated into national law in only two countries.

Pre-accession strategy

In the Agenda 2000⁸⁶ the Commission defined its pre-accession strategy for the former communist States of Central and Eastern Europe. The strategy includes the definition and development of accession partnerships involving precise commitments from the applicant countries, relating in particular to democracy and macro economic stabilisation. A national programme for the adoption of the Community *acquis* within a precise timetable, focusing on the priority areas defined in each opinion⁸⁷ is also included. At the heart of this strategy is support for 'institution-building'. This means support for the development of the institutional and administrative structures in each country, especially those that will facilitate the application of the *acquis communautaire*. This corresponds first and foremost with the PHARE programme but also the participation in existing community programmes.

The enlargement process has involved all the European institutions - the European Council, the Commission and the Parliament - in a concerted effort to invest resources, time, reflection and effort into integrating the CEECs into the European Union. To achieve this goal, new instruments and strategies have been formulated and agreed upon in anticipation of the major changes that enlargement will bring, in particular for those countries in transition to a market based economy.⁸⁸

Women's employment and professional life

It must be ensured that in the transition to a market economy and in the enlargement process generally, women are not affected negatively and that they have full opportunity to share in the benefits.

In the countries of central and eastern Europe, women have traditionally been strongly integrated into the economy through paid work. Today, with the restructuring to market oriented economies, their position has become vulnerable.

Women in central and eastern Europe enjoyed a high degree of education and training. They participated in many areas of the labour market on an equal footing with men, and could rely on a comprehensive system of childcare facilities. They had an important share of parliamentary representation, as female candidates for Parliamentary seats were encouraged by the Governments, and their participation sometimes regulated through quotas.

⁸⁵ Case Kadar, Monor City Court, N° 3p21321/1997/13, Hungary.

⁸⁶ COM (97) 2000.

⁸⁷ Commission's opinions on application for membership of the European Union.

⁸⁸ Regulation 622/98, OJ L 85 of 20 March 1998.

These factors have, in some countries, led to a backlash in the transition period, with the promotion of the traditional role model for women within the male breadwinner family. The backlash has been accompanied by increased pressures on women, with the closing of childcare facilities following the dismantling of large State-run enterprises and the rising costs of childcare.

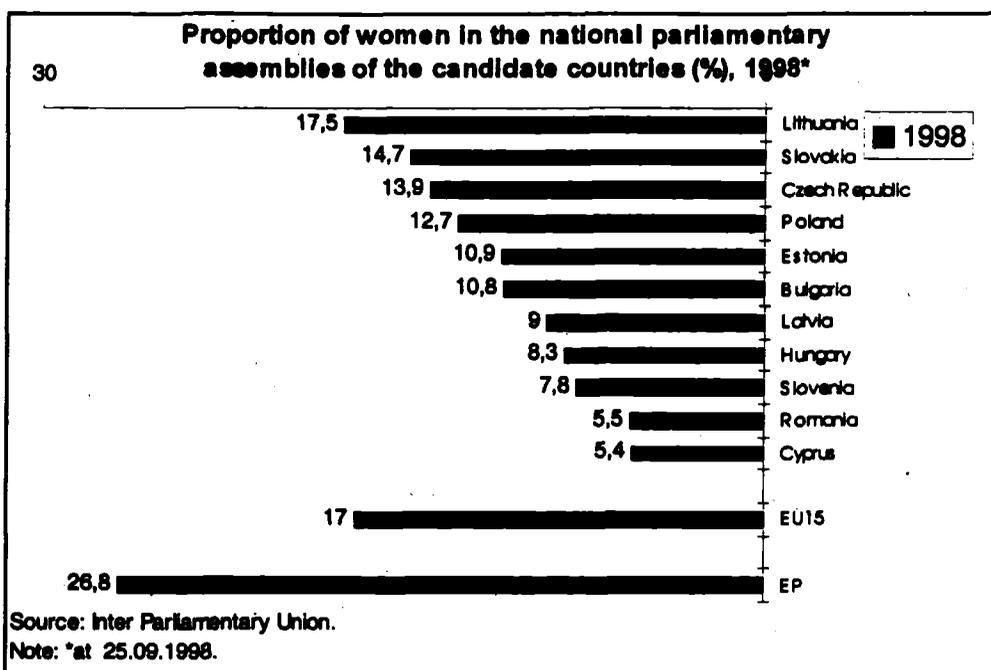
Unemployment figures for women are higher than those of men in some, but not all, countries. The restructuring of large industry resulted in more unemployment for men. The service sector in which women predominantly work was not as strongly affected by the transition. It is possible, however, that women's participation could decrease in the service sector should men start to enter it. Taking account of differences in the measurement of unemployment, employment rates provide a good measure of comparison between the European Union and the CEECs. Women's employment rates in countries such as Romania and the Czech Republic, are on a par with those of Finland. They are lower than the employment rates for women in the UK or Sweden, where part-time work is an important component of labour involvement.

Some States, such as Romania, have increased the period of maternity leave. In Slovenia, a comparable proposal was hindered by a women's lobby who feared that women would lose their employment opportunities if they interrupted their work for longer periods. In the area of maternity, parental and family leave, diverse frameworks can be discerned in the approaches which prevail in the various CEECs. Women are also more heavily affected by the cutbacks in health services and by the substantial ongoing restructuring of social protection systems.

Women's representation and participation

Participation and representation in decision-making bodies is a core element of democracy and indispensable for a society based on law and fundamental rights.

Women are rather poorly represented in the Parliaments of the candidate countries. Indeed, some Parliamentary Assemblies (for example, Romania) are 95 per cent male. There is evidence among women of a certain lack of interest in the formal political arena, particularly at national level. Strong interest and involvement at local level can, however be observed. In almost all countries, a wide range of NGOs are involved in all areas of concern to women. These NGOs are generally very small and their financial and other resources are either insufficient or non-existent.



Enforcement of equality rights

As stated above there are non-discrimination clauses in the constitutions, but there is no tradition of claiming rights to non-discrimination. One of the main issues in the field of gender equality is therefore the empowering of women to take cases of discrimination to Court. In order to do this, support structures on different levels are necessary.

With the exception of Bulgaria, all the CEECs either have or are presently establishing, a unit in a ministry or an office for women, or an ombudsman for the infringement of equality rights. The units, frequently very small, are often very active and have been interested in exchanging experiences and learning from European Union approaches, such as mainstreaming equal opportunities in all policy areas. Some countries entrust the task of monitoring equal treatment relating to pay and working conditions to the labour inspectorates. Others are still looking for and exploring operational control mechanisms. In order to give concrete help to enable women to enforce their rights, permanent structures, also introduced at regional level, are necessary.

There was an important development in Cyprus,⁸⁹ in 1988, when the Permanent Central Agency for Women's Rights was set up. This agency was reformed and renamed in 1994 to the 'National Machinery for Women's Rights'. A new Strategic Development Plan for the period 1999-2000 is now under preparation.

⁸⁹ Strategic Development Plan 1994-98. Ministry of Labour and Social Insurance of the Republic of Cyprus.

The Commission's Support for 'institution-building' on the equality field.

- **Seminars**

In order to help the candidate countries to become familiar with the acquis and its enforcement, the Commission's Technical Assistance and Exchange Office (TAIEX) organised in June 1998 a seminar in Brussels⁹⁰ for all eleven countries on enforcement structures, which allowed for the presentation of different models and experiences from the Union and the CEECs. Other seminars in more focussed topics are foreseen to take place in 1999.

- **High level contact and conferences**

The Commission received a large number of officials from the respective ministries and took part in seminars and conferences organised by the candidate countries or the Nordic Council of Ministers to explain the acquis and the administrative structures necessary for the implementation.

In order to reach a wider public, and to convey the importance of respecting equal opportunities for women and men in the enlargement process, the Commission services and TAIEX, together with the Slovene Office for Women, invited delegations from all CEECs to a conference in Bled, Slovenia, in October 1998. The conference went beyond the technical questions relating to implementation by also addressing issues of decision-making, violence and mainstreaming. The main message from the conference was that equality between women and men is a core element of democracy, and therefore of accession. In their recommendations,⁹¹ the participants underlined the need for equal representation of women in decision-making positions, and respect for their human rights.

- **Networking activities**

Following a request from the participants to the Bled conference, the Commission has established an electronic information point including a database of equality experts from the Commission, the Member States and the candidate countries, a library and a discussion forum. Anybody wishing to have access to this internet website with restricted access can contact the equal opportunities unit (DG V/D5) at the Commission. At the moment the database is made up of more than fifty entries and active discussions are taking place at the forum.

- **Access to Community Programmes**

Participation by candidate countries in Community programmes has been actively encouraged. This applies to programmes such as public health, AIDS and cancer, as well as education (Socrates) vocational training (Leonardo Da Vinci) and youth (Youth for Europe). In 1998 the Commission has been able to give direct support to the development and work of NGOs in central and eastern Europe through PHARE

⁹⁰ Transposition and enforcement of EC Legislation in the field of Equal Opportunities, 25-26 June 1998, Brussels.

⁹¹ Recommendations from the Agenda Equality Conference for the Applicant Central and Eastern European Countries, 8-10 October 1998, Bled, Slovenia.

and TACIS. Specific attention has been given to the involvement of CEECs in the STOP programme⁹² of police co-operation, established to combat trafficking in human beings, more particularly women and children, and especially to develop preventive actions and information campaigns.

One of the main areas of concern in a number of countries is the issue of violence against women and cross border trafficking in women and young girls. They are joined in this concern by the European Parliament, the Commission, the Council and many European NGOs. The DAPHNE Initiative⁹³ supporting NGOs to combat violence against women and children has also attracted applications from many NGOs with experience in the field of trafficking.

As foreseen in the pre-accession strategy, the Medium-term Community action programme on equal opportunities for men and women (1996-2000) is open to participation to countries such as those of the European Economic Area and CEECs.⁹⁴ In 1998 the legal basis for the participation of Hungary was created so that it could submit projects that year.⁹⁵ For 1999, the Czech Republic, Estonia, Lithuania, Romania, and Slovenia have also declared their interest in participating. This participation will be a chance to share the Union's activities and values, and a platform for dialogue.

- **Future activities.**

The Commission will continue to underline the necessity of fully complying with the "*acquis communautaire*" by supporting campaigns which seek to inform women and men of their equality rights. The Commission also intends to hold another high-level conference on the importance of equality in the enlargement process.

⁹² Joint Action of 29.11.1996 adopted by the Council on the basis of Article K.S. of the Treaty on the EU establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children. OJ L 322 of 12.12.1996.

⁹³ COM (98) 335 of 20.5.1998.

⁹⁴ Council Decision of 22.12.95, Article 6. OJ L 335 of 30.12.95.

⁹⁵ Council Decision of 12.10.1998, OJ L 295/40 of 4. 11.1998.

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