

OPINION OF THE "ADVISORY COMMITTEE ON GENDER EQUALITY  
BETWEEN WOMEN AND MEN" ON THE GREEN PAPER ENTITLED :  
"CONFRONTING DEMOGRAPHIC CHANGE : A NEW SOLIDARITY  
BETWEEN THE GENERATIONS"

The views in the Opinion do not necessarily reflect the views of Member States

**Opinion on the Green Paper entitled: “Confronting demographic change: a new solidarity between the generations” (COM(2005)94 final)**

Introductory remarks

The Advisory Committee for equal opportunities for men and women congratulates the Commission for its initiative that aims to launch the debate on demographic change in the European Union. Equal treatment of men and women undoubtedly lies at the heart of this issue, and it is therefore appropriate to give open consideration to the question of gender in order to ensure that an adequate response is found to the challenges posed by demographic change.

In fact, the Advisory Committee recalls that the cultural, political, economic, social and legal bases underpinning European society today are still founded on the whole on the notion that men provide income for families and they enjoy a certain degree of social recognition for doing so, whilst women look after the family, and do the housework, and generally speaking, do not get the same recognition for their professional work. Whilst studies show that the participation of women in the labour market contributes to the re-establishment of active/inactive relationship, and that birth rates increase when women participate in the labour market, the fact is that, still today, women are forced to choose between their family and their career. These decisions often have detrimental effects on the choice of whether to raise a child, or the actual number of children as opposed to the desired number, or again the increasing time lapse between periods of maternity leave, or on the other hand, they can have a detrimental effect on the use of female potential in the labour market. The upshot is that in particular, the ways, conditions and reasons why women invest in a different career at different times in their lives diverge from those of men. This has particularly significant consequences on career development, the level of pension entitlements and poverty to the detriment of women. Moreover, it becomes apparent that the conditions for men participating in family responsibilities cannot be conceived in the same way as for women. This approach has to embrace all analyses of lifecycles and responses to demographic change starting from the time young people enter the labour market to solidarity for the elderly, including questions linked to active ageing.

It is important that individuals can choose their lifestyles freely and determine the degree of importance to attach to those choices, whether this concerns investment in their professional, family or private life, and it is equally important that such freedom of choice is not marred by sexist stereotypes, and/or economic and social constraints. Hence, the major challenges to be faced relate to the ability to organise the professional life of men and women in a way that increases the participation and improves the position of women in the labour market, optimising female labour potential, and reducing all forms of disparity based on gender, including in relation to pensions providing support to people so that they can have the number of children they desire. The answers to these issues need to be based on creating a system of durable social protection, capable of forming a labour market and society in accordance with the Lisbon objectives. Unless there is significant state intervention, women will bear much of the responsibility for caring for our aging population, which may also affect their decisions about having children as well as affecting gender equality more generally.

The principal concern of national and European policies is to answer the challenges posed by demography thus transforming the vicious circle of choosing “either family or career” into a virtuous circle embracing “both family and career”. The two major conditions necessary for

this transformation towards a virtuous circle relate to *availability of time* and *financial autonomy*, which must be in sufficient quantity to allow individuals, whether male or female, to carry out their family responsibilities, regardless of their family situation.

The actors capable of contributing to a context in which work and family responsibilities can be organised harmoniously are the State, the market (employers/workers) and the family – particularly men. States need to review their legislations and public policies with a view to creating a framework that favours the harmonious organisation of work and family responsibilities throughout all stages of life. This framework has to be conceived from the perspective of associating and mobilising men and women and their social interlocutors. Companies represent a level on which strategic actions could be developed. Given the fall in the number of active workers as we move towards 2010, companies are being forced to reconsider their work organisation. Companies and social partners are the essential actors in developing a new work culture which grants each individual the right to be fulfilled in every aspect of his/her life, and which allows the economy to optimise the full potential of female labour whilst using male potential more efficiently. Moreover, the changes called for are based on the participation of everyone – and not just women – and they therefore have to be supported and actively carried out by men, who can also capitalise on this opportunity to develop the various facets of their personalities in this new context.

In order to provide an adequate response to demographic change in the light of the aforementioned considerations, the Advisory Committee has drawn up a series of guidelines. On the whole, they apply to individuals with family responsibilities generally, irrespective of whether they are male or female. However, they have been reshuffled in accordance along the lines of those that are particularly favourable to the participation of women in the labour market, and those favouring the participation of men in family responsibilities.

## **I. Objective : ensure the full participation of women in the labour market**

### **1. Guaranteeing the availability and accessibility of child care facilities and adequate community services for dependent persons**

The lack of child care facilities and community services, as well as a lack of trust in the quality of such services, their excessive cost, or their inadequacy in relation to a variety of needs (location, timetables, etc.) constitutes one of the major obstacles to the participation of women in the labour market, or for that matter, training or even looking for work.

Moreover, it is increasingly the case that migrant women without the requisite documents work at home in the sector of caring for and/or custody of dependent people, thus answering some of today's needs in our societies. The fact that these female workers are also clandestine workers further aggravates their vulnerability, which inevitably has consequences on their working conditions and salaries, as they are often exploited.

An enormous effort therefore has to be made in many States to guarantee:

- direct or indirect financing of care facilities and community services (looking after the elderly in their homes, child carers for sick children, etc.) to maintain their costs within acceptable limits for all individuals, workers, trainees, the unemployed, the elderly or dependent persons, irrespective of their income;
- the diversification of these services (crèches, nursery schools, child-sitters, after-school reception facilities, home-help, etc.) with a view to answering the great variety of needs; this presupposes being able to turn towards reception structures or innovative forms of

care structures that take account for example of the specific needs of executives whilst away for business trips, as well as the needs of self employed working couples who work at week-ends, for example, which is also the case of HORECA...;

- the availability of services in places and at times where they are useful for workers, trainees or people looking for work, or again for the elderly or dependent persons (community services);
- the importance of re-thinking school hours for all children so that they take account of the professional commitments of parents. Interesting experiences have already been recorded in this respect that move in the direction of satisfying working parents: organisation of an extended period of extra-curricular activities at midday so that the end of the school day coincides with the end of the working day, as well as the organisation of school canteens, etc.;
- legal recognition of the functions carried out in the sector of care and custody, as well as granting adequate status to immigrants who provide such services, combined with the quality control of the services proposed.

Companies, whether acting independently or jointly by association with one another to guarantee the durability of structures, also play a significant role in creating or funding companies crèches, which should grant equal conditions of access to both male and female workers. However, taking account of the diversity of personal circumstances, it should be the responsibility of Member States to ensure the diversification of reception facilities, and their creation or organisation should not fall to companies alone. Moreover, companies can also play an important role in the fitting out the premises and/or organising working hours in such a way that they allow for breastfeeding of young babies.

## 2. Organising work around workers with family responsibilities

(Re)organising work around the needs of workers with family responsibilities constitutes a key factor in meeting demographic challenges and improving participation of women in the labour market. The European Union, Member States, companies, and social interlocutors are among the principal actors in this organisational process. The joint and properly coordinated action of these different actors is necessary in order to bring about a durable cultural change that is able to respond to the challenges posed by demography.

The legal framework for reform should set out clear reference markers and minimum standards so that work organisation can be developed in a way that is favourable to both professional and private life, particularly as regards the right to equality for women and men, and working hours. These principles can then be transformed into reality within the framework of public policies and through social interlocutors, within the context of collective bargaining at different economic levels and throughout the different areas of bargaining themselves. The European Union and the Member States could play an important role in providing incentives to companies and social interlocutors in this direction (using different ways to promote good practices: labels, ISO standards). Companies could develop social responsibility codes in relation to the question of equal treatment of men and women, whereas trade union organisations would have to adopt a broad interpretation of equality in relation to their internal structures and their proposals. The principal areas in which they would have to make changes are the following:

- Guaranteeing equality between women and men

The responsibility of rising to the challenge of increasing the number of women in the labour market and at the same time allowing persons to have as many children and they desire, and being able to absorb the demand and responsibility for providing care for dependent people cannot only be borne by women.

Disparity between wages exists in all European societies which is symptomatic of the existence of discrimination and segregation – at both horizontal and vertical levels – of women in professional circles. There is almost a structural disincentive for women concerning the notion of having children and/or participating in the labour market. This is why it is so important to achieve, and why there is such interest in achieving, a universal non-discriminatory approach. Above all, this approach would have to be based on actual respect for the fundamental legal principle of equality between women and men, especially in the different areas covered by European law. It would also have to take care to ensure that measures are set up to favour equal access for women and men to different types of training and professions, as well as measures to ensure that family and professional commitments can be balanced with one another, even in the field of life-long learning, and work promotion – particularly as regards the promotion of young women to positions of responsibility, etc. Furthermore, it should encourage an equal division of family responsibilities between women and men, in particular by granting men an effective right to participate in family responsibilities. From this perspective, particular attention should be given to young, elderly or marginalised women who are likely to suffer various forms of discrimination.

- Integrating family leave for women and men into the “day-to-day” functioning of companies

In addition to the reception facilities and community services referred to above, providing answers to demographic challenges also means ensuring that workers are given the possibility of being able to take the necessary free time at certain periods during their lives to exercise their family responsibilities. In this respect, it is appropriate to set out a list of the different types of leave required to adequately perform family obligations (young children, sick children, school meetings, dependent persons, dying people, etc.). Specific types of leave, that are also of sufficient duration, are preferable to leave for unspecified purposes, and should be used as “specific time for family responsibilities”. In fact, the latter cannot adequately respond to the various situations faced by workers with family responsibilities. It is important for equal access to be given to both women and men to such types of leave.

Periods of maternity or family leave should be given a neutral weighting in relation to the calculation of length of professional service or giving promotions. Return to work should be accompanied by training or updating, as and when necessary.

In order to guarantee the continuity of company activities and acknowledge the considerable effort required of employers to face the increased mobility needs of their employees, such employers should be given adequate support, particularly through administrative and financial measures to ease and encourage the replacement of workers during the period of their absence.

- More sociable working hours

A further obstacles to the participation of women in the labour market – and participation of men in family responsibilities – stems from working hours that are incompatible with these

responsibilities. The inadequacy of working hours is a considerable cause of fatigue for workers which too often leads to part-time work or early retirement from the labour market, a degradation in workers' health, or as is increasingly the case, a deterioration of family relations. It is important for workers with family responsibilities, whether male or female, to be given more sociable working hours and weeks that are compatible with the opening hours of schools and reception facilities, and which allow all members of the household to meet up regularly for family, social or cultural activities. The principles used to formulate sociable working hours need to be defined by law on the basis of minimum standards. They should take account of the situation and specific needs of pregnant workers, discouraging overtime, which is not propitious to men and women sharing their family responsibilities. The development of these principles, which would have to be adapted to the needs of different companies, could be left to social interlocutors.

Part-time work is often advocated as a solution for the problem of balancing family and professional needs. This is not the case when part-time work is imposed employers, and which employees are therefore subjected to, or where part-time work is imposed *de facto* as the only possible way for women to work, due to the absence of care services, parental leave, etc. Even if part-time work is not the only solution for an improved harmonisation of social time, there is nonetheless a certain social demand for it. Consequently, part-time work should only be supported through public action if it is freely chosen by the worker in question, and does not penalise the latter, or can be reversed to full-time work, and is equally and genuinely accessible to men and women.

### 3. Designing social security systems that favour an equal division of family and professional responsibilities between women and men

Still today, too many comprehensive or complementary social security systems are based on the separation and specialisation of male and female roles, which in turn contributes to an actual strengthening of this specialisation to the detriment of professional activities of women. As such, they constitute a significant contributory factor of poverty amongst older and elderly women. It is therefore important to re-conceive:

- the bases for the acquisition of rights: derived rights, which force women into a position of poverty or dependence in relation to their spouses, should be replaced by rights acquired on the basis of other criteria that are likely to encourage women and men to develop a remunerated professional activities capable of giving a right to individual economic security;
- the conditions for the establishment of full rights: thus, as regards the question of retirement pensions, the excessive duration of professional careers that are taken into consideration for the acquisition of a "full" right can penalise women and men, who have been temporarily absent from the labour market at some stage in their lives to ensure that family responsibilities are provided. It is equally probable that the way "reference salaries" are identified (average salary throughout a person's career, the ten best years, the last ten years) will penalise people that have carried out family responsibilities. It is also important for periods of maternity and parental leave to be neutralised for the purposes of calculating a person's career. Best wage-earning years model gives higher pensions than life time earnings principle if the beneficiary has a steep wage development during her/his career. However, in a lot of female dominated professions wage-development is quite flat.  
;
- the amount of substitute income: inadequate retirement pensions, sickness or disability allowance limit the possibility of beneficiaries using auxiliary services to guarantee their

autonomy. This function is therefore generally taken on by women, who are next-of-kin or in some way related to the dependent person in question to the detriment of their participating in the labour market. This situation could be corrected by improving the amount of substitute income, by creating dependent insurance schemes, or by making community services available or providing affordable reception facilities;

- the way of providing access to substitute income during family leave: as has been demonstrated by the Swedish system, indemnities for family leave subordinated to – or improved by – previous participation in the labour market represent an incentive for the participation of women in the labour market, in decisions to have children and in involving men in family life;
- a way of improving systems to guarantee social protection to persons in precarious professional positions, or those in a position of poverty: young people, particularly young women are often employed in so-called “flexible” positions under temporary contracts. The lack of secure income in the short and medium term constitutes an impediment to maternity plans.

#### 4. Guaranteeing respect for the sexual and reproductive rights of women

Launching a debate on demographic change, particularly in relation to the question of fertility and birth rates, could constitute a potential threat to the sexual rights of women if clear boundaries are not established. Strictly speaking, the sexual rights of women include the right for women to control their sexuality and reproductive rights, in other words have the freedom to choose in a responsible and informed manner, the number of and delay between their maternities. Moreover, these embrace the right to safe and legal abortion. Under the Green Paper, sexual and reproductive rights should also be referred to.

Broadly speaking, sexual and reproductive rights require a climate that is favourable towards having the effective freedom to choose the number, time and delay between maternities. Within the framework of a report dedicated to demographic issues, the current economic and social context must be explicitly referred to, as well as the forms of discrimination that women continue to suffer in the labour market, which contribute to limiting their choices in this respect.

The responsibility for a lowering in fertility rates and the solutions proposed to remedy this situation cannot merely be borne by women, and in no case, can lead to a limitation of their sexual and reproductive rights.

#### 5. Situations that merit particular attention

Reference should be made to a series of situations that concern women in particular today. The implementation of the measures advocated by this advisory opinion – which are relevant to all stages of life – should resolve the majority of problems in the future. Nevertheless, in view of the measures recommended, it would appear necessary to carry out a series of targeted actions in relation to the following categories:

- single parents (mothers): single parents (a sole provider in terms of time and income in the household) are women in the vast majority of cases). In an environment that is favourable to the specialisation of female and male roles, the latter are very rarely able to organise their family and professional life in an adequate manner. Measures affording preferential treatment need to be taken to grant access them to services, in relation to work organisation and access to social security, which can temporarily compensate for this

situation. The effective right to a food allowance for their children must be guaranteed by the State. The Member States must also make provision for the equal performance of family responsibilities by men and women in the event of divorce or separation (shared custody);

- persons (women) “returning to work”: these people are generally women who have not (or not for a long time) participated in the labour market, often because of family responsibilities (children, dependent member of the family, or dying person, etc.). In order to attend to the needs of these people, priority access should be given to training opportunities throughout their lifetime, with the possibility of acknowledging through certification skills acquired within the ambit of the carrying out family responsibilities that are likely to be useful for the labour market, as well as targeted measures to encourage employers to employ them;
- older workers: taking account of the difficulties already referred to, female and an increasing number of male workers tend to retire from the labour market at an early age, generally, to provide care to dependent persons. It seems to be of fundamental importance that such people should be given the possibility of reducing their level of activities in order to stay in employment and so that it is possible to benefit from their acquired skills and experience. Gaining a better understanding of the causes for their retirement, and conditions that would favour their continued presence at work (exchanges and good practices), would allow policies designed to keep them in the labour market to be defined more precisely;
- women exposed to other and various forms of discrimination also need greater attention and support. At present, finding a balance between family and career obligations for disabled women is particularly difficult, given that they are faced with additional obstacles linked to their disability.

## **II. Objective: ensure the full participation of men in family responsibilities**

The guidelines referred to above are helpful to facilitating the organisation of professional and family life for all workers, whether male or female. Moreover, they are particularly effective in lifting certain barriers to the participation of men in family responsibilities.

1. Effective equality and access to services, rights, facilities aimed at favouring the organisation of professional and family life

Acknowledging the exercise of family responsibilities, access to reception facilities and custody services for dependent persons, as well as the right to family leave or the advantages of social security benefits connected with the exercise of family responsibilities, and the right to structuring the organisation of work in such a way that is congenial to the exercise of family responsibilities also have to be equally and effectively granted to men and women. Any resistance by companies, public authorities, and private services to the effective grant of this right for men is equally an impediment to the participation of men in family responsibilities.

2. Organising work in such a way that it accepts and acknowledges the participation of men in family responsibilities and the specific conditions for their withdrawal from the labour market



In order to favour a better division of family responsibilities between women and men, the Advisory Committee recommends:

- encouraging part-time work (75% and above) for men just like women;
  - greater flexibility of working hours that are adapted to the greatest extent possible to specific needs and very different family situations of workers. This is important, for example, in adequately structuring the working hours of workers who have part custody (for example, every second week) of their children. It is too often the case that men forego custody of their children – and women reduce their employment activities – due to the inability to find an alternative way of organising work than the five day working week for example (for example: 6/5 time week 1; 4/5 time week 2);
  - encourage men and women to take family leave with a view to developing certain methods for using these forms of leave, such as:
    - the possibility of splitting leave or using part-time work seems more favourable for use by men ;
    - the creation of specific paternity leave, which should be compulsory around the time of birth, as well as an obligation for equal sharing between parents of parental leave each time a child is born;
    - providing indemnities for parental or family leave. Men's participation in this type of leave would in fact increase if indemnities for it were also increased;
    - a guarantee of being able to return to employment after parental or family leave
3. Social security assuring the full rights to benefits for men that exercise family responsibilities

In relation to all the services (unemployment benefit, health care, sickness benefit, retirement pensions, etc.) that are founded, from the point of view of eligibility and extent of entitlement, on the ability to demonstrate a period of professional activity, acknowledging periods of family leave is a factor that is likely to encourage men to use such periods of leave. In principle, these periods would be taken into account on the basis of the most recently earned salary. This would form the basis of all basic and complementary systems.

### **III . The role of the EU**

Law and assessment criterion: each individual, whether male or female, has the right to fully participate in both his/her professional and family life.

#### **1. Legislation:**

- Ensure that the Member States effectively respect the “equality” directives by setting up systematic control of the directives and calling on Member States that maintain discrimination to answer for their actions.

Review all the relevant European directives in the light of their combined impact on the equality of women and men, as well as on investment in women at work and investment in men in family life. This should be carried out in order to take stock of the evolution of awareness of and consideration of the previous points. At present, the so-called Working Time Directive, Directive 2003/88/EC, is not very favourable towards workers participating in family responsibilities; in fact, this text extends the exemption categories, in other words, it offers workers, who so desire, the possibility of working more than 48 hours. Constraints on

working hours and family and working time are important pre-requisites for achieving male-female equality in the everyday lives of men and women in Europe. A revision of the Working Time Directive should be seen as an opportunity to introduce provisions that oblige employers to strike a balance between private/family life for women and men. The Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security should be reviewed in order to extend the right to equal treatment of men and women in all sectors of social security – including indemnities for family leave and the acquisition of rights to other sectors during such leave. The Council Directive 96/34/EC on parental leave should be extended to include other forms of family leave, foresee adequate indemnities for these periods of leave and during such periods, the acquisition of rights to social security. The so-called “maternity” directive (Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding) should also provide for the arrangement of work organisation during breastfeeding. The 1992 Council of Minister’s recommendation on child care could be completed taking account of the consideration referred to in point I.1.

- Generally speaking, law and European Union policies should take account of the importance and the right of each individual to carry out his/her family responsibilities and to be financially independent. This concern could be used as a yardstick to evaluate European policies and instruments. This right could also become the subject of a directive, inspired by the ILO Convention no. 156 on Workers with Family Responsibilities;
  - In any case, the Union could encourage Member States to ratify the ILO Convention no. 156 on Workers with Family Responsibilities;
2. In order for the EU to respect its commitments in relation to equality between women and men, it is indispensable and urgent that a **new framework strategy for equality between women and men** is adopted that is both detailed and ambitious, which setting forth the different challenges that lie ahead for the achievement of equality between women and men in Europe. Such a strategy would have to be based on a two-sided approach linking the specific measures for women to an improved implementation gender mainstreaming throughout all EU policies. Mainstreaming can only be effective at European level if it assisted by a specific policy framework for equality between women and men and combating gender-based discrimination and inequalities.
  3. **Gender mainstreaming:** a decisive factor for the development of an active policy on demography is the achievement of equality between women and men in all areas. The dimension of gender has to be completely integrated in all EU policies and areas, particularly macro-economic policy areas.
  4. Further quantitative and qualitative knowledge.carrying out a global analysis, considering the different life cycles of women and men and disaggregating by sex all statistics related to employment, the household and care activities, and their interrelations.
  5. Structural funds: equality between men and women has to be considered systematically at the inception of projects by relying on a sex-differentiated diagnosis and identifying progressive objectives together with ways of achieving them together with follow-up indicators.
  6. Promote an exchange of good practices for companies (European label, RSE, ISO standards) and for trade union organisations.

7. Carry out sensitisation actions for men, by associating men to them.
8. Carry out in depth studies that form the basis of national policies that achieve high fertility rates as well as high rates of female participation in the labour market.
9. Framework actions with social partners adopted at European level: to encourage companies and social partners to adopt recommendations addressed to them with a view to attaining equal treatment of men and women.
10. To get a real sense of how care services are provided in different EU countries and then to assess their effectiveness in promoting gender equality and delivering quality care services.