



# Opinions of the Advisory Committee on Equal Opportunities for Women and Men (1996-2001)





Advisory Committee  
on  
Equal Opportunities for Women and Men

The opinion of the Advisory Committee does not necessarily reflect the positions of the  
Member States and does not bind the Member States.



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## FOREWORD

The last years, the European Advisory Committee on equal opportunities for women and men has established a good co-operation with the Commission. Several opinions on equality issues were adopted. This publication includes the opinions that were issued since the start of the fourth community action programme on equal opportunities for women and men (1996-2000). In this way, they are brought to a large public in the 15 Member States as well as outside the EU.

The Committee is a very important and representative partner in our work on equal opportunities. Its members are representatives of the national governments, of the official equal opportunities bodies and the social partners at European level. At the request of the Commission or at its own initiative, it has delivered several opinions on issues that are related to equal opportunities policy. Its mandate allows the Committee to pronounce itself on a broad range of issues, such as e.g. the employment guidelines, the reform of the structural funds and the modernisation and improvement of social protection in the EU.

The opinions of the Committee have been most valuable and useful. They have inspired our policy and action. The work of the Committee has allowed us to establish a dialogue with the Member States and the social partners on very actual and important subjects, which were high on the political agenda and concerned directly, or indirectly the issue of equal opportunities. Having in mind the idea of mainstreaming gender in all relevant Community policies, the opinion of the Committee has been asked on several topics that touch the objective of equal opportunities. The subject of a new partnership of work, on which a Communication was issued, is a good example of this approach. The opinion of the Committee has shown the importance of integrating the equality dimension in the discussion at European level of this topic.

The President and two Vice-Presidents of the Committee have been invited every year at the meeting of the Group of European Commissioners, chaired by the President of the Commission. This exchange of views was extremely useful. They underlined the importance of a good partnership between the Commission and the Committee. These annual meetings will be continued by the actual Commission.

This publication stresses the importance of the work of the Committee as well as of the subject of equal opportunities for women and men at European level. I want to thank the Committee for its work done and intend to ask its opinion at several occasions in the future. The co-operation established with the Committee is high importance for our work and my aim is to continue it in the future.

Commissioner Diamantopoulou



## Brief word by Ms Quintin

The aim of this publication is to spread the most recent opinions of the European Advisory Committee on equal opportunities for women and men. The Committee is created by the European Commission in 1981. Its task, mandate and composition were changed in 1995, at the beginning of the fourth Action Programme on equal opportunities for women and men (1996-2000). The Committee's main task is to assist the Commission in formulating and implementing the Community's activities aimed at promoting equal opportunities for women and men, and to foster ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved.

The 1995 Commission decision on the setting up of the Advisory Committee foresees that the Committee assists the Commission in a wide range of actions and policy areas. It mentions amongst others the development of instruments for monitoring, evaluating and disseminating the results of measures taken at Union level to promote equal opportunities and the contribution to the implementation of Community action programmes in the field of equal opportunities for women and men.

The Committee has been for many years a solid partner of the Commission in its policy aiming to promote equal opportunities for women and men. It has delivered many opinions, at the Commission's request or at its own initiative. They concern a variety of subjects, from equality and the employment guidelines to the follow-up of the Beijing Platform for action.

In the Commission proposal of the fourth action programme on equal opportunities for women and men, the Advisory Committee is mentioned as one of the key actors in the partnership that the Commission wants to develop during the programme. The composition of the Committee has been improved to take in the Member States, the national equal opportunities bodies and the social partners. The Committee comprises 40 members, i.e. one representative per Member State, designated by the national government, from ministries or government departments responsible for promoting equal opportunities, one representative per Member States from national official committees or bodies on equal opportunities for women and men. The Committee also includes ten members representing the social partners: five members representing employers' organisations at Community level (UEAPME, CEEP and UNICE) and five members representing workers' organisations at Community level (ETUC, incl. EUROCADRES and CEC). Amongst the observers of the Committee are representatives of Norway, Iceland and Liechtenstein, the EFTA secretariat, COPA, the Council of Europe, the ILO and the European Women's Lobby.

The Committee meets several times a year in Brussels and discusses the most important equality issues at the moment. Its members are also invited at equality conferences and events.

The chairperson of the Committee is elected from among its members. The Commission, which holds the secretariat of the Committee, organises the work of the Committee in close co-operation with the chairperson. The actual President of the Committee is Ms Joan Smyth, chair of the Equal Opportunities Commission of Northern Ireland (Belfast). Under her presidency the Committee has worked in an excellent way this year. It is envisaged that the co-operation with the Committee will be continued in the future.



## **Opinion of the Advisory Committee on equal opportunities between women and men on the Kalanke judgement (27 February 1996)**

The Advisory Committee welcomes the Commission's initiative to present to the European Parliament and the Council a communication putting forward its interpretation of the Kalanke judgement, so that the controversy to which this judgement has given rise should be finally ended.

The Advisory Committee shares the Commission's view that the European Court of Justice has only condemned the automatic, absolute and unconditional nature of the measures provided for by the Land of Bremen.

This judgement, therefore, does not mean that all other forms of positive action are unlawful according to EU legislation.

The Committee, as a consequence, strongly encourages such measures.



## Opinion of the Advisory Committee on equal opportunities between women and men on "Women and the Intergovernmental Conference" - Rome, 14 May 1996

At its first meeting on 27 February 1996, the Advisory Committee decided to set up a working group on "Women and the Intergovernmental Conference" to analyse the existing Treaties from a gender perspective and propose ways and means for changes.

At its second meeting, held on 14 May in Rome, the Advisory Committee discussed the proposal of the working group, presided over by Miss Sabine KROISSENBRUNNER (Austria), and decided to forward an opinion to the European Commission on this subject.

The Committee underlines the necessity to reinforce and strengthen the references in the Treaty concerning equality between women and men, so as to promote de facto equality. To this effect, it wants to stress issues that have to be considered as important:

- The right to equal treatment should be incorporated into the Treaty. Positive Action measures should follow from this right to equal treatment.
- The promotion of equality between women and men includes mainstreaming.
- Article 119 should be extended to all relevant areas concerning working life.

The above could be achieved by the revision of Articles 2 and 3 and an extension of Article 119 of the Treaty.

The Committee does not preclude that the Treaty could further be strengthened as regards equality also in other ways.



## Opinion of the Advisory Committee on equal opportunities between women and men on "The European Confidence Pact for Employment" (20 September 1996)

### Introduction

1. Gender equality requires a new division of work and a new division of time. But so too does the fight against unemployment. The European Heads of States and Governments at the European Council of Essen, Cannes and Madrid recognised the potential complementary of equality and employment policy when they stressed that employment and equal opportunities are the paramount tasks of the Union and Member States. The synthesis of these two objectives would, indeed, underpin a new "gender contract" between women and men as regards the equal sharing of paid work and family responsibilities<sup>1</sup>.
2. Today, however, in the EU employment, unemployment and underemployment remain deeply marked by gender differences. In general women's participation rate in the labour market remains low, and they feature disproportionately among the unemployed (especially long-term and young unemployed) and in "flexible" forms of work<sup>2</sup>. How can the Employment Pact process, which should be seen in the context of the Essen follow-up, address these gender differences and tackle the key challenges concerning equality and employment?
3. The Advisory Committee, in its Opinion in 1995 on the fourth medium-term Community Action Programme on equal opportunities for women and men identified a range of policy measures needed to promote equality for women in employment and it called on the EU and Member States to adopt specific measures to:
  - promote desegregation (both vertical and horizontal)
  - ensure a better implementation of Article 119 and related Directive on equal pay
  - revalue women's work generally
  - redistribute paid and unpaid work between women and men
  - achieve a gender balance in economic decision-making
4. The Committee also recommended that EU policies be assessed for their gender impact, and that the Member States should develop a method for mainstreaming a gender perspective into policies which would include a budgetary dimension.
5. This two-pronged approach to equality - specific measures on the one hand and the integration of a gender perspective (mainstreaming) on the other, is reflected in the Fourth Action Programme and the Beijing Platform of Action, as well as in the Council Decision of December 1995 on an Action Programme for equal

<sup>1</sup> See OECD report "Shaping structural change: the role of women" for an analysis of gender contracts and the contribution of women to economic development.

<sup>2</sup> For example, unemployment in the EU among women is 13% compared to 10% for men. Women's share of employment is 39% and their share of working hours is 35% (but if we add paid and unpaid work together, women work at least two hours more than men per week). Women make up 90% of the 21 million part-time worker in the EU; 90% of the 10 million homeworkers; and 60% of the 11 million temporary workers (but 80% of all workers who are both part-time and temporary).



opportunities for women and men and in the Commission's Communication of February 1996 on Incorporating Equal Opportunities for Women and Men into all Community Policies and Activities. Such an approach is essential and it is underpinned by the full involvement of women in decision-making.

### Content of Employment Pact

6. The Committee considers that a stronger equality dimension is needed in the Employment Pact discussions and, more generally, in the Essen follow-up process as a whole if the EU is to mainstream equality questions into employment policies. In the Committee's view this dimension should comprise the adoption of specific measures to improve both the quantitative and qualitative aspects of women's employment, the systematic integration of a gender perspective into deliberations, and the full participation of women in decision-making.
7. Qualitative aspects are also more important for women as - as well as being more likely than men to be unemployed - they are more likely to be underemployed and to experience low pay and poor working conditions<sup>3</sup>. Action to improve the quality of women's employment is also important in order to promote desegregation of the labour market.
8. Unfortunately efforts to integrate the equality dimension into employment questions remain insufficient. This is illustrated, for example, by the analysis carried out by Daniele Meulders regarding the employment and equality objectives adopted at Essen (particularly her analysis of the national multiannual reports from governments), as well as in work of the Commission's Network of Experts on the situation of women in the labour market, and in background documents prepared by the Commission and the ILO at a recent joint seminar with the Italian Government on women's employment which took place in April 1996 in Turin<sup>4</sup>.

### Points for reflection

9. The Committee draws attention to four areas where it considers the adoption of specific equality policies and development for an equality dimension within the framework of the Pact discussions and Essen follow-up are particularly relevant:
  - **Equal pay:** Women in the EU earn around 75% of men's salaries<sup>5</sup>. Many reasons are given to explain the wage gap, including the continuing segregation of the labour market and the growth during the last twenty years of "flexible" working (because such employment often also leads to reduced access to continuing vocational training and career development). In addition, research has shown that the increase in decentralised wage bargaining has exacerbated unequal pay because women are more likely than men to be employed in companies and sectors where there is little scope, or pressure, for productivity-related bargaining<sup>6</sup>. Constraints on

<sup>3</sup> This concern over qualitative aspects was recently expressed by the ILO who said, "increasing employment opportunities for women is not sufficient; there must be action to improve the terms and conditions of such employment." (see "More and better jobs for women")

<sup>4</sup> See "Women and the five Essen priorities" by Daniele Meulders, and the Bulletin on women and employment in the EU, October 1995

<sup>5</sup> The wage gap is wider among white collar workers

<sup>6</sup> See "Economics of equal opportunities", ed. Jill Rubery and Jane Humphries



public spending may also have an impact on the continuing low value which is given to many jobs in health, education, and childcare or eldercare, and it may also restrict the availability of accessible and good quality childcare (on which many working parents depend). Given the importance of these structural causes of unequal pay, are equal pay strategies which only focus on individual workers and employers (e.g. by promoting job evaluation at company level) enough? Might not governments and social partners also envisage other measures, and, for example, make specific provision in agreements concerning wages and employment for the implementation of equal pay for work of equal value through the creation of specific funds, ideally on a sectoral basis?

- **"New forms of flexible work"**<sup>7</sup>: Women make up the majority of "flexible" workers, including part-time, temporary, and homeworkers. Many policy-makers see "flexible" work as a successful, more flexible, way of creating employment, and, in the case of part-time work<sup>8</sup>, as a way of reconciling professional and family responsibilities (the Monti competitiveness report said for example that part-time work suited "people with family responsibilities"). So why is that the labour market remains divided into certain areas where part-time and other "flexible" work is widespread, and other areas where full-time, open-ended employment is the norm and where part-time work (either permanently or for limited periods such as during parental leave or in the run up to retirement) is rare? Given this context, it is essential to analyse the gender impact of current policies regarding the protection and promotion of "flexible" work. Should we not ask how such policies might also develop criteria relating to the quality of the jobs concerned? What steps need to be taken to encourage part-time working also in male-dominated sectors of employment and in senior job categories? How might both statutory and complementary social security systems be adapted to meet the needs of part-time and other "flexible" workers? And how might we promote greater flexibility in "typical" jobs so that these, too, are more accessible to people with family responsibilities?
- **"Low" and "high"-skilled jobs**: In the discussion about job creation, it is often said that we need to create in particular more "low-skilled" jobs for the unemployed. "Low-skilled" in this context is usually related to potential jobs in personal, caring, or community services, areas where many women already now work. Whether many of these jobs are in fact low-skilled is questionable. It is not more correct to say that the skills such jobs demand tend to be undervalued and that they are low-paid rather than low-skilled? And if this is the case, should not measures to promote employment in these areas also tackle the issue of under-recognition? The question of recognition is also important in order to encourage men to work in more traditional female areas. In addition, surveys show that many women working in "low-skilled" areas are over-educated and over-qualified in relation to the jobs that they do. Might not making better use of women's skills and upgrading their position in the labour market (for example, through the adoption of policies to

<sup>7</sup> This is the terms used by the Commission to describe "atypical" workers, i.e. workers who do not have full-time open-ended working patterns.

<sup>8</sup> Part-time" work covers, in fact, many different types of work. There is a qualitative difference, for example, between working 8 hours a week and 28 hours



reconcile professional and family responsibilities) be a successful way of securing more "low-skilled" jobs for the less-skilled from both sexes<sup>9</sup>?

- **Training:** Efforts to encourage women into training programmes for employment in non-traditional areas have had relatively little success to date, to a large extent because, as research has shown, they have little impact on labour market segregation. So, in addition to action to challenge stereotyping and to promote women's training and employment in non-traditional areas (including for example measures to combat sexual harassment), it is not also important to make particular efforts to train women so that they can find work in new or expanding areas of employment - such as in relation to the Information Society. Proper monitoring and evaluation regarding women's participation in training schemes and in job creation measures is necessary in order to support such an approach. At the very least this would ensure that training and job creation measures are not leading to instances of increased segregation. Efforts should also be made to improve upward mobility in female job areas by developing career structures through a better differentiation of women's work: job structures tend to be "flatter" in traditional areas of women's employment and this means there are less possibilities for training and career development<sup>10</sup>. In addition, more attention needs to be given to the training needs of unskilled women.

## Final remarks

10. The Committee recognises that mainstreaming the equality dimension into employment and economic policy-making and the promotion of equal opportunities is essentially a question of political will. The EU and Member States must intensify their efforts to integrate equal opportunities into employment policy and implement and build on the Communication from the Commission of February 1996 on incorporating equal opportunities for women and men into all Community policies and activities.
11. Better mechanisms are needed to support on-going and specific analysis on equality and employment and to ensure that this analysis is fed into policy making. As pointed out by the Committee in its Opinion on the fourth action programme, this process needs to be budgeted for, in particular to enable proper monitoring and evaluation of gender differences. Measures need to be taken to ensure that all policy-makers also address equality issues in their respective policy areas, and to ensure that women are able participate in decision-making at all levels (e.g. through the implementation of the draft Council Recommendation on women in decision-making). The involvement of equality experts (through consultations and joint meetings for example) remains a key tool – and all too often the only tool – in ensuring that equality issues are raised and should be systematically developed. The Committee considers that the Employment Pact and the Essen follow-up process presents a serious challenge for mainstreaming, and it recommends that the Commission, Member States and social partners ensure a strong equality input into the multiannual plans and all other activities related to the Employment Pact and Essen follow-up.

<sup>9</sup> See "Factors influencing the integration of women into the economy", Jill Rubery and Mark Smith.

<sup>10</sup> When very different jobs share the same general classification, e.g. secretary, carer, it is harder to differentiate between different levels of competence and responsibility



12. The Committee notes with particular interest the agreement to promote Territorial Pacts on Employment. It will be important to ensure that women receive a fair share of the employment possibilities created under these initiatives. The Committee urges the establishment of equality objectives (both quantitative and qualitative) by all the parties concerned in the Pacts (governments, social partners, NGOs) and recommends that there should be proper monitoring and evaluation in this regard, both in the planning and assessment stages. Particular attention should be drawn to Territorial Pacts which promote equality of opportunities. The Committee also notes with interest the draft Resolution of the Irish Presidency regarding equality and the structural funds, which it considers especially relevant in light of the increased importance given by the Funds to equality and employment questions.
  
13. Finally, the Committee considers that the Commission and Member States should intensify their efforts to develop and adopt further measures which would promote the integration of equality into policy-making and stimulate change. For example, it would be useful to pursue quickly work referred to in the Fourth Action Programme on contract compliance as a means of encouraging good equal opportunities practice and to reassess current sanctions available in relation to discriminatory practices.



# Opinion of the Advisory Committee on equal opportunities between women and men on the Green Paper "A new work organisation in the spirit of partnership"- 22 October 1997

## 1) Introduction

1. The Advisory Committee welcomes the presentation of the Green Paper because of its further contribution to the discussion on the improvement of the employment situation and to the enhancement of the competitiveness of the European enterprises.

The objective which needs to be emphasised is the pursuit of a certain balance between flexibility of work organisation and security and stability of employment and income. The modernisation of work organisation and its adaptation to a changing economic environment can only work if it does not only benefit enterprises but also the workers, both women and men.

2. The reform of the flow of work offers more opportunities for women to use their qualities and skills in a more intensified way in the labour market. The quick change in the markets and of the technology applied requires qualities and qualifications which more often and also to a larger degree are inherent to women than to men, but which have been used for a long time as an argument just to keep women away from the labour market and also from leading positions. These include qualifications like teamwork, partnership, organisation, coordination, improvisation, versatility. Possession of social skills as well as the ability to deal with several things at the same time and to understand complex issues are also features that will be required to a greater extent.
3. New forms of work organisation, especially, shorter and/or more flexible working hours and new employment structures make it possible for women and men, mothers and fathers, to organise in a better way the responsibilities in respect of work and other aspects of daily life. It is important that men as well are given the opportunity to fulfil their obligations in the household and with regard to child care, in order to facilitate the equal distribution of professional and family duties within the partnership.
4. These positive aspects, especially for women, can only be effective if the risks which undoubtedly arise in connection with a more flexible work organisation are recognised in due time and appropriate measures are taken to prevent them.

## 2) The individual chapters of the Green Paper

1. General remark

According to the opinion of the Advisory Committee the whole subject of the organisation of work should be regarded as a "mainstreaming" issue since the different situations and needs of women and men have to be taken into account when policies are defined and measures are taken. This approach coincides with the Commission's objective to integrate a gender and equal opportunities perspective in all policies and activities pursued.

2. Education and training: lifelong learning



Although the level of education and training of girls has reached that of the boys during the last years in Europe, and at the same time many girls obtain significantly better academic results, they are still largely underrepresented in the technical-scientific field. This also affects their participation in the labour market. A women-related initial training for girls in the technical and scientific fields is essential to increase the participation of women in the labour market.

Boys should also be prepared for their role in a partnership and for their role as a father. Schooling should, on the one hand, promote the development of lifelong professional prospects for girls, and on the other hand, attract boys' attention to their responsibilities as regards their future family tasks. For that reason, a systematic discussion on the gender-related distribution of work and its resulting problems for girls and women should be initiated, as well as a discussion on alternatives.

The acquired level of training and education has to be permanently adapted to the new demands of the economy in order to be able to survive in the labour market, and this is the essence of lifelong learning.

For workers, both women and men, who have care responsibilities and for those who are on temporary leave for family reasons, it is very hard to make use of the education and training programmes available.

In order to make lifelong learning accessible for everybody, the following measures have to be taken:

- sufficient and adequate child care facilities as well as facilities for the care of the elderly and the disabled should be provided
- education and training possibilities during working time as well as during parental leave and other career breaks for family reasons should be foreseen
- measures to reintegrate workers with breaks for family reasons should be introduced
- education and training programmes which do not exclusively contribute to the improvement of professional skills but focus on other issues such as stress management, time management etc. should be initiated
- access to training programmes for the unemployed through, for example, support by the Structural Funds should be foreseen.

### 3. Labour law and industrial relations

The analysis of the Commission which shows that the new work organisation impairs the "traditional employment contracts" and labour law does not provide any solution to this problem corresponds to reality. Indeed, the regulation of working conditions is increasingly shifting to a sectoral and/or branch level and partly also to enterprises, in order to take the necessary flexibility into account.

In order to guarantee that the situation and the needs of women are given due consideration when regulations are decided, it is essential that women are also represented in the decision-making bodies. A well-balanced participation of women and men in trade unions, works councils, employers' associations and other forms of organisations of the social partners, at the decision-making level, is thus essential. Women have to feel jointly responsible for the developments occurring in the labour market and for the related problems as well.



On the other hand, men as employers or colleagues have to learn to consider the needs of women. The management of the future includes a deliberately gender-related management. Certainly, it will still be necessary to have specific fields which will still remain state regulated. This is, in particular, the case of the social protection provided for the employees and of the equality legislation, since in both these areas experience has shown that the establishment of the necessary protection and/or equality of opportunity at a voluntary level is not enough.

#### 4. Wage systems

Pay is a basic indicator of a worker's value and at the same time an appropriate element showing the gender-related imbalance. The 1996 annual report of the Commission on equal opportunities for women and men, reveals an average pay difference of 20% between women and men. The full implementation of the principle of "equal pay for work of equal value" has to be achieved. A first step to reduce pay differences would be to reconsider the evaluation criteria of the different pay systems. Qualities such as dexterity or social skills have to be evaluated in the same way as physical strength and special additional skills.

#### 5. Working time: a new approach

A new approach requires a new definition of work. Paid work can only be performed in a satisfactory way if unpaid work (like housework, child care) is equally distributed between women and men. Partnership in industrial relations includes also partnership in the sharing of unpaid work. This leads to a new form of partnership contract between women and men. Reductions of working time and/or more flexible working time can contribute essentially to the redistribution of work (paid and unpaid) and with that to the improvement of professional prospects for women. However, this will only be the case if women and men make use of the possibilities offered to them in the same extent. The objective of a more equal distribution between women and men of housework, care and professional responsibilities can only be achieved in this way. One, however, should not forget that an essential prerequisite is the availability of an adequate income to secure one's livelihood.

The following prerequisites have to be fulfilled so that women can really benefit from new forms of working time:

- full-time workers and workers engaged in atypical forms of employment such as part-time work, work of limited duration, temporary work, homework, insignificant employment, etc. should be treated equally
- "atypical" work should be included in the social security schemes
- further education and training programmes should be accessible to workers in atypical industrial relations,
- leading positions should be filled by workers engaged in atypical forms of work
- all workers should have access to all forms of working time



- the duration of working time agreed bilaterally between the employer and the worker should not be infringed
- the opening hours for shops and child care facilities should be reviewed

#### 6. Social security

The introduction of the obligation to insure all workers is a priority. This means that all the “atypical” workers, who are mostly women, should also have the right to enjoy an adequate social protection. The expansion of “fictitious self-employment” has to be avoided. Only if all workers and employers are subject to the obligation to pay contributions the social security system can be maintained in the long run. Time taken away from work for bringing up children should be taken into consideration when defining measures. Social security systems should be adapted in order to take into consideration the new forms of work organisation.

#### 7. Health and safety at work

Health and safety at work have to be constantly adapted both for women and men. The proliferation of protective measures towards women which, in the end, impede the access of women to the labour market or to more qualified and better paid jobs has to be avoided.

#### 8. Women and men

The growing and equal participation of women in the labour market has a dual positive effect. First, competitiveness is increased if workers are satisfied, and female workers are satisfied if they feel that they are not discriminated against because of their sex. Second, the emphasis attributed to qualities such as skills, and capacity to perform more than one function is a feature which many women have already developed.

To reach the objective of a balanced representation of women and men at work, positive action measures for women are necessary in order to quickly offset the deficit from the past. It is important that such programmes and programmes encouraging women to seek and achieve high positions in the new work organisation, should be fully evaluated. More emphasis should be given to the reconciliation of personal and professional life for both women and men.

#### 9. Integration of people with disabilities

Special importance has to be attached to the situation of handicapped women who, despite their wish to work and train, are underrepresented both in the labour market in general and in the professional rehabilitation programmes in particular. The problems that handicapped mothers face when having to cope with their family tasks have also to be considered.

#### 10. The role of the social partners



The new work organisation can only be efficient if it is accepted by partners at all levels. The integration of labour and management is undoubtedly necessary in all stages. At the same time, the representation of women in the employers' organisations and in trade unions should be strengthened and their presence in decision-making posts and in the work councils should be reinforced.

.....

The opinion of the Advisory Committee on equal opportunities for women and men has to be considered as a contribution to the whole discussion on the new work organisation from a women-related point of view. The Committee is aware that not all opportunities and risks can be dealt with. The proposed measures have to be seen as a minimal requirement so that women can benefit from the new work organisation.

In conclusion, the mainstreaming of a gender and equal opportunities dimension in the new organisations of work, should focus in particular on the following elements:

- training and further education with regard to the principle of equality and in respect of conditions for ensuring "lifelong learning"
- balanced participation of women and men in decision-making positions in enterprises, employers' organisations, trade unions, etc.
- equal pay for work of equal value by introducing appropriate evaluation criteria for the work undertaken
- new partnership contract for the equal distribution of paid and unpaid work
- prohibition of any discrimination against women with regard to new working time patterns, social protection, and income
- equality in respect of health and safety.
- positive action measures for women.



## Opinion of the Advisory Committee on equal opportunities between women and men on the 1998 Employment Guidelines - 6 July 1998

At its 7th meeting of 12 February 1998, the Advisory Committee decided to set up a working group on equal opportunities and the 1998 employment guidelines. It was agreed that Spain (Concepción Dancausa, Director-General of the Instituto de la Mujer) would chair the working group.

Once the Member States action plans on employment had been submitted to the Commission in April, the chair of the working group drew up a questionnaire which was transmitted to all the members of the working group; they were to send in their replies by the 13th of May.

Having received the Member States replies, the chair of the working group prepared a report which was presented to the working group at a meeting in Brussels on 18 May.

The working group discussed the report and then decided to prepare a draft opinion including a number of proposals which, following approval by the Advisory Committee, will contribute to the Commission's contribution to the Joint Informal Council of Ministers of Employment, Social Affairs and Equal Opportunities (Innsbruck, 8-10 June 1998). It will also be presented by the Member States at the Informal Council.

At its 8th meeting of 6 July 1998, the Advisory Committee adopted the following text:

### 1. Introduction

The 1998 employment guidelines as proposed by the Commission on 1 October 1997 and approved by Council in its Resolution of 15 December 1997, called upon the Member States to prepare action plans on employment. This process has brought significant progress in the field of equal opportunities for women and men.

As a result of the inclusion of a fourth equal opportunities pillar on strengthening equal opportunities, many Member States have devoted more attention to the true real situation of women and also the devising of measures to guarantee equal opportunities.

However, it is important to note the steps taken by some Member States to incorporate mainstreaming into all the pillars, because this is clearly the way to uphold equal opportunities.

In reviewing the Member States' commitments to meeting the objectives of the 1998 guidelines, the Commission Communication on the 1998 action plans (13 May 1998)<sup>11</sup> points out that both the measures and resources assigned for completion of the fourth pillar and the practical measures proposed for the application of mainstreaming are inadequate.

Accordingly, although a major effort has been made, the 1999 guidelines can be improved. For that reason, and taking into account the contributions of all the Member States, the Advisory Committee proposes the follows items:

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<sup>11</sup> COM(98) 316 final



- (1) firstly, the approach or methodology to be used in preparing the 1999 guidelines  
and
- (2) secondly, practical measures for improving them.

## **2. Approach to the 1999 guidelines**

In the first place, and as a premise to all the measures, all the Advisory Committee members strongly support the so-called mixed approach whereby the 1999 guidelines should retain the fourth pillar and reinforce the integration of mainstreaming into all the pillars, promoting equality as a transverse principle in all the actions proposed in relation to employment.

In that respect, most of the Advisory Committee Members have stressed the importance of the participation by the national mechanisms and machineries for equal opportunities for women and men in preparing the national employment plans and in the establishment or, in some cases, the maintenance of committees and bodies responsible for monitoring completion of the measures contained in the plans.

## **3. Measures proposed for the 1999 guidelines**

### **3.1. General framework**

Improving the guidelines for the 1999 employment plans calls for the introduction of structural measures to ensure genuine equality in practice between women and men.

Alongside such measures, it is necessary to improve, where appropriate the participation of the social partners in preparation of the plans and in their monitoring.

The Advisory Committee would welcome the introduction of quantified targets at national level in the 1999 employment guidelines. It will allow a more effective monitoring of national policy.

In addition, it is necessary to improve the indicators used to evaluate the proposed measures, as the exchange of information between the Member States is important for the purposes of improving implementation within the Union.

In that optic, it would be a good idea to set up a database containing the actions proposed by the Member States under both the fourth pillar and the integration of mainstreaming, thus furnishing a pool of experience and good practice. They would include actions to strengthen the role of men in the sharing of family and occupational responsibilities and above all to fix equality as a common goal for men and women throughout the whole of society.



### 3.2. Pillar on equality of opportunities for women and men

Many practical proposals can be made on the above and they could be included while retaining the set-up of the 1999 guidelines; (some Member States have proposed that the fourth pillar should be reserved exclusively for equal opportunities, while others have suggested extending it). As a basic requirement, however, they should include the need to introduce actions to promote structural changes and, in addition, reform of tax and social security systems so as to ensure real equality in practice, which means that women and men are treated as individuals, there by promoting making both women's and men's work pay. It is particularly necessary to allocate resources taking into account, where appropriate, the percentage of women among the unemployed. It is important to strengthen the role of the regional and local authorities where appropriate.

A significant priority is the integration of women into decision-making processes in all fields, especially in the business world. On that front, efforts should be made to reduce gender segregation in business and to support and stimulate access for female employees to supervisory and managerial positions, positions of responsibility, independence and authority and positions requiring particular qualifications, increasing the number of female executives and managers in general and their access to decision-making processes in particular so that in the future it will be more feasible to give practical effect to integration of equal opportunities at all levels of company life.

At the same time, employers should be encouraged to support women's return to the labour market, boosting, where appropriate, the application of positive action measures, and also guarantee the principle on equal pay for work of equal value.

But this programme would be incomplete without measures to facilitate the reconciliation of family and occupational responsibilities, while the proposals would naturally not be solely for women, but for both women and men. Bearing that in mind, it is important to refer to the communiqué from the Belfast meeting (5 – 6 May 1998) with a view to improving access to certain services for the care of children and dependent persons - of a high standard, flexible and accessible. And at the same time, the role of men in the sharing of family and occupational responsibilities should be reinforced, preparing a handbook for the purpose. An inventory examining the real situation as regards the sharing between women and men of care for dependent persons could be prepared, followed by a code of conduct on a more equal sharing by women and men of the caring tasks. Ultimately, measures will have to be developed to safeguard children's rights to their fathers and father's rights to their children.

Member States should mention clearly the budgetary commitment in the field for care facilities for childcare and eldercare.

Furthermore, actions should be included for groups of women having the greatest difficulties in access to employment because they live in rural areas. All unemployed women should be encouraged to register allowing the creation of a database of unemployed women in such areas. This database should be produced, inter alia, for the purpose of assessing the situation and applying appropriate measures.

The need to link economic policies and employment policies must be stressed. In this context, all women whether or not they are receiving unemployment benefits, as well as those who are employed on an involuntary part-time basis, should have access to vocational training. Furthermore, the cost of childcare facilities for unemployed people



looking for a job should be taken into account. Moreover, these costs are eligible for ESF funding.

### 3.3. As regards mainstreaming

There is broad consensus among the members of the Advisory Committee on the need to incorporate mainstreaming into all the pillars.

Most of the Advisory Committee members support joint action by the Member States and the Commission, especially in order to revised 1999 guidelines.

The Member States have to make an effort in this direction:

1. by promoting the inclusion of the equality machinery, not only in the devising and preparation of the fourth pillar, but also in the National Action Plan on Employment as a whole;
2. by developing and establishing appropriate machinery for the application, monitoring and evaluation of mainstreaming in all the measures set out in the plans;
3. by exchanging information between Member States for the purpose of finding out about experiences and examples of best practice which could be extended throughout the Union.

Implementing the mainstreaming principle in practice requires the insertion of the gender aspect on each stage of the National Action Plan on Employment (E.g. description of present situation appointing the implementing authority, resources allocated, and indicators).

At the same time, the Commission should step up the application of mainstreaming, encouraging the Member States to incorporate it into all measures in the National Action Plans.

As for the nature of the measures to be taken at Community level, an initial evaluation should be carried out to check how mainstreaming was applied in implementation of the 1998 plans; it would be more effective to suggest which kind of measures would best meet the Union's and Member States needs on the basis of that evaluation. This evaluation can be undertaken by Commission's group of experts "Gender and Employment" and be the subject of an opinion of the Advisory Committee. The examples of best practice can stimulate the debate at the Innsbruck Joint Informal Council.



## Opinion of the Advisory Committee on equal opportunities between women and men on the reform of the Structural Funds - 6 July 1998

The Advisory Committee on Equal Opportunities for Women and Men has issued a number of statements in the past about the contribution which the Structural Funds should make to achieving the aim of equal opportunities for women and men. In particular, it has highlighted the need to ensure:

- improved definition of programming measures and of resources available so that they can be of greater benefit to women;
- a transfer of good practices developed, notably, under Community initiatives such as Employment-NOW in order to ensure their continuity in general mechanisms;
- greater involvement of equal opportunities machinery in decision-making processes.

In addition, the Advisory Committee has urged the Commission to ensure that information concerning the Funds is made more accessible, particularly to women's NGOs.

The Advisory Committee noted the first steps taken at the time of the last reform of the Funds in 1993, and welcomed the Commission's increased commitment when the European seminar on the integration of equal opportunities into the Structural Funds was organised by the Belgian authorities in March 1996.

It has therefore examined very closely the Commission's proposals for the next reform of the Structural Funds.

The Advisory Committee notes and welcomes the fact that the Commission's proposals refer to the undertakings in the Amsterdam Treaty, and that equality between women and men is to be taken into account throughout the Structural Funds.

This integration is very clearly expressed in the Regulation containing the general provisions concerning the Structural Funds. It states that, through the Funds and in pursuit of their aims (Objectives 1, 2 and 3), the Community helps to promote equality between women and men. This integration is all the more relevant as Structural Fund operations differ according to their specific tasks and/or territories. Thus, effective implementation of equality is not restricted to one type of measure or to one particular site.

This statement is subsequently confirmed in the Regulations specific to each Fund. It shows the Commission's willingness to integrate the dimension of equality into all policies and measures, at all levels and in all fields. It reinforces the policy of equal opportunities for women and men through implementation of the principle of mainstreaming adopted in its communication<sup>12</sup> and advocated at the Beijing Conference in 1995.

This mobilisation for equality must be visible, and its effects must be measured in relation to the respective situations of men and women. In this light, the Committee approves of the importance given to evaluation, particularly ex-ante evaluation. It considers that detailed knowledge of inequalities will improve programming guidelines. It will also serve to

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<sup>12</sup> Commission Communication "Incorporating equal opportunities for women and men into all Community policies and activities". 21.02.96 COM (96) final



measure the impact of operations on the strategy developed for promoting equality between women and men. Ex-ante evaluation, and evaluation of the expected impact of the measures implemented, will enable a midterm evaluation of the relevance of the strategy and of whether to continue or to redirect it.

However, the Committee emphasises that, while statistics and quantitative indicators must be used, the meticulous design of qualitative indicators is also important. It stresses, equally, the need to add to the list of areas which are the subject of ex-ante evaluation by examining the horizontal and vertical segregation of the labour market in order to ensure sufficient availability of information to design measures aimed at career development, reduction of pay discrepancies and effective integration into the labour market. The Committee also requests that ex ante evaluation concentrates on data relating to the reconciliation of work and family life, which remains a real obstacle to the full integration of women in the labour market.

The Committee would also like the guidelines setting out the Community priorities for each Objective to specify the dimension of equality, and to specify, in this respect, the need for the Community to have data segregated by sex enabling follow-up and evaluation. Furthermore, it stresses the need to publish these guidelines in the Official Journal prior to adopting the Regulations

In addition, the Committee approves of the Commission's willingness to strengthen the partnership between the various Community, national, local, institutional, economic or voluntary operators involved in the Funds. In the light of the importance given to the partnership, however, the Committee disapproves of those bodies which promote equality being involved only "where appropriate". This highly restrictive interpretation contradicts the Commission's willingness, expressed on several occasions, to promote equality between women and men horizontally. This willingness should systematically involve those bodies responsible for equality, to guarantee that it is effectively taken into account.

Consequently, the Committee asks the Commission to call on the national and/or regional authorities to involve the bodies responsible for promoting equality and to support the integration of equality at all stages of the procedure. The institutional bodies responsible for equality must figure among those partners offering an opinion to the Commission when the Member State presents its plans<sup>13</sup>. The new Regulations must allow a greater involvement of NGOs, particularly women's NGOs, in the programming process and the implementation of the Funds.

While the Committee welcomes the fact that balanced participation by women and men will be sought when establishing the monitoring Committees, it has strong reservations regarding the fact that only the financial partners will have a vote in certain Committees.

With regard to the Advisory Committees, the Committee asks to be able to appoint an observer to monitor the integration of equality between women and men, and that the matter be included regularly on the agenda.

Furthermore, the Committee requests the Member States as well as the Commission to set aside resources to organise training on the implementation of equality in the Structural Funds for the monitoring Committees as well as the Advisory Committees, and for the civil servants responsible for the Funds' implementation.

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<sup>13</sup> as long as mainstreaming is not implemented



The Committee notes with satisfaction that the Regulations governing the Funds lay down measures to help reconcile work and family life for men and women, in particular through assistance with child care and care for dependent persons. The problems associated with the care of children and dependants are a real hindrance to access to employment and promotion, particularly for women, who in fact usually bear this responsibility.

The Committee hopes, generally, that the administrative and financial simplifications announced in the Commission's proposal will contribute concretely to the increased participation of small organisations, which are numerous in the field of equal opportunities, and asks the Commission to urge the Member States to promote innovative experiences in this field, in particular by raising levels of technical assistance in the operational programmes.

With regard to the Community initiatives, the Committee notes, and disapproves of, the fact that there is no longer a Community initiative promoting equality between women and men. The proposed initiative relates to transnational co-operation on practices to combat discrimination and inequality of all types in access to the labour market. This very broad and vague text concerns discrimination of all types and thereby addresses population categories. Women, however, are not a category; they are one of humanity's two components, and therefore do not constitute a particular social group. Promotion of equality between women and men is replaced by fighting discrimination of all types, including, presumably, sexual discrimination, considerably restricts opportunities for action in the field of equality. This fight is a reaction against a fact rather than a forward-looking search for promotional measures aimed at preventing inequality. The Committee proposes that the initiative aims on the one hand to eliminate inequalities and on the other to promote equality between men and women.

With regard to the Regulation concerning the European Social Fund (ESF), the Committee welcomes its renewed support for measures to promote equality between men and women and for actions undertaken in implementation of the guidelines for employment. However, it thinks that is important to underline once again the principle of incorporating equality in all the areas covered by this specific Regulation on the European Social Fund. It regrets that, with regard to the funding available for operations, there has been no guarantee of financial implications, e.g. in percentage terms, although the Regulation asks for particular emphasis to be given to promoting equality<sup>14</sup>.

The Committee also reacts very positively to the European Regional Development Fund (ERDF) provisions promoting equality between women and men. It notes in particular the support for equality between women and men in relation to employment, particularly through the setting up of businesses and the reconciliation of work and family life.

The European Agricultural Guidance and Guarantee Fund (EAGGF) Regulation has attracted the Committee's attention, and it welcomes the fact that this Regulation also aims to support measures to remove inequalities and promote equality between women and men, particularly through supporting projects launched and implemented by women. It points out that vocational training support is given to farmers or other persons engaged in agricultural and rural activities, as well as to retraining them. On this latter point, however, it would like an explicit reference to women engaged in farming or other agricultural activities, as well as partners who usually participate in the same activities or

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<sup>14</sup> This sentence is not approved by the German delegation



assist in them, but are neither paid nor legally partners. Similarly, with regard to early retirement, the Committee would like the proposed Regulation to take into account in a concrete way companies formed between spouses and to make reference to assisting spouses where they play a regular part in farming activity. Finally, the Committee stresses that the replacement services referred to in Article 31 should be aimed specifically at replacing the assisting spouse during maternity leave.

Finally, the Committee would like the Commission to show its commitment to promoting equality between women and men by being particularly careful of the vocabulary it uses in general, and especially in the Fund Regulations. It asks that from now on, as an example, that the term "equality between men and women " be replaced by "equality between women and men", in order to press home the need to reverse persistent inequality.



## **Opinion of the Advisory Committee on equal opportunities between women and men on a simple, consistent monitoring and assessment system for the follow-up to implementation of the Beijing Platform for action - 15 October 1998**

Following a suggestion of the Management Committee for the Community medium-term Action Programme on Equal Opportunities for Women and Men (1996 - 2000) meeting on 9th June 1998, the Commission requested the opinion of the Advisory Committee on the development of a monitoring system for the follow-up and implementation of the Beijing Platform for Action (PfA).

At the suggestion of the Management Committee, the Commission requested the Advisory Committee at its eighth meeting on 6th July to set up a Working Group to consider these matters.

At the meeting the Commission conveyed the expectations of the Management Committee to the Advisory Committee as:

"To develop a simple, consistent monitoring and assessment system for the follow-up to implementation of the PfA."

At its ninth meeting on 15th October, the Advisory Committee adopted the following text:

### **1. Importance of Consistent Monitoring and Assessment**

The Committee fully supports the need for a framework to facilitate the consistent monitoring and assessment of the implementation of the PfA in the EU. Political commitment needs to be translated into concrete progress and progress needs to be measured and evaluated. Given the breadth of the PfA and the strategic areas for action, the Committee also endorses the need to identify priorities for inclusion.

The Committee emphasises the important role of Eurostat in the development of EU-wide indicators which can:

- contribute to the monitoring and assessment of actions taken by the governments and EU institutions;
- highlight effective actions for others to consider;
- identify a need for further measures;
- support lobbying and campaigning initiatives;
- encourage discussion/projects and galvanise regional, national and transnational social dialogue and information exchange.



## 2. Data Requirements to Enable Monitoring and Assessment

The Committee recognises that progress towards sex equality cannot be measured simply in terms of statistics. However sex-disaggregated data, including statistics, are fundamental to the development of any framework to assess progress. Such data are also the basic requirement for mainstreaming, a key strategy in the PfA and a major objective of the European Union and Member States. The Committee has reviewed the data on sex equality that is currently available at EU level.

Whereas many statistics are collected and published, gaps remain and there are problems of transnational comparisons because of a divergence of definitions and data collected and published.

With a view to the provision and analysis of gender relevant and sex-disaggregated data across the Community and prioritised policy fields to facilitate consistent monitoring of progress, the Committee:

- welcomes the position of the European Women's Lobby, and the Committee stresses the importance of:
  - ⇒ Clear definitions of data and concepts, with a view to improving consistency and accountability in the review and assessment of Beijing follow-up.
  - ⇒ Disaggregation by sex of all appropriate data; wherever possible, also by race/ethnic and migrant background and by age group, so that intergenerational trends can be assessed, e.g. in terms of participation rates and qualification.
  - ⇒ Provision of new and additional gender relevant data, for example in the fields of time use, care, the migrant population, the retired population, pensions, participation in decision-making, especially in the business world, political representation, gender-based violence, family and professional status, number and ages of children; and also data on poverty and social exclusion.
- urges Member States to provide sex-disaggregated statistics, as requested for the national reporting on the implementation of the Employment Guidelines, and as recommended by the Beijing PfA, and in general underlines the important role of national statistical offices in providing such statistics.
- calls for the implementation of EU-wide time use surveys (longitudinal studies, ie measurement of changes over a period of time).
- requests the updating and appropriate revision of the pre-Beijing Eurostat publication "Women and Men in the EU, A Statistical Portrait" (Eurostat 1995), in preparation for the Beijing +5 review in June 2000, and to help the process of presenting more informed comparisons at European level.

The data must be based, wherever possible, on clearly identifiable variables in order to provide consistent measurement of progress in the Member States and, where possible, valid indicators for comparison. Any difficulties in producing consistent data across the EU should therefore be identified and acknowledged.



### 3. The Importance of Qualitative Data

The Committee has given detailed consideration to data requirements apart from statistics. The Committee believes that quantitative data alone may only provide a partial or even a misleading picture of progress. It has concluded that a two-track approach is needed so that both quantitative and qualitative data, for example the quality of childcare places, and the levels and sectors in which women hold decision-making positions, is produced, which takes into account also the context of the data. There is a need for future discussion and research in developing the qualitative indicators.

### 4. Assessment of Policy Measures

The specific policy measures taken to implement actions on parts of the PfA's strategic areas are key to any assessment of progress made. The Committee agrees the need for greater transparency and analysis of the impact of these measures. To achieve this and with a view to a greater consistency across the EU, the Committee considers it important that:

- EU-reporting on Beijing follow-up is put on a more objective basis by the development of structured questionnaires to be submitted in good time and based on authoritative information.
- follow-up should focus in particular on any failures to implement the PfA and make concrete plans for future action and resource allocation and to exchange good practice.

The Committee has considered the need to prioritise areas which are crucial for progress on sex equality in the EU i.e.:

- the development of structured reporting should initially be targeted at:
  - 1) changes in Government machinery for sex equality including the resources provided;
  - 2) the role of the social partners;
  - 3) on the specific measures to implement mainstreaming in all policies, programmes and activities;
  - 4) on the role of NGOs.

Mainstreaming is about the integration of equal opportunities into everyday work particularly of governments, other public bodies and the business world. It is an additional and complementary approach to positive action and special measures to tackle inequalities. Both qualitative and quantitative data are needed to implement gender mainstreaming. It is advisable that special measures are taken and their impact included in the reporting mechanisms.

The Committee further suggests that the 1998 review of follow-up to Beijing in Member States might consider focusing on the importance of gender disaggregated data, indicators and benchmarking for the Beijing follow-up in general.



## 5. EU Priority Areas

The Committee has also reviewed the wide-range of policy areas included in the PfA and supports the proposed focus in the Madrid Conference<sup>15</sup> on education and training; violence; employment/economy and power and decision making and expects that the Conference will contribute to the identification of key indicators of progress in these fields of priority.

In addition, the Committee considers it important to monitor progress with regard to:

- Institutional mechanisms for the advancement of women to allow an assessment of the budgetary and human resources allocated to implementation of the PfA;
- Legislative changes in the field of equality between women and men and mechanisms to enable women to exercise their rights.

## 6. A Strategic Approach for the Future

The Committee believes that the measures already set out in this Opinion will significantly improve the consistency and the rigour of the monitoring and assessment of progress in implementing the PfA at EU level. However, as the basic data needs are met and a more structured analysis used in reporting mechanisms, the Committee believes that further important opportunities will arise to compare progress and performance across Member States.

The Committee welcomes the innovative work being done by the Commission on indicators and benchmarking in the field of employment policy. The Committee urges the Commission and Member States that the opportunity be taken here to develop a simple and clear set of indicators which may in due course be applied to the PfA. The Committee urges the Commission to build on its expertise in benchmarking (in particular, the work already done for the Employment Guidelines) and promote its relevance to the development of transnational comparisons. To that end, the Committee recommends that action is taken by Eurostat to progress the development of indicators at European level and, if necessary, to establish a transnational expert working group.

The Committee invites the Commission to consider the development of an index of progress in terms of the UNDP Gender Development Index and Gender Equality Measure (UNDP Human Development Report 1995). Such an equality index should be based on a limited set of clear indicators and available comparable data, recognising that there are differing factors and processes which prevent equivalent national comparisons being made in some areas.

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<sup>15</sup> European Conference on follow-up to Beijing in Madrid on 23-24 November 1998



## Opinion of the Advisory Committee on equal opportunities between women and men on 'The Amsterdam Treaty and its impact on equality between women and men' - 1 September 1999

1. The Advisory Committee on Equal Opportunities for Women and Men notes with satisfaction that the articles 2, 3, 13, 137 and 141 of the Amsterdam Treaty confirm equality between women and men and gender Mainstreaming as well as equal treatment of women and men in questions of 'employment and occupation' as core elements of Union policy.
2. Up to 1995, the EU gender equality policy was composed of legislation and specific actions and programmes mainly addressed to women. After the Beijing conference, gender Mainstreaming has emerged and developed as a new complementary strategy through which the EU expresses its ongoing commitment to equality between women and men.
3. Mainstreaming the gender perspective before decisions are taken, can be said to be the key message of the Beijing Platform for Action<sup>16</sup>. Mainstreaming has set its imprint on the major policy issues close to the equality agenda - on education, on employment, on decision-making, on poverty, on access to resources, on legal matters, on health and on the question of human rights - to name but a few.
4. The Advisory Committee considers the establishment in 1995 and the work of a group of Commissioners, chaired by President Santer personally, to deal with equality issues and its regular meetings with the European Women's Lobby, the European Parliament's Committee on Women's Rights and the Advisory Committee on Equal Opportunities, as one of the foremost steps of the former Commission's commitment to gender Mainstreaming.
5. Gender Mainstreaming moved very fast into the policy level and was identified the guiding principle and first strategic objective of the medium term Community action programme on Equal Opportunities for men and women (1996 - 2000), agreed by the Council in December 1995<sup>17</sup>.
6. The establishment of an in-house working group on gender Mainstreaming officials to implement a concrete strategy for this purpose<sup>18</sup> and serve as a support structure for all Commission services to develop and monitor progress is also very much appreciated.
7. The Commission launched its policy on gender Mainstreaming in February 1996 with a Communication on incorporating equal opportunities for women and men

<sup>16</sup> Platform for Action and the Beijing Declaration, Fourth World Conference on Women, Beijing, China, 4 – 15 September 1995, UN Department of Public Information, New York, February 1996.

<sup>17</sup> Council Decision of 22 December 1995 on a medium-term Community action programme on equal opportunities for men and women (1996 - 2000) (95/593/EC), OJ No L 335/37

<sup>18</sup> Commission Strategy paper 'Mainstreaming of a gender and equal opportunities perspective into all Community policies'; a strategy for the follow-up to COM (69) 67, Doc. EQOP 02-97rev



- into all Community policies and activities<sup>19</sup>. Two years later, the first progress report on the follow-up of the Communication<sup>20</sup> showed that despite progress achieved, gender equality is not yet a reality and much remains to be done.
8. It is recognised in this progress report that gender Mainstreaming is a long-term approach, that gender Mainstreaming in Community policies needs to be further developed and must go hand in hand with specific measures to tackle gender inequalities.
  9. That is why the Advisory Committee wishes to stress the fact that Mainstreaming of equality into all policies is just one track of a dual approach that calls for further successful implementation and precise criteria for gender proofing; a track that complements with specific measures to combat inequality between women and men. The Advisory Committee finds it crucial to underline that gender Mainstreaming means a strengthening of efforts in order to enhance the scope and impact of equal opportunities policies, while specific measures still remain essential, e.g to break through the glass ceiling which still exists for the access of women to managerial and executive positions.
  10. In this view the Advisory Committee welcomes the former European Parliament's resolution on the interim report of the Commission [...] on the implementation of the Fourth Medium-Term Community Action Programme on Equal Opportunities between Women and Men (1996 to 2000)<sup>21</sup> and in particular that EP<sup>22</sup>:
  11. “[...] Calls on the Commission to submit a proposal for a Fifth Action Programme at an early date and that one of the pillars of that Programme should be devoted to gender Mainstreaming and another to an extension of the networks; [... ]
  12. [...] Calls on the Commission to develop gender awareness courses and ensure that they are attended by decision-makers, to draw up gender-specific statistics in all relevant areas, to develop an equality index and, in its annual report on equal opportunities for 1999, to give a breakdown of the appropriation devoted to projects to benefit women in the programmes referred to as a percentage of the various total amounts of appropriations and to indicate what progress has been made in the establishment of equal opportunities.[...]”
  13. The Advisory Committee also notes with satisfaction the conclusions by the German Presidency on the occasion of the Informal Meeting of Ministers in Berlin<sup>23</sup>,

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<sup>18</sup> Commission Communication of 21 February 1996 'Incorporating equal opportunities for women and men into all Community policies and activities', COM (96) 67 final

<sup>20</sup> Progress report on the follow-up of the Communication 'Incorporating equal opportunities for women and men into all Community policies and activities' of 4 March 1998, COM (1998) 122 final

<sup>21</sup> Interim report of the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of the medium-term Community action Programme on equal opportunities for men and women (1996 to 2000) of 17 December 1998, COM (1998) 770 final

<sup>22</sup> Resolution of the European Parliament of 4 Mai 1999 on the interim report of the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of the medium-term Community action Programme on equal opportunities for men and women (1996 to 2000), A4-0194/99

<sup>23</sup> Conclusions by the Presidency on the occasion of the Informal Meeting of Ministers in Berlin on 14/15.6.99



and would like to draw particular attention to the conclusions that:

14. “[...] Being a cross-sectoral task, equality policy comprises both the implementation of gender Mainstreaming in all Community tasks and the support of positive actions until such point in time as the participation on an equal footing in society has become a reality and that this approach should also include a fifth medium term Community Action Programme on Equal Opportunities for Women and Men; [...]”
15. [...] Strategies should be developed to achieve the objectives of the Amsterdam Treaty first and foremost for the following areas: women in decision-making, women in systems and governing bodies of higher education and research, women on the labour market (this includes: the Employment Guidelines, the structural funds and the new Community initiatives, the fight against female unemployment and pay discrimination, encouraging women’s professional participation in particular in new developing professions, information and communication technologies, the support of women’s entrepreneurs), the reconciliation of family responsibilities and working life, encouraging men to share in caring and other family responsibilities and combating violence against women and the protection of human rights. [...]
16. [...] To fully implement the objectives of the Amsterdam Treaty, the Council, too should develop gender specific instruments and institutional arrangements and use them for the purpose of a better future for the implementation of gender equality.”
17. In conclusion, looking at the implications of last years developments and the recent political priorities as described above, the Advisory Committee singled out a number of concrete recommendations to the future Commission and the Council:
18. Requests President Prodi to continue the successful practice of setting up, inside the Commission, a group of Commissioners, who deal in detail with equality issues,
19. Requests President Prodi to emphasise vis à vis all Commissioners their responsibility and accountability to promoting gender equality in their respective policy areas, according to the obligations of the Amsterdam Treaty.
20. Calls on the Commission to make Equality between women and men explicitly visible in the title and mandate of the Commissioner in charge;
21. Calls on the Commission to submit a proposal for a Framework Community action programme on equality between women and men (2001 to 2005), with particular attention to co-ordinating gender Mainstreaming in future Community-wide policies, monitoring and genderproofing of the results and especially stimulating specific measures, networks of experts, studies and visibility events;
22. Calls on the Commission to include into every Commission proposal a gender impact assessment.
23. Calls on the Council to develop gender-specific instruments and institutional arrangements to co-ordinate progress made for the implementation of gender equality in relevant policies of the different pillars such as Beijing +5, European Employment Strategy, STOP Programme, Daphne Programme, Leonardo, Socrates: e.g. by including the results of the gender impact assessment of Commission proposals on the agenda of Council and changing the Council and the Working



Group for Social Affairs into the Council and Working Group for Social Affairs and Equality between women and men.

24. Given the objectives of the Amsterdam Treaty, the opinion of the Advisory Committee on Equal Opportunities for Women and Men<sup>24</sup> has to be considered as a contribution to the discussion on the implementation and institutionalisation of equality policy as a cross-sectoral dual strategy, comprising both the implementation of gender Mainstreaming in all Community policies and the support of specific measures there where needed.

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<sup>24</sup> The name of the Committee should be changed into "Advisory Committee for Equality between women and men" according to the wording of the Treaty, e.g. Art. 2.



## Opinion of the Advisory Committee on equal opportunities between women and men on the Gender Pay Gap - 1999

At the 11th meeting of the EC Advisory Committee on 8 June 1999 in Brussels, some results from the structure of earnings survey were presented by EUROSTAT. According to these statistics relating to the year 1995, the average EU woman earns a quarter less than an average man, and even after recalculating women's earnings to remove three major structural effects (age, occupation and economic activity of the employer), there still remains a difference of about 15% for the EU as a whole.

The coverage of the survey is definitely not ideal to analyse women's earnings because sectors where there are a majority of women are not included – namely health, education and personal services; employees in public administration are also excluded. But other studies – including preliminary analyses based on the European Community Household Panel (ECHP) - also point to the existence of a gender pay gap, even if it is not always to the same extent.

During this meeting it was decided to set up a Working Group on Equal Pay which ETUC agreed to chair. The Group's mandate was to present strategies to help tackle the pay gap.

### Introduction

Equal pay for women and men is one of the principles that has been enshrined in Community legislation since its origins and has been widely discussed both at national and EU level for many years (see annex).

The fourth pillar of the 1999 Employment Guidelines is devoted to strengthening equal opportunities policies for women and men. It calls on Member States to tackle gender gaps and explicitly calls on them to initiate positive steps to promote equal pay for equal work or work of equal value and to diminish differentials in incomes between women and men. Although "income" is not the same as "pay", pay is a major element of income for many people.

A number of in-roads have been made and there exists legislation and case law both at national and EU level in this area. However, the pay gap continues to persist and there is little evidence of significant improvement.

The issue has been referred to in several previous Opinions of the Advisory Committee, including the Opinion on the European Confidence Pact on Employment and the Opinion on the 1998 Employment Guidelines. The Advisory Committee recognises the need to re-focus attention on this issue, to assess the problem more accurately, and to propose further methods to overcome it.

### Current situation

Various studies have been carried out and point all in the same direction – there are substantial differences in wage rates between women and men across the European Union.



The most recent OECD Employment Outlook<sup>25</sup> revealed that, on average, part-time hourly earnings are between 55% and 90% of full-time hourly earnings depending on the country and sector.

The situation worsens the higher up the corporate ladder you climb. At managerial level in some countries average female pay rates are only around 2/3 of those of men. Furthermore, there are no grounds for optimism that the gender pay gap will close progressively over time. Firstly, the pace of change is slow and uneven across different parts of the labour market. Secondly, there are already examples of advances in gender pay equality being halted or even reversed particularly where women have obtained a relatively high proportion of men's earnings. Thirdly, gains in one sector may coexist with a deterioration in another.<sup>26</sup>

Furthermore, a central factor which has created unequal pay is the under-evaluation of women's skills – for example, (women's) caring skills are often given less value than (male) physical strengths. Member States could take effective action by, for example, using gender neutral job evaluations.

### Factors which affect the pay gap

It is not the aim of this Opinion to try to explain all the factors which have an impact on equal pay. Based on the latest research we emphasise the following aspects: a study carried out in 1997<sup>27</sup> found that gender equality in pay is more related to the payment structures and practices than to the specific implementation of equal pay policies. The study noted that there are three dimensions to the pay structure which are likely to influence gender pay equality:

- the size and ranking of pay differentials, by industry, occupation and type of organisation (the wider the pay dispersion, the wider the gender pay gap);
- the system of job grading; and
- the form of payment system (payment systems often provide scope for varying pay beyond the range implied by the basic job-grading system, e.g. through overtime, performance-related pay, seniority rewards which leads us to the need to accurately distinguish between wages and pay (earnings) discrimination forms, on the basis of adequate data being made accessible too)

The study also identified three factors which could help facilitate a reduction of the gender pay gap:

- centralised minimum standards;
- narrow pay dispersion; and
- transparency of pay structures.

<sup>25</sup> OECD Employment Outlook, June 1999

<sup>26</sup> Trends and Prospects for Women's Employment in the 1990's. Report for the European Commission, Rubery, Smith, Fagan 1997

<sup>27</sup> Payment structures and gender pay differentials: some societal effects, Rubery et al, International Journal of Human Resource Management 8 : 3 April 1997



We may also add the fact that pay policies adopted at the different levels (European, national, and particularly the sectoral and plant level which are of key importance), and the institutional bodies in which those policies are elaborated, play a significant role in the reduction of the gender pay gap. Clearly, the gender segregation on the labour market doesn't make this reduction easier.

## Six steps to achieve equal pay

The Advisory Committee recommends that the following six steps to be taken to achieve equal pay.

### 1. Gender mainstreaming Community policies which affect the 'equal pay issue'

The Advisory Committee points out that other Community policies have an impact on pay policies, and in consequence, on the possibilities to reduce the gender pay gap.

The Committee would like to mention especially the Broad Economic Guidelines. These require from Member states financial stability in their budgets, which can lead to a reduction of public expenses and pressure on the Social Partners for wage restraint. Even if the Advisory Committee agrees with the objective of stability, which is the cornerstone of the EMU, it considers that it may not be used as a pretext to ignore the issue of 'equal pay'. This should be clearly stated in the next Broad Economic Guidelines.

Regarding the Employment Guidelines, even if they mention very clearly the objective of reducing the gender pay gap, the Commission and the Member states should take into account that other measures in the employment strategy, such as those under the adaptability pillar and under the guideline on reconciliation between family and working life which enable women to retain their place in the labour market, may affect the possibilities to do this. This has to be mentioned in the next package of guidelines.

### 2. Providing more information and analyses

There is an urgent need for greater information on (including more analyses of) existing pay structures and systems. Information on women's and men's pay in all sectors is necessary and this information should focus not only on hourly and weekly pay, i.e. "basic" pay and other pay elements, but also on the annual or lifetime figures. In addition, more information is needed on gender and household incomes taking into account taxes and social security benefits. Such information should facilitate a comparison of the gender pay gap in companies in a specific sector, and will also support cross-sectoral comparisons; it will also allow for an analysis of the gender income gap.

The Advisory Committee calls on the European Commission to:

- urge Member States to collect detailed statistics on wages, especially those, which allow a comparison at sectoral and inter-sectoral levels, between socio-demographic groups and between the different Member States. Such information should be monitored, analysed and published on a regular basis; it should be available to the European Commission, the social partners and equal opportunities agencies; today two sources of information exist, the SES (Structure of Earnings Survey) and the ECHP (European Community Household Panel). Both sources have to be developed. The SES should include more sectors and small scale enterprises. The ECHP should



report on other factors which also have an impact on wage formation in order to make a real comparison at European level. Its validity should improve by embracing a larger sample.

- undertake an in-depth analysis of the pay policies, structures and systems and their consequences on both the gender pay gap and the gender income gap in several sectors across the Member States. In-depth analysis can be based on the existing sources and will take into account the national set-up for wage formation;
- elaborate a communication strategy in order to disseminate the already existing data related to earnings. In this regard, the Commission could also organise a meeting with the Social Partners on this issue and implement strategies for public awareness.

In order to analyse the "Equal pay for work of equal value" gap properly, it is essential that information on "gender access gap", information on age but also on working experience (including the various transitions - e.g. interruption of working activities for looking after children...), are also available. Also non-pay factors (childcare...) should be included in these analyses.

### 3. Adapting current legislation

A body of legislation and of jurisprudence exists in this area at EU and national level. However, wage inequality persists in spite of this. It is necessary therefore to increase efforts as regards the implementation of legislation.

Therefore, the Advisory Committee calls on the European Commission to:

- propose a modification of the Directive on equal pay (Directive 75/117/EEC) in order to allow for "group actions" (in the majority of cases it is not an individual worker but a group of women who are discriminated against)
- propose a modification of the Directive on equal pay (Directive 75/117/EEC) in order to urge Member States to ensure that Labour Inspectors or bodies with similar powers, control the implementation of the equal pay legislation, including the use of pay audits. In order to achieve this, Labour Inspectors or bodies with similar powers should receive an appropriate training.
- encourage Member States to foresee the possibility for employers and workers to consult independent experts (e.g. equality ombudsman) in the case of a pay conflict.

### 4. Continuing to include equal pay in the follow-up to the Luxembourg process

The Luxembourg process regarding employment, that is the Guidelines and subsequent National Action Plans, represents an innovative way forward in the field of equal opportunities between women and men in the EU. Although some progress has been made to date there is still room for more, particularly in the area of equal pay.

The Advisory Committee calls on the European Commission to carry out more adequate monitoring and assessment of Member States' actions taken to achieve equal pay in their national action plans.



What other measures in addition to those referring to information, data collection, research and analysis might be taken by Member States under the guideline referring to equal pay?

The Advisory Committee calls the Commission to urge the Member States to:

- encourage the social partners to be more pro-active in this matter: Member States could provide technical and financial assistance in order to analyse job-evaluation and job-classification systems and/or to start positive actions;
- support timetables and targets to reduce the pay gap: the European Commission itself could propose to Member States benchmarking references, innovative measures and best practices.

#### 5. Recognising the value of women's work

The Advisory Committee asks Member States in their role as public employers to recognise the value of jobs typically held by women by introducing objective criteria to evaluate jobs. Here they could give an example in all the areas of social public services by introducing adequate measures, eventually creating a special fund to carry out a re-evaluation of the work (of both women and men) in these sectors by introducing objective criteria to evaluate jobs. If the gender pay gap can be closed, desegregation in these sectors might follow or in other words, if a greater weight and value is given to jobs typically done by women and the pay for that work increases, it is likely that the two sexes will become more mixed across the public sector and occupational stereotyping will reduce.

#### 6. Encouraging the Social Partners

There is a need for concerted action between the social partners on this subject at all levels.

Studies<sup>28</sup> show that centralised systems of collective bargaining are more effective in tackling unequal and low pay and conversely dismantling centralised bargaining or mechanisms can have a negative effect on the wage gap. Yet despite this there is little evidence that collective bargaining is really taking on board the issue of how to implement the principle of equal pay for work of equal value.

Efforts must be made by the social partners to play an active role in identifying unequal pay between women and men and tackling it at European, national, and in particular at sectoral and company level via the collective bargaining process. This could include any or all of the following in order to find a way to implement equal pay and upgrade low pay:

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<sup>28</sup> Equal Opportunities and Collective Bargaining in the EU, European Foundation for the Improvement of Living and Working Conditions.



- Examining centralised versus decentralised bargaining; when a very decentralised system of collective bargaining is predominant what counterweights could be built in order to reduce the pay gap?
- Analysing pay structures and systems.
- Carrying out job evaluation exercises for both full time and part-time jobs with the technical assistance of the State.
- Introducing adequate measures, eventually by creating special funds at the sectoral level to increase pay of jobs that have been under evaluated..
- Revising the balance of men and women at the negotiation table.

These actions should be supported by education and training for all persons involved in dealing with equal pay.

### Conclusion

It is clear that a multi-faceted approach must be adopted by all players in this field and at the different levels – the European Commission, Member States and the Social Partners -if real and lasting results are to be achieved. This means existing legislation has to be implemented in full and new legislation has to be proposed; more statistical information and in-depth analyses need to be widely available; more transparent pay structures and systems have to be put in place; collective bargaining has to tackle unequal pay, supported by technical assistance and by education and training on the concept of equal pay for work of equal value.

Closing the gender pay gap means investing in a productive factor. It will not only contribute to improving the motivation of the women workers and as a consequence labour productivity, it will also help desegregate the labour market and change traditional roles. Society as a whole will be enriched by the full potential of men and women.

## ANNEX

### Legislation

The principle of equal pay for men and women for work of equal value is based on Article 119 of the Treaty of Rome and on the 1975 Directive relating to the application of the principle of equal pay for men and women. The Treaty of Amsterdam takes the subject further and the first paragraph of the new Article 141 (formerly Art 119) has been extended to read as follows:

- Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.
- For the purpose of this Article, "pay," means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Equal pay without discrimination based on sex means:

- that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement; and



- that pay for work at time rates shall be the same for the same job.

#### The Code of Practice on Equal Pay

In 1995 the European Commission adopted a code of practice on the implementation of equal pay for work of equal value for men and women. The Code aims to provide concrete advice for collective bargaining partners to ensure that the principle of equal pay for work of equal value is applied to all aspects of pay. In particular, it aims to eliminate sexual discrimination whenever pay structures are based on job classification and evaluation systems.

Essentially the Code proposes two things:

- that negotiators at all levels who are involved in the determination of pay systems, whether on the side of employers or trade unions, should carry out an analysis of the remuneration system and evaluate the results in order to detect sexual discrimination in the pay structures so that remedies can be found; and
- that a plan for follow-up should be drawn up and implemented to eliminate any sexual discrimination evident in pay structures.

Why has the Code not been more effectively put into practice? Some of the explanation stems from the fact that the Code is voluntary and indeed contains an explicit disclaimer saying that it is neither exhaustive nor legally binding. It focuses only on the workplace level and the sectoral and cross-sectoral dimension - while not expressly excluded - is lacking.



## Opinion of the Advisory Committee on equal opportunities between women and men on the Employment Guidelines 2001 - Agreed on 20 June 2000

### Introduction

The Advisory Committee on Equal Opportunities for women and men welcomes this opportunity to contribute to the preparation of the Employment Guidelines for 2001. The guidelines are an important tool for progress with a particular contribution to make to greater equality between women and men. The focus on gender mainstreaming has for the most part enhanced the commitment to a gender dimension in employment policy across the Member States. The Advisory Committee hopes to make an ongoing contribution to the Employment Guidelines process so as to enhance their potential for gender equality outcomes.

Progress has been made on equal opportunities in the National Action Plans for Employment. However, the Advisory Committee remains concerned in relation to issues of:

- gender pay gap
- representation of women in professional, managerial and executive posts – horizontal segregation into specific occupations and sectors
- support services in relation to childcare and care of older people
- sharing of family responsibilities
- the experience of atypical contracts – access to lifelong learning initiatives, including for part-time workers.
- the value accorded to jobs in caring services and to jobs in the social economy
- the impact of new forms of work organisation on equal opportunities.
- women's relatively low employment rate.
- eligibility conditions that pose barriers to access to active labour market programmes.

New procedures and methodologies have evolved in support of gender mainstreaming and of gender specific measures. However, these need to be further evolved and more deeply embedded in Member State practices. Cognisance needs to be taken of new developments particularly in the area of gender impact assessments and in relation to imposed requirements on public bodies by law to eliminate discrimination and to promote equality opportunity.

The Advisory Committees notes the requirement on Member States to limit the size of their National Employment Action Plans. It is crucial to ensure that such limitations do not undermine the incorporation of clear gender equality objectives and analysis in the text in the necessary detail. A strategy is required to ensure a complete analysis alongside objectives and measures for each guideline are reflected in the Action Plan.

These are the starting points from which the Advisory Committees wishes to develop an opinion that identifies:



- key themes to shape any change
- action that could be taken at EU level
- changes that could be introduced in the Employment Guidelines 2001.

## Key Themes

The Employment Guidelines are playing a positive role. The process is well established and continuity is important. Therefore changes in the guidelines should be small scale and strategic. However, the processes of implementation particularly in relation to gender mainstreaming need to be significantly strengthened.

Gender mainstreaming processes are somewhat haphazard. The assessment of the impact of employment policies on gender equality appears minimal. The gender equality perspective needs to be more visible across the pillars of Employability, Entrepreneurship and Adaptability. It is crucial that there is an investment of human and financial resources in gender mainstreaming processes at European and member state level.

The Employment Strategy would benefit from an additional focus on targets, indicators and benchmarks within the guidelines. Such instruments contribute to concrete results. The target set by the Lisbon Council to improve the average employment rate of women from 51% to 60% by 2010 is an important step in this regard - but the implications for individual Member States remains to be explored. In this regard, policy should refer to the full-time equivalents (FTE) of female employment rates to improve the comparison between Member States. Indicators are crucial for the further improvement of gender equality processes. Benchmarking is important to allow for effective evaluation.

It is important to address the gender perspective in all guidelines. The Advisory Committee is concerned particularly in matters relating to any inequalities resulting from access strategies to information technology and strategies to modernise the workplace.

The provisions of the Amsterdam Treaty could be more fully reflected in the Employment Guidelines. Articles 2 and 3 provides the core foundation of gender mainstreaming. Article 141 provides for a wider range of positive action strategies. Article 13 encourages a focus on the implications of diversity among women. Article 137 raises the implications of poverty experienced by women.

It is also important to draw attention to the Portuguese resolution on work-life balance which is adopted by the Council of Ministers. The opinion of the Advisory Committee on equal pay is also relevant.

## Action at EU Level

The following actions are recommended at EU level:

1. The Joint Employment Report with its country specific focus offers an important opportunity to develop a more detailed focus on gender equality. It is recommended that:
  - the gender perspective is strengthened in the report, namely in the second part of the report on the country analysis



- further work is done to develop and apply qualitative and quantitative indicators in order to make comparisons across the Member States on gender mainstreaming processes.
  - the preparation of the report would include liaison with the Advisory Committee.
2. Activities should be developed by the European Commission in support of Member State efforts to put in place effective approaches to gender mainstreaming in employment. Actions should include:-
    - organising fora to explore and disseminate effective methods and instruments, for gender mainstreaming
    - co-ordinate existing materials and guidance to produce a comprehensive manual to support mainstreaming alongside a manual on effective positive action
    - implement research and data initiatives to enhance capacity to include in gender mainstreaming the situation of women and men experiencing multiple discriminations
    - develop initiatives to clarify a common definition of the elements to a gender equal society
  3. The mid-term review of the 1997 to 1999 period is an important moment to take stock of gender equality outcomes. The Advisory Committee should be involved in a manner that assists the quality of the focus on gender equality outcomes from this review. Members of the Advisory Committee should be involved in the bilateral dialogue on the review at Member State level.
  4. A programme of research and data gathering should be developed to develop a greater understanding of organisational change in the workplace and how to shape organisational change in order to promote gender equality.
  5. The Employment Committee should form a time-limited ad hoc group to examine the gender mainstreaming process and to assist an on going focus on this topic.

## Changes in the Employment Guidelines

The following changes are recommended for inclusion in the Employment Guidelines 2001:

1. The commitment to gender mainstreaming should be highlighted at the start of the guidelines. (introduction)
2. The gender mainstreaming guideline requires further development with a view to supporting good practice and creating the conditions for greater transferability across Member States. The guideline should be amended to:-“adopt a gender mainstreaming approach in implementing the guidelines of all four pillars. In order meaningfully to realise and evaluate progress on this approach, Member States will need to:- provide for adequate data collections and analysis systems and procedures
  - develop and reinforce consultative systems with gender equality machineries and organisations as well as with the social partners



- apply procedures for gender impact assessment under each guideline
- develop indicators to measure progress in gender equality in relation to each guideline”.

The text preceding the guideline should have a further indent:--

- “to give particular attention to the specific situation of women and men experiencing multiple discriminations.

The first indent in the preamble should have the words "and in a manner that addresses barriers resulting from eligibility criteria" added.

3. The guidelines on “Tackling Gender Gaps” require a particular focus on targets and time scales. The text should commit Member States to targets and time scales in relation to:

- increase the employment rates (the Lisbon Summit conclusion can be applied).
- tackle the gender pay gap.
- improve the presence of women in professional, managerial and executive posts.

4. Guideline 19 should include the following:--

“Gender gaps in working time will be explored and assessed for their implications for equality between women and men”.

The last sentence in Guideline 19 should be amended to:--

“In order to reduce gender gaps, Member States will implement measures for the advancement of women with particular emphasis on access by women to professional, managerial and executive posts”.

The preamble should include the following : "actions to address gender pay gaps are necessary in the public and private sector, and linkages to the impact of other policies on gender pay gaps should be identified and addressed."

5. Guideline 20 on “reconciling work and family life” is in practice aimed at women. The objectives set should support more equal sharing of family responsibilities. The Guideline should be amended:--

“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. Promote and set targets in relation to a balanced take-up by women and men of family-friendly policies. Set targets in relation to the provision of care services and to improve paid leave entitlements (eg care of older people, adoptive leave, care of sick people, etc)”.

6. Guidelines 4 should be amended to include a further element:--

“to identify and address any differentiated impacts on women and men that might result from benefit and tax systems as well as the refocusing of these systems”.



7. Women play a significant role in job creation in the social economy. A further amendment of guideline 12 is required to ensure this does not contribute to further pay inequalities. The following sentence should be added -

“Pay levels within the social economy need to be monitored and assessed against those in other parts of the economy with the aim of rectifying potential gender inequalities”.

8. The following text should be included in any future guideline on lifelong learning :

" Take action to enhance and monitor the participation by and outcomes for women in lifelong learning. Equality machineries and organisations should be involved in any partnership established to develop lifelong learning strategies."

### Conclusion

The Advisory Committee looks forward to a favourable response to these recommendations. In particular any response should be supportive of national efforts to establish gender mainstreaming.

In recommending an enhanced role for the Advisory Committee at European Union level in the elaboration and monitoring of the Employment Guidelines, the Advisory Committee is conscious of the need for a similar involvement at Member State level. Member State organisations experienced in gender equality should have a clearer involvement in the development, planning, implementation and monitoring of National Action Plans. Such partnership approaches have a significant contribution to make to Gender Equality outcomes from the Employment Guidelines.

4 July, 2000

UNICE, CEEP<sup>29</sup> and UEAPME are broadly supportive of the opinion of the Advisory Committee on the 2001 Employment Guidelines. However, they would like to express their reservations in relation to points 3 and 5 of the section “Changes in the employment guidelines”.

CEEP, UEAPME and UNICE support benchmarking of national performances in relation to advancing gender equality and accept setting of macro-economic targets (i.e. increasing the employment rates of women to 60% by 2010). However, they reject policy-based targets (e.g. reducing gender pay gaps, improving participation of women in professional, managerial and executive posts). UEAPME, UNICE and CEEP fully support the objectives pursued but consider that setting of targets at the European level is not an appropriate means of achieving such objectives as binding policy-based targets have the major disadvantage of focusing more on the objectives themselves rather than on action needed.

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<sup>29</sup> Agreement of CEEP is still awaited for 27 July 2000



## Opinion of the Advisory Committee on equal opportunities between women and men on the New Community Programme on Gender Equality (2001-2005) - 17/04/2000

1. The EAC welcomes the proposal to introduce a new gender equality programme for 2001 to 2005 developing on experiences of the previous four Community programmes since 1982. The EAC is very pleased with the commitment of the Commissioner Diamantopoulou to introduce a Community programme covering all areas of human life and all sectors of society (economic, political, social, cultural, and civil life). However, the AC regrets to be officially informed at a very late stage of the consultation period (almost two months after the debate at the Commission on 26.1.2000 and only 3 weeks before the end of the consultation period ending on 15 April).
2. Despite the extremely short time available for drafting an opinion, the Committee decided to set up a working group for it. Representatives from France, UK, Greece and the social partners (ETUC and CEC) participated in this group. The EAC has asked the working group to prepare draft opinions addressed to the relevant decision-making bodies.
3. The opinion follows the structure of the outline of the proposal; it gathers comments and proposals on all sections of the programme and some elements of the previous opinion of the EAC on the Amsterdam Treaty.

### Section A Introduction

4. The AC endorses the premise that an integrated approach should be adopted, comprising both, gender mainstreaming and targeted specific action. However, it has to be further stressed that the two tracks of this approach are complementary and they are needed at each policy level (Community and national); for this purpose, appropriate mechanisms and human and financial resources are important for marking real progress. These structures include specialised bodies on gender equality as well as horizontal co-ordinating committees, which should be encouraged by the programme.

### Section B Strengthened renewed approach

5. Concerning the first part of the programme (the umbrella for the Community policies), the EAC wishes to stress that declarations of good intention by other Commissioners are not enough in order to be included in the programme. Commissioners should take their responsibility and accountability to promoting gender equality in their respective policy areas, according to the obligations of the Amsterdam Treaty (EAC Opinion on the Amsterdam Treaty paragraph 19). Allocation of specific budget and human resources for both gender mainstreaming and targeted action should be clearly mentioned in the programme. Only in this way, they could legitimise the inclusion of the respective policies in the first part of the programme.
6. The total financial allocation should be presented in the financial part of the programme demonstrating the commitment of each policy actor and each DG. This document should show explicitly the allocation for funding of horizontal



- funding and for the co-ordination of the programme. It should be revised every year so that monitoring is facilitated. Each DG should set up a work programme, which should be used as a tool for qualitative monitoring at a yearly basis. The Equal Opportunities Unit should be involved in the development and monitoring exercise in each DG, with a view to coherence (cfr paragraph 15). A report on the implementation and possibly revision of this DG work programme should be issued and presented to the Group of Commissioners for Gender Equality and the EAC every year.
7. Assessment criteria and indicators, monitoring, benchmarking and evaluation of each Community policy, in terms of gender equality should be also present in the Commission Communication on the programme. The valuable contribution of the Council under the Finnish and Austrian Presidencies, as well as, plans of the future presidencies to develop criteria and indicators in different policy areas of the programme should be taken into account. Gender impact assessment should be included into every Commission proposal (EAC opinion paragraph 22), which will mark an intensification of mainstreaming gender into general Community policies. The Employment Guidelines are a good example and should be followed by gender mainstreaming through the anti-discrimination package etc. Guides for gender impact assessment of specific Community policies starting with the Employment policy, the National Action Plans for Employment and the programmes of the Structural Funds, should be prepared in order to facilitate the implementation and monitoring of the different parts of the "umbrella" section of the programme.
  8. Regarding the second part of the programme (specific action funded by Budget line B3 4012), the EAC welcomes the idea to fund action, which cannot be covered by other (more important) budgets. We have to point out that funding from other budget lines is not always available for innovative pilot actions contributing to the development of methodology of gender equality policies. Heavy procedures are often an obstacle for funding of activities promoted by small and non-profit organisations. Funding under the budget line B3-4012 should cover genuine European projects as well as experimental projects, proposed and run by NGOs and social partners, creating new knowledge on gender equality policies and instruments adding value at the European level. Funding should be available for support of innovative project, expert networks, studies, information, monitoring and evaluation activities. Application and granting procedure should be substantially simplified. The total budget of the programme should be at least of the same size as the existing one. Dissemination mechanisms should be more structured and built in to the programme from the outset. It is also important to carry forward improvements in the administration of the programme.

### **Section C    Setting the objectives**

9. We welcome the strategic objectives set up by the Commission. However, a medium-term programme will be assessed on the achievement of the operational and, even more, on the target actions corresponding to the operational objectives. The EAC regrets not to be given the opportunity to advice on the



operational objectives and target actions, despite Commission intention to upgrade the role of the Committee.

10. We call upon the Commission to inform the EAC about the full text of the programme, which will be prepared after the consultation period (April 15). In this way, before the adoption of the programme by the Commission (end of June 2000), the EAC will have the opportunity to express its views on all parts of the programme. The working group could prepare a new draft opinion to be adopted by the EAC at the next meeting (19 June).

## Section D

11. Target actions should include and support existing good practice on specific policy areas, in particular if they are genuine European ones. They have to be funded either by budgets of appropriate Community programmes or the specific budget B- 4012. They should include among others actions like the following:

### **a. Equality in economic life**

- Amend the Equal Treatment Directive to bring the legislation covering sex discrimination in line with the more favourable provisions contained in the new directives to combat other types of discrimination being proposed under Article 13
- Legislation on positive actions and implementation

European campaign for Equal Pay, also targeting the social partners to raise awareness of their responsibility in promoting equal pay for equal work or work of equal value. Support of social partners' action to this purpose.

- Extension of the EC Equality directives to homeworkers ( in accordance with ILO Convention)
- Better monitoring of NAPs in terms of gender equality
- Preparation of a European gender impact assessment guide on employment policies
- Strengthened gender equality measures in CSF and operational programme of ESF by allocating a higher percentage of Community funding to projects targeted to women.
- Monitoring of gender mainstreaming in the Structural Funds by the necessary structures, measurement tools and gender analysis.
- Support research and experimentation of new forms of work organisation aiming at a better articulation of family and professional life for men and women
- Support research on work organisation, training and work time patters in the new E-economy and its impact on women and men.
- Targeting the specific needs of women running small business and tackling the barriers they face, including supporting women's access to credit for the creation of enterprise.
- Improving of social protection of assisting spouses
- Encouragement of the Social Partners to include gender equality in the social dialogue



- Supporting projects targeted at a less gender segregated labour market, more men in care sector and a less traditional choice of education by young women and men
- Supporting research and investigation into the economic contribution to the society stemming from gender equality, i.e. through increased labour market participation and/or higher productivity in gender balanced sectors and trades.
- Effective policies to combat the feminisation of poverty, for example by gender mainstreaming of policies to combat social exclusion and promote social inclusion
- Encouragement of MS to adapt their social protection systems on a gender equality basis, including atypical workers

#### ***b. Equality in family and social life***

- European campaign on a gender balance in domestic work and family responsibilities targeted to men.
- Legislation on protection of maternity and paternity facilitating the reconciliation of work and family.
- Support of European projects promoting the balanced participation of men and women in family and working life.
- Encouragement of the MS to adapt their social protection systems on a gender equality basis, including atypical workers
- Highlighting the mutual dependency between gender equality and the development of welfare state institutions
- Extension to all Member States of the European time budget survey of EUROSTAT. Monitoring and analysis of changes in distribution of family chores and domestic tasks.
- Engendering all relevant statistics by EUROSTAT, including the European Labour Force Survey and the European Household panel.
- Preparation of a European gender impact assessment guide for policies on access to goods and services, housing, transport, health services and social protection

#### ***c. Equal participation and representation***

Implementation of the Council Recommendation on the basis of indicators developed by the Council under Finnish Presidency. Development of indicators on other areas of decisionmaking. Encouragement and monitoring of action plans for a gender balance in decisionmaking, as recommended by the Council.

- Further examination of the impact of electoral systems and a proposal for a European electoral system for the use of the European Parliament, which will assess the current electoral system.
- European campaigns for coming European Elections (2004) and to encourage women to stand
- Amend the legislation to allow for positive action measures to achieve a better balance between women and men in democratic institutions.



- European campaign and specific programme to encourage companies to increase the number of women in executive and managerial posts.
- Commission funding and further support of a selection of the most valuable existing European projects and networks i.e.
  - the European database on women in political decision-making (FraeunComputerZentrum),
  - the Commission of Parliamentary Committees on Equal Opportunities set-up by the national Parliaments,
  - Women's Committee of the Council of European Municipalities and Regions,
  - Women's Committee of the ETUC (and other European social partners).
  - The European Women's Lobby
  - Women's manager's network of CEC

#### **d. Changing gender roles and stereotypes**

- Encouragement of member states to:
  - screen all educational material in terms of gender neutral roles.
  - promote education systems that are gender sensitive and actively promote gender equality.
  - increase awareness raising and training programmes for teachers and other personnel in education.
  - organise awareness raising campaigns to challenge sex stereotyping in training and education in nurseries, schools, colleges and career choice
- Promotion of women's artistic creation
- Creation of European a prize for advertisement promoting non traditional images for the two sexes
- Accelerating Community action on promoting women in Science and Research
- European campaign targeted at decision-makers and social partners to raise awareness of the adverse impact of sex stereotyping an occupational segregation
- Encouraging media to endorse code of good practice.
- European campaign on men's role in sharing care and household tasks.
- European campaign to address the multiple discrimination facing women refugees and asylum seekers
- Supporting projects and men's organisations addressing the changing role of men, from "traditional breadwinner" to "equal partner".

#### **e. Equality in civil life**

- European campaign on the enforcement of women's human rights



- Follow-up of the European campaign against male violence and domestic violence.
- Tackle the trafficking in women and children for sexual exploitation through all appropriate measures and policies including action against violent and degrading portrayals of women in pornography. Sex business should be an area of concern in this context.
- Supporting the European Observatory on violence against women founded by the European Women's Lobby.
- Supporting projects addressing successful ways to change the behaviour of violent men.
- Promote men's involvement in the work to eliminate violence against women.
- An active policy of Gender mainstreaming of refugee and immigration policies and antidiscrimination policies
- Support of local, regional and national women's organisations to improve their technical capacity.
- Initiatives responding to needs and aspirations specific to women from minority groups, women in rural areas or living in poverty.

**f. External relations**

- Incorporating and promoting objectives 1-5 into Community external and development cooperation policies. The programme should ensure aid to the candidate countries to improve the situation of women.

**g. Enlargement process**

- Incorporating objectives 1-6 into the general enlargement process. Encouraging and facilitating participation of the candidate countries in all above areas, including through the active participation of women's NGOs of these countries.

**SECTION E - Achieving the objectives: Methods and Tools**

12. Taking into consideration that methods and tools are crucial for the success of the programme, the EAC welcomes the proposed type of action (legislation, networking activities, specific structures, campaigns, statistics and partnership between all relevant actors). However, the EAC proposes the following additional elements:

**Co-ordination of national gender equality policies**

13. At the national level, the programme should support the establishment of (or the operation of an existing) body involving all relevant bodies and structures (NGOs, social partners etc) aiming at co ordinating all activities related to the programme, including systematic information of national actors on the implementation of the programme (both parts), organisation of meetings, seminars and conferences, as well as a dissemination of information on the programme to individuals, academics, experts, NGOs, social partners associations etc. A systematic link



between the national level (and the National Plans on Gender Equality) and the European one (systematic feed back on developments at European and national level) will be ensured through this body, including national information in the Community Annual Report on Gender Equality. Co-ordinating operational costs should be covered by the programme.

### **Reinforcement of Commission Co-ordination structures**

14. The role of the Advisory Committee for Equal Opportunities between Women and Men (better for Gender Equality) should be extended and reinforced. It has to advise on the implementation of the programme on both its parts. More frequent and longer meetings and more working groups should allow advice on all Community policies, which will incorporate gender equality objectives. Co-ordination tasks should cover the setting-up of National Plans for Gender Equality, one of the most important innovative elements of the programme. Other European Advisory Committees should discuss gender equality issues related to their policy fields.
15. The role of the EO Unit should be upgraded, possibly to a Directorate on Gender Equality. Implementation of the first part of the programme (umbrella for Community policies) needs continuous encouragement, monitoring and co-ordination of all Commission services. The Unit (or Directorate) should be placed at a central position of DG EMPL, preferably reporting to the Director-General.

### **Community Annual Report on Gender Equality**

The publication of an Annual Report on Gender Equality should continue and be reinforced during the 5th Action Programme. It should be structured along the operational objectives of the Programme and it should aim at monitoring progress in the field of Gender Equality, both at national and European level. Common targets, indicators, benchmarking, which are or will be developed at European level by the Council and the Commission, including for the follow-up of the Beijing Platform of Action, should be integral part of the Report's analysis.

### Co-ordination structures on gender equality in other European Institutions and inter-institutional cooperation

16. Informal Councils on Gender Equality (recently proposed and organised by most Presidencies) are not sufficient for marking concrete advancement in this area. The possibility to set up a Council on Gender Equality should be examined by the Council in terms of its potential contribution to Gender Equality in the European Union. In a parallel way, all Councils should embrace gender equality issues, while decisions should be taken in Social Affairs Council extended to Ministers in charge of Gender Equality.
17. Women's Committees or Gender Equality Committees should be set up in all other European institutions (ECOSOC and Committee of the Regions), as well as inter-committee co-operation, to ensure gender mainstreaming of all official acts of these Institutions.
18. The establishment of a European Gender Institute, announced by the Commissioner, is an excellent idea. Research on policy instruments and tools for gender equality should be among its priorities, together with gender impact



assessment of Community policies and monitoring of the National plans on Gender Equality.

19. EEA EFTA participation and increasing participation of the candidate countries in the previous programme has been greatly appreciated and should continue in the new programme



## Opinion of the Advisory Committee on equal opportunities between women and men on the social agenda - 17/10/2000

The Lisbon European Council in March 2000 set a new strategic aim for the European Union for the coming decade: *"to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion"*.

The French Presidency was directed to start work *"on the basis of the Commission Communication, with a view to reaching agreement on a European Social Agenda at the Nice European Council in December, including the initiatives of the different partners involved"*.

The Advisory Committee for equal opportunities for men and women welcomes the fact that it has been invited to deliver an opinion on the Commission's Communication as part of the French Presidency's wide-ranging consultation process following that carried out by the Commission. All the opinions gathered will be submitted to the Employment and Social Policy Council for incorporation in the report which will be put before the European Council in Nice.

The Committee is pleased to see that the Commission's Communication on the Social Agenda, which reiterates the aims set by the European Council in Lisbon, is informed by the premise that Europe's economic strength and its social model are closely linked and sets out to reinforce the role of social policy as a productivity factor. Combined action on the social, economic and employment policy fronts will make the most of the mutual benefits accruing.

The Committee fully supports the introduction of a positively based multi-annual social agenda, i.e. with targets extending from the short term to the long term and thus enabling intensive activity to be sustained.

The Advisory Committee welcomes the Commission's Communication on the Social Agenda and approves of the approach which it adopts. The Communication emphasises the **enhancement of quality in all spheres**: full employment and quality of working life, quality of social policy and quality of industrial relations.

It provides for **active participation by all the players involved**, whilst respecting their powers and responsibilities: the institutions of the European Union, the Member States, regional and local authorities, the social partners, civil society and enterprises.

This diversity amongst the players will be mirrored by **a wide range of activities**: transparent coordination method, legislation, social dialogue and collective bargaining, Structural Funds, programme, political analysis and research, etc. Mainstreaming will be strengthened and developed. These types of intervention will be combined to ensure that the priorities outlined in the agenda and set for the areas targeted are met.

The Committee welcomes the fact that the Communication opens up **a wide scope of action** for the future Agenda: employment, work, the knowledge-based society, mobility, social protection, social inclusion, equality for women and men, basic rights and combating discrimination, social dialogue, enlargement and international cooperation.



The Committee notes that regular reports will be made on equal opportunities for men and women as political analysis and research is carried out. The production of gendered indicators and statistics is a must to enable progress to be measured, and the Committee insists on the need to include them in such analysis and research.

In the same vein, the Committee attaches particular importance to prompting the necessary discussion of the European gender institute, for which a precise feasibility study needs to be carried out. The institute may be able to provide the resources required for preparing gendered indicators and impact studies.

### **INTEGRATING EQUAL OPPORTUNITIES...**

The Committee appreciates the fact that the Commission has included in the Agenda the Lisbon targets on increasing the rate of employment amongst women to 60% by 2010 and on the quality of employment, stating explicitly that combining family and working life is a factor which can contribute to meeting these.

It notes that an entire chapter (4.2.3) of the Agenda is devoted to promoting gender equality.

It also notes with interest that gender issues appear in other chapters, either as targets or as activities to be implemented. The chapter on more and better jobs (4.1.1) thus proposes measures to restructure the market, in particular with regard to segregation of the sexes, and integrates equal opportunities into work organisation. The chapter on exploring the possibilities offered by the knowledge-based society (4.1.3) calls for the gender gap to be closed and for new forms of organisation of work to be promoted in the new economy. The chapter on modernising and improving social protection (4.2.1) covers targets, indicators and exchanges of experience and practice, which also include the gender dimension. The chapter on promoting social inclusion (4.2.2) also incorporates the gender perspective.

The Committee is pleased to see that the part of the Agenda devoted to the quality of social policy includes the dialogue on equality as a strategic issue to be taken up by the Commission and the NGOs and as a subject of common interest in the dialogue between the social partners and the NGOs and one on which they should prepare initiatives.

Finally, the chapter on enlargement (4.4) states that equal opportunities must be integrated in the pre-accession strategy.

### **... NEEDS TO BE STEPPED UP IN SOME AREAS**

#### **An integrated approach to equality**

The Committee notes with satisfaction that equality is a thread which runs through the entire Agenda.

However, it wonders what reasons there were for including equal opportunities in one chapter rather than another. For example, there is no mention of equal opportunities in the chapter on adjustment to the new working environment (4.1.2) nor in that on the promotion of mobility (4.1.4). It thinks that the impression given of a "sprinkling" of equal opportunities is unfortunate and might suggest that it has no importance except in the chapters where it is explicitly mentioned.



The Committee would have liked to see a more ambitious approach, incorporating equal opportunities for women and men in a more comprehensive and integral fashion along two lines: specific activities and incorporation of equal opportunities for women and men (gender mainstreaming) in all areas in compliance with the Peking Declaration and the Amsterdam Treaty.

The Committee points out that this approach would have been perfectly consistent with the European employment strategy, the European Social Fund regulation and the proposal for a fifth programme on equal opportunities for women and men.

This integrated approach should have featured in the introduction to the Agenda, specifying that:

- the principle of equal opportunities for men and women must inform all action in all the areas covered by the Agenda. The methodology for integrating equal opportunities should have been mentioned at this point and, in particular, the carrying out of an impact study of action, measures and programmes on the respective situations of men and women. Moreover, the gender perspective should also feature in the assessment and monitoring of policies;
- action under chapter 4.2.3 comprises specific activities to promote full participation by women in economic, scientific, social, politic and civic life and strike a new balance between women's and men's roles, particularly with regard to reconciling family and working life.

### **The chapter on promoting equal opportunities for men and women**

The Committee is pleased to see that the Commission's Communication contains some particularly innovative aspects. It welcomes the fact that there is a chapter dealing exclusively with equality, including targets and action. Promoting equal opportunities for men and women must be seen as a key element in creating a society where there is full employment combined with improved job quality and quality of life in the knowledge-based economy, as described by the European Council in Lisbon.

The Committee welcomes the legislative action set out in this chapter, namely the framework Community strategy, including a directive to be adopted on equal treatment outside employment on the basis of Article 13 of the Treaty, adoption and implementation of the 5th programme on equal opportunities and review of the 1976 Directive on equal treatment in employment. It would even like to see legislation reinforced to enable social security rights to be maintained in atypical work and during parental leave<sup>30</sup>.

It also welcomes the links forged with other Community initiatives, such as monitoring and reinforcement of the fourth pillar of the employment strategy and the framework strategy on equal opportunities.

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<sup>30</sup> UNICE, UAPME and the CEEP are not in favour of a review of the 1976 Directive on equal treatment in employment. This is because they believe that the existing directive provides sufficient legal protection against gender-based discrimination in employment. They also feel that sexual harassment should not be equated with gender-based discrimination. They believe that the debate on maintenance of social security rights is a matter for Member States and should not be separate from overall discussion of social protection reform.



Involving the social partners at all levels in promoting equal opportunities through equal treatment, reduction of sexual segregation in the labour market, including through life-long learning and professional enhancement, and reconciling family and working life is a very positive step. However, the Committee points out that there are areas where there is still no social dialogue and that the above issues do not come within the remit of social dialogue alone. Here, a variety of the resources and players mentioned should be combined. The importance of small and medium-sized businesses should be highlighted, given their potential for creating jobs.

The Committee would also like to draw the Commission's attention to the fact that the Agenda treats reconciling family and working life as an exclusive concern of the social partners. It reminds the Commission of the recommendations in the Resolution of the Council and of the Ministers for Employment and Social Policy meeting within the Council on the balanced participation of women and men in family and working life, adopted on 29 June 2000, and of the Evora conference of 19 and 20 May 2000, in which it was emphasised that responsibility was shared between the State, enterprises and civil society. If better reconciliation of family and working life could be guaranteed, the aims of the Lisbon Council with regard to the rate of employment and also quality of life could be met. What is more, the Resolution notes that equality of men and women in the public and private domains is acknowledged as a condition for democracy and a guarantee of individual autonomy and freedoms.

Reconciling family and working life for both men and women cannot be confined to the problems of organising work. It also depends on the supply of services or help for childcare or care of elderly persons. Robust policies to improve the situation on this score are necessary to ensure women and men really do have a choice when it comes to reconciling their family and working lives. In more general terms, the Committee emphasises that the problems in this area result from housework, upbringing and care of children and dependent persons not being shared. Here, the Committee thinks that specific measures for men could be envisaged so that they can acquire the informal skills too often attributed solely to women. And greater support should be forthcoming for the growing number of single-parent families in Europe.

Such difficulties can also be exacerbated by the fact that the way towns are run still does not make due allowance for individual movements and patterns of behaviour. This is something which needs to be discussed collectively.

The Committee also wonders why there is no specific action with regard to equal pay. It thinks that a concerted effort should be made with the social partners to close the persistent pay gap, whose reduction over the past few years seems to have stalled.

In the specific areas of vertical and horizontal occupational segregation and equal pay, the Committee emphasises that increased vigilance is necessary in the emerging sectors, such as new information and communication technologies, to ensure that they do not reproduce the same inequalities as in the more traditional sectors.

The Committee would also like to see more ambitious action on decision-making than in the Agenda and not merely in public administrations. It wants the Agenda's aim of promoting full participation of women in economic, scientific, social, political and civic life to be implemented by specific measures. Balanced participation of women in decision-



making posts and positions of responsibility in the public and private spheres, particularly in management posts in businesses, is a key element of democracy and social and economic progress.

The Commission has been the architect of some considerable progress in this area, but the Committee would like to point out that the Commission's report on implementation by the Member States of the 1996 Recommendation illustrates the need to sustain and renew its efforts here.

The Committee would like the situation of spouses helping in agricultural organisations and small craft businesses to be looked at closely. They often make an unseen contribution to the economic wealth of enterprises and to local development. This contribution could be assessed and the attendant social rights discussed.

With regard to social protection, the Committee would like to see the question of individual rights dealt with in the Social Agenda.

Finally, the Committee stresses the need for women and for men to enjoy high standards of health protection and safety at work, particularly - in the case of women - with regard to maternity-related matters.



## **COMMISSION DECISION of 19 July 1995 amending Decision 82/43/EEC relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men - (95/420/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas the constant improvement of living and working conditions and the harmonious development of economies constitute objectives of the European Economic Community;

Whereas the Heads of State and Government, meeting within the European Council on 10 and 11 December 1994, emphasized that equality of opportunity for women and men, together with the fight against unemployment, is a paramount task of the European Union and its Member States;

Whereas equality between women and men is essential to human dignity and democracy, and constitutes a fundamental principle of Community law, of the constitutions and laws of the Member States, and of international and European conventions;

Whereas the application in practice of the principle of equal treatment for women and men must be encouraged by improved cooperation and exchanges of views and experience between those bodies which have special responsibility in the Member States for promoting equality of opportunity, the social partners and the Commission;

Whereas the full implementation in practice of the six Directives, two recommendations and nine resolutions adopted by the Council in the field of equal opportunities<sup>31</sup> can be

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<sup>31</sup> Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (OJ N° L 45, 19.2.1975, p. 19); Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ N° L 39, 14.2.1976, p. 40); Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ N° L 6, 10.1.1979, p. 24); Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (OJ N° L 225, 12.8.1986, p. 40); Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood (OJ N° L 359, 19.12.1986, p. 56); Council Directive 92/85/EEC of 19 October 1992 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 (OJ N° L 348, 28.11.1992, p. 1); Council resolution of 12 July 1982 on the promotion of equal opportunities for women (OJ N° C 186, 21.7.1982, p. 3); Council resolution of 7 June 1984 on action to combat unemployment amongst women (OJ N° C 161, 21.6.1984, p. 4); Resolution of the Council and of the Ministers for Education meeting within the Council of 3 June 1985 containing an action programme on equal opportunities for girls and boys in education (OJ N° C 166, 5.7.1985, p. 1); Second Council resolution of 24 July 1986 on the promotion of equal opportunities for women (OJ N° C 203, 12.8.1986, p. 2); Council resolution of 16 December 1988 on the reintegration and late integration of women into working life (OJ N° C 333, 28.12.1988, p. 1); Council resolution of 29 May 1990 on the protection of the dignity of women and men at work



speeded up considerably with the assistance of national bodies having a network of specialized information at their disposal;

Whereas the preparation, implementation and monitoring of the Community's activities to promote equal opportunities require close cooperation with specialized bodies in the Member States and with the social partners, thereby necessitating an institutional framework for the purpose of regular consultation with those parties;

Whereas the Advisory Committee on Equal Opportunities for Women and Men, established by Commission Decision 82/43/EEC of 9 December 1981<sup>32</sup>, has made a significant contribution to the Community's activities in this field, particularly in terms of following up successive Community action programmes both through its opinions and through its cooperation, on a partnership basis, with the Commission;

Whereas the composition and terms of reference of the Committee have to be adapted to take account of current and future developments with a view to promoting equal opportunities, as outlined in the Commission communication of 19 July 1995 proposing a new medium-term action programme in this connection; whereas it is therefore necessary to amend Decision 82/43/EEC,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Decision 82/43/EEC is hereby amended as follows:

1. Articles 2 and 3 are replaced by the following text:

#### *'Article 2*

1. The Committee shall assist the Commission in formulating and implementing the Community's activities aimed at promoting equal opportunities for women and men, and shall foster ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved.

2. To achieve the aims referred to in paragraph 1 above, the Committee shall:

- (a) assist the Commission in the development of instruments for monitoring, evaluating and disseminating the results of measures taken at Union level to promote equal opportunities;

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(OJ N° C 157, 27.6.1990, p. 3); Council resolution of 21 May 1991 on the third medium-term Community action programme on equal opportunities for women and men (1991-1995) (OJ N° C 142, 31.5.1991, p. 1); Council resolution of 22 June 1994 on the promotion of equal opportunities for women and men through action by the European Structural Funds (OJ N° C 231, 20.8.1994, p. 1); Council resolution of 27 March 1995 on the balanced participation of women and men in decision-making (OJ N° L 168, 4.7.1995, p. 3); Council recommendation of 13 December 1984 on the promotion of positive action for women (84/635/EEC) (OJ N° L 331, 19.12.1984, p. 34); Council recommendation of 31 March 1992 on child care (92/241/EEC) (OJ N° L 123, 8.5.1992, p. 16)..

<sup>32</sup> OJ N° L 20, 28.1.1982, p. 35



(b) contribute to the implementation of Community action programmes in the field, mainly by analysing the results and suggesting improvements to the measures taken;

(c) contribute, through its opinion, to the preparation of the Commission's annual report on progress made towards achieving equality of opportunity for women and men;

(d) encourage exchanges of information on measures taken at all levels to promote equal opportunities and, where appropriate, put forward proposals for possible follow-up action;

(e) deliver opinions or submit reports to the Commission, either at the latter's request or on its own initiative, on any matter of relevance to the promotion of equal opportunities in the Community.

3. Procedures for the circulation of the Committee's opinions and reports shall be determined in agreement with the Commission. They may be published as an annex to the Commission's annual report on equal opportunities for women and men.

#### Article 3

1. The Committee shall comprise 40 members, i.e.:

(a) one representative per Member State from ministries or government departments responsible for promoting equal opportunities; the representative shall be designated by the Government of each Member State;

(b) one representative per Member State from national committees or bodies set up by official decision, having specific responsibility for equal opportunities between women and men through representation of the sectors concerned. Where there are several committees or bodies dealing with these matters in a Member State, the Commission shall determine which body, by its objectives, structure, representativeness and degree of independence, is best qualified to be represented on the Committee. Any country without such committees shall be represented by members of bodies deemed by the Commission to perform analogous duties; the representative shall be appointed by the Commission, acting on a proposal from the relevant national committee or body;

(c) - five members representing employers' organizations at Community level;

- five members representing workers' organizations at Community level.

The representatives shall be appointed by the Commission, acting on a proposal from the social partners at Community level.

2. Two representatives of the European Women's Lobby shall attend meetings of the Committee as observers.

3. Representatives of international and professional organizations and other associations making duly substantiated requests to the Commission may be given observer status.

2. Article 6 is replaced by the following text:



#### *'Article 6*

The Committee shall elect a chairperson, with a one-year term of office, from among its members. Election shall be by a majority of two-thirds of the members present; a minimum of half the total votes in favour shall, nevertheless, be required.

Two vice-chairpersons shall be elected by the same majority and under the same conditions. They shall be required to stand in for the chairperson in the absence of the latter. The chairperson and vice-chairpersons must belong to different Member States. They shall constitute the Bureau of the Committee, which shall meet before each meeting of the Committee.

The Commission shall organize the work of the Committee in close cooperation with the chairperson. The draft agenda for meetings of the Committee shall be set by the Commission in agreement with the chairperson. The Secretariat of the Committee shall be provided by the Commission's Equal Opportunities Unit. The minutes of the Committee's meetings shall be drawn up by the Commission and submitted to the Committee for approval.'

3. A third paragraph is added to Article 8 as follows:

'3. One or more members of the Committee may participate as observers in the activities of other advisory committees of the Commission, and shall inform the Committee accordingly.'

4. Articles 10 and 11 are replaced by the following text:

#### *'Article 10*

The Committee shall be convened by the Commission and shall meet on its premises. It shall meet at least twice a year.

#### *Article 11*

The Committee's deliberations deal with the requests for opinion presented by the Commission or with the opinions which the Committee delivers on its own initiative. They are not followed by a vote.

The Commission, when requesting the Committee's opinion, may set a deadline within which the opinion should be delivered.

The views expressed by the different categories represented in the Committee are recorded in the minutes, which are transmitted to the Commission.

Where the opinion requested has been agreed unanimously by the Committee, it will draft common conclusions which are annexed to the minutes.'

#### *Article 2*

This Decision shall take effect on 1 January 1996.

Done at Brussels, 19 July 1995.



*For the Commission*  
Pádraig FLYNN  
*Member of the Commission*



## COMMISSION DECISION of 9 December 1982 relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men - (82/43/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas the application in practice of the principle of equal treatment for women and men must be encouraged by improved cooperation and exchanges of views and experience between those bodies which have special responsibility in the Member States for promoting equality of opportunity, and the Commission;

Whereas the full implementation in practice of Council Directives 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women<sup>33</sup>, 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions<sup>34</sup> and 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security<sup>35</sup> will be speeded up considerably as a result of the assistance of national bodies with a network of specialized information at their disposal;

Taking account of Directive 72/161/EEC of 17 April 1972 concerning the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in agriculture<sup>36</sup>;

Whereas the preparation and implementation of Community measures concerning the employment of women, the improvement of the position of women who are self-employed and those engaged in agriculture, and the promotion of equal opportunities require close cooperation with the specialized bodies in Member States;

Whereas, therefore, an institutional framework should be set up for the purpose of regular consultations with those bodies,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The Commission hereby establishes an Advisory Committee on Equal Opportunities for Women and Men, hereinafter called 'the Committee'.

### *Article 2*

33 OJ No L 45, 19. 2. 1975, p. 19.

34 OJ No L 39, 14. 2. 1976, p. 40

35 OJ No L 6, 10. 1. 1979, p. 24

36 OJ No L 96, 23. 4. 1972, p. 15



1. The Committee shall advise the Commission on the formulation and implementation of its policy to promote women's employment and equal treatment and ensure the continuous exchange of information on experience gained and measures undertaken in the Community in the fields in question.
2. To achieve the aims referred to in paragraph 1 above, the Committee:
  - shall exchange information with the Commission on action taken at Community and national level and where appropriate on the follow-up to be given such action,
  - shall issue opinions or forward reports to the Commission, particularly in regard to the equal opportunities policy, either at the latter's request or on its own initiative, and to this end shall promote exchanges of information on experience in Member States in sectors within its competence.
3. Procedures for the circulation of the Committee's opinions and reports shall be determined in agreement with the Commission.

#### *Article 3*

4. The Committee shall have 20 members.
5. It shall be composed of two representatives from each Member State appointed from among the members of national committees or bodies set up by official decision, specifically responsible for questions of women's employment and/or equal opportunities for women and men and representing the sectors concerned. Where there are several such committees or bodies dealing with this subject in a Member State, the Commission shall determine which body, by its objectives, structure, representativeness and degree of independence is best qualified to be represented on the Committee. Any country without such a committee shall be represented by members of bodies considered by the Commission to perform analogous duties.
6. The members of the Committee shall be appointed individually by the Commission, acting on a proposal from the bodies referred to in paragraph 2 above, from among the members of those bodies or their secretariats.
7. The representatives of the two sides of industry at Community level may attend meetings of the Committee as observers, according to the procedure to be determined by their organizations and the Commission.

#### *Article 4*

An alternate shall be appointed for each member of the Committee under the same conditions as those laid down in Article 3. Without prejudice to the provisions of Article 7, the alternate shall not attend meetings of the Committee nor participate in its work unless the relevant member is prevented from doing so.

#### *Article 5*

The term of office of members of the Committee shall be three years and shall be renewable.



At the end of the three-year period, the members of the Committee shall continue in office until a replacement is provided or their term of office is renewed.

A member's term of office shall come to an end before the expiry of the three-year period in the event of her/his resignation, the termination of her/his membership of the organization which she/he represents, or her/his death. A member's terms of office may also be terminated if the organization which nominated her/him requests her/his replacement.

The member shall be replaced for the remainder of the term of office in accordance with the procedure laid down in Article 4.

No remuneration shall be attached to member's duties; travelling and subsistence expenses for meetings of the Committee and the working parties set up under Article 8 shall be met by the Commission in accordance with the administrative rules in force.

#### *Article 6*

The Committee shall elect a chairperson from among its members for a period of one year. Election shall be by a majority of two-thirds of the members present; a minimum of 10 votes in favour shall, nevertheless, be required.

The Committee shall elect two vice-chairpersons by the same majority and under the same conditions. In the absence of the chairperson, one of the vice-chairpersons shall take the Chair. The chairperson and vice-chairpersons shall belong to different Member States.

The Commission shall organize the work of the Committee in close cooperation with the chairperson, and secretarial services shall be provided by the Bureau for questions concerning employment and equal treatment for women of the Commission.

#### *Article 7*

The chairperson may invite any person who is specially qualified in a particular subject on the agenda to take part in its work as an expert.

Experts shall only take part in the work on the particular subject for which their attendance is requested.

#### *Article 8*

8. The Committee may set up working parties.

9. For the preparation of its opinions, the Committee may entrust a rapporteur or an outside expert with the task of drawing up reports in accordance with procedures to be determined.

#### *Article 9*

Measures adopted under Article 7 and 8 having financial implications for the budget of the European Communities shall be submitted for the prior agreement of the Commission and shall be implemented in accordance with the administrative rules in force.



### *Article 10*

1. The Committee shall be convened by the Commission and shall meet on its premises. It shall meet at least three times a year.

2. Representatives of the Commission shall be entitled to take part in meetings of the Committee and its working parties.

3. *Article 11* Where the Committee's deliberations are followed by a vote, a two-thirds majority of the members present shall be required. The minimum shall, however, be 10 votes in favour. Where any minority views are expressed, they shall be recorded in the minutes which shall form an Annex to the opinion.

### *Article 12*

Without prejudice to the provisions of Article 214 of the Treaty, members of the Committee are required not to disclose information obtained in the course of their work on the Committee or its working parties when informed by the Commission that the opinion requested or question asked concerns a confidential matter.

In such cases, only members of the Committee and representatives of the Commission departments shall attend meetings.

### *Article 13*

This Decision shall enter into force on 1 January 1982.

Done at Brussels, 9 December 1981.

For the Commission

The President G. THORN