

Towards a European Pillar of Social Rights

GENDER EQUALITY AND WORK-LIFE BALANCE

Gender inequalities continue to be a concern in the labour market. Less women than men participate in the labour market, and those that do more often work part time. Entrenched gender roles persist: in education and employment women are concentrated in certain fields or professions. Measures to address gender inequalities include ensuring equal treatment in all areas, including employment and addressing gender gaps in pay, earnings, pensions as well as gender stereotypes. A more equal use of work-life balance arrangements between the sexes has also been shown to have a positive impact on women's employment. Policies in this area include access to adequate leave arrangements, flexible working arrangements and access to care services.¹

Challenges

In 2015, the female employment rate reached an all-time high of 64.5%. This rate is however well below the male employment rate (75.6%) and women are still more likely than men to work part-time or to be inactive. On average in the EU, the gender employment gap is 11.6 percentage points (pps), but this gap ranges considerably between Member States, from 1.9 pp to 28.4 pp.

Women are also often trapped in low-productivity, low-skilled and low-paid sectors and jobs, and are overrepresented in fixed-term contracts. Many women are also in jobs below their skill level. Women also represent the bigger untapped source of entrepreneurial potential, representing only 29 % of entrepreneurs.

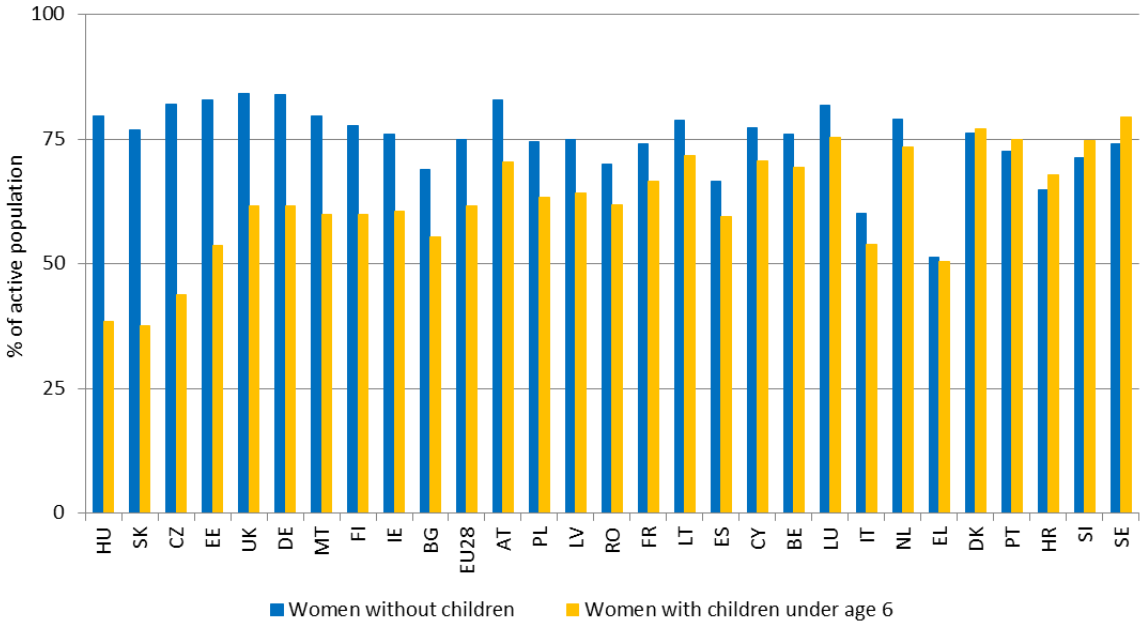
Figure 1: Employment rates by sex, age 15-64, 2014



¹ See dedicated fiches on childcare and long-term care.

Parenthood and caring responsibilities are one of the main reasons for women's underrepresentation in the labour market. Across the EU, the employment rate of women with young children is 9 percentage points less than women with no children and in some countries the difference is larger than 30 percentage points.

Figure 2: Mothers' % employment compared to women without children (age 20-49), 2014



Source: Labour Force Survey.

There are also apparent gender inequalities in education in terms of study subject preferences, performance and patterns of participation. While women are more likely to have a higher education degree, they remain underrepresented in the science, technology, mathematics and engineering sectors and overrepresented in fields of study that are linked to traditional 'gender' roles.

Gender inequalities are exacerbated by inadequate leave or flexible working arrangements and a lack of access to formal care services. Lack of paid leave arrangements for fathers - relative to mothers - or insufficient incentives to make use of them, can further reinforce gender differences in work and care responsibilities. It may also reinforce labour market discrimination. Finally, while some employers develop family-friendly policies to attract and retain staff, in general, attitudes to work organisation tend to remain fixed around on-the-job presence for full-time hours (or more). Ensuring the quality of flexible work and a gender-balanced take up of flexible working arrangements is key to ensuring work-life balance for all and equal economic independence of men and women, avoiding reinforcing gender gaps.

Situation at EU level

Gender equality is enshrined in the Charter of Fundamental Rights of the European Union (the Charter), which states that equality between women and men must be ensured in all areas, including employment, work and pay (Art 24). Gender equality is also a key part of the Treaties, which set out that the Union shall combat social exclusion and discrimination (Art 3 TEU), aim to eliminate inequalities and to promote equality between women and men (Art 8 TEU), and may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Art 19 TFEU). They also allow the Union to adopt minimum requirements, as well as support and complement the activities of the Member States with regard to the

integration of persons excluded from the labour market, as well as promoting equality between women and men with regard to labour market opportunities and treatment at work (Art 153 TFEU).

The EU has also adopted several Directives setting out minimum requirements to ensure equal opportunities between women and men, both inside and outside the labour market.² Moreover, the Commission has issued a Recommendation in 2014 on strengthening the principle of equal pay between men and women through transparency.

On work-life balance, Art. 33 of the Charter sets out the principle that the family shall enjoy legal, economic and social protection and, to reconcile family and professional life, the rights to protection from dismissal for a reason connected with maternity and to paid maternity leave and parental leave following the birth or adoption of a child. Moreover, every worker has right to limitation of maximum working hours, to daily and weekly rest periods, to paid annual leave and to working conditions which respect health, safety and dignity (Art 31).

Several Directives also exist to provide minimum standards for work-life balance.³ The recently updated Employment Guidelines, which set common priorities and targets for Member States' employment policies, have a strong focus on fostering women's participation in the labour market and the role of work-life balance policies.

Situation in the Member States

Member States' policies to attract and retain women in the labour market by providing better work-life balance are fairly heterogeneous. The vast majority of Member States offers maternity leave beyond the EU minimum of 14 weeks, with the average of 21 weeks. Currently 21 Member States provide paid parental leave in addition, albeit with varying levels of pay. 21 Member States have paternity leave, with 14 providing paid leave for two weeks or longer. All those Member States without paternity leave (except one) have paid parental leave. 21 Member States have provisions for carers' leave, ranging from short leaves periods - allowing workers several days off to accompany family members to medical appointments - to longer-term leave periods to allow them to directly care for family members. In 2014, Austria introduced the possibility for workers to take paid leave from work, full or part-time, of up to three months in order to care for a dependent relative or to arrange care services for him/her. In 2015, the United Kingdom introduced 'Shared Parental Leave', which allows fathers to share the remainder of the maternity leave that is not taken by the mother.

As for flexible working arrangements, various legal frameworks exist. In Nordic countries, the Netherlands, Germany and Austria, flexible working arrangements are more available. Evidence suggests⁴ that collective bargaining has been crucial in developing recent initiatives both at sectoral and company level. In the United Kingdom, employees have the right since 2014 to request flexible working arrangements and to receive an objectively justified decision. In Lithuania, teleworking has been covered in the Labour code since 2010. The number of Spanish companies applying internal flexibility measures has tripled since 2012.

² These include: Directive 2010/41 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity; Directive 2006/54 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); Directive 2004/113 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; and Directive 79/7 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

³ Directive 92/85 ensuring maternity leave for at least 14 weeks, at least at the level of sick pay and Directive 2010/41 granting maternity leave of at least 14 weeks to self-employed women or assisting spouses. Directive 2010/18 stipulates that all parents (both women and men) have the right to at least 4 months of parental leave, and that they may request a change of working time for a certain period upon returning to work from parental leave. Directive 97/81 aims to eliminate discrimination against part-time workers, improve the quality of part-time work, and facilitates the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time taking into account the needs of employers and workers. Directive 2003/88 also sets out minimum standards in terms of working time, rest periods and paid leave.

⁴ Eurofound, European Observatory of Working Life EurWORK, Policies to improve work-life balance, 2015.

International dimension

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. Gender equality and the empowerment of women are also at the core of the UN's 2030 Agenda for Sustainable Development, both as a stand-alone objective and as a cross-cutting issue.

On work-life balance, the ILO Convention on Maternity Protection (C183) and the revised European Social Charter (Art. 8)⁵ entitle women to a period of maternity leave of not less than 14 weeks. ILO Recommendation (N°191) on Maternity Protection invites Member States to extend this to at least 18 weeks. ILO Recommendation (N°165) on Workers with Family Responsibilities sets out that either parent should have the possibility, within a period following maternity leave, to obtain a leave of absence and that it should be possible for workers to take leave in the case of a dependent child or the illness of another member of the worker's immediate family. The recommendations also refer to the importance of flexible arrangements as regards working schedules, rest periods and holidays. In addition, ILO Conventions set out that there should be no discrimination for persons with family responsibilities or working part time.⁶

⁵ The European Social Charter is a Council of Europe treaty which was adopted in 1961 and revised in 1996.

⁶ Workers with Family Responsibilities Convention 156, part-time work Convention 175.