

# The equalisation between men and women: the case of care

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# Work life balance is multifaceted issue

## Adequate Leave measures

pregnancy  
leave

maternity  
paternity  
leave

parental  
leave

## Working arrangements

part time

Job share

fixed term  
work

## Care

formal/informal

Traditional care:  
Healthy young  
children

Unspoken care:  
Frail adults/Disable  
children

“The **activities and relations** involved in meeting the physical and emotional requirements of **dependent adult and children**, and the normative economic and **social frameworks** within which these are assigned and carried out” (Daly & Lewis, 2000)

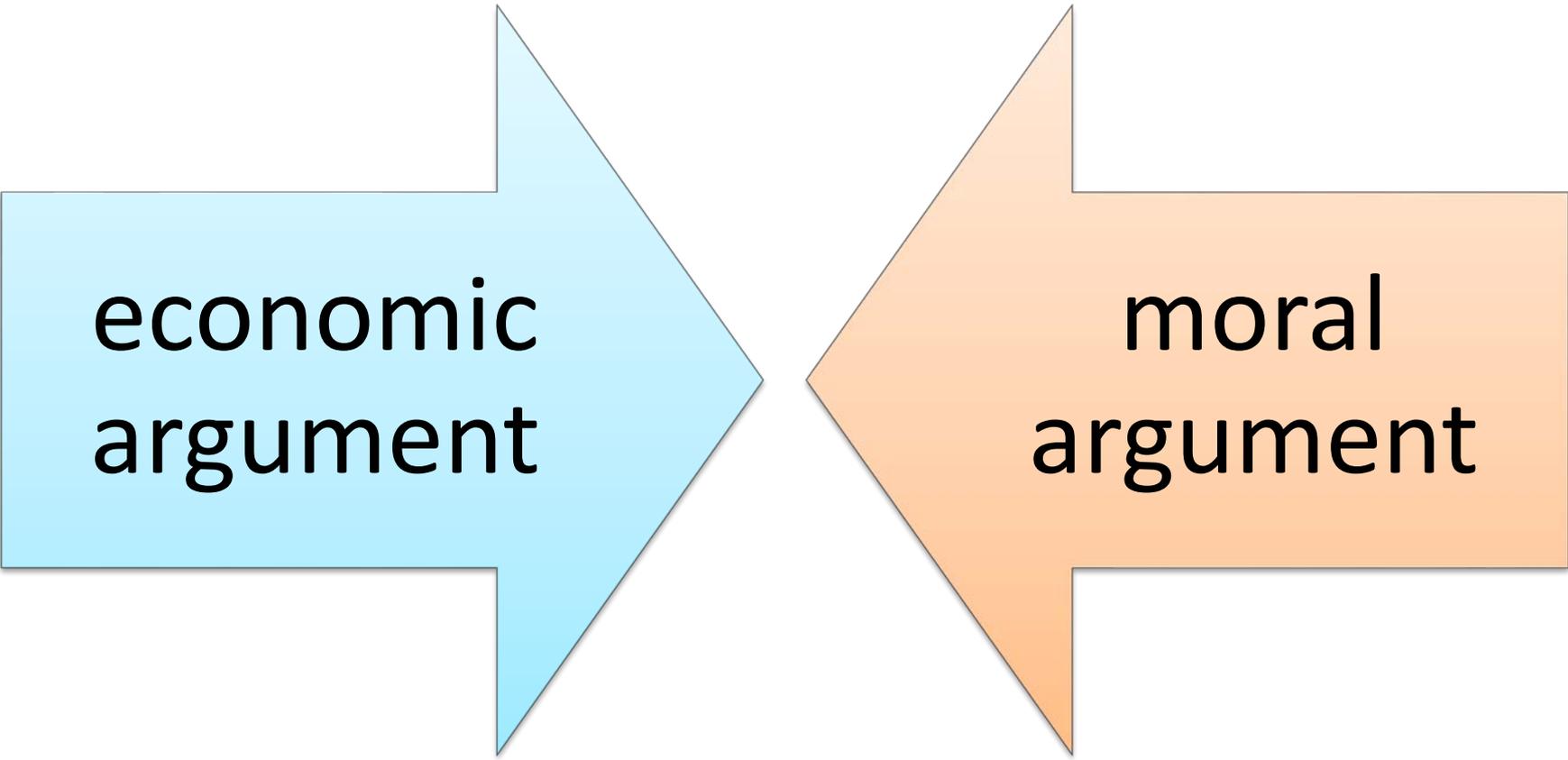
# Most people at some points in their lives will become carers: either as parents or caring for adult dependents

- In the UK alone,
  - in 2012 there were 7.7 million families with dependent children (ONS 2013);
  - In the vast majority of families with children, one of both parents participates in the labour market (Carers UK, 2002; ONS 2013);
  - Carers UK estimates that the number of carers of adults (because ill, frail or disabled) will rise by 40% (2.6 million) by 2037 raising to a total of 9 million of carers (Carers UK, 2002).

## Care Penalty

“I have been offered a job but I cannot accept because of childcare” – “should I ask my children to take care of me when I am not able to live anymore on my own?” – “will we always be able to provide care for our severely disabled child?” – “am I entitled to some sort of relief because I am looking after my elderly parents?”

# Why should the EU care about care?



**economic  
argument**

**moral  
argument**

# Economic argument

- care underpins the functioning of the economy;
- as well as other important policies (eg. equality);
- lack of care threatens the goal of 75% employment rate - Europe 2020 strategy;
- it is linked with “old” (unemployment, poverty) and “new” social risks (lone parenthood, inadequate social security coverage)

# Moral argument

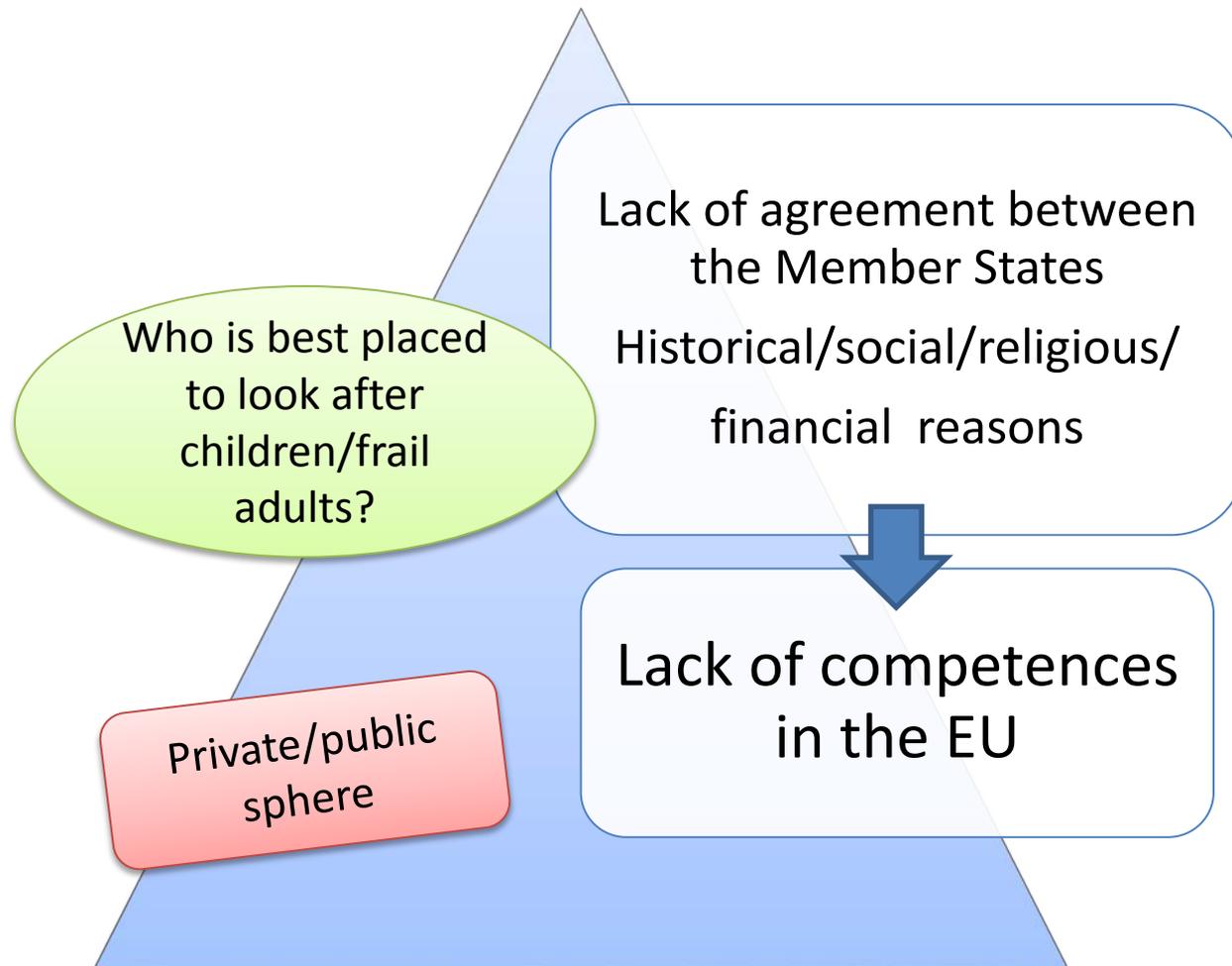
- “if babies are not looked after they will die”  
(M. Glucksman, 1995)
- Care is one of the most basic human need (K. Lynch; 2009)
- solidarity amongst generations;
- Risk of social exclusion

yet ... no coherent policy or legislation at both domestic or EU level exists

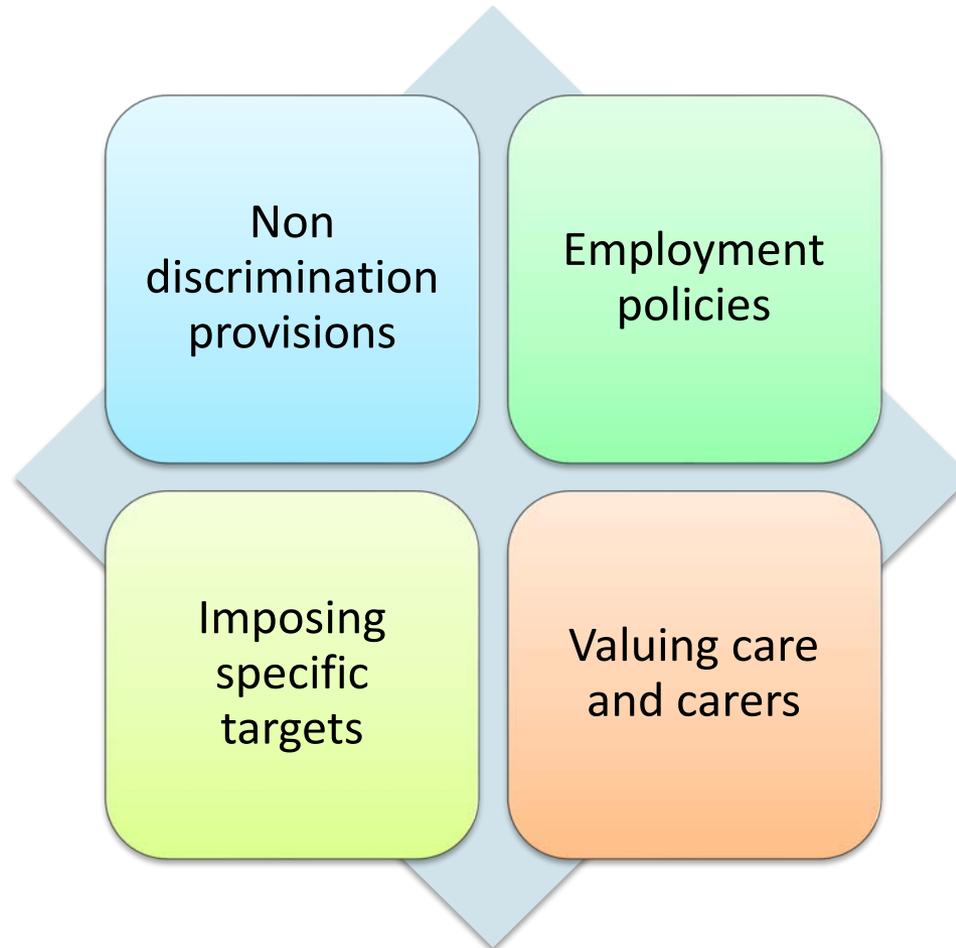


***"That's right. Employee benefits include childcare – free of charge."***

# Why there is no adequate policy?



# The EU and care



# Non discrimination provisions

- Treaty articles: Article 157 TFEU;
- Article 19 TFEU: sex/racial ethnic origin /religion or belief/disability/age or sexual orientation (see case C-13/05 *Chacón Navas*)
- Indirect discrimination is defined as

“... an apparently neutral provision, criterion or practice [that] would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary”.

Yet ... to date, there is no such thing as discrimination on grounds of care

# Employment policies/provisions on work life balance

- Pregnant Workers Directive 92/85
- Parental Leave Directives 96/34 and 2010/18
- Equal Treatment Directive 2002/207 EEC
- Recast Directive 2006/54 (repeals Directives 75/117 76/207 & 2002/73; 86/378 & 96/97 & 97/80)
- Part-Time Workers Directive 97/81
- Fixed-Term Work Directive 99/70

*but ... what about dependent adults?*

# Barcelona target (2002)

In 2002, the Barcelona European Council set objectives in this area: 'Member States should remove disincentives to female labour force participation, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90 % of children between 3 years old and the mandatory school age and at least 33 % of children under 3 years of age

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/71025.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/71025.pdf)

## COM (2008) 638

- Demand for formal systems of childcare was far from being met

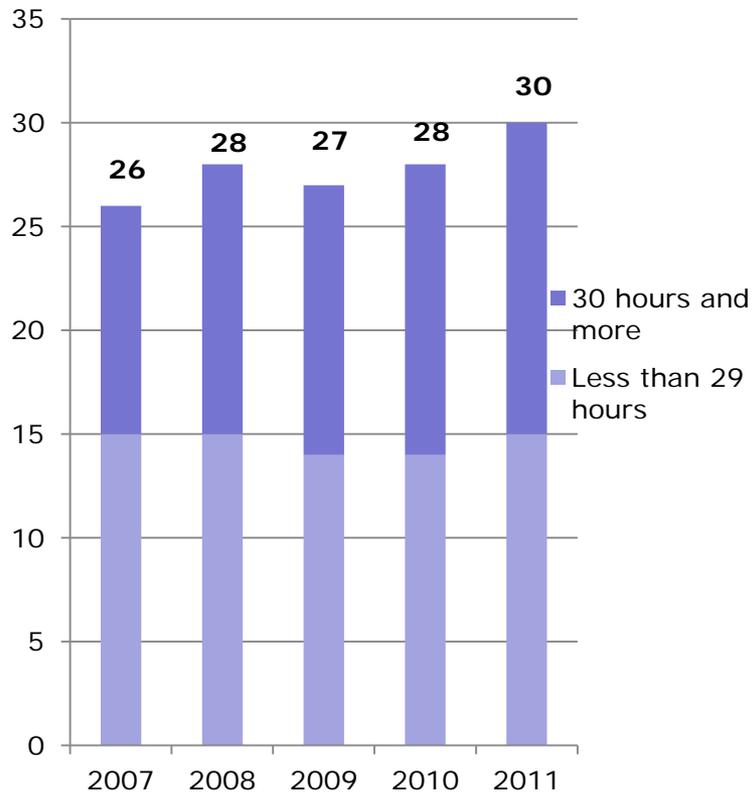


## Barcelona Objectives (2010)

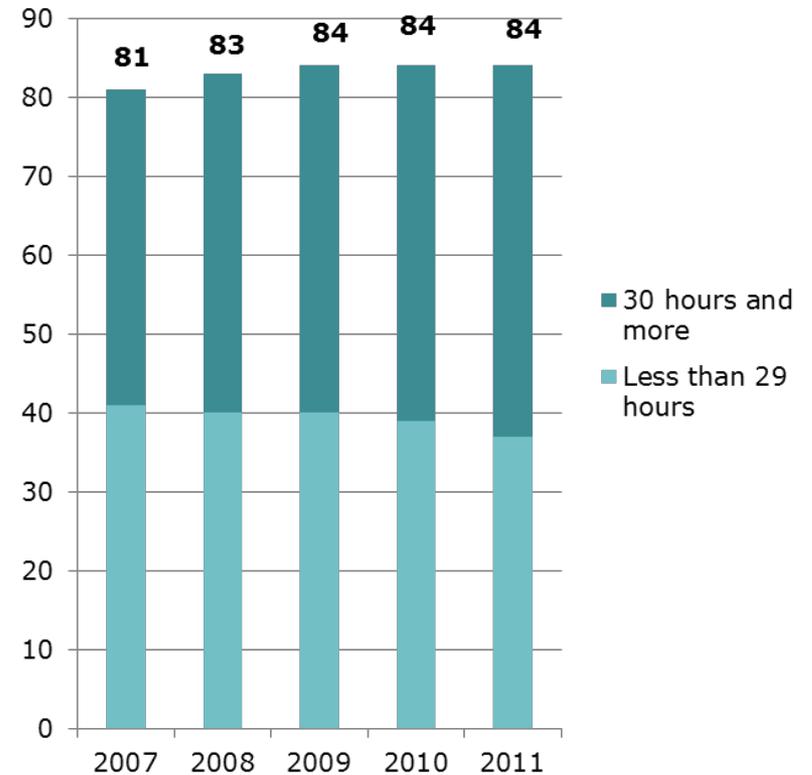
- Only 10 Member States (DK, SE NL FR, ES, PT , SI BE, LU and UK) had achieved the Barcelona target
- 15 Member States were below 25%
- CZ, PL and SK the rate of childcare was less than 5%
- Overall clear difference between urban and more rural areas

# Is Barcelona working?

**% children less than 3 years**



**% children from 3 years to compulsory school age**





# Why parents are not using more childcare services?

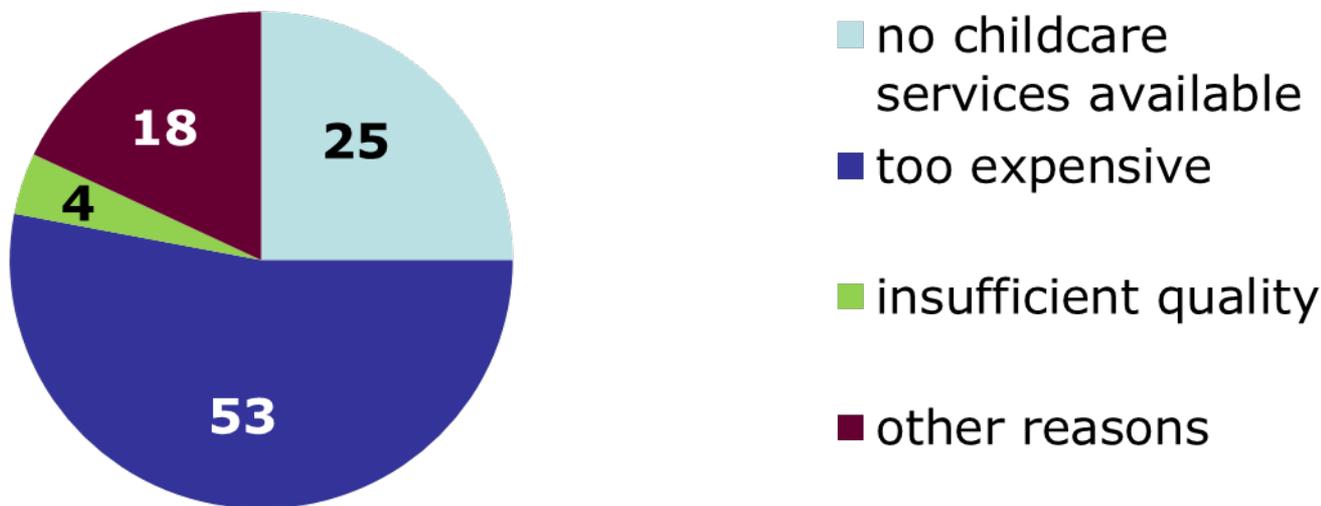


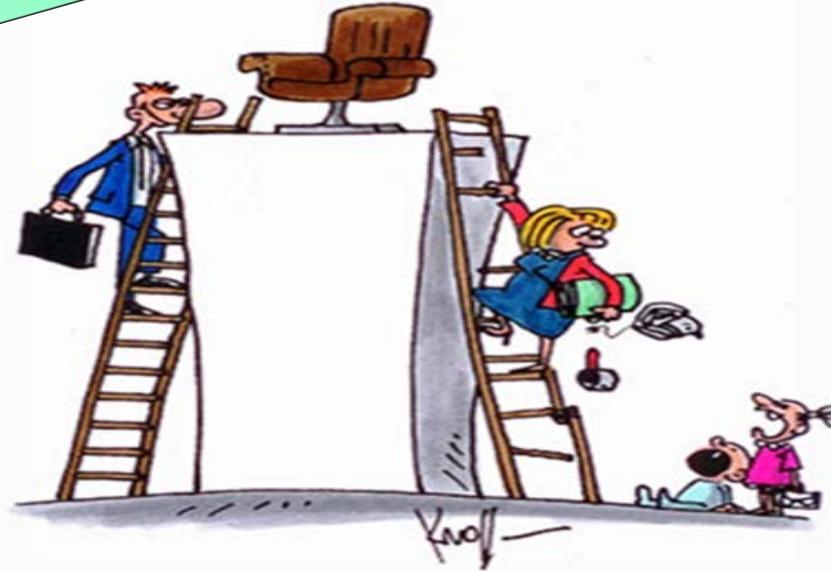
Figure refers to EU-27 (without DK and SE) women 15-64 not working or working part-time for reasons linked with childcare. Source: EU-LFS 2010 AHM

# Valuing care: the role of the Court of Justice

- need for a strategy that promotes the value of care and the work of carers
- The CJEU has delivered important decisions
  - Case C-208/96, *Martínez Sala*
  - Case C-413/99, *Baumbast*/Case C-60/00, *Carpenter*
  - Case C- 303/06, *Coleman*:
    - discrimination against a carer of a disabled person even though the carer was not herself disabled (discrimination by association)

# The impact on women

In 2005, over 6 million women aged between 25-49 were forced out of paid work in order to meet their family responsibilities (Eurostat, 2006)



# Looking forward

- a clear strategy which addresses child care as well as the care of dependent adults
- a *right* to care/not to be discriminated against on grounds of care
- reasonable adjustment

Every one cares.  
Everyone is [will be]  
cared for ...

(J. Herring, 2013)



any  
questions?  
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