Recent Activities of the European Commission in the area of Gender Equality

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Agenda

- The EC’s work on Gender Equality
- Recall the Legislative Framework
- Update on the key issues
- Update on recent actions
- Outlook: Future Commission and Gender Equality
The Commission's work on Gender Equality

- EU value (Art 2-3 TEU) + equality and non-discrimination (Art 19, 153, 157, 153 TFEU) + combat violence (Art 82, 83 TFEU)
- Directives and Recommendations on non-discrimination, equal pay, work-life balance
- Female representation on corporate boards: legislative proposal
- EU accession to Istanbul Convention on violence against women

The current EU Legislative Framework on Gender Equality

**Directive 2010/41/EU** implementing the principle of equal treatment between men and women engaged in an activity in a self-employed capacity

**Directive 2006/54/EG** on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Equal Treatment Directive)

**Council Directive 92/85/EC** 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 (Maternity Protection Directive)


**Council Directive 2004/113/EC** on the implementation of the principle of equal treatment between men and women in the access to and supply of goods and services
Key Issues

What are the Key issues and why?

1. Key Issue: Female Labour Market Participation + Economic Independence

Why do we have to act?
Despite their better education, women’s participation in the labour market is lower than men’s.

The employment rate of women is lower in all MS.

Source: Eurostat
Gender imbalance of the largest listed companies (CEOs, executives and non-executives):

Source: EIGE 2019

How often are you involved in cooking and/or housework outside of paid work? (% of respondents, 18+ population)

Source: Eurofound 2017
2. Key Issue:
Gender Gap in pay, earnings and pension

Why do we have to act?

Equal Pay?
Time to close the gap!

WHAT IS THE GENDER PAY GAP?
It is the difference between the gross hourly earnings between working men and working women.
Women earn on average 15% less than men per hour in the EU.

IN OTHER WORDS
Women earn:
- €4 less per week for every €1 a man earns.
- Women work around 2 months for FREE each year, compared to men.
Gender based pay discrimination is only one part of the Gender Pay Gap

The Treaty provides the Principle of Equal Pay for the same work and work of equal value for women and men. The EU Directive on the equal treatment of men and women in matters of employment and occupation prohibits direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration.

The gender pay gap is not an indicator of the overall labour inequalities between women and men. In countries where the female employment rate is low, the pay gap tends to be lower than average. A high pay gap is usually characteristic of a labour market in which women are more concentrated in a restricted number of sectors and/or professions, or in which a significant proportion of women work part-time.
3. Key Issue: Women on Board: Increase Female Participation in Decision-Making Positions

Why do we have to act?
Representation of women and men on the boards of listed companies in the EU

Date: October 2017

4. Key Issue:
Gender Based Violence

Why do we have to act?
EU CITIZENS' VIEWS ON VIOLENCE AGAINST WOMEN AND THE REALITY

1. DOMESTIC VIOLENCE AGAINST WOMEN

96% say it's unacceptable all of the time.
22% have experienced physical or sexual violence or both by a partner.

Source: EU Fundamental Rights Agency survey on violence against women (2014). Figures represent the percentage of women affected.

2. FORCING A PARTNER TO HAVE SEX

96% believe it's wrong to do it.
7% have experienced sexual violence by a partner.

3. CONTINUALLY CRITICISING A PARTNER AND MAKING THEM FEEL INFERIOR

93% believe it's wrong all of the time.
43% have experienced psychological violence.

4. PROHIBIT A PARTNER TO SEE FRIENDS AND FAMILY, KEEPING HOLD OF MONEY OR ID CARDS

91% believe it's wrong all of the time.
12% have experienced economic violence.

5. TOUCHING A COLLEAGUE INAPPROPRIATELY

95% believe it's wrong all of the time.
75% of senior managers have experienced sexual harassment.

6. SENDING UNSOLICITED SEXUAL MESSAGES

94% believe it's wrong all of the time.
11% have experienced cyber harassment.

7. MAKING SEXUAL COMMENTS OR JOKES TO A WOMAN IN THE STREET

91% believe it's wrong all of the time.
24% have experienced sexually offensive comments.
Actions on the Key Issues

What has been done?

Pay Transparency

“The principle of equal pay for equal work is enshrined in the Treaty. This will be the founding principle of a new European Gender Strategy.

Women earn on average 16% less than men, even though they achieve higher qualifications.

In the first 100 days of my mandate, I will table measures to introduce binding pay transparency measures.” (Political Priorities)
PAY TRANSPARENCY: IS IT NECESSARY?

The lack of pay transparency is a key reason that makes pay discrimination a large extent a hidden phenomenon. Pay discrimination is forbidden in the European Union. However, the effective enforcement of the right to equal pay for the same work and work of equal value for women and men remains a major challenge, partly because of a lack of information on pay.

PAY TRANSPARENCY IS AN ESSENTIAL TOOL TO TACKLE PAY DISCRIMINATION. THIS IS HOW IT CAN WORK IN PRACTICE.

- A variety of discrimination can arise due to the lack of information on pay and on the wage determination, offering what work of equal value actually earns.
- The transparency of common pay practices helps identify the problems and the way they translate into pay differences between jobs or equal-valued work.
- And it can also be a powerful tool to motivate staff and improve an employer's reputation.

Pay Transparency Recommendation

2014: Commission Recommendation on pay transparency

- Tool box of measures designed to assist Member States in taking a tailor-made approach to improving wage transparency

- Entitlement of employees to request pay information
- Company reporting
- Pay audits
- Inclusion of equal pay issues in collective bargaining
In 2012: draft Directive which aims to improve gender diversity on boards of EU listed companies. "To break the glass ceiling, we need to set quotas for gender balance on company boards. As I did as a Minister in Germany, I will seek to build a majority to unblock the Directive on women on boards" (Political Priorities)

Legislative approach:

**DIRECTIVE 2019/1158/EU** on work-life balance for parents and carers
President-elect on WLB Directive:

“Europe should also support parents and people with caring responsibilities to better balance their work and family lives. I will ensure that we fully implement the Work-Life Balance Directive, which encourages better sharing of responsibilities between women and men.”

Aim of the WLB Legislation

- **Increase female participation** in the labour market and **reduce the gender gaps** (pay gap and pension gap)

- Give workers a **real choice to reconcile career and obligations in child care**, by adapting the current legal framework

- Address **deficits in care** and **create tax** and other financial **benefits** for second earners
However:
• **Unequal parenthood**: Employment rate for women with children under 6 is over 20% lower than for women without children
• **Unequal distribution of duties (care and housework)**
• **Lack of day-care facilities**, especially for children under 3 years of age and full-day care
• **Financial disadvantages** due to barriers in the tax system for second earners

**What Europeans think about Gender Equality:**

80% of men find equality personally important

**Situation before the WLB Directive**
EUROPEAN MEN LAGGING BEHIND WHEN IT COMES TO FAMILY LEAVE...

ONLY 41% OF THE EUROPEAN FATHERS AGED LESS THAN 65 YEARS OLD TOOK / ARE THINKING OF TAKING PATERNITY LEAVE

EVEN FEWER (LESS THAN A THIRD OF MEN) TOOK / ARE THINKING OF TAKING PARENTAL LEAVE, COMPARED TO MORE THAN HALF OF WOMEN

Men 32%
Women 57%

EUROPEANS PERCEIVE BARRIERS WHEN TAKING FAMILY LEAVE

MORE THAN HALF OF WOMEN (53%) AND MEN (52%) THINK THAT IT IS EASIER FOR WOMEN THAN MEN TO TAKE FAMILY LEAVES

42% OF WOMEN AND 35% OF MEN THINK THAT TAKING FAMILY LEAVE HAS A NEGATIVE IMPACT ON THEIR CAREER

Easier for women than men

Family leaves

Flexible work arrangements

Has a negative impact on their career

53%
52%
35%
32%
42%
35%
34%
28%
SUPPORTING FATHERHOOD
EUROPEAN FATHERS WOULD FEEL **MORE ENCOURAGED**
TO TAKE MORE PARENTAL LEAVE WITH...

- more financial compensation during the period of leave
- a choice to take the leave in blocks or into part-time working
- better guarantees in respect of career
- support from superiors and colleagues at work

MEN ARE MORE LIKELY THAN WOMEN TO TAKE PARENTAL LEAVE IF THEY HAD AT LEAST 75% OF THEIR SALARY

- Men: 47%
- Women: 39%

Source: Kantar Public Flash/Conbarometer K70 – Work-life balance, Fieldwork: June – July 2018

**Legislative process in the EU**

- **Roadmap and impact assessment:** The Commission announces upcoming work on policies and legislation.
  - 4 weeks
- **Public consultation:** of citizens and stakeholders on the scope, priorities and added value of EU action for new initiatives.
  - 12 weeks (online questionnaire)

**EU Policymaking Cycle**

- **Proposal:** The Commission may present its proposal for a new legislation.
  - 8 weeks
- **Implementation:** The proposal is then discussed and adopted by the Council and the European Parliament.
  - Deliberation
  - 4 weeks
- **Delegated act:** Implementing act; sets the technical details of the proposal.
  - 4 weeks
- **Public consultation:** Feedback and input from stakeholders.
  - 12 weeks (online questionnaire)
- **Communication:** The proposal is communicated to the public.
  - 4 weeks
**Formation of the Work-Life Balance Directive**
on the reconciliation of professional and private life of working parents and working carers

- **April 2017**: Proposal of the Commission
- **June 2018**: Positioning of the Council
- **April 2019**: Vote by the EU Parliament
- **June 2019**: Adoption of the Council
- **Aug 2019**: Directive enters into force

**New Directive 2019/1158**

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirements</th>
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<tbody>
<tr>
<td><strong>Maternity Leave</strong></td>
<td>- At least 10 days</td>
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<td></td>
<td>- Around the time of birth</td>
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<td></td>
<td>- Payment or remuneration: At least the amount of sick pay</td>
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<tr>
<td><strong>Parental Leave</strong></td>
<td>- At least 4 months</td>
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<td></td>
<td>- 2 months not transferable between parents</td>
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<td></td>
<td>- Remuneration for 2/4 months: Minimum amount is set by member state</td>
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<td></td>
<td>- months prior to birth (necessary)</td>
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<td></td>
<td>- Until child is 8 years old</td>
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<tr>
<td><strong>Caregiver Leave</strong></td>
<td>- 5 working days per year per employee</td>
</tr>
<tr>
<td></td>
<td>- No minimum compensation</td>
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**Right to request:**
- Reduction of working hours
- Flexible working schedules
- Remote working

Employers must consider the request and justify any refusal.
Scope and substantive provisions

Personal scope: “workers”
- As defined by national law
- Taking into account the case law of the CJEU

Substantive provisions
- Paternity leave (new), Art. 4
- Parental leave (strengthened), Art. 5
- Carers’ leave (new), Art. 6
- Right to request FWA (strengthened), Art. 9

Legal Protection

Workers who request or take leave and flexible working arrangements are:

- Protected against dismissal, Art. 12
- Protected against discrimination, Art. 11

Job and previous rights are also maintained (as in the current Parental Leave Directive), Art. 10
Implementation period

- In principle: 3 years [2 August 2022]
- Longer period of a specific provision: 5 years for the compensation of the last 2 weeks of parental leave [2 August 2024]

Next Steps Work-Life Balance Directive:

Member State Implementation (Principle: 3 years, Exception 5 years)

Implementation Workshops

Monitoring
**Violence against Women**

**Istanbul Convention**
Council of Europe Convention on preventing and combating violence against women and domestic violence

**EU Accession to Istanbul Convention**

- Protects women against all forms of violence
- Obliges states to prevent, prosecute, and eliminate violence against women and domestic violence
- Establishes GREVIO, a specific monitoring mechanism

**Stalking** - Sexual harassment - Sexual - Physical and psychological abuse - Forced marriage - Forced sterilisation - Female genital mutilation - Forced abortion

- Train professionals - Awareness-raising campaigns - Include issues in teaching material - Treatment programmes for perpetrators - Work closely with NGOs and civil society - Involve media and private sector

- Police power to remove perpetrator from home - Information on services in multiple languages - Sufficient and accessible shelters - Free state-wide 24/7 telephone helplines - Rape crisis or sexual violence referral centres

- Definition and criminalization of various forms of VoW and DV - Culture, tradition or "honour" cannot justify an offence - Effective investigation and prosecution - Judicial proceedings that respects rights of victims and avoid secondary victimisation
EU Accession to Istanbul Convention

Parliament identified legal uncertainty
- accession compatibility with Treaties
  - appropriate legal basis for EU decisions on signing and conclusion
  - possible split into two decisions: signing and conclusion
- practice compatibility with Treaties of common accord by Council in decision-making
- application of principle of sincere cooperation

EP adopted resolution seeking opinion from ECJ
Court Opinion expected in end of 2020

Gender-based violence

“remains a terrifying reality for too many people in our Union. The European Union should do all it can to prevent domestic violence, protect victims and punish offenders.”

“EU accession to the Istanbul Convention on fighting domestic violence remains a key priority for the Commission”

“If the accession remains blocked in the Council, I will consider tabling proposals on minimum standards regarding the definition of certain types of violence, and strengthening the Victims’ Rights Directive. I will propose to add violence against women to the list of EU crimes defined in the Treaty.”
(Political priorities)
Outlook:

EU’s future Gender Equality activities

A Union of equality (Political Priorities)

“We need equality for all and equality in all of its senses. This will be one of the major priorities of my Commission and of the implementation of the European Pillar of Social Rights.”

“Diverse teams produce better results. Innovation happens when people from different backgrounds and perspectives blend together. With the demographic challenges ahead of us, we cannot afford to leave any potential behind.”
A leap for gender equality - the incoming European Commission

First female President-elect Von der Leyen declares Gender Equality as one of major priorities:

! First ever gender-balanced college
! First ever Commissioner for Equality
! First ever Equality Task Force
! New Gender Equality Strategy
### Future Actions

#### Gender Equality Strategy

<table>
<thead>
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<th>Action</th>
<th>Details</th>
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<tbody>
<tr>
<td>Anti-Discrimination Legislation</td>
<td>Unblock the Directive on Women on Boards + Quotas for gender balance on company boards</td>
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<tr>
<td>Prevent domestic violence, protect victims and punish offenders</td>
<td>Ensuring equal rights along all life choices</td>
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<tr>
<td>Implementation: European Pillar of Social Rights and WLB Directive</td>
<td>EU accession to the Istanbul Convention</td>
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<td>Binding pay transparency measures</td>
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**Thank you!**

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