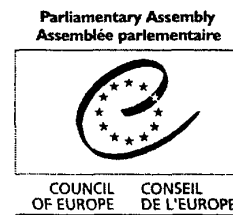


Parliamentary Assembly
Assemblée parlementaire



Doc. 10484
30 March 2005

Discrimination against women in the workforce and the workplace

Report
Committee on Equal Opportunities for Women and Men
Rapporteur: Mrs Anna Čurdová, Czech Republic, Socialist Group

Summary

One of the basic rights women have is not to be discriminated against in the workforce and in the workplace. Unfortunately, however, reality does not always comply with the law and even in Europe, women continue to be discriminated against in manifold ways.

The first problem which women encounter is a lack of access to the labour market. The second problem is the wage gap. The third problem is the "glass ceiling".

The main reason for all these problems is discrimination against women. This discrimination at work will not vanish by itself. The elimination of discrimination requires deliberate, focused and consistent efforts and policies by all parties concerned over a sustained period of time.

This is why the Parliamentary Assembly should recommend that the Committee of Ministers entrust the competent intergovernmental committee to set up a project to combat discrimination against women in the workforce and the workplace. The Committee of Ministers should furthermore head an awareness-raising campaign to stamp out gender stereotypes and preconceptions relating both to the economic cost of hiring and employing women and to women's roles and abilities, commitment and leadership style in the workplace.

I. Draft recommendation

1. One of the basic rights women have is not to be discriminated against in the workforce and in the workplace. This right is enshrined in international law, such as United Nations Conventions, International Labour Organisation (ILO) Conventions and the Revised European Social Charter, as well as in the national law of all Council of Europe member states and in European Community Law. Unfortunately, however, reality does not always comply with the law and even in Europe, women continue to be discriminated against in manifold ways, both in the workforce and in the workplace.
2. The first problem which women encounter is a lack of access to the labour market. In most Council of Europe member states, the labour force participation rate of women is lower and their unemployment rate higher than that of men – although there are strong regional variations. In general, far more women than men work in part-time jobs (not only of their own choosing) and many women are overqualified for the work they do. In addition, many women are what the ILO calls “discouraged” workers: workers who are not included in the unemployment statistics of their country because they do not actively seek work although they do want to work because they feel that no work is available to them or they face discrimination or structural, social or cultural barriers.
3. The second problem is the wage gap. Women are often paid less than men for the same work or work of equal value – on average at least 15% less (up to 25 –30% less). High educational achievements are no safeguard. In many countries, the wage gap widens the better the woman is educated. In general, women also earn less than men in their lifetime and thus they have worse pension insurance conditions and also receive smaller pensions when they retire, although they live longer.
4. The third problem is the “glass ceiling”. Women are routinely passed over when it comes to promotions. The higher the post, the less likely a woman – even one as qualified as or more qualified than her male colleague – is to get it. Women who manage to break through this so-called “glass-ceiling” into decision-making positions remain the exception to the rule as even in female-dominated sectors where there are more women managers, a disproportionate number of men rise to the more senior positions.
5. The main reason for all three problems – lack of access to the labour market, the wage gap and the “glass ceiling” – is discrimination against women. In most cases, women pay a gender penalty as actual or potential mothers. Many employers wrongly fear the cost and hassle motherhood may entail. In fact, according to recent ILO research, the additional cost of hiring a woman is less than 1% of the monthly gross earnings of women employees. But women are not only discriminated against for economic reasons – they are mainly discriminated against because of stereotyping and misguided preconceptions of women’s roles and abilities, commitment and leadership style.
6. These stereotypes lead to women often being offered employment that is precarious, ill-paid, without any possibility of career advancement and not gratifying as not allowing for the full development of their abilities. Women are often excluded from informal networks and channels of communication (the “old boys network”). In addition, some of them suffer from an unfriendly corporate culture and can become victims of moral and sexual harassment, bullying and mobbing. Finally, in many Council of Europe member states, family responsibilities (housework, childcare, looking after elderly relatives) are not equally shared between women and men, leading to additional barriers for women to enter and stay in the workforce and have a career.
7. In the end, women’s lower labour force participation and higher unemployment contribute to the economic loss and inequality which forms the basis for a broader inequality between women and men and can translate into economic dependence and poverty (in particular in old age) for the affected women. However, it is not only women who suffer when they are discriminated against. Discrimination against women in the workforce and the workplace contributes to lower economic growth, diminishing tax income and higher outlays in unemployment and social security benefits. The elimination of this discrimination is thus also a sound economic policy goal and improves social cohesion.
8. The special situation of handicapped women and women belonging to minorities should also be addressed as they often suffer from double discrimination.
9. It is necessary to point out that discrimination at work will not vanish by itself; neither will the market, on its own, take care of its elimination. The elimination of discrimination requires deliberate, focused and consistent efforts and policies by all parties concerned over a sustained period of time.

10. The Parliamentary Assembly thus recommends that the Committee of Ministers:
 - i. entrust the competent intergovernmental committee to set up a project to combat discrimination against women in the workforce and the workplace inviting governments to:
 - a. revise and devise laws and treaties which not only prohibit discrimination in law but which also provide for a positive duty to prevent discrimination and promote equality;
 - b. ensure a better implementation and enforcement of existing laws, rules and regulations on the national level which counter the discrimination of women in the workforce and the workplace,
 - c. put into place effective control mechanisms on the international and national levels, ensure their smooth functioning and garner support for them by all actors in the marketplace, including employer associations and trade unions;
 - d. set concrete targets on the national level for women's labour force participation and unemployment rates, as well as for a narrowing of the gender wage gap, and take specific measures to ensure these targets are met;
 - e. create and encourage the application of affirmative-action programmes on the national level to fight against the inherent prejudice against women in senior positions, so that female candidates are hired/ promoted in the case of equal merit;
 - f. start and support campaigns on all levels against the existing gender stereotypes in society (traditional division of roles in society, family and workplace) and promote a better division of household and care responsibilities between women and men;
 - g. facilitate the conciliation of professional and private life for both sexes and invest in care facilities for children and the elderly with appropriate opening hours;
 - h. support projects which help women who have been discriminated against to take their case to the competent authorities and ensure that the burden of proof in cases of discrimination based on sex is shifted to employers;
 - ii. head an awareness-raising campaign to stamp out gender stereotypes and preconceptions relating both to the economic cost of hiring and employing women and to women's roles and abilities, commitment and leadership style in the workplace.

II. Explanatory memorandum by the Rapporteur, Mrs Čurđova

A. Introduction

1. On 10 April 2003, the Chairperson of our Committee, Mrs Err, and several of our colleagues in the Assembly tabled a motion on discrimination against women in the workforce and the workplace. Mrs Damanaki was appointed Rapporteur at our meeting in Bucharest (Romania) on 26-27 May 2003, on the occasion of which the Committee organised a first hearing on the subject¹. Amongst the participants in the hearing were the Chair of the Portuguese Committee for Equality in the workplace and in employment, Mrs Leitão, the Romanian Minister for Small and Medium Enterprises, Mrs Ciornei, and the Chairwoman of the Committee for Labour and Social Protection of the Romanian Chamber of Deputies, Mrs Dobrescu. The hearing allowed the Committee to gain some first insights into this age-old, but unfortunately still very topical problem. I took over the Rapporteurship on 9 January 2004, and presented a first outline report in April 2004.

2. At our meeting in Paris on 5 April 2004, Ms Buchanan from the NGO "Human Rights Watch" presented the report entitled "Discrimination against Women in the Ukrainian Labour Force". At our meeting in Paris on 10 December 2004, we had an exchange of views with an expert from the Prague Centrum pro Gender Studies, Ms Michaela Marksova-Tominová. I hope that we can present a report on this subject to the Parliamentary Assembly during its April 2005 part-session.

3. In fact, since its creation in 1999, our Committee has concentrated its efforts on subjects concerning the equality of women and men in the political and social spheres. The problems which women encounter in the workplace have only briefly been touched upon so far², so I am very glad of the opportunity to take up this important subject. As the International Labour Organisation (ILO) put it in a recent report on the issue, it is indeed "Time for Equality at Work"³.

4. In this draft report, I would like to present the main types of work-related discrimination that women encounter in Council of Europe member states: problems of access to the labour market, the wage gap, and the "glass ceiling". Finally, I would like to outline my conclusions and make some recommendations which, I hope, the Committee – and ultimately the Assembly – can agree with.

B. Problems of access to the labour market

5. The first problem which women encounter is lack of access to the labour market. This shows up in two figures: the labour force participation rate and the unemployment rate. According to the draft joint employment report 2004/2005⁴, the labour force participation rate of women across the 25 member countries of the European Union continued to improve in 2003, but progress has slowed. Only eight countries had a higher labour force participation rate than 60% for women in 2003 (Denmark, Austria, Finland, Portugal, Sweden, the United Kingdom, Cyprus and the Netherlands), while nine countries did not even manage to reach 55% (Malta, Poland, Slovakia, Belgium, Greece, Hungary, Spain, Italy and Luxembourg)⁵. The goal of the European Union for 2010 – in accordance with the "Lisbon agenda" – to reach an average of at least 60% will be difficult to attain unless the average annual increases in the female employment rate since 1997 are maintained in each of the five years to come. According to OECD figures⁶, the average labour force participation rates in the OECD area are at 56% for women and 77% for men.

6. In most European countries, women are not only less likely to participate in the labour market, they are also more likely to be unemployed. Although the situation varies from country to country and region to region, on average, in December 2004 9.8% of women in the 25 EU member states were

¹ The minutes of the hearing (AS/Ega (2003) PV 6 addendum II) have been declassified and are available upon request from the Committee's Secretariat.

² « Women and micro-loans » (Resolution 1328 (2003) of the Assembly), « Status of collaborating partners in family businesses » (Resolution 1329 (2003) of the Assembly).

³ ILO Geneva : Time for Equality at Work, Report of the Director-General, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 91st Session 2003, Report I (B).

⁴ Communication from the European Commission to the European Council: Draft Joint Employment Report 2004/2005, Brussels, 27.01.2005.

⁵ Ibid, p. 5.

⁶ Figures cited in the recent report of the Committee on Economic Affairs and Development on "What solutions to Europe's unemployment?" (Doc. 10359).

registered as unemployed, in comparison to a rate of 8.2% for men⁷. In the majority of these countries, the unemployment rate for women is a few percentage points higher than for men (although the difference reaches a record of nearly 10% in Greece); only one country (Finland) has the same unemployment rate, and four countries have a lower unemployment rate for women than for men (Estonia, Ireland, the United Kingdom and Germany)⁸.

7. However, these statistics do not reflect the full picture. Women account for most of the work carried out in the informal sector and bear the brunt of the burden of family responsibilities. In addition, many women are what the ILO calls "discouraged workers": workers who are not included in the unemployment statistics of their country because they do not actively seek work although they do want to work, because they feel that no work is available to them, they have restricted labour mobility, or they face discrimination or structural, social or cultural barriers⁹.

8. This thesis is born out by a recent UNIFEM study on "Women and Employment in Central and Eastern Europe and the CIS", which emphasizes that even in those countries where, statistically, women have a few percentage point advantage in unemployment rates (such as in Bulgaria, Romania, "the former Yugoslav Republic of Macedonia", Moldova and Serbia & Montenegro), more women may be unemployed than men¹⁰. This is because the gendered meaning of unemployment and the gender-specific process of (self)-classification into unemployment must be considered when interpreting the numbers. When asked about their employment status, it is more acceptable for women than for men to define themselves as "homemakers", even though they may want to work. "This is especially true in the context of a political backlash", says the report, "where women's roles in the family is emphasized over the need for their participation in paid work."¹¹

9. It is necessary to underline that part-time jobs are often observed and widely understood as the "healing method" for unemployment. Due to various stereotypes, these forms of employment have only been linked with women, and rather occasionally in relation to policies of women's reconciliation of family life and employment. Moreover, part-time jobs are perceived as those meaning partial working time while covering a job of a full-time employee (e.g. working part-time plus "overtime" or "extra hours"). There are no signs that such policies are related to men and their employment preferences. In the Netherlands, the percentage of women working part-time as a proportion of total female employment is 57.1%, compared to men's 13%. In Switzerland, the rates are 45.8% for women and 8.4% for men, and in Norway: 42.4% to 9.7%¹². Part-time work entails many disadvantages for the women concerned, in terms of lower remuneration, benefits and pension rights, which are only acceptable when women choose to work part-time, not when it is foisted upon them.

10. Why do women find it more difficult than men to access the labour market? The stereotypical answer is that women are not interested in working, only want to work part-time, are not as qualified as men, are not as devoted as men to their jobs, and want time off all the time for their family responsibilities. Needless to say, this stereotype could not be further from the truth. Regarding education, for example, the gender gap in primary and secondary education is not only narrowing worldwide, women's enrolment in higher education also equals or surpasses that of men¹³. The proportion of women who leave work to look after their families is also not as large as often believed: in France, for example, only 14.2% of mothers have stopped working for this reason, and of them only 13% left work out of choice – the other 87% citing incompatible working hours and lack of child-care facilities¹⁴.

11. Another hypothesis put forward in the academic community as a reason why women find it more difficult than men to access the labour market are legal and regulatory burdens imposed by states on employers which are designed to protect women and promote equality in the workplace – but the possible cost of which is born by employers rather than the state. Thus, there is a possibility that the more

⁷ Eurostat news release 16/2005 of 1 February 2005: December 2004 – Euro-zone unemployment up to 8.9%, EU25 steady at 8.9%.

⁸ See the table in Appendix I.

⁹ ILO Geneva: Global employment trends for women 2004, March 2004, p. 7.

¹⁰ See the table in Appendix II.

¹¹ UNIFEM, The Story behind the Numbers: Women and Employment in Central and Eastern Europe and the CIS, 2004, p. 6.

¹² ILO Geneva fact sheet "Discrimination at Work: Europe".

¹³ ILO Geneva: Time for Equality at Work, Report of the Director-General, p. 49.

¹⁴ Amandine Hirou: "Etre mere au foyer ce n'est pas toujours un vrai choix", Parents magazine (France), October 2003, p. 13.

protection women obtain (for example, longer statutory maternity leave or prohibition of night work, etc.), the worse their employment opportunities in the labour market become as employers try to hedge against potential costs by not hiring women in the first place.

12. While it is often difficult to prove, one of the greatest difficulties women have to overcome in order to have access to employment and to keep their jobs is related to the fact that they are either actual or potential mothers¹⁵. In other words, **discrimination** is the reason why women face so many more problems than equally qualified men to enter – and stay in – the labour market. The reason that the “gender penalty” shows up more clearly in employment than in wages, by the way, may be because it is easier to detect discrimination (and take one’s case to court, if necessary) once one is hired. When a person is turned down for a job, they rarely know why.

13. In some countries, however, discrimination based on gender stereotypes is not only common, but open. A recent report by the NGO Human Rights Watch on discrimination against women in the Ukrainian labour force found that employers in both the public and the private sectors regularly specified gender when advertising vacancies and used information they required in interviews regarding family circumstances to deny women employment: “Age and appearance requirements also arbitrarily exclude women from jobs for which they are professionally qualified”, the report says, “Employers justify their preferences for male employees on stereotypical assumptions about women’s physical and intellectual capacities and their family responsibilities.”¹⁶

14. All in all, women are confronted with discriminatory behavior in all phases of their adult life – talking of women in the European labour market, not just in Ukraine – especially in the three widely known phases: after finishing their degree as they are potential mothers; after they return from parental leave as they are mothers and may lack up-to-date knowledge and may have not tracked developments in their field; and when over fifty years of age for not having enough perspectives.

15. Unfortunately, there is another stereotype which abounds which tries to justify this discrimination: that it costs more (in time and money) to employ a woman than a man, as she might get pregnant and go on maternity leave, i.e. need replacing – with all the costs and hassle that may entail. This stereotype is, of course, repugnant (and highly unfair on women who cannot have children or have decided against having them) – but it is also false. Recent ILO research proves that the additional cost of employing a woman worker and having to cover maternity protection and childcare expenses is very small – this component of non-wage costs amounts to less than 2% (!) of the monthly gross earnings of women employees¹⁷. The real problem is that family responsibilities are not equally shared between the sexes. As Mrs Leitão pointed out, this is why, if we wish to guarantee real equality in employment, we owe it to ourselves to promote a better division of family and occupational responsibilities between women and men, something which can only be beneficial to both, and to society as a whole¹⁸.

16. In this context I would like to underline Mr Gaburro’s findings¹⁹ that women’s lower labour force participation and higher unemployment contribute to the economic inequality which forms the basis for a broader inequality between women and men, and can translate into economic dependence and poverty (in particular in old age) for the affected women. But the effects of women’s lack of access to the labour market are also felt in our economies as a whole, as this phenomenon contributes to lower economic growth, diminishing tax income and higher outlays in unemployment and social security benefits²⁰.

C. The wage gap

17. There are several dimensions to the problem of the wage gap: First, there is the classic case of a man and a woman doing exactly the same job (whether in a factory or on the stock market floor), but the woman being paid less for it. This used to be a common problem, especially in Western Europe, and many countries have outlawed this type of wage discrimination – there even exists an ILO Convention

¹⁵ This is also the experience of Mrs Leitão, Minutes of the Hearing on discrimination of women in the workforce and the workplace, p. 8.

¹⁶ Human Rights Watch: Women’s Work – Discrimination Against Women in the Ukrainian Labor Force, August 2003, Vol. 15, No. 4 (D), p. 3.

¹⁷ If all non-wage costs are considered, including those of training and compensating work injuries and others, which apply to different categories of workers, both men and women, then the additional cost of hiring a woman comes down to less than 1%. ILO Geneva : Time for Equality at Work, Report of the Director-General, p. 50.

¹⁸ Minutes of the Hearing on discrimination of women in the workforce and the workplace, p. 8.

¹⁹ Doc. 10431, Opinion on “What solutions to Europe’s unemployment?”, p. 2.

²⁰ David Kucera surveys recent empirical studies on the effects of wealth and gender inequality on economic growth in a recently published discussion paper for the International Institute for Labour Studies (DP/136/2002).

designed to eliminate it²¹, dating back to 1951, as well as a 1975 European Council Directive²². But, as several recent studies conclude, even this type of classic wage discrimination persists in many countries, which prompted the European Commission to issue a (non-binding) "Code of Practice on the implementation of equal pay for work of equal value of women and men" as recently as 1996²³. For example, a Eurostat study of 2003 showed that the average earnings of women in full-time employment in the EU (at that time, of 15 member states) stood at only 70-90% of those of men. Similarly, the 2004 UNIFEM study I mentioned in the previous chapter shows that the annual average earnings of women in the year 2000 stood at 73.28% of men's in the Czech Republic, 79.96% in Poland, 75.01% in Slovakia and 88.82% in Slovenia²⁴.

18. Second, women are often paid less than men for work of equal value. This type of discrimination is usually based on "horizontal occupational segregation by sex". For example, the level of education and experience required to work in a certain job might be the same, but women are paid less (e.g. chauffeurs/taxi drivers are usually paid more than cleaners or receptionists). In some countries, wage levels have gone down in certain professions when more and more women enter them (for example, doctors and teachers in Central and Eastern Europe). 2002 data cited by Mrs Leitão relating to the average salary of women working full time compared with that of men in the same circumstances show that, in the 18 countries covered by a recent European survey, the average difference, to women's disadvantage, is still approximately 20%, with wage discrimination in the strict sense being estimated at 15%²⁵. Various other international studies have shown that around one-third of the female-male pay differential is due to occupational segregation by sex, and that about 10 to 30% of the gender pay gap remains "unexplained" – i.e. due to discrimination²⁶.

19. In the Central and Eastern European countries, certain professions have "gained" the connotation of being feminized as these professions (the above mentioned teachers, nurses etc.) are dominated by women. Nevertheless, even these professions are highly segregated – although women account for more than 70% of all teachers, there is proportionally a larger number of men school directors. This is very often the result of a "reverse action", when the need for more men in the profession is felt, and thus their pay-rise and promotion is faster. When we compare it to the situation in politics, where there are more men than women, the society does not feel any similar need.

20. Third, women earn less, on average, than men in their lifetime (and thus also receive smaller pensions when they retire). In addition to the two factors mentioned above, there are several other possible explanations for this phenomenon: Women work less during their lifetime (calculating periods of maternity leave and part-time work) – and women have less of a career, as they are often discriminated against when it comes to promotions to higher-earning posts²⁷: this is usually called "vertical occupational segregation by sex". As the ILO points out: "Women's lower educational attainments and intermittent career paths are not, contrary to conventional belief, the main reason for gender differentials in pay. Other factors, such as occupational segregation, biased pay structures and job classification systems, and decentralized or weak collective bargaining, appear to be more important determinants of inequalities in pay."²⁸

21. Apart from women's lower pensions, it is important to see the tight interrelation of female length of life and feminization of poverty: since women live longer, for some period of their life, they share their pension with their partner; however, when he dies, they are left to live on their pension which is usually much lower than their living standards. One example connected to women's pensions is pension insurance – as women live longer and although they generally earn less, to attain a final sum similar to men they are expected to pay higher sums for their monthly pension insurance.

²¹ ILO Equal Remuneration Convention of 1951 (No. 100).

²² 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.

²³ Com (96) 336 final.

²⁴ Interestingly, the same study shows that the gap widens the better educated women are. UNIFEM, *The Story behind the Numbers*, 2004, p. 18.

²⁵ *Ibid*, p. 6.

²⁶ ILO Geneva : *Time for Equality at Work*, Report of the Director-General, p. 47. In the European Union, some studies estimate that at least 15% of the pay gap is caused by direct or indirect discrimination. *Ibid*, p. 53.

²⁷ In Romania, for example, Mrs Dobrescu reported that 52% of women received only the minimum salary, and that the number of women who received a high wage (around 700 USD) was twice lower than men. Minutes of the Hearing on discrimination of women in the workforce and the workplace, p. 3.

²⁸ ILO Geneva : *Time for Equality at Work*, Report of the Director-General, p. xi.

22. Furthermore, economic recessions often affect women more than men as far as unemployment is concerned (many companies unfortunately still believe that it is more important to keep a male "breadwinner" in employment), and women's needs or the determination to keep on working therefore leads them to accept levels of pay not consonant with the principles of equality and fairness or dissuades them from reporting cases of discrimination for fear of losing their jobs. This is why, as Mrs Leitão correctly pointed out, all those involved in combating wage discrimination (bodies promoting equality, labour inspectorates, courts, trade unions, NGOs etc) should step up their capacity to intervene to try and close the wage gap.

23. This issue can be illustrated with an example common to all European countries: when textile companies, which employ mostly women earning very low salaries, were threatened with closure, no major discussions were held about unemployment issues. But as soon as coal and other mines, where male "breadwinners" worked, were being closed down, those discussions were launched widely.

D. The "glass ceiling"

24. Women are routinely passed over when it comes to promotions. The higher the post, the less likely a woman – even one as qualified as her male colleague (or even more qualified) – is to get it. Women who manage to break through this so-called "glass-ceiling" into decision-making positions remain the exception to the rule, as even in female-dominated sectors where there are more women managers, a disproportionate number of men rise to the more senior positions.

25. The ILO has just published an update of one of its studies on women in management²⁹. The study concludes that, globally, women are continuing to increase their share of managerial positions, but that the rate of progress is "slow, uneven and sometimes discouraging", as women are faced with attitudinal prejudices in the workplace³⁰. In spite of the slow but steady increase of the share of professional women in the workplace, the nature of women's career paths continues to block them from making progress in the organizational hierarchies in which they work: "On recruitment, qualified women tend to be placed in jobs that have a lower value in terms of skill requirements and remuneration. They find themselves in what are considered "non-strategic" jobs, rather than in line and management jobs leading to higher positions. Thus, they effectively become support staff for their more strategically positioned male colleagues."³¹

26. There are a number of barriers to women's career development - here are a few examples³²:

- lack of management or line experience;
- lack of mentoring and role models for women at the highest levels;
- exclusion from informal networks and channels of communication (the "old boys network" is apparently still going strong in many countries);
- stereotyping and preconceptions of women's roles and abilities, commitment and leadership style;
- sexual and moral harassment, bullying and mobbing;
- unfriendly corporate culture.

27. Many companies and administrations apply affirmative-action programmes to fight against the inherent prejudice against women in high posts: the under-represented sex (usually women) are to be hired/ promoted in the case of equal merit of the male and female candidates. However, the men at the top taking these decisions have become very adept at arguing that the male candidate has more merit than the female candidate to circumvent such rules. What is worse, in some countries, men are openly opposing affirmative-action programmes on the grounds of discrimination against men. As a result, some companies/ administrations no longer apply these rules.

E. Conclusions and recommendations

28. First of all, I would like to underline that one of the basic rights women have is not to be discriminated against in the workforce and in the workplace. This right is enshrined in international law, such as the United Nations Convention on the Elimination of all Forms of Discrimination against Women (1979), ILO Conventions Nos 100 (1951), 111 (1958) and 156 (1981) concerning, respectively, equal remuneration for men and women workers for work of equal value, discrimination in respect of employment and occupation, and workers with family responsibilities, the European Social Charter (1961) and the Revised European Social Charter (1996) - both Council of Europe instruments - as well as

²⁹ ILO Geneva : *Breaking through the glass ceiling*, March 2004.

³⁰ *Ibid*, p. 13.

³¹ *Ibid*, p. 8.

³² See also *ibid*, p. 50.

numerous European Community directives on equal opportunities and against sex discrimination. Discrimination against women in the workforce and in the workplace is also outlawed in the national law of all Council of Europe member states (to differing degrees).

29. As so often, unfortunately, reality does not always comply with the law – as we have seen, women continue to be discriminated against in manifold ways: they have less access to the labour market than men, they earn less than men (even in the same job), and they continually bump their heads against the “glass ceiling” in the promotion race. When women try to defend their meagre successes, such as affirmative-action programmes – according to which preference is given to the candidate of the underrepresented sex in cases of equal merit – men cry foul. I think that the most important task ahead of us is to make it clear that women have the right not to be discriminated against. The current situation is thus unacceptable. As Mrs Leitão pointed out, women have the right to employment that is not, as now is often the case, precarious, ill-paid, without any possibility of career advancement and not gratifying from the point of the full development of their abilities.

30. I would thus suggest a three-pronged approach:

- i. revising and devising laws/treaties which not only prohibit discrimination in law, but which also provide for a positive duty to prevent discrimination and promote equality;
- ii. better implementation of existing laws, rules and regulations which would counter the discrimination of women in the workforce and the workplace,
- iii. implementation of functioning control mechanisms and their support by the state, trade unions, etc.

31. An awareness-raising campaign also needs to be organised, aimed at fighting the “unconscious common perception” that women’s work is only a source of supplementary revenue for households, with all the implications this has³³. This perception shows up in the fact that few Council of Europe member states pay much attention to gender gaps in employment and unemployment, and even fewer of them set concrete targets and take specific measures to address these gaps (Sweden being the exception the rule). This is why it is so important to change the attitudes which underpin this reluctance to take action.

32. The issue of the “double burden” should also be pointed out. Men usually find it easier than women to combine family and work because they rely heavily on women to shoulder family and domestic responsibilities. New policies and strategies for dealing with such responsibilities by both sexes need to be developed and implemented – not only in the interest of a fairer use of men and women’s time, but also in the interest of changing employers’ attitudes to the willingness and ability of men and women to devote time and effort to work. Our Committee has already decided to present a separate report on the “reconciliation of work and family life”, which should focus not only on making it easier for women to combine a career with motherhood, but also on making it easier for men to combine a career with fatherhood – i.e. the equal sharing of parenthood responsibilities between women and men.

33. It will also be important to fight against any “rollback” of entitlements, such as affirmative-action programmes. In addition, the burden of proof in cases of discrimination based on sex should be shifted to employers in all Council of Europe states, as is already the case in the European Union³⁴.

34. I would like to end this report with a call to action, a citation from the ILO report “Time for equality at work”:

“Discrimination at work will not vanish by itself; neither will the market, on its own, take care of its elimination. The elimination of discrimination requires deliberate, focused and consistent efforts and policies by all parties concerned, over a sustained period of time. It is not only the duty of governments to combat discrimination, it is everybody’s responsibility.”³⁵

³³ This “inconscient collectif commun” was identified in a study of the European Commission, published in July 2002: “Etude qualitative sur l’intégration de la dimension de genre dans les politiques de l’emploi, rapport final”, p. 6.

³⁴ Council Directive 97/80/EC of 15 December 1997 requires that Member States ensure that in cases of sex discrimination where a plaintiff establishes, before a Court of other competent authority, facts from which sex discrimination may be presumed to exist, it is for the defendant to prove that there has been no breach of the principle of equal treatment.

³⁵ ILO Geneva : Time for Equality at Work, Report of the Director-General, p. x.

APPENDIX I: Gender-disaggregated, seasonally adjusted unemployment rates (%) in European Union member states based on Eurostat statistics of 1 February 2005

Unemployment rates By country in December 2004	Men	Women	Difference between rates of women and men
Belgium	7.1%	9.2%	2.1% higher rate for women
Czech Republic	7.3%	9.5%	2.2% higher rate for women
Denmark	4.8%	5.4%	0.6% higher rate for women
Germany	10.3%	9.6%	0.7% lower rate for women
Estonia	9.4%	7.1%	2.3% lower rate for women
Greece	6.6% (June 2004)	16.2% (June 2004)	9.6% higher rate for women
Spain	7.5%	14.3%	6.8% higher rate for women
France	8.7%	10.7%	2% higher rate for women
Ireland	4.7%	3.8%	0.9% lower rate for women
Italy	6.3% (June 2004)	9.9% (June 2004)	3.6% higher rate for women
Cyprus	4.5%	6.8%	2.3% higher rate for women
Latvia	9.0%	10.3%	1.3% higher rate for women
Lithuania	8.3%	10.5%	2.2% higher rate for women
Luxembourg	3.6%	5.6%	2% higher rate for women
Hungary	6.2 %	6.3%	0.1% higher rate for women
Malta	6.7 % (November 2004)	7.6% (November 2004)	0.9% higher rate for women
The Netherlands	4.4% (November 2004)	5.1% (November 2004)	0.7% higher rate for women

Austria	3.9%	5.2%	1.3% higher rate for women
Poland	17.5%	19.3%	1.8% higher rate for women
Portugal	5.9%	7.6%	1.7% higher rate for women
Slovenia	5.4%	6.2%	0.8% higher rate for women
Slovakia	15.3%	18.7%	3.4% higher rate for women
Finland	8.6%	8.6%	Same rate
Sweden	6.4%	6.5%	0.1% higher rate for women
United Kingdom	5.1% (October 2004)	4.1% (October 2004)	1% lower rate for women
TOTAL	8.2%	9.8%	1.6% higher rate for women

APPENDIX II: Gender-disaggregated labour force participation and unemployment rates as published by UNIFEM in 2004

Country	Labour force participation rate In 2000 (15-64 year olds)		Unemployment rate in 2001 (of labour force aged 15 and older)		Difference between unemployment rates of women and men
	Men	Women	Men	Women	
Bulgaria	65.79%	56.34%	20.20%	18.40%	1.8% lower rate for women
Croatia	63.22%	52.61%	14.40%	18.70%	4.3% higher rate for women
Romania	75.34%	61.82%	7.70% (2000)	6.37% (2000)	1.33% lower rate for women
Albania	not available	not available	13.20%	16.60%	3.4% higher rate for women
"the former Yugoslav Republic of Macedonia"	70.15%	47.06%	8.70%	5.90%	2.8% lower rate for women
Moldova	67.23%	61.83%	9.30%	8.50%	0.8% lower rate for women
Russia	67.23%	59.10%	not available	not available	not available
Serbia and Montenegro	not available	not available	11.20%	11.00%	0.2% lower rate for women
Ukraine	72.30%	62.75%	not available	not available	not available

Reporting committee: Committee on Equal Opportunities for Women and Men.

Reference to Committee: Doc 9790, reference N° 2838 of 27 May 2003.

Draft recommendation unanimously adopted by the Committee on 28 February 2005.

Members of the Committee: Mrs Minodora **Cliveti** (Chairperson), Mrs Rosmarie Zapfl-Helbling (1st Vice-Chairperson, alternate: Mrs Ruth-Gaby **Vermot-Mangold**), Mr Per Dalgaard (2nd Vice-Chairperson), Mrs Anna **Curdova** (3rd Vice-Chairperson), Mrs Manuela **Aguiar**, Mrs Edita Angyalova, Mr John Austin, Mr Oleksiy **Baburin**, Mr Denis Badré, Mrs Gülsün **Bilgehan**, Mr Brendan **Daly**, Mrs Krystyna Doktorowicz, Mrs Lydie **Err**, Mrs Catherine Fautrier, Mrs Maria Emelina **Fernández Soriano**, Mr George **Foulkes**, Mr Guiseppe **Gaburro**, Mr Pierre Goldberg, Ms Gultakin Hadjiyeva, Mrs Carina Hägg, Mrs Eleonora Katseli, Mrs Synnove Konglevoll, Mrs Monika Kryemadhi, Mrs Minna Lintonen, Mrs Danguté Mikutiene (alternate: Mrs Biruté **Vésaité**), Mrs Fausta Morganti, Mrs Hermine Naghdalyan, Mr Hilmo Neimarlija, Mrs Vera **Oskina**, Mrs Patrizia Paoletti Tangheroni (alternate: Mr Gianpietro **Scherini**), Ms Riorita Patereu, Mrs Fatma Pehlivan (alternate: Ms Mimount **Bousakla**), Mrs Antigoni Pericleous-Papadopoulos, Mr Leo Platvoet, Mrs Majda **Potrata**, Mr Jeffrey Pullicino Orlando, Ms Valentina Radulović-Šćepanović, Mrs Claudia Roth, Mrs Marlene **Rupprecht**, Mr Össur Skarphédinsson, Mrs Svetlana Smirnova, Mrs Darinka **Stantcheva**, Ms Agnes Vadai, Mrs Gisela **Wurm**, Mr Andrej Zernovski.

N.B. The names of the members who took part in the meeting are printed in **bold**.

Secretaries of the Committee: Mrs Kleinsorge, Mrs Affholder, Ms Devaux

