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WE GO!3

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From individual IPV empowerment to community activation

Women Labour Rights: the French context



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INTRODUCTION

According to CEDAW (1992)¹ violence against women is recognised as a form of discrimination that seriously inhibits the ability of women to enjoy rights and freedoms on an equal basis with men. Important international regulatory acts (such as the UN General Assembly Declaration on the Elimination of Violence Against Women in 1993) define it “as a *manifestation of historically unequal power relationships between men and women*”. It is therefore key that not only does violence contribute to inequality between women and men, but inequality is the real foundation of violence.

On this basis, it is necessary to counter discrimination that affects women in all spheres of life, guaranteeing them social and economic rights and equal opportunities especially at work to support their economic independence and empowerment also to counter the gender violence. Implementing equal opportunities in work settings also means introducing an overall improvement of quality of work and the entire organisational structure and productivity.

Despite the progress made in recent years, discrimination against women and the gender gap in the world of work in fact still persist in many countries around the world. Women are still a long way from achieving gender equality in the world of work and, in many parts of the world, are trapped in low-skilled and lower-paid jobs than men. Discrimination, in particular, involves significant economic and social consequences, stifles opportunities, wastes the human talent needed for economic progress.

Women labour rights mainly concern job access and working conditions.

This booklet containing specific information at European and national level (Bulgaria, France, Greece and Italy) about labour rights and current specific policies/measures and instruments to support socio-economic independence of women, best practices and main effects of measures.

Labour rights and the policies/ measures will be presented by specific areas/ sections of concern:

- » gender equality in job access and fight against segregation in the labor market
- » women's access to vocational training
- » gender pay gap
- » women's career paths and leadership positions
- » support to self-employed women
- » maternity protection and work-life balance for both parents (flexibility of working hours and work organisation, parental leave)
- » Occupational social security, health protection and safety in working conditions

Finally, a glossary will be provided to explain terms used and key concepts.

¹ CEDAW General Resolution no 19, 1992, par. 1 and par. 11.

GLOSSARY

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

EC: European Commission

EP: European Parliament

ESF: European Social Fund

EWoB: European Women on Boards

Gender-based violence and harassment (ILO definition): violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

Harassment (EU definition): where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment;

ILO: International Labor Organisations

Pay or remuneration: the ordinary basic or minimum wage or salary and any other additional emoluments, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his/ her employment from his/her employer;

Sexual harassment (EU definition): where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;

SMEs: small and medium-sized enterprises

STEM: is a broad term used to group together the following academic disciplines Science, technology, engineering, and mathematics (STEM)

TEU: Treaty on European Union

TFEU: Treaty on the Functioning of the European Union

WELP program: Women's empowerment in leadership position Program

Violence and harassment in the world of work (ILO definition): a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

LOLF: Loi Organique relative aux Lois de Finances (Orientation Act of the Finance Law)

SDFE: Service des Droits des Femmes et de l'Egalité (Service for Women's Rights and Gender Equality)

PIEP: Plan Interministériel en faveur de l'Egalité Professionnelle entre les femmes et les hommes

(Interministerial Plan for gender equality at work)

VSE: very small enterprise

SME: small and medium size enterprise

PAR: Plan d'action régional pour l'entrepreneuriat des femmes (Regional action plan for women's entrepreneurship)

Bpifrance: a public bank that finances companies - at every stage of their development - with credit, guarantees and equity capital. Bpifrance supports them in their innovation and international projects

ASF: the family support allowance is collected by people who raise their child alone without the help of one of their parents, under certain conditions.

PreParE: Prestation Partagée d'Education de l'enfant (Shared Child Education Benefit).

CSE: the Comité Social et Economique (Social and Economic Committee) is the staff representation body in the company. The CSE must be set up in companies with more than 11 employees.

RSA: the Revenu de Solidarité Active, is a welfare benefit, which supplements the resources of a poor or low-income person in order to guarantee a minimum income.

PST: Plan Santé au Travail (Occupational health plans)

PRST: Plan Régional Santé au Travail (Regional occupational health plans)

1. Gender Equality at work: the principles of non-discrimination and equality treatment of men and women at International and European level

Over the years relevant international and European legislative and policy documents recognised the non-discrimination principle and the principle of equal treatment of men and women in all life domains and especially at work.

At international level, the **UN Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW, 1979), the main binding text on women's rights, has been instrumental in bringing to light all the areas in which women are denied equality with men and in defining an agenda for action by countries to eliminate discriminations and guarantee the women's enjoyment of political, economic, social, civil, cultural rights on a basis of equality with men. The convention devotes specific attention to the field of employment calling for states parties to take all appropriate measures to eliminate discrimination against women in order to ensure, on a basis of equality of men and women, the same rights in this area, underlining that "*the right to work is an inalienable right of all human beings*" (Art. 11, let. a);

Crucial for the definition of women's rights was also the **Beijing Platform for Action** adopted during the Fourth World Conference in Beijing (1995), which firmly established that women's rights are human rights and identified twelve critical areas with indication of the strategic objectives to be pursued. In this framework, particular attention is paid to the economic and social rights of women through the **Objective F - Women and the economy** and specifically the **Strategic Objective F.1: *Promote the rights and economic independence of women, in particular access employment and adequate working conditions, and access to economic resources.***

Since 1919, also the **International Labor Organisations (ILO)** has developed international labor standards (through Conventions and Recommendations) aimed at promoting equal opportunities for women and men to obtain decent work, in conditions of freedom, equity, security and dignity. The ILO policy on gender equality addressed the specific needs of women in ILO initiatives/programs and promoted targeted interventions/measures to allow women to participate equally in the labor market. In this last purpose, the ILO policy on gender equality has been operationalized since 1999 developed comprehensive action plans for gender equality, which aim to facilitate the adoption of gender policies and strategies adapted to the regional and national contexts of the ILO member countries.

Equality between women and men is a fundamental value of the **European Union**, dating back to the 1957 Treaty of Rome (today: TFEU, Article 157), which established the **principle of equal pay for male and female workers for equal work or work of equal value.**

Since then, the EU has continued to tackle gender-based discrimination and the principle of equality between women and men promoted by the Treaty on European Union (TEU, Articles 2 and 3 (3)) has become the basis for European integration and currently it underpins all European policies. Moreover, the European Union is committed to specifically supporting and complementing the activities of the Member States in the field of **equality between men and women with regard to labour market opportunities and treatment at work** (TFEU, Article 153).

These objectives and principles are also enshrined in the **EU Charter of Fundamental Rights of the European Union** (2012) that protects human rights and affirms the right to be free from discrimination on several grounds (racial or ethnic or social origin, language, religion etc.) including on the basis of sex

(Article 21). Also the EU Charter affirms that “*Equality between women and men must be ensured in all areas, including employment, work and pay*” (Article 23, par. 1).

Within this framework, the European Union promoted the so-called ‘**Dual approach**’ that requires to implement the ‘**Gender Mainstreaming approach**’ and specific/direct gender equality policies/measures (including so-called ‘**Positive Actions**’) to empower women in a complementary way in order to achieve a real equality between men and women.

BOX 1 – GENDER MAINSTREAMING AND POSITIVE ACTIONS

What ‘Gender Mainstreaming’ is?

According to TFEU (Article 8) *the European Union shall aim to eliminate inequalities and to promote equality between men and women in all its activities. This concept known as ‘Gender Mainstreaming’ therefore means integrating a gender equality perspective into all EU policies at all levels and stages of policy-making as well as into EU funding programmes across different sectors. The EU Directive 54/2006 (art. 29) also specifies that Member States shall actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to employment and occupation.*

Examples of Gender Mainstreaming implementation are provided by the EU Gender Equality Strategy 2020-2025 which affirms that specific needs, challenges and opportunities in different sectors, such as transport, energy and agriculture, will be addressed within the Commission’s gender mainstreaming actions. The Commission will address the gender dimension also in its major initiatives responding to European challenges such as climate change and digitalisation. The digital gender gap will be in fact addressed in the Digital Education Action Plan.

What a positive action is?

The positive action concept was firstly introduced at international level. It was defined as “*a temporary special measure adopted by States that aimed at accelerating “de facto” equality between men and women until the objectives of equality of opportunity and treatment have been achieved, without considering it discrimination*” (CEDAW, art. 4).

Also the European Union authorised the Member States to implement positive actions. In particular, it specified that “*with a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers*” (TFEU, Article 157 (4)). The same concept is enshrined by the EU Charter of Fundamental Rights of the European Union (Art. 23 (2)).

Examples of positive actions at work can be the adoption of national-wide mandatory targets on gender balance on company boards in order to improve the balance between women and men in decision-making positions or the targeted support to female entrepreneurship through specific entrepreneurial training and measures of credit access.

In addition to the European Treaties, also jurisprudence and in particular numerous cases brought to the European Court of Justice, have further strengthened the principle of equality and delivered justice for victims of discrimination.

Finally, European legislation and in particular, the **European Directives from the mid-1970s** have contributed to establishing equal treatment for men and women at work. The European Union has adopted several Directives covering equality between women and men in several fields such as employment and working conditions, self-employment, access to goods and services, occupational social security, pregnancy, maternity as well as family-related leaves and flexible working arrangements for parents and carers.

These provisions have progressively set a legal standard across all EU Member States ensuring a broad protection for women from discrimination.

Currently, the **Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and**

occupation (recast), represents the main legislation on the subject having repealed and replaced a number of former directives².

This directive contains provisions to implement the principle of equal treatment in relation to:

- » access to employment, including promotion, and to vocational training;
- » working conditions, including pay;
- » occupational social security schemes.

In addition, it reaffirms the key concepts of **direct and indirect discrimination** and it provides for the establishment within the Member States of bodies responsible for promoting equal treatment between women and men.

BOX 2 – DIRECT AND INDIRECT DISCRIMINATION

What direct discrimination is?

Direct discrimination is when **one person is treated less favourably on grounds of sex than another is**, has been or would be treated in a comparable situation.

Examples of direct discrimination on grounds of sex are the unfavourable treatment of a woman (e.g. the failure to hire) related to pregnancy/ maternity or the failure to promote a worker because she is a woman.

What indirect discrimination is?

Indirect discrimination is when **an apparently neutral provision, criterion or practice 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.

Examples of indirect discrimination on grounds of sex are the case of the minimum height required for participation in a competition and calibrated on male averages: adopting a similar selection criterion undoubtedly benefits more men than women. Another example is the provision of a particular allowance only for full –time employees; women who most often use part-time work to work-family balance needs would be almost excluded.

Finally, over the years many relevant policy documents (strategies, Road maps, Plans) from EU Commission and EU Parliament drafted the framework for the European Union’s work towards full gender equality in all spheres of life including at work.

Currently, the **EU Gender Equality Strategy 2020-2025** presents policy objectives and actions to make significant progress by 2025 towards a gender- equal Europe. Among the key objectives are:

- » closing gender gaps in the labour market and achieving equal participation across different sectors of the economy;
- » addressing the gender pay and pension gaps;
- » closing the gender care gap

² 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; 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; 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; and Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

- » achieving gender balance in decision-making in politics and at work,
- » challenging gender stereotypes and ending gender-based violence.

The Strategy reaffirms the need to pursue a dual approach in the implementation of policies combining gender mainstreaming perspective with actions targeted to women.

Intersectionality is assumed as a horizontal principle for the implementation of these activities on the basis of all women are different and may face discrimination based on several personal characteristics. For instance, a migrant woman with a disability may face discrimination on three grounds. The intersectionality of gender with other grounds of discrimination will be therefore addressed across all EU policies.

Gender equality-related projects and policies will be supported and funded in the EU budget (2021-2027) through a number of EU programmes: from dedicated grants under the **Citizens, Equality, Rights and Values Programme** to the big structural, social and cohesive EU funds. Finally, gender equality and women's empowerment will be promoted according to mainstreaming approach through **NextGenerationEU**, temporary recovery instrument to help repair the economic and social damage brought about by the coronavirus pandemic. In particular, the Recovery and Resilience Facility will support reforms and investments undertaken by Member States which could positive affect women in the work field.

1.1. THE FRENCH CONTEXT

In France, professional equality between women and men is enshrined in Article 1 of the **Constitution** and the **Labour code** (Article L1132-1) affirms the principle of non-discrimination at work.

The concepts of direct and indirect discrimination are included in the national legislation, through the **Law n° 2008-496** of 2008, that contains adaptations to Community law in the field of the fight against discrimination.

In France, the first explicit references to gender mainstreaming in national policy documents emerged in 2000³. The **Law No. 2014-873** of 4 August 2014 really embodies gender mainstreaming since it promotes the integration of gender equality in all policy fields.

The **Service for Women's Rights and Gender Equality** (SDFE) is responsible for implementing action plans with a gender mainstreaming dimension. There are two major **National Action Plans** for gender equality that rely on a gender mainstreaming approach.

First, the **Inter-ministerial Plan for gender equality at work 2016-2020** (PIEP)⁴ aims to combat structural inequalities between women and men in employment. Second, the SDFE initiates gender equality plans within various ministries. For example, the Ministry of Culture developed a **Roadmap for gender equality 2018-2022**⁵. Sectoral plans to promote gender diversity have also been developed, like the **Sectoral plan to develop gender diversity in the digital sector (2017-2020)**⁶.

From the 1980s, there are **positive action** measures in the French legislation, mostly concerning employment. At first, it was aimed at disabled workers and, afterwards, women. The first significant law is the 2000 one on political parity (**Law n° 2000-493**). Political parties must present an equal number of women and men on their election list – 50% quota – and a financial withholding system is established for political parties that do not respect parity. Other laws are adopted in the following years, concerning other professional fields.

2. Gender equality in job access and fight against segregation in the labor market

Although the gender gap in labour-market participation has narrowed over the years, it still persists and reflects numerous structural barriers inhibiting women's labour-market participation and other inequalities concerning the quality and accessibility of paid work. In particular, gender stereotypes strongly contribute to the gender segregation in the labour market sectors which restricts employment options of women determining the status of their jobs. In addition, selection criteria for recruitment often take into account the family status of women. Finally, some women are structurally underrepresented in the labour market, often resulting from the intersection of gender with additional conditions of vulnerability or marginalisation such as belonging to an ethnic or religious minority or having a migrant background.

Regulatory treatment and main legislative references

According to **CEDAW** (art. 11), States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the right for women to work recognized as an inalienable right of all human beings (a), the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment (b) as well as the right to free choice of profession and employment (c).

In addition, in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status (art. 2, a).

Also **ILO Discrimination (employment and occupations) Convention No. 111**, 1958 provides the commitment of Member states signatories to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination on the basis of sex. The terms “*employment and occupation*” include access to employment and to particular occupations (art.2).

In addition **ILO Maternity Protection Convention, 2000 (No. 183)** requires that each Member States adopt appropriate measures to ensure that maternity does not constitute a source of discrimination for access to employment, throughout measures such as: a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required in respect of work that is prohibited or restricted for pregnant or nursing women or where there is a significant risk to the health of the woman and child (art. 9). The Convention also considers unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving the reasons for dismissal shall rest on the employer (art. 8).

According to **EU Directive 2006/54/EC**, the principle of equal opportunities and equal treatment of men and women has to implemented in relation to access to employment (art. 1, a). Prohibition of direct or indirect discrimination on grounds of sex in the public or private sectors was stated in relation to conditions for access to employment, including selection criteria and recruitment conditions, whatever

the branch of activity and at all levels of the professional hierarchy (art. 14, par. 1, a) and in relation to employment and working conditions, including dismissals (art. 14, par. 1, c);

Member States may provide, as regards access to employment, that a difference of treatment which is based on a characteristic related to sex shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that its objective is legitimate and the requirement is proportionate (art. 14, par. 2).

Current and future European policies and relevant examples of instruments adopted

The European Union takes the specific needs of women into account across its different spending programmes and policies and every year the ESF helps millions of women to improve their access to jobs. The Commission, in particular, supports platforms promoting women's participation and countering the gender stereotypes that are engrained in male-dominated sectors. For example, the European Union is taking action to improve women's employment in transport sector. Since its launch in 2017, the EU-funded Women in Transport – **EU Platform for Change**³ has been the network enabling organisations to commit to increasing female employment and share best practices in this sector.

The European Union is also committed to closing gender gaps in research and innovation. For example, the **Horizon 2020** programme helps research organisations and universities to implement gender equality plans. In addition, the Commission sets up an **expert group** in November 2020 to formulate concrete measures to improve women participation in the sport sector, kick-starting the Renewed strategic framework for gender equality in sport⁴.

Currently, the European Union is taking action to boost women's participation in the digital sector. In particular, the Commission monitors women's participation in the digital economy through the annual **Women in Digital Scoreboard**⁵ and implementing the **Ministerial declaration of commitment on Women in Digital (2019)**⁶. Finally, the **European Network for Women in Digital** was launched in 2018 so that girls and women in the digital sector can collaborate on ideas and experiences in this field.

³ For more information, see: https://ec.europa.eu/transport/themes/social/women-transport-eu-platform-change_en.

⁴ See https://ec.europa.eu/sport/news/high-level-group-gender-equality-sport_en

⁵ European Commission, *Women in Digital Scoreboard*, 2020, available at: <https://ec.europa.eu/digital-single-market/en/women-digital-scoreboard>

⁶ Available at: https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=58562

BOX 3 – MINISTERIAL DECLARATION OF COMMITMENT ON WOMEN IN DIGITAL AND WOMEN IN DIGITAL SCOREBOARD

The European Commission's initiatives encourage and empower women to play a more active role in the digital sector as increased participation of women in this sector will boost the economy and allow for their full participation in society. In particular, twenty-seven EU ministers and Member States' representatives signed the **Declaration of commitment on Women in Digital** at Digital Day on 9 April 2019, with the aim of raising the political priority of women's under-representation in the digital economy. The Declaration establishes that every Member State has to create a national strategy and to have a cross-sectoral national plan on women in digital (stand-alone or integrated in their existing digital agenda) as well as celebrate Girls and Women in ICT Day on the same day across the EU to raise awareness of the contribution women can make to the digital economy. The signatories have to take action at national level to encourage broadcasters to promote a positive public image of women in digital, stimulate companies to combat gender discrimination at work and improve monitoring mechanisms and data collection in order to set improved national targets aligned with the Scoreboard indicators.

The **Women in Digital Scoreboard** is a tool created by the EU Commission to monitor and assess women's participation in the digital economy. It is part of the Digital Economy and Society Index (DESI) and present annually Member States' performance. The scoreboard brings together 12 indicators under 3 areas: Internet use, Internet user skills as well as specialist skills and employment. It provides the Commission and EU countries with fact-based information that allows four main types of analysis:

1. Assessing general performance of individual Member States through their overall index score and the scores of the main index dimensions;
2. Identifying the areas where Member State performance could be improved by analysing individual indicators;
3. assessing progress over time;
4. comparing countries at similar levels of digital.

According to the EU Commission's 2020 Women in Digital Scoreboard: the gender gap is present in all 12 indicators measured. Women are still less likely to have specialist digital skills and work in this field compared to men, as only 18% of ICT specialists in the EU are women. The gap in basic digital skills has narrowed from 10.5% in 2015 to 7.7% in 2019 but in Bulgaria, Romania, Greece and Italy women are the least likely to be taking part in the digital economy, either through employment, use of the internet, or skills.

2.1. THE FRENCH CONTEXT

Gender equality in job access is enshrined in legislation since 1983 and the fight against segregation in the labour market since 2014. These two subjects are quite well regulated by the law and are addressed in current policies, plans and roadmaps.

Inequalities and segregation in the French labour market remain. In 2020, 67.6% of women aged 15 to 64 were workers (employed or unemployed), 7 percentage points less than men¹¹.

Women are concentrated in a few occupations, which are less valued than occupations predominantly occupied by men. Out of a total of 86 occupations, 47 % of women are concentrated in 10 occupations, while the 10 occupations with the highest number of men are only 31 %. In addition, women are less likely to enter scientific and technical occupations, where unemployment is lower and wages are higher¹².

Regarding IPV survivors, dedicated measures still need to be taken in terms of access to employment.

Regulatory treatment and main legislative references

The **Law n° 83-635** of 1983 requires that hiring cannot be refused based on gender.

The **Law n°2014-873** of 2014 states that gender diversity in the workplace is an integral part of the

policy for equality between women and men and thus, prohibits segregation in the labour market.

The **Labour code** (Article L. 1142-4) authorizes temporary measures taken for the sole benefit of women, aimed at establishing equality between women and men, in particular by remedying the de facto inequalities suffered by women, through regulatory measures taken in the areas of recruitment, training, promotion, and the improvement of working conditions.

Based on this article, the **Labour code** defines a “**Contract for mixed employment and professional equality between women and men**” (Articles D1143-7 à D1143-18). This contract is open to companies, regardless of the size of their workforce, to help finance an exemplary action plan in favour of professional equality or measures to improve job diversity. The aim of this contract is to encourage the diversification of jobs held by women and their promotion within the company, with a view to reducing professional inequalities between women and men. This contract can help finance training and adaptation to the job in occupations predominantly occupied by men.

3. Current and next general national policies and relevant examples of measures/ instruments adopted

The Ministry of Culture presented a “**Roadmap Equality (2019-2022)**”¹³. The objectives are to promote a culture of equality; to achieve professional equality and to fight against sexist and sexual violence. It is deployed on several axes for improving equality in cultural policies, including the increase in the number of women at the head and in the programming of artistic institutions or the improvement of the place of women in film and audio-visual production.

The “**Guide to professional equality for VSEs and SMEs**”¹⁴, that already existed, was updated in 2021. This practical guide aims to remove the obstacles linked to stereotypes and encourage the development of action plans in favour of professional equality. It offers a simple deployment method and directly operational best practices, all illustrated with concrete testimonials from the world of VSEs and SMEs (see Table 1).

Since 2005, **five interdepartmental Plans** have succeeded one another in order to fight violence against women and complete the existing legal framework. Access to job is taken into consideration in these plans, especially in the fifth one (2017-2019)¹⁵. Its main objectives are to raise the awareness of the public employment service and employment stakeholders about the specific obstacles to accessing employment for IPV; to guarantee the professional integration of young women victims of violence by training social and professional integration advisors on the specific problems encountered by young IPV in accessing training and employment.

TABLE 1 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Guide to professional equality for VSEs and SMEs
BODY RESPONSIBLE FOR IMPLEMENTATION	Ministry of Labour, Employment and Inclusion and Ministry in charge of Equality between women and men, Diversity and Equal opportunities
PERIOD OF IMPLEMENTATION	Undefined
ERRITORIAL COVERAGE (national, regional, local)	National
TARGET	French VSEs and SMEs
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	<p>Production of the guide: Laboratoire de l'Egalité (Equality Laboratory)</p> <p>Supported by: the Ministry of Labour, Employment and Inclusion and the Ministry in charge of Equality between women and men, Diversity and Equal opportunities</p> <p>With the cooperation of: VSEs and SMEs (testimonies)</p>
SHORT DESCRIPTION OF MEASURE (objectives and actions)	<p>9 fields of action (with associated best practices):</p> <ul style="list-style-type: none"> » Recruitment: giving women the same opportunities as for men » Training and qualification: guarantee equal access for all to vocational training to professional training » Internal promotion: removing the obstacles to career advancement for women » Classification: revalorize the so-called "female" jobs » Working conditions, health and safety at work: creating the conditions for an environment without discrimination or violence » Violence in the workplace: identify to ensure a safe environment (focus on domestic violence) » Effective remuneration: eliminate pay inequities » Work-life balance » Communication: free the communication from gender stereotypes
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	No data

4. Gender pay gap

While there are more women university graduates in Europe than men graduates, women remain underrepresented in higher paid professions. More women than men work in low-paid jobs and sectors, and in lower positions. Discriminatory social norms and stereotypes about women's and men's skills, and the undervaluation of women's work are some of the contributing factors.

Despite the principle of equal pay for equal work or work of equal value has been enshrined in the Treaties since 1957 and translated into EU law and it ensures that there are legal remedies in case of discrimination, women still earn on average less than men⁵⁵.

Eliminating the gender pay gap therefore requires addressing all of its root causes, including women's lower participation in the labour market, invisible and unpaid work (women carry a disproportionate burden of unpaid work, which constitutes a significant share of economic activity), their higher use of part-time work⁵⁶ and career breaks.

Finally, horizontal segregation and pay gaps result in an even wider pension gap and consequently older women are more at risk of poverty than men.

The Covid-19 pandemic and its economic and social consequences makes it even more pressing to tackle this issue, given that the crisis has hit female workers especially hard.

Regulatory treatment and main legislative references

According to **CEDAW**, States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work (art. 11, d).

The application to all workers of the principle of equal remuneration for men and women workers for work of equal value is also affirmed by **ILO Equal Remuneration Convention**, 1951 No. 100 (Art. 2)

According the **Treaty on the Functioning of the European Union (TFEU)**, the principle of equal pay for male and female workers for equal work or work of equal value was established (art. 157).

According to **EU Directive 2006/54/EC**, the principle of equal opportunities and equal treatment of men and women has to implemented in relation to working conditions, including pay (art. 1, b);

For the same work or for work to which equal value is attributed, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated.

In particular, where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex (art. 4). Prohibition of discrimination in relation to pay is affirmed also by art. 14, c)

Current and future European policies and relevant examples of instruments adopted

The principle of equal pay for work of equal value was reiterated as a principle in the 2017 European Pillar of Social Rights and made a priority for the European Commission's action. In its 2017-2019

action plan on tackling the gender pay gap⁷, the Commission assessed the need for further legal measures to improve the enforcement of the principle of equal pay and opportunities for improving pay transparency. The European Commission undertook a thorough evaluation of the existing framework on equal pay for equal work or work of equal value⁸ and launched a public consultation to assess the impact both of existing EU legislation and pay transparency recommendations in order to reinforce the application of the equal pay principle and to fight occupational segregation. Because of a lack of transparency, in fact, many women do not know or cannot prove that they are being underpaid, while when information about pay levels is available it is easier to detect gaps and discrimination. In this purpose, the Commission recently tabled a **proposal for a Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms** (COM/2021/93). Such an initiative strengthens the rights of employees to get more information about pay levels. The proposed directive is based on Article 157(3) (TFEU), which provides for the EU to adopt measures to ensure the application of the principle of 'equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value'.

⁷ See COM (2017) 678 and also the related implementation report (COM (2020) 101)

⁸ Evaluation of the relevant provision in Directive 2006/54/EC implementing the Treaty principle on 'equal pay for equal work or work of equal value', SWD (2020)50; Report on the implementation of the EU Action Plan 2017-2019 on tackling the gender pay gap, COM (2020)101.

BOX 4 – EUROPEAN COMMISSION PROPOSAL ON BINDING PAY TRANSPARENCY MEASURES (COM/2021/93)

This initiative follows the Commission's evaluations of the relevant legal provisions. The assessments concluded that the right to equal pay is not adequately applied nor enforced in practice and that pay transparency is lacking in many Member States. This Commission proposal therefore aims at tackling the persisting inadequate enforcement of the fundamental right to equal pay and ensuring that this right is upheld across the EU, by establishing pay transparency standards to empower workers to claim their right to equal pay.

This proposed directive is part of a broader package of measures and initiatives addressing the root causes of the gender pay gap and economic empowerment of women. Pay discrimination and bias in pay structures are only one of the root causes of the gender pay gap, besides other causes and factors, such as horizontal and vertical labour market segregation, full time versus part-time work as well as unpaid care-related constraints. Even without these causes and factors, there is still a so-called “unexplained” gender pay gap, which accounts for two thirds of the gender pay gap in the EU Member States, and which this initiative aims to tackle.

The proposed directive therefore introduces new and more detailed rules to ensure compliance with the principle of equal pay between men and women for equal work or work of equal value and it pursues this objective by:

- » establishing pay transparency within organisations;
- » facilitating the application of the key concepts relating to equal pay, including ‘pay’ and ‘work of equal value’;
- » strengthening enforcement mechanisms.

In particular, the proposal requires employers to have pay structures ensuring that women and men are paid equally for the same work or work of equal value. In order to allow workers and employers to assess what constitutes work of equal value, this provision requires Member States to establish tools or methodologies to assess and compare the value of work in line with a set of objective criteria which include educational, professional and training requirements, skills, effort and responsibility, work undertaken and the nature of the tasks involved. This provides the basis to assess whether workers are considered to be in a comparable situation performing work of equal value by helping both employers to better categorize and remunerate job positions based on objective, gender-neutral criteria and workers to assess whether they are treated less favourably than the comparator performing the same work or work of equal value.

Furthermore, the proposal requires that employers indicate the initial pay level or its range (based on objective and gender-neutral criteria) to be paid to the future worker for a specific position or job. Such information may be provided in a job vacancy notice or otherwise prior to the job interview without the applicant having to request it. In addition, it prohibits employers to ask prospective workers about their pay history of their former employment relationship. The aim of this provision is to ensure that workers have the necessary information to engage in balanced and fair negotiations regarding their salaries when they enter into an employment relationship. It would also ensure that existing pay discrimination and bias is not perpetuated over time, especially when workers change jobs. In order to ensure the gender-neutrality of pay setting and career progression, the proposal also requires employers to make accessible to workers a description of the gender-neutral criteria used to define their pay and career progression.

Overall, as underlined by the EC proposal, pay transparency may allow workers to detect and prove possible discrimination based on sex. It also shines light on gender bias in pay systems and job grading that do not value the work of women and men equally and in a gender-neutral way, or that fail to value certain occupational skills that are mostly seen as female qualities. Since such bias is often unconscious, pay transparency can help raise awareness of the issue among employers and help them identify discriminatory gender-based pay differences. Pay transparency can also foster change in attitudes towards women's pay by raising awareness and stimulating debate around the reasons for structural gender pay differences. Finally, beyond the compliance with the principle of equal pay, pay transparency may also constitute a trigger for reviewing gender equality policies more generally at company level, and promote closer cooperation between employers and workers' representatives.

4.1. THE FRENCH CONTEXT

The principle of equal pay for women and men has been enshrined in law since 1972 and several reaffirm this principle in the following years.

However, the wage gap between women and men persists, with a 9% difference for equal work and 25% over the course of a career¹⁷.

In 2015, the average net monthly salary of men – in full-time equivalent – was 2 438 €, that of women 1 986 €, a difference of 452 €. Women therefore receive, on average, 81.5% of the salary of men, which is 18.5% lower¹⁸.

Moreover, wage gaps are greater as you move up the salary hierarchy: among managers, women earn on average 22% less than male managers, while the gap is 10% for employees¹⁹.

80% of part-time employees are women²⁰ and women's career paths are generally less linear because of possible maternity.

Regulatory treatment and main legislative references

The **Law n° 2006-340** of 2006 provides for the elimination of pay gaps between women and men within a period of five years, using negotiations in the professional branches and in companies based on a diagnosis established with precise indicators.

The **Labour code** (Article L. 1142-5) states that all companies must formulate objectives aimed at professional equality between women and men. The way in which these objectives are formalized differs according to the size of the company.

The **Law n°72-1143** of 1972 states the principles of equal pay for women and men.

According to the **Labour code** (Articles L. 3221-2 and L. 3221-6), for the same work or work of equal value, the employer must respect the principle of equal pay for women and men, otherwise he/she commits discrimination and falls under the law.

The **Law n° 2018-771** of 2018 aims at a real equality in the world of work. To do so, companies will have three years to comply with equal pay and to dedicate a budget to wage catch-up. Control and sanctions are foreseen if this system is not respected at the end of the three years²¹.

Current and next general national policies and relevant examples of measures/instruments adopted

Currently, there are no policy paper, plan or road map focusing specifically on the gender-pay gap. Equal pay legislation is quite comprehensive.

The **Law n° 2018-771** provides a tool designed to reach equal pay by involving companies, but also associations and trade unions. This tool is a “**Professional equality index**”, launched by the Ministry of Labour in 2019, to measure and fight the gender pay gap and other gender-related inequalities at work. This index must be calculated and published every year by companies with at least 50 employees, before March 1st (see Table 1).

TABLE 2 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Professional equality index
BODY RESPONSIBLE FOR IMPLEMENTATION	Ministry of Labour, Employment and Inclusion
PERIOD OF IMPLEMENTATION	Undefined (companies, associations and trade unions must publish their index every year in March)
ERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Companies, associations and trade unions with at least 50 employees
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	Ministry of Labour, Employment and Inclusion: creation of the index and collection of companies' indexes
SHORT DESCRIPTION OF MEASURE (objectives and actions)	<p>The index is composed of five main criteria that evaluate the inequalities between women and men in the form of a score out of 100:</p> <ul style="list-style-type: none"> » Pay gap between women and men » Gap in the distribution of individual increases » Gap in the distribution of promotions (only in companies with more than 250 employees) » Number of female employees receiving raises upon return from maternity leave » Parity among the 10 highest earners <p>If a company, association or trade union obtains less than 75 points, it will have to implement corrective measures allowing it to reach at least 75 points within 3 years.</p>
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	<p>2020 assessment:</p> <ul style="list-style-type: none"> » Two-thirds of the 40 000 companies with more than 50 employees published their rating (59% in 2019) » Average score: 85 out of 100, the index is ten points above the minimum required (75 out of 100) » Only 2 companies reached 100 » 53 companies with 250 to 1 000 employees have scored below 75 points for the third year in a row » The obligation to raise women upon return from maternity leave is not applied in 13% of cases (i.e., 3 000 companies) » A quarter of companies have near parity in their top ten salaries and 43% of companies with more than 1 000 employees have fewer than two women in the top ten salaries

5. Women's access to education and vocational training

Education is a powerful driver of more gender-equal and inclusive societies and it is also a tool to raise awareness of the key principles of equality between women and men.

Women's educational attainment is rising, but overall positive development is being held back by strong gender segregation and low engagement in lifelong learning.

Women and men in all their diversity, should be free to pursue their chosen educational and professional paths without the constraints of stereotypical gender norms. Instead, women represent only 36% of STEM graduates⁹, despite the fact that girls outperform boys in digital literacy¹⁰.

Such a divide is mirrored by the gender segregation in the equivalent labour market, determining women's and men's earnings, career prospects and working conditions.

As regards the participation in lifelong learning, women more likely to engage in adult learning than men in the majority of Member States, but participation is often low among those who would benefit the most from education and training, for example women with low levels of qualification or women engaged in precarious employment.

Regulatory treatment and main legislative references

According to **CEDAW**, States Parties shall take all appropriate measures to eliminate discrimination and ensure, on a basis of equality of men and women, the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training (art. 11, c);

Appropriate measures shall be taken by States Parties in order to ensure to women equal rights with men also in the field of education and in particular: the same conditions for vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories (this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training); the access to the same curricula, the same examinations, teaching staff with qualifications of the same standard; the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education, also by the revision of textbooks and school programmes; the same opportunities to benefit from scholarships and other study grants; the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes; the organization of programmes for girls and women who have left school prematurely (art. 10, a) b) c) d) e) f);

Also **ILO Discrimination Convention No. 111**, 1958 provides the commitment of Member states signatories to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination, including on the basis of sex. The terms “*employment and occupation*” include the access to vocational training and terms and conditions of employment (art. 2).

The principle of equal opportunities and equal treatment of men and women has to implemented in relation to access to vocational training (art. 1, a) also according to **EU Directive N. 54/2006**.

Prohibition of direct or indirect discrimination on grounds of sex in the public or private sectors in

⁹ <https://op.europa.eu/en/publication-detail/-/publication/9540ffa1-4478-11e9-a8ed-01aa75ed71a1/language-en>.

¹⁰ 2018 International Computer and Information Literacy Study (ICILS)

relation to access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience is affirmed (Art. 14, par. 1, b).

Finally, to prevent discrimination, the Directive calls for Member States to encourage employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex including in vocational training and promotion (Article 26).

Current and future European policies and relevant examples of instruments adopted

The first principle of European Pillar of Social Rights states that everybody in the EU has the right to quality and inclusive education, training and lifelong learning to acquire and maintain skills that enable women and men to participate fully in society and successfully manage transitions in the labour market.

The Updated Skills Agenda for Europe¹¹ delivers on this principle by helping people to develop and widen their skills throughout their life, also helping address horizontal segregation, **stereotyping and gender gaps** in education and training. In addition, in the Agenda the Commission commits to raise the attractiveness of STEM studies and careers, with focused actions to attract girls and women, and by encouraging a cross-disciplinary and innovative teaching and learning approach in schools, VET and higher education. Also the **Commission Proposal for a Council recommendation on vocational education and training** of 24 November 2020¹² supports targeted measures to improve gender balance in traditionally male or female-dominated professions and addresses gender stereotypes and in the new **Commission Communication on Achieving the European Education Area by 2025** of 30 September 2020 (COM (2020) 625)¹³ gender equality is put forward as one of the key elements. In particular, the Communication requires to making education and training more inclusive and gender sensitive.

Finally, in the current framework of digitisation of the economy and the labour market which sees women underrepresented, the updated **Digital Education Action Plan** (COM(2020) 624)¹⁴ and the implementation of the **Ministerial declaration of commitment on 'Women in Digital'** (2019) contribute to address this gap also by education and training perspective.

¹¹ <https://ec.europa.eu/social/main.jsp?catId=1223&langId=en>

¹² <https://op.europa.eu/it/publication-detail/-/publication/8e89305c-bc37-11ea-811c-01aa75ed71a1/language-en>

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0625>

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0624&from=EN>

BOX 5 – EUROPEAN DIGITAL EDUCATION PLAN

The Digital Education Plan was recently (30 September 2020) presented by European Commission. It covers the next programming period (2021-2027) and sets out measures for high-quality and inclusive digital education and training.

The Commission organised a wide range of stakeholder consultations to inform and gather evidence for this initiative. Consultations involved public - and private-sector organisations, education and training organisations and a wide variety of additional stakeholders, including research institutions and civil society.

Raising the quality and inclusiveness of education and training systems and the provision of digital skills for all is a strategic challenge for the European Union in view of the digital and green transitions. In this context, the Plan focuses on the longer-term digital change in education and training and in this perspective it presents a vision for improving digital literacy, skills and capacity at all levels of education and training and for all levels of digital skills (from basic to advanced). The deployment of technologies is affecting in particular a lot of jobs. People with advanced digital skills are therefore needed to support competitiveness. This makes it even more important to invest in lifelong learning by promotion, provision and recognition of upskilling and re-skilling for the digital economy.

Under the specific strategic priority 2: Enhancing digital skills and competences for the digital transformation, the Plan underlines that introducing pupils to computing from an early age, through innovative and motivating approaches to teaching, in both formal and non-formal settings, can help foster interest in STEM-related studies and future careers while also tackling gender stereotypes. Actions to promote high quality and inclusive computing education can also impact positively on the number of girls pursuing IT- related studies in higher education and, further on, working in the digital sector or digital jobs in other economic sectors. Because only one in three STEM graduates is a woman, teachers, parents, and STEM professionals need to engage, motivate and inspire female students. Strategies have to be implemented to make the STEM curricula and careers more attractive to girls and women.

5.1. THE FRENCH CONTEXT

Women's access to education was enshrined in the legislation at the beginning of the 1880s.

Overall, women have the same access to education than men, at least at the beginning of school. Inequalities are more striking in terms of educational pathways³⁰. Boys do less well than girls in school and girls more likely to obtain the baccalaureate (high school diploma). Regardless of their social background or academic success, girls are less likely than boys to opt for a scientific pathway, while unemployment is lower and salaries are higher in scientific and technical professions. Their educational and career choices are less diversified than the boys ones.

Access to vocational training for women and men, that was enshrined in the legislation in 1966, also remains unequal.

In 2018, the access rate to vocational training was 45 % for men versus 43 % for women³¹. While the gap may seem small, it is important to be more precise. 57% of women executives have received training compared to 62% of men. This trend is even more pronounced for the least qualified: there is an eight-point gap between the training access rates of male and female employees and up to nine points between male and female workers.

Regulatory treatment and main legislative references

The **Law of 21 December 1880** provides the same secondary education for girls as for boys. The **Law of 28 March 1882** provides the same primary education for children of both sexes, from six to

thirteen years of age. Equal access to education is thus enshrined in the law.

The **Law n° 71-575** of 1966 (Article 1) states that “*continuing vocational training is a national obligation*”.

The **Law n° 83-635** of 1983 requires that training cannot be refused based on gender.

The **Law n° 2006-340** of 2006 provides for improved access for girls and women to apprenticeships and initial and continuing vocational training: vocational training partners are invited to take better account of the gender requirement.

The **Law n° 2018-771** of 2018 allows the implementation of several measures³². First, transparent and simple information will be provided to all working people so that they become actors of their professional training. Then, part-time workers, 80% of whom are women, will have the same training rights as full-time employees.

In companies where it is possible, a negotiation on professional equality between women and men must be organised every year. The **Ordonnance n° 2017-1385** of 2017 specifies that this negotiation has to include training, addressing in particular the following points: (a) the objectives and measures for achieving professional equality between women and men, particularly in terms of professional training, especially for part-time employees; (b) measures to combat any discrimination in terms of access to professional training.

Current and next general national policies and relevant examples of measures/instruments adopted

In 2019, Minister of National Education and Youth and the Secretary of State for Equality between Women and Men and the Fight against Discrimination signed a new agreement for equality in the education system: the “**Interministerial convention for equality between girls and boys, women and men in the education system (2019-2024)**”³³. Five main areas of intervention are defined: steering the equality policy as closely as possible to the students; training for all staff; the transmission of a culture of equality and mutual respect; the fight against sexist and sexual violence and cyber-violence; a policy of orientation in favour of greater gender diversity in the fields and professions (see Table 1).

Regarding vocational training, the **Rixain bill** – that was adopted by the Parliament and is currently being examined by the Senate – intends to extend the period of access to training for mothers of children under the age of three.

TABLE 3 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Interministerial convention for equality between girls and boys, women and men in the education system
BODY RESPONSIBLE FOR IMPLEMENTATION	Ministry of Armed Forces; Ministry Minister of National Education and Youth; Minister of Higher Education Research and Innovation; Minister of Culture, Minister of Agriculture and Food; Secretary of State in charge of Equality between women and men and the fight against discriminations
PERIOD OF IMPLEMENTATION	2019-2024
ERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Education staff / girls and boys, women and men in education system / parents
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	All ministries with responsibility for educational policies: higher education, research and innovation, the armed forces, culture and agriculture and food.
SHORT DESCRIPTION OF MEASURE (objectives and actions)	<p>Objectives and actions:</p> <ul style="list-style-type: none"> » Working with the educational community by training education professionals to promote equality; preventing gender-based and sexual harassment; implementing equality referents in all schools » Working with students by offering them an equal teaching content » Working with parents through dialogue and support
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	No data

6. Women's career paths and leadership positions

Despite some progress in recent years, women's under-representation in politics and decision-making positions in Europe's businesses and industry persists (vertical segregation).⁶⁸ Having both women and men well represented is instead crucial for successful leadership and to solve the complex challenges.

The fact of top positions are held exclusively by men for a long time shapes the recruitment pattern for successors, sometimes only due to unconscious bias.

Thriving at work while managing caring responsibilities at home is a challenge, especially for women. Women often align their decision to work, and how to work, with their caring responsibilities and their choices depend on whether and how much these duties are shared with a partner.

Closing the gender gap for women in leadership positions therefore requires to remove obstacles in career advancement through un mix of legislative measures and policies aimed to support women's career paths (mentorship programmes, legislative and not legislative measures to improve gender balance on corporate boards, measures to support equal sharing of care responsibilities at home and the availability of childcare etc.)

Regulatory treatment and main legislative references

According to **CEDAW**, appropriate measures shall be taken by States Parties in order to ensure to women equal rights with men in the field of education including the same conditions for career (art. 10, a) as well as in the field of employment the right to promotion (art. 11, c).

Also **ILO Discrimination Convention No. 111**, 1958 provides the commitment of Member states signatories to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination, including on the basis of sex. The terms "*employment and occupation*" include terms and conditions of employment (art. 2). **ILO Maternity Protection Convention, 2000 (No. 183)** requires instead that a woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave (art.8).

According to **EU Directive N. 54/2006**, the principle of equal opportunities and equal treatment of men and women has to implemented in relation to access to employment, including promotion (art. 1, a).

Prohibition of direct or indirect discrimination on grounds of sex in the public or private sectors was stated in relation to promotion (art. 14, a).

Finally, to prevent discrimination, the Directive call for Member States to encourage employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex also in promotions (Article 26).

Current and future European policies and relevant examples of instruments adopted

To help break the glass ceiling, the Commission tabled in 2012 a proposal for a **Directive on**

improving the gender balance on corporate boards¹⁵ which set the aim of a minimum of 40% of non-executive members of the under-represented sex on company boards. Its adoption is one of the European Commission commitments indicated in the EU Gender Equality Strategy 2020-2025. In parallel, the Commission facilitates the exchange of good practices addressing gender balance in executive boards and managerial positions, bringing in the examples of national or regional projects run by governments, civil society or the private sector¹⁶.

The European Commission is also broadening women career opportunities encouraging companies to sign specific commitments in order to provide an inclusive and gender-balanced work culture and environment, implementing recruitment and human resources business policies fully aware of the importance to invest in women and identifying potential female leaders and train them to develop their strengths and play high-level roles in the company¹⁷.

In addition, the EU Commission supports Member States in developing and implementing more effective strategies to increase the number of women in decision-making positions through the **Mutual Learning Programme in Gender Equality**¹⁸ and cooperating with EU-wide projects, such as **European Women on Boards (EWoB)**¹⁹ that has developed its **WELP program** (Women's empowerment in leadership position) to facilitate the change towards gender equality in decision-making and introduced **EWoB's Gender Diversity Index**, measuring the attainment of various diversity and inclusion indexes on the company and sector level, across the European Union. Finally, also other European initiatives contribute to reaching gender balance in the decision making process. For example, the **Declaration of commitment on Women in Digital (2019)** provides a gender-balanced composition of boards, committees and bodies dealing with digital matters, while the **"No Women No Panel Campaign"**²⁰, was carried out with a goal to raise awareness on having gender balance in panels and public events.

¹⁵ COM (2012)614 final.

¹⁶ ¹⁹The EU Platform of Diversity Charters will serve as a platform for exchange https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/diversity-management/eu-platform-diversity-charters_en.

¹⁷ See: European Declaration on an inclusive company culture, <https://ec.europa.eu/digital-single-market/en/women-digital-0>

¹⁸ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/who-we-work-gender-equality/mutual-learning-programme-gender-equality_en.

¹⁹ Relevant projects include European Women on Boards (EWOB): <https://europeanwomenonboards.eu/>.

²⁰ This campaign was initiated by Commissioner Mariya Gabriel and reiterated by several of her colleagues from the European Commission

BOX 6 – EUROPEAN WOMEN ON BOARDS (EWOB), WELP PROGRAM AND THE EWOB GENDER DIVERSITY INDEX

EWoB is a network of European networks founded in 2013 and continuously growing. It directly supports the European Commission in achieving the targets set by the new EU Gender Equality Strategy 2020-2025. In particular, the commitment of EWoB is to help corporations make the change by developing talents and skills of senior businesswomen, and to support their decision-making positions with international visibility also by mediating the sharing of best practices at the European level. In order to facilitate the change towards gender equality in decision-making, EWoB has developed the WELP program, which offers educational contents focusing on leadership and addressing the most gaps in enabling female professionals to reach the top of their careers.

EWoB also launched in 2018 EWoB's Gender Diversity Index (GDI) to allow companies to benchmark themselves against other companies in their country or sector with regard to the diversity of their boards and other key positions across the European Union. The aim is to create a study that provides an objective European benchmark on gender equality. EWoB GDI benchmarked 600+ European corporations in different Diversity & Inclusion Key performance indicators (D&I KPI's) and the goal is to extend the index to the majority of large European companies in order to put a spotlight on the companies and currently countries in different corporate sectors which are an example of best practice in Europe.

The results of 2020 index compared to the index of 2019 shows that in 60% of the companies for which data is available for both years there was an improvement in their GDI.

Some 13% of the 669 companies involved are close to gender equality at board and executive level. Moreover, there are 87 companies where the absolute share of women in leadership is 40% or more, which is a significant improvement from 47% in 2019.

6.1. THE FRENCH CONTEXT

Since 1983, the legislation states that women cannot be denied a promotion because of their gender. Women's career paths must not be hindered by the fact that they are women and they should occupy leadership positions as much as men.

It is forbidden to mention, in a job advertisement, the gender (or marital status) of the candidate sought, or to take into account the candidate's gender as a recruitment criterion.

Similarly, it is forbidden to refuse to hire a person on the basis of gender, marital status or pregnancy, or on the basis of different selection criteria based on gender, marital status or pregnancy.

Whether it is training, classification, promotion, transfer, leave, disciplinary action or dismissal, no decision by the employer or clause in a collective agreement may take into account gender.

Despite this legislative framework, Women are about 30% less likely than men to become managers or to work in higher intellectual or liberal occupations³⁸. Moreover, in 2020, only a quarter of companies have near parity in their 10 highest earners³⁹.

Regulatory treatment and main legislative references

The **Law n° 83-635** of 1983 requires that a promotion cannot be refused based on gender.

The **Law n°2014-873** of 2014 imposes the extension of parity in all spheres of society (consultative bodies, professional orders, sports federations, consular chambers, etc.)

Facing the evolutions of several sectors of activity on the labour market, the **Law n° 2018-771** of 2018 provides a framework for professional retraining by adapting to the specific needs of certain sectors of activity, and anticipating retraining linked to changes in the professions.

Several laws promote the presence of women in leadership positions, mostly through quotas: **Law n°**

2006-340 of 2006⁴⁰; **Law n° 2000-493** of 2000⁴¹; **Law n° 2011-103** of 2011⁴²; **Law n° 2012-347** of 2012⁴³.

According to the **Labour code** (Article L. 1132-1), no person may be excluded from a recruitment or appointment procedure or from access to an internship or a period of in-company training, punished, dismissed or subjected to a discriminatory measure (direct or indirect), in particular with regard to remuneration, profit-sharing measures or the distribution of shares, training, reclassification, assignment, qualification, classification, professional promotion, transfer or renewal of a contract because of its gender.

Current and next general national policies and relevant examples of measures/ instruments adopted

The **Rixain bill** – that was adopted by the Parliament and is currently being examined by the Senate – intends to introduce quotas in the management bodies of companies. Companies with more than 1 000 employees will have to publish an annual gender-based snapshot of the 10% of positions of greatest responsibility within their company, with the aim of achieving a minimum proportion of representation of one gender among these positions. The goal is to have 30% women in these positions by 2027, and 40% by 2030. Companies that fail to meet these quotas will be subject to a financial penalty.

7. Support to self-employed women

Empowering women in the labour market and improving their access also means giving them the possibility to thrive as entrepreneurs and investors. The EU cohesion policy supports women's entrepreneurship, their (re)integration into the labour market and gender equality in specific, traditionally male, sectors.

To facilitate the creation of female enterprises, the obstacles to women's participation in economic life must be removed and the use of goods, financial services and the access to financing must be guaranteed for women on a basis of equality of men and women.

In addition, it's crucial to support women entrepreneurs/self-employed to focus on new opportunities in the digital and green economy through targeted tools, networks and entrepreneurial training.

Regulatory treatment and main legislative references

According to **CEDAW**, States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure, on a basis of equality of men and women, the right to bank loans, mortgages and other forms of financial credit (art.13). This provision requires States the duty to regulate the activity of third parties, which, in many cases, are not public bodies.

European Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (repealing Council Directive 86/613/EEC) lays down a framework for putting into effect in the Member States the principle of equal treatment between men and women engaged in a self- employed activity, or contributing to the pursuit of such an activity (art. 1). This directive therefore covers also the spouses of self-employed workers or the life partners of self- employed workers, not being employees or business partners, where they habitually participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks (art. 2).

The principle of equal treatment laid down by the directive prohibits directly or indirectly discrimination on grounds of sex, in the public or private sectors, in relation to the establishment, equipment or extension of a business or self-employed activity (art. 4).

Also in this field, Member States may maintain or adopt measures (positive actions), for instance aimed at promoting women's entrepreneurship initiatives, with a view to ensuring full equality in practice between men and women in working life (art. 5).

According to the Directive Member States shall ensure to female self-employed workers and female spouses and life partners maternity benefits (art. 8) in order to grant a sufficient maternity allowance enabling interruptions in their occupational activity in case of pregnancy or motherhood for at least 14 weeks. Spouses and life partners were also ensured social protection (art. 7).

Judicial or administrative proceedings should be available to all persons who consider they have sustained loss or damage as a result of a failure to apply the principle of equal treatment (art. 9) and compensation or reparation measures shall be introduced by the Member States for the loss or damage sustained by a person as a result of discrimination on grounds of sex (art. 10).

The prohibition of direct or indirect discrimination on grounds of sex in relation to conditions for access

to self-employment was stated also by the **Directive 2006/54/EC** (art. 14, par. 1, c);

According to **Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access and supply of goods and services**, there shall be no indirect discrimination or direct discrimination based on sex, including less favourable treatment of women for reasons of pregnancy and maternity (art. 4, par 1 a), b). This provision shall be without prejudice to more favourable provisions concerning the protection of women as regards pregnancy and maternity (art. 4, par 2). In addition, differences in treatment are allowed if the provision of the goods and services exclusively or primarily to members of one sex is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary (art. 4, par. 5) as well as the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures (positive actions) to prevent or compensate for disadvantages linked to sex. (art. 6) with a view to ensuring full equality in practice between men and women.

Finally, in all new contracts the Directive specified that the use of sex as a factor in the calculation of premiums and benefits for the purposes of insurance and related financial services shall not result in differences in individuals' premiums and benefits (art. 5).

Current and future European policies and relevant examples of instruments adopted

The European Social Fund (ESF) promotes entrepreneurship through financial and business support services. In this framework, targeted support is provided to underrepresented and disadvantaged groups, including women entrepreneurs. The ESF also encourages entrepreneurship as a way into working life²¹. Women in rural areas, in particular, are supported in setting up tourist activities as well as people (especially women) with children are offered IT skills to set up online and home-based businesses.

Targeted measures promoting the participation of women in innovation will be developed under the **Horizon Europe 2021 - European Innovation Council** (EU's key funding programme for research and innovation). Under these calls women candidates are particularly encouraged to apply and it provides EU Prize for Women Innovators which celebrates the women entrepreneurs behind game-changing innovations. In doing so, the EU seeks to raise awareness of the need for more women innovators, and create role models for women and girls everywhere.²²

In the frame of the European Strategy 2020-2025, the Commission also promotes the presence of women in decision-making positions in private equity and venture capital funds and it supports funds investing with gender diversified portfolios. A **gender-smart finance initiative under the InvestEU programme** is going to be launched by the European commission to stimulate funding for female-led companies.

In addition, the **Update Skills Agenda for Europe** underlines that the EU Commission will launch a **European action on entrepreneurship skills**, that includes connecting existing networks to provide a European entrepreneurial support for aspiring entrepreneurs, focusing on **young women entrepreneurs** and self-employment opportunities in the digital and green economy and incorporate a knowledge platform of online resources on entrepreneurial skills and opportunities for collaboration. For this purposes, the support will be provided by EU Cohesion policy.

Finally, over the years a lot of relevant European tools and networks in order to support women

²¹ <https://ec.europa.eu/esf/main.jsp?catId=457&langId=en>

²² <https://ec.europa.eu/research/eic/index.cfm>

entrepreneurship are provided: **the European network to promote women's entrepreneurship (WES)**²³, the **European Network of Female Entrepreneurship Ambassadors**²⁴; and the **European Network of Mentors for Women Entrepreneurs**²⁵. More recently: the **Europe-wide online platform WEGate** launched in September 2016 to provide information and links on access to training, mentoring, advice and business networking opportunities; **the Enterprise Europe Network (EEN)** which has a women entrepreneurship group on Facebook that gathers 21 partner organisations in 14 countries. The group connects women entrepreneurs to the network's business and innovation support activities and provides concrete services, such as business partnering, access to foreign markets etc; the **European community of women business angels and women entrepreneurs** - created in 2017 by means of 4 projects covering 14 EU countries and funded by the European Parliament - to support women entrepreneurs in accessing alternative sources of funding.

BOX 7 - EUROPE-WIDE ONLINE PLATFORM WEGATE THE EUROPEAN GATEWAY FOR WOMEN'S ENTREPRENEURSHIP (2016-ONGOING)

WEgate is an online platform launched by the European Commission (DG GROW) with the contribution of EU COSME Program in order to support a network composed of a growing and diverse number of stakeholders which are engaging to support women entrepreneurs across Europe. The platform is managed by a consortium led by the European Small Business Alliance (ESBA) and also composed of Business Angels Europe (BAE), MIR Foundation (Foundation for Management and Industrial Research) and GYB International.

When establishing and running a business, women in particular, face challenges like access to finance, information, business networks and training and many work-life balance problems. They therefore need to have all the possible support tools at their disposal. On this basis, WEgate unites all initiatives supporting women entrepreneurship into one platform dedicated to women entrepreneurs and their needs related to starting, financing, and managing their businesses. The intention is to create a hub for connecting women entrepreneurs with support organisations at local, regional, national and European level, thus facilitating their access to mentoring and business networks across Europe. Networking is key not only when starting a business in order to exchange knowledge and increase your confidence but also to get visibility at all stages of running a business.

The platform does not provide support services or advice (it has not commercial purposes). WEgate's content and resources aim instead to direct women to other sources of information or contacts (other support organisations and female entrepreneurs) that can support them and answer to their individual question for example, on how to find information to doing business in Europe, such as to start or grow or access to finance (a section of the platform is specifically related to financing & funding). The platform includes both the possibility to filter for European countries on many of its pages and an international perspective whenever possible to help women to expand their network even outside Europe

Success stories, challenges, lessons learnt, news and event related to women's entrepreneurship are published regularly on WEgate. The content is also shared via European Commission and EASME²⁶ owned Social Media channel. In addition, registering to the platform allows women entrepreneurs to entry the community, to share knowledge and good practices collected on the platform as well as to be identified as a resource person for other women entrepreneurs or organisations in this field.

Recently, WEgate has opened the WEbarometer 2021. This year's edition is dedicated to finding out the best way to support the growth of businesses driven by women entrepreneurs in Europe.

The data that will be collected from the survey will inform the platform planning and actions in the months to come, as well as inform the decision-making process of European policymakers.

²³ It is a policy network with members from 31 European nations (the EU countries, Iceland, Norway, and Turkey), whose the delegates represent national governments and institutions;

²⁴ Launched in 2009, it made up of around 270 entrepreneurs from 22 European countries, with the aim of acting as role models by telling their story to raise awareness and encourage entrepreneurship as a career option for women of all ages

²⁵ The Mentors Network was inaugurated in 2011(70 European countries are part of it).This network provides advice and support to women entrepreneurs on the start-up, management and growth of their businesses in the early phases.

²⁶ The Executive Agency for Small and Medium-sized Enterprises (EASME) has been set-up by the European Commission to manage on its behalf several EU programmes in the fields of SME support & innovation, environment, climate action, energy and maritime affairs.

7.1. THE FRENCH CONTEXT

The legislation mostly defines and frames mainly the practices of self-employed workers but does not take into account the gender dimension.

In 2018, in France, 11,4 % of working people are self-employed. This share is lower among women (7.9%)⁴⁹.

Women entrepreneurs are 30% less likely than men to obtain financing⁵⁰.

Regulatory treatment and main legislative references

The **Labour code** (Articles L6331-48 à L6331-53) defines the status of a self-employed person.

The self-employed person carries out an economic activity by being on his own account. He/she is autonomous in the management of his/her organization, in the choice of his/her clients and in the pricing of his services⁵¹.

There is a specific category of self-employed workers, called “auto-entrepreneurs”. Their status is defined by the **Law n° 2008-776** of 2008.

The “auto-entrepreneur” regime applies to individuals who create or already own a sole proprietorship to carry out a commercial, craft or liberal activity (except for certain excluded activities), on a principal or complementary basis⁵².

Current and next general national policies and relevant examples of measures/instruments adopted

The “**Garantie Égalité Femmes**” (Equality Guarantee for Women) is set up by France Active, a solidarity-based financier for employment. This system facilitates access to bank credit for women with business creation, takeover or development projects.

The “**Honorary loan**” (zero rate loan) is granted by the Initiative France associative network without requiring a personal guarantee or interest. It allows self-employed women to strengthen their equity capital and thus have easier access to larger loans. Without replacing the loan, it simplifies the process thanks to a leverage effect.

In 2021, a **Framework agreement for women entrepreneurship (2021-2023)** was signed between the Ministry of Equality between Women and Men, Diversity and Equal Opportunities and Bpifrance (see Table 1). The objective of this agreement is to develop the creation and takeover of businesses by women. It provides, among other things, the development of **Regional action plans for women’s entrepreneurship** (Plans d’action régionaux pour l’entrepreneuriat des femmes (PAREF)).

Regarding the investment sector, the **Rixain bill** – that was adopted by the Parliament and is currently being examined by the Senate – states that the public bank “Bpifrance” will have to respect gender diversity objectives in its support to companies and a threshold of 30% of women in project selection committees⁵⁴.

TABLE 4 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Framework Agreement on Women's Entrepreneurship
BODY RESPONSIBLE FOR IMPLEMENTATION	Ministry in charge of Equality between women and men, Diversity and Equal opportunities
PERIOD OF IMPLEMENTATION	2021-2023
ERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Current or future self-employed women and actors of the business creation ecosystem
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	<p>Definition of the national strategy: Ministry in charge of Equality between women and men, Diversity and Equal opportunities and Bpifrance</p> <p>Actors of the business creation ecosystem: business creation and takeover support networks; banking networks that are committed to women's entrepreneurship (BNP Paribas, the Fédération Nationale des Caisses d'Epargne and the Caisses d'Epargne); other actors of the entrepreneurial ecosystem</p>
SHORT DESCRIPTION OF MEASURE (objectives and actions)	<p>Objectives:</p> <ul style="list-style-type: none"> » Access to and development of a support offer favorable to the creation/ takeover and growth of businesses run by women with the development of a new generation of Regional action plans for women's entrepreneurship (PAREF) in partnership with the Regions (these plans rely on central services and associations specialised in business creation support to assess the most appropriate tools and devices for each geographic area); » Increasing the amount of financing granted to women entrepreneurs and business owners; » The fight against gender stereotypes that can affect the actors of the entrepreneurial ecosystem; » The mobilization of all the actors of the business creation ecosystem and thus contribute to the coordination and promotion of actions in favour of women's entrepreneurship.
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	No data

8. Maternity protection and work-life balance for both parents

Over the years a protection system was drafted for pregnant workers, workers who have recently given birth or who are breastfeeding based on the fact they need specific measures with regard to their safety and health and to avoid some types of activities which may pose them at specific risk. The protection system also provides for pregnant workers the right to maternity leave. This protection system does not conflict with the directives concerning equal treatment for men and women.

Work-life balance remains a considerable challenge for many parents and workers with caring responsibilities, in particular because of the increasing prevalence of extended working hours and changing work schedules, with a negative impact especially on women's employment.

The care-giving responsibilities are, in fact, some of the main reasons why women tend to work less than men and in lower-paid sectors, take more career breaks and have fewer and slower promotions.

Improving the work-life balance of all workers (women and men) and promoting equal care responsibilities between parents are therefore crucial for addressing the gender gaps in the labour market. Both parents need in fact to feel responsible and entitled when it comes to family care.

Currently the lack of paid paternity and parental leave in many Member States, instead, contributes to the low take-up of leave by fathers.

Beyond parental leaves also flexible working arrangements for all workers are among the most effective measures to promote work-life balance and equal sharing of caring responsibilities between parents.

Regulatory treatment and main legislative references

According to **Cedaw** (art. 11, par. 2, a, b, c, d), in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures in order to prohibit dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status, to introduce maternity leave with pay without loss of former employment, to encourage the provision of a network of child-care facilities to enable parents to combine family and work responsibilities, as well as to provide special protection to women during pregnancy in types of work harmful to them.

The **ILO Maternity Protection Convention, 2000 (No. 183)** establishes that each Member shall adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to them (art. 3). Women shall be entitled to a period of maternity leave of not less than 14 weeks (including a compulsory period of six weeks after childbirth, unless otherwise agreed at the national level (art. 4), as well as shall be entitled a leave in case of illness or complications (art. 5). In both cases, according to art. 6, cash benefits shall be provided to women and the amount of such benefits for maternity leave shall not be less than two-thirds of the woman's previous earnings. Cash benefits shall also ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. Where a woman does not meet the conditions to qualify for cash benefits under national laws, she shall be entitled to adequate benefits out of social assistance funds. Finally, medical benefits shall be provided for the woman and her child that include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary. A woman shall be provided also with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child and these breaks or reductions shall be counted as working time and

remunerated accordingly (art. 10).

With regards the provisions about maternity and discrimination for access to employment (art.9) and the right to return to the same position after maternity (art. 8) see the previous fiche on gender equality in job access and women's career paths and leadership positions topics.

Directive 92/85/EEC 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 in particular provides for the employer obligation to assess any work activity risks to the worker safety or health and if it is necessary to modify temporarily the working conditions and or the working hours of the worker or to move her to other job (artt. 4, 5). The Directive also provides cases in which exposure is prohibited (art.6), the prohibition of night work (art. 7), the right of maternity leave for at least 14 weeks (art. 8), the prohibition of dismissal during the period from the beginning of the pregnancy to the end of the maternity leave (art. 10) and specific employment rights relating to the employment contract, including the maintenance of a payment and/ or the entitlement to an adequate allowance (art. 11).

The **Directive 2006/54/EC** regulates the return from maternity leave (art. 15). It specifies that a woman on maternity leave shall be entitled, after the end of her period of maternity leave, to return to her job or to an equivalent workplace on terms and conditions which are no less favourable to her and to benefit from any improvement in working conditions to which she would have been entitled during her absence.

The Directive also provides the right of Member States to recognise paternity and adoption leave specifying that they shall take the necessary measures to protect working men and women against dismissal due to exercising of those rights and ensure that, at the end of such leave, they are entitled to return to their jobs or to equivalent workplaces on terms and conditions which are no less favourable to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence (art 16).

The recent **European Directive 2019/1158 on work-life balance for parents and carers** (repealing Council Directive 2010/18/EU)²⁷ lays down minimum requirements related to paternity leave provided for 10 working days on the occasion of the birth of the worker's child (art. 4), parental leave – individual right quantified at least in four months for each parents of which two not transferable months and which can be requested in flexible ways (art. 5) and carers' leave provided for five working days per year (art. 6), the right to time off from work on grounds of force majeure for urgent family reasons (art. 7). This directive also provides the right to payment or allowance for workers who exercise their right to leave (art. 8) and the right to request flexible working arrangements for caring purposes for workers with children over 8 years hold and carers (art.9).

All employment rights shall be maintained during the leaves or time off from work and at the end of leaves workers are entitled to return to their jobs or to equivalent posts on conditions which are no less favourable and to benefit from any improvement in working conditions (art. 10). Any Discriminations on the ground that they have taken leaves or exercised time off from work should be prohibited provided (art. 11) as well as the dismissal of workers for the same reasons (art. 12).

8.1.

²⁷ It builds on the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights

Current and future European policies and relevant examples of instruments adopted

The insufficient access to quality and affordable care services and the unequal sharing of care responsibilities between parents are two of the key drivers of gender inequality in the labour market.

The **Barcelona targets for high quality and affordable childcare** set in 2002 by the European Council, formed over the years a crucial part of the European Commission's strategy to ensure women can participate fully in the labour market. These targets are today mostly met but some Member States are significantly lagging behind²⁸. For these reasons, the Commission will revise the Barcelona targets in 2022 in order to ensure further upwards convergence among Member States of early childhood education and care. In addition, the Commission continues supporting Member States' work on improving the availability and affordability of quality care services for children and other dependents through investments from the European Social Fund Plus, the European Regional Development Fund, the InvestEU programme and the European Agricultural Fund for Rural Development.

The principles of gender equality and work-life balance are currently reaffirmed in the **European Pillar of Social Rights**, proclaimed by the European Parliament, the Council and the Commission on 17 November 2017 and in the most recent **European Pillar of Social Rights Action Plan** (COM (2021) 102 final)²⁹ tabled by the European Commission in 2021.

More recently (December 2020), moving on from the Work-life Balance Directive (EU/2019/1158), the Council of the European Union³⁰ stressed the importance of narrowing the gender pay gap, considering both paid and **unpaid work** and inviting Member States to take steps to ensure equal professional opportunities and to fulfil what is established in the Work-life Balance Directive.

In addition, given the introduction of mandatory telecommuting in most of the economic sectors, the European Parliament underlined the need for setting more solid boundaries between working and life time, without consequences for the workers. In January 2021 it called on the Commission to put forward a proposal for a directive³¹ on minimum standards and conditions to ensure that workers are able to exercise their right to disconnect stressing the importance of focusing on quality of life at work.

²⁸ https://ec.europa.eu/info/sites/info/files/bcn_objectives-report2018_web_en.pdf.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions empty. The European pillar of social rights action plan, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A102%3AFIN&qid=1614928358298>

³⁰ <https://www.consilium.europa.eu/media/47063/st13584-en20.pdf>

³¹ <https://www.europarl.europa.eu/news/en/press-room/20210114IPR95618/right-to-disconnect-should-be-an-eu-wide-fundamental-right-meps-say>

BOX 8 – COUNCIL CONCLUSIONS ON TACKLING THE GENDER PAY GAP: VALUATION AND DISTRIBUTION OF PAID WORK AND UNPAID CARE WORK (DECEMBER 2020)

The Council invites the member States in its conclusions to take steps to encourage and facilitate an equal distribution of paid work and unpaid care work between women and men and to facilitate the equal take-up of parental leave by them, in accordance with the Directive on Work-Life Balance for Parents and Carers. The Council also invites Member States to ensure that unpaid care work is recognised and valued, including by improving the understanding of its social and economic significance and impact, drawing on valid data. The Council Conclusions, in particular, underlines the need to improve public infrastructures and the availability of external services in order to support women and men in the sharing of paid work and unpaid care work on an equal basis as well as it promotes the externalisation of direct and indirect unpaid care work, for example, by examining the possibility to financially support working parents, single parents or caring relatives in using personal and household services. The public infrastructures and external services that provide direct care have to be flexibly designed in such a way as to be available, accessible and affordable for all households or persons in both rural and urban areas, including in terms of public transport. The improvement of the quality of care has also to be pursued by offering qualifications and training to employees.

8.2. THE FRENCH CONTEXT

Although the legislation about maternity protection and work-life balance is quite comprehensive, the arrival of a child still leads to professional inequalities.

Women are more concerned by single parenthood. In 2019, 20.6% of children under age 18 lived in a single-parent family: in these families, 85.5% of children live with their mother⁵⁸.

Less than 1% of fathers take full-time parental leave after the birth of their child, compared to nearly 14% for mothers. Part-time leave appeals to only 0.9% of fathers of one child (13.2% of mothers) and 1.8% of fathers of two or more children⁵⁹.

In France in 2018, among employed or formerly employed persons aged 25 to 49, women with family responsibilities⁶⁰ are less likely to be employed (76%) than those who do not (84%). The phenomenon is reversed for men: 91% of men with family responsibilities are employed, compared to 82% of those without⁶¹.

When employed, 45% of women aged 25-49 with family responsibilities report that being a parent has had an impact on their work situation, nearly twice as many as men. In fact, women are much more likely than men (16% versus 3%) to report that their family responsibilities have led them to reduce their working hours, either within their job or by changing jobs⁶².

Regulatory treatment and main legislative references

The **Law n° 2006-396** of 2006 introduced the criterion of pregnancy in the list of prohibited discrimination criteria.

According to the **Labour code**, female employees are entitled to maternity leave before and after childbirth, during which their employment contract is suspended⁶³. During the period of medically confirmed pregnancy, during all the periods of suspension of the employment contract to which the employee is entitled by virtue of maternity leave, and by virtue of the paid leave taken immediately after the maternity leave, as well as during the ten weeks following the expiry of these periods, the employee may not be dismissed.

The **Circular of 2007** concerning the application of the 2006 **Law n° 2006-340** provides a “salary

catch-up” for employees on maternity leave. If any pay increases were decided or paid during her absence, a salary adjustment must be applied.

The employee father benefits from the protection against dismissal during the ten weeks following the birth of the child (Article L. 1225-4-1 of the **Labour code**). Due to the **Decree n° 2021-574** of 2021, paternity and childcare leave goes from for a period of 11 days to 25.

According to the **Labour code**, following the birth of a child, any employee may take parental leave – full leave or part-time work – to interrupt or reduce his or her professional activity in order to raise the child.

The **Law n° 2014-873** of 2014 aims to encourage fathers to take parental leave. It introduces the **“Shared Child Education Benefit”** (PreParE), a financial aid paid to parents who stop or reduce their professional activity to take care of their child(ren) under 3 years old.

Current and next general national policies and relevant examples of measures/ instruments adopted

Two measures of the **Rixain bill** – that was adopted by the Parliament and is currently being examined by the Senate – are directed towards pregnant women and mothers⁶⁴.

The law should allow single-parent families receiving the family support allowance (ASF) to be guaranteed places in a childcare centre in order to take up a job, to create an activity or to participate in professional support actions.

It will also facilitate access to telework for pregnant women in the twelve weeks preceding their maternity leave.

9. Occupational social security, health protection and safety in working conditions

*The principle of equal treatment for men and women in matters of social security refers to the **statutory social schemes** which provide protection against the risks of sickness, invalidity, old age, accidents at work, occupational diseases and unemployment, **social assistance** as well as **occupational social security schemes** in so far as it is intended to supplement or replace the abovementioned statutory social schemes.*

*The right to safety in working conditions also includes the **prevention and the protection from harassment and sexual harassment**. They both are considered discriminations on basis of sex and contrary to the European rules on equal treatment between men and women at work. These forms of discrimination occur not only in the workplace, but also when accessing to employment, vocational training and promotion. Harassment and violence can potentially affect any workplace irrespective of the size of the company, field of activity or form of the employment contract.*

Regulatory treatment and main legislative references

According to **CEDAW** (art. 11), States Parties shall take all appropriate measures to eliminate discrimination and ensure, on a basis of equality of men and women, **the right to social security**, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave (e); and **the right to protection of health and to safety in working conditions**, including the safeguarding of the function of reproduction (f).

The recent **ILO Convention No 190 concerning the elimination of violence and harassment in the world of work** (2019) acknowledges that harassment in the workplace affects a person's psychological, physical and sexual health. It also recognises that violence and harassment may prevent people – particularly women – from accessing, remaining and advancing in the labour market. It calls for States to establish specific rights in order to protect workers (sanctions, effective complaint mechanisms, support, and remedies etc.); and to adopt laws and regulations requiring also employers to take appropriate steps to prevent “violence and harassment in the world of work”, including “gender-based violence and harassment”.

At European level, the **Council Directive 79/7/EEC of 19 December 1978** is the first European legislation **in matters of social security**, that affirmed the principle of equal treatment, that is the prohibition of discrimination on ground of sex, either directly or indirectly, by reference in particular to marital or family status, with reference to **statutory schemes** which provide protection against sickness, invalidity, old age, accidents at work and occupational diseases, unemployment as concerns as well as **social assistance**, in so far as it is intended to supplement or replace the former (art. 3). The directive specifies that the principle of equal treatment shall be without prejudice to the provisions relating to the protection of women on the grounds of maternity (art. 4, par 2). Moreover, a number of other exceptions to the principle have been introduced to allow for positive discrimination for women who interrupted their careers for child care: determination of pension age, acquisition of benefit entitlements after career breaks for child care, increases of pensions for a dependent wife and the

granting survivor's pensions.

The **Directive 2006/54/EC**³² completes the previous legislation affirming the **principle of equal treatment in occupational social security schemes**, benefits to supplement those provided by statutory social security schemes or to replace them, which providing protection against sickness, invalidity, old age, including early retirement, industrial accidents and occupational diseases, unemployment. They can refer to other social benefits, such as survivors' benefits and family allowances, if such benefits are paid by the employer to the worker by reason of the latter's employment (art.8). The provisions do not prejudice to possibility of adopting positive actions with a view to ensuring full equality in practice between men and women in working life (art. 4).

Both Directives prohibit direct or indirect discrimination on grounds of sex as regards: the scope of such schemes and the conditions of access to them; the obligation to contribute and the calculation of contributions; the calculation of benefits, and the conditions governing the duration and retention of entitlement to benefits.

The right to safety in working conditions also includes the **prevention and the protection from harassment and sexual harassment**. In this purpose the **Directive 2006/54/EC (art. 26)** specifies that Member States shall encourage, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, among which harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion.

Current and future European policies and relevant examples of instruments adopted

In the framework of safety in working conditions, to address harassment in work contexts, international and European policies promote an inclusive and gender-responsive approach, which tackles causes, including gender stereotypes, multiple and intersecting forms of discrimination and unequal gender-based power relations.

European Parliament strongly condemns the cases of sexual harassment and stresses that it is crucial for the EU institutions to firmly stand against any form of gender discrimination. In this context two EP Resolutions are recently issued (EP Resolution 2897/2017 *on combating sexual harassment and abuse in the EU* and EP Resolution 2018/2055 *on measures to prevent and combat mobbing and sexual harassment at the workplace, in public spaces, and in political life in the EU*) on this subject. In order to push an institutional change a group of EP workers started the @MeTooEP campaign (2018)³³, which acts in close interaction with the formal and informal institutions of the EP.

According to Gender Equality Strategy 2020-2025, also the EU Commission (as an employer) will soon adopt a new comprehensive legal framework with a set of both preventive and reactive measures against harassment in the workplace.

³² This Directive recast the main provisions of the Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes)

³³ More detail can be found on: <https://metooep.com/>

BOX 9 - EUROPEAN RESOLUTIONS AND @METOOEP – AWARENESS RAISING CAMPAIGN AND BLOG

The #MeTooEU initiative is a movement launched in March 2018 and led by parliamentary assistants (Accredited Personal Assistants (APAs) working with MEPs) to combat sexual harassment and call for exemplary working conditions within the European Parliament. MetooEP allows victims of sexual harassment to speak freely about the violence they have encountered and to denounce all kinds of abuse, power imbalance and violence through a blog on which stories of sexual harassment within the institution are anonymously published.

The blog wants to help put better rules in place, in line with the provisions established by the EP resolution 2897/2017 on combating sexual harassment and abuse in the EU (October, 2017), which still have to be implemented.

The text called on the Parliament to set up a “committee of independent experts” to examine the issue, launch an “impartial” investigation into reported cases and “implement the most severe sanctions where necessary, while supporting and providing legal advice to the victims, if the cases potentially involve punishable behavior.” The Resolution also focused on another crucial element that need to be used as guidelines in every workplace to guarantee minimum standards of protection to all workers when it comes to situations of harassment: a mandatory training against sexual harassment for all employees, including the persons in high positions, as sexual harassment occurs mostly due to the abuse of power.

These demands were reiterated in the EP resolution 2018/2055 of November 2019, also confirming the support of newly elected Members of the EP (RSP) to the goals of MeTooEP.

9.1. THE FRENCH CONTEXT

In the legislation, employers have obligations in terms of social security, health and safety. These obligations apply to all workers, regardless of gender, but some of them are more focused on the safety and security of women. This includes measures regarding sexual harassment and sexist behaviour in the workplace.

Employer obligations do not clearly address domestic violence and legislative work remains to be done on this specific subject.

Regulatory treatment and main legislative references

According to the **Labour code**, the employer must ensure the health and safety of its workers by implementing prevention, information and training measures (see Table 1).

The **Law no 92-1179** of 1992 introduces the offense of sexual harassment at work.

The **Law n° 2012-954** of 2012 defines the offence of sexual harassment and recognise the fact of having suffered, refused to suffer, or reported sexual harassment as a ground for discrimination.

In 2015, the concept of sexist behaviour is introduced into the **Labour Code** (Article L. 1142-2-1). Due to the **Law n° 2016-1088** of 2016, the prohibition of any sexist behaviour is introduced in the company's internal regulations.

The **Law n° 2014-873** of 2014 states that all the professionals involved in the support of the women victims of violence should be trained on domestic violence, violence against women and the mechanisms of psychological control.

The **Circular LR 2014_054** of 2014 states that the calculation of the “Revenu de Solidarité Active” (RSA) – a welfare benefit – should take into account situations of domestic violence.

The **Decree n° 2019-797** of 2019 states that a resignation is considered legitimate when it occurs

because of a change of residence justified by a situation where the employee is a victim of domestic violence and for which she can justify having filed a complaint with the public prosecutor. She can thus have access to unemployment benefits.

The **Decree n° 2020-683** of 2020 gives victims of domestic violence the right to unlock their savings early to have access to funds in a short period of time.

Current and next general national policies and relevant examples of measures/instruments adopted

France will ratify the **ILO Convention No 190** against violence and harassment at work. However, no change in the legislation is planned since it is already considered “compliant” by the government. French companies are not required by law to act on domestic violence and to take into account the particular situation of victims. It was announced that a negotiation effort could be made regarding domestic violence.

During the 2019 “**Grenelle against domestic violence**”, a measure regarding occupational health was announced but is not implemented yet. The issue of domestic violence should be integrated into “Occupational health plans” (PST) and “Regional occupational health plans” (PRST) in order to reduce the consequences of domestic violence in the workplace⁶⁶. These plans are co-constructed by trade unions and employers’ organizations, social security agencies, occupational health and safety professionals and government agencies. They set objectives concerning safety at work but do not currently take domestic violence into account.

TABLE 5 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Occupational health and safety: employer's obligations (Labour code; Articles L4121-1 to L4121-5)
BODY RESPONSIBLE FOR IMPLEMENTATION	Employers
PERIOD OF IMPLEMENTATION	Undefined
ERRITORIAL COVERAGE (national, regional, local)	National
TARGET	CEmployers and employees
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	Implementation of prevention, information and training measures, and assessment of occupational risks at each workstation by employers
SHORT DESCRIPTION OF MEASURE (objectives and actions)	<p>Employers must take steps to ensure the safety and protect the mental and physical health of all your workers at their workplaces::</p> <ul style="list-style-type: none"> » Actions of prevention of the professional risks on several points, including psychosocial risks such as work overload, aggression and internal and/or external violence » Information and training actions (possibly on violence against women) » Organization and adapted means (modification of working hours for safety, for instance) » Evaluation of risks in the company (including risk of harassment, for instance) » Document for the evaluation of professional risks which gathers the results of the risk assessment and must be updated regularly » Implementation of actions linked to the risk assessment (organisation of training, for instance)
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	No data

Partnership

ActionAid Italia, Italia

Istituto per la Ricerca Sociale (IRS), Italia

Rel.azioni Positive Società Cooperativa Sociale, Italia

Center for Sustainable Communities Development, Bulgaria

Fondation Agir Contre l'Exclusion (FACE), Francia

Women's Center Of Karditsa (WCK), Grecia



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