

While the EU remains committed to gender equality, the reality still falls far short of policy-makers' goals.

Blog Admin

Gender equality is one of the founding values of the EU, and one which the EU's institutions have been mandated to integrate into all of their policies since the 1990s. [Ania Plomien](#) looks at EU legislation aimed at reducing inequality between men and women, finding that while some improvements have been made in recent years, gender relations remain stubbornly unequal and the goals frequently outlined by EU policy-makers are often curtailed by politics and processes across Europe.



That 'equal treatment of men and women has been a fundamental tenet of the European Union since its inception and the principle of gender equality is central to all its activities' is a bold introductory statement to the recently published 'Gender Equality in the European Union' [brochure](#). Such certainty and conviction lend themselves to critical scrutiny from many angles, including what the principle of gender equality entails; the extent to which five and a half decades of commitment to equal treatment has delivered tangible results; or the degree to which this EU founding value has indeed been incorporated into all its activities.

Firstly, at the EU level the concept of gender equality tends to centre on labour market issues – gaps between male and female employment rates or the gender pay gap being key. Increasingly, broader political and social concerns have been incorporated, such as achieving equality in decision making or ending gender based violence. Secondly, while the EU institutions note that significant progress in the field of equality has been achieved, they also acknowledge that substantial gender gaps remain. To this effect, besides equal treatment legislation and other initiatives, [The strategy for equality between women and men 2010-2015](#) aims at promoting gender equality in the EU and beyond. And thirdly, the integration of the gender perspective into all policies at all stages of the policy process by all participating actors, namely gender mainstreaming, is a [strategy](#) that has been adopted by EU institutions and Member States since 1996. On the whole then, attention, commitment and action towards attaining gender equality are evident, but they remain problematic and incomplete.

Reconciliation of work and family life policies in the EU are a case in point. Their goal of enabling individuals to combine employment with care responsibilities rests on a feminist insight that unequal gender division of labour, paid and productive versus unpaid and reproductive, is a central dimension of enduring gender inequalities. Addressing this divide is thus a key gender equality objective in its own right. But it is also claimed to benefit from positive synergies with other social, economic, and political concerns – for instance child well-being, social cohesion, poverty, fertility and ageing, employment and growth, or governance and democracy. The

concurrence of equality-based and instrumental rationales provides strong justification and sound political legitimacy for policy action which, one would expect, would translate into significant and



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sustained approaches in this area. Without a doubt, the EU institutions have provided an important stimulus for Member States through legislation, soft law and monitoring in the three main pillars of reconciliation policy of statutory leave arrangements, organisation of working time, and the provision of childcare facilities.

At present, the [EU Pregnant Workers Directive](#) grants women entitlement to 'at least 14 weeks of paid maternity leave' with diversity across the Member States beyond the stipulated minimum in terms of length and income replacement levels – maternity leave varies from 14 to 28 weeks, and in certain cases extends to 52 weeks, while compensation varies between the equivalent of sick pay to full pay. In the UK, for example, the provisions are 12 months' maternity leave, with the first six weeks on 90 per cent income replacement level followed by 33 weeks with statutory pay of £135.45 per week. Paternity leave is not currently regulated by the EU, although 20 EU countries have leave entitlements ranging from 2 to 90 working days, with compensation [varying from none to full pay replacement](#). Proposals to amend the Directive have been initiated by the Commission in 2008, and two years later were voted somewhat more ambitiously by the European Parliament to provide for a minimum period of paid maternity leave of 20 weeks and for 2 weeks of paid paternity leave.

However, national ministers of the EU did not support these improvements – indeed it has become 'crystal clear' that the reforms are '[unacceptable to the Council](#)'. This view was expressed amid bitter opposition also from the UK coalition government and the business community as, according to the British Chamber of Commerce, an annual bill of an additional £2.5 billion levied on employers or public finances is '[deeply out of touch with reality](#)'. Paradoxically, the uncollected corporation tax in the UK in 2010-11 was [estimated](#) at £4.1 billion – so it is more a question of power and politics in deciding how care is provided, shared and valued and requires decision-makers to get in touch with that kind of reality. With similar resistance also present in other EU countries, the *status quo* of the Directive after four years of consultations and negotiations remains blocked.

A slightly better fate met regulations on parental leave, which have recently been reformed through the [2010 Framework Agreement](#) extending the leave period from 3 to 4 months for *each parent* and applying to all workers and types of employment contract. However, the prevailing trend in all European countries is the continued disproportionate take-up of parental leave by mothers, which also interact with other socio-economic factors, such as family size or opportunity cost of income from employment. So, there is a limit to the extent that this arrangement resolves gender, class and other inequalities and enables parents to reconcile care with paid employment in an equal or equitable manner.

Similarly, [part-time work](#) and [working time directives](#) promote gender equality by addressing discrimination of part-time workers and setting an upper limit on working time of 48 hours. However, these seemingly gender neutral regulations do not overcome the gendered patterns of working time arrangements which tend to bifurcate into feminine and masculine models of availability for paid employment. In cases where differences in working time are combined with other forms of flexible employment contracts, such as fixed-term, the precarious circumstances of workers are compounded. As such the room for the legal framework to enhance gender and other dimensions of equality remains considerable.

And finally, the provision of childcare services too represents a mixed picture, where EU soft law encourages Member States to expand on the quantity of facilities, setting in 2002 coverage targets of at least 33 per cent for children under 3 years of age, and at least 90 per cent for children between 3 and school age to be achieved by 2010. While a number of countries took on board these proposals and made progress in this area (24 states for the younger group and 20 for the older), by 2010 only about a third of EU countries met or exceeded these levels.

A partial analysis of EU developments in reconciliation of work and family can only yield partial conclusions, but even such a fractional exercise allows for making some well-founded arguments. One is that the notion of gender equality prevalent across the EU does not overcome the problem of the gender division of labour. If the attainment of gender equality demands that care be shared within households as well as within the society, policies largely designed to make women's lives more like men's (and not vice versa) will remain incomplete. Second is that, while the record on the attainment of gender equality points to some definitive improvements, gender relations and their impact on well-being remain

stubbornly unequal. And third, while the principle of gender equality is taken into account by policy makers at EU and Member State levels, the politics and the processes are contested, uneven, and do not live up to the goals so frequently articulated in official and publicity documents. All these points of critique apply even before the specificity of lone parents, migrant and transnational families, long term care of dependent adults, or the pay and working conditions of carers in the formal and informal spheres are brought into the picture.

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