

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Women's Rights and Gender Equality*

**2007/2023(INI)**

8.5.2007

## **OPINION**

of the Committee on Women's Rights and Gender Equality

for the Committee on Employment and Social Affairs

on modernising labour law to meet the challenges of the 21st century  
(2007/2023(INI))

Draftswoman: Kartika Tamara Liotard

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## SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas research has shown that in the new economy social and in particular gender inequalities exist and will tend to intensify, mainly in those sectors where trade unions are weak and no collective agreements exist,
- B. whereas basic employment or social protection rights might be significantly reduced for women, giving rise to a situation of uncertainty about future employment prospects and affecting crucial choices in their private lives such as planning a family,
- C. whereas women are in a disadvantaged position in the labour market and are disproportionately represented in part-time work and in new, often precarious, forms of working arrangements, such as non-permanent contracts and rental work contracts, facing obstacles in seeking access to full social rights and benefits, as well as equal salaries and career opportunities,
- D. having regard to the forms of discrimination suffered by women as regards access to the employment market and resulting in a higher risk of poverty, in particular persistent income differentials even in the case of women whose education and training levels equal or exceed those achieved by men,
- E. whereas the disadvantaged situation of women on the employment market means that they are paid on average 15% less than men, even though equal pay for men and women has been enshrined in EU law ever since that law came into being,
- F. whereas inequalities generate a direct and indirect economic cost and whereas - on the contrary - equal treatment generates competitive advantages, hence the establishment of equal treatment constitutes a major strategic contribution to social and economic development; whereas, furthermore, the European Union cannot afford to dispense with the energy and the productive capacity of women, who make up half of the population,
- G. whereas women are now confronted with a triple bind, i.e. to increase their labour market participation, to give birth to more children and to face a growing demand for caring responsibilities in their families, while it is nearly always the woman who is required to make the compromises necessary to fit work around the family's needs and who experiences high levels of stress and anxiety because of the combination of working and caring roles,
- H. whereas women often leave the labour market for extended periods of time because of child or family care responsibilities and their chances of reintegrating into the labour market are reduced,
- I. whereas it is a fact that hundreds of thousands of women accept irregular conditions of

employment because they have no choice because they are domestic workers outside their own household or have caring responsibilities for elderly family members,

1. Points out that the adoption of measures to enhance social security rights and benefits for part-time workers and for those with flexible or atypical working arrangements, and the adoption of measures to ensure the transformation of undeclared work into regular work, are of crucial importance in terms of gender equality in view of the fact that the majority of these workers concerned are women; calls upon the Member States to uphold the right to work, particularly in the context of the new social realities and recent developments in working arrangements,
2. Calls on the Commission and the Member States to guarantee the right to social protection and to a minimum income to allow a secure existence which should be disconnected from the employment record and type of contract and guaranteed to all individuals as a fundamental right;
3. Stresses that non-permanent contracts that are renewed several times should be required by law to be made permanent; calls for more efficient control of the use of non-permanent contracts;
4. Emphasises that the employment situation in Europe is not in line with the basic objectives of the European Union, which is to improve the living and working conditions of its populations, nor with the Lisbon agenda, which aims at more and better jobs, full employment and social inclusion and an employment rate for women of 60% by 2010; calls on the Commission to address these matters urgently;
5. Calls on the Commission for the effective implementation of gender mainstreaming in its consultation process; points out that the Commission Green Paper on Modernising the law to meet the challenges of the 21st Century (COM(2006)0708) (Green Paper) fails to focus on gender-differentiated effects in regard to the proposed alterations;
6. Calls on the Member States and employers to provide new opportunities through flexible working hours and to promote part-time and self-employed jobs while ensuring social protection and pension rights in order to enhance the participation in the workforce of women, young and older people;
7. Stresses that competitive pressures have contributed to widening economic inequality and increasing demands for labour flexibility, with a negative impact on women in terms of pay gap and occupational and sectoral segregation, their prospect of economic independence, and their social protection;
8. Stresses that labour law must take as its starting point the elimination of the gender pay gap; believes that gender pay gaps in different labour sectors reflect the lack of respect for the work accomplished by women;
9. Stresses the necessity of introducing a correct evaluation system of both women and men's work in order to implement the principle of equal pay for work of equal value, which is not applied in many cases;

10. Points out that there is a strong gender and inter-generational dimension to the risk of having a weaker position in the labour market, since women, older and also younger workers engaged on non-standard contracts have fewer chances to improve their position on the labour market;
11. Points out that improved recognition of the right to reconcile personal, professional and family life (in terms of career prospects, as well as social benefits and pension entitlements), enhanced protection of pregnant and breastfeeding women, distribution of family and domestic responsibilities between men and women, suitable provision of flexible childcare and care for dependent relatives and the establishment of paternity leave arrangements independent of those for mothers are essential if men and women are to have equal rights and opportunities at work;
12. Calls on the Commission, in driving the process of the Green Paper towards a balanced combination between flexibility and security, to consider the needs of both workers and businesses;
13. Calls on the Member States and social partners to provide opportunities for parental leave and greater flexibility of working conditions, particularly through the use of new technologies so as better to balance professional, family and private life;
14. Recommends to the Member States, the Council and the Commission that, within the framework of the Open Method of Coordination, they exchange best practices concerning the flexible organisation of working time and take account of innovative working time arrangements that strike a good balance between work and family life;
15. Points out that modern labour law must guarantee the full implementation of Community and national legislation prohibiting discrimination on the labour market; points out further that labour law must support effective mechanisms guaranteeing equal opportunities for all in the workforce, i.e. prohibiting discrimination in recruitment procedures, allowing access to promotion and training and ensuring adequate protection against victimisation when people claim their rights;
16. Calls upon the Member States to promote the adoption of methods which will encourage equality within businesses with a view to eradicating discrimination as regards working conditions and the establishment of working hours, sexual harassment and the use of sexist language in job descriptions, and to ensure that managerial bodies contain equal numbers of men and women;
17. Calls upon the Member States to ensure that, at every stage of their life (even if they shorten or interrupt their working lives in order to bring up children), men and women are permanently affiliated to a social-security scheme, so as to ensure that their pension rights are safeguarded once their working life is over; underlines the necessity of assuring the necessary education for workers throughout their lives in order to make successful transitions between different employment situations;
18. Calls on the Commission to tackle the labour exploitation of (undocumented) migrant workers especially migrant women, focusing on instruments and mechanisms to prevent and combat the exploitation of migrant workers, including the recognition and

enforcement of fundamental human and labour rights of irregular migrants, instead of relying on repression and deportation;

19. Notes with great concern that the Green Paper, while recognising that the current labour market conditions create gender inequality, for example in terms of the gender pay gap and occupational and sectoral segregation, totally ignores the obligations and responsibilities in regard to the Roadmap for equality between women and men;
20. Notes, again with great concern, that the Green Paper, although recognising that women face an imbalance between their professional and private lives, ignores the urgent need for action in order to reconcile professional and private life with demographic challenges, all this according to the European Pact for Gender Equality and the Commission's Communication on the Demographic Future of Europe;
21. Points out that inequality between women and men and women's overall workload will further increase if the stimulation of female employment is carried forward without taking into account women's care and domestic work;
22. Underlines the necessity to effectively guarantee the employment rights of workers operating in a transnational context, throughout the Community, regardless of the Member State where they work, considering the fact that many of these workers are women;
23. Points out that the term 'flexicurity' in itself is misleading: it suggests greater flexibility and security for the employees, whereas the real consequences are greater flexibility for the employer and more uncertainty for the employee as long as the current labour market conditions do not guarantee the social rights for all and do not provide workers with instruments in order to have a say in the scheduling of working hours and adapting them to their needs;
24. Stresses the need for clarification of the meaning of 'worker' throughout the Community and of the common rights that workers enjoy regardless of their employment status;
25. Calls upon the Member States to continue to support the development of the tripartite dialogue between public authorities, employers and trade-union organisations, so as to ensure that the facts of social realities and the new requirements emerging in connection with working arrangements are taken into account and that a balance between each party's responsibilities and interests is established;
26. Stresses that economic growth must not be achieved at the expense of employees' social rights, with particular reference to women and vulnerable groups such as minorities;
27. Calls upon the Commission - in conjunction with the Member States - to assess periodically the impact of the action taken, so that the necessary remedies can be applied in areas in which there has been no significant progress in respect of equality between men and women.

## PROCEDURE

<b>Title</b>	Modernising labour law to meet the challenges of the 21st century
<b>Procedure number</b>	2007/2023(INI)
<b>Committee responsible</b>	EMPL
<b>Opinion by</b> Date announced in plenary	FEMM 15.2.2007
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Kartika Tamara Liotard 24.1.2007
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	11.4.2007      2.5.2007
<b>Date adopted</b>	2.5.2007
<b>Result of final vote</b>	+:            12 -:            1 0:            6
<b>Members present for the final vote</b>	Katerina Batzeli, Edit Bauer, Ilda Figueiredo, Věra Flasarová, Anneli Jäätteenmäki, Lívia Járóka, Urszula Krupa, Pia Elda Locatelli, Astrid Lulling, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Christa Prets, Amalia Sartori, Eva-Britt Svensson, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Anna Hedh, Kartika Tamara Liotard, Marusya Ivanova Lyubcheva, Heide Rühle
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Daciana Octavia Sârbu
<b>Comments (available in one language only)</b>	...