Precarious women workers

European Parliament resolution of 19 October 2010 on precarious women workers
(2010/2018(INI))

The European Parliament,


having regard to the proposal for a Council decision on ‘guidelines for the employment policies of the Member States – Part II of the Europe 2020 Integrated Guidelines’ (COM(2010)0193),

having regard to the Council Conclusions of 8 June 2009 on ‘Flexicurity in times of crisis’,


having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation,

having regard to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP,

having regard to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC,

having regard to the 2010 background paper by the European Foundation for the Improvement of Living and Working Conditions entitled ‘Very atypical work’,

having regard to the 2008 report by the European Foundation for the Improvement of Living and Working Conditions entitled ‘Measures to tackle undeclared work in the European Union’,

having regard to the 2007 report by the European Foundation for the Improvement of

3 OJ L 175, 10.7.1999, p. 43.
Living and Working Conditions entitled ‘Working conditions in the European Union: The
gender perspective’,

– having regard to the 1998 report by the European Foundation for the Improvement of
Living and Working Conditions entitled ‘Precarious Employment and Working
Conditions in Europe’,

– having regard to the October 2007 Eurobarometer report entitled ‘Undeclared Work in the
European Union’,

– having regard to the 2009 report by the European Commission’s Expert Group on Gender
and Employment (EGGE) entitled ‘Gender segregation in the labour market’,

– having regard to the 2006 report by the European Commission’s Expert Group on
Gender, Social Inclusion and Employment entitled ‘Gender inequalities in the risks of
poverty and social exclusion for disadvantaged groups in thirty European countries’,

– having regard to the International Labour Office (ILO) report entitled ‘Decent work for
domestic workers’, drawn up for the 99th session of the International Labour Conference
in June 2010,

– having regard to the 2009 International Labour Office (ILO) report entitled The Gender
Dimension of Domestic Work in Western Europe’,

– having regard to its resolution of 17 June 2010 on gender aspects of the economic
downturn and financial crisis¹,

– having regard to its resolution of 6 May 2009 on the active inclusion of people excluded
from the labour market²,

– having regard to its resolution of 18 November 2008 with recommendations to the
Commission on the application of the principle of equal pay for men and women³,

– having regard to its resolution of 19 January 2006 on the future of the Lisbon Strategy
from the point of view of the gender perspective⁴,

– having regard to its resolution of 18 September 1998 on the role of cooperatives in the
growth of women’s employment⁵,

– having regard to its resolution of 17 February 1998 on ‘respect for human rights in the
European Union (1996)’⁶,

– having regard to the opinion of the Section for Employment, Social Affairs and
Citizenship of the European Economic and Social Committee of 12 May 2010 on ‘The
professionalisation of domestic work’ (SOC/372 – CESE 336/2010 fin),

⁶ OJ C 80, 16.3.1998, p. 43.
having regard to Eurostat Statistics in focus No 12/2010, entitled ‘Labour markets in the EU-27 still in crisis’,

having regard to Rule 48 of its Rules of Procedure,

having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A7-0264/2010),

A. whereas the individualisation and increasing flexibility of the labour market – resulting in a reduction in collective bargaining – puts employees, and in particular women, who often have to balance family obligations, in a more vulnerable position which can lead to precarious jobs, since it makes it easier for employers to worsen employment conditions,

B. whereas women are over-represented in precarious employment on the labour market, whereas certain forms of precarious work performed by women, such as paid domestic work and care work, are invisible on the labour market, and whereas, despite the existing legislative framework, there continue to be major differences in the EU for women with regard to employment opportunities, quality of work, living income and equal pay for equal work and work of equal value,

C. whereas the over-representation of women in precarious work is a key contributing factor to the gender pay gap, which remains at a persistent high level; whereas therefore improving job quality for women will reduce the gender pay gap,

D. whereas involuntary part-time work is widespread in the services sector, in particular the hotel and restaurant industry, education, health and social work and other community, social and personal care services, where the majority of employees are women,

E. whereas women's participation in the labour market reflects their role in the household, and women tend to take up jobs that enable them to combine paid and unpaid work,

F. whereas the economic and financial crisis has had a dual effect on precarious employment, since many companies’ first reaction was to cut down on temporary employment, and whereas, furthermore, it is feared that many of the permanent jobs lost during the recession will not be re-established, but replaced by atypical – if not precarious – employment schemes,

G. whereas precarious work refers to ‘non-standard’ forms of employment with any of the following characteristics:

- little or no job security owing to the non-permanent, often casual nature of the work, with contracts containing poor conditions or without any written contract, for instance in the case of temporary, involuntary part-time contracts, unclear working hours and duties that change according to the employer’s will;

- a low level of remuneration, which may even be unofficial and unclear;

- no social protection rights or employment-related benefits;

- no protection against discrimination;

- limited or no prospects for advancement in the labour market;
- no collective representation of workers;
- a working environment that fails to meet minimum health and safety standards,

H. whereas precarious employment conditions, such as non-written contracts, involuntary part-time work and the persistent pay gap, have a long-term effect on social security protection and pensions and place workers at greater risk of poverty,

I. whereas in some contexts women are at risk of being subjected to working conditions which are not decent, and whereas they therefore deserve special attention in this regard, in particular pregnant women and women that are breastfeeding,

J. whereas globalisation and the current economic background, as well as technological progress, are changing employment relationships and the content of workers’ tasks,

K. whereas women in precarious employment are less likely to know their rights and are exposed to a greater risk of exclusion from legal protection and/or of wrongful dismissal,

L. whereas the importance should be emphasised of the right of all workers, including women in precarious employment, to vocational education and training,

M. whereas defining women as second earners in the family is a wrongful misrepresentation of a large part of the female workforce who are sole earners,

N. whereas the number of female undeclared workers has been increasing, especially in the domestic sector,

O. whereas most domestic workers performing duties such as domestic care, cleaning and catering are women; whereas in industrialised countries domestic work accounts for between 5 and 9% of all employment, whereas such work is mostly precarious, undervalued and informal, and whereas domestic workers’ vulnerability means they are often discriminated against and can easily be subjected to unequal, unfair or abusive treatment,

P. whereas the de-skilling of high-skilled workers is a common problem in the context of precarious jobs, in particular in the case of workers who are dismissed or migrant workers taking low-skilled jobs in order to stay on the labour market, and whereas this situation, which affects women in particular, is jeopardising career development and the attainment of salary levels corresponding to the skills acquired and possessed,

Q. whereas migrant women taking low-skilled temporary jobs on the periphery of the labour market or jobs as domestic workers may be exposed to double discrimination since, in addition to the fact that they often work in poor, irregular – if not illegal – conditions, they are more likely to be mistreated or subjected to violence or sexual abuse; whereas, furthermore, they are often unaware of their rights, have restricted access to public services, have limited knowledge of the local language and are unable to form networks, and whereas those in illegal employment do not dare contact the authorities to request protection because they fear being returned to their home country,

R. whereas the Council of Europe’s agreement of 24 November 1969 on au pair placement is outdated and consequently does not address the problems that can arise in relation to the
use of au pairs in many Member States today,

S. whereas the EU remains committed to gender equality mainstreaming; whereas, within employment policies, equal opportunities for women and men need to be actively promoted,

**Gendered nature of precarious work**

1. Points out the gendered nature of precarious employment and recalls the shift in the labour market from standard to non-standard types of employment, making it necessary to prevent non-standard types of employment becoming precarious work; considers that, in order to combat these problems, the Member States and social partners must be asked to align to a large extent their legislative and contractual rules on standard work and atypical work, so as to prevent the most convenient and least expensive forms of work from taking precedence, taking into account however the risks of a possible increase in undeclared work;

2. Urges the Council and the Commission to identify the characteristics of precarious employment in the guidelines for the Member States’ employment policies and in the new gender equality strategy;

3. Calls on the Member States to take legislative measures to put an end to zero-hour contracts, which are common in jobs typically occupied by women in sectors such as domestic work, care work, catering and the hotel industry, and to introduce extensive control instruments to regulate all types of attendance at firms and work places which are formally agreed for guidance and training purposes but which in practice are becoming a further source of abuse, concealing actual services which are provided without proper payment or protection;

4. Asks the Commission and the Member States to develop strategies on precarious work in order to emphasise decent and green jobs and incorporate gender balance;

5. Calls on the Commission and the Member States to take action in order to reduce the double burden of work on women, one of the reasons for women's over-representation in precarious employment; calls for the improvement of the work-life balance in regular employment to reduce precarious employment;

**Social conditions**

6. Expresses disappointment that the EU employment law package and the aforementioned directives on fixed-term, part-time and temporary agency work do not adequately address the precarious nature of employment; calls, therefore, on the Commission and the Member States to take further specific legislative measures, such as introducing binding minimum social standards for employees and granting all employees equal access to social services and benefits, including maternity leave, health care and retirement pensions, as well as to education and training, regardless of their employment conditions; calls on Member States, in addition, to implement legislation ensuring reasonable limitation of working hours, rest and leisure for workers;

7. Calls on Member States to ensure that employers who subject female workers to abusive or harmful treatment are brought to justice as early as possible;
8. Underlines the need to provide women in precarious jobs with the option of protection of entitlements such as decent pay, maternity leave, fair and regular working hours and a non-discriminatory working environment, which are crucial for these women; calls on the Member States to penalise the imposition of obstacles to trade union participation and in general encourages the Member States, moreover, to provide low-threshold advisory services for women who cannot receive support from a works council, for example employees in private households; calls on the social partners to improve gender parity in their bodies at all levels;

9. Stresses the need for legislative measures in order to secure gender equality and reduce gender segregation on the labour market; recalls, therefore, its aforementioned resolution of 18 November 2008, urges the Commission to submit a proposal relating to the application of the principle of equal pay for men and women, and reminds the Member States to transpose Directive 2006/54/EC without delay;

10. Calls on the Member States to deliver on the Barcelona childcare targets in order to improve labour market participation and economic independence of women; calls on the Member States to overcome obstacles which keep women from working the number of hours they want, whether in part-time or full-time work;

11. Stresses the need to break down professional and sectoral segregation on the labour market through awareness-raising and education from an early age, for instance by promoting jobs associated with female skills to men, and vice versa, by motivating girl students towards sciences, and by combating the perception of women as second earners, with the involvement of the European Institute for Gender Equality;

12. Calls on the Commission and Member States to plan and implement measures to facilitate satisfactory education, training and studies for girls and young women, providing particular support for girls and young women with a migration background; stresses, in addition, the need for women, after stopping work because of the birth of a child, to actively pursue a return to work;

13. Calls on the Member States to combat undeclared work by transforming it into regular employment, by means of preventive measures such as granting immunity from prosecution to employees who report their illegal employment status and taking dissuasive action against employers; furthermore calls on the Commission and the Member States to improve data collection and monitor progress in this field;

14. Stresses that social protection is an essential part of flexicurity; stresses that the concept of flexicurity affects men and women differently and tends to reinforce the current gender roles; reminds the Member States and the social partners of the Council Conclusions of 8 June 2009 on ‘Flexicurity in times of crisis’, in particular the application of gender mainstreaming in implementing flexicurity principles;

15. Considers that the sustainability of pension schemes, loan facilities for self-help projects as well as job creation and alternative income creation schemes can improve conditions for precarious women workers;

16. Advocates standard jobs being arranged in future in accordance with 'good work' principles, and not being converted into precarious jobs; considers that job markets should be better regulated through stringent labour inspections, with the aim of reducing
17. Calls upon the European Council for clear guidance and concrete measures towards safeguarding employment and creating job opportunities in the framework of the EU 2020 Strategy;

18. In accordance with results achieved on the ground, calls on the Commission to provide Member States with guidelines on best practices in combating direct and indirect discrimination, mainstreaming gender equality and reducing precarious employment among women;

19. Calls on the Commission and the Member States to adopt legislation regulating the social and legal status of seasonal workers and to provide them with social security cover; understands seasonal workers to be workers who have concluded open-ended or fixed-term employment contracts whose duration and continuation is affected by seasonal factors, such as the climatic cycle, public holidays and/or agricultural harvests;

20. Points out that studies have shown that precarious employment, in which minimum health and safety standards may be ignored, carries higher injury rates and a greater risk of disease and exposure to hazards; calls, therefore, on the Commission and the Member States to enhance their monitoring of minimum health and safety requirements in the workplace, paying particular attention to the specific risks to female workers;

**Domestic workers**

21. Calls on the Commission to encourage the Member States to exchange best practices and make full use of the co-financing opportunities offered by the Structural Funds, in particular the European Social Fund, to ensure broader access to affordable, quality childcare and elderly care facilities so that women are not forced to undertake these duties on an informal basis; stresses, in addition, the need to ensure that precarious domestic care jobs are transformed, wherever possible, into decent, long-term jobs;

22. Calls on the Commission to support the Member States in developing a campaign for a step-by-step transformation of precarious workers into regular workers; calls on the Commission to endorse a programme aiming to educate workers on the effects and impacts of precarious work, including on occupational safety and health;

23. Calls on the Commission to propose a new European agreement on the rules regarding au pairs, which lowers the age limit from 30 so that adult breadwinners in their late 20s cannot be placed as au pairs, and which emphasises that their role is to help out with day-to-day family duties and to take part in family activities, which must not exceed 30 hours per week, and that the aim is to develop the au pair’s cultural understanding and language skills;

**Migrant workers**

24. Calls on the Commission, in its new gender equality strategy, to strengthen its commitment to promoting gender equality in migration and integration policies, in particular with a view to fully utilising migrant women’s employment potential;

25. Points out that the social integration of migrant women is even more difficult than that of
their male counterparts, given that they are subject to dual discrimination; therefore encourages employers to take specific measures to facilitate the social integration of women migrant workers, for instance by offering them language training and/or support services, and to ensure that migrant workers are registered, so that they are entitled to benefits;

**Research on the subject**

26. Draws particular attention to the lack of research on the subject of precarious work; calls on the Commission and Eurofound to cooperate with the European Institute for Gender Equality and to initiate targeted research in order to assess, inter alia, the cost of the de-skilling and welfare loss resulting from precarious employment, taking into account the gender aspect; emphasises that future European research programmes should have a greater focus on social issues, such as precarious employment;

27. Welcomes the overall objectives of the pilot project to encourage conversion of precarious work into work with rights, and underlines the need to pay particular attention to the gendered nature of precarious work in implementing the project;

28. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.