

# EUROPEAN PARLIAMENT

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*Committee on Employment and Social Affairs*

**2008/2039(INI)**

26.6.2008

## **OPINION**

of the Committee on Employment and Social Affairs

for the Committee on Women's Rights and Gender Equality

on the transposition and application of Directive 2002/73/EC 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  
(2008/2039(INI))

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## SUGGESTIONS

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

- A. whereas many Member States faced difficulty in transposing Directive 2002/73/EC, especially in introducing into their legislation specific and appropriate measures for improving gender equality and reducing discrimination as regards obtaining employment, vocational training and promotion, and working conditions,
  - B. whereas indicators show that there were no effects worth mentioning on the ability of women to obtain employment and promotion in the years following the entry into force of the new, improved legislation on equal treatment,
  - C. whereas, in many Member States, gender mainstreaming in political and administrative decisions is impossible due to a lack of knowledge and awareness of this approach,
  - D. whereas, in each Member State, at least one body with responsibility for promoting, analysing, monitoring and fostering gender equality has been set up,
  - E. whereas gender discrimination in other social and political aspects is worsened by the persisting gender pay gap, especially between the so-called feminine and masculine economic sectors,
- 1. Deplores the fact that, although there has been some progress as regards access to employment and to the labour market and as regards employment conditions, women are still being discriminated against, and takes the view, therefore, that the full transposition in all Member States of Directive 2002/73/EC into national law and its implementation in practice insofar as concerns indirect discrimination is indispensable; also points out that implementation must not be accompanied by a reduction in the existing level of protection of women;
  - 2. Emphasises the need to combat the specific obstacles faced by women and girls with disabilities and by the parents of children with disabilities as regards equal access to education and the labour market and the need to adapt measures to incorporate the gender dimension in all policies and also to the particular needs of such groups;
  - 3. Finds it disturbing that the employment situation of women is continuing to show higher unemployment rates, more precarious forms of work, lower pay, a higher risk of poverty and industrial accidents, greater difficulties in terms of career advancement and very poor pensions, which are exacerbated in the case of women who have a disability and/or are migrants;
  - 4. Stresses that, even though the difference between the employment rate for women and for men has been reduced slightly, this difference still stood at more than 14% in 2006 and that the employment situation of women is more precarious, with increasing numbers of women working part-time and on temporary contracts;

5. Notes that the wage gap persists, with women earning wages that are on average 15% below those for men, that this gap was reduced by only 1% between 2000 and 2006, and that the percentage of women in management posts is still far lower than the percentage of men;
6. Urges the Member States to intensify their efforts and fight discrimination between men and women, particularly as regards equality of pay and integration or reintegration into the labour market as a matter of the utmost priority, and calls on the Commission to renew the planning of support measures for this purpose, with due respect for the principle of subsidiarity;
7. Stresses that the economic independence of women is fundamental to their emancipation, and employment with rights is therefore a guarantee for their personal development and for social inclusion;
8. Calls on the Commission and the Member States to assess the activities of national gender equality bodies and to propose measures to strengthen their role and to improve their effectiveness in the application of relevant legislation;
9. Urges the bodies promoting equal treatment provided for in Directive 2002/73/EC to ensure the independence of the assistance granted to victims of discrimination and of their supporting and investigations activities; also calls on the Member States to ensure the equitable funding of structures and their activities;
10. Calls on the Commission to examine whether women are adequately informed about their rights under Directive 2002/73/EC, have easy and unimpeded access to an ombudsman's office which supports them in exercising their rights and whether Member States, beyond the transposition of legislation, take further measures to support the protection from discrimination of women in employment and training and further develop such protection by targeted preventive measures;
11. Calls on the Commission to examine whether the ombudsman authorities for protecting victims in Member States are sufficiently well funded and staffed to enable them to fully to discharge their duties in accordance with Article 8a of Directive 76/207/EEC 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, as amended by Directive 2002/73/EC;
12. Calls on the Commission to examine whether Member States are ensuring that victims and associations and organisations which have a legitimate interest in compliance with Directive 2002/73/EC are not prevented by legal or other barriers, for example excessively short deadlines, from initiating legal proceedings in respect of infringements of discrimination protection rules and equal rights or, in the case of victims, from claiming their full rights under Directive 2002/73/EC in other administrative procedures;
13. Calls on the Commission, the Member States, trade union organisations, employers and all governmental and non-governmental actors to step up their common activities aimed at raising awareness of the existing legal guarantees and the correct and effective application of the law on equal treatment and to improve the information they offer on the

possibilities for redress in the event of discrimination;

14. Maintains that steps need to be taken immediately in order to give full and productive effect to Directive 2002/73/EC, with a view to combating discrimination; urges the Member States to attach greater importance to collective bargaining, each according to its traditions, give dignity to those who work, bring closer supervision to bear on working conditions, health and safety, and eradicate direct and indirect wage discrimination;
15. Points out that collective negotiation and bargaining have an important role to play in combating discrimination against women, not least as regards access to employment, pay, working conditions, career advancement, and vocational training; stresses that open-ended contracts remain the norm;
16. Points to the need for specific policies and goals aimed at achieving genuine equality between women and men (equal pay, parental leave, access to high quality jobs with rights, equal access to lifelong learning, equal representation in decision making and the elimination of gender based violence in the work place) and organising work and working time in ways that make for a better work-life balance for women and men;
17. Points to the need to ensure greater flexibility regarding parental leave, particularly for parents of handicapped children;
18. Points to the need for new and better educational and social facilities, both for children and young people and for older adults, including more (and better) learning opportunities; calls on Member States to remove discrimination against girls and young women in the transition from school to training, from training to professional life, by targeted measures, and also during reinsertion into the labour market after leave to care for children or relatives; points to the need for public childcare and nursing services, and for care of the elderly; draws the Member States' attention to the commitment that they entered into regarding these matters at the 2002 Barcelona Summit;
19. Stresses the need to guarantee full rights, including maternity and social security rights, for all working women, including women who are self-employed or who work on family farms;
20. Calls on the Commission to examine to what extent Member States have availed themselves of the possibilities for taking specific, positive measures where the disadvantages faced by women in their professional careers are particularly serious and evident; calls on the Commission to draw up a report on this matter;
21. Considers it important to look into the question of establishing a methodology for analysing exactly what jobs entail that will guarantee the right to equal pay for women and men, give proper recognition to individuals and occupations and, at the same time, attach due dignity to work as a structuring factor, with a view to increasing the productivity, competitiveness and quality of undertakings and improving the lives of workers, both men and women; considers that scientific analyses in this field are essential to altering the current methods of measuring the social value of work based on traditional gender discriminatory ideas about the importance of different activities, which has the consequence of maintaining the structural remuneration disparities between sectors;

22. Calls on the Commission and the Member States to set up clear, detailed and measurable equal treatment indicators and standards for evaluating gender relations and respect for women's rights in undertakings; believes that promoting positive examples is necessary and that one criterion for not awarding public contracts to undertakings might be the infringement of laws relating to equal treatment;
23. Calls on the Commission to offer its expertise to the Member States, where needed, and to take vigorous measures to support the exchange of good practices concerning the equal treatment of women and men in the employment market;
24. Stresses the need to encourage initiatives that contribute to setting up and implementing in companies human resources policies and positive measures promoting gender equality, and to encourage information and training measures making it possible to promote, transfer and incorporate practices that have been successful in organisations and companies;
25. Calls on the Commission carefully to monitor the transposition of Directive 2002/73/EC and compliance with the legislation arising from this transposition and to continue to exert pressure on Member States.

## RESULT OF FINAL VOTE IN COMMITTEE

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| <b>Date adopted</b>                             | 25.6.2008   |
| <b>Result of final vote</b>                     | +: 41<br>-: 1<br>0: 0   |
| <b>Members present for the final vote</b>       | Jan Andersson, Edit Bauer, Iles Braghetto, Philip Bushill-Matthews, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Jean Louis Cottigny, Jan Cremers, Proinsias De Rossa, Richard Falbr, Carlo Fatuzzo, Ilda Figueiredo, Karin Jöns, Ona Juknevičienė, Jean Lambert, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Maria Matsouka, Elisabeth Morin, Juan Andrés Naranjo Escobar, Csaba Öry, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, Elisabeth Schroedter, Jean Spautz, Gabriele Stauner, Ewa Tomaszewska, Gabriele Zimmer |
| <b>Substitute(s) present for the final vote</b> | Jean Marie Beaupuy, Petru Filip, Donata Gottardi, Marian Harkin, Rumiana Jeleva, Sepp Kussstatscher, Roberto Musacchio, Csaba Sógor, Patrizia Toia, Glenis Willmott   |