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# International Human Resource Management; Gender Issues;

THE CASES OF GREECE AND THE UK

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Eleni Stamatiou

To my family.  
My father Dimos, my mother Despoina and my sister Stella,  
who have given me a lifetime of love, support and laughter.

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## Abstract

The aim of this empirical study is to conduct a North – South comparison for the EU States concerning the gender equality issue in the workforce, and identify the similarities and differences between Greece and the UK. It is also driven by the wish to provide its readers with a complete picture on the progress of gender equality issue from the middle of the 20th century to today relatively to employment. To achieve this it was deemed necessary to employ various tools, such as the international conventions held by international organizations, legislation of the EU and national legislation from the member States studied. It starts by referring to the studies conducting by scholars of various fields, studies the work accomplished by the international community through various conventions and declarations and concludes by exploring the European legislation from its very beginning until recently. Through this analysis it is evident that the tools required to achieve gender equality in a supranational and national level seem satisfactory and should have led to the accomplishment of gender equality. It goes further with the two case studies for Greece and the UK and apart from the analysis of their national legislation, it employs statistical indicators to create a holistic picture for each of the States. In the discourse part the comparison between Greece and the UK is made reaching to the final conclusions and raising additional questions on the reasons for the persistent character of gender inequality.

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CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
DAW	Division for the Advancement of Women
EC	European Community
ECJ	European Court of Justice
ECOSOC	Economic and Social Council of the United Nations
ECSC	European Coal and Steel Community
EEC	European Economic Community
EHRC	Equality and Human Rights Commission
EIGE	European Institute for Gender Equality
EOC	Equal Opportunity Commission
ICCPR	International Covenant on Civil and Political Rights
ICPD	International Conference on Population and Development
IESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
INSTRAW	International Research and Training Institute for the Advancement of Women
MDG	Millennium Development Goal
OHCHR	Office of High Commissioner on Human Rights Organization
OSAGI	Office of the Special Adviser on Gender Issues and Advancement of Women
PFA	Platform For Action
RRA	Race Relation Act
SDA	Sex Discrimination Act
SDG	Sustainable Development Goal

SDSN	Sustainable Development Solutions Network
TEU	Treaty on European Union
TFEU	Treaty on the Foundation of European Union
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFPA	United Nations for Population Fund
UNIFEM	United Nations Development Fund for Women
VNR	Voluntary National Reviews
WU	Women's Unit

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Of course, I am responsible for any errors or deficiencies this dissertation might contain. The views expressed in this dissertation are my own.

## 1 Introduction

This dissertation forms part of the master program of the University of Macedonia ‘Masters in International Public Administration’. The aim of this dissertation is to conduct a North – South comparison for the EU States regarding the gender equality issue in the workforce<sup>1</sup> and through this comparison identify the similarities and differences between the chosen States, Greece and the United Kingdom.

From a chronological perspective, the dissertation analyzes a 70-year long era starting from the 50’s, when the Treaty of Paris was signed, creating the first piece of the European Union as we know it today, until today. This period coincides with the proliferation of various political studies that work on gender equality (i.e. feminism, institutionalism etc.). For the purposes of this study the tools employed were:

- (1) the Academic literature so as to explore the current issues that are studied by scholars regarding gender equality;
- (2) the international framework to identify the strategies and the agendas that the international community works on; and
- (3) the European and national legislative frameworks of Greece and the UK and the linkages between the two.

Gender equality is an issue of great importance with a multifaceted character. Various scientific fields have dealt with gender equality under their scientific lenses. Economists (Anastasiou et al., 2015; Kabeer, 2016; Karamessini, 2013; Karamessini & Rubery, 2013) and development economists (Koehler, 2016) are focusing on the effects that gender equality has on development rates such as GDP, or how austerity measures affect gender equality. Gender and feminist scholars (Lombardo & Meier, 2006; Lombardo & Verloo, 2009; Stratigaki, 2005, 2008; Verloo, 2005, 2018; Verloo & Lombardo, 2007) express critical opinions towards the existing policies and make counterproposals for future policies.

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<sup>1</sup> In this dissertation the term workforce is used for both public and private sector and no distinction between the two is made unless it is clearly stated.

Scholars from political science (Lovenduski, 2005), international politics (Schmidt, 2008) and law studies (Fredman, 2002; Hepple, 2010) give to gender equality an additional perspective through politics and legislative lenses. Sociologists (Bericat, 2012; Sümer, 2016; Weeden et al., 2016) interrelate gender equality with sociological norms and concepts. One can argue that gender equality is indeed an issue of multiple scientific discourse and intersectionality.

From the perspective of the international community, the focus is on the International Organizations and mainly the UN. International Organizations are the main bodies working on social and sensitive issues such as gender equality. Gender equality is defined by the United Nations (UN) as not only a fundamental right, but also a necessary foundation for ‘a peaceful, prosperous and sustainable world’. Gender Equality is listed 5th on UN’s SDG (Sustainable Development Goals) list under the title “Achieve gender equality and empower all women and girls” and is composed of several targets on the issue. The Sustainable Development Goals (SDG) is a list of goals set by the 2030 Agenda, and are to be universally met. For the purposes of this paper, we will focus only in the case of the EU and the significance of achieving this goal in each case.

The first chapter of this dissertation is composed by three parts of analysis. The first one highlights the recent academic literature on the gender equality agenda, so as to identify the issues that are of academic interest on gender equality generally, the institutionalism of gender equality and the trends regarding gender equality and employment. The second one, deals with the focus of International Organizations (IO) on gender equality. The organizations working on the enhancement of the gender equality issue are multiple, some working in a national level of each State, whereas some others on an international level with a specific view and scope (i.e. UN, World Bank, European Commission etc.). Due to the purposes of this dissertation, only the work of specific International Organizations will be analyzed, e.g. the UN and its entities (UNESCO, UN Women etc.) concerning gender equality. A general view on important conventions and conferences held mainly by UN and its entities regarding gender equality and employment will be presented, underpinning the policies, the strategies and the goals designed to result in an improvement in gender equality, or recognizing the rights of women workers in various sectors (i.e. domestic workers). The third part

of the literature review chapter studies the European legislative framework on the subject that EU imposed to its member States, e.g. the Treaties ratified and the binding respective Directives. Additionally, the gender mainstreaming concept is analyzed in this part as a piece of legislation in all the European policies regarding gender equality. The second chapter, analyzes the methodology used in this dissertation in order to reach to the necessary conclusions on the issue. The type of research conducted is a qualitative one and it comprises documentary analysis. In the third part, the dissertation presents the analysis of the case studies. The States under scrutiny are Greece and the UK. Demographic details, information on their national legislation and their progress regarding the adoption of EU directives form the core part of the data. This section is followed by a discussion on the findings of the review.

## 2 Literature Review

In sociological studies, gender refers to “socio-culturally constructed components attached to each sex” (Sümer, 2016, p.8). Based on the feminist scholarship, gender is a significant actor in organizing social activity. Gender equality is an issue that has long been studied by scholars, while it is also of interest to policy makers, activists and feminists since it is widely accepted as a human right (Koehler, 2016). A single search on Google for “gender equality” generates more than 2.5 million results.

Scholarship on the issue of gender equality is not doubting the significance of it, but still questions what it is that makes gender equality so difficult to be achieved. Moen’s (2015) research was driven by that question, questioning why even in the case of “advanced” societies like the USA and the EU, where citizens are so prone to and endorse gender equality, it still is such persistent an issue. Moen (Ibid.) suggests that organizational and governmental lag is the reason for the delay in achieving gender equality and individuals are not to blame. Thus, changes must occur to that respect in order to improve the gender equality issue. In fact, the gender revolution is characterized by scholars as “stalled” (Gerson, 2010), “unfinished” (England, 2010) and an “unstable equilibrium” (Andersen, 2009). Jenson (2015) supports that even if there is progress in naming and facing unequal treatment in issues that are linked to gender equality (or inequality) such as sexual harassment, violence against women and marriage, we can still identify differences in gender pay wage, types of employment that affect the gender pay income, different access to employment for men and women, as well as the unpaid domestic work that is mainly done by women. Like Moen (2015), she (Jenson, 2015) too argues that we live in a society that knowledge towards what breeds socio-economic inequalities is increasing, but equality is a goal not reached and barely advanced. Seeking to identify the drivers of the delay in gender equality improvement, Koehler (2016) argues that even though gender equality is accepted internationally as a goal that needs to be achieved, governments do not act according to policy guidelines, and conventions and declarations are not progressive enough to lead to gender equality.

## 2.1 Drivers of gender inequality

This chapter discusses the factors that act as drivers of gender inequality. First, it underpins the intersectional character of gender equality and how adopting policies that understand this characteristic will lead to the alleviation of gender inequality. Then, an analysis of gender bias and gender stereotyping follows highlighting their effects on the persistent phenomenon of gender inequality.

Gender equality was characterized by Kabeer (2010) as an “intersectional” concept, meaning that there are additional factors that affect and intensify it. To that respect, Koehler (2016) supports that gender equality is linked (directly or indirectly) with other factors such as income, class, cast community etc. In the 2030 agenda (European Commission, 2019b), that is used as a contemporary policy on development, the gender equality goal, apart from being listed alone as the 5th goal for sustainable development, it is also integrated with other goals such as health, climate change, education etc. indicating its intersectional character (as mentioned before). As a result, intersectionality as an approach is suitable and contributes greatly to policy making, since it was found that it may lead to the enhancement of inclusiveness, especially in cross-legislative policies regarding gender equality or migration (Lombardo and Rolandsen-Agustin, 2016).

Gender equality is without doubt hindered by the persistence of inequalities in the workforce. Such inequalities stem from several factors, with gender bias and stereotyping being prevalent among them. Gender bias refers to an individual’s being treated differently or even unequally due to their gender (Cambridge Business English Dictionary, 2019) and is a phenomenon that has been broadly studied by researchers in the lens of decisions regarding workforce and employment (see for instance Koch, D’Mello, & Sackett, 2015;). Gender bias is often bred by stereotyping, even if it is not intended or accurate and does not mirror the truth (Koch et al., 2015). Stereotypes as traits or attributes are linked with specific groups of people due to a trait that is generally assigned to that group (Agars, 2004; Welle & Heilman, 2007), and is expected for this group to behave accordingly (Koch et al., 2015). It is common for an individual to be stereotyped according to their gender (gender stereotyping) since it is a characteristic that is easily observed (Blair & Banaji, 1996). Gender stereotypes may be observed in

various fields, but for the purposes of this paper, only gender stereotyping in workforce and employment is studied.

Gender stereotyping in workforce and employment leads to a respective gender bias that can be defined (based on the gender bias definition above) as the unequal treatment for men and women in the workforce and employment. According to Koch and colleagues (2015) there are specific factors that generate gender bias. One factor that leads to gender bias in workforce and employment is the expected belief that an individual is unfit for the position they applied for, due to their gender. It is supported that the greatest the gap between the stereotypes for a specific position/job and the stereotypes on whether the gender of the person fits for the position, the greatest the gender bias is too (Eagly & Karau, 2002; Heilman, 2012). Similarly, the effect of backlash is another factor that leads to gender bias. The socially constructed profile of a “typical” woman (as less competent and ambitious), results in an atypical characterization for women who want to succeed in executive/managing positions that are defined as more masculine. Therefore, women assigned to executive/managing positions may face the disbelief and strong negativity of their co-workers (Rudman & Phelan, 2008). Gender segregation is an additional factor resulting in gender bias in the labour market (Cohen, 2016). Even in cases where there is greater quantitative participation of women in the workforce especially in developing countries, parity in the labour force remains unmet (Cuberes & Teignier, 2016).

To sum up, from an academic perspective, the issue of gender inequality is a highly persistent one and many are the scholars supporting that it is due to organizational and governmental lag. Additionally, scholars underpin the intersectional character of the issue and believe that an intersectional approach is the answer to reaching the goal of gender equality. Concerning gender equality in the workforce, the factors that lead to gender inequality are gender bias stemming from gender stereotyping.

## 2.2 International organisations and gender equality

International organizations<sup>2</sup> and non-governmental organizations are the main bodies working, universally, on social and sensitive issues such as gender equality in the sphere of Fundamental Human Rights<sup>3</sup>. Through conventions and declarations such organizations set the global agenda on specific issues of interest and the goals that need to be achieved. Once the goals are set, States are expected to work accordingly to meet this binding “obligations” towards the citizens of the globe. This section focuses on the conventions and declarations held by international organizations and their entities regarding gender equality. It starts by presenting the United Nations<sup>4</sup>, and moves on, in a chronological review of the declarations and conventions that followed. It concludes by presenting the work and the scope of UN Women, the entity of the UN on gender equality.

### 2.2.1 Introduction to the work of the UN

United Nations (UN), the most well-known international organization, places a significant emphasis on the issue of gender equality, trying to ensure that it is met in every corner of the world. Based on the Charter of its very existence, issued on the 24th of October, 1945, UN is an entity opting “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (UN, 1945).

In the years to follow, the United Nations as an organization fought many battles on the gender equality issue and over many decades, it made it to win many of them and helped significantly on the progress of the issue (UN Women, 2019). In the past, UN had run four different parts/projects to deal with the gender equality issues each of which had a different scope:

- (1) Division for the Advancement of Women (DAW);

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<sup>2</sup> According to International Law Commission, an international organization is defined as “an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality. International organizations may include as members, in addition to States, other entities;” (Yearbook of the International Law Commission, 2011, vol. II, Part Two.

[http://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_11\\_2011.pdf](http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf).

<sup>3</sup>In a national level, each State may adopt initiatives to assist in accomplishing issues such as equality.

<sup>4</sup>The Charter of the United Nations, 26 of June 1945

<https://treaties.un.org/doc/source/docs/charter-all-lang.pdf>

- (2) International Research and Training Institute for the Advancement of Women (INSTRAW);
- (3) Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI);
- (4) United Nations Development Fund for Women (UNIFEM) (UN Women, 2019).

Currently, UN is working on the gender equality issue through UN Women (Ibid.). UN Women is the combination of the abovementioned distinct parts of the UN that brings together the mandates and goals of them in one solid entity (Ibid.). UN Women is the entity of UN that was created by the General Assembly in 2010, the UN entity for gender equality and the empowerment of women (UN Women, 2019). UN Women is responsible for:

- (1) supporting various bodies within each government to abide by the new norms, policies and generally the global standards;
- (2) assisting each State to adjust to these standards not only technically but also financially if needed; and
- (3) coordinating the work of UN on gender issues (UN Women, 2019).

## 2.2.2 Important conventions and declarations on the gender equality issue

As mentioned above, declarations and constitutional conventions define gender equality and propose various policies to achieve it. These provisions on human rights were adopted by States through ratification and could be used by citizens in appropriate cases. Adhere, it is important to mention that there are many other international organizations, other bodies and entities working on the creation of such declarations and conventions (i.e. OHCHR, ILO, UNESCO, World Bank etc.).

### 2.2.2.1 The Bill of Human Rights

Together with the Charter of the UN, the **Universal Declaration on Human Rights** (UDHR)<sup>5</sup> in 1948 underpinned the undeniable right of all people to equality, and is considered as the starting point on the gender equality issue (Koehler, 2016). In the text of this declaration no policy whatsoever was proposed

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<sup>5</sup>Universal Declaration of Human Rights, December of 1948  
<https://www.un.org/en/universal-declaration-human-rights/>

to follow, yet it is a baseline for the creation of multiple directives and policies (Ibid.). In 1966, the Office of the High Commissioner on Human Rights (OHCHR), the entity of UN responsible for ‘the promotion and protection of human rights’ (United Nations, 2019c), adopted the **International Covenant on Economic, Social and Cultural Rights** (IESCR)<sup>6</sup>. This is a complete convention on women’s rights mainly in the economic and social lenses that bound the countries that signed or ratified it (UN General Assembly, 1966). The IESCR contained provisions on equal wages and equal pay for work of equal value, as well as the maternity leave. In 1966, an additional convention was held that came into force in 1976, the **International Covenant on Civil and Political Rights** (ICCPR)<sup>7</sup> that dealt with the issue of self-determination (Burak & Eymirlioglu, 2018). The UDHR that was mentioned before, the ICCPR and the IESCR together constitute the Bill of Human Rights (Braveman, 2010)

#### *2.2.2.2 The Convention on the Elimination of All Forms of Discrimination against Women*

In 1979, OHCHR succeeded a landmark agreement, the **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW)<sup>8</sup>. Through this convention the UN aimed to give a holistic picture of the gender equality issue and categorize modifications that must occur based on their significance so as for the elusive gender equality to be achieved (OHCHR, 2019). It highly focuses on the legal status of the women and the civil rights they deserve as citizens of equal value and importance to men, such as their right to vote and represent countries at an international level. It underpins the rights of reproduction of the women so their voices are equally heard on family issues (i.e. the number of the children of a family), as well as their rights to maternity and child protection when dealing with various fields including employment (Ibid.). Lastly, the convention tries to widen the universal understanding towards human rights, supporting modifications on the social and traditional patterns of the society (Ibid.). In its preamble, it is stated, ‘a change in the traditional role of men as well

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<sup>6</sup>International Covenant on Economic, Social and Cultural Rights, 16 December 1966

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<sup>7</sup>International Covenant on Civil and Political Rights, 19 December 1996

<https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

<sup>8</sup>Convention on the Elimination of Discrimination against Women, 18.12.1979

<https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

as the role of women in society and in the family is needed to achieve full equality of men and women' (Ibid.). It is worth mentioning that by 2019 more than 90% of the United Nation's member States have signed the CEDAW (Rosenblum, 2011). The most remarkable exception is the one of the United States of America (Liebowitz & Zwingel, 2014; Rosenblum, 2011). This convention proposes collective affirmative solutions on the gender equality issues and it does not try to liberate women but to modify the society that women no longer feel "captured" to the traditional role that was imposed to them (Roth, 2002).

### *2.2.2.3 The Millennium Development Goals*

With the dawn of the new Millennium the UN held one of the most highly attended conferences, having 189 heads of States to sign the **Millennium Development Goals (MDG) declaration** (Haines & Cassels, 2004). In September of 2000 the international community agreed on the setting of eight (8) development goals that were to be achieved by 2015 as an attempt to eradicate extreme poverty under various respects including the promotion of gender equality and the empowerment of women and girls (UNDP, 2019). Based on the most important agreements that the UN had achieved in the 1990's, the MDG were "built" and their progress was monitored by respective committees (Haines & Cassels, 2004). According to the final report on MDG by the UN, this whole effort led to a successful result for the alleviation of poverty and its dimensions (UN, 2015). From a global perspective, the numbers regarding the participation of women in national parliaments and the labour market were encouraging, as well as in the school enrolment, but gender equality remained unmet since women were still facing discrimination in various fields e.g. earning less money than men and being poorer than men etc. (Ibid.).

### *2.2.2.4 The Sustainable Development Goals*

In 2015, a UN resolution on **Sustainable Development Goals (SDGs)** <sup>9</sup> was accepted by the international community as the successor of the MDG. The goal of this resolution is to create a sustainable environment in global terms (European Commission, 2019b) throughout the following 15 years, from 2015 to

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<sup>9</sup>Sustainable Development Goals (SDG):  
<https://sustainabledevelopment.un.org/post2015/transformingourworld>

2030. The abovementioned resolution led to the creation of the ‘Agenda 2030’. The 2030 agenda is composed of four main parts:

- (1) a political Declaration;
- (2) a set of 17 sustainable Development Goals and 169 targets;
- (3) ways to implement the goals and targets
- (4) a framework to monitor and review the Agenda 2030 (Ibid.).

In this resolution the gender equality goal under the name ‘Achieve gender equality and empower all women and girls’ is listed as the 5<sup>th</sup> of the 17 goals that were set (United Nations, 2019d). As means to achieve it, it is stated that by 2030:

- (1) the alleviation of all forms of discrimination towards women and girls will be achieved;
- (2) unpaid and domestic work will be recognized and valued;
- (3) women will be entitled to their full rights towards participating and leading at all levels of decision-making in political, economic and public life;
- (4) equal rights to economic resources will be given to women through legislative reforms; and
- (5) policies and legislation that promote gender equality and empowerment of women and girls will be adopted (Ibid.)<sup>10</sup>.

The 17 SDGs and 169 targets that are set by the 2030 Agenda are believed to be interrelated, especially when it comes to their results (Sachs et al., 2019). Thus, the strategies and policies followed by the governments and other stakeholders of each State should be implemented in a way that would result in a sustainable outcome (Ibid.). However, the agenda 2030 was criticised by scholars on the grounds of lack of specific policies that would need to be followed (Koehler, 2016). Regardless of how it urges the need for equality, the proposals it suggests as to eradicate gender inequalities are vague and do not conclude to a solution in a straightforward way (Ibid.).

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<sup>10</sup> The above-mentioned means are restricted to the interest of this dissertation on gender equality in workforce.

#### 2.2.2.5 *Other Formative Conventions and Declarations regarding Gender Equality*

A number of formative Conventions and Declarations that are affiliated with the issue of gender equality, are presented in a chronological order in this part of the dissertation.

In 1954 and 1964, two of the first conventions related to the gender equality issue, following the foundation of the EU, were conducted. In 1954, the **Convention on the Political Rights of Women**<sup>11</sup> came into force (UNESCO, 2017). The aim of this convention was to set the standards towards women's political rights (Ibid.). The **Convention on 'Consent to Marriage, Minimum Age for Marriage and Registration of Marriages'**<sup>12</sup>, entry into force in 1964, sending boundaries on marital issues such as age and consensus (Ibid.).

In the last decade of the 20<sup>th</sup> century, the conventions and declarations on the gender equality issue are the ones that follow. Regarding violence, in 1993 the **Declaration of the Elimination of Violence against Women**<sup>13</sup> was signed underlining the right of women to lead a life with no violence (UNESCO, 2017). In 1994, the entity of UN on 'Population Fund' (UNFPA) held the **International Conference on Population and Development (ICPD)**<sup>14</sup>, an intergovernmental convention that, including other issues as well, entails a complete policy plan on gender equality providing with recommendations on every aspect that was linked with gender inequality (Koehler, 2016). It focused on work life balance, parental responsibility and unpaid work (Ibid.). In 1995, UN succeeded an additional landmark agreement in the **Beijing Declaration and Platform for Action (PFA)**<sup>15</sup>, by being the first organization that was granted gender responsive budget in the UN conference for Women that is considered a major win for the gender equality issue (Villagómez, 2008). Through this achievement UN made it for the

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<sup>11</sup>Convention on the Political Rights of Women, 07.07.1954 <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=type&type=MULTILATERALTREATY&publisher=UNGA&coi=&docid=3ae6b3b08&skip=0>

<sup>12</sup>Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 09.12.1964 <https://www2.ohchr.org/english/law/pdf/convention.pdf>

<sup>13</sup>The Declaration of the Elimination of Violence against Women 20.12.1993 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

<sup>14</sup>International Conference on Population and Development (ICPD) 05.09.1994 <https://www.unfpa.org/events/international-conference-population-and-development-icpd>

<sup>15</sup>The Beijing Declaration and Platform for Action, September 1995 [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action.pdf](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf)

gender option to be part of all the medium-term work programmes and the budgets of these programmes (Ibid.).

In 2006, the **Convention on the Rights of Persons with Disabilities** (CRPD)<sup>16</sup> recognized the discrimination that women and girls with disabilities face in various fields, including employment (United Nations, 2019a). The importance of this convention is acknowledged in this dissertation as it covers a significant part of gender equality for people with disabilities as a human right, still it is not in the scope of it to further analyse it. An additional convention of importance is the **ILO Convention on Domestic Workers**<sup>17</sup> in 2011 which underpinned that domestic work is a highly gendered field with females being the main domestic workers (International Labour Organization, 2011). This convention defined domestic work as the ‘work performed in or for a household or households’ and domestic worker ‘any person engaged in domestic work within an employment relationship’ (Ibid.). Additionally it clarified that ‘a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker’ (Ibid.). This convention provided all the necessary information and standards that are needed for any contract on domestic work including minimum age and wage (International Labour Organization, 2011).

### 2.2.3 A critical view on the progress of the gender equality goal

Based on the report of the UN on the gender equality issue there is progress in total numbers and a general increase in the indicators of gender equality is present, but it still needs work to be done. Focusing on the needs of our paper one can notice an increase in women’s hiring and advancing in managerial positions merely in developed countries, but still the number is far from reaching parity. In total, worldwide, 39% of the workforce is composed of women and 27% is in managerial positions (United Nations, 2019b). Regarding the legislation on gender equality that has been created so as for the States to adopt the laws and abide by them it was found that many are the States that still have not adjusted their legislation

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<sup>16</sup>Convention on the Rights of People with Disabilities, 2006  
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

<sup>17</sup>Convention on Domestic Workers, 2011  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189)

accordingly. Based on a research on 53 countries, it was concluded that by 2018, 29% of these States had not implemented the “equal payment for equal work”, and in more than half of them women still face discrimination. According to the UN whereas gender equality goals regarding education and girls’ empowerment (Millennium Development Goals) are progressing, still women and girls face discrimination and acts of violence around the globe (UN Women, 2019). There can be observed an incremental process that seeks to mainstream gender equality-related policies in the practises and operation of international organizations and bodies. However, these efforts manifested through the signing of a plethora of declarations and conventions seem to be unable to meet their purpose. Regardless of the continuous attempts that International Organizations make in international and national level, the phenomenon of gender inequality is still observed. Jenson (2015) supports that political discussions are changing their focus in policies that do not promote gender equality (i.e. gender equality in workforce and employment has now been shifted by the promotion of other policies such as part-time occupation). She adds that these changes indicate that gender equality goals for work, care and income are no longer part of the political agenda (Ibid.). As a results, Jenson (2015) concludes that the policies followed mainly focus on raising gender awareness, rather than achieving gender equality, while gender inequality is now perceived as being a manifestation of broader inequality issue, resulting in the demise of its significance in the political terrain.

### 2.3 EU Legislation and gender equality

This part of the dissertation introduces and analyzes the European legislation that was adopted regarding the gender equality issue. It focuses on the treaties that were signed by the member States, the directives that were created according to those treaties, and the strategies designed by the EU that were to be followed by the member States in order to alleviate discrimination towards women and achieve gender equality. This part is divided in four additional parts according to the treaties that were signed and the legislative actions they led to, such as the adoption of directives or other concepts (see for instance the Gender Mainstreaming one). The abovementioned legislative instruments are presented in a chronological order and those of great significance are further analyzed (see for instance the Treaty of Amsterdam, the concept of Gender Mainstreaming, the

Recast Directive etc.)<sup>18</sup>. Additionally, this dissertation focuses on the EU legislation since the countries chosen, as case studies (Greece and the United Kingdom) are member States of the EU.

### 2.3.1 The treaties of Paris and Rome

In 1951, the *Treaty of Paris*<sup>19</sup> established the European Coal and Steel Community (ECSC), signed by Belgium, France, West Germany, Italy, Luxembourg and the Netherlands. This was the first appearance of the idea European Union as we know it today. The *Treaty of Rome*<sup>20</sup>, signed in 1957 by the same six countries, is merely an agreement concerning issues of economic nature, thus named EEC - European Economic Community- (Sokolska Ina, 2019a). That been said, it also contained a single provision on gender discrimination regarding payment; that equal work must be paid equally for everyone regardless of sex. This one was the only provision (Article 119 EEC Treaty, Article 141 EC Treaty, now Article 157 TFEU) concerning the gender discrimination issue (Burri, 2018). From a retrospective view on what has already been done legislatively regarding the gender equality issue, this treaty is considered the starting point that indicates a period of alterations in the European Law and the binding rules for the member States of the European Union (Stratigaki, 2008). The article 119 EEC should have been implemented by January 1st 1962, but did not come into force until the mid-70's (08.04.1976)<sup>21</sup>, when female Belgian workers stand up for their equal rights in front of the European Court of Justice (ECJ) (Ibid.). It was not until then that the social importance of this provision was stretched, and according to the ECJ, it was stated that equal payment had a dual effect on the society, both an economical and a social one. The decision of ECJ on a different case stated that the economic effect of that provision is secondary to the social one that would led to the

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<sup>18</sup> It should be mentioned that the issue of sexual harassment is acknowledged as a case of gender inequality and discrimination, but due to the focus of the dissertation on employment issues, the legislation on sexual harassment will not be studied or analysed.

<sup>19</sup> The Treaty of Paris (establishing the European Coal and Steel Community, ECSC Treaty), 18.04.1951

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:xy0022>

<sup>20</sup> The Treaty of Rome, 25.03.1957

<https://www1.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-rome>

<sup>21</sup> Judgment of the Court of 8 April 1976, Case 43-75. Gabrielle Defrenne v Société anonyme belge de navigation aérienne Sabena. European Court Reports 1976 -00455 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61975CJ0043>

enhancement of living and working conditions, and was characterized as a fundamental human right<sup>22</sup> (Burri & Prechal, 2008). The importance of the 157 TFEU Article is also stressed due to the hierarchical role it had been given by the ECJ compared to additional legislation. Apart from the fact that the Article is directly effective, any legislation that arises must conform to this Article (Ibid.).

In a general overview of the Article 157 TFEU, what it is focusing on is discrimination, both direct and indirect and prohibits either kind, not only individually, but also collectively through agreements and legislation (Burri & Prechal, 2008). Direct discrimination is defined as the act of treating a person less favourably because of their sex and not compared to a person in a similar situation (Ibid.). Direct discrimination is an act of general prohibition, apart from specific exceptions that are specified in the respective directive<sup>23</sup> (Burri & Prechal, 2008). The case of indirect discrimination is more complicated since it requires the existence of a maltreatment for more people of one sex than the other, and if that proven, then there must be an objective justification for the criterion or practice that shows indirect discrimination (Ibid.).

For the effective implementation of the Article, several Directives were adopted in the following years. The first directive of the principle of equal pay for men and women was the '*First Equal Pay Directive (75/117)*<sup>24</sup>', that portrays not only a victory for the Belgian workers but also a starting point for a new era on gender equality issue in the European Union (Hoskyns, 1996). This directive states clearly the obligation of each member to abide by the regulations presented in the Article and put an end on any discriminatory law, regulation or administrative provision that is not in conformity with it (Burri & Prechal, 2008). Also, it entails to take measures so as for the principle of equal pay to be supported by legislative provisions and to cancel all agreements, collective or individual, that are not in line with the stipulations of the Article (Ibid.).

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<sup>22</sup>Judgment of the court of the 10 February 2000, Case C-50/96 Deutsche Telekom AG v Lilli Schröder. European Court Reports 2000 I-00743

<https://eur-lex.europa.eu/legalcontent/EN/TXT/?qid=1572706259989&uri=CELEX:61996CC0050>

<sup>23</sup> Article 2(1)(a) of Directive 2006/54

<sup>24</sup> First Equal Pay Directive

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31975L0117>

Also, in 1976 the *Directive on equal treatment in employment for men and women* (76/207)<sup>25</sup> was adopted in order for the provisions of the first directive to be expanded (Burri & Prechal, 2008). More specifically, through the second directive it is ensured that men and women will be treated equally not only regarding payment, but also equal access to employment, vocational training and promotion, and working conditions (Ibid.). Direct and indirect discrimination is prohibited as well. However, due to the lack of agreement on the equal treatment on employment for men and women in social security, this directive could not be implemented in this area (Burri & Prechal, 2008). Therefore, the third Directive, the one on *equal treatment between men and women in statutory social security schemes* (7/79) was adopted two years later and covered the issue by providing protection to the working population when their work is interrupted due to sickness, invalidity, old age, accidents at work occupational diseases and involuntary unemployment (Burri & Prechal, 2008). However, due to the fact that it partly covered the issue of social security, in the statutory schemes, an additional, complementary directive was adopted (Ibid.). This directive was the *Directive on equal treatment of men and women in occupational social security schemes* (86/378)<sup>26</sup> signed in 1986 (Ibid.). In the same year, one additional Directive was adopted, on *equal treatment of men and women engaged in an activity, including agriculture, in a self-employed capacity* (86/613)<sup>27</sup> (Burri & Prechal, 2008). The main goal of this directive was to make sure that equal treatment will be applied between men and women also in self-employed workers (Ibid.). These four directives (76/207, 7/79, 86/378, 86/613) were adopted so as for the implementation of equal treatment in labour market and social security to be enacted. The latest two (86/307 and 86/613) were adopted as complementary to the first ones in order to broaden their implementation in both statutory and occupational schemes.

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<sup>25</sup> Directive on equal treatment in employment for men and women

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31976L0207>

<sup>26</sup> Directive on equal treatment for men and women in occupational social security schemes

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31986L0378:EN:HTML>

<sup>27</sup> Directive on equal treatment of men and women engaged in an activity, including agriculture, in a self-employed capacity

<https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:31986L0613>

In December of 1989, the *Community Charter of Fundamental Social Rights of Workers*<sup>28</sup> was enacted which entailed the principles upon which the European labour law model was built (Stratigaki, 2008). Despite its non-binding character, the Charter was found to be an important paper on the political agenda on the gender equality (Ibid.).

### 2.3.2 The treaties of Maastricht and Amsterdam

The following decade two significant treaties were signed; the *Treaty of Maastricht*<sup>29</sup> (1992) through the amendments of which the European Union took the form that we know today, and the *Amsterdam Treaty*<sup>30</sup> (1997) that made the intentions of European Union on promoting gender equality clearer than ever. In 1992, the Treaty on European Union (TEU), or else the Treaty of Maastricht, made amendments on the Treaty of Rome (EEC Treaty) “creating” the current form of the European Union (Defeis, 1999). This treaty made alterations in the structure of the European Union and the powers of the Union that were classified in three pillars (Sokolska Ina, 2019b). The first one was the European Community establishing an open European market for the member States, the second was the common foreign and security policy, that the member States had to implement and respect, and lastly, the cooperation in the fields of justice and home affairs, so as for the Union to be able to provide its citizens with security, freedom and justice (Ibid.). Furthermore, TEU emphasizes on the importance of fundamental human rights and supports the fact that this norm is common ground to the member States of the EU<sup>31</sup>.

The directives that were adopted in the last decade of the 20<sup>th</sup> century were mainly dealing with issues of parenthood such as the rights of pregnant workers and parental leave (Burri & Prechal, 2008). In 1992 the *Pregnant Workers Directive* (92/85)<sup>32</sup> was adopted so as to improve the safety and health at work for workers that were pregnant or have recently given birth or are breastfeeding (Burri

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<sup>28</sup> The Community Charter of Fundamental Social Rights of Workers, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ac10107>

<sup>29</sup> The treaty of Maastricht (TEU), 7 February 1992, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:11992M/TXT>

<sup>30</sup> The Treaty of Amsterdam, 2 October 1997 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11997D%2FAFI>

<sup>31</sup> TEU, supra note 22.

<sup>32</sup> The pregnant workers directive 92/85/EEC <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0085>

& Prechal, 2008). According to the ECJ discrimination due to pregnancy equals direct discrimination and thus this directive is linked with the 76/207 directive for equal treatment of men and women in employment (Ibid.). In 1996 the *Parental Leave Directive (96/34)*<sup>33</sup> was adopted that gave to the parents, regardless of gender, the right to parental leave of at least three months (Burri & Prechal, 2008). The latter directive may not be directly linked to gender equality issue but still is significant to gender equality debate (Ibid.).

In the following year, the Treaty of Amsterdam was signed (came into force in 1999), which entailed provisions and amendments that promoted the gender equality issue throughout the European Union (Defeis, 1999). The treaty of Amsterdam highlighted the importance of democracy, liberty, respect to human rights and fundamental freedom for the EU, and made stronger its commitment towards these principles (Ibid.). It amended the TEU according to those principles, stressing their very importance on the foundation of the EU (Defeis, 1999). Additionally, it provided ECJ with the authority to impose sanctions on member States that do not abide by those principles (Ibid.). Additionally, it drew more attention to the gender equality issue by giving to the Council authorization to act against discrimination due to sex, race or ethnic origin, religion, disability, age, or sexual orientation and adopt measures so as for equality to be ensured (Defeis, 1999). Member States were allowed and encouraged to put into effect and maintain provisions of positive action towards equality (Stratigaki, 2008) but they were not required to do so (Defeis, 1999). Promoting gender equality and alleviating gender discrimination became an essential task for the European Community not only in the workforce but also in other activities (Burri & Prechal, 2008). The Article 141 EC stated in the Treaty (Article 3, par. 2) that: “In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women”.

The Treaty of Amsterdam assisted in the adoption of various policies that needed to be altered so as for them to be more neutral concerning gender (Pollack & Hafner-Burton, 2000). One of them was the Gender Mainstreaming (GM) (Ibid.). The concept of Gender Mainstreaming as a gender equality tool was

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<sup>33</sup> The parental leave directive 96/34/EC  
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31996L0034>

supported at the 4th World Conference for Women in Beijing in 1995-firstly introduced in 1991 as part of the third programme for Equal Opportunities for women and men- (Pollack & Hafner-Burton, 2000).

#### *2.3.2.1 Public policies and gender mainstreaming questions*

Gender Mainstreaming (GM) has been given multiple definitions and explanations throughout the years, due to the conceptual nature of both terms “gender” and “mainstreaming” that led to questions and misunderstanding (Stratigaki, 2005). Gender Mainstreaming is defined by the Economic and Social Council of the United Nations (ECOSOC), as follows : “The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetrated. The ultimate goal is to achieve gender equality.”<sup>34</sup> According to the UN Women (2014), Gender Equality is a long-term development goal to be achieved, and gender mainstreaming may be the means to reach it (UN Women, 2014). Via gender mainstreaming gender equality will become part of various policies (central or local) of each State, national and public organisations and programmes. Gender mainstreaming is an attempt so as any discriminatory aspect in laws, norms and practises that hardens women’s ability to be treated equally to men will be eliminated (Ibid.).

The procedure of integrating gender mainstreaming in the policies and strategies of the European Community needed powerful actions, people of expertise, knowhow and budget (Council of Europe, 1998). However, there were barriers due to the character of the integration that would may lead to the opposite results than the ones desired (Stratigaki, 2008). To prevent this from happening, European Community went on with a dual track strategy (Ibid.). In that way, gender equality must be integrated in the public policies of each State, and in the meantime the necessary positive actions for women must be planned and implemented and the needed resources must be allocated for that purpose

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<sup>34</sup> ECOSOC Agreed Conclusions 1997/2.

(Stratigaki, 2008). That way, both strategies are implemented simultaneously and results in doubling the advantages and counterbalancing the disadvantages of each strategy (Ibid.).

Gender mainstreaming as a feature of innovation when firstly introduced, gain the attention and the commitment of the EU across all of its policies (Hafner-Burton & Pollack, 2009). This horizontal inclusion in public policies is significant for the issue of gender equality but it is not in the scope of this paper to further analyse in detail its application on the policies studied.

The new millennium was characterized by various formulations in the European Law and the European Union in general. The first decade of the 21<sup>st</sup> century had a “revising” character for the EU since through treaties and directives the structure and the basic legislation are reformed due to the enlargement of the EU. In the end of this decade the “Great recession” brought to the EU major issues since many of the EU member States suffered austerity resulting in questioning the faith and trust towards the integration of the EU (Armingeon & Ceka, 2014; Arpaia & Curci, 2010).

### 2.3.3 The treaty of Nice

The first year of the new millennium ended up with discussions that led to the *Treaty of Nice*<sup>35</sup> which was signed in 2001 and came into force in 2003. The aim of this treaty was to “revise” the alterations occurred and reform the structure of the European Union since additional States entered the EU reaching 27 member States (Sokolska Ina, 2019c). The Treaty of Nice, together with the *Charter of Fundamental Human Rights*<sup>36</sup> (2000) were an attempt by the European Union to go further with the Gender Equality policy, but it is argued that it failed (Stratigaki, 2008). In 2004, the gender discrimination is often considered to be just another type of discrimination as the ones based on race, sexual orientation or disability and the “gender equality” goal started losing its unique identity as a solid goal for the European Union and became part of the “equality for all” goal (Ibid..)

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<sup>35</sup> The Treaty of Nice, 26 February 2001,

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12001C/TXT>

<sup>36</sup> The Charter of Fundamental Human Rights, 7 December 2000,

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:C:2007:303:TOC>

In 2002 the directive that succeeded the 76/207/EEC directive on Equal Treatment in Employment was signed (2002/73/EC)<sup>37</sup> that made adjustments based on the Amsterdam Treaty (Burri & Prechal, 2008). In 2004, the first directive on gender equality that is not linked with employment was signed, the one on the principle of *equal treatment between men and women in access to and the supply of goods and services* (2004/113/EC)<sup>38</sup> (Ibid.). Even if this directive is not directly linked with the scope of this paper, it is an important directive on the gender equality issue since it highlighted the sex discrimination issue not only in employment, but in other fields too.

In accordance with the commitment of EU towards mainstreaming gender in its policies during the previous decade the *Roadmap for Equality for Men and Women (2006-2010)*<sup>39</sup> was adopted by the European Commission. The aim of this roadmap was to improve the lives of both men and women, and to end up in a change in the way that gender equality is perceived by both genders (Commission of the European Communities, 2006a). The Roadmap is composed of six main goals for the EU member States to achieve regarding the gender equality issue:

- (i) Equal economic independence for women and men,
  - (ii) the reconciliation of private and professional life,
  - (iii) equal representation in decision-making,
  - (iv) the eradication of all forms of gender-based violence,
  - (v) the elimination of gender stereotypes,
  - (vi) the promotion of gender equality in third countries
- (Commission of the European Communities, 2006b).

Regardless of its importance for the EU, the Roadmap is argued to have lacked additional budgetary support since it actually worked as tool of direction for the member States under the already existing budget of the EU for other relevant programmes (Stratigaki, 2008).

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<sup>37</sup> Directive on Equal Treatment in Employment (2002/73/EC)

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32002L0073>

<sup>38</sup> Directive on equal treatment between men and women in access to and the supply of goods and services, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0113>

<sup>39</sup> Roadmap for Equality for Men and Women, <https://eur-lex.europa.eu/legal-content/EL/TXT/?uri=LEGISSUM%3Ac10404>

In 2006, the *Recast Directive (2006/54)*<sup>40</sup> was adopted. The aim of this Directive was to simplify the provisions of specific directives (Burri, 2018). This directive had to be enforced by 15 of August 2008 and the directives it combined and as planned repealed by the 15<sup>th</sup> of August 2009 were; (1) the directive on equal pay for men and women (75/117); (2) the directive on equal treatment of men and women in employment (76/207 as amended by Directive 2002/73); (3) the directive on equal treatment of men and women in occupational social security schemes (86/378, as amended by Directive 96/97) and; (4) the directive on the burden of proof (97/80) (Ibid.) Through this directive, the EU opted for a text that would contain all the necessary provisions; (1) on equal treatment for men and women regarding employment and occupation; (2) on the elimination of direct or indirect discrimination and harassment and sexual harassment, and; (3) on the encouragement of the employers to adopt measures so as to prevent discriminatory acts or act of harassment (Burri & Prechal, 2008).

#### 2.3.4 The treaty of Lisbon

The latest treaty signed is the *Treaty of Lisbon*<sup>41</sup> that came into force on 1st of December 2009 and amended the treaty on European Union and the treaty establishing the European Community. Through this treaty the Charter of Fundamental Human Rights became binding for the member States and through its amendments it reaffirmed the importance of gender equality for the EU (adoption of articles 13 and 141 with no changes), and the obligation of gender mainstreaming for the EU and the member States (Burri & Prechal, 2008). The treaty of Lisbon is argued to have empowered the link between the EU and the gender equality, making the achievement of the latter fundamental towards the very identity of the EU (Bain & Masselot, 2012).

As it was mentioned before, the latest years of the previous decade were marked by the global economic crisis. It is supported in literature that it is in times like these that governments of States concentrate on the economic survival of the State and the focus of policy making is not on the issues of equality (such as gender

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<sup>40</sup> The Recast Directive,  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054>

<sup>41</sup> The Lisbon Treaty, 13 December 2007,  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT>

equality) (see for instance Bain & Masselot, 2012; Bakker, 1994; Elson, 1995; Moghadam, 2011). For the next decade, that brings us to today, the directives adopted by the EU regarding gender equality were few. EU Commission decided to work on the equality issue through collective strategies (i.e. the Strategy for equality between women and men 2010-2015, the Strategic Engagement for gender equality 2016-2019) so as to highlight the importance of equality for the EU and fight violence against women.

From a legislative perspective on the gender equality issue, in 2010 two additional directives that amended previous ones were adopted. The first one was the Directive which implemented the revised *Framework Agreement on parental leave (2010/18/EU)*<sup>42</sup>, repealing the previous form (96/34/EC), and the second one is the directive on the application of the principle of *equal treatment between men and women engaged in an activity in a self-employed capacity (2010/41/EU)*<sup>43</sup> repealing the previous Council Directive (86/613/EEC) (Schonard, 2019). Most recently, in June of 2019, EU adopted a Directive that is directly linked with gender equality, ‘*on work-life balance for parents and carers*<sup>44</sup>’ (2019/1158) (European Commission, 2019a). This directive came into force in the 2nd of August in 2019 and the member States must evoke the provisions of the directive in their national law by the 2<sup>nd</sup> of August 2022 (European Council, 2019). The original version of the above-mentioned Directives can be found in the Annex B part of this dissertation so as for those interested to read in detail. According to the European Commission the main goal of this directive is to turn maternity leave into family leave, improving the family integration on the issue, allowing both males and females to take advantage of their rights as parents or carers (Ibid.). The aim of this directive is three-fold:

- a) support work-life balance for parents and carers,
- b) promote an equality in sharing the parental leave between man and women and

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<sup>42</sup>Directive on the implementation of the revised Framework Agreement on parental leave, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010L0018>

<sup>43</sup> Directive on equal treatment between men and women engaged in an activity in a self-employed capacity <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010L0041>

<sup>44</sup> Directive on work-life balance for parents and carers, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELLAR:4119596d-a475-11e9-9d01-01aa75ed71a1>

- c) act as a possible solution on the issue of underrepresentation of women in the labour market (European Commission, 2019a).

To achieve this aim, there are four (4) basic prerequisite elements: the introduction of paternity leave<sup>45</sup>; the continuity of the parental leave<sup>46</sup> case in which all parents are entitled to a 4 month paid leave; the introduction of carers' leave<sup>47</sup>, a 5 day leave per year for those workers taking care of a relative of them in need; an unquestionable right for parents and carers for flexible working arrangements<sup>48</sup> (Ibid.). Additionally, this directive provides the member States with recommended policies so as to assist them in increasing women's employment and economic stability in families (European Commission, 2019c). This policies are prone to protect parents from any kind of discrimination or even dismissal (pregnant women and those coming back from parental leave), eliminate existing incentives that may affect women's participation in employment, ensuring the correct usage of European funds on the issue and lastly support the gender-balanced use of leaves (Ibid.).

Regarding the two collective strategies that were employed by the European Commission, they were both composed by five (5) goals that were monitored and specific actions and indicators were designed so as for the European Commission to be able to measure the results and keep track of their progress (European Union, 2011, 2015). Additionally, initiatives were enacted to motivate the States to reach the gender equality goals. The first strategy to be enacted was the *Strategy for equality between women and men 2010-2015*<sup>49</sup> which worked under the five main goals: (i) Equal Economic independence for men and women in the labour market, (ii) Equal Pay for work and work of equal value, (iii) promoting participation of women in decision-making processes, (iv) a policy to

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<sup>45</sup> 'Paternity leave' means leave from work for fathers or, where and insofar as recognized by national law, for equivalent second parents, on the occasion of the birth of a child for the purposes of providing care.

<sup>46</sup> 'Parental leave' means leave from work for parents on the grounds of the birth or adoption of a child to take care of that child.

<sup>47</sup> 'Carers' leave' means leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State

<sup>48</sup> 'Flexible working arrangements' means the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours.

<sup>49</sup> Strategy for equality between women and men 2010-2015, 21 September 2010, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0491:FIN:EN:PDF>

protect human dignity and integrity and eliminate violence towards women, (v) gender equality shall be a goal with no limits and be achieved both in and out of the EU (European Union, 2011). The second one is the *Strategic Engagement for gender equality 2016-2019* that also worked under the same five goals with the addition of a sixth goal, the one of ‘Gender mainstreaming, funding for gender equality and cooperation with all actors’ (European Union, 2015). The indicators employed vary according to each goal (Ibid.).

For the first goal ‘Equal Economic independence for men and women in the labour market’ the indicators employed are;

- Gender employment gap (20-64 years);
- Gender employment gap (20-64) in full-time equivalents;
- Gender gap in part-time employment among parents;
- Time spent in unpaid care work per week, by gender;
- Involuntary part-time work due to looking after children or incapacitated adults, by gender;
- Children cared for under formal arrangements as a proportion of all children in the age group (0-3 years and 3 years to mandatory school age);
- Proportion of active population (50-64 years) caring for elderly or disabled relatives at least several days a week, by gender;
- Gender gap in employment rates among non-EU nationals;
- Gender gap in employment rates among recent non-EU nationals;
- Proportion of research-performing organisations that have adopted gender equality (European Union, 2015).

For the second one ‘Equal Pay for work and work of equal value’ the indicators used are;

- Gender pay gap;
- Gender overall earnings gap;
- Gender segregation in economic sectors and occupations;
- Gender pension gap;
- Gender Coverage gap in pensions;
- In-work poverty of women and men;

- At-risk-of-poverty rate and social exclusion in old age;
- Single-parent households at risk of poverty or social exclusion (Ibid.)

The indicators used for the third goal ‘promoting participation of women in decision-making processes’ are;

- Proportion of women among members of the highest decision-making body of the largest nationally registered companies listed on the national stock exchange;
- Proportion of women among presidents and CEOs of the largest nationally registered companies listed on the national stock exchange;
- Proportion of women among executive and non-executive members of the two highest decision-making bodies of the largest nationally registered companies listed on the national stock exchange;
- Proportion of women heads of higher education institutions;
- Proportion of women in the single/lower houses of the national/federal Parliaments of the Member States and in the European Parliament;
- Proportion of women in the single/lower houses of national/federal governments and the European Commission;
- Proportion of women in Commission senior/middle management (European Union, 2015).

For the fourth goal ‘a policy to protect human dignity and integrity and eliminate violence towards women’ the Key Performance Indicators are;

- Proportion of women who have experienced physical and/or sexual violence;
- Proportion of women who have experienced physical and/or sexual violence by a partner;
- Proportion of women who have experienced psychological violence by a partner;
- Proportion of women who have been sexually harassed (Ibid.).

For the fifth goal set EU uses the following indicators;

- End all forms of discrimination against all women and girls everywhere;

- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;
- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation;
- Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate;
- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;
- Ensure universal access to sexual and reproductive health and reproductive rights, as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences;
- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws - Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women - Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels (European Union, 2015).

For the last goal 'Gender mainstreaming, funding for gender equality and cooperation with all actors' the indicators employed are;

- Report on gender mainstreaming published;
- Regulations of relevant future funding programmes;
- Analysis of national strategic documents carried out;
- Number of exchanges of good practice;
- Number of meetings organised

- Reports on progress published;
- Reports on implementation prepared (Ibid).

Concluding, it is more than 60 years now that the EU is working on the elimination of gender inequalities and gender discrimination through treaties, directives, strategies and policies. The binding legislative actors are enforced so as for the EU member States to reach gender equality. The abovementioned strategies and tools are not legislative actions for the gender equality issue, but they act as an additional indicator regarding the fundamental significance of achieving gender equality in the very building of the EU. All these means led to an improvement in the issue of gender equality, mainly in the cases of inequality in marriages, against sexual harassment and violence towards women (Jenson, 2015). However gender equality is still elusive in the EU and beyond. According to Jenson (2015) women still suffer socio-economic inequalities in their work, domestically, in politics and in their social life. According to OECD in 2017 the participation of women in politics reached parity only in Slovenia, Canada, Sweden and France, and the average for all the OECD States do not exceed 28% (OECD, 2017). Additionally, based on the report of the World Economic Forum ‘Global Gender Gap Report 2020’ it is admitted that equality is not achieved even in the most advanced States of the 153 under scrutiny (World Economic Forum, 2019). Educational Attainment, Health and Survival, Economic Opportunity and Participation, and Political empowerment of women are the indicators used to define the global gender gap (Ibid.). The first two are the ones closer to parity whereas the rest two are improving but are far from parity (Ibid.). Additionally in this report the persistency of gender wage gap and its stalled progress globally is admitted (World Economic Forum, 2019). Lastly, the underrepresentation of women in decision making and managerial positions compared to men indicate the lack of gender equality in employment (Ibid.). The abovementioned indicators are some of the many examples that lead to the conclusion that gender equality is elusive.

In this paper two member States of the EU will be presented regarding their internal law and their adaptation of the European legislation on the gender equality issue. These two member States are Greece and United Kingdom. In this part of the paper the legislative timeline of both States will be shortly analysed and compared concerning valuable variables on the gender equality issue.

### 3 Methodology

This chapter presents the basic axes around which the analysis of the case studies was based and the case study selection criteria. The chapter on the case studies of Greece and the United Kingdom attempts to identify the legal provisions of the respective EU member States and to evaluate their progress towards consolidating gender equality. A North – South comparison of States was the main criterion for choosing Greece and the UK as case studies. The comparison between states of Northern Europe and States of the Southern Europe has long been studied, indicating that there is a difference in the development rates for these two geographic regions (Hadjimichalis, 2005, 2011). Additionally, given the recent economic crisis, a similar comparison was conducted supporting that the effects of the recession was harsh for the EU generally, but the south Mediterranean States were the ones that faced the most severe austerity measures and consequences with an greater increase in their unemployment rates and their migration levels (Lafleur & Stanek, 2017). Therefore, such a comparison was followed in this dissertation as well.

First, each State was studied individually and indicators were presented so as to assimilate the ongoing situation in each State throughout the years 2006-2018. The final choice of the indicators was made according to the paper ‘The European Gender Equality Index: Conceptual and Analytical Issues’ by Eduardo Bericat (2012) who created a European Index for gender equality according to three dimensions: (1) work; (2); power; and (3) education. For each dimension specific indicators were chosen. For the purposes of this dissertation only the work-related indicators were adopted, them being divided in 3 categories:

- (1) participation which was composed of employment and unemployment rates by sex;
- (2) Contract which comprised of part-time and temporary employment by sex; and
- (3) Payment that entailed gender pay gap (in unadjusted form).

In the fourth part of the dissertation only the indicators of the two first categories were used, whereas the gender employment gap and gender overall earnings gap

indicators in the discussion chapter of the paper. Due to lack of data for the gender pay gap indicator, the overall earnings gap one was preferred. To avoid disparities in enumeration processes and criteria, and maintain a consistent data collection methodology throughout the two case studies the data were collected by EUROSTAT. Furthermore, in order to create a legal 'profile' for both States, the legislative framework for each State was studied and analysed. The aim of the review part was to present only the binding rules for the Greek and the British people, so no strategies, soft policies or non-binding policies were analysed.

Additionally, to compare Greece and the UK from an international perspective, policy documents and data from Sustainable Development Solutions Network (SDSN) and the European Institute for Gender Equality (EIGE), on the gender equality issue were used. The first is a report published by Bertelsmann Stiftung and the SDSN, concerning the progress of UN member States towards achieving the goals set by the Agenda 2030 (Sachs et al., 2019). The second source of information was the *Gender Equality Index*, created and used by the European Institute for Gender Equality (EIGE). The latter source was used to pinpoint the progress of Greece and the UK regarding gender equality. The Gender Equality Index uses a scale from 1 (full inequality) to 100 (full equality), and estimates the differences based on sex in domains relevant to the EU legislation; (1) work; (2) money; (3) knowledge; (4) time; (5) power; (6) health. Additionally, it measures violence against women and intersecting inequalities and provides information for the EU and the member States.

The last chapter proceeds with the direct comparisons between the two case studies States, Greece and the UK. It starts by analyzing the three-abovementioned indicators: the gender pay gap; the gender overall earnings gap; and the gender employment gap. It then goes on with a comparative analysis on the legislative framework highlighting the current situation and the possible explanations for the elusive case of gender equality. It concludes with questions for further future investigation.

## 4 Case studies

### 4.1 Greece

Greece is a State of South-eastern Europe (World Population Review, 2019a). The official name of the State is Hellenic Republic and, according to the UN, it is populated approximately by 10,450 million people, almost equally distributed in females and males (Ibid.). The GDP of the State according to the UN is approximately 174.77 billion Euro and the GDP per capita is over 19,000 Euro (Ibid.). The capital of Greece is the city of Athens, the largest city of the Greek State.

Greece became an official member State of the EU in 1981 (European Union, 2019a). In 1974, Greece got rid of a seven-year long dictatorship that influenced the “Europeanization” of the State (Greek Ministry of Foreign Affairs, 2019). Greece attempted to join the European Community in 1961, but due to the dictatorship of 1967 this case was left aside and got restarted after the democratic regime took over in 1974, and finally was concluded in 1981 (Ibid.). The political system of Greece is presidential-parliamentary republic with the Prime Minister as head of the government, and the President as head of the State with largely ceremonial duties (European Union, 2019a). Greece also joined the monetary policy of EU and as of 1<sup>st</sup> of January 2002 changed its national currency to euro (Foreign Ministry of Greece, 2018).

#### 4.1.1 Data about Greece

Taking into account the recent global economic recession and the austerity measures that Greece as a State had to undertake, it led to a general decrease in the size of the Greek economy by 23% in a 6 year period (2007-2013) (Anastasiou et al., 2015). This decrease in the Greek economy resulted in a respective decrease in other indicators of the economy of the State such as the employment rates for both males and females (Salgado et al., 2014). In 2019 the EIGE indicated that Greece is the second last State in employment rates among the EU member States with a score of 64.2 points in the employment field (European Institute for Gender Equality, 2019b).

As it was mentioned previously, it is supported in bibliography that in times of severe austerity the government of the States are focusing on the survival of the

State and issues such as gender equality are considered secondary (Burri & Eijken, 2014; Koehler, 2016). To that respect it is argued that the progress on gender equality in employment is ceased, worsening the position of females in the labour market (Kazandziska et al., 2012). In 2013, employment for women in Greece reached 35.1% compared to a 56.9 % for men (European Institute for Gender Equality, 2019a) indicating the existence of an employment gender gap. Based on Eurostat results from 2014 until 2018 one can notice a total decrease in unemployment rates both for females and males. Still, a difference in comparison of the unemployment rates of the two genders from 2014 to 2018 is obvious (EUROSTAT, 2019). Additionally, comparing Greece to the rest of the EU, Greece comes first on female unemployment and gender gap unemployment (EUROSTAT, 2019; Tudora et al., 2015).

In this part of the paper the statistics regarding the Greek labour market are presented and analysed. The indicators chosen are employment rates, unemployment rates, part-time employment and temporary employment in total and by sex.

The table that follows presents the above mentioned indicators in a chronological order for the years 2006, 2010, 2014 and 2018, retrieved by Eurostat (2019).

Table 4-1 Gender equality and inequality indicators for Greece in the years 2006-2018 (EUROSTAT, 2019)

<i>Greece</i>	<b>2006</b>	<b>2010</b>	<b>2014</b>	<b>2018</b>
<i>Employment Rate Total</i>	65.6	63.8	53.3	59.5
<i>Employment Rate Females</i>	51.3	51.8	44.3	49.1
<i>Employment Rate Males</i>	79.9	76	62.6	70.1
<i>Unemployment Rate in total</i>	9	12.7	26.5	19.3
<i>Unemployment Rate Females</i>	13.8	16.4	30.2	24.2
<i>Unemployment Rate Males</i>	5.7	10.1	23.7	15.4
<i>Part time Employment in total</i>	7.6	8.8	25.3	17.2
<i>Part-time Employment Females</i>	12.8	12.3	30	21.2
<i>Part-time Employment Males</i>	n.d.*	4.4*	19.8	12.4*
<i>Temporary Employment Total</i>	10.8	12.6	11.6	11.3
<i>Temporary Employment Females</i>	13.1	14.6	12.4	13.5
<i>Temporary Employment Males</i>	9.1	11.1	11	9.5

(\*) data of low reliability

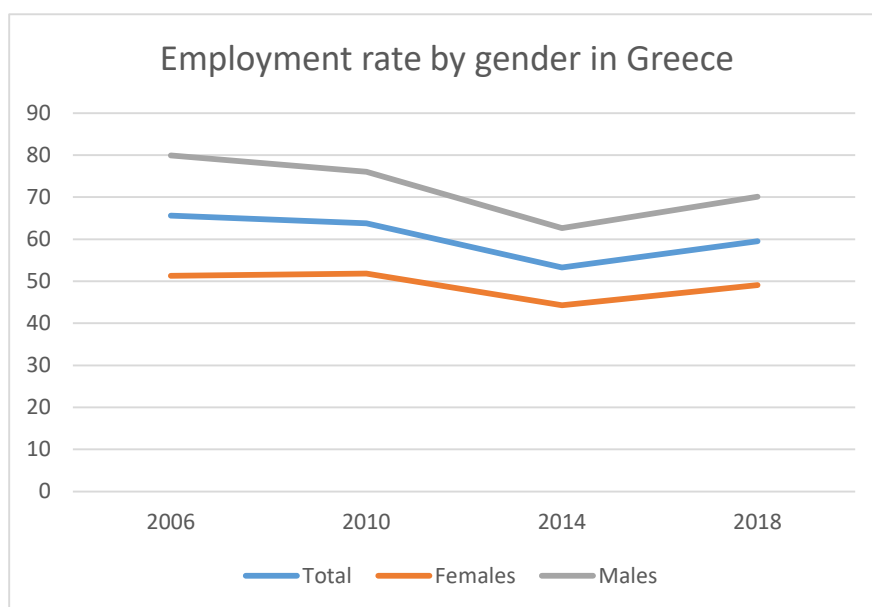


Chart 4-1 Employment Rate by gender in Greece (EUROSTAT, 2019)

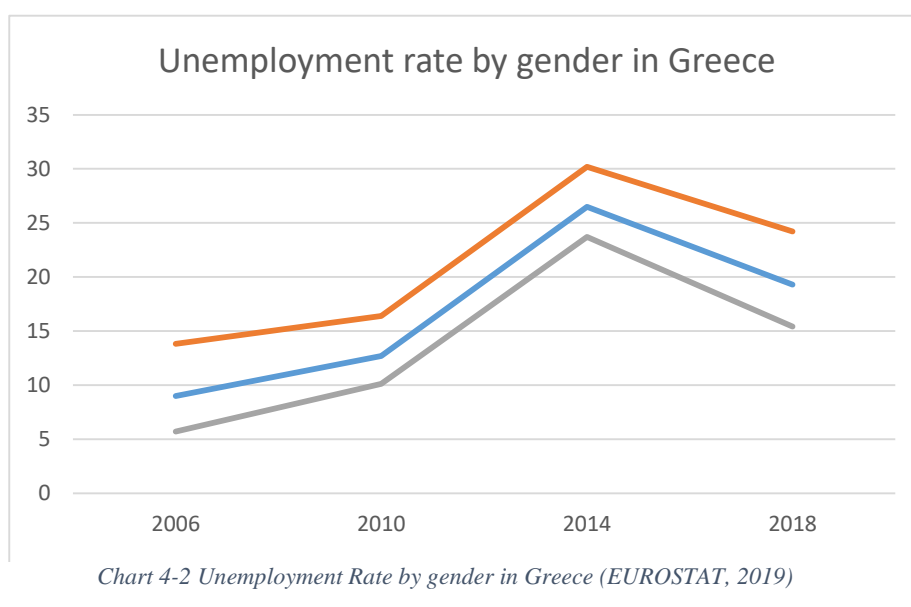


Chart 4-2 Unemployment Rate by gender in Greece (EUROSTAT, 2019)

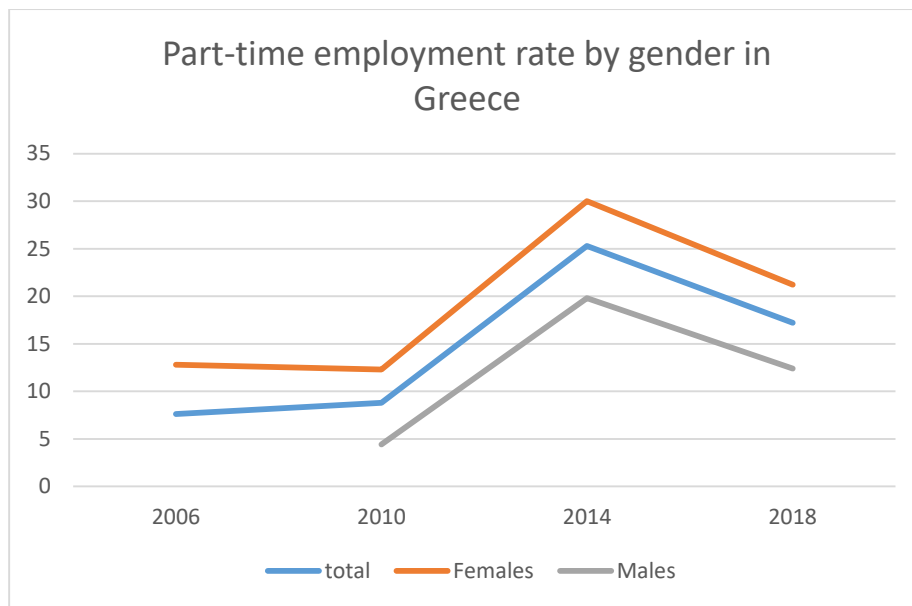


Chart 4-3 Part-time Employment in Greece (EUROSTAT, 2019)

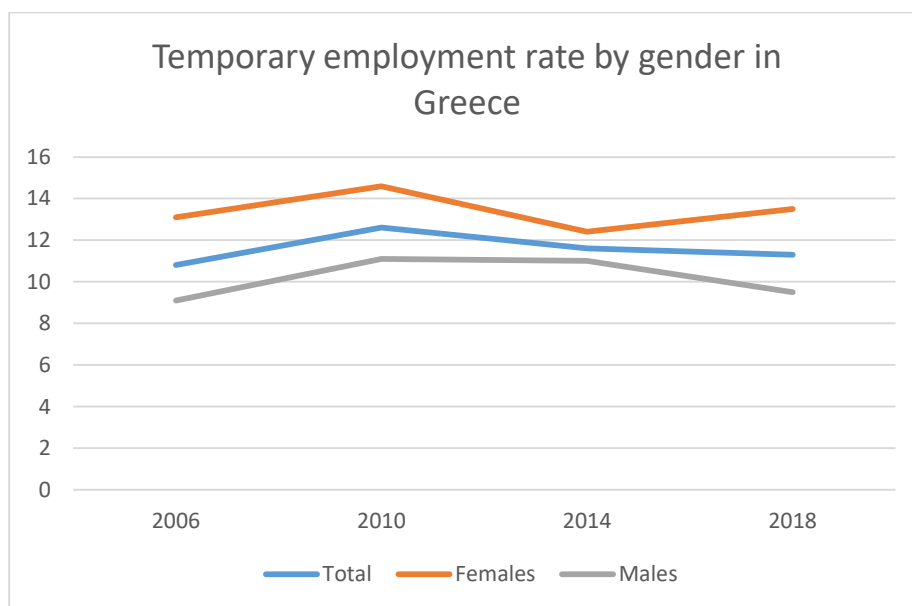


Chart 4-4 Temporary Employment in Greece (EUROSTAT, 2019)

At a first glance, one can notice that for all the indicators the female numbers are indicative of a worst off situation. With regards to the participation dimension, in accordance to what was mentioned before the employment rate for women in Greece is lower compared to both employment rate for men and the total

employment rate in the State. The downside turn in the employment rate for women in this timeline is in line to a general fall in employment in total and for men. However, one can notice that the difference is much bigger for men with a 13.4% compared to a 7.5% for women. The unemployment rate for women follows a similar line and reaches its pick in 2014 with 30.2%, compared to a 26.5% in total numbers and a 23.7% for males. Concerning the contract related dimension, part-time and temporary employment is higher for women compared to men and total population in every year presented. It is argued in the bibliography (Stephens, 2018; Verniers & Vala, 2018; Weeden et al., 2016) that motherhood affects positively part-time employment, and this may be used as a possible explanation for this observation in our case.

The analysis of the statistics for the Greek State can be used as an indication on the route that Greece followed and the results it has in numbers after the adjustment of the EU legislation in its national legislation (see in the next section). However, due to the interest of this paper, additional information are given by some reports created by the UN, its entities and other International Organizations concerning Greece and its progress on the goal of Gender Equality.

The 2030 Agenda, is - as mentioned in a previous chapter - one of the currently running strategies that works on various goals including gender equality. According to Sachs et al (2019), gender equality is not met universally, regardless of the long-lasting attempts of the States and the other actors working on it. More action is necessary for equality to be reached in a sustainable way (Sachs et al., 2019). In order for the implementation to be monitored each State has to give Voluntary National Reviews (VNR) (Sachs et al., 2019). Greece has already submitted its own review. In total, according to the report, the Greek State is ranked 50<sup>th</sup> out of 162 States regarding its progress towards achieving SDGs (Ibid.).

Even if gender equality is not reached, a moderate improvement in the trends towards it is evident (Sachs et al., 2019). An increase in the growth rate is indicated but not yet the desirable one so as for the goal to be met by 2030, and additional measures are required to gain this challenge (Ibid.). There are six indicators used in this report to show the progress on gender equality; (1) demand

for family planning satisfied by modern methods (% women married or in unions aged 15-49); (2) female to male mean years of schooling, population age 25 + (%); (3) female to male labour force participation rate (%); (4) seats held by women in national parliaments (%); (5) gender wage gap (total, % male median wage); (6) gender gap in minutes spent per day doing unpaid work (Sachs et al., 2019). Based on the progress of Greece on these indicators so far, the gender equality goal is reached in a percent higher than 50% (Ibid.). According to the Greek profile, participation of women in the parliament is the only one with a decreasing rate and major actions must be taken to improve it, whereas there is no information on the difference between genders on the minutes spent per day for unpaid work, but still additional measures are necessary (Sachs et al., 2019). The indicator of participation of women in the labour market and the gender wage gap though, are the ones that have been achieved or are at least close to (Ibid.). For the rest two, there are still significant challenges to achieve them, however they are moderately improving (Ibid.).

Based on the report of the Gender Equality Index 2019 for Greece the total score is slightly above median reaching 51.2 point (European Institute for Gender Equality, 2019c). The two lowest scores that are below 50 are located in the domain of power that reaches 24.3 and 44.7 in the time domain. The highest score is the one of the health domain at 83.5 followed by 71.4 points on the domain of money. The domain of knowledge gets 55.7 points and lastly, to the interest of this dissertation the score for the domain of work reaches 64.2 points (European Institute for Gender Equality, 2019c). In total, the index for gender equality in Greece is a lot lower than the average of the EU, at 67.4 and it is evident that additional action must be taken in order for the gender equality index to be increased. In the domain of work, there is an increase compared to the previous report on the very same index but still inequalities are observed in the participation dimension in the workforce (European Institute for Gender Equality, 2019b). Additionally, women are found to work 39 hours compared to 44 hours for men, indicating a close to equality aspect in the work domain for the Greek State (Ibid.).

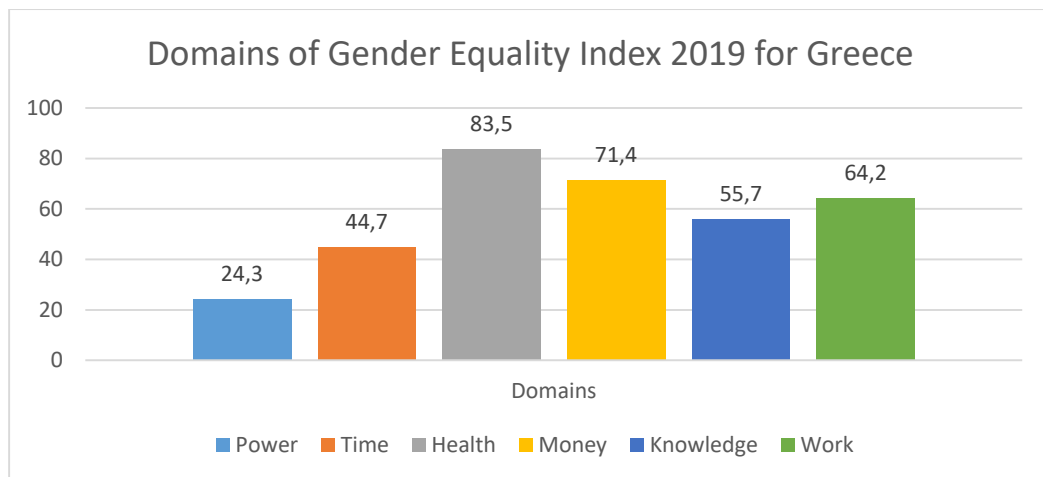


Chart 4-5 Domains of Gender Equality Index 2019 for Greece (EIGE, 2019)

#### 4.1.2 Greek Legislation

As mentioned previously, all member States of the EU are obliged to abide by the laws adopted by the EU through its treaties and the directives. Therefore, Greece had to adjust its legal framework according to the European law, and to the interest of our paper Greece had to have the laws regarding gender equality adopted in specific time which was defined by the EU. In this part of the paper a review of the existing legislation of Greece is given.

In 1974 the referendum on the regime of Greece, after the 7year-long dictatorship, took place in which the majority of Greeks chose the republic form of government (*The Constitution of Greece [English Version]*, 2008). It was then that the Constitution of the new government was assigned to be shaped, and so far, it has been revised 3 times, first in 1986, then in 2001, in 2008 and in 2019 (Ibid.). To the interest of this dissertation the Articles that focus on the gender equality issue will be highlighted and briefly analyzed.

The Greek Constitution entails three (3) legal provisions that concentrate on gender equality and condemn discrimination on the ground of sex. In the very beginning of its 4<sup>th</sup> Article in the section on Individual and Social Rights, the Greek Constitution states that '*all Greeks are equal before the law*', and makes gender specifications in Article 4(2) by stating that '*Greek men and women have equal obligations and rights*' that indicates the general equal treatment regardless of gender (Greek Constitution, 2008, ar. 4 §1&2). Additionally, legal provisions on the protection of the family, maternity and childhood are entailed in the

Constitution in Article 21; ‘The family, being the cornerstone of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, shall be under the protection of the State.’ (Greek Constitution, 2008, ar. 21, §1). Significant to the purpose of our paper is the section of the Constitution that abides by the Article 157 TFEU of the EU legislation that makes illegal the unequal payment between the two genders for work of equal value, stating ‘All workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value’ (Greek Constitution, 2008, ar. 22, §1(b)). The revision of the Constitution in 2001 amended that the implementation of positive measures which promote gender equality do not constitute discriminatory acts towards sex, and are necessary for the eradication of gender inequalities (Greek Constitution, 2008, ar. 116, §2). These provisions are argued to be the foundation in achieving gender equality in a substantive form (Prechal & Burri, 2008).

As mentioned before, each of the Greek governments had to have the national legislation of the State aligned with the directives of the EU. Hereby, are presented all the amendments of Greek legislation in a chronological order. In 1981, according to the third directive 79/7/EEC on equal treatment of men and women on social security, the Greek government through the **Presidential Decree 1362/1981** amended previous legislation (Law 1846/1951) by replacing the first paragraph of Article 33 on Social Security. This is the only action taken by Greek governments so far with regards to social security and is considered a problematic one because it lacks explanation on statutory or occupational coverage (Burri & Eijken, 2014). In October of 1984, **Law 1483/1984** was officially published regarding the ‘protection and facilitation of workers with family responsibilities’, and it was further amended in 1998 by Law **2639/1998** and Law **4075/2012** that added provisions on that issue. In 1997, the **Presidential Decree 176/1997** in accordance with the Directive 92/85/EEC, supported and adopted measures to improve the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. An additional one in 2003, the Presidential Decree 41/2003, further amended this Decree. Based on the Directives 96/97/EC and 86/378/EEC, **Presidential Decree 87/2002** was adopted to implement the principle of equal treatment of men and women in occupational social security schemes. Provisions of Directive 97/80/EC on sex discrimination

led to the adaptation of internal legislation under the **Presidential Decree 105/2003**. The Directive 2002/73/EC led to the adaptation of the **Law 3488/2006** that dealt with the implementation of the principle of equal treatment of men and women regarding access to employment, professional training and evolution, terms and conditions of work and other related provisions. The **Law 3528/2007**<sup>50</sup>, that is known as the “Code on the Status of Civil Servants and Employees of Legal Persons Governed by Public Law”, was voted and adopted by the Greek parliament in 09.02.2007, and gives detailed guidance on the way that civil servants and legal employees must be chosen, the binding obligations of both the State and the employees to one another. Specific provisions on gender equality are adopted through this act. More specifically, it indicates and forbids discriminatory acts based on sex<sup>51</sup> and forces gender equality in the administrative bodies of each service<sup>52</sup>. The Article 142 in **Law 3655/2008**, the “administrative and organizational reform of the social security system”, indicates the existing legislation regarding maternity leave and adds to those six months of special maternity leave. In 2009, the **Law 3769/2009** is adopted in line with the directive 2004/113/EC on ‘Implementation of the Principle of Equal Treatment of Men and Women Regarding Access to Goods and Services and Their Supply’. In 2010, three acts were added in align with the EU directives. The **Law 3863/2010** concerning the ‘New Social Security System’, **Law 3865/2010** regarding the ‘Reform of the Pension System’, and **Law 3896/2010** on the ‘Implementation of the Principle of Equal Treatment of Men and Women in Matters of Employment and Occupation’ which was adopted according to the Directive 2006/54/EC of the European Parliament and the Council. Lastly, in 2012, two laws were added. The first one was the **Law 4075/2012** in accordance to the ‘Directive 2010/18/EU of the Council of the EU implementing the Revised Framework Agreement on Parental Leave Concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and Repealing Directive 96/34/EC’, and the second one was **Law 4097/2012** regarding the ‘Implementation of the Principle of Equal Treatment of Men and

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<sup>50</sup>Code on the Status of Civil Servants and Employees of Legal Persons Governed by Public Law, <https://www.aade.gr/sites/default/files/2019-04/%CE%9D%CE%9F%CE%9C%CE%9F%CE%A3%203528.2007.pdf>

<sup>51</sup> This provision was added after the adoption of act 4210/2013, in 2013

<sup>52</sup> The Article 161 that deals with this is issue was added in the Code after the adoption of Act 4275/2014, in 2014.

Women Engaged in an Activity in a Self-Employed Capacity. The Directive linked to that law is the 2010/41/EU.

According to the report by Burri and Eijken (2014) from a general perspective regarding legislation on equality in the workplace, four main categories are used to study the current situation in Greece; (1) Equal Pay and Equal Treatment to Work; (2) Pregnancy and protection, parental leave and adoption leave; (3) Statutory schemes of Social Security; (4) Self-employed Persons; (4) Goods and Services. For starters, the legislative pieces regarding discrimination are satisfactory, however the equal pay norm is rather not (Burri & Eijken, 2014). Although the principle is included in the Greek legislation, the law is vague towards the job description and what equal value notion stands for, which may lead to indirect discrimination events (Ibid.). The pay difference varies based on the contract of the employee and therefore it is justified even in cases of work of equal value (Burri & Eijken, 2014). Regarding access to work and the working conditions in the labor market may be regarded as satisfactory (Ibid.). The Greek Constitution, the relevant legal provisions and the judicial decisions are aligned with the respective EU directives, however, austerity measures are argued to have affected the situation in Greece (Burri & Eijken, 2014). Stable personnel was replaced to temporary and the public sector personnel was decreased, both affecting more women since they are occupied in such positions (Ibid.). Regarding pregnancy and maternity leave, Greece's legislation is fully covering that issue according to the EU legislation even if there are some differences between the public and the private sector, mainly affecting the duration of maternity leave (Ibid.). Same applies for the issue of access in goods and services in which equality and lack of discrimination is imposed legislatively (Burri & Eijken, 2014). Self-employed women are the least legislatively covered and even if the Greek law adopted the respective EU legislation, its implementation is unsatisfactory (Ibid.). Lastly, regarding occupational schemes, the Greek law does not identify the cases that occupational and statutory schemes are applied, and due to austerity measures the Greek law was altered and adjusted to standards different than the ones of the EU (Burri & Eijken, 2014).

An additional body working on the issue of equal treatment is the Ombudsman. It is the official equality body that its independence is guaranteed by

the constitution (Burri & Eijken, 2014). The Greek Ombudsman attempts to give effective solutions to problems that arise between citizens and administration that will benefit both parts (The Greek Ombudsman, 2020). The issues that the Greek Ombudsman focuses are equal treatment, rights of children and vulnerable groups (Ibid.). When a complaint on equality issue is received, the Ombudsman must intervene and come up with a solution which has no binding character whatsoever (Burri & Eijken, 2014). More relevant to the aims of this dissertation are the issues regarding gender inequalities, on which this authority has worked throughout the years (The Greek Ombudsman, 2020). In 2009, a report on gender equality issues, the Gender Equality Circle<sup>53</sup>, was conducted indicating such cases (Ibid.). This report highlights that statistically unequal treatment cases reach almost 73%, while the rest are cases on maternity rights. Cases of unequal treatment reported, regard access to employment, working conditions, sexual harassment, unequal payment, professional advancement, education, and terms and conditions of release of employees (The Greek Ombudsman, 2020). More recently, in a report by the Greek Ombudsman on equal treatment<sup>54</sup>, various cases of discrimination are presented including the one of discrimination based on sex (Ibid.). The 30% of the cases regard complaints on the private sector from which 76% are cases related to sex discrimination (The Greek Ombudsman, 2020). The cases highlighted in these reports underpin the fact that discrimination on the grounds of sex in the workplace still exists in the Greek State, regardless of the national initiatives and legislation.

Concluding, in some cases the Greek laws exceed the EU Directives (see for instance the Articles 4(2), 22(1)b and 116(2) of the Greek Constitution, as well as the law regarding the maternity leave in the public sector) whereas in some others no coverage of the provisions required is evident or there is a breach in the respective Directives (see for instance the law regarding maternity leaves in the private sector, and the legislative actions concerning female self-employed persons) (Burri & Eijken, 2014). It is argued that an explanation for this lack of covering the provisions may result from the exhausting austerity measures that affected mutual factors with gender equality goal, such as pensions, social benefits, employment and wages are considered a hurdle in the enhancement of the progress

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<sup>53</sup> [https://www.synigoros.gr/?i=kdet.el.ehtisies\\_ektheseis\\_documents.39150](https://www.synigoros.gr/?i=kdet.el.ehtisies_ektheseis_documents.39150)

<sup>54</sup> [https://www.synigoros.gr/resources/docs/ee\\_im\\_2018\\_el.pdf](https://www.synigoros.gr/resources/docs/ee_im_2018_el.pdf)

towards gender equality (Ibid.), whereas another explanation is the fact that women in Greece are afraid to complain when they are treated unequally, because they might lose their job or be labelled as troublemakers (Burri & Eijken, 2014).

## 4.2 The United Kingdom

The United Kingdom (UK) or Great Britain is a State of the north-west of Europe that includes four nations: England, Wales, Scotland, and Northern Ireland. The capital of the UK is London (World Population Review, 2019b). The UK is inhabited by approximately 67.693 million people and the GDP of the State according to UN is 2.40 trillion EURO and the GDP per capita is 37.778 EURO (World Population review, 2019). UK is a State of the developed world and the fifth-largest economy in the world (World Population Review, 2019b).

The regime of the UK is constitutional monarchy with a parliamentary democracy (European Union, 2019b), and although the Head of the State is the monarch, no responsibility on open decision making lies with the monarch (World Population Review, 2019b). The political decisions are made by the British parliament and the government with head of government the prime minister (European Union, 2019b). Two houses comprise the British Parliament, the one of the House of Lords and the House of Commons with the latter being the most powerful on the decision making process (World Population Review, 2019b).

United Kingdom is currently a member State of the EU that joined the union in 1973 (European Union, 2019b), however it never joined the monetary policy of the EU and its currency is the United Kingdom Pound or else the Pound sterling (GBP) (World Population review, 2019). Nowadays, United Kingdom and the EU are in weird terms due to the so British EU exit or else known as “Brexit” situation (Hobolt, 2016). By a slight majority of 51.9% the British people in June 2016 voted in favor of the British exit from the EU, which came as a shock to the rest of the world. This is the first time that a member State of the EU wants to withdraw its membership from the Union (Hobolt, 2016).

### 4.2.1 Data about the United Kingdom

In this part of the section, the statistics from the UK regarding employment and the labor market are presented and briefly analyzed. As previously in the case of Greece, the indicators studied are the employment and unemployment rates,

part-time and temporary employment in total numbers and gendered for 2006, 2010, 2014 and 2018.

Table 4-2 Gender equality and inequality indicators for the UK in the years 2006-2018 (EUROSTAT, 2019)

UK	2006	2010	2014	2018
Employment Rate Total	75.2	73.5	76.2	78.7
Employment Rate Females	68.6	67.9	70.6	73.8
Employment Rate Males	82.6	79.3	81.9	83.7
Unemployment Rate in total	5.4	7.8	6.1	4
Unemployment Rate Females	4.9	6.9	5.8	4
Unemployment Rate Males	5.7	8.6	6.4	4.1
Part time Employment in total	16.8	19.7	20.7	18.8
Part-time Employment Females	30.2	32	33.8	30.3
Part-time Employment Males	5.6	8.7	8.1	8.3
Temporary Employment Total	5.4	5	5.5	4.8
Temporary Employment Females	6.2	5.4	5.9	5.3
Temporary Employment Males	4.7	4.6	5.1	4.4

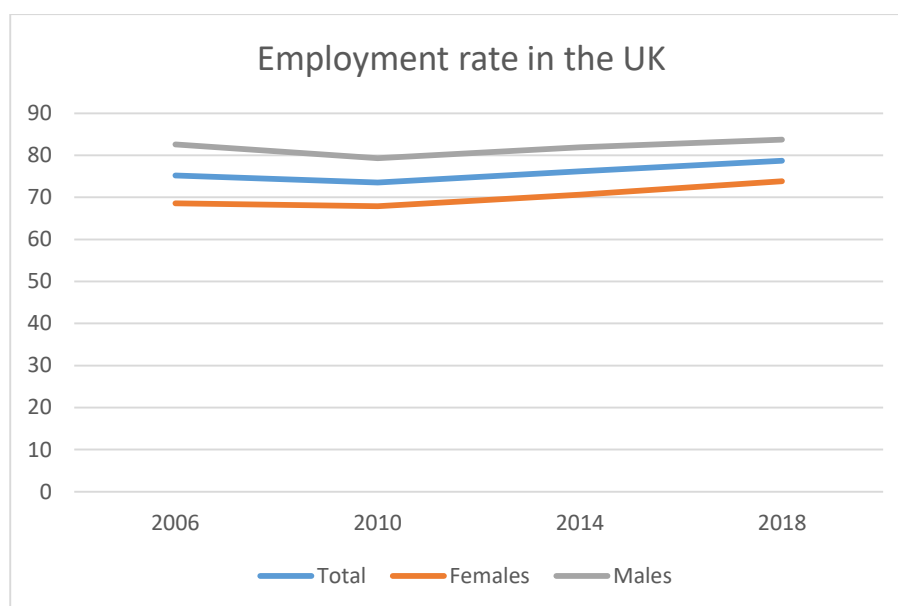
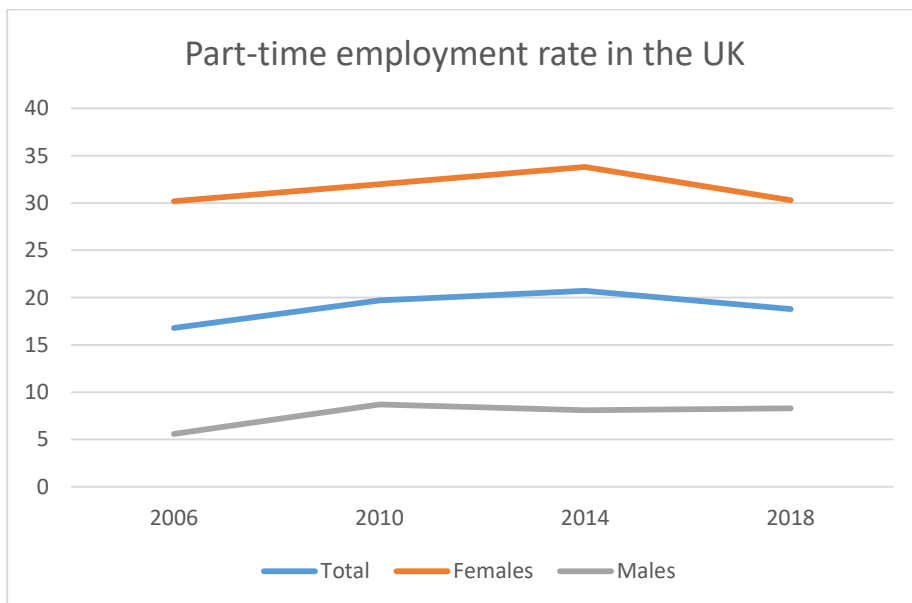


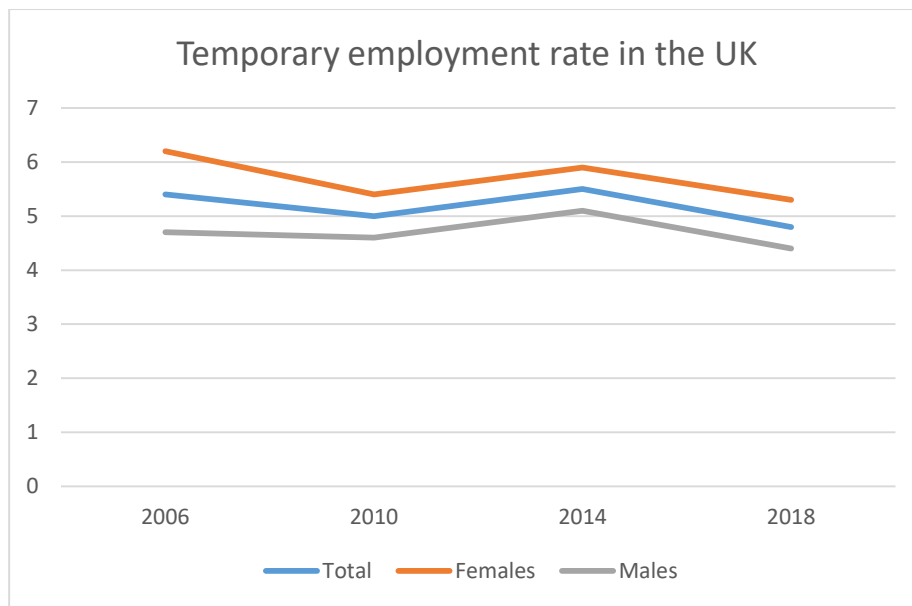
Chart 4-6 Employment Rate in the UK (EUROSTAT, 2019)



*Chart 4-7 Unemployment Rate in the UK (EUROSTAT, 2019)*



*Chart 4-8 Part-time Employment in the UK (EUROSTAT, 2019)*



*Chart 4-9 Temporary Employment in the UK (EUROSTAT, 2019)*

Employment rates for women throughout the 12 years (2006-2018) is lower than the employment in total and men. The employment rate in women follows an upward trend reaching 73.8% in 2018 almost 5% higher than the one in 2006 (68.6%). Unemployment rate in British females increased by 2% from 2006 to 2010 reaching its highest level in 6.9%. It then followed a downward trend reaching 4% in 2018. The difference between the two sexes is not big enough to create an important distinction although men's unemployment rates are worse off than those of women throughout this period. Women's employment in part-time positions is significantly higher than those of men, reaching more than 30% in every year presented while men's respective numbers do not exceed 8.7% in this type of employment. Temporary employment as a type of employment is low in total numbers for both men and women and do not exceed 5.5%. In a year-to-year comparison between the two genders, the number of women that are found to be occupied in temporary jobs is higher than the one of men.

Regarding the Agenda 2030 and the progress of the UK towards achieving the Sustainable Development Goals, United Kingdom is ranked 13th in total numbers on this report, reaching an overall index of almost 80% in reaching the goals, but has not yet achieved any of them (Sachs et al., 2019). UK has not yet submitted its Voluntary National Review, but is expected to do so in 2019 or 2020 (Ibid.).

On the gender equality issue the challenges that remain are characterized as significant, and the trends on the issue are moderately improving (Sachs et al., 2019). In total, the gender equality goal in UK is more than 75% achieved (Ibid.). When it comes to the indicators used on this report to define gender equality participation of women in the labor market and demand for family planning satisfied by modern methods are the two that are closer to be achieved compare to the rest (Ibid.). The worst case is noticeable in the gender wage gap for which major challenges do remain in order to achieve it, but no progress is noticed so far and the trend on that indicator is characterized as “staggering” (Sachs et al., 2019). For the rest three indicators the challenges are significant so as to reach them, still the trends are following a different route (Ibid.). Years of schooling is following a downward trend, participation of women in parliament a moderately upward one, and lastly, no information is available on the trends for the minutes spent on unpaid work (Sachs et al., 2019).

According to the Gender Equality Index 2019 for the UK the total score is 72.2 and is estimated based on a score 76.9 for the work domain, 81.6 for the money domain, 70.4 for the knowledge one, 69.6 for the domain of time 56.5 regarding power and 93.3 for the domain of health (European Insitute for Gender Equality, 2019). The total score for the case of UK indicates that there is still room for improvement regarding the gender equality goal in general, even if this score is higher than the average score of the 28 member States of the EU that reaches 67.4 (European Insitute for Gender Equality, 2019). According to their report the work domain is improving since 2015, and there is a general decrease in the gender inequality regarding participation (Ibid.). However the gender segregation remains high for the British State, resulting in a difference on the sectors that men and women are occupied (Ibid.).

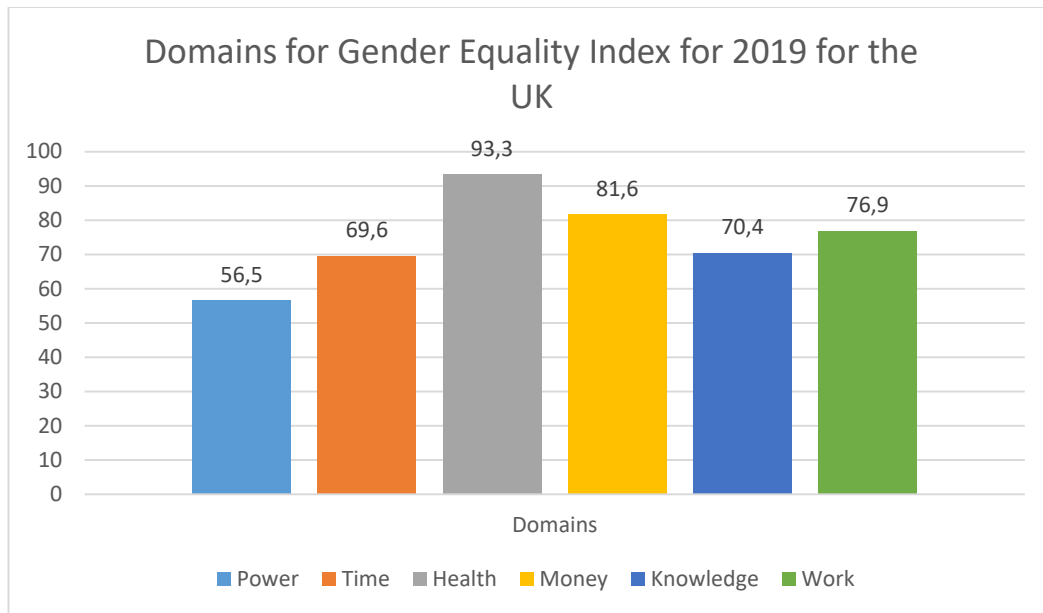


Chart 4-10 Domains for Gender Equality Index for 2019 in the UK

#### 4.2.2 UK legislation

UK as a member State of the EU had to adjust its internal legislation according to the laws of the EU. According to Squires (2009) regarding the equality institutional framework of the State from 1975-2009, one can identify three main phases. Firstly, the anti-discrimination phase (1975-1997), then the twin-track anti-discrimination and gender mainstreaming phase (1997-2003) and lastly the multiple inequalities (2003-2009). Given the importance of the following act, the one of Equality Act 2010 (Hepple, 2010) one can argue that a fourth period commenced with its adoption. Equality Act 2010 is the current legislative act that UK adopted so as to bring together all the anti-discriminatory legislation on the ground of sex, ethnicity, disability, sexual orientation, religion or belief and age (Burri & Eijken, 2014).

The UK signed the Treaty of Rome that entailed the first provision on equal pay, and paved the way for gender equality legislation, in 1973 (Squires, 2009). It was then that a new era on human rights and anti-discrimination law has started, attempting to eliminate discrimination between women and men (Hoskyns, 1996). This period was characterized by all the reforms that were designed on anti-discrimination legislation during the 'preparatory' phase of the UK before joining the EU (Squires, 2009). UK introduced a series of Acts on the issue, the **Equal Pay Act** of 1970, the **Sex Discrimination Act (SDA)** of 1975, the **Fair**

**Employment (Northern Ireland) Act** of 1976 and the **Race Relation Act (RRA)**<sup>55</sup> of 1976, that all belonged to the anti-discrimination sphere (Gregory, 1999).

The Sex Discrimination Act entailed features on discrimination and provisions on positive actions towards gender equality. The SDA officially made unlawful any act that entails discrimination over sex in employment, education, providing goods, services, facilities and premises, and other practices and gives details on the exceptions of the Act and the way it would be enforced (UK Government, 1975). In order for the implementation of the SDA to be ensured, a specific commission was mandated, the Equal Opportunity Commission (EOC) (Squires, 2009). Nowadays, EOC is still active and its scope is to ensure the implementation of The Equality Act 2010 that will be further analyzed in this chapter.

In 1997, the changes in UK government led to a different policy, the so called twin-track phase that had the same anti-discriminatory character towards gender and race, but it was enhanced by additional relevant legislation due to the gender mainstreaming concept (Squires, 2009). It also resulted in the foundation of Women's Unit (WU) in the very same year. WU and a Ministry for Women were created under the binding rules by the EU that required the establishment of legislation with a gender equality perspective that will continue the already existing policies on the issue alongside with the gender-mainstreaming concept (Ibid.). WU main scope was to work with the government so as to ensure that the various departments of the government do follow the gender equality approaches (Squires & Wickham-Jones, 2002). However, EU directives and pressure from internal and external to the UK factors, led to the need from the British government to have a more holistic perspective and approach when it comes to the framework under which UK will continue working on multiple equality standards (Fredman, 2002). So far, one can identify a twin policy that UK followed regarding sex and race equality that needed to be altered so as to adopt the legislation that EU imposed (Squires, 2009).

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<sup>55</sup> The RRA is of great importance for the anti-discrimination issue but due to the focus of the paper, it will not be further analyzed.

In 2003 onwards, the UK Government aimed to modify the situation on gender equality legislation and the process that oversaw, monitored and promoted gender equality and anti-discrimination (Squires, 2009). The means to manage this aim was threefold:

- Firstly, in 2003 the UK government announced the creation of Equality and Human Rights Commission (EHRC)<sup>56</sup>. This body will bring together the mandates and the scopes of the existing commissions on equality, extending its focus on various forms of equality such as age, sexual orientation, disability, race, religion and gender and provide institutional support on human rights. EHRC started operating on 1<sup>st</sup> of October in 2007.
- Secondly, in order for the UK legislation to be aligned with the legislation imposed by the EU, the UK government introduced innovative duties for the public sector (Lovenduski, 2005; Squires, 2009) These duties opted to eradicate discrimination in employment between men and women and promote gender equality (Squires, 2009).
- Lastly, under this scope of alterations, an Equality Bill was established so as for the equality legislation to be modernized, harmonized and simplified (Hepple, 2010).

In April of 2009 the Equality Bill was introduced that proposed the bringing together of major legislations and other statutory instruments concerning the gender equality issue in a single Act, promoted positive action and also dealt with other issues that resulted in gender discrimination such as the gender pay gap and the secrecy clauses on payment (Squires, 2009). All together, these reforms on the way that UK government was managing the gender equality issue, was expected to lead to the eradication of discriminatory actions and promotion of equality assisted by the additional duties of the public sector and the simplification of the equality legislation.

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<sup>56</sup> The Equality and Human Rights Commission,  
<https://www.equalityhumanrights.com/en>

Despite the intense disagreement between the House of Commons and the House of Lords on the passing of the new Equality Act (Richardson, 2010), the abovementioned Equality Bill led to the creation of the Equality Act 2010<sup>57</sup> that was enforced in 1st October 2010 (Equal Opportunities Commission (EOC), 2019). The Equality Act 2010 brings together nine legislative pieces and abides by four of the EU legislative Directives<sup>58</sup> (Hepple, 2010). Additionally, apart from the EU Directives, the article 157 of the Treaty on the Functioning of the EU and the Directive on discrimination because of disability, religion or belief, sexual orientation and age, in access to goods and services, housing, education, social protection, social security and social advantage was taken into account when composing the Act (Ibid.). The protected characteristics of this Act are: (1) age; (2) sex; (3) race; (4) religion; (5) pregnancy and maternity; (7) disability; and (8) sexual orientation, and provides protection from discrimination in various environments including the environment of employment (Equal Opportunities Commission (EOC), 2019). The aim of the Act is to bring together all the discrimination law of the UK concerning the protected characteristics (Burri & Eijken, 2014).

From a general view, Equality Act 2010 aims to regulate direct and indirect discrimination, explain and specify acts of discrimination, harassment and sexual harassment and widen the implementation of positive action on the ‘map’ of actions towards gender equality. Regarding discrimination on the ground of sex, it is not only opposed to discrimination towards men or women but also towards to a person ‘proposing to undergo, is undergoing or [who] has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex’ (Burri & Eijken, 2014). Additionally, the Act is against ‘dual discrimination’, which occurs when an individual is discriminated on the grounds of two protected characteristics (Ibid.). Regarding the workplace it protects in all stages of employment from recruitment to dismissal and with regards to payment, working conditions and terms, transfer and

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<sup>57</sup> Equality Act 2010, came into force in 1st October 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>58</sup> Council Directive 2000/43/EC (Race Directive); Council Directive 2000/78/EC (Framework Employment Directive); Council Directive 2004/113/EC (Equal Treatment Amendment Directive); European Parliament and Council Directive 2006/54/EC (Recast Equal Treatment Directive).

promotion and makes against law any act of discrimination, naming specifically four different categories: direct; indirect; associated and perceived discrimination, as well as harassment and victimization<sup>59</sup> (EOC, 2019).

Burri et. al (2014) in their report on the progress of the EU States on the gender equality issue, divided four main perspectives under which they identified the implementation of the EU legislation in the Equality Act 2010:

- (1) Equal Pay and Equal Treatment to Work;
- (2) Pregnancy and protection, parental leave and adoption leave;
- (3) Statutory schemes of Social Security;
- (4) Self-employed Persons and;
- (5) Goods and Services

Equality Act 2010 is found to make against law any action that was not in line with the EU legislation on these issues<sup>60</sup> and contains provisions in order to alleviate discrimination and promote gender equality in the workforce (Burri & Eijken, 2014).

The case of UK regarding the implementation of the EU legislation is rather complicated (Richardson, 2010). The opposition towards the

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<sup>59</sup> Definitions of the six ways of discrimination according to (Equal Opportunities Commission (EOC), 2019):

**Direct discrimination:** When an employee or job seeker receives less favorable treatment because of a protected characteristic, it is considered to be direct discrimination.

**Associated discrimination:** Treating an employee or job seeker unfairly because of their association with another person who has a protected characteristic constitutes associated discrimination.

**Perceived discrimination:** If an employer treats an employee less favorably because they think or suspect that the employee possesses a particular protected characteristic, it can be counted as perceptive discrimination.

**Indirect discrimination:** When an employer puts in place unjustified practices, provisions or criteria, which are applicable to all staff equally, but which put a few employees or job seekers at a particular disadvantage as compared with those who do not share that characteristic, it is considered indirect discrimination.

**Harassment:** Unwarranted conduct related to a any protected characteristic that violates an individual's dignity or creates a hostile or offensive environment for them is considered harassment. There are three key forms of harassment – unwanted behavior that has the effect of creating an intimidating or degrading environment for the individual, unwanted conduct of a sexual nature, and treating an individual less favorably because the individual either submitted or refused to submit to sexual harassment.

**Victimization:** When a person is treated unfavorably because they filed a complaint against or supported somebody else who complained about harassment or discrimination, it is considered victimization under the terms of the Equality Act.

<sup>60</sup> According to Burri et al. (2014) the statutory schemes of social security in the UK did not discriminate on the grounds of sex in general.

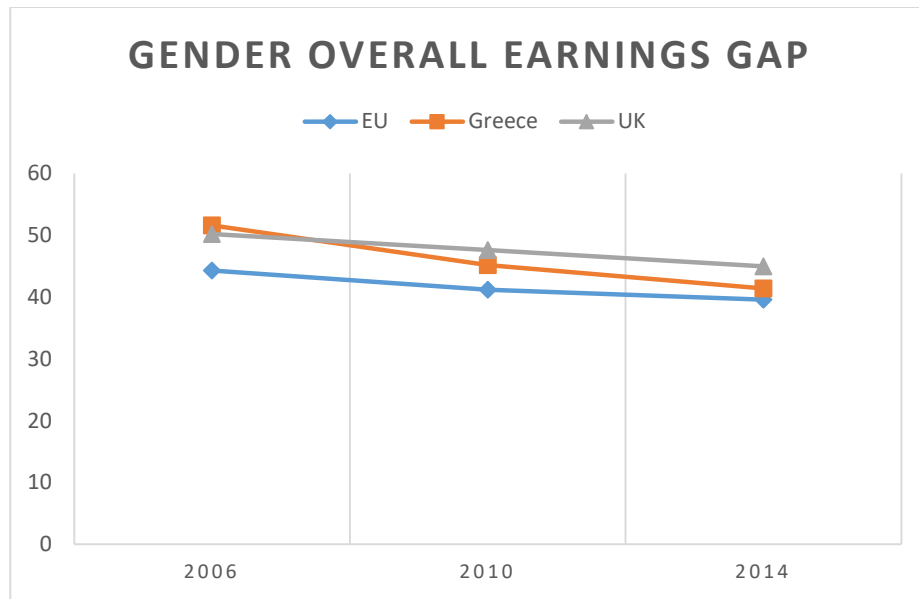
‘institutionalization’ of the British law mainly by right-winged members of the parliament made the adjustment of EU legislation and the simplification of the legislative acts hard to achieve (Ibid.). Contrary to the oppositions, the Equality Act 2010 passed in the British legislation and achieved to harmonize the provisions regarding discrimination but it is argued that it did not get over the complexity that discrimination laws entail (Burri & Eijken, 2014).

## 4.3 Discussion

### 4.3.1 Comparing Greece, the UK and the EU in numbers

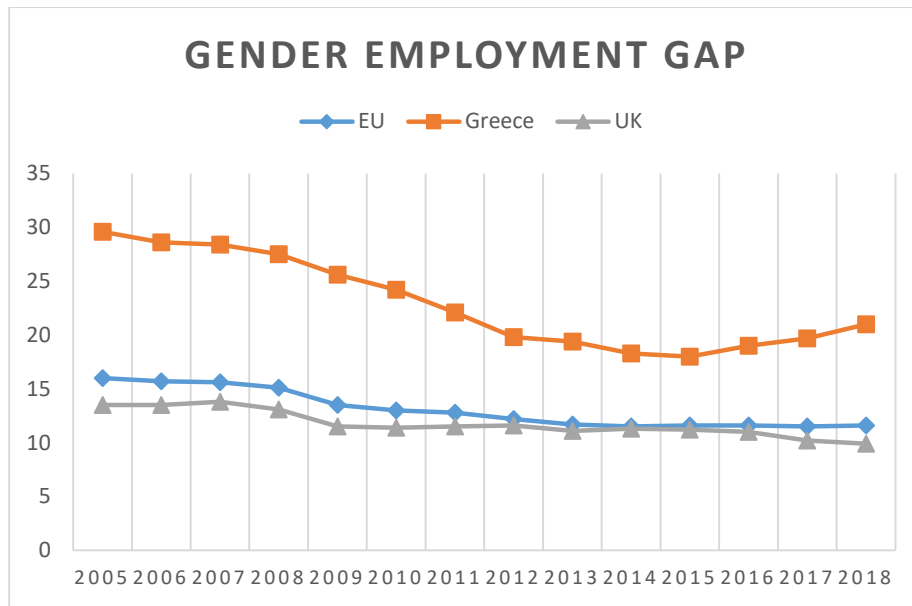
The main goal of this dissertation is to indicate through comparison the differences and similarities regarding gender equality between Greece and the UK, as well as with the EU in general. In order to manage this a direct comparison between specific indicators will be implemented. The indicators that are used is: (1) Gender Overall Earnings Gap and; (2) Gender Employment Gap.

According to EUROSTAT (2019) the gender overall earnings gap is a synthetic indicator that is estimated based on three factors; (1) the average hourly earnings; (2) the monthly average of the number of hours paid (before any adjustment for part-time work) and (3) the employment rate, on the average earnings of all women of working age - whether employed or not employed - compared to men. For the purposes of this dissertation the data available regarding this indicator was limited for the years 2006, 2010 and 2014 (EUROSTAT, 2019). In a comparison among the three (EU28, Greece and the UK) for all of them the biggest gap was evident in 2006 with 44.3 for the EU, 51.6 for Greece and 50.2 for the UK. The gap decreased in the following years for all three, but what is worth mentioning is that the gap was smaller for Greece than for the UK. In 2010 and 2014 Greece presented a 45.2 and 41.4 gap respectively, whereas the UK 47.6 for 2010 and 45 for 2014. Both States were above the EU overall employment gap for all the three years.



*Chart 4-11 Gender Overall Earnings Gap (EUROSTAT, 2019)*

The gender employment gap is defined as the difference between the employment rates of men and women aged 20-64 (EUROSTAT, 2019). The employment rate is calculated by dividing the number of persons aged 20 to 64 in employment by the total population of the same age group (Ibid.). For this indicator, the observations available range from 2005 to 2018. For the Greek case, the highest observation is in 2005 with 29.6 units, whereas the lowest is in 2015 with 18 units. This indicator had a downward trend from 2005 to 2015 but from 2016, it follows an upward trend again. For the UK, the highest observation is in 2007 with 13.8 units and the lowest is in 2018 with 9.9 units. The line that it follows is quite stable. A comparison between the two States and the EU shows that, Greece throughout the years exceeded the level of the EU on the gender employment gap whereas UK had lower level of employment gaps between genders from the EU.



*Chart 4-12 Gender Employment Gap (EUROSTAT, 2019)*

There is a link between the statistical indicators above and gender inequality in the field of work that underpins the persistent character of gender inequality, also highlighted in the literature review of this dissertation.

According to the study of this dissertation, specific factors are argued to affect gender equality and lead to its being unmet as a goal, regardless of the attempts of the EU and international organizations.

One of the factors that affect gender equality progress is the legislation of EU and its member States. The European law, attempted through its binding directives to provide with the necessary provisions its member States to achieve gender equality. However, gender equality is still elusive in all member States regardless of the legislative framework of the EU (Jenson, 2015; OHCHR, 2019; UN Women, 2019) . Concerning the case of Greece, the legislation is considered in a satisfactory way aligned with the one of the EU, but still it is complicated and vague. There is not a single-texted anti-discrimination act that covers fully and to the point all the issues that were risen by the EU (i.e. not a unified text on equal treatment in the workforce between the two genders but mainly separate and distinctive laws and provisions). On the contrary it is composed of various independent laws and presidential decrees that may lead to misunderstanding and generic information without specifications on the details (i.e. there is no distinction

and definition in the Greek legislation between statutory and occupational schemes). Regardless of the clear anti-discriminatory statement of the Greek constitution that equals the rights of men and women, still due to the vague character of the legislation discriminatory acts are evident in some cases, which show that gender equality is far from met in the Greek society. Additionally, it is argued that juridical decisions are not consistent about the gender equality legislation leading to a sense of insecurity and fear for the women to raise a complaint against those who treat them unequally. On the contrary, British legislation is a unified Act on equality and against discrimination, which entails gender equality. The aim of those forming the legislation was to provide the British people with a unified, simplified and harmonized text so as for the legislation to be easily assimilated and implemented. However, it is supported that British legislation did not lose its complexity, even in that form and still lacks the ability to create an equal society for British people.

An additional factor is the enforcement of the gender equality legislation and the authoritarian means to impose it fully and successfully. In both Greece and the UK fear and lack of support by juridical decisions are evident. Specifically, in Greece, the fear of women to complain combined with the high litigation costs, the duration of the proceedings and the insufficient legal aid, discourage complaints. The Greek National Commission for Human Rights, the Ombudsman and the Committee of Experts on the Application of Conventions and Recommendations (CEACR) work on the issue, trying to improve this ongoing issue. From a juridical perspective, sanctions and remedies are proportional and deterring. Civil and administrative courts declare employment-cases null and void or annulled. Lastly, collective agreements, which act as a shield of protection towards employees' rights, are no longer active in Greece weakening the power of women and the minimum wages. In the UK, the Equality and Human Rights Committee mainly oversee enforcement of the EU legislation. Union trades are found to support complainants on employment-related cases, but they do not have a formal legal role regarding the implementation of EU legislation. However, none of these bodies can act on behalf of complainants. The insecurity that complainants may feel on victimization cases discourage them from complaining in fear of destroying their career. The decisions in victimization cases lead mainly to a compensation of

the complainant. To add, in UK, there is no collective agreement on dealing with the implementation of EU legislation on gender equality issue.

The EU legislation and the Institutional framework on the issue of gender equality in theory may cover the gender inequality to a reasonable level and the focus on this issue has been long lasting, still the effect of it has been questioned. The EU legislation is binding but the actual implementation is argued to lack a fully effective monitoring by the bodies and entities responsible. Additionally, the work done by the various institutions, international organizations and their entities may be focused and driven to the right directions but still the results are questioned. Various strategies and conventional decisions are supported to lack effectiveness since they act as a means of recommendation and do not propose specific actions.

Concluding, gender equality progress is inexplicably stalled. EU as a union enforces relevant respective and binding legislation that member States do adopt and tries to implement it, international organizations and entities work on building strategies that fight towards gender equality. So, what is it that makes gender equality such unreachable a goal? Is it cultural issues that do not assist people in altering their mentality and act in accordance with gender equality norms? Is it due to lack of political will that support a free market, which is not bound by collective agreements to protect human rights? Were the consequences of the Great Recession so harsh for Greece that led to moving backwards regarding gender equality? How will the upcoming 'Brexit' affect gender equality progress in the UK now that it will not be bound to implement the legislation that EU imposes as a member State?

## 5 Conclusion

This dissertation opted to make a southern – northern Europe comparison to illustrate the differences and the similarities between Greece as a southern European State, and the United Kingdom as a northern European State in the gender equality issue. Gender equality is elusive at a global level. From an academic point of view, as it was mentioned in the literature review, studies highlight the fact that gender inequality is a persistent issue. They also underpin that intersectional character of gender equality and suggest that an intersectional approach may lead to its accomplishment, and indicate the factors that drive gender inequality.

The analysis of the international framework that followed, presented the most formative conventions and declarations on gender equality highlighting the attempt of international organizations and bodies to mainstream gender equality policies. This analysis showed that the goal of gender equality is yet to be achieved. Furthermore, the scrutiny of the European legislative framework (treaties and directives) which are binding for the member states, as well as the non-binding strategies that are followed, also act as indicators of a continuous attempt of the EU to achieve gender equality. In line with the academic review and the analysis of the international framework, these attempts seem to be inadequate to reach gender equality.

About the case studies, the national legislative frameworks of Greece and the UK were investigated with respect to the adaptation of the European law in their national one. Additionally, statistical indicators of gender equality for both States were presented. The comparison, in line with the previous findings, indicated the stalled progress on gender equality, regardless of all the legal provisions that do exist in international, European and national level. The national legislation for both States underpinned their similarities since both States have adopted to some level the international and European framework, but still the results are not fully satisfying for none of them. Additionally, the comparison showed the differences between the two States, showing that indeed UK is better off compared to Greece according to the statistic indicators. The latter is in line with the studies supporting that Southern States of Europe have lower rates of

development compared to Northern ones, and that is also the case for the gender equality issue. Lastly, questions were raised based on the conclusions on of the comparison which may be used for future research.

## References

- Agars, M. D. (2004). Reconsidering the Impact of Gender Stereotypes on the Advancement of Women in Organizations. *Psychology of Women Quarterly*, 28(2), 103–111. <https://doi.org/10.1111/j.1471-6402.2004.00127.x>
- Anastasiou, S., Filippidis, K., & Stergiou, K. (2015). Economic recession, austerity and gender inequality at work. Evidence from Greece and other Balkan countries. *Procedia Economics and Finance*, 24, 41–49.
- Armingeon, K., & Ceka, B. (2014). The loss of trust in the European Union during the great recession since 2007: The role of heuristics from the national political system. *European Union Politics*, 15(1), 82–107.
- Arpaia, A., & Curci, N. (2010). *EU labour market behaviour during the Great Recession*.
- Bain, J., & Masselot, A. (2012). Gender equality law and identity building for Europe. *Canterbury L. Rev.*, 18, 97.
- Bakker, I. (1994). *The strategic silence: Gender and economic policy*.
- Bericat, E. (2012). The European gender equality index: Conceptual and analytical issues. *Social Indicators Research*, 108(1), 1–28.
- Blair, I. V., & Banaji, M. R. (1996). Automatic and controlled processes in stereotype priming. *Journal of Personality and Social Psychology*, 70(6), 1142.
- Braveman, P. (2010). Social conditions, health equity, and human rights. *Health Hum Rights*, 12(2), 31–48.
- Burak, C., & Eymirlioglu, D. (2018). The right of self-determination in international law towards the 40th anniversary of the adoption of ICCPR and ICESCR. *PERCEPTIONS: Journal of International Affairs*, 10(4), 115–146.
- Burri, S. (2018). *EU Gender Equality Law. Update 2018*. Publications Office of the European Union.
- Burri, S., & Eijken, H. van. (2014). *Gender Equality Law in 33 European Countries: How are EU rules transposed into national law?* Office for Official Publications of the European Communities.
- Burri, S., & Prechal, S. (2008). *EU gender equality law*. Office for Official Publications of the European Communities Luxembourg.
- Cambridge Business English Dictionary. (2019). *Gender Bias*. Cambridge Dictionary. <https://dictionary.cambridge.org/dictionary/english/gender-bias>
- Cohen, P. N. (2016). *The Persistence of Gender Segregation at Work*.
- Commission of the European Communities. (2006a). *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, “A Roadmap for Equality Between Women and Men.”* [https://ec.europa.eu/smart-regulation/impact/ia\\_carried\\_out/docs/ia\\_2006/sec\\_2006\\_0275\\_en.pdf](https://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2006/sec_2006_0275_en.pdf)
- Commission of the European Communities. (2006b). *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010*. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0092&from=EN>
- Council of Europe. (1998). *Gender mainstreaming. Conceptual framework, methodology and presentation of good practice*. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680596135>

- Cuberes, D., & Teignier, M. (2016). Aggregate effects of gender gaps in the labor market: A quantitative estimate. *Journal of Human Capital*, 10(1), 1–32.
- Defeis, E. F. (1999). The treaty of Amsterdam: the next step towards gender equality. *BC Int'l & Comp. L. Rev.*, 23, 1.
- Eagly, A. H., & Karau, S. J. (2002). Role congruity theory of prejudice toward female leaders. *Psychological Review*, 109(3), 573.
- Elson, D. (1995). *Male bias in the development process*. Manchester University Press.
- England, P. (2010). The gender revolution: Uneven and stalled. *Gender & Society*, 24(2), 149–166.
- Equal Opportunities Commission (EOC). (2019). *The Equality Act*. <https://www.eoc.org.uk/the-equality-act/>
- Esping-Andersen, G. (2009). *Incomplete revolution: Adapting welfare states to women's new roles*. Polity.
- European Commission. (2019a). *EU Work-life Balance Directive enters into force*. <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&newsId=9438&langId=en>
- European Commission. (2019b). *The 2030 Agenda for Sustainable Development and the SDGs*. [https://ec.europa.eu/environment/sustainable-development/SDGs/index\\_en.htm](https://ec.europa.eu/environment/sustainable-development/SDGs/index_en.htm)
- European Commission. (2019c). *Work-Life Balance*. <https://ec.europa.eu/social/main.jsp?catId=1311&langId=en>
- European Council. (2019). *Work-life balance for parents and carers*. <https://www.consilium.europa.eu/en/policies/work-life-balance/#>
- European Institute for Gender Equality. (2019). *Gender Equality Index*. <https://eige.europa.eu/gender-equality-index/2019/UK>
- European Institute for Gender Equality. (2019a). *Gender Equality Index. Work in Greece in 2013*. <https://eige.europa.eu/gender-equality-index/2013/domain/work/EL>
- European Institute for Gender Equality. (2019b). *Gender Equality Index. Work in Greece in 2019*. <https://eige.europa.eu/gender-equality-index/2019/domain/work/EL>
- European Institute for Gender Equality. (2019c). *Gender Equality Index*. <https://eige.europa.eu/gender-equality-index/2019/EL>
- European Union. (2011). *Strategy for equality between men and women 2010-2015*. <https://op.europa.eu/en/publication-detail/-/publication/c58de824-e42a-48ce-8d36-a16f30ef701b/language-en>
- European Union. (2015). *Strategic Engagement for Gender Equality 2015-2019*. [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/strategic\\_engagement\\_for\\_gender\\_equality\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/strategic_engagement_for_gender_equality_en.pdf)
- European Union. (2019a). *EU Member States in Brief, Greece*. [https://europa.eu/european-union/about-eu/countries/member-countries/greece\\_en](https://europa.eu/european-union/about-eu/countries/member-countries/greece_en)
- European Union. (2019b). *United Kingdom*. [https://europa.eu/european-union/about-eu/countries/member-countries/unitedkingdom\\_en](https://europa.eu/european-union/about-eu/countries/member-countries/unitedkingdom_en)
- EUROSTAT. (2019). *Eurostat Database*. <https://ec.europa.eu/eurostat/data/database>
- Fredman, S. (2002). *The Future of Equality in Britain*. Equal Opportunities Commission Manchester.
- Gerson, K. (2010). *The unfinished revolution: How a new generation is reshaping family, work, and gender in America*.

- The Constitution of Greece [English version]*, (2008) (testimony of Greek Constitution). [https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156\\_aggliko.pdf](https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156_aggliko.pdf)
- Greek Ministry of Foreign Affairs. (2019). *Greece in the European Union [In Greek: Η πορεία της Ελλάδας στην Ευρωπαϊκή Ένωση]*. <https://www.mfa.gr/exoteriki-politiki/i-ellada-stin-ee/i-poreia-tis-elladas-stin-europaiki-enosi.html>
- Gregory, J. (1999). Revisiting the sex equality laws. In *New Agendas for Women* (pp. 98–118). Springer.
- Hadjimichalis, C. (2005). *Uneven development and regionalism: state, territory and class in southern Europe*. Routledge.
- Hadjimichalis, C. (2011). Uneven geographical development and socio-spatial justice and solidarity: European regions after the 2009 financial crisis. *European Urban and Regional Studies*, 18(3), 254–274.
- Hafner-Burton, E. M., & Pollack, M. A. (2009). Mainstreaming gender in the European Union: Getting the incentives right. *Comparative European Politics*, 7(1), 114–138.
- Haines, A., & Cassels, A. (2004). Can the millennium development goals be attained? *BMJ (Clinical Research Ed.)*, 329(7462), 394–397. <https://doi.org/10.1136/bmj.329.7462.394>
- Heilman, M. E. (2012). Gender stereotypes and workplace bias. *Research in Organizational Behavior*, 32, 113–135.
- Hepple, B. (2010). The new single equality act in Britain. *The Equal Rights Review*, 5, 11–24.
- Hobolt, S. B. (2016). The Brexit vote: a divided nation, a divided continent. *Journal of European Public Policy*, 23(9), 1259–1277.
- Hoskyns, C. (1996). *Integrating gender: Women, law and politics in the European Union*. Verso.
- International Labour Organization. (2011). *Decent Work for Domestic Workers*. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_168266.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_168266.pdf)
- Jenson, J. (2015). The fading goal of gender equality: three policy directions that underpin the resilience of gendered socio-economic inequalities. *Social Politics: International Studies in Gender, State & Society*, 22(4), 539–560.
- Kabeer, N. (2010). Can the MDGs provide a pathway to social justice. *The Challenge of Intersecting Inequalities*, 26.
- Kabeer, N. (2016). Gender equality, economic growth, and women's agency: the “endless variety” and “monotonous similarity” of patriarchal constraints. *Feminist Economics*, 22(1), 295–321.
- Karamessini, M. (2013). Introduction--women's vulnerability to recession and austerity: a different crisis, a different context. In *Women and austerity* (pp. 25–38). Routledge.
- Karamessini, M., & Rubery, J. (2013). *Women and austerity: The economic crisis and the future for gender equality*. Routledge.
- Kazandziska, M., Risteska, M., & Schmidt, V. (2012). *The gender pay gap in the Former Yugoslav Republic of Macedonia*. ILO.
- Koch, A. J., D'Mello, S. D., & Sackett, P. R. (2015). A meta-analysis of gender stereotypes and bias in experimental simulations of employment decision making. *Journal of Applied Psychology*, 100(1), 128.
- Koehler, G. (2016). Tapping the Sustainable Development Goals for progressive gender equity and equality policy? *Gender & Development*, 24(1), 53–68.
- Lafleur, J.-M., & Stanek, M. (2017). *South-North migration of EU citizens in times of crisis*.

- Liebowitz, D. J., & Zwingel, S. (2014). Gender equality oversimplified: Using CEDAW to counter the measurement obsession. *International Studies Review*, 16(3), 362–389.
- Lombardo, E., & Meier, P. (2006). Gender mainstreaming in the EU: Incorporating a feminist reading? *European Journal of Women's Studies*, 13(2), 151–166.
- Lombardo, E., & Rolandsen Agust\in, L. (2016). Intersectionality in European Union policymaking: the case of gender-based violence. *Politics*, 36(4), 364–373.
- Lombardo, E., & Verloo, M. (2009). Institutionalizing intersectionality in the European Union? Policy developments and contestations. *International Feminist Journal of Politics*, 11(4), 478–495.
- Lovenduski, J. (2005). *State feminism and political representation*. Cambridge University Press.
- Moen, P. (2015). An institutional/organizational turn: Getting to work--life quality and gender equality. *Work and Occupations*, 42(2), 174–182.
- Moghadam, V. M. (2011). Women, gender, and economic crisis revisited. *Perspectives on Global Development and Technology*, 10(1), 30–40.
- OECD. (2017). *Women in Politics (indicator)*.
- OHCHR. (2019). *Convention on the Elimination of All Forms of Discrimination against Women*. New York, 18 December 1979. <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>
- Pollack, M. A., & Hafner-Burton, E. (2000). Mainstreaming gender in the European Union. *Journal of European Public Policy*, 7(3), 432–456.
- Prechal, S., & Burri, S. (2008). *Gender Equality Law in 30 European Countries*. file:///C:/Users/user/Downloads/GenderEqualityLawin30EuropeanCountries19DEC2008FINAL EN.pdf
- Richardson, R. (2010). Equality Priorities and Equality Objectives--the Equality Act 2010, a cautious welcome. *Race Equality Teaching*, 28(2), 6–11.
- Rosenblum, D. (2011). Unsex Cedaw, or What's wrong with Women's Rights. *Colum. J. Gender & L.*, 20, 98.
- Roth, B. R. (2002). The CEDAW as a Collective Approach to Women's Rights. *Mich. J. Int'l L.*, 24, 187.
- Rudman, L. A., & Phelan, J. E. (2008). Backlash effects for disconfirming gender stereotypes in organizations. *Research in Organizational Behavior*, 28, 61–79. <https://doi.org/10.1016/J.RIOB.2008.04.003>
- Sachs, J., Schmidt-Traub, G., Kroll, C., Lafortune, G., & Fuller, G. (2019). *Sustainable Development Report 2019 - Transformations to achieve the Sustainable Development Goals*. [https://s3.amazonaws.com/sustainabledevelopment.report/2019/2019\\_sustainable\\_development\\_report.pdf](https://s3.amazonaws.com/sustainabledevelopment.report/2019/2019_sustainable_development_report.pdf)
- Salgado, M. F., Figari, F., Sutherland, H., & Tumino, A. (2014). Welfare compensation for unemployment in the Great Recession. *Review of Income and Wealth*, 60, S177–S204.
- Schmidt, V. A. (2008). Discursive institutionalism: The explanatory power of ideas and discourse. *Annu. Rev. Polit. Sci.*, 11, 303–326.
- Schonard, M. (2019). *act Sheets on the European Union - Equality between men and women*. <https://www.europarl.europa.eu/factsheets/en/sheet/59/equality-between-men-and-women>
- Sokolska Ina. (2019a). *Fact Sheets on the European Union - The First Treaties*. European Parliament. <https://www.europarl.europa.eu/factsheets/en/sheet/1/the-first-treaties>
- Sokolska Ina. (2019b). *Fact Sheets on the European Union - The Maastricht and Amsterdam Treaties*. <https://www.europarl.europa.eu/factsheets/en/sheet/3/the-maastricht-and->

- Sokolska Ina. (2019c). *Fact Sheets on the European Union - The Treaty of Nice and the Convention on the Future of Europe*. <https://www.europarl.europa.eu/factsheets/en/sheet/4/the-treaty-of-nice-and-the-convention-on-the-future-of-europe>
- Squires, J. (2009). Intersecting inequalities: Britain's equality review. *International Feminist Journal of Politics*, 11(4), 496–512.
- Squires, J., & Wickham-Jones, M. (2002). Mainstreaming in Westminster and Whitehall: from Labour's ministry for women to the Women and Equality Unit. *Parliamentary Affairs*, 55(1), 57–70.
- Stephens, J. (2018). From 'honorary chap' to mother: Combining work in the professions with motherhood. In *Gender and Qualitative Research (1996)* (pp. 44–60). Routledge.
- Stratigaki, M. (2005). Gender mainstreaming vs positive action: An ongoing conflict in EU gender equality policy. *European Journal of Women's Studies*, 12(2), 165–186.
- Stratigaki, M. (2008). 1957-2007; Fifty years of equality policies in the EU. A critical review [In Greek; 1957-2007:Πενήντα Χρόνια πολιτικών ισότητας στην Ε.Ε. Μια κριτική ανασκόπηση]. In M. Stratigaki (Ed.), *Gender Equalities Policies, European Directions and National Practices [in Greek: Πολιτικές Ισότητας των Φύλων, Ευρωπαϊκές Κατευθύνσεις και Εθνικές Πρακτικές]* (pp. 27–64).
- Sümer, S. (2016). Chapter 1 Introduction. In *European gender regimes and policies: comparative perspectives*. Routledge.
- The Greek Ombudsman. (2020). *The Greek Ombudsman*. <https://www.synigoros.gr/?i=stp.el>
- Tudora, D., Banica, A., & Istrate, M. (2015). Evaluation of gender disparities from the Balkan countries. *Procedia Economics and Finance*, 20, 654–664.
- UK Government. (1975). *Sex Discrimination Act 1975*. <http://www.legislation.gov.uk/ukpga/1975/65/enacted>
- UN. (1945). *UN Charter*. <https://treaties.un.org/doc/source/docs/charter-all-lang.pdf>
- UN. (2015). *The Millennium Development Goals Report*. [https://www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG 2015 rev \(July 1\).pdf](https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf)
- UN Women. (2014). *Gender Mainstreaming in Development Programming*. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2014/gendermainstreaming-issuesbrief-en.pdf?la=en&vs=747>
- UN Women. (2019). *UN Women*. <https://www.unwomen.org/en>
- UNDP. (2019). *Millennium Development Goals*. [https://www.undp.org/content/undp/en/home/sdgoverview/mdg\\_goals.html](https://www.undp.org/content/undp/en/home/sdgoverview/mdg_goals.html)
- UNESCO. (2017). *Conventions and Declarations*. <http://www.unesco.org/new/en/unesco/themes/gender-equality/resources/conventions-and-declarations/>
- United Nations. (2019a). *Convention on the Rights of People with Disabilities*. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>
- United Nations. (2019b). *Goal 5: Achieve gender equality and empower all women and girls*. <https://www.un.org/sustainabledevelopment/wp-content/uploads/2016/08/5.pdf>
- United Nations. (2019c). *Protect Human Rights*. <https://www.un.org/en/sections/what-we-do/protect-human-rights/>
- United Nations. (2019d). *The Sustainable Development Agenda*.

<https://www.un.org/sustainabledevelopment/development-agenda/>

- Verloo, M. (2005). *Mainstreaming gender equality in Europe: A critical frame analysis approach*.
- Verloo, M. (2018). *Varieties of opposition to gender equality in Europe*. Routledge.
- Verloo, M., & Lombardo, E. (2007). *Contested gender equality and policy variety in Europe: Introducing a critical frame analysis approach*.
- Verniers, C., & Vala, J. (2018). Justifying gender discrimination in the workplace: The mediating role of motherhood myths. *PloS One*, 13(1), e0190657.
- Villagómez, E. (2008). Public Financies and the Gender Dimension: Fundamental Notions and Applications [in Greek: Τα Δημόσια Οικονομικά και η Διασταση του Φύλου: Βασικές Έννοιες και Εφαρμογές. In M. Stratigaki (Ed.), *Gender Equalities Policies, European Directions and National Practices [in Greek: Πολιτικές Ισότητας των Φύλων, Ευρωπαϊκές Κατευθύνσεις και Εθνικές Πρακτικές]* (pp. 117–119).
- Weeden, K. A., Cha, Y., & Bucca, M. (2016). Long work hours, part-time work, and trends in the gender gap in pay, the motherhood wage penalty, and the fatherhood wage premium. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 2(4), 71–102.
- Welle, B., & Heilman, M. E. (2007). Formal and informal discrimination against women at work. *Research in Social Issues in Management: Managing Social and Ethical Issues in Organizations*, 229–252.
- World Economic Forum. (2019). *The Global Gender Gap Report 2020*.
- World Population review. (2019). *United Kingdom Population 2019*. <http://worldpopulationreview.com/countries/united-kingdom-population/>
- World Population Review. (2019a). *Greece Population*. <http://worldpopulationreview.com/countries/greece-population/>
- World Population Review. (2019b). *United Kingdom Government*. <http://worldpopulationreview.com/governments/united-kingdom/>

## ANNEX A

### TREATIES OF THE EUROPEAN UNION

- **The Treaty of Paris** establishing the European Coal and Steel Community (ECSC), 18<sup>th</sup> of April 1951
- **The Treaty of Rome** establishing the European Economic Community (EEC), 25<sup>th</sup> of March 1957
- **The Treaty of Maastricht**, Treaty on European Union OJ C 191, 29.7.1992, p. 1–112, 29<sup>th</sup> of July 1992
- **The Treaty of Amsterdam** amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts - Final Act OJ C 340, 10.11.1997, p. 115, 2<sup>nd</sup> of October 1997
- **The Treaty of Nice** amending the treaty on European Union, the treaties establishing the European communities and certain related Acts; CONFER 4820/00, 26<sup>th</sup> of February 2001
- **The Treaty of Lisbon** amending the Treaty on European Union and the Treaty establishing the European Community OJ C 306, 17<sup>th</sup> of December 2007

### DIRECTIVES OF THE EUROPEAN UNION

- 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 *OJ L 45, 19.2.1975, pp. 19–20.*
- 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 *OJ L 39, 14.2.1976, p. 40–42.*
- Council Directive **79/7/EEC** of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security *OJ L 6, 10.1.1979, p. 24.*
- 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 *OJ L 225, 12.8.1986, p. 40.*
- Council Directive **86/613/EEC** of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood *OJ L 359, 19.12.1986, pp. 56–58.*

- Council Directive **92/85/EEC** of 19 October 1992 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 (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) *OJ L 348, 28.11.1992, p. 1–7.*
- Council Directive **96/34/EC** of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC *OJ L 145, 19.6.1996, p. 4–9.*
- Council Directive **97/80/EC** of 15 December 1997 on the burden of proof in cases of discrimination based on sex *OJ L 14, 20.1.1998, p. 6–8*
- Directive **2002/73/EC** of the European Parliament and of the Council of 23 September 2002 amending Council 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 *OJ L 269, 5.10.2002, p. 15–20*
- Council Directive **2004/113/EC** of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, *OJ L 373, 21.12.2004, p. 37–43*
- 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 (recast) *OJ L 204, 26.7.2006, pp. 23–36.*
- Council Directive **2010/18/EU** of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC *OJ L 68, 18.3.2010, p. 13–20*
- Directive **2010/41/EU** of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC *OJ L 180, 15.7.2010, p. 1–6*
- Directive **(EU) 2019/1158** of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU *OJ L 188, 12.7.2019, p. 79–93*

#### ACTS OF LAW OF THE UNITED KINGDOM

- The Equal Pay Act of 1970,
- The Sex Discrimination Act (SDA) of 1975,
- The Fair Employment (Northern Ireland) Act of 1976
- The Race Relation Act (RRA) of 1976
- The Equality Act 2010

## ACTS OF LAW OF GREECE

The Constitution, Articles 4(2) on gender equality; 21(1) on protection of the family, marriage, maternity and childhood; 22(1)(b) on equal pay; 116(2) on positive measures. Available at <https://www.hellenicparliament.gr/en>, accessed 25 November 2019

– Act 1483/1984 ‘Protection and facilitation of Workers with Family Responsibilities’, as amended by Acts 2639/1998, OJ A 205/02.09.1998; and 4075/2012, OJ A 89/11.04.2012

– Presidential Decree 176/1997 ‘Measures for the Improvement of the Safety and Health at Work of Pregnant Workers and Workers Who Have Recently Given Birth or are Breastfeeding in Compliance with Directive 92/85/EEC’, OJ A 150/15.07.1997, as amended by Decree 41/2003, OJ A 44/21.02.2003

– Act 3528/2007 ‘Code on the Status of Civil Servants and Employees of Legal Persons Governed by Public Law’ (Κώδικας Κατάστασης Δημόσιων Πολιτικών Διοικητικών Υπαλλήλων και Υπαλλήλων ΝΠΙΔΔ), OJ A 26/09.02.2007

– Act 3655/2008 ‘Administrative and Organizational Reform of the Social Security System’, Article 142, OJ A 58/03.04.2008

– Act 3769/2009 ‘Implementation of the Principle of Equal Treatment of Men and Women Regarding Access to Goods and Services and Their Supply’, OJ A 105/01.07.2009

– Act 3863/2010 ‘New Social Security System and Related Provisions, Regulation of Employment Relationships’, OJ A 115/15.7.2010

– Act 3865/2010 ‘Reform of the Pension System of the State and Related Provisions’, OJ 120/21.7.2010

– Act 3896/2010 ‘Implementation of the Principle of Equal Treatment of Men and Women in Matters of Employment and Occupation – Harmonization of Existing Legislation with Directive 2006/54/EC of the European Parliament and the Council’, OJ A 207/ 08.12.2010

– Act 4075/2012, Articles 48-54 ‘Incorporation into Greek Law of Directive 2010/18/EU of the Council of the EU Implementing the Revised

Framework Agreement on Parental Leave Concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and Repealing Directive 96/34/EC', OJ A 89/11.04.2012

– Act 4097/2012 'Implementation of the Principle of Equal Treatment of Men and Women Engaged in an Activity in a Self-Employed Capacity – Harmonization of legislation with Directive 2010/41/EU of the European Parliament and the Council', OJ A 235/03.12.2012

COUNCIL DIRECTIVE 2010/18/EU

18.3.2010

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## DIRECTIVES

## COUNCIL DIRECTIVE 2010/18/EU

of 8 March 2010

implementing the revised Framework Agreement on parental leave concluded by  
BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

tunities available to working parents in the Member States to better reconcile their work and family responsibilities through leave arrangements.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 155(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 153 of the Treaty on the Functioning of the European Union (the 'TFEU') enables the Union to support and complement the activities of the Member States, inter alia in the field of equality between men and women with regard to labour market opportunities and treatment at work.

(2) Social dialogue at Union level may, in accordance with Article 155(1) of the TFEU, lead to contractual relations, including agreements, should management and labour (the 'social partners') so desire. The social partners may, in accordance with Article 155(2) of the TFEU, request jointly that agreements concluded by them at Union level in matters covered by Article 153 of the TFEU be implemented by a Council decision on a proposal from the Commission.

(3) A Framework Agreement on parental leave was concluded by the European cross-industry social partner organisations (ETUC, UNICE and CEEP) on 14 December 1995 and was given legal effect by Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC<sup>(1)</sup>. That Directive was amended and extended to the United Kingdom of Great Britain and Northern Ireland by Council Directive 97/75/EC<sup>(2)</sup>. Directive 96/34/EC contributed greatly to improving the oppor-

(4) In accordance with Article 138(2) and (3) of the Treaty establishing the European Community (the 'EC Treaty')<sup>(\*)</sup>, the Commission consulted the European social partners in 2006 and 2007 on ways of further improving the reconciliation of work, private and family life and, in particular, the existing Community legislation on maternity protection and parental leave, and on the possibility of introducing new types of family-related leave, such as paternity leave, adoption leave and leave to care for family members.

(5) The three European general cross-industry social partner organisations (ETUC, CEEP and BUSINESSEUROPE, formerly named UNICE) and the European cross-industry social partner organisation representing a certain category of undertakings (UEAPME) informed the Commission on 11 September 2008 of their wish to enter into negotiations, in accordance with Article 138(4) and Article 139 of the EC Treaty<sup>(\*\*)</sup>, with a view to revising the Framework Agreement on parental leave concluded in 1995.

(6) On 18 June 2009, those organisations signed the revised Framework Agreement on parental leave (the 'revised Framework Agreement') and addressed a joint request to the Commission to submit a proposal for a Council decision implementing that revised Framework Agreement.

(7) In the course of their negotiations, the European social partners completely revised the 1995 Framework Agreement on parental leave. Therefore Directive 96/34/EC should be repealed and replaced by a new directive rather than being simply amended.

<sup>(1)</sup> OJ L 145, 19.6.1996, p. 4.

<sup>(2)</sup> OJ L 10, 16.1.1998, p. 24

<sup>(\*)</sup> Renumbered: Article 154(2) and (3) of the TFEU.

<sup>(\*\*)</sup> Renumbered: Articles 154(4) and 155 of the TFEU.

- (8) Since the objectives of the Directive, namely to improve the reconciliation of work, private and family life for working parents and equality between men and women with regard to labour market opportunities and treatment at work across the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (9) When drafting its proposal for a Directive, the Commission took account of the representative status of the signatory parties to the revised Framework Agreement, their mandate and the legality of the clauses in that revised Framework Agreement and its compliance with the relevant provisions concerning small and medium-sized undertakings.
- (10) The Commission informed the European Parliament and the European Economic and Social Committee of its proposal.
- (11) Clause 1(1) of the revised Framework Agreement, in line with the general principles of Union law in the social policy area, states that the Agreement lays down minimum requirements.
- (12) Clause 8(1) of the revised Framework Agreement states that the Member States may apply or introduce more favourable provisions than those set out in the Agreement.
- (13) Clause 8(2) of the revised Framework Agreement states that the implementation of the provisions of the Agreement shall not constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by the Agreement.
- (14) Member States should provide for effective, proportionate and dissuasive penalties in the event of any breach of the obligations under this Directive.
- (15) Member States may entrust the social partners, at their joint request, with the implementation of this Directive, as long as such Member States take all the steps necessary to ensure that they can at all times guarantee the results imposed by this Directive.
- (16) In accordance with point 34 of the Interinstitutional agreement on better law-making<sup>(1)</sup>, Member States are encouraged to draw up, for themselves and in the interests of the Union, their own tables which will, as far as possible, illustrate the correlation between this Directive and the transposition measures, and to make them public.
- HAS ADOPTED THIS DIRECTIVE:
- Article 1*
- This Directive puts into effect the revised Framework Agreement on parental leave concluded on 18 June 2009 by the European cross-industry social partner organisations (BUSINESSEUROPE, UEAPME, CEEP and ETUC), as set out in the Annex.
- Article 2*
- Member States shall determine what penalties are applicable when national provisions enacted pursuant to this Directive are infringed. The penalties shall be effective, proportionate and dissuasive.
- Article 3*
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive or shall ensure that the social partners have introduced the necessary measures by agreement by 8 March 2012 at the latest. They shall forthwith inform the Commission thereof.
- When those provisions are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
2. Member States may have a maximum additional period of one year to comply with this Directive, if this is necessary to take account of particular difficulties or implementation by collective agreement. They shall inform the Commission thereof by 8 March 2012 at the latest, stating the reasons for which an additional period is required.
3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
- <sup>(1)</sup> OJ C 321, 31.12.2003, p. 1.

*Article 4*

Directive 96/34/EC shall be repealed with effect from 8 March 2012. References to Directive 96/34/EC shall be construed as references to this Directive.

*Article 6*

This Directive is addressed to the Member States.

Done at Brussels, 8 March 2010.

*Article 5*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*For the Council*

*The President*

C. CORBACHO

## ANNEX

## FRAMEWORK AGREEMENT ON PARENTAL LEAVE (REVISED)

18 June 2009

## Preamble

This framework agreement between the European social partners, BUSINESSEUROPE, UEAPME, CEEP and ETUC (and the liaison committee Eurocadres/CEC) revises the framework agreement on parental leave, concluded on 14 December 1995, setting out the minimum requirements on parental leave, as an important means of reconciling professional and family responsibilities and promoting equal opportunities and treatment between men and women.

The European social partners request the Commission to submit this framework agreement to the Council for a Council decision making these requirements binding in the Member States of the European Union.

## I. General considerations

1. Having regard to the EC Treaty and in particular Articles 138 and 139 thereof (\*);
2. Having regard to Articles 137(1)(c) and 141 of the EC Treaty (\*\*) and the principle of equal treatment (Articles 2, 3 and 13 of the EC Treaty (\*\*\*)) and the secondary legislation based on this, in particular Council Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (1); Council 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 (2); Council Directive 96/97/EC amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes (3); and 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) (4);
3. Having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 and Articles 23 and 33 thereof relating to equality between men and women and reconciliation of professional, private and family life;
4. Having regard to the 2003 Report from the Commission on the Implementation of Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC;
5. Having regard to the objective of the Lisbon strategy on growth and jobs of increasing overall employment rates to 70 %, women's employment rates to 60 % and the employment rates of older workers to 50 %; to the Barcelona targets on the provision of childcare facilities; and to the contribution of policies to improve reconciliation of professional, private and family life in achieving these targets;
6. Having regard to the European social partners' Framework of Actions on Gender Equality of 22 March 2005 in which supporting work-life balance is addressed as a priority area for action, while recognising that, in order to continue to make progress on the issue of reconciliation, a balanced, integrated and coherent policy mix must be put in place, comprising of leave arrangements, working arrangements and care infrastructures;
7. Whereas measures to improve reconciliation are part of a broader policy agenda to address the needs of employers and workers and improve adaptability and employability, as part of a flexicurity approach;
8. Whereas family policies should contribute to the achievement of gender equality and be looked at in the context of demographic changes, the effects of an ageing population, closing the generation gap, promoting women's participation in the labour force and the sharing of care responsibilities between women and men;

(\*) Renumbered: Articles 154 and 155 of the TFEU.

(\*\*) Renumbered: Articles 153(1)c and 157 of the TFEU.

(\*\*\*) Article 2 of the EC Treaty is repealed and replaced, in substance, by Article 3 of the Treaty on the European Union. Article 3(1) of the EC Treaty is repealed and replaced, in substance, by Articles 3 to 6 of the TFEU. Article 3(2) of the EC Treaty is renumbered as Article 8 of the TFEU. Article 13 of the EC Treaty is renumbered as Article 19 of the TFEU.

(1) OJ L 45, 19.2.1975, p. 19–20.

(2) OJ L 348, 28.11.1992, p. 1–8.

(3) OJ L 46, 17.2.1997, p. 20–24.

(4) OJ L 204, 26.7.2006, p. 23–36.

9. Whereas the Commission has consulted the European social partners in 2006 and 2007 in a first and second stage consultation on reconciliation of professional, private and family life, and, among other things, has addressed the issue of updating the regulatory framework at Community level, and has encouraged the European social partners to assess the provisions of their framework agreement on parental leave with a view to its review;
10. Whereas the Framework agreement of the European social partners of 1995 on parental leave has been a catalyst for positive change, ensured common ground on work life balance in the Member States and played a significant role in helping working parents in Europe to achieve better reconciliation; however, on the basis of a joint evaluation, the European social partners consider that certain elements of the agreement need to be adapted or revised in order to better achieve its aims;
11. Whereas certain aspects need to be adapted, taking into account the growing diversity of the labour force and societal developments including the increasing diversity of family structures, while respecting national law, collective agreements and/or practice;
12. Whereas in many Member States encouraging men to assume an equal share of family responsibilities has not led to sufficient results; therefore, more effective measures should be taken to encourage a more equal sharing of family responsibilities between men and women;
13. Whereas many Member States already have a wide variety of policy measures and practices relating to leave facilities, childcare and flexible working arrangements, tailored to the needs of workers and employers and aiming to support parents in reconciling their professional, private and family life; these should be taken into account when implementing this agreement;
14. Whereas this framework agreement provides one element of European social partners' actions in the field of reconciliation;
15. Whereas this agreement is a framework agreement setting out minimum requirements and provisions for parental leave, distinct from maternity leave, and for time off from work on grounds of force majeure, and refers back to Member States and social partners for the establishment of conditions for access and modalities of application in order to take account of the situation in each Member State;
16. Whereas the right of parental leave in this agreement is an individual right and in principle non-transferable, and Member States are allowed to make it transferable. Experience shows that making the leave non-transferable can act as a positive incentive for the take up by fathers, the European social partners therefore agree to make a part of the leave non-transferable;
17. Whereas it is important to take into account the special needs of parents with children with disabilities or long term illness;
18. Whereas Member States should provide for the maintenance of entitlements to benefits in kind under sickness insurance during the minimum period of parental leave;
19. Whereas Member States should also, where appropriate under national conditions and taking into account the budgetary situation, consider the maintenance of entitlements to relevant social security benefits as they stand during the minimum period of parental leave as well as the role of income among other factors in the take-up of parental leave when implementing this agreement;
20. Whereas experiences in Member States have shown that the level of income during parental leave is one factor that influences the take up by parents, especially fathers;
21. Whereas the access to flexible working arrangements makes it easier for parents to combine work and parental responsibilities and facilitates the reintegration into work, especially after returning from parental leave;
22. Whereas parental leave arrangements are meant to support working parents during a specific period of time, aimed at maintaining and promoting their continued labour market participation; therefore, greater attention should be paid to keeping in contact with the employer during the leave or by making arrangements for return to work;
23. Whereas this agreement takes into consideration the need to improve social policy requirements, to enhance the competitiveness of the European Union economy and to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium sized undertakings;

24. Whereas the social partners are best placed to find solutions that correspond to the needs of both employers and workers and shall therefore play a special role in the implementation, application, monitoring and evaluation of this agreement, in the broader context of other measures to improve the reconciliation of professional and family responsibilities and to promote equal opportunities and treatment between men and women.

THE SIGNATORY PARTIES HAVE AGREED THE FOLLOWING:

## II. Content

### Clause 1: Purpose and scope

1. This agreement lays down minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents, taking into account the increasing diversity of family structures while respecting national law, collective agreements and/or practice.
2. This agreement applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements and/or practice in force in each Member State.
3. Member States and/or social partners shall not exclude from the scope and application of this agreement workers, contracts of employment or employment relationships solely because they relate to part-time workers, fixed-term contract workers or persons with a contract of employment or employment relationship with a temporary agency.

### Clause 2: Parental leave

1. This agreement entitles men and women workers to an individual right to parental leave on the grounds of the birth or adoption of a child to take care of that child until a given age up to eight years to be defined by Member States and/or social partners.
2. The leave shall be granted for at least a period of four months and, to promote equal opportunities and equal treatment between men and women, should, in principle, be provided on a non-transferable basis. To encourage a more equal take-up of leave by both parents, at least one of the four months shall be provided on a non-transferable basis. The modalities of application of the non-transferable period shall be set down at national level through legislation and/or collective agreements taking into account existing leave arrangements in the Member States.

### Clause 3: Modalities of application

1. The conditions of access and detailed rules for applying parental leave shall be defined by law and/or collective agreements in the Member States, as long as the minimum requirements of this agreement are respected. Member States and/or social partners may, in particular:
  - (a) decide whether parental leave is granted on a full-time or part-time basis, in a piecemeal way or in the form of a time-credit system, taking into account the needs of both employers and workers;
  - (b) make entitlement to parental leave subject to a period of work qualification and/or a length of service qualification which shall not exceed one year; Member States and/or social partners shall ensure, when making use of this provision, that in case of successive fixed term contracts, as defined in Council Directive 1999/70/EC on fixed-term work, with the same employer the sum of these contracts shall be taken into account for the purpose of calculating the qualifying period;
  - (c) define the circumstances in which an employer, following consultation in accordance with national law, collective agreements and/or practice, is allowed to postpone the granting of parental leave for justifiable reasons related to the operation of the organisation. Any problem arising from the application of this provision should be dealt with in accordance with national law, collective agreements and/or practice;
  - (d) in addition to (c), authorise special arrangements to meet the operational and organisational requirements of small undertakings.
2. Member States and/or social partners shall establish notice periods to be given by the worker to the employer when exercising the right to parental leave, specifying the beginning and the end of the period of leave. Member States and/or social partners shall have regard to the interests of workers and of employers in specifying the length of such notice periods.
3. Member States and/or social partners should assess the need to adjust the conditions for access and modalities of application of parental leave to the needs of parents of children with a disability or a long-term illness.

**Clause 4: Adoption**

1. Member States and/or social partners shall assess the need for additional measures to address the specific needs of adoptive parents.

**Clause 5: Employment rights and non-discrimination**

1. At the end of parental leave, workers shall have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship.
2. Rights acquired or in the process of being acquired by the worker on the date on which parental leave starts shall be maintained as they stand until the end of parental leave. At the end of parental leave, these rights, including any changes arising from national law, collective agreements and/or practice, shall apply.
3. Member States and/or social partners shall define the status of the employment contract or employment relationship for the period of parental leave.
4. In order to ensure that workers can exercise their right to parental leave, Member States and/or social partners shall take the necessary measures to protect workers against less favourable treatment or dismissal on the grounds of an application for, or the taking of, parental leave in accordance with national law, collective agreements and/or practice.
5. All matters regarding social security in relation to this agreement are for consideration and determination by Member States and/or social partners according to national law and/or collective agreements, taking into account the importance of the continuity of the entitlements to social security cover under the different schemes, in particular health care.

All matters regarding income in relation to this agreement are for consideration and determination by Member States and/or social partners according to national law, collective agreements and/or practice, taking into account the role of income – among other factors – in the take-up of parental leave.

**Clause 6: Return to work**

1. In order to promote better reconciliation, Member States and/or social partners shall take the necessary measures to ensure that workers, when returning from parental leave, may request changes to their working hours and/or patterns for a set period of time. Employers shall consider and respond to such requests, taking into account both employers' and workers' needs.

The modalities of this paragraph shall be determined in accordance with national law, collective agreements and/or practice.

2. In order to facilitate the return to work following parental leave, workers and employers are encouraged to maintain contact during the period of leave and may make arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and/or practice.

**Clause 7: Time off from work on grounds of force majeure**

1. Member States and/or social partners shall take the necessary measures to entitle workers to time off from work, in accordance with national legislation, collective agreements and/or practice, on grounds of force majeure for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable.
2. Member States and/or social partners may specify the conditions of access and detailed rules for applying clause 7.1 and limit this entitlement to a certain amount of time per year and/or per case.

**Clause 8: Final provisions**

1. Member States may apply or introduce more favourable provisions than those set out in this agreement.
2. Implementation of the provisions of this agreement shall not constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this agreement. This shall not prejudice the right of Member States and/or social partners to develop different legislative, regulatory or contractual provisions, in the light of changing circumstances (including the introduction of non-transferability), as long as the minimum requirements provided for in the present agreement are complied with.

3. This agreement shall not prejudice the right of social partners to conclude, at the appropriate level including European level, agreements adapting and/or complementing the provisions of this agreement in order to take into account particular circumstances.
4. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with the Council decision within a period of two years from its adoption or shall ensure that social partners introduce the necessary measures by way of agreement by the end of this period. Member States may, if necessary to take account of particular difficulties or implementation by collective agreements, have up to a maximum of one additional year to comply with this decision.
5. The prevention and settlement of disputes and grievances arising from the application of this agreement shall be dealt with in accordance with national law, collective agreements and/or practice.
6. Without prejudice to the respective role of the Commission, national courts and the European Court of Justice, any matter relating to the interpretation of this agreement at European level should, in the first instance, be referred by the Commission to the signatory parties who will give an opinion.
7. The signatory parties shall review the application of this agreement five years after the date of the Council decision if requested by one of the parties to this agreement.

Done at Brussels, 18 June 2009.

For ETUC  
John Monks  
General Secretary  
On behalf of the trade union delegation

For BUSINESSEUROPE  
Philippe de Buck  
Director General

For UEAPME  
Andrea Benassi  
Secretary General

For CEEP  
Ralf Resch  
General Secretary

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*(Legislative acts)*

DIRECTIVES

**DIRECTIVE 2010/41/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 7 July 2010**

**on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

outside salaried work. In the interest of clarity, Directive 86/613/EEC should be replaced by this Directive.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 157(3) thereof,

(2) In its Communication of 1 March 2006 entitled 'Roadmap for equality between women and men', the Commission announced that in order to improve governance of gender equality, it would review the existing Union gender equality legislation not included in the 2005 recast exercise with a view to updating, modernising and recasting where necessary. Directive 86/613/EEC was not included in the recasting exercise.

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

(3) In its conclusions of 5 and 6 December 2007 on 'Balanced roles of women and men for jobs, growth and social cohesion', the Council called on the Commission to consider the need to revise, if necessary, Directive 86/613/EEC in order to safeguard the rights related to motherhood and fatherhood of self-employed workers and their helping spouses.

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

(4) The European Parliament has consistently called on the Commission to review Directive 86/613/EEC, in particular so as to boost maternity protection for self-employed women and to improve the situation of spouses of self-employed workers.

(1) Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood <sup>(3)</sup> ensures application in Member States of the principle of equal treatment as between men and women engaged in an activity in a self-employed capacity, or contributing to the pursuit of such activity. As far as self-employed workers and spouses of self-employed workers are concerned, Directive 86/613/EEC has not been very effective and its scope should be reconsidered, as discrimination based on sex and harassment also occur in areas

(5) The European Parliament has already stated its position on these matters in its resolution of 21 February 1997 on the situation of the assisting spouses of the self-employed <sup>(4)</sup>.

(6) In its Communication of 2 July 2008 entitled 'Renewed Social Agenda: Opportunities, access and solidarity in 21st century Europe', the Commission has affirmed the need to take action on the gender gap in entrepreneurship as well as to improve the reconciliation of private and professional life.

<sup>(1)</sup> OJ C 228, 22.9.2009, p. 107.

<sup>(2)</sup> Position of the European Parliament of 6 May 2009 (not yet published in the Official Journal), Position of the Council at first reading of 8 March 2010 (OJ C 123 E, 12.5.2010, p. 5), Position of the European Parliament of 18 May 2010.

<sup>(3)</sup> OJ L 359, 19.12.1986, p. 56.

<sup>(4)</sup> OJ C 85, 17.3.1997, p. 186.

- (7) There are already a number of existing legal instruments for the implementation of the principle of equal treatment which cover self-employment activities, in particular Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security<sup>(1)</sup> and 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<sup>(2)</sup>. This Directive should therefore not apply to the areas already covered by other directives.
- (8) This Directive is without prejudice to the powers of the Member States to organise their social protection systems. The exclusive competence of the Member States with regard to the organisation of their social protection systems includes, inter alia decisions on the setting up, financing and management of such systems and related institutions as well as on the substance and delivery of benefits, the level of contributions and the conditions for access.
- (9) This Directive should apply to self-employed workers and to their spouses or, when and in so far as recognised by national law, their life partners, where they, under the conditions laid down by national law, habitually participate in the activities of the business. In order to improve the situation for these spouses and, when and in so far as recognised by national law, the life partners of self-employed workers, their work should be recognised.
- (10) This Directive should not apply to matters covered by other Directives implementing the principle of equal treatment between men and women, notably Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services<sup>(3)</sup>, inter alia, Article 5 of Directive 2004/113/EC on insurance and related financial services remains applicable.
- (11) To prevent discrimination based on sex, this Directive should apply to both direct and indirect discrimination. Harassment and sexual harassment should be considered discrimination and therefore prohibited.
- (12) This Directive should be without prejudice to the rights and obligations deriving from marital or family status as defined in national law.
- (13) The principle of equal treatment should cover the relationships between the self-employed worker and third parties within the remit of this Directive, but not relationships between the self-employed worker and his or her spouse or life partner.
- (14) In the area of self-employment, the application of the principle of equal treatment means that there must be no discrimination on grounds of sex, for instance in relation to the establishment, equipment or extension of a business or the launching or extension of any other form of self-employed activity.
- (15) Member States may, under Article 157(4) of the Treaty on the Functioning of the European Union, maintain or adopt measures providing for specific advantages in order to make it easier for the under-represented sex to engage in self-employed activities or to prevent or compensate for disadvantages in their professional careers. In principle, measures such as positive action aimed at achieving gender equality in practice should not be seen as being in breach of the legal principle of equal treatment between men and women.
- (16) It is necessary to ensure that the conditions for setting up a company between spouses or, when and in so far as recognised by national law, life partners, are not more restrictive than the conditions for setting up a company between other persons.
- (17) In view of their participation in the activities of the family business, the spouses or, when and in so far as recognised by national law, the life partners of self-employed workers who have access to a system for social protection, should also be entitled to benefit from social protection. Member States should be required to take the necessary measures to organise this social protection in accordance with national law. In particular, it is up to Member States to decide whether this social protection should be implemented on a mandatory or voluntary basis. Member States may provide that this social protection may be proportional to the participation in the activities of the self-employed worker and/or the level of contribution.
- (18) The economic and physical vulnerability of pregnant self-employed workers and pregnant spouses and, when and in so far as recognised by national law, pregnant life partners of self-employed workers, makes it necessary for them to be granted the right to maternity benefits. The Member States remain competent to organise such benefits, including establishing the level of contributions and all the arrangements concerning benefits and payments, provided the minimum requirements of this Directive are complied with. In particular, they may determine in which period before and/or after confinement the right to maternity benefits is granted.
- <sup>(1)</sup> OJ L 6, 10.1.1979, p. 24.  
<sup>(2)</sup> OJ L 204, 26.7.2006, p. 23.  
<sup>(3)</sup> OJ L 373, 21.12.2004, p. 37.

- (19) The length of the period during which female self-employed workers and female spouses or, when and in so far as recognised by national law, female life partners of self-employed workers, are granted maternity benefits is similar to the duration of maternity leave for employees currently in place at Union level. In case the duration of maternity leave provided for employees is modified at Union level, the Commission should report to the European Parliament and the Council assessing whether the duration of maternity benefits for female self-employed workers and female spouses and life partners referred to in Article 2 should also be modified.
- (20) In order to take the specificities of self-employed activities into account, female self-employed workers and female spouses or, when and in so far as recognised by national law, female life partners of self-employed workers should be given access to any existing services supplying temporary replacement enabling interruptions in their occupational activity owing to pregnancy or motherhood, or to any existing national social services. Access to those services can be an alternative to or a part of the maternity allowance.
- (21) Persons who have been subject to discrimination based on sex should have suitable means of legal protection. To provide more effective protection, associations, organisations and other legal entities should be empowered to engage in proceedings, as Member States so determine, either on behalf or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts.
- (22) Protection of self-employed workers and spouses of self-employed workers and, when and in so far as recognised by national law, the life partners of self-employed workers, from discrimination based on sex should be strengthened by the existence of a body or bodies in each Member State with competence to analyse the problems involved, to study possible solutions and to provide practical assistance to the victims. The body or bodies may be the same as those with responsibility at national level for the implementation of the principle of equal treatment.
- (23) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions.
- (24) Since the objective of the action to be taken, namely to ensure a common high level of protection from discrimination in all the Member States, cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt

measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

##### **Subject matter**

1. This Directive lays down a framework for putting into effect in the Member States the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, or contributing to the pursuit of such an activity, as regards those aspects not covered by Directives 2006/54/EC and 79/7/EEC.
2. The implementation of the principle of equal treatment between men and women in the access to and supply of goods and services remains covered by Directive 2004/113/EC.

#### *Article 2*

##### **Scope**

This Directive covers:

- (a) self-employed workers, namely all persons pursuing a gainful activity for their own account, under the conditions laid down by national law;
- (b) the spouses of self-employed workers or, when and in so far as recognised by national law, the life partners of self-employed workers, not being employees or business partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks.

#### *Article 3*

##### **Definitions**

For the purposes of this Directive, the following definitions shall apply:

- (a) 'direct discrimination': where one person is treated less favourably on grounds of sex than another is, has been or would be, treated in a comparable situation;
- (b) 'indirect discrimination': where 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;

- (c) 'harassment': where unwanted conduct related to the sex of a person occurs with the purpose, or effect, of violating the dignity of that person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- (d) 'sexual harassment': 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.

#### Article 4

##### Principle of equal treatment

1. The principle of equal treatment means that there shall be no discrimination whatsoever on grounds of sex in the public or private sectors, either directly or indirectly, for instance in relation to the establishment, equipment or extension of a business or the launching or extension of any other form of self-employed activity.
2. In the areas covered by paragraph 1, harassment and sexual harassment shall be deemed to be discrimination on grounds of sex and therefore prohibited. A person's rejection of, or submission to, such conduct may not be used as a basis for a decision affecting that person.
3. In the areas covered by paragraph 1, an instruction to discriminate against persons on grounds of sex shall be deemed to be discrimination.

#### Article 5

##### Positive action

Member States may maintain or adopt measures within the meaning of Article 157(4) of the Treaty on the Functioning of the European Union with a view to ensuring full equality in practice between men and women in working life, for instance aimed at promoting entrepreneurship initiatives among women.

#### Article 6

##### Establishment of a company

Without prejudice to the specific conditions for access to certain activities which apply equally to both sexes, the Member States shall take the measures necessary to ensure that the conditions for the establishment of a company between spouses, or between life partners when and in so far as recognised by national law, are not more restrictive than the conditions for the establishment of a company between other persons.

#### Article 7

##### Social protection

1. Where a system for social protection for self-employed workers exists in a Member State, that Member State shall

take the necessary measures to ensure that spouses and life partners referred to in Article 2(b) can benefit from a social protection in accordance with national law.

2. The Member States may decide whether the social protection referred to in paragraph 1 is implemented on a mandatory or voluntary basis.

#### Article 8

##### Maternity benefits

1. The Member States shall take the necessary measures to ensure that female self-employed workers and female spouses and life partners referred to in Article 2 may, in accordance with national law, be granted a sufficient maternity allowance enabling interruptions in their occupational activity owing to pregnancy or motherhood for at least 14 weeks.
2. The Member States may decide whether the maternity allowance referred to in paragraph 1 is granted on a mandatory or voluntary basis.
3. The allowance referred to in paragraph 1 shall be deemed sufficient if it guarantees an income at least equivalent to:
  - (a) the allowance which the person concerned would receive in the event of a break in her activities on grounds connected with her state of health and/or;
  - (b) the average loss of income or profit in relation to a comparable preceding period subject to any ceiling laid down under national law and/or;
  - (c) any other family related allowance established by national law, subject to any ceiling laid down under national law.

4. The Member States shall take the necessary measures to ensure that female self-employed workers and female spouses and life partners referred to in Article 2 have access to any existing services supplying temporary replacements or to any existing national social services. The Member States may provide that access to those services is an alternative to or a part of the allowance referred to in paragraph 1 of this Article.

#### Article 9

##### Defence of rights

1. The Member States shall ensure that judicial or administrative proceedings, including, where Member States consider it appropriate, conciliation procedures, for the enforcement of the obligations under this Directive are 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 to them, even after the relationship in which the discrimination is alleged to have occurred has ended.

2. The Member States shall ensure that associations, organisations and other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that this Directive is complied with may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial or administrative proceedings provided for the enforcement of obligations under this Directive.

3. Paragraphs 1 and 2 shall be without prejudice to national rules on time limits for bringing actions relating to the principle of equal treatment.

#### Article 10

##### Compensation or reparation

The Member States shall introduce such measures into their national legal systems as are necessary to ensure real and effective compensation or reparation, as Member States so determine, for the loss or damage sustained by a person as a result of discrimination on grounds of sex, such compensation or reparation being dissuasive and proportionate to the loss or damage suffered. Such compensation or reparation shall not be limited by the fixing of a prior upper limit.

#### Article 11

##### Equality bodies

1. The Member States shall take the necessary measures to ensure that the body or bodies designated in accordance with Article 20 of Directive 2006/54/EC are also competent for the promotion, analysis, monitoring and support of equal treatment of all persons covered by this Directive without discrimination on grounds of sex.

2. The Member States shall ensure that the tasks of the bodies referred to in paragraph 1 include:

- (a) providing independent assistance to victims of discrimination in pursuing their complaints of discrimination, without prejudice to the rights of victims and of associations, organisations and other legal entities referred to in Article 9(2);
- (b) conducting independent surveys on discrimination;
- (c) publishing independent reports and making recommendations on any issue relating to such discrimination;
- (d) exchanging, at the appropriate level, the information available with the corresponding European bodies, such as the European Institute for Gender Equality.

#### Article 12

##### Gender mainstreaming

The 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 in this Directive.

#### Article 13

##### Dissemination of information

The Member States shall ensure that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force, are brought by all appropriate means to the attention of the persons concerned throughout their territory.

#### Article 14

##### Level of protection

The Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment between men and women than those laid down in this Directive.

The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the fields covered by this Directive.

#### Article 15

##### Reports

1. Member States shall communicate all available information concerning the application of this Directive to the Commission by 5 August 2015.

The Commission shall draw up a summary report for submission to the European Parliament and to the Council no later than 5 August 2016. That report should take into account any legal change concerning the duration of maternity leave for employees. Where appropriate, that report shall be accompanied by proposals for amending this Directive.

2. The Commission's report shall take the viewpoints of the stakeholders into account.

#### Article 16

##### Implementation

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 5 August 2012 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When the Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Where justified by particular difficulties, the Member States may, if necessary, have an additional period of two years until 5 August 2014 in order to comply with Article 7, and in order to comply with Article 8 as regards female spouses and life partners referred to in Article 2(b).

3. The Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 17

##### Repeal

Directive 86/613/EEC shall be repealed, with effect from 5 August 2012.

References to the repealed Directive shall be construed as references to this Directive.

#### Article 18

##### Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

#### Article 19

##### Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 7 July 2010

*For the European Parliament*

*The President*

J. BUZEK

*For the Council*

*The President*

O. CHASTEL

## DIRECTIVES

**DIRECTIVE (EU) 2019/1158 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 20 June 2019  
on work-life balance for parents and carers and repealing Council Directive 2010/18/EU**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (b) of Article 153(2), in conjunction with point (i) of Article 153(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(3)</sup>,

Whereas:

- (1) Point (i) of Article 153(1) of the Treaty on the Functioning of the European Union (TFEU) provides that the Union is to support and complement the activities of the Member States in the area of equality between men and women with regard to labour market opportunities and treatment at work.
- (2) Equality between men and women is a fundamental principle of the Union. The second subparagraph of Article 3(3) of the Treaty on European Union (TEU) provides that the Union is to promote equality between women and men. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union (Charter) requires equality between men and women to be ensured in all areas, including employment, work and pay.
- (3) Article 33 of the Charter provides for the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life.
- (4) The Union has ratified the 2006 United Nations Convention on the Rights of Persons with Disabilities. That Convention is thus an integral part of the Union legal order, and Union legal acts must, as far as possible, be interpreted in a manner that is consistent with the Convention. The Convention provides, in particular in Article 7(1), that parties thereto are to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
- (5) The Member States have ratified the 1989 United Nations Convention on the Rights of the Child. Article 18(1) of the Convention provides that both parents have common responsibilities for the upbringing and development of the child and that the best interests of the child should be the parents' basic concern.
- (6) Work-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market, the equal sharing of caring responsibilities between men and women, and the closing of the gender gaps in earnings and pay. Such policies should take into account demographic changes including the effects of an ageing population.

<sup>(1)</sup> OJ C 129, 11.4.2018, p. 44.

<sup>(2)</sup> OJ C 164, 8.5.2018, p. 62.

<sup>(3)</sup> Position of the European Parliament of 4 April 2019 (not yet published in the Official Journal) and decision of the Council of 13 June 2019.

- (7) In light of the challenges that arise from demographic change, together with the resultant pressure on public expenditure in some Member States, the need for informal care is expected to increase.
- (8) At Union level, several directives in the areas of gender equality and working conditions already address certain issues that are relevant for work-life balance, in particular Directives 2006/54/EC <sup>(4)</sup> and 2010/41/EU <sup>(5)</sup> of the European Parliament and of the Council, and Council Directives 92/85/EEC <sup>(6)</sup>, 97/81/EC <sup>(7)</sup> and 2010/18/EU <sup>(8)</sup>.
- (9) The principles of gender equality and work-life balance are reaffirmed in Principles 2 and 9 of the European Pillar of Social Rights, which was proclaimed by the European Parliament, the Council and the Commission on 17 November 2017.
- (10) However, 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, which has a negative impact on women's employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women are likely to work fewer hours in paid employment and to spend more time fulfilling unpaid caring responsibilities. Having a sick or dependent relative has also been shown to have a negative impact on women's employment and results in some women dropping out of the labour market entirely.
- (11) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. The lack of paid paternity and parental leave in many Member States contributes to the low take-up of leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender stereotypes and differences between work and care. Policies on equal treatment should aim to address the issue of stereotypes in both men's and women's occupations and roles, and the social partners are encouraged to act upon their key role in informing both workers and employers and raising their awareness of tackling discrimination. Furthermore, the use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment.
- (12) In implementing this Directive, Member States should take into consideration that the equal uptake of family-related leave between men and women also depends on other appropriate measures, such as the provision of accessible and affordable childcare and long-term care services, which are crucial for the purpose of allowing parents, and other persons with caring responsibilities to enter, remain in, or return to the labour market. Removing economic disincentives can also encourage second earners, the majority of whom are women, to participate fully in the labour market.
- (13) In order to assess the impact of this Directive, the Commission and the Member States should continue to cooperate with one another in order to develop comparable statistics that are disaggregated by sex.
- (14) The Commission has consulted management and labour in a two-stage process with regard to challenges related to work-life balance, in accordance with Article 154 TFEU. There was no agreement among the social partners to enter into negotiations with regard to those matters, including with regard to parental leave. It is, however, important to take action in that area by modernising and adapting the current legal framework, taking into account the outcome of those consultations, as well as of the public consultation carried out to seek the views of stakeholders and citizens.

<sup>(4)</sup> 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 (OJ L 204, 26.7.2006, p. 23).

<sup>(5)</sup> Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

<sup>(6)</sup> Council Directive 92/85/EEC of 19 October 1992 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 (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 1).

<sup>(7)</sup> Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC (OJ L 14, 20.1.1998, p. 9).

<sup>(8)</sup> Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ L 68, 18.3.2010, p. 13).

- (15) Directive 2010/18/EU regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds on the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights. Directive 2010/18/EU should be repealed and replaced by this Directive.
- (16) This Directive lays down minimum requirements related to paternity leave, parental leave and carers' leave, and to flexible working arrangements for workers who are parents, or carers. By facilitating the reconciliation of work and family life for such parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union.
- (17) This Directive applies to all workers who have employment contracts or other employment relationships, including contracts relating to the employment or the employment relationships of part-time workers, fixed-term contract workers or persons with a contract of employment or employment relationship with a temporary agency, as previously provided for by Directive 2010/18/EU. Taking into account the case-law of the Court of Justice of the European Union (Court of Justice) regarding the criteria for determining the status of a worker, it is for Member States to define employment contracts and employment relationships.
- (18) Member States have the competence to define marital and family status, as well as to establish which persons are to be considered to be a parent, a mother and a father.
- (19) In order to encourage a more equal sharing of caring responsibilities between women and men, and to allow for the early creation of a bond between fathers and children, a right to paternity leave for fathers or, where and insofar as recognised by national law, for equivalent second parents, should be introduced. Such paternity leave should be taken around the time of the birth of the child and should be clearly linked to the birth for the purposes of providing care. Member States are also able to grant paternity leave in the case of a stillbirth. It is for Member States to determine whether to allow part of the paternity leave to be taken before the birth of the child or to require all of it to be taken thereafter, the time frame within which paternity leave is to be taken, and whether and under which conditions to allow paternity leave to be taken on a part-time basis, in alternating periods, such as for a number of consecutive days of leave separated by periods of work, or in other flexible ways. Member States are able to specify whether paternity leave is expressed in working days, weeks or other time units, taking into account that ten working days correspond to two calendar weeks. In order to take account of differences between Member States, the right to paternity leave should be granted irrespective of marital or family status, as defined by national law.
- (20) As most fathers do not avail themselves of their right to parental leave, or transfer a considerable proportion of their leave entitlement to mothers, this Directive extends from one to two months the minimum period of parental leave which cannot be transferred from one parent to the other in order to encourage fathers to take parental leave, while maintaining the right of each parent to take at least four months of parental leave as provided for in Directive 2010/18/EU. The purpose of ensuring that at least two months of parental leave is available to each parent exclusively and that cannot be transferred to the other parent, is to encourage fathers to make use of their right to such leave. It also promotes and facilitates the reintegration of mothers in the labour market after they have taken a period of maternity and parental leave.
- (21) A minimum period of four months of parental leave is guaranteed under this Directive to workers who are parents. Member States are encouraged to grant the right to parental leave to all workers who exercise parental responsibilities in accordance with national legal systems.
- (22) Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and should be able to decide whether the right to parental leave is subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating such a period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether to allow employers to postpone the granting of parental leave under certain circumstances, subject to the requirement that the employers should provide reasons for such a postponement in writing.

- (23) Given that flexibility makes it more likely that each parent, in particular fathers, will take up their entitlement to parental leave, workers should be able to request that parental leave be granted on a full-time or a part-time basis, in alternating periods, such as for a number of consecutive weeks of leave separated by periods of work, or in other flexible ways. The employer should be able to accept or refuse such a request for parental leave in ways other than on a full-time basis. Member States should assess whether the conditions of access to and the detailed arrangements for parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.
- (24) The period within which workers should be entitled to take parental leave should be linked to the age of the child. That age should be set in such a way as to enable both parents to effectively take up their full entitlement to parental leave under this Directive.
- (25) In order to facilitate the return to work following a period of parental leave, workers and employers are encouraged to maintain voluntary contact during the period of leave and can make arrangements for any appropriate measures to facilitate reintegration into the work place. Such contact and arrangements are to be decided between the parties concerned, taking into account national law, collective agreements or practice. Workers should be informed of promotion processes and internal vacancies and should be able to participate in such processes and to apply for such vacancies.
- (26) Studies demonstrate that Member States that provide a significant portion of parental leave to fathers and that pay the worker a payment or allowance during that leave at a relatively high replacement rate, experience a higher take-up rate by fathers and a positive trend in the rate of employment of mothers. It is therefore appropriate to allow such systems to continue provided that they meet certain minimum criteria, instead of providing the payment or allowance for paternity leave as provided for in this Directive.
- (27) In order to provide men and women with caring responsibilities with greater opportunities to remain in the workforce, each worker should have the right to carers' leave of five working days per year. Member States may decide that such leave can be taken in periods of one or more working days per case. In order to take account of divergent national systems, Member States should be able to allocate carers' leave on the basis of a period other than a year, by reference to the person in need of care or support, or by case. A continued rise in care needs is predicted, because of an ageing population and, consequentially, the concomitant increase in the prevalence of age-related impairments. The rise in care needs should be taken into account by Member States when they develop their care policies, including with regard to carers' leave. Member States are encouraged to make the right to carers' leave available with regard to additional relatives, such as grandparents and siblings. Member States can require prior medical certification of the need for significant care or support for a serious medical reason.
- (28) In addition to the right to carers' leave provided for in this Directive, all workers should retain their right to take time off from work without the loss of employment rights that have been acquired or that are in the process of being acquired, on the grounds of *force majeure* for urgent and unexpected family reasons, as provided for in Directive 2010/18/EU, in accordance with the conditions established by the Member States.
- (29) To increase incentives to workers who are parents, and to men in particular, to take the periods of leave provided for in this Directive, workers should be provided with a right to an adequate allowance while on leave.
- (30) Member States should therefore set a level for the payment or allowance with respect to the minimum period of paternity leave that is at least equivalent to the level of national sick pay. Since granting rights to paternity and maternity leave pursue similar objectives, namely creating a bond between the parent and the child, Member States are encouraged to provide for a payment or an allowance for paternity leave that is equal to the payment or allowance provided for maternity leave at national level.
- (31) Member States should set the payment or allowance for the minimum non-transferable period of parental leave guaranteed under this Directive at an adequate level. When setting the level of the payment or allowance provided for the minimum non-transferable period of parental leave, Member States should take into account that the take-up of parental leave often results in a loss of income for the family and that first earners in a family are able to make use of their right to parental leave only if it is sufficiently well remunerated, with a view to allowing for a decent living standard.

- (32) Although Member States are free to decide whether to provide a payment or an allowance for carers' leave, they are encouraged to introduce such a payment or an allowance in order to guarantee the effective take-up of the right by carers, in particular by men.
- (33) This Directive is without prejudice to the coordination of social security systems under Regulations (EC) No 883/2004 <sup>(9)</sup> and (EU) No 1231/2010 <sup>(10)</sup> of the European Parliament and of the Council and Council Regulation (EC) No 859/2003 <sup>(11)</sup>. The Member State competent for the social security of a worker is determined by those Regulations.
- (34) In order to encourage workers who are parents, and carers to remain in the work force, such workers should be able to adapt their working schedules to their personal needs and preferences. To that end and with a focus on workers' needs, they have the right to request flexible working arrangements for the purpose of adjusting their working patterns, including, where possible, through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for the purposes of providing care.
- (35) In order to address the needs of both workers and employers, it should be possible for Member States to limit the duration of flexible working arrangements, including any reduction in working hours or any remote working arrangements. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children or caring for relatives with care or support needs, long periods of reduced working hours can lead to lower social security contributions and thus reduced or non-existing pension entitlements.
- (36) When considering requests for flexible working arrangements, employers should be able to take into account, inter alia, the duration of the flexible working arrangements requested and the employers' resources and operational capacity to offer such arrangements. The employer should be able to decide whether to accept or refuse a worker's request for flexible working arrangements. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore have the right not only to return to their original working pattern at the end of a mutually agreed period, but should also be able to request to do so earlier where required on the basis of a change in the underlying circumstances.
- (37) Notwithstanding the requirement to assess whether the conditions of access to and the detailed arrangements for parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations, Member States are encouraged to assess whether conditions for access to, and the detailed arrangements for, exercising the right to paternity leave, carers' leave and flexible working arrangements should be adapted to particular needs, such as of those of single parents, adoptive parents, parents with a disability, parents of children with a disability or a long-term illness, or parents in particular circumstances, such as those related to multiple births and premature births.
- (38) Leave arrangements are intended to support workers who are parents, and carers during a specific period of time, and aim to maintain and promote the workers' continued attachment to the labour market. It is therefore appropriate to make express provision for the protection of the employment rights of workers who take the types of leave covered by this Directive. In particular, this Directive protects the right of workers to return to the same or to an equivalent post after taking such leave and the right not to be subject to any detriment in the terms and conditions of their contract of employment or employment relationship as a result of taking such leave. Workers should retain their entitlement to relevant rights that are already acquired, or that are in the process of being acquired, until the end of such leave.

<sup>(9)</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

<sup>(10)</sup> Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ L 344, 29.12.2010, p. 1).

<sup>(11)</sup> Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality (OJ L 124, 20.5.2003, p. 1).

- (39) As provided for in Directive 2010/18/EU, Member States are required to define the status of the employment contract or employment relationship for the period of parental leave. According to the case-law of the Court of Justice, the employment relationship between the worker and the employer is maintained during the period of leave and, as a result, the beneficiary of such leave remains, during that period, a worker for the purposes of Union law. When defining the status of the employment contract or employment relationship during the period of the types of leave covered by this Directive, including with regard to the entitlement to social security, the Member States should therefore ensure that the employment relationship is maintained.
- (40) Workers who exercise their right to take leave or to request flexible working arrangements as provided for in this Directive should be protected against discrimination or any less favourable treatment on that ground.
- (41) Workers who exercise their right to take leave or to request flexible working arrangements as provided for in this Directive should enjoy protection from dismissal and any preparatory steps for a possible dismissal on the grounds that they have applied for, or have taken, such leave or that they have exercised their right to request such flexible working arrangements in accordance with the case law of the Court of Justice, including its judgment in Case C-460/06 <sup>(12)</sup>. Workers who consider that they have been dismissed on the basis that they have exercised such rights should be able to ask the employer to provide duly substantiated grounds for the dismissal. Where a worker has applied for, or has taken, paternity leave, parental leave or carers' leave as referred to in this Directive, the employer should provide the grounds for dismissal in writing.
- (42) The burden of proving that there has been no dismissal on the grounds that workers have applied for, or have taken, paternity leave, parental leave or carers' leave as referred to in this Directive should be on the employer where a worker has established, before a court or another competent authority, facts capable of giving rise to a presumption that the worker has been dismissed on such grounds.
- (43) Member States should provide for effective, proportionate and dissuasive penalties in the event of infringements of national provisions adopted pursuant to this Directive or national provisions that are already in force on the date of entry into force of this Directive and that relate to the rights which are within its scope. Such penalties can include administrative and financial penalties, such as fines or the payment of compensation, as well as other types of penalties.
- (44) The effective implementation of the principles of equal treatment and equal opportunities requires the adequate judicial protection of workers against adverse treatment or adverse consequences resulting from a complaint or from proceedings relating to the rights under this Directive. It is possible that victims are deterred from exercising their rights on account of the risk of retaliation and therefore should be protected from any adverse treatment where they exercise their rights provided for in this Directive. Such protection is particularly relevant as regards the representatives of workers in the exercise of their functions.
- (45) With a view to further improving the level of protection of the rights provided for in this Directive, national equality bodies should be competent in regard to issues relating to discrimination that fall within the scope of this Directive, including the task of providing independent assistance to victims of discrimination in pursuing their complaints.
- (46) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining provisions that are more favourable to workers. Allowing one parent to transfer to the other parent more than two months out of the four months of parental leave provided for in this Directive does not constitute a provision that is more favourable to the worker than the minimum provisions laid down in this Directive. Rights that are already acquired on the date of entry into force of this Directive should continue to apply unless this Directive provides for more favourable provisions. The implementation of this Directive should neither be used to reduce existing Union law rights, nor constitute valid grounds for reducing the general level of protection provided to workers, in the areas covered by this Directive.

<sup>(12)</sup> Judgment of the Court of Justice of 11 October 2007, *Nadine Paquay v Société d'architectes Hoet + Minne SPRL*, C-460/06, ECLI:EU:C:2007:601.

- (47) In particular, nothing in this Directive should be interpreted as reducing the rights provided for in Directives 2010/18/EU, 92/85/EEC and 2006/54/EC, including Article 19 of Directive 2006/54/EC.
- (48) Micro, small and medium-sized enterprises (SMEs) as defined in the Annex to Commission Recommendation 2003/361/EC <sup>(13)</sup>, which represent the large majority of enterprises in the Union, can have limited financial, technical and human resources. In implementing this Directive, Member States should strive to avoid imposing administrative, financial or legal constraints in a manner which would amount to a disincentive to the creation and development of SMEs or an excessive burden to employers. Member States are therefore invited to thoroughly assess the impact of their implementing measures on SMEs in order to ensure the equal treatment of all workers, that SMEs are not disproportionately affected by the measures, with particular focus on microenterprises, and that any unnecessary administrative burden is avoided. Member States are encouraged to provide incentives, guidance and advice to SMEs to assist them in complying with their obligations pursuant to this Directive.
- (49) Any kind of family-related time off work, in particular maternity leave, paternity leave, parental leave and carers' leave, that is available under national law or collective agreements should count towards fulfilling the requirements of one or more of the types of leave provided for in this Directive and in Directive 92/85/EEC, provided that the minimum requirements of those directives are fulfilled and that the general level of protection provided to workers in the areas covered by them is not reduced. In implementing this Directive, Member States are not required to rename or otherwise change the different types of family-related leave that are provided for under national law or collective agreements and which count towards compliance with this Directive.
- (50) Member States are encouraged, in accordance with national practice, to promote a social dialogue with the social partners with a view to fostering the reconciliation of work and private life, including by promoting work-life balance measures in the workplace, establishing voluntary certification systems, providing vocational training, raising awareness, and carrying out information campaigns. In addition, Member States are encouraged to engage in a dialogue with relevant stakeholders, such as non-governmental organisations, local and regional authorities and service providers, in order to promote work-life balance policies in accordance with national law and practice.
- (51) The social partners should be encouraged to promote voluntary certification systems assessing work-life balance at the workplace.
- (52) Since the objectives of this Directive, namely to ensure the implementation of the principle of equality between men and women with regard to labour market opportunities and treatment at work across the Union, cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Subject matter

This Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work, by facilitating the reconciliation of work and family life for workers who are parents, or carers.

To that end, this Directive provides for individual rights related to the following:

- (a) paternity leave, parental leave and carers' leave;
- (b) flexible working arrangements for workers who are parents, or carers.

<sup>(13)</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

*Article 2***Scope**

This Directive applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, taking into account the case-law of the Court of Justice.

*Article 3***Definitions**

1. For the purposes of this Directive, the following definitions apply:
  - (a) 'paternity leave' means leave from work for fathers or, where and insofar as recognised by national law, for equivalent second parents, on the occasion of the birth of a child for the purposes of providing care;
  - (b) 'parental leave' means leave from work for parents on the grounds of the birth or adoption of a child to take care of that child;
  - (c) 'carers' leave' means leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State;
  - (d) 'carer' means a worker providing personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State;
  - (e) 'relative' means a worker's son, daughter, mother, father, spouse or, where such partnerships are recognised by national law, partner in civil partnership;
  - (f) 'flexible working arrangements' means the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours.
2. The reference to working days in Articles 4 and 6 shall be understood as referring to the full-time working pattern, as defined in the Member State in question.

A worker's entitlement to leave may be calculated proportionally to the worker's working time, in accordance with the working pattern specified in the worker's contract of employment or employment relationship.

*Article 4***Paternity leave**

1. Member States shall take the necessary measures to ensure that fathers or, where and insofar as recognised by national law, equivalent second parents, have the right to paternity leave of 10 working days that is to be taken on the occasion of the birth of the worker's child. Member States may determine whether to allow paternity leave to be taken partly before or only after the birth of the child and whether to allow such leave to be taken in flexible ways.
2. The right to paternity leave shall not be made subject to a period of work qualification or to a length of service qualification.
3. The right to paternity leave shall be granted irrespective of the worker's marital or family status, as defined by national law.

*Article 5***Parental leave**

1. Member States shall take the necessary measures to ensure that each worker has an individual right to parental leave of four months that is to be taken before the child reaches a specified age, up to the age of eight, to be specified by each Member State or by collective agreement. That age shall be determined with a view to ensuring that each parent is able to exercise their right to parental leave effectively and on an equal basis.

2. Member States shall ensure that two months of parental leave cannot be transferred.
3. Member States shall establish a reasonable period of notice that is to be given by workers to employers where they exercise their right to parental leave. In doing so, Member States shall take into account the needs of both the employers and the workers.

Member States shall ensure that the worker's request for parental leave specifies the intended beginning and end of the period of leave.
4. Member States may make the right to parental leave subject to a period of work qualification or to a length of service qualification, which shall not exceed one year. In the case of successive fixed-term contracts within the meaning of Council Directive 1999/70/EC <sup>(14)</sup> with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.
5. Member States may establish the circumstances in which an employer, following consultation in accordance with national law, collective agreements or practice, is allowed to postpone the granting of parental leave for a reasonable period of time on the grounds that the taking of parental leave at the time requested would seriously disrupt the good functioning of the employer. Employers shall provide reasons for such a postponement of parental leave in writing.
6. Member States shall take the necessary measures to ensure that workers have the right to request that they take parental leave in flexible ways. Member States may specify the modalities of application thereof. The employer shall consider and respond to such requests, taking into account the needs of both the employer and the worker. The employer shall provide reasons for any refusal to accede to such a request in writing within a reasonable period after the request.
7. Member States shall take the necessary measures to ensure that when considering requests for full-time parental leave, employers shall, prior to any postponement in accordance with paragraph 5, offer, to the extent possible, flexible ways of taking parental leave pursuant to paragraph 6.
8. Member States shall assess the need for the conditions of access to and the detailed arrangements for the application of parental leave to be adapted to the needs of adoptive parents, parents with a disability and parents with children with a disability or a long-term illness.

#### Article 6

##### **Carers' leave**

1. Member States shall take the necessary measures to ensure that each worker has the right to carers' leave of five working days per year. Member States may determine additional details regarding the scope and conditions of carers' leave in accordance with national law or practice. The use of that right may be subject to appropriate substantiation, in accordance with national law or practice.
2. Member States may allocate carers' leave on the basis of a reference period other than a year, per person in need of care or support, or per case.

#### Article 7

##### **Time off from work on grounds of force majeure**

Member States shall take the necessary measures to ensure that each worker has the right to time off from work on grounds of *force majeure* for urgent family reasons in the case of illness or accident making the immediate attendance of the worker indispensable. Member States may limit the right of each worker to time off from work on grounds of *force majeure* to a certain amount of time each year or by case, or both.

<sup>(14)</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43).

*Article 8***Payment or allowance**

1. In accordance with national circumstances, such as national law, collective agreements or practice, and taking into account the powers delegated to the social partners, Member States shall ensure that workers who exercise their right to leave provided for in Article 4(1) or Article 5(2) receive a payment or an allowance in accordance with paragraphs 2 and 3 of this Article.
2. With regard to paternity leave as referred to in Article 4(1), such payment or allowance shall guarantee an income at least equivalent to that which the worker concerned would receive in the event of a break in the worker's activities on grounds connected with the worker's state of health, subject to any ceiling laid down in national law. Member States may make the right to a payment or an allowance subject to periods of previous employment, which shall not exceed six months immediately prior to the expected date of the birth of the child.
3. With regard to parental leave as referred to in Article 5(2), such payment or allowance shall be defined by the Member State or the social partners and shall be set in such a way as to facilitate the take-up of parental leave by both parents.

*Article 9***Flexible working arrangements**

1. Member States shall take the necessary measures to ensure that workers with children up to a specified age, which shall be at least eight years, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.
2. Employers shall consider and respond to requests for flexible working arrangements as referred to in paragraph 1 within a reasonable period of time, taking into account the needs of both the employer and the worker. Employers shall provide reasons for any refusal of such a request or for any postponement of such arrangements.
3. When flexible working arrangements as referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period. The worker shall also have the right to request to return to the original working pattern before the end of the agreed period where justified on the basis of a change of circumstances. The employer shall consider and respond to a request for an early return to the original working pattern, taking into account the needs of both the employer and the worker.
4. Member States may make the right to request flexible working arrangements subject to a period of work qualification or to a length of service qualification, which shall not exceed six months. In the case of successive fixed-term contracts within the meaning of Directive 1999/70/EC with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

*Article 10***Employment rights**

1. Rights that have been acquired or that are in the process of being acquired by workers on the date on which leave provided for in Articles 4, 5 and 6 or time off from work provided for in Article 7 starts shall be maintained until the end of such leave or time off from work. At the end of such leave or time off from work, those rights, including any changes arising from national law, collective agreements or practice, shall apply.
2. Member States shall ensure that, at the end of leave provided for in Articles 4, 5 and 6, workers are entitled to return to their jobs or to equivalent posts 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 had they not taken the leave.
3. Member States shall define the status of the employment contract or employment relationship for the period of leave provided for in Articles 4, 5 and 6, or time off from work provided for in Article 7, including as regards entitlements to social security, including pension contributions, while ensuring that the employment relationship is maintained during that period.

*Article 11***Discrimination**

Member States shall take the necessary measures to prohibit less favourable treatment of workers on the ground that they have applied for, or have taken, leave provided for in Articles 4, 5 and 6 or time off from work provided for in Article 7, or that they have exercised the rights provided for in Article 9.

*Article 12***Protection from dismissal and burden of proof**

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for the dismissal of workers, on the grounds that they have applied for, or have taken, leave provided for in Articles 4, 5 and 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave provided for in Articles 4, 5 and 6, or have exercised the right to request flexible working arrangements as referred to in Article 9, may request the employer to provide duly substantiated reasons for their dismissal. With respect to the dismissal of a worker who has applied for, or has taken, leave provided for in Article 4, 5 or 6, the employer shall provide reasons for the dismissal in writing.

3. Member States shall take the measures necessary to ensure that where workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave provided for in Articles 4, 5 and 6 establish, before a court or other competent authority, facts capable of giving rise to a presumption that they have been dismissed on such grounds, it shall be for the employer to prove that the dismissal was based on other grounds.

4. Paragraph 3 shall not prevent Member States from introducing rules of evidence which are more favourable to workers.

5. Member States shall not be required to apply paragraph 3 to proceedings in which it is for the court or competent body to investigate the facts of the case.

6. Paragraph 3 shall not apply to criminal proceedings, unless otherwise provided by the Member States.

*Article 13***Penalties**

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive, or the relevant provisions already in force concerning the rights which are within the scope of this Directive, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

*Article 14***Protection against adverse treatment or consequences**

Member States shall introduce measures necessary to protect workers, including workers who are employees' representatives, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings for the purpose of enforcing compliance with the requirements laid down in this Directive.

*Article 15***Equality bodies**

Without prejudice to the competence of labour inspectorates or other bodies that enforce the rights of workers, including the social partners, Member States shall ensure that the body or bodies designated, pursuant to Article 20 of Directive 2006/54/EC, for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex, are competent with regard to issues relating to discrimination falling within the scope of this Directive.

*Article 16***Level of protection**

1. Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive.
2. The implementation of this Directive shall not constitute grounds for justifying a reduction in the general level of protection of workers in the areas covered by this Directive. The prohibition of such a reduction in the level of protection shall be without prejudice to the right of Member States and the social partners to lay down, in light of changing circumstances, legislative, regulatory or contractual arrangements other than those in force on 1 August 2019, provided that the minimum requirements laid down in this Directive are complied with.

*Article 17***Dissemination of information**

Member States shall ensure that the national measures transposing this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1, are brought to the attention of workers and employers, including employers that are SMEs, by all appropriate means throughout their territory.

*Article 18***Reporting and review**

1. By 2 August 2027, Member States shall communicate to the Commission all information concerning the implementation of this Directive that is necessary for the Commission to draw up a report. That information shall include available aggregated data on the take-up of different types of leave and flexible working arrangements, by men and women pursuant to this Directive, for the purposes of allowing the proper monitoring and assessment of the implementation of this Directive, in particular with regard to gender equality.
2. The Commission shall submit the report referred to in paragraph 1 to the European Parliament and to the Council. The report shall, if appropriate, be accompanied by a legislative proposal.

The report shall also be accompanied by:

- (a) a study of the interaction between the different types of leave provided for in this Directive as well as other types of family-related leave, such as adoption leave; and
- (b) a study of the rights to family-related leave that are granted to self-employed persons.

*Article 19***Repeal**

1. Directive 2010/18/EU is repealed with effect from 2 August 2022. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in the Annex.
2. Notwithstanding the repeal of Directive 2010/18/EU pursuant to paragraph 1 of this Article, any period or separate cumulative periods of parental leave taken or transferred by a worker pursuant to that Directive before 2 August 2022 may be deducted from that worker's parental leave entitlement under Article 5 of this Directive.

*Article 20***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 2 August 2022. They shall immediately inform the Commission thereof.
2. Notwithstanding paragraph 1 of this Article, for the payment or allowance corresponding to the last two weeks of parental leave as provided for in Article 8(3), Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 2 August 2024. They shall immediately inform the Commission thereof.
3. When Member States adopt the measures referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
4. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the areas covered by this Directive.
5. The detailed rules and modalities for applying this Directive shall be established in accordance with national law, collective agreements or practice, as long as the minimum requirements and the objectives of this Directive are respected.
6. For the purposes of complying with Articles 4, 5, 6 and 8 of this Directive and with Directive 92/85/EEC, Member States may take into account any period of, and payment or allowance with respect to, family-related time off work, in particular maternity leave, paternity leave, parental leave and carers' leave, available at national level which is above the minimum standards provided for in this Directive or in Directive 92/85/EEC, provided that the minimum requirements for such leave are met and that the general level of protection provided to workers in the areas covered by those Directives is not reduced.
7. Where Member States ensure a payment or an allowance of at least 65 % of the worker's net wage, which may be subject to a ceiling, for at least six months of parental leave for each parent, they may decide to maintain such system rather than provide for the payment or allowance referred to in Article 8(2).
8. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so, provided that Member States take all the necessary steps to ensure that the results sought by this Directive are guaranteed at all times.

*Article 21***Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.