

Rhetoric and Realities: Analysing Corporate Social Responsibility in Europe (RARE)

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Deliverable 17 Background paper on EU policies on gender equality in the private sector

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Policy Paper on Gender Equality

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Introduction

“Gender Equality is a fundamental right, a common value in the EU, and a necessary condition for the achievement of the EU objectives of growth, employment and social cohesion” (Commission of the European Communities 2006b). It defines a core value of European democracy: equality between women and men. As such it is defined in the Charter of Fundamental Rights of the European Union that was signed by the Presidents of the European Parliament in Nice on 7 December 2000: “Equality between men and women must be ensured in all areas” (European Communities 2000). The Treaty of Amsterdam of the European countries (1996/99) defines gender equality as: “an equal visibility, empowerment and participation of both sexes in all spheres of public and private life (...) (It) is not synonymous with sameness (...) (It) means accepting and valuing equally the differences between women and men and the diverse roles they play in society” (European Community 1996/99).

With respect to politics *gender equality* is an indicator for the soundness of a modern democracy. It indicates participation of the civil society and social movements in political decision making and in shaping society. In particular, the policy field of gender equality is the result of long lasting struggles for equality and fundamental rights of women which began simultaneously with the birth of Western European democracy in the French Revolution.¹ The milestones of this historical process have found their expression in laws and regulations: the right to have access to universities and sciences, the right for women to vote, the right to subscribe contracts and to have a banking account without permission of a husband (or a father) etc., just to mention some of them.

Thus, for policy and public authorities as well as for economy and business actors the challenges regarding gender equality are twofold: first, to recognize gender differences and to actively take responsibility for human rights, for women’s rights and to promote gender equality in all their actions; secondly, to cooperate with civil society organisations, with gender NGOs and women’s lobby organisations according to the EU good governance approach.

For the business sector Corporate Social Responsibility (CSR) is one strategy to deal with these challenges. Through CSR which is fundamentally about voluntary business

¹ One can say that with the ‘Declaration of Rights for Women’ by Olympe de Gouges 1791 (Dillier/Mostowlansky/Wyss 1980), the constitution of a “policy field gender equality” in Europe began (Gerhard et al. 1990).

behaviour,² enterprises of all sizes, in cooperation with their stakeholders, can help to reconcile these ambitions.

In Europe, the gap between ethical demands on gender equality and business actions does currently not seem to be very broad since the business sector has started to introduce corporate social responsibility (CSR) on a big scale and management schools are teaching “diversity management” and how to integrate gender equality and other diversities in everyday business tasks. Diversity has become an issue for the business case. Thus, in the eyes of European politicians the EU anti-discrimination legislation “reflects a growing recognition of the benefits of diversity for the economy and for society as a whole” (European Commission DG Employment and Social Affairs 2004: 5). It will indeed have to be studied, how far *gender equality and the benefits of diversity for the economy* have already been put into practice by businesses.

Against this background the paper presents some conceptual elaborations for empirical study on business activities. The presented and explained *categories and examples* are specifically capacitating studies that are dealing with the questions: What are the issues of business activities that are connected to CSR for gender equality? And how far do they contribute to EU policy goals on gender equality? As background work for this task the first chapter presents a general outline of the policy field (1.1) and describes goals descending from EU legislation and EU policies (1.2). The second chapter collects key issues on gender equality in employment and work expressed by the three actors in the field: EU policy, gender NGOs and business organisations (2.1). Furthermore, this chapter presents good practice examples of CSR measures and indicators related to these main gender issues which have been developed by different companies (2.2).

At the end of the chapter a summary of all findings is presented in a matrix on gender issues, measures and indicators that will be used in a survey for empirical studies on CSR in companies. This will be next part in RARE project.

² See the definition of CSR in: Commission of the European Communities (2006c)

1 Gender Equality – Thematic Perspectives, General Outline of the Policy Field and Goals Descending from EU Legislation and Policies

1.1 General Outline of EU Policy on Gender Equality in Employment and Work

The principle of *equal opportunities and treatment for men and women* has always been a concern of the European Community. It is originally based on Article 119 of the Treaty of Rome of 25 March 1957, providing that women and men receive equal pay for equal work (European Community 1957). Since 1957, the European Community has continuously extended its gender politics from a mere focus on equal pay and treatment, reflecting its economic incentives, to a wider perspective of gender equality and gender mainstreaming. Gender mainstreaming, which was introduced in the Treaty of Amsterdam 1996/1999, means “Incorporating equal opportunities for women and men into all Community policies and activities” (European Commission 1996)

European legislation and decisions of the Court of Justice in the field of equal treatment have had a great impact in the past and were a major focus of interest within European social policy. They have grown to a substantial and important pillar within the framework of citizens’ individual rights in the European Union.

But laws and directives (secondary legal instruments) are just *one* kind of measures in the EU policy field of gender equality. This policy takes a comprehensive approach which includes: (1) legislation, (2) positive actions for women and (3) gender mainstreaming. Financial support is also available via an action programme. With respect to its way of functioning laws and legislation can be described as governance by “command and control”, whereas ‘positive actions for women’ and ‘gender mainstreaming’ are functioning mainly through defining objectives and setting targets in EU Strategies (see sub-chapter 1.2.). Before discussing this in detail the next sub-chapter gives a short description of the general subject of matter (challenges and problems) as regards this policy field and presents an overview of its main actors and institutions in Europe.

1.1.1 Challenges and Problems in the Policy Field of Gender Equality

European policies on gender equality are closely interconnected with those of the United Nations and its policy goals. The most important policy goal on a general level in this policy field is the antidiscrimination objective. It refers to the international convention regarding gender equality: *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* adopted in 1979 by the UN General Assembly and ratified by the European Union. CEDAW is often described as an international ‘bill of rights for women’. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention defines discrimination against women as “... any distinction, exclusion or restriction made on the basis of sex which has the effect or pur-

pose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (United Nations 1979)

European policy on gender equality is actively implementing international agreements of the UN World Conferences. That is with respect to policies on gender equality the *Beijing Platform for Action (BPfA)* that resulted from the Fourth World Conference on Women in Beijing in 1995. The Beijing Platform for Action was unanimously adopted by 189 governments. In signing the BPfA governments have committed themselves to take action in twelve „critical areas“ related with the situation of women: 1. Poverty, 2. Education, 3. Health, 4. Violence, 5. Armed Conflict, 6. Economic structures, 7. Power and decision making, 8. Institutional mechanisms, 9. Human rights of women, 10. The Media, 11. The Environment and 12. The Girl Child. Chapter F. “Economic structures” gives a short description of challenges in this policy field by defining five strategic objectives:

F.1: Promote women’s economic rights and independence, including access to employment; appropriate working conditions and control over economic resources;

F.2.: Facilitate women’s equal access to resources, employment, markets and trade.

F.3: Provide business services, training and access to markets, information and technology, particularly to low-income women.

F.4: Strengthen women’s economic capacity and commercial networks.

F.5: Eliminate occupational segregation and all forms of employment discrimination.

What kind of problems do they address?

Discrepancies in gender equality concerning the relation between women and men are named “gender gap”. In 2005 the World Economic Forum has made an estimate of the *Global Gender Gap*. The report states, that in many developed countries, as in Europe, “where basic gender equality appears to have been achieved, the battlefield has shifted to removing the more intangible discrimination against working women” (World Economic Forum). Against this statement the report specifies the five most important gender issues, the first and second one of them concerning the economic sector:

1. Economic participation
2. Economic opportunity
3. Political empowerment
4. Educational attainment
5. Health and well-being.

With respect to the *economic participation of women* the report explains, that the presence of women in the workforce in quantitative terms is important not only for lowering the disproportionate levels of poverty among women, but also as an important step to-

wards raising household incomes and encouraging economic development in countries as a whole. Economic participation does not only concern the actual numbers of women participating in the labour force, but also their remuneration on an equal basis. World-wide, outside of the agricultural sector, in both developed and developing countries, women are still averaging slightly less than 78% of the wages given to men for the same work, a gap which refuses to close in even the most developed countries” (World Economic Forum 2005: 2)

With respect to *economic opportunity* the report explains, that this issue “concerns the quality of women’s economic involvement, beyond their mere presence as workers. This is a particularly serious problem in developed countries, where women may gain employment with relative ease, but where their employment is either concentrated in poorly paid or unskilled job “ghettos,” characterized by the absence of upward mobility and opportunity. This is most commonly the result of negative or obstructive attitudes, and of legal and social systems which use maternity laws and benefits to penalize women economically for childbirth and child care responsibilities, and discourage - or actively prevent - men from sharing family responsibilities. Internationally, women are most often concentrated in “feminized” professions, such as nursing and teaching, office work, care of the elderly and disabled - termed “horizontal occupational segregation” - where they tend to remain in lower job categories than men. Typically, because these functions are carried out by women, they are the lowest paid, in addition to offering limited or no opportunity for advancement”. (World Economic Forum 2005: 4)

The *European Union* is referring to the objectives defined in the Beijing Platform for Action. Furthermore, the EU adopted the *gender mainstreaming approach* stemming from the Beijing Platform.

Recognizing the importance of establishing gender equality around the world, the United Nations Development Fund for Women (UNIFEM) was established as a separate fund within the United Nations Development Program (UNDP) in 1984. At that time, the General Assembly instructed it to ensure women’s involvement with mainstream activities. The Platform of Action resulting from the 1995 Beijing World Conference on Women expanded this concept, calling it “gender mainstreaming” which means the application of gender perspectives to all legal and social norms and standards, to all policy development, research, planning, advocacy, development, implementation and monitoring - as a mandate for all member states. The European Commission started implementing this approach to gender equality, combining gender mainstreaming and specific actions for women, right after 1995. In 1996 gender mainstreaming became a principle of the Treaty of the European Nations, named Treaty of Amsterdam (see chapter 2).

Detailed insights in problems of persistent gender inequalities *in Europe* are given regularly by the annual Gender equality reports of the EU. Thus, the *Report from the European Commission on equality between women and men 2005* (Commission of the European Communities 2005) presents main developments of the respective situation of

women and men in education, employment and social life. Some of those developments, describing serious problems and challenges in this policy field, are:³

Gender Gap in Employment

It decreased by 0.5 percentage points to 15.8 % between 2002 and 2003 in the EU-25. With the female employment rate at 55.1%, the intermediate target of women's employment rate (57 % in 2005) still remains within reach. Apart from younger women aged 15-24, women's employment rates continued to increase in all age groups and particularly so for older women (by 1.5 p.p. to reach 30.7 % in 2003). However, the gap between older women and older men remains the highest (19.6 p.p.).

Gender Gap in Part-Time Employment

The share is on average 30.4 % for women compared to only 6.6 % for men and the gap has slightly increased since 1998. This is one among many factors, which explains the gender pay gap. The new member states have a much lower proportion of part-time jobs, partly due to labour market rigidity and partly due to the lower wage level, which makes this option less available.

Gender Gap in Unemployment

Unemployment has slightly increased in 2004 but the gender gap is still significant remaining the same as in 2003 (1.7 p.p.). Unemployment rates are 10 % for women and 8.3 % for men.

Reconciliation between Work and Family Life

This topic remains a challenge for both, women and men. Women with small children continue to show employment rates 13.6 p.p. lower than women without children while men with small children show 10 p.p. higher employment rates than men without children. This is the result of limited access to childcare and gender stereotyped family patterns. Women perform the major part of domestic work and consequently have only limited time for paid work. Men do less than 40 % of all domestic work and between 25% and 35% of childcare work in couples with children aged up to 6 years.

Gender Pay Gap

There is little evidence of progress in closing the *gender pay gap*, which remains stable in the EU-15 at approximately 16 %. The estimated figure for EU-25 is slightly lower, 15%, if the pay gap in the new member states is being taken into account.

³ All data with sources in: Commission of the European Communities (2005: 4–6)

Gender Segregation in the Labour Market

Gender segregation in the labour market is also showing slow progress and remains high both at occupational (17.5%) and sector level (25.2%). 31% of managers were women in 2003, up from 30% in 2002.

Poverty Risks

The gender gaps in overall poverty risks appear limited. Nevertheless, *elderly women still face higher risks of poverty than elderly men*. Furthermore, *single parents, mostly women*, tend to suffer from cumulative disadvantages and are particularly vulnerable to social exclusion.

Gender Gap in Pension Systems

Pension systems differ widely across the EU. In most countries they are designed to replace earnings from work in exchange for life-long contributions, rather than awarding benefits to all elderly people on the basis of residence. *Women's entitlements are significantly lower than men's* due to their reduced labour market participation. However, some countries are adapting their systems by awarding pension rights for periods of care for children, dependent elderly or disabled persons.

Immigrant Women and Men

A special focus of the 2005 report was put on the situation of migrant women and men. In 2003 the share of non-EU nationals in total employment was about 4% in the EU-15. The employment rate of non-EU nationals was on average much lower than that of EU-nationals and significantly more so for women (16.9 p.p. lower than EU nationals) than for men (11.0 p.p. lower than EU nationals). The gap remains basically the same for men with qualifications (13.0 p.p.), while the difference between highly qualified migrant women and EU national women increased to 23.2 p.p. That shows that immigrant women are lagging behind in labour market integration and it reflects the fact that the EU does not fully utilise the skilled female employment potential among immigrants.

The unemployment rate was more than twice as high among non-EU nationals compared to EU nationals. Immigrant men and women have similar unemployment rates, except for the *highly skilled in which case women tend to be unemployed more often* than men. Women migrants are mainly to be found in industries and occupations offering low wages. The information available on wages shows that immigrant women are at a particular disadvantage.

The report on gender equality of 2006 (Commission of the European Communities 2006a) shows that the situation has not changed fundamentally:

Employment Rates

They have decreased from 18.1 to 15.2 percentage points (p.p.), mainly due to a stagnation of men's employment rate. However, the gap between women and men remains significant, although it varies considerably between countries,

Unemployment Rates

In most countries, women are still more likely to be unemployed than men, but the gap has been decreased from 3.0 p.p. in 1999 to 2.1 p.p. in 2004, due to the improvement of the situation of women in the labour market.

Part-Time Work

Women's participation in the labour market is still relatively low and part-time work features strongly. In 2004, 32.6% of women worked part-time, while this was the case for only 7.4% of men. However, this varied greatly between countries

Gender Pay Gap

In 2004, the estimated pay gap between women and men in the EU was 15%, one point below its level in 1999. Taking into account methodological issues, 17 member states reported a slight decrease of the pay gap over that period while it remained unchanged in three others. Five countries reported an increase of the gender pay gap since 1999: Belgium, Slovakia, Portugal, France and Germany.

Presence in Decision-Making Positions

Concerning the decision-making positions, the role of women remains weak and positive developments are slow to take place. In the economic field, it appears that, in 2004, women represented 32% of the managers in Europe. However, the women's share of top management positions in firms (i.e. membership of the daily executive bodies of top companies) was 10%.

Poverty Risks

The risk of social exclusion appears somewhat greater for women than for men at all stages of life, echoing their average lower participation in the labour market. The risk of poverty, in particular, is higher amongst older women and amongst lone parents with dependant children, a group predominantly composed of women.

Reconciliation of Work and Private Life

This issue is focussed on in more detail in the report 2006. Newest data show, that participation in the labour market and the number of hours worked are linked to parenthood, but that the effect is negative for women whilst it is positive for men. In almost all European countries, women (aged 20-49) with children have lower employment rates than those without.

Against these insights the report demands amongst others, that member states should step up their efforts to meet the Barcelona targets for childcare (that demand the provision of childcare for 33% of children aged 0 to 3 years and 90% of children from 3 years to compulsory school age by 2010, see chapter 1.2.) and support the development of care for older and disabled persons. Particular attention should be paid to the fact that full-time working schedules of women and men require that convenient opening hours

and flexibility be offered by the social institutions concerned. Relevant measures by enterprises or educational institutions to develop care services should be encouraged.

1.1.2 Actors and Institutions in the Policy Field of Gender Equality in Employment and Work

According to the European understanding of *good governance* there are three categories of actors in the policy field of gender equality concerning employment and work: (1) the EU political institutions on gender equality; (2) civil society organisations and women's lobby groups and (3) business organisations demanding gender equality in employment and work.

1.1.2.1 EU Political Institutions for Gender Equality

Within the different fields of European policies *gender equality* is a well structured and institutionalised one. In 2004 the main EU institutions were:

The Committee on Women's rights and Equal Opportunities of the European Parliament: The tasks of the committee include areas such as monitoring the evaluation and implementation of women's rights within the EU, implementing and further developing mainstreaming in all sectors and promoting policy on equality between men and women with regard to labour market opportunities and treatment at work.

The Group of Commissioners on Equal Opportunities: Set up in 1995, the group strives at guaranteeing the coherence of the Commission actions in the area of equal opportunity. It assures that the gender dimension is sufficiently taken into account in Community policies and actions according to the principle of gender mainstreaming.

The Inter-service Group on Gender Equality: The group co-ordinates gender mainstreaming policy within the Commission and supports the Commissioners' Group in monitoring progress and achievements.

The Advisory Committee on Equal Opportunities for Women and Men is composed of representatives from national administrations and of social partners. Its remit is to help the Commission formulate and implement Community measures aimed at promoting equal opportunities for women and men and to encourage the continuous exchange of information between the Member States and the various actors involved.

The Expert Group on Gender and Employment (EGGE): The group was set up by the European Commission under the Fourth Action Programmes for Equal Opportunities of Women and Men (1996-2000). It consists of specialised academics and aims at evaluating the *National Action Plans on Employment* of the Member States from a gender perspective. The group also contributes to a report on gender and employment and assists the Commission in all questions of equal opportunities and employment policy.

Furthermore, *the Directorate-General for Employment and Social Affairs*, and there especially *the Unit for equal opportunities for women and men* is in charge for gender equality. The name of the Commissioner and Directorate has changed in August 2004

into “Commissioner and Directorate General Employment, Social Affairs and Equal Opportunities”. The projected new *Gender Institute* will be associated with this DG.

In 2007 EU institutions concerning gender equality have slightly changed:

The *Group of Commissioners on Fundamental Rights, Gender Equality and Equal Opportunities* still exists as well as the *Inter-service Group on Gender Equality* (Representatives of all Directorate Generals). The *Advisory Committee on Equal Opportunities for women and men* is still assisting the Commission in implementing Community’s Gender Equality activities. Furthermore, it fosters ongoing exchange between Member States on Gender Equality. Newly established was the *High level Group on Gender Mainstreaming* that supports Gender Equality Ministers in their regular meetings. Another new institution is the *Network of gender focal points*, consisting of representatives of the Directorate General of the Commission and dealing with external relations and development co-operations. Also newly established is the *Network of focal points on equal opportunities* consisting of representatives of all Directorate General of the Commission in charge of human resources. In the category of advisory groups and expert networks that are collecting gender experts from all Europe, additionally to the continuing *Helsinki Group of Women in Science* there is now a new *Group of Experts on Gender Equality in development cooperation* and a *European Network to Promote Women’s Entrepreneurship*. The *Expert Group on Gender and Employment (EGGE)* is now working under the name of *Group of Experts on Gender, Social Inclusion and Employment (EGGSIE)*. Last but not least, the *European Institute for Gender Equality* has started its work in 2007.

This amount of gender institutions around the main EU political bodies indicates the strong political will of the European Community to promote gender equality not only in literacy but also in daily practice.

1.1.2.2 Women Lobby Groups and Civil Society Organisations

At the international level the most powerful women’s lobby network is the *Women’s Environment & Development Organization (WEDO)*, an international organization that advocates women’s equality in global policy. WEDO was established by former U.S. Congresswoman Bella Abzug and feminist activist Mim Kelber. Since its inception, WEDO has been leader in organizing women for international conferences and actions. As a lead up to the 1992 UN Conference on Environment and Development (UNCED), WEDO organized the World Women’s Congress for a Healthy Planet. This Women’s Congress brought together more than 1.500 women from 83 countries to work jointly on a strategy for UNCED. The result of the Women’s Congress was Women’s Action Agenda 21. Since then WEDO has organized and facilitated the *Women’s Caucus* at key UN conferences. WEDO owes its successful global activism to its dynamic Board of Directors and Staff, a diverse group of experts and activists (see: <http://www.wedo.org/aboutus.aspx>).

For Europe, the *European Women's Lobby (EWL)* is the most important women's organisation. The European Women's Lobby, founded in 1990, is a non-governmental organisation that brings together over 4000 women's organisations across Europe. In September 2004 there were 18 EWL national co-ordinations and in October 2004 seven new national co-ordinations joined from Poland, Estonia, Slovakia, Malta, the Czech Republic, Lithuania and Turkey. Twenty-one large European and international networks are also members. EWL has observer status at the European Commission Advisory Committee on Equal Opportunities for women and men, and consultative status with the Council of Europe and with the UN Economic and Social Committee (see <http://www.womenlobby.org>).

Women in Europe for a Common Future (WECF) is another network of women's organisations and individuals working for sustainable development, protection of human health and environment and poverty reduction. The network consists of members and partners in Western and Eastern Europe, the Caucasus and Central Asia. (see: <http://www.vrouwen.net/wecf/>).

Furthermore, there are some civil society organisations which have created Codes of Conducts. First to mention is the *International Labour Organisation (ILO)* in Geneva that has created *The Tripartite Declaration* concerning multinational enterprises and social policy (for more detailed information on the CSR instruments and their references to human rights, women's rights, antidiscrimination and equal opportunities see: the case studies on CSR gender equality in the banking sector, Schultz 2007).

A prominent NGO that is working with *Codes of Conducts* referring to antidiscrimination and equal opportunities issues is the internationally operating *Clean Clothes Campaign*. CCC aims at improving the working conditions of (mainly female) workers in the global garment and sportswear industry (for detailed information see: Nina Ascoly and Ineke Zeldenrust 2002). It has developed its own "Code of Labour Practices for the Apparel Industry including Sportswear" in February 1998. Together with women's networks in Latin America and Asia CCC it is organizing campaigns for respecting human and women's rights and better working conditions in *sweatshops*, which are mostly subcontracted for producing clothes and sportswear by European and US American retailers and brand name companies. (see: <http://www.cleanclothes.org/>)

Another NGO, that is analysing Codes of Conducts from a worker's and women's perspective is the German Christian Organisation "Südwind" (see Wick 2003). Currently, it has analysed CSR business practices of German retailers (Adidas, Karstadt etc.).

Oxfam is an NGO of the UK, created in 1944 against the occupation of Greece under the Nazi regime. Since then it is organizing actions and campaigns against poverty worldwide. Oxfam is involved in working with Codes of Conducts and has a focus on working and living conditions of women (see: http://www.oxfam.org.uk/about_us/thisisoxfam/index.htm).

1.1.2.3 Business Actors

There is a long lasting tradition within business organisations to patronise equal opportunities and to encourage women to join into managerial positions (the board). In the last decade, the task of promoting concepts and best practices in managing workforce diversity was added. However, the perception of gender equality within this business community differs from that one of women NGOs and stakeholders, because it is mainly associated with the “business case” (see part two chapter one.).

The Conference Board is maybe the most important actor for the promotion of diversity issues in this field, though it is not especially dedicated to the issue of women managers. It is a not-for-profit organisation, created 1916 in the United States that disseminates knowledge about management and the marketplace to help businesses strengthen their performance and better serve society. The *Conference Board Europe*, representing a wide range of manufacturing and service industries, has 400 member companies. It held an important *European Conference on Workplace Diversity* at the end of 2005.⁴

European Professional's Women Network (EPWN) is a network of women's organisations whose objective is to promote the professional progress of women and their presence in corporate leadership. They provide a cross-sectoral networking and training platform for professional women with an international outlook and for companies. They provide a network for their high-potential managers and a unique source of best practice across Europe (see: www.europeanpwn.net/epwn/about_us.html)

The *Women's Career Network (WCN)* was founded in 1992 as an independent subgroup of the *American Women's Association*. The WCN acts as a resource and support network for women seeking to develop and expand their career opportunities in *Austria*. The WCN forms part of the EPWN, the European Professional Women's Network, whose mission it is “To create a pan-European voice for professional women to promote professional progress, power and impact”.

The *Career Women's Forum (CWF)*, associated to the EPWN, is based in Geneva. Its purpose is to promote networking and foster professional development of women in the various economic, political and social sectors. (see www.cwf.ch/indexgb.htm)

1.2 Qualitative and Quantitative Goals in the Policy Field of Gender Equality, Descending from EU Legislation and from EU Strategies

The objectives within the EU policy field of gender equality can be found in the meanwhile widely grown *gender equality legislation* of the European Community. This chap-

⁴ The European Commission has launched a project to promote *the Business Case for Diversity*, funded through the Community Action Programme to combat discrimination. The project aims to support businesses and employers in their development of effective diversity programmes and encourage the exchange of experience and good practice between companies across the European Union. A compendium of good practices that illustrates the business case for diversity is published.

ter presents a short overview of this legislation with a focus on gender equality in employment and work. But recognising all these regulations concerning gender equality in Europe, one has to keep in mind that the national legislations in Europe, as for example the member states' *legislation on Equal Opportunities in the public and in the private sector*, show enormous differences. Furthermore, laws and directives are mostly formulating general objectives (principles). Concrete quantitative goals with respect to gender issues are defined in the EU Strategies. In this case it is the *Community Framework Strategy on Gender Equality* and the *European Employment Strategy* that will be presented after the European Legislation. Against the background, that EU Strategies – quite in contrast to laws and directives – have no legally binding character at the end of this chapter the “bindingness” will be analysed. Against this background an overview in tabular form will be given.

1.2.1 EC and EU Treaty

Beginning in 1992 (the time frame chosen by RARE project) the principle of *equal opportunities and treatment for men and women* was already binding for EU Member States. The principle went back to the *Treaty of Rome* from 1957. Article 119 had introduced the principle of equal pay for equal work. This principle was specified and broadened by several EU Directives⁵ to ensure equality between women and men in employment in general. The binding character of this principle was becoming obvious in its extensive use by the European Court of Justice to ensure equality between women and men in employment.

Relevant articles reinforcing gender equality were introduced in the *Treaty of Amsterdam* (Articles, 2,3,13, 136, 137, 141, and 251 Treaty of Amsterdam, European Community 1999). Since the entry into force of the Treaty of Amsterdam 1999, the promotion of gender equality figures among the tasks of the Community (Article 2) and is a transversal objective (Article 3) for it. Article 13 of the EC Treaty, which is the general anti-discrimination clause, entitles the Commission to take initiative to combat discrimination based, among other grounds, on sex. Article 141 is the legal basis for Community measures for equal opportunities and equal treatment of men and women in matters of employment. Article 141 supplements the original article 119 (Treaty of Rome) on equal pay by maintaining that equal pay should also be guaranteed in case of work of equal value. Paragraph 2 of article 141 defines the meaning of *equal pay*: “2. For the purpose of this Article, “pay” means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer. Equal pay without dis-

⁵ Mainly by three Directives: (1) *Council Directive 76/207/EEC of February 1976*: The foundation of EU law and policy in the area of gender equality in employment; (2) *Council Directive 79/7/EEC of 19 December 1978* concerning the application of the principle of equal treatment for men and women in matters of social security and (3) *Council Directive 86/613/EEC of 11 December 1986* concerning the application of the principle of equal treatment of 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.

crimination based on sex means: a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement; (b) that pay for work at time rates shall be the same for the same job.”

A key contribution and novelty of the Treaty of Amsterdam is the inclusion of the principle of *gender mainstreaming* already mentioned in chapter 1.1. Strategically, it implies a ‘dual strategy’: additionally to the already practiced strategy of launching positive actions and measures for women, the strategy of gender mainstreaming implies ‘mainstreaming’ of gender equality in all actions and politics of the EU. Gender Mainstreaming is defined as “The systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions (...)” It “involves specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women”. As such, a general obligation is being imposed on the European Union to strive to eliminate gender inequality and to promote gender equality in all Community policies and activities. Article 137 states that the Community itself has to take gender equality actions, to “support and complement the activities of the Member States in fields including ‘equality between men and women with regard to labour market opportunities and treatment at work’”.

In 2004, equality between women and men was reinforced by the new *Treaty establishing a Constitution for Europe*. (European Communities 2004)⁶ In addition to the provisions of the current Treaty on gender equality, the Constitution expressly states that equality is a value of the Union, which should be promoted not only inside the Union but also in its relations with the rest of the world. Article 1–2 (The Unions’ Values) defines: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”. And Article 1-3, (The Unions’ Objectives) states: „In its relations with the wider world, the Union shall uphold and promote its values and interests.“ This objective of the *Treaty establishing a Constitution for Europe* expresses explicitly the responsibility taken by the European Union on promoting gender equality in development cooperation, which is formulated in Regulation (EC) No 806/2004 of the European Parliament and the Council.

- *Regulation (EC) No 806/2004 of the European Parliament and of the Council on promoting gender equality in development cooperation*, defines gender equality of women and men of all ages as recognised by the EU being important. To achieve gender equality, the United Nations Millennium Development Goals (article 1, paragraph 1) and the Platform for Action of the 1995 Fourth World Conference on Women in Beijing (article 1, paragraph 7) and within these the over-

⁶ As the new Constitution was not accepted by the people of some countries of Europe and thus not ratified, it will be negotiated again.

arching goal of poverty reduction should be addressed by a combination of gender mainstreaming and specific measures in favour of women of all ages (article 1, paragraph 5. Article 3 defines, that the mentioned goals of gender equality imply “(a) to support gender mainstreaming in all areas of development cooperation (...) (b) to support endogenous public and private capacities in developing countries which can take responsibility and initiative for promoting gender equality” (The European Parliament and the Council of the European Union 2004).

Against the backdrop of this reinforcement of gender equality in *Regulation (EC) No 806/2004* and in the *European Treaty establishing a Constitution for Europe* the geographic scope of the EU gender policy must be seen as a global one.

1.2.2 Ratification of International Conventions and Treaties

As mentioned above, *The Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW (1979) is the most authoritative UN human rights instrument to protect women from discrimination. An important supplement is the *Optional Protocol* entered in force 22 December 2000 (United Nations 2000). It allows individual women, or groups of women, to submit claims of violations of rights protected under CEDAW and it contains an inquiry procedure. The European Union is observing the ratification of international Human Rights Conventions of the candidate countries which want to become member of the EU. Until October 2004 all Member States of the EU-25 have ratified the Protocol.

1.2.3 Directives

The most important directives since 1992 that have been adopted with respect to gender equality issues are:

- *Directive 92/85/EEC of 19 October 1992 relates to the implementation of measures to improve the safety and health at work of pregnant workers who have recently given birth or are breastfeeding*. It is directed towards member states, but has the potential to be adopted by CSR measures of companies⁷
- *Directive 96/34/EC of 3 June 1996 is on the framework agreement on parental leave* in order to establish minimum requirements with respect to parental leave and unforeseeable absence from work. It aims at ensuring that measures are taken by the member states to implement the framework agreement on parental leave. It is directed towards member states, but has the potential to be adopted by CSR measures of companies
- *The Directive 96/97 of 20 December 1996 on the implementation of the principle of equal treatment for men and women in occupational social security*

⁷ European Commission. Employment and Social Affairs – Current status 15 October 1999. Luxembourg: Office for Official Publications of the European Communities. 2000. 265 pp.

schemes amended the *Directive 86/378*, which already had extended the principle of equal treatment to professional social security systems. Professional systems are defined as those which do not fall within the scope of application of *Directive 79/7* created by a collective employment agreement adopted within the framework of a company, a grouping of companies, a sector or a group of sectors and aimed at complementing the legal scheme or substituting it. It is directed towards member states and has no potential to be adopted by CSR measures of companies.

- *Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of direct or indirect discrimination based on sex*. It is directed towards member states, and has no potential for CSR measures of companies.
- *Council Directive 2002/73/EC, the Sexual Harassment Amendment, amends Directive 76/207/EEC, the Equal Treatment Directive*. It specifies the *Equal Treatment Directive* by providing definitions of direct and indirect discrimination. Direct discrimination occurs “where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation.” Indirect discrimination occurs “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.” Furthermore, Directive 2002/73/EC requires member states to establish agencies to promote equality and enforce anti-discrimination laws. Member states must also encourage employers and those responsible for vocational training to institute preventative measures to protect against sexual harassment in the workplace. EU Member States, including those states acceding to the European Union in 2004, must adopt implementing legislation meeting the objectives described in Directive 2002/73/EC by October 5, 2005. Of the accession countries in the Central and Eastern European region, Bulgaria, the Czech Republic, Lithuania and Romania have adopted legislation addressing sexual harassment which complies with Directive 2002/73/EC. The directive is directed towards member states, but has potential to be adopted for CSR-measures of Companies (European Commission 2002).
- *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). The Council Directive regulates amongst others particularly the field of insurances. The negotiations for the now-approved Directive have been controversial, especially due to the opposition from the insurance sector. The text adopted prohibits insurance companies from using gender as a factor in assessing risks. Accordingly, insurance companies will not be allowed to charge higher premiums for costs related to pregnancy or maternity, a common practice in the health insurance sector. Different treatment of men and women is only allowed if based on relevant and accurate data proving that gender is a determining factor. This will result in greater cer-

tainty for individuals when calculating insurance premiums and benefits. The Directive is directed towards member states, but will have strong consequences for the insurance market. (Chapter 2, Article 2 defines: “Member States shall introduce into their national legal systems such measures as are necessary to ensure real and effective compensation or reparation, as the Member States so determine, for the loss and damage sustained by a person injured as a result of discrimination within the meaning of this Directive, in a way which is dissuasive and proportionate to the damage suffered.”) The directive is directed towards Member States, but has potential to be adopted for CSR-measures of companies (The Council of the European Union 2004).

- *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) (26.7.2006 Official Journal of the European Union L 204/23). It provides a specific legal basis for the adoption of Community measures to ensure the application of the principle of equal opportunities and equal treatment in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value. Furthermore, it clarifies, that harassment and sexual harassment are contrary to the principle of equal treatment between men and women and constitute discrimination on grounds of sex for the purposes of this Directive. Another topic is equal treatment in security schemes. Specific measures should be adopted to ensure the implementation of the principle of equal treatment in occupational social security schemes and to define its scope more clearly.

One of the *forthcoming objectives* of the European Commission in relation to gender equality in matters of employment is to simplify the existing legal texts. Since 2004 EU legislation has taken further steps following the adoption of an amended *Equal treatment Directive* in 2005 to recast and merge six Directives into a single text.

1.2.4 European Court of Justice (ECJ): Rulings (Ruling for SMEs)

In September 2002, the Council adopted the *Equal Treatment Directive* (2002/73 EC) that regulates equal treatment regarding access to employment, vocational training and promotion, and working conditions, including dismissal and membership in organisations of workers or employers. For all these issues, public bodies as well as the actors in the private sector are responsible. The European Court of Justice decided in a case between the Commission versus United Kingdom, Case 165/82, [1983] ECR 3431, that in Europe – in contrary to the USA – this responsibility has to be taken by *small enterprises in the same manner as by MNEs*. The European Court of Justice held that EU Member States could not exclude certain small businesses from application of the equal treatment principle as does the United States in its legislation prohibiting sex discrimination in employment.

1.2.5 EU Strategies

The most concrete quantitative and qualitative goals for the policy field of gender equality are set by the EU Strategies. With respect to this policy field and the action field of employment and work there are mainly two very important strategies:

1.2.5.1 The Community Framework Strategy on Gender Equality (2001–2005)

The Community Framework Strategy on Gender Equality is the framing strategy for the implementation of gender mainstreaming in Europe. The main goal of the strategy is: “Promoting Gender Equality in Economic Life” (European Commission 2000). It is this goal and especially the objective of “developing strategies to encourage gender mainstreaming in all policies which have an impact on the place of women in the economy (e.g. fiscal, financial, economic, educational, transport, research and social policy”) to which the EU gender policies in the field of economy and occupation is referring. Major tools and mechanisms of the Strategy concern reinforcing the cooperation with the EU national gender equality authorities and Community institutions. Further tasks include the strengthening of the EU gender equality structures, co-ordinating the activities assisted by the Commission Advisory Committee for Equal Opportunities for Women and Men and co-operating with social partners at European level, with NGOs and other international organisations. Furthermore, the strategy comprises setting indicators and benchmarks, ensuring information, reporting (e.g. Annual Reports on Gender Equality, see European Commission, DG Employment & Social Affairs 2004) and evaluation. Key priorities of the Strategy have been:

- 2001: Equal Pay
- 2002: Reconciliation of work and family life
- 2003: Women in decision-making
- 2004-2005: Gender stereotyping, including themes set out in the Framework Strategy and the Annual Report on Gender Equality

Since 2006 there is a new framework strategy 2006–2010: *A Roadmap of equality between women and men* (Commission of the European Communities 2006). The Roadmap builds on experience of the Framework Strategy for equality between women and men (COM (2000)335) for the period 2001–2005. The Roadmap outlines six priority areas for EU action on gender equality for the period 2006-2010:

1. Equal economic independence for women and men;
2. Reconciliation of private and professional life,
3. Equal representation in decision-making;
4. Eradication of all forms of gender-based violence;
5. Elimination of gender stereotypes;
6. Promotion of gender equality in external and development policies.

First priority area, “Achieving equal economic independence for women and men” contains four key actions:

1. Monitoring and strengthening gender mainstreaming in particular in the Integrated Guidelines for growth and jobs and in the streamlined open method of coordination that covers pensions, social inclusion, health and long-term care (...), in health policies, in national and European activities ..., together with member states ... programming and implementation of the new Structural Funds, the EFF and EAFRD, and the Framework for the Integration of Third-Country Nationals in the EU;
2. Present a Communication on the gender pay gap in 2007;
3. Prepare in 2010 a report on the implementation of the Directive on equal treatment for women and men in the access to and supply of goods and services,
4. Promote female entrepreneurship and a business environment that facilitates the creation and development of women-led companies, and

->-> **encourage corporate social responsibility initiatives on gender equality** (Commission of the European Communities 2006d: 27).

1.2.6 The European Employment Strategy (EES)

At the Luxembourg summit in 1997, the *principle of equal opportunities* was included into the European Employment Strategy (European Commission, DG Employment and Social Affairs 2004). In the Commission’s annual *Employment Guidelines* on equal opportunities were defined as one of the four pillars of the Strategy besides employability, entrepreneurship and adaptability. The European Employment Guidelines define (among others) quantitative goals for gender equality. For 2003 those were:

- To achieve a EU wide employment rate of 70% and of 60% for female employees by 2010 (57% in 2005),
- To reduce the gender pay gaps by 2010,
- To improve the conditions of reconciling work and family,
- To guarantee the provision of child care facilities for 90% of all children from 3 to kindergarten age and for 33% of all children under 3 (according to the agreements of the Barcelona European Council in 2002) (Commission of the European Communities 2003)

The guidelines are to be reflected in practical measures and included in *National Action Plans on Employment (NAPems)* developed by the member states. In these action plans member states describe their progress of putting the guidelines into practice and outline concrete measures for the coming 12 months. All guidelines are accompanied by the objective to reduce horizontal, vertical and sectoral labour market segregation.

Besides the *Employment Guidelines* and *National Action Plans on Employment*, the *Structural Funds* are a third important tool of the European Employment Strategy to put into action equal opportunities in the labour market. Since 1976, the *Structural Funds*,

providing large-scale financial aid for developing skills, promoting jobs and supporting regions, are linked to the objective to promote gender equality. However, a comprehensive consideration of gender equality dates only back to the 1990s. Ever since then, the principle of gender equality has been applied by all funds (ESF, ERDF, EAGGF, the Community initiative EQUAL).

In 2004 the EES was restructured and three significant changes were made: Firstly, it has been decided that the new EES needs to be streamlined with other key policy co-ordination strategies including the *Broader Economic Policy Guidelines* and the *Internal Market Strategy*. Secondly, the four pillars of ‘employability’, ‘entrepreneurship’, ‘adaptability’ and ‘equal opportunities’ which had formed the basis for the first phase of EES, have been replaced by the three overarching objectives of ‘full employment’, ‘quality and productivity at work’, and ‘social cohesion and inclusion’, which provide the framework for the new Strategy. Third, a more simplified and limited set of guidelines, focusing on 10 key priorities for action, has been adopted (in place of the 18 guidelines of the previous Employment Strategy). According to their report “Gender Mainstreaming and the European Employment Strategy and Social Inclusion Process”, the *EU Expert Group on Gender and Employment* (EGGE) criticises the ‘reduced visibility’ of equal opportunities in the restructured Employment Guidelines (Rubery 2004).

1.2.7 Legally Binding and Legally Non Binding Goals of EU Legislation and EU Policy Strategies

Community Framework Strategies have the task of defining policy orientations and policy measures for European policies. Thus, the formulated goals of the *Community Framework Strategy on Gender Equality* are not binding in a juridical sense (hard law). But they are not without consequences either. The goals of the Framework Strategies define priorities of EU policy measures. And they define financial resources of the EU for these measures. Discussing goals and issues areas of gender equality in employment and work, one has to keep in mind the gap between the commitment to equal opportunity policies and objectives, stated for example in the EES Guidelines and their actual implementation in national employment policies. This discrepancy is due to the nature of the European Employment Strategy being part of the ‘*Open Method of Coordination*’ (OMC) process. The OMC is a strategy of European policy-making that seeks to co-ordinate national policies by adopting a *policy approach less reliant on regulation by hard law*. Instead, member states are encouraged to work out their own specific interpretations of a given policy framework (e.g. the Employment Guidelines) and are allowed to take measures at a pace which is appropriate to their respective social, economic and political context. Discussing the gender focus of the *European Employment Strategy* is consequently not possible without relating the objectives and priorities set out in the *Guidelines* to actual policy efforts and outcomes on a member state level. Information on the latter is provided by the *National Action Plans on Employment* (NAPemps). The review of the 2003 National Action Plans on Employment (NAPemps) shows that most attention has been paid to making progress towards the objective of ‘full employment’. However, some member states have responded to the particular fo-

cus on female labour market participation within the objective and have set national employment rate targets for women. Countries which have set themselves specific targets for raising female employment levels include Greece, France, Italy, Austria and the Netherlands. Other member states have totally disregarded the gender dimension of the objective. Furthermore, the objective of gender mainstreaming is not clearly defined. The meaning of *what is gender mainstreaming in employment policies* differs considerably between different European countries, as a “Study on integrating gender mainstreaming into employment policies” (Optem 2002) demonstrates. Thus, the policy field of gender equality is defined very much by national gender and employment policies.

Legally binding are the policy goals concerning gender equality defined in treaties and directives of the EU as well as those of ratified UN agreements which open a possibility to go to the European (or to the United Nations’, to the Member States’) Court of Justice. This is true for all cases concerning the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. States which have ratified the *Optional Protocol to CEDAW* - in October 2004 these were all EU-25 Member States - have agreed to an *individual petition mechanism*. This was accepted by the United Kingdom for first time ever by signing the Protocol in 2004. The individual petition mechanism means that people in the UK (and the States which have ratified the Protocol) can bring *complaints about discrimination against women* directly to the UN body that monitors the treaty.⁸

⁸ Source: Department for Constitutional Affairs, UK boost for Human Rights’, 22 July 2004 at www.gnn.gov.uk/Content/Detail.asp?ReleaseID=124322 and Women’s Asylum news August 2004 www.asylumaid.org.uk

Anti-discrimination legislation is “hard law”, as a prominent juridical decision concerning the banking sector demonstrates. Because of discriminating against the 44 year-old banking manager Laura Zubulake the big **Swiss bank UPS** has to pay 29 Millions of Dollars, as a trial in New York decided. Ms Zubulake went to court after having been displaced in 2001. She had made a complaint of discrimination to her superior manager in the bank, but instead of being helped she herself was fired. Her lawyer explained to the court, that the male manager called her old, ugly and incompetent. Whereas the lawyer of UPS bank on the other hand pointed out, that she was fired because of a lack of team orientation and a lack of merits.

(Information in Frankfurter Rundschau of 9 April 2005, own translation I.S.)

Less explicit are all those regulations concerning Equal Opportunities in the field of work and economy, because the member states’ legislations on Equal Opportunities in the public and the private sector show enormous differences. Most countries in Europe lack a specific legislation on Equal Opportunities in the private sector, though there exists a legislation on equal pay and treatment since the beginning of the European Market (see chapter 1.1). Countries such as Austria, Denmark, Germany, Hungary, Slovenia and the UK do not oblige private companies to have such a legislation while such obligations may exist for the public sector. Furthermore it is important whether the law contains obligations for implementing equal opportunities or not. In countries such as Belgium and France, legislation exists in the private sector but does not make *gender equality plans* obligatory. In the private sector it is furthermore less likely that the implementation of gender equality will be monitored. Thus, one has to take into consideration the strong differences between the different national legislations (Kreetz 2004).

Keeping in mind this discrepancy between the “rhetoric” of the European legislation and the “reality” of its implementation into national legal systems, there can be given an overview of goals for gender equality in employment and work descending from EU legislation and the European Employment Strategy. The table below shows general objectives and the quantitative and qualitative goals as far as they are defined.

1.3 Matrix of Issue Areas and Quantitative and Qualitative Goals for Gender Equality

policy field gender equality	EU policy goals & measures (qualitative/quantitative)					
	directed to- wards compa- nies	applicable to companies	possible indicators on general level	possible indicators sector spe- cific	[policy goals directed towards govern- ments]	geographic scope (EU internal vs. EU external)
both goals and implementation measures are binding						
Goal 1 anti- discrimination (CEDAW 1979) optional proto- col to CEDAW 2000,	directed also towards com- panies because of the “indi- vidual petition mechanism”	room for CSR because over- achieving goal			directed towards governments	external
the goals are binding, but implementation measures aim at introduction into national legal systems						
Goal 1 <i>equal opportuni- ties and equal treatment in matters of em- ployment</i> (Treaty of Am- sterdam article 141)		room for CSR because over- achieving goal			directed towards governments to imple- ment the goal into their legisla- tion	internal EU
Goal 2 <i>equal pay, equal pay for work of equal value</i> (Treaty of Amsterdam, Article 141)	directed at companies by national laws. UK has equal pay legisla- tion, Germany does not.	room for CSR			directed towards governments to imple- ment the goal into their legisla- tion	internal EU;

Goal 3 <i>Gender Mainstreaming</i> (Treaty of Amsterdam, article 137)		room for CSR because over-achieving goal	gender action plan	regular monitoring of targets of Gender action plan	directed towards governments	internal EU, external EU concerning Regulation (EC) No 806/2004.)
Goal 4 <i>health and safety of pregnant workers</i> (Council Directive 92/85/EEC)		room for CSR because over-achieving goal	“beyond” EU legislation would be more than 14 weeks maternal leave; indicator: number of mothers p.a. taking free time for breast feeding	directive contains protection clause against health risks for pregn. workers <u>in the oil sector</u> : financial resources for information on chemical risks of pregnant workers; <u>in the fishery industry</u> : measures to avoid physical stress for pregnant workers;	directed towards governments and companies	internal EU
Goal 5 <i>direct and indirect discrimination, Sexual harassment,</i> (council directive 2002/73/EC, that amends directive 76/207/EEC)	directed towards companies. The European Court of Justice decided in a Case between UK and Europe, that – in contrary to the USA – this responsibility has to be taken by SMEs as well	room for CSR The directive is dealing with access to employment, vocational training, career promotion, working conditions, dismissals etc. It is an over-achieving goal.	number of information measures; institutionalized internal body for complaints; documented number of complaints (“cases”).	<u>fishery sector</u> : <u>oil sector</u> : measures of anti-discrimination against <i>migrant women in subcontracted conditions</i> (for cleaning services, for nutrition services on oil platforms and huge fishing boats)	requires governments to establish agencies to promote anti-discrimination and to encourage employers and those for vocational training to institute preventive measures	internal EU
Goal 6 <i>equal treatment in access to and supply of goods and services</i> (council directive 2004/113/EC)	directed towards companies			<u>banking sector</u> : directive addresses new contracts only. An indicator for “beyond”: number of internal information and trainings		internal EU

Goal 7 requirements with respect to <i>Parental leave</i> (Directive 96/34/EC)	different legislation in Member States (???)	room for CSR-measures			directed towards governments	internal EU
Goal 8 <i>equal treatment in occupational security schemes</i> (Directive 96/97 and 86/378)		room for CSR-measures			directed towards governments	internal EU
Goal 9 <i>promoting gender equality in development cooperation</i> (regulation (EC) No 806/2004)		room for CSR-measures, especially regarding supply chains			promoting gender equality in development cooperation (Regulation (EC) No 806/2004)	internal and external EU
both goals & measures are non-binding		room for CSR measures				
Goal 1 <u>gender pay gap</u> (European Employment Strategy 2004)			gender segregated data on pay p.a. and bonuses		reduction of gender pay gap until 2010	internal EU
Goal 2 <i>employee rate</i> (European Employment Strategy 2004)			employee rate of elderly women; employee rate of high skilled migrant women		57% female employee rate in 2005 (60 % in 2010 in contrast to 70% male employee rate)	internal EU
Goal 3 <i>conciliation of work and family life</i> (EES 2004/ Barcelona European Council 2002 Decision)			data on child care facilities of parent-workers and employees of the company		child care facilities for 90% of all children from 3 to kindergarten age and for 33% under 3 years	internal EU

Table 1.1: Matrix of issue areas and quantitative and qualitative goals for gender equality

2 Issues, Indicators and Measures in the Policy Field of Gender Equality in Employment and Work

Under 2.1 of Chapter 2 the paper presents key issues formulated by EU legislation and policy, by stakeholders and women's NGOs as well as by enterprises and business organisations. Possible indicators for the gender issues are added. In chapter 2.2 a review will be given of possible and already proved measures used by companies which are already promoting gender equality.

2.1 *Issues on Gender Equality Formulated by the Three Actors of the Policy Field which are: (a) EU Legislation and Policy, (b) Stakeholders and Women Organisations and (c) Business Organisations and Businesses*

2.1.1 Issues descending from EU legislation and policies

Against the backdrop of the matrix on goals descending from *EU legislation* presented in chapter 1.3 nine key gender issues can be identified:

- (1) Direct and indirect discrimination, sexual harassment,
- (2) Equal opportunities and equal treatment in matters of employment,
- (3) Equal pay and equal pay for work of equal value,
- (4) Health and safety of pregnant workers,
- (5) Parental leave,
- (6) Equal treatment in access to and supply of goods and services,
- (7) Equal treatment in occupational security schemes,
- (8) Gender mainstreaming,
- (9) Promoting gender equality in development cooperation.

Three gender issues formulated in the *European Employment Strategy* can be related to three of these objectives concerning gender equality of EU legislation: the employee rate is associated with the equal opportunities issue (2); the gender pay gap is associated with the issue of equal pay (3), and the issue of conciliation of work and family life is associated with the issue of parental leave (5).

Against the background of the *Commissions' Report on Gender Equality 2005* the following issues can be identified:

- Horizontal and vertical gender segregation in the labour market, which is relating to the issue of equal opportunities (2);
- Gender pay gap, which is relating to issue of equal pay (3);
- Poverty risk of elderly women, which is not directed towards companies, but relates in a certain way to the issue of equal pay (2) and to the issue of equal treatment in occupational security schemes (7);
- Employment rate of elderly women, which is relating to issue 2 by specifying it;
- Pension systems for women, which is relating to issue 7 by specifying it;
- Unemployment of women in general, which is relating to issue 2 by specifying it;

- High rate of part-time employment of women, which is relating to issue 5 by specifying it;
- Reconciliation between work and family life, which is associated with issue 5;
- Employment of migrant workers, especially of highly skilled migrant women, which is related to issue 2 (equal opportunities) by specifying it.

Having a closer look at the data presented in the *Commissions' Report on Gender Equality* the question arises, if perhaps *three indicators* should be introduced in addition to the already identified issues. Those indicators will descend from a differentiation within the female gender group: namely the indicators *elderly women, migrant women and single parents*, (the majority of which are women) and correspond to the issues: equal opportunities and equal treatment in matters of employment (2); equal pay (3) and equal treatment in occupational security schemes (issue 7).

2.1.2 Issues on Gender Equality Expressed by Women's Organisations and Gender CSO's

Gender issues descending from the European Women's Lobby review of the implementation of the Beijing Platform for Action 1995 – 2005 in Europe

In June 2000, the U.N. General Assembly convened a special session to appraise and to assess the progress achieved by the Beijing Platform for Action. Following the review of the implementation 1995 – 2005 of the BPfA the *European Women's Lobby* published a report about the implementation process of BPfA in Europe "Beijing +10. 1995 – 2005: Review of the Implementation of the Beijing Platform for Action by the European Union" (EWL 2004). This report contains the identified key issues for European policies with respect to employment and work from the European Women's Lobby (EWL). In chapter F. "Economic structures" the Beijing Platform for Action formulates five strategic objectives, which were evaluated by EWL amongst others with respect to their implementation in Europe. Referring to these objectives, EWL considers that the European Union has introduced a series of directives and other regulations. But against the background of actual reports and data on gender equality EWL is judging the situation as follows: "EU policies, such as economic policies, employment policies, social policies, and budgetary processes, do not sufficiently promote women's economic rights. Employment is the main focus of the EU gender equality legislation and a number of EU European legislative texts have been adopted in this area, but discrimination against women in the labour market is still a reality and progress is needed in terms of the implementation of the existing legislation in practice" (EWL 2004:52). On the European level The European Women's Lobby sees the most significant progress which has been made since 1995 in the Amsterdam Treaty (Treaty Establishing the European Community, 1999), that mandates the Community to "eliminate and to promote the equality of women and men", which has led to the gender mainstreaming approach. Concerning European economic policies, the EWL report criticises that gender is not taken into account in macro level European economic policies, although the Lisbon Strategy affirmed the necessity to increase the employment rate of women and to take into account their needs in connection with childcare as a precondition for growth. "Evidence suggests that pre-dominant macro-economic policies are associated with an

increase in the gender segregation of labour, destabilisation of women's employment through sub-contracting, increases in the gender pay gap, reductions in women's access to health and education due to the privatisation of State services, increased inequality in access to credit, land and property, and deepening of the feminisation of poverty" (EWL 2004:8).

Against the backdrop of this appraisal by the European Women's Lobby concerning the implementation of Chapter F. of the BPfA in Europe, the need for gender policies in the field of employment and work can be seen in:

- Gendered segregation of labour, which is related to the issue of equal opportunities (2);
- *Subcontracting (new issue)*;
- Gender pay gap, which is related to issue of equal pay (3);
- Access to health and education due to the privatisation of State services, (this issue is not directed towards companies);
- Access for women to credit, land and property, which can be seen as related to issue 6 (equal treatment in access to and supply of goods and services).
- Women's poverty (which is not directed towards companies but relates in a certain way to issue 2 (equal pay)).

2.1.3 Issues on Gender Equality Expressed by Business Organisations⁹

Business organisations in favour of promoting women's careers are numerous. (see chapter 1.1.2) According to this tradition the issue of 'Women in top positions' and the issue of 'career promotion of women' is predominant in this discourse.

Women in Top Positions

It is an established tradition of women's business organisations aiming to bring more women into top positions. Thus, the *European Professional Women's Network* (EPWN, www.EuropeanPWN.net), in collaboration with *Egon Zehnder International*, has conducted a study on the current ratio of women in boards of European top firms (2004 European Board Women Monitor).¹⁰ Recent findings suggest that every third European business woman working for a top firm aspires to obtain a senior leadership position in her organisation (Catalyst 2002, 2004). However, there are still only few *women in management* throughout the continent. It was found that with a share of 8% of women in companies' boards in Europe, the continent is lagging behind compared to the US and Canada with 13.6% and 19.6%, respectively. Recent findings also show *that it is more common to find companies with no women board directors in top firms in Europe (38% !!) compared to the US Fortune 500 companies (10%)* (Catalyst 2004). However, some countries in Europe are more advanced than others. According to the study of the

⁹ Chapter 2.1.2 is elaborated by Tanja Kreetz (2004) for RARE project. It is part of her excellent paper on *Equal opportunity measures in the private sector in Europe*, see www.ISOE.de.

¹⁰ The top companies under investigation are the 200 largest companies in Europe by sales, the 20 largest banks and the 20 biggest insurance companies.

EPWN (2004), Scandinavian countries top the list of women on boards with Norway at 22%, Sweden at 20% and Finland at 14%. France, the Netherlands, Germany and the UK fall within the medium range of the scale, with 6%, 7%, 10% and 10%, respectively. At the bottom of the list ranges Italy with 2%, Belgium and Spain both with 3% and Denmark with 4%.¹¹ The share of women in *top management* proves to be even lower (5%) but again, Norway, Sweden, Finland are still ahead in Europe with 9%, 11% and 8%, respectively. In the medium range lies Switzerland with 6%, the UK, Belgium, Austria and France each with 5% and the Netherlands with 4%. At the bottom of the list are Italy with 3%, Spain with 2%, and Denmark and Germany with 0% of women in top management.

Career Promotion for Women

As the Commissions' Report on Gender Equality 2005 has already shown, a substantial gap remains between the average earnings of men and women, which can only partially be explained by the difference in jobs. Even in those jobs, where women are able to gain entry into higher-level occupations, pay lags behind that of males, across all employment categories (Thewlis et al. 2004: 91). This tendency is being maintained throughout the career trajectory as women are underrepresented in *training and seminars that are especially relevant for career advancement* as well (Ebner 2004: 208). The results of the study by Catalyst (2002) show that only a small proportion of women (11%) and men (18%) working in European top firms consider the possibilities for women's advancement to have improved considerably over the last five years. However, in this respect women are more pessimistic than men. Almost every fourth woman thinks that no changes have occurred at all, while only 9% of the men hold this opinion. As the study of Catalyst shows, European and American business women are generally identifying the same obstacles to career progression for women in big companies. But women in Europe see them to a greater extent than their counterparts in the US. For instance, while 60 % of the women in Europe see *stereotypes* and preconceptions of women's roles and abilities as the main obstacles to progression, only 46% of the women in the US do. Similarly, 64% of the women in Europe find that there is a *lack of senior and/or successful female role models* while only 43% of the women in the US do. The difference is getting even more evident when it comes to the lack of *mentoring*, which 61% of the women in Europe consider as an important career obstacle. In the US, only every fourth woman holds this opinion. The greatest gap can be found with respect to the interpretation of family/personal responsibilities. Only 15% of the women in the US see them as a main obstacle but 62% of their counterparts in Europe do.

Segregation with Respect to "Male"/"Female" Professions

Besides the low share of women in top-ranking positions, gender related issues in the private sector in Europe include the under-representation of women in traditionally 'male' professions such as in manufacturing, technology and engineering, which often

¹¹ However, these findings are not representative for the country's whole private sectors as there are differences in female representation in top firms and other big companies. The very top companies usually outperform others in performance as well as in corporate policies. For instance, of all publicly listed companies in Norway, the average number of women on boards falls to 8% while ranging top with 22% among top firms (EPWN 2004).

allow for better career conditions than the typically 'female' workplaces. In fact, women are still largely concentrated in areas where career chances are less favourable and where there is little hope for progression. This can be detrimental to the ones holding these positions and the companies themselves and it may lead to higher turnover rates as staff grow frustrated. Based on the above description of the current situation of equal opportunities at the workplace, governments and companies have realised that the improvement of the conditions for women and men towards more gender equality are a key concern *at all stages of employment: in education, recruitment, selection, training, development, pay, promotion.*

Work-Life Balance

This issue encompasses measures of companies such as flexible working hours arrangements (i.e. part-time, gliding time, accumulation of time accounts, sabbaticals, home-office, tele-working, working at home and job-sharing). As women are over-represented when it comes to flexible working hours arrangements measures may furthermore include encouraging men to take advantage of such arrangements. The difficulty to combine work and family/life especially in management positions suggests moreover, to offer of part-time solutions to holders of top ranking positions as well. Furthermore, companies can offer support with child and elder care arrangements (i.e. through a company kindergarten, the help with finding child/elder care facilities, the support of parents/caring initiatives, sponsoring) as well as create return regulations beyond legal entitlement after parental leave and offer an ongoing contact and continuous training during time of leave. Traditionally, measures to improve the work-life balance have been targeted as a women-only issue. However, in order to decrease gender discrimination and stereotyping at the workplace, companies are demanded to design measures to improve the work-life balance for women and men (Jüngling 2004: 107; Krell 2004: 19).

The dominant group of companies' achievements to reduce gender discrimination in the workplace are based on improving the reconciliation of work-life balance (Business in the Community 2004; Thewlis 2004). An international analysis on firms on Austria, France, Germany, Hungary, Poland, Sweden and Switzerland shows that about every third firm is providing such measures. In Austria and France it is even every other firm (Wacker 2002:2). In most cases these measures include special regulations such as part-time and other flexible working time arrangements. In general, working time flexibilisation is the most frequent measure. An international comparison between Australia, Japan, UK and USA (in which the national legislation is rather unfavourable) with respect to reconciliation of work and family, confirms this finding and maintains that especially a flexible starting and ending time of the working day as well as part-time arrangements are the most important strategies (Fursman et al. 2003: 22 in Flüter-Hoffmann/Solbrig 2003: 6). The most frequent measures carried through by companies which were awarded by the auditing system 'Audit Family and Work' (Germany) were those connected to working time flexibilisation (85%) (GM-Consult-MV 2003: 19). Despite of the increasing efforts with offering flexible working times, results of the opinions of employees suggest that still a lot needs to be done. In Germany, every third employee regards working hours as the most important issue to be addressed if aiming to improve the family-friendly conditions of a company (Krell 2004: 6).

In general, the direct support with child care can be found rather seldom. In Germany, for instance, only 13% of the firms offer either/or child-care facilities such as a kindergarten, support with child care or a parents' initiative (Allmendinger/Möller 2003: 3). Also, most measures still focus on women only while merely a minority of programmes addresses either both sexes or men only.

Against the backdrop of the presented arguments the key gender issues of business organisations are:

- Women in top positions/women in boards,
- Equal opportunities and diversity management at all stages of employment: education, recruitment, selection, training, development, pay (bonuses) and mentoring;
- Segregation in the context of "male"/"female" professions

According to those arguments given on "work-life balance" they should be added by:

- Part time work in top positions
- Flexible working time agreements
- Child care facilities
- Return regulations beyond legal entitlement after parental leave. An indicator could be: the rate of men taking work-life measures in a company.

2.2 Measures of Companies to Promote Gender Equality¹²

This chapter presents (possible) measures of companies to be taken in order to promote gender equality. In chapter 2.2. best practice examples will be reviewed. At the end of this chapter all the presented arguments will be summed up under 2.3. which provides a "Matrix of issues and indicators/measures".

2.2.1 Possible Measures to Promote Gender Equality

(1) Stocktaking of employment situation of the employees in the company (gender monitoring)

Development/update of gender specific personnel statistics according to hierarchical functions, remuneration level, qualification, working area, age, duration of affiliation to company, part-time, full-time employment, training, career development and support, employees on parental leave; Data selection and analysis;

Employee surveys;

Other measures.

(2) Personnel Recruitment and Allocation

Special consideration of women for vacant positions, equal opportunities for women and men through gender neutral and qualification and merit orientated selection of candidates in all work areas, e.g. through systematic recruitment, information and training of managers;

Activities aiming to make available all workplaces for apprenticeship for young women and men;

¹² This chapter is based on the paper of Tanja Kreetz (2004), that follows in its systematic of gender issues the systematic of the German Total-E-Quality Award

Career information at schools and universities, student internships (share of women among interns); take-over of trainees (share of women); preferential consideration of employees after the family phase for a longer period of time than provided by regulations; statistics of solicitations (share of applicants); Other measures

(3) Training /Personnel Development

Offer of further training for employees according to their qualification and function (through preparation of new activities, adaptation to changing developments, training of management trainees, further qualification, internal training, meeting the costs for external training, distance learning); personnel development/support discussions among employees and chief; contribution of employees acting as deputy for holders of senior positions, change of function according to career advancement, project work in responsible positions, internal and external bodies, rotation; application of instruments for targeted personnel, advancing capabilities of both women and men (such as potential analysis, evaluation of progress, assessment centre, successive planning, job-enrichment, identification of gender specific expertise, training of observation, other measures, all according to female share); job-related advancement also for part-time employees; job-related advancement during and after the family phase; targeted support of employees (through leadership training and special seminars for women, seminars for personal development (conversation training, training of conduct, rhetoric training, etc.), integration of women in development and modification processes, provision of child care to allow further training, special consideration of part-time employees, development and allocation of internal offers, meeting the costs for external offers; use of referees and trainers; further training for sensibilisation of management with respect to implementation of equal opportunities; selection and evaluation of data on further training and personnel development of employees; other measures.

(4) Work-Life Balance

Regulations on arrangements concerning flexible working hours: Offer of part-time, gliding time, accumulation of time accounts, sabbaticals, year or working time contracts, home-office, tele-work, working at home, job-sharing; encouragement of men to take advantage of family-friendly working hours as well; encouragement to profit from part-time arrangements also in top rank positions; support of companies with child care arrangements through e.g. through kindergarten, help with arrangement of child care facilities, support of parents initiatives, sponsoring; return regulations after longer interruptions of employment because of family obligations (beyond legal entitlement) claim of return regulation (share of men); encouragement of men to take active parental time; contact offers during times of absence such as vacation or illness replacement, mailing of career information, discussion panels, regular discussions/telephone talks, informal contacts, other; offer to participate in training during times of absence, e.g. facilitating adaption and actualisation of career qualifications, targeted qualification, assistance after the return to the workplace; continuity of social contribution during family phase beyond legal claim; exemption in case of illness of family members or in crisis beyond legal claim; Other measures.

(5) Support of Non Harassment and Fair Conduct at the Workplace

Description of co-operation between men and women at the workplace in publications, information material, circulation letters, training of conduct, discussion panels, events, teams, personal conversation in the branch; targeted allocation of mixed teams; publications on preventive measures against sexual harassment at the workplace, information material, circular mails, training of conduct, discussion circles, events, teams, branch, personal conversations; listing of contact persons or institutions offering assistance for special conflict situations; other measures.

(6) Institutionalisation of Equal Opportunities Activities

Person/institution in charge of implementation of EO measures, staff position for women/equal opportunities politics, discussion circles on equal opportunities, theme oriented discussion circles; creation/support of round tables with female staff and managers; inclusion of EO employer and works council agreements and work rules etc.; support of EO as criteria for the evaluation of managers; requirement of management for special support of employees;

Other measures

(7) Commitment to Equal Opportunities as Company and Social-Political Objective; Public Relations; Creation of Awareness

Commitment to EO in published guidelines, company maxims, information material, leaflets, circular letters or other publications; convincement of decision-makers (events, training, information, discussion panels, appraisal interview); creation of awareness of employees (through: events, information, publications (e.g. best practice cases on equal opportunities), discussion panels, appraisal interviews, consulting, exemplary solutions);

consideration of equal opportunity aspects (through: image advertisement, marketing strategies, product advertisement, personal advertisement, co-operation partners, addressing of especially female clients, noticing internal effects and/or external effects)¹³

2.2 Best Practice Examples

The examples listed below demonstrate the broad spectrum of measures, already being taken by companies.

(1) Stocktaking of Employment Situation of the Employees in the Company (Gender Monitoring)

Citigroup (UK) has a clearly defined set of monitoring procedures to track progress on its CitiDifference Initiative. Starters and leavers are tracked by gender in its monthly management reports, while Human Recourses monitors maternity leave return rates and exit interview data. There are regular senior management reviews. Progress is constantly reported back to the heads of the businesses through the CitiDifference senior diversity committee, which monitors activity and sets strategy. The company incorpo-

¹³ Source: Based on own translation of the checklist of German Total-E-Quality Award from German into English at <http://www.total-e-quality.de/teq/files/56/de/checkliste.zip>.

rated specific questions on diversity in its 'Voice of the Employee' survey, an extensive employee survey conducted globally every one to two years.

At *Citigroup (Ireland)* there is no strictly formal reviewing of the impact of equal opportunities initiatives, however, the Human Resources Officer constantly reviews the statistics.

ARAL (Austria) uses hard facts to measure in which areas women are underrepresented and need to be supported.

Hermes Schleifmittel GmbH & Co (Germany) has created the "Project Group Women Support" in the framework of its employee surveys in order to enable the results to be implemented together with the board, the work council and engaged women.

At *Ford (UK)*, internal progress is measured by the organisation benchmarking itself against external criteria (i.e. the success criteria of Opportunity Now) and against external competitors. It also monitors the numbers of women employed and the numbers of women and men participating in training programmes. Additional information is gained through focus groups and an employee opinion survey that is run each year and which focuses on cultural issues.

The pharmaceutical company *Eli Lilly (Belgium)* (winner of the '2003 Gender Equality at the Workplace Award' by the European Commission) organises an annual audit on equal pay and equal benefits for men and women in equal jobs.

Sara Lee/DE (Netherlands) (winner of the '2003 Gender Equality Award' by the European Commission) monitors if there is equal pay between men and women in the same job, aiming to increase job satisfaction of women.

Transco (UK) reviews its Human Resources policies on potentially 'unwilling structural constraints' that were preventing career progression for women. A focus group was conducted with women throughout the organisation, aiming to tackle the main obstacles for women's progress: a lack of confidence, low levels of assertiveness, and a lack of understanding of the processes that lead to progression in the organisation.

Ford (UK) has created an Equal Pay Task Force and has undertaken a pay audit in which it was looking at the pay level of managers over the last ten years where it was found that there was no difference between men and women.

Halifax (UK) is undertaking pay audits. They were analysing the data and looking at the variations at different levels and found that the data indicated some gender variances within the workforce. As a result, it is recommended that each division should look at the causes of any discrepancies on a local basis and then investigate local solutions.

The global *telecommunications company BT (UK)* has conducted extensive analyses to attempt to reduce the pay gap. The pay of men and women in BT is now almost equal, according to BT. There is just a 5% pay gap remaining across the company.

Transco (UK) is another company that in recent years has started to conduct its own pay audits which are conducted on a two year-basis. It was found that the gender pay gap is small compared to the national average. Transco is taking steps to ensure that no inequities or imbalances are built into the structure of the pay framework.

(2) Personnel Recruitment and Allocation

Hewlett-Packard (Austria) advertises in a gender neutral form and provides detailed information over job activities and the concerning qualifications.

At *Henkel AG (Germany)* and *IBM (Germany)* recruitment is tailored according to the gender specific statistics of university graduate students and is revised each year. IBM

(Germany) also provides scholarships to students at the start of their technical university career, and prefers women as interns.

IBM has furthermore organised the ‘National Engineering Day for Girls’ before and in 2003 the ‘Girl’s Day’. In 1999, the EXITE (Exploring Interests in Technology and Engineering) programme had started in the USA, by 2003 it had expanded to 30 locations worldwide.

IBM EXITE facilities in Europe include: Amsterdam, Hursley (England), Greenock (Scotland). It has also set up an e-mentoring follow-up through an online mentoring programme.

Daimler Benz AG (Germany) offers scholarships to female university students in technical studies.

Electricity Supply Board (Ireland) and Bayer AG (Germany) offers seminars at schools in order to promote technical professions to women.

In Portugal, the *car manufacturer Opel* earned the ‘Equality is Quality’ award for recruiting women in a number of key senior positions, including management in its engineering central office and women have been included in formerly “male” areas.

Transco (UK) has been working towards becoming more diversity-aware, particularly in the graduate recruitment and selection process. In 2002 30% of graduate recruits were female. The measures also include marketing to girls, and influence girls to take technical qualifications. It runs an Oxford Access summer science school in order to get girls interested in subjects within BT’s area.

(3) Training /Personnel Development

Citigroup (UK) introduced a mentoring scheme as part of their ‘CitiDifference’ programme. Women who were seen as being at key career stages, or were seen as having high potential (or both) were selected by business heads. The company reports that few, if any, of the women taking part in the mentoring scheme have left, and they take this as a very positive sign.

A Cross-Mentoring-Programme has been set up in 1998 by enterprises in Germany: *Commerzbank AG, Deutsche Bank AG, Lufthansa AG and Deutsche Telekom AG*. The group has been enlarged by *Robert Bosch GmbH, Airport Frankfurt/Main AG, Merck KgaA and Procter & Gamble GmbH*. The advantage compared to mentoring within a single company is that mentees and mentors from different enterprises come together and thus have the opportunity to exchange their experiences and to expand their horizons. A similar Cross-Mentoring-Programme was created around Munich, supported by the city of Munich. In 2004, the continued program also includes the enterprises *Allianz, Bayerische Landesbank, BMW, BSH Bosch und Siemens Hausgeräte, Deutsche Bahn, Deutsche Bank, Deutsche Telekom, Fraunhofer-Gesellschaft, MTU Aero Engines and Siemens ICM*.

Since 2001, *Unilever (UK)* has started a new move of addressing the equal opportunities and diversity issue in the most senior positions. In order to encourage or eliminate certain behaviour, the company’s seniors are told to prepare a week away from office where they have to talk about who they are as people. The meeting takes place at vacation resorts and the ceremony has recently also been extended to potential future leaders.

The manufacturer of mouse mats *Listawood Ltd (UK)* (winner of the ‘Castle Award’ in the UK), commented for its provision of career progression within the company and for

training opportunities and promotion for all. No qualification period for participating in training is required.

The small company *MTM (UK)* makes an effort to offer training to all staff, full- or part-time, and tries to organise training times to fit in with the working hours of part time staff. The company encourages everyone to participate in the European Computer Driving Course that covers basic computer skills. The training centre is open all day and is open late one evening a week. Employees may leave a certain number of hours a week to participate. Seven out of eight of the people attending this course are women.

The medium-size enterprise *VAUDE (Germany)* (winner of the award ‘Work and Family’ of the *Hertie-foundation*) offers equal opportunities of career advancement to full- and part-time employees.

TDC (Denmark) set up a pilot mentoring arrangement in March 2001. The scheme involved 16 mentee/mentor relationships aimed at developing more female top executives and managers. The emphasis was on the development of the mentees’ personal leadership abilities, personal development and clarification of career intentions. The company also sought to find out what would motivate more women to choose a career in leadership; help in developing more women to act as role models for other women in the organisation; and encourage male leaders to hire more women.

A wide range of other companies that have been considered as best practice cases can be found in the internet. For instance, the “Audit Work and Family” of the Hertie-foundation describes specifically family-friendly measures of companies that have been certified in 2004: (www.beruf-und-familie.de).

(4) Work-Life Balance

IBM has set up a Family service. Since 2001 there are new regulations on the duration of parental leave, according to which 3 years of parental leave can be claimed during 6 years of education time (both parents can make use of full leave).

The pharmaceutical company *Schering (Germany)*, winner of the 2004 European Commission award, helps employees balance their work and family lives by offering flex-time, part-time schedules and telecommuting options. It has six models of part-time work available. The company also operates a childcare centre that can accommodate 150 children of employees under the age of 6.

Ölz GmbH (Austria) which is producing children’s clothes, offers 45 working time models to its 100 (mostly female) employees. The working times can be chosen freely from 5h00 to 21h00.

DuPont de Nemours Italiana S.p.A. (Italy) offers part-time throughout all hierarchies since 1986. In 1991 teleworking was offered to 250 employees.

Eli Lilly (Belgium) offers flexible work schedules to all employees in order to enable them to match their start and leave times to their family responsibilities.

ING (Netherlands) has conducted a survey to find out where employers live and created new offices in more convenient outlying towns and villages.

People at *Unilever (UK)* are judged by their input (such as hours in the office and meetings attended) rather than their output and the company aimed at changing the business mindset.

ASDA Stores Ltd. (UK) is the winner of the 2002 Castle Awards for offering training opportunities to part-time workers. Over half of the employees are female, 75% work

part-time. The company provides exactly the same training and development opportunities to all members of staff, regardless of their working hours.

Halifax (UK): There has been an increase in the numbers of senior and middle management women who work part-time or job share. Also on offer are nine-day fortnights, four-day weeks, home working, variable working patterns and flexible work locations.

Eircom's (Ireland) intranet includes a section on diversity and family friendly policies, providing employees with advice on a broad range of issues such as elder care, breast-feeding, collecting children from school, disability.

MTM (UK) have a workforce of 35 people with 26 different working patterns. The company operates a full-time production week of 39 hours, but within that envelope they have a range of different working arrangements. When women return from maternity leave the company is very flexible in terms of what sort of hours they can return to.

In 2001 *Adidas-Salomon AG (Germany)* won the audit 'work and family' and was awarded for its Kindergarten and its 'Franconian International School' for the children of its employees.

Existing family-friendly policies at *Citibank (Ireland)* encompass: Flexible working arrangements (part-time, job sharing, compressed working hours and shift work); Maternity leave (ensuring no loss of pay), paternity leave, parental leave and leave of absence; onsite medical centre providing extensive information, advice and primary care; Employee Assistance Programme providing legal, financial and emotional support and counselling to all employees and their families; VHI health care and medical benefits to employees and their dependants; actively working with local childcare providers to establish the Citibank Dependent Care initiatives; onsite shop, dry cleaning services, bank machine, restaurant that seats 450 with discounted meals.

Comet Computers (Germany) is a small company offering flexible working arrangement, the possibility of tele-working, integrated child care and the opportunity to work part-time in management.

In 2001 the medium-size enterprise *VAUDE (Germany)* has established a "children's house".

Neckermann Versand (Austria) offers its employees on parental leave to continue working on part-time and to participate in internal events and training. All employees, including those interrupting work, receive the internal firm magazine.

The collective agreement for accountants in private commerce, industry and services (Greece) provides that employees with children up to the age of 16 may take five days' paid leave per year to monitor their children's school progress and six days unpaid leave for exceptional domestic problems. Either parent may also work reduced hours to care for a child.

A 1994 national agreement in finance (Italy) allows unpaid leave for family, personal or educational reasons for up to one year and unpaid leave to care for gravely ill children.

A 1995 agreement in insurance (Sweden) provides for a review of employees' salaries after a return to work following full-time parental leave, to address the fact that returners' salaries tended to lag behind those of fellow employees.

An agreement in the petroleum products sector (France) provides six different formulae for part-time work linked to the school timetable.

(5) Support of Non Harassment and Fair Conduct at the Workplace

The medium-size enterprise *VAUDE (Germany)* has initiated measures to ensure an open and fair atmosphere at the workplace. It has closed a formalised agreement on issues such as flexibilisation of working hours, equal opportunities, child care, parental time, family service, information and communication.

Hewlett Packard (HP) and *IBM* are actively fighting discrimination against homosexual employees. Both explicitly mention this target group in their equal opportunities programme on their websites. In 1974 *IBM* has made an anti-discrimination statement. Meanwhile the company supports homosexual women in the framework of its diversity politics.

At *IBM Austria*, the Global Workforce Diversity Council considers that equal opportunities is realised at the Austrian branch.

At *HP* diversity networks, the Diversity Leadership Council and the Employee Network Groups are open for concerns of homosexual employees.

Migros (Switzerland) offers career support for foreign women. 50% of the language courses offered by *Migros* for women take place during working time.

At *Ericsson (Sweden)* fathers are promoted to take parental leave and financial incentives are offered.

The *ING Bank (Netherlands)* has, in co-operation with employee associations, started a campaign to support fathers (cultural measures, awards to mothers and fathers who successfully combine work and family/private life, creation of satellite offices).

(6) Institutionalisation of Equal Opportunities

IBM's Special measures are the worldwide task force set up in 1995 focusing on the advancement of women, and a network of global and regional women's leadership councils to promote initiatives to advance women. There are also women's councils throughout the world.

At *ING* a diversity council, consisting of senior leaders of various backgrounds, was set up in 2000 to advise and support the bank's leaders in meeting diversity objectives and to launch own initiatives.

HP has created diversity networks worldwide.

Eli Lilly (Belgium) has set up an Employee Activity Committee with the responsibility of improving the work and family balance.

Shell (Netherlands), winner of the 2003 Diversity Award of VNO-NCW is commented on its overall adaptation of the culture towards equal opportunities.

Schering (Germany) has set up a unit for women affairs in 1990, holding lectures and workshops on the gender equality issue. There is also a formal board for women affairs as part of the company's Works Council, focusing on questions such as pregnancy and parental leave.

Unisys (UK) has set up four regional diversity councils, each chaired by the regional business unit manager.

Citigroup (UK) appointed a Director of Diversity. Five '100-day' cross-functional teams were set up to tackle one of five areas identified for action. Each team contained around 10 members and set itself a specific goal: (1) Recruitment team - to increase the proportion of women applicants, (2) Retention team - to apply a successful women's networking programme in at least two business areas, (3) Sponsorship and career development team - to select five senior women and create career development objectives for them through a mentoring programme with their division head, (4) Work-life balance

team – to implement a work-from-home programme for a pilot group in operations and technology and in audit and (5) Respect team – to define, measure and improve respectful behaviour in one business area.

(7) Commitment to Equal Opportunities

Citigroup: 2003 was the first year that progress in diversity was linked to the performance of senior managers.

ING (Netherlands) has diversity plans with both quantitative and qualitative targets to be set up in all business units as part of their medium term strategic plans. The success of the plans is reflected in manager's compensation and in company's leadership award scheme.

Sara Lee/DE (Netherlands) is trying management bonuses for the progress made in advancement of women.

At Citigroup (UK) the business heads measure progress in their own divisions around five themes that were identified in the 'CitiDifference' initiative: (1) retention, (2) recruitment, (3) sponsorship and career development, (4) work-life balance, and (5) respect. The company is also developing diversity scorecards to help present hard and soft diversity measures to Business Heads and the Operating Committee on a quarterly basis.

At Citigroup (Ireland), the impact of the activities of the Women's Council has been evaluated by feedback from all events to see how successful each event was perceived, and what else participants thought the company could be doing.

For Transco (UK) the results of the review on whether there were structural constraints that prevented career progression of women was a strategic point for the 'Women's Development Programme' in 1997. On this basis, a diversity action plan was developed, based on focus groups with women throughout the organisation, aiming to tackle the main obstacles for women's progress. (all examples are presented in Kreetz 2005).

2.3 Matrix: Gender Issues, Measures and Indicators

Against the urge to reduce the number of gender issues that can be included in an empirical survey six gender issues are proposed:

(1) direct and indirect discrimination/ sexual harassment, (2) equal opportunities and equal treatment in matters of employment (at all stages), (3) equal pay and equal pay for work of equal value, (4) reconciliation of work and family life/ work-life balance, (5) equal treatment in access to and supply of goods and services, (6) gender mainstreaming.

These gender issues stem from laws and directives of EU legislation and EU strategies on gender equality. Against the backdrop of above presented best practice examples they are related to possible measures and indicators (see final matrix).

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EU legislation/ EU policies	Women organisations/ stakeholders	Business organisations/ businesses	Measures/Indicators
(1) direct and indirect discrimination, sexual harassment	YES: EWL demands more attention on antidiscrimination (beside equal opportunities)	YES. sexual harassment and anti-discrimination is a strong issue in Human Relations (HR)	preventive measures against sexual harassment at the workplace (number of: publications, information , circular mails, training of conduct, discussion circles, events, teams, branch, personal conversations)
(2) equal opportunities and equal treatment in matters of employment (at all stages)	YES. * reduction of vertical segregation in the labour market * reduction of horizontal segregation in the labour market (male and female professions)	YES. * women in board/in top positions * equal opportunities and diversity management at all stages of employment: (a) education, (b) recruitment, (c) selection, (d) training, (e) development, (f) mentoring;	<i>measures of promoting women into positions/ share of women in workforce in relation to share of women in top position.</i> equal opportunities measures on (a) education, (b) recruitment, (c) selection, (d) training, (e) development, (f) mentoring;
(3) equal pay and equal pay for work of equal value	Yes. *reduction of the gender pay gap	Yes. *equal pay and equal bonuses	gender disaggregated data on salaries p.a. in all different salary classes
(4) reconciliation of work and family life/ work-life balance	Yes.	Work-life balance: • part time work in top positions; • flexible working time agreements; job-sharing, tele-working; • child care facilities; • return regulations beyond legal entitlement after parental leave	<ul style="list-style-type: none"> • number of part time work in top positions; • encouragement to flexible time agreements, to job-sharing, support on tele-working; • amount of financial resources for child care facilities (sponsoring); • encouragement of men to take parental leave

(5) equal treatment in access to and supply of goods and services,	Yes. * demand on access for women to credit, land and property	finance sector only	trainings on equal treatment in access to and supply of financial services; financial products addressing this issue (micro-credits etc.)
(6) gender mainstreaming	gender mainstreaming	gender action plans in Human Resources (HR)	one indicator only: gender diversity is integrated in all measures and data of HR

Table 2.1: Matrix of gender issues, measures and indicators

3 Reference List

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