


AN EQUINET POLICY PERSPECTIVE

EQUALITY BODIES PROMOTING A BETTER WORK-LIFE BALANCE FOR ALL



Equality bodies promoting a better work-life balance for all

An Equinet Policy Perspective

2013

Equality bodies promoting a better work-life balance for all is published by Equinet, the European Network of Equality Bodies.

Equinet brings together 41 organisations from 31 European countries which are empowered to counteract discrimination as national equality bodies across the range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation. Equinet works to enable national equality bodies to achieve and exercise their full potential by sustaining and developing a network and a platform at European level.

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Introduction

The reconciliation of work and family life includes statutory leave arrangements, flexible work organisation and working time arrangements that enable employees with caring responsibilities to have both a career and a satisfying private and family life. It further includes opportunities to return to paid employment for those who have left the labour market to raise children and/or care for family members. It also includes provisions to protect against discrimination. It is a focus for equality bodies in their work on the ground of gender and, in some instances, on the ground of family status.

Some equality bodies are concerned to address the broader issue of work-life balance. This adds further aspects of non-working life such as personal life, social life and community life to the dimension of family life. Work-life balance includes measures for workplace flexibility and supports that enable people to combine priorities in their life outside work with their work responsibilities. It is a focus for equality bodies in their work on the ground of gender, age, disability, sexual orientation, religion or belief, and racial or ethnic origin.

EU context for reconciliation of work and family life and work-life balance

Article 33 of the Charter of Fundamental Rights is dedicated to family and professional life. It provides that ‘to reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child’.

The Recast Directive¹ provides for the principle of equal treatment between women and men. The definition of discrimination in article 2(2)(c) includes ‘any less favourable treatment of a woman related to pregnancy or maternity leave’. Article 4(1)(a) of the Goods and Services Directive² provides for the protection of pregnancy and maternity rights outside the workplace. Article 4(2) provides that ‘this Directive shall be without prejudice to more favourable provisions concerning the protection of women as regards pregnancy and maternity’. These Directives underpin the work of equality bodies on reconciliation of work and family life and work-life balance.

There have been a number of recent developments at EU level that are relevant in considering the work of equality bodies on reconciliation of work and family life and work-life balance. The European Commission Communication on “A better work-life balance: Stronger support for reconciling professional, private and family life”³ in 2008 included proposals to legislate

¹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ [2006] L204/23.

² 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 [2004] L373/37.

³ EU Commission, COM(2008) 635.

for improvements in maternity leave, to legislate for maternity leave for self employed women, to work with the social partners for a new Parental Leave Directive, and to take steps to stimulate progress on 2002 Barcelona targets on childcare provision. Progress on these proposals has not been easy.

The European Commission's proposal for a new Directive⁴ on maternity leave includes measures for a longer period of fully paid maternity leave and a new period of paternity leave but it remains stalled in the European Council.

The Self-Employment Directive 2010/41/EU⁵ replaced Directive 86/613/EEC in 2012. It requires Member States to take the necessary measures to grant women self-employed workers and women assisting spouses or life partners the right to a maternity allowance for at least 14 weeks. However, it is left to Member States to decide whether the allowance is granted on a mandatory or voluntary basis.

The Parental Leave Directive 2010/18/EU⁶ replaced Directive 96/34/EC. It includes a non-transferable extra month of leave as an individual right, bringing the total leave for each parent up to four months from the previous three allowed. This means that the father can now only transfer three of the four months to which he is entitled to the mother. The fourth month is lost if not taken by the father.

Equal economic independence, which includes a focus on reconciliation of work and family life, is one of the six key policy areas in The Strategy for Equality between Women and Men 2010 to 2015 of the European Commission⁷. In the Strategy the European Commission highlights that 'the impact of parenthood on labour market participation is still very different for women and men in the EU today because women continue to shoulder a disproportionate part of the responsibilities involved in running a family. Many women feel that they have to choose between a career and their children. Current demographic trends also mean that women and men increasingly have to care for dependants other than children'. The strategy makes commitments to address remaining gaps in entitlement to family-related leave, notably paternity leave and carers' leave, and to report on Member State's performance with regard to childcare facilities.

The European Commission published a study by the European network of legal experts in the field of gender equality on 'Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood' in 2012⁸. This includes among its conclusions that:

⁴ Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, COM(2008) 637.

⁵ Council Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

⁶ Council Directive 2010/18/EU of 8th March 2010 implementing the revised Framework Agreement on Parental Leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.

⁷ European Commission, 'Strategy for equality between women and men 2010-2015', COM(2010) 491.

⁸ Masselot A., Caracciolo Di Torella E., & Burri S., Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood - The application of EU and national law in practice in 33 European countries, European Commission, 2012.

- A set of relevant statutory rights is now in place at domestic level: this is clearly the case for pregnancy and maternity rights, although on some occasions fathers are not expressly included. However, in spite of the existing rights and good practices, discrimination still occurs in practice.
- Awareness of the relevant rights in some Member States is very low. In other Member States, individuals prefer not to initiate litigation because they fear possible adverse consequences. In other instances, the costs of starting litigation are simply too high.
- Although traditional roles are increasingly challenged, the male breadwinner's role is still firmly entrenched in certain domestic policies and legislative agendas. Traditional ideas and cultural ideologies remain widespread: in many countries it is a common attitude to consider women fully responsible for the day-to-day care of their children.
- The lack of relevant services, such as nurseries and kindergartens, strengthens the strict division of roles within the family.
- There is a need to address the broad gap between the letter of equality law and discriminatory practices. There is value in complementing individual rights with systematic monitoring which would lead to effective sanctions for breaches of equality rights uncovered.

Rationale for an Equinet policy perspective

Reconciliation of work and family life and work-life balance are issues of concern to many equality bodies and have been a focus for important initiatives by a number of equality bodies. However, it is clear that a large number of equality bodies have not seen these as priority issues on which to concentrate any significant amount of resources. In part this is due to a lack of resources, in part it could be due to identifying these issues as lying beyond a mandate that is focused on combating discrimination.

Reconciliation of work and family life, however, lies at the heart of any ambition for gender equality. It enables a more effective participation in and contribution to the workplace by women and men with caring responsibilities. In a context where caring responsibilities are unequally shared between men and women, a focus on reconciliation has particularly enabled greater participation by, and equality for, women in the workplace and in the labour market.

Work on this issue by equality bodies has involved a particular focus on eliminating discrimination where women have been denied access to the workplace or had their working conditions diminished on foot of their pregnancy or of their taking up maternity leave. It has gone further to include work on combating gender stereotypes that assign particular roles to men and women, on promoting a focus on the different experiences and situations of women and men in the design and provision of statutory leave arrangements, on supporting access by men to flexible working arrangements and statutory leave provisions, and on advancing equality for women by supporting workplace flexibilities that enable their remaining in or returning to the workplace.

Reconciliation of work and family life also opens up the broader field of work-life balance. This includes a focus on reconciliation of work and family life but expands this to encompass the full spectrum of life experiences. Work-life balance lies at the heart of workplace equality on the gender ground and across all the other grounds of discrimination. It has a particular importance for people with a disability; older people; lesbian, gay and bisexual people in same sex couples; people seeking to fulfil various religious obligations; and minority ethnic people responding to diverse cultural imperatives.

Work on this issue by equality bodies involves a focus on what is in effect ‘making reasonable accommodation’ for a range of different groups in the workplace. This is a legal imperative on the ground of disability and a focus for significant casework by equality bodies. It also includes work to support workplace flexibilities that enable participation by these different groups in the workplace and that contribute to greater labour market equality on these different grounds.

The purpose of this *perspective* is, therefore, to support equality bodies to take up work on these issues, to further develop their work on these issues, and to deepen their contribution to combating discrimination, to gender equality and to equality on a range of other grounds through peer learning on progress made by equality bodies in different jurisdictions on these issues. It will also enable and shape Equinet’s contribution to supporting the work of equality bodies on these issues and to contributing the learning from this work to policy formation as appropriate.

This Equinet *perspective* is based on a roundtable discussion of the Working Group Policy Formation on the work of equality bodies on these issues and on a survey of Equinet members about their work on these issues. Sixteen equality bodies from fifteen countries provided responses to the survey⁹.

Drivers for action by equality bodies

The main driver for equality bodies to focus on reconciliation of work and family life and on work-life balance is their legal mandate and, in particular, their function to combat discrimination. This driver can be associated with a largely reactive approach by many equality bodies to the issues. Complaints of discrimination to the equality body are the stimulus to action. More proactive steps to prevent discrimination, however, are also reported.

There are legal mandates that support more proactive approaches by equality bodies to the issues. In Portugal, for example, the legal mandate for the equality body supports a preventative approach to discrimination. The Commission for Equality in Labour and Employment has the legal power to issue a mandatory legal opinion in situations where an employer refuses an employee’s request to use part-time and flexitime where the employee

⁹ Austria, Belgium, Croatia, Denmark, Finland, France, Hungary (2), Ireland, Latvia, Malta, Portugal, Romania, Serbia, Slovakia, and Slovenia

has one or more children under twelve years of age. Employers must request the opinion and the opinion is binding.

This driver is related most specifically, but not exclusively, to the gender ground. In four instances (Austria, Hungary, Ireland, and Malta) the equal treatment legislation, in addition to the gender ground, is reported to make specific reference to a prohibition of discrimination:

- In relation to family status or whether the person has children (Austria).
- In relation to harmonising the duties of work and of family life and in relation to requests for parental leave in order to increase the time available for caring for children (Hungary).
- On a specific family status ground (Ireland).
- On a specific family responsibilities ground (Malta).

Equality, specifically the promotion of gender equality, is identified in three instances as the main driver for the equality body's work on these issues. This driver is associated with a more proactive approach by equality bodies. The problems addressed by these equality bodies include not only discrimination but also the gendered roles of women and men, both in the workplace and within households, and the stereotypes of women and men prevalent in society. This driver also reflects the mandate of the equality bodies as it encompasses the promotion of equality as well as combating discrimination.

Issues addressed in the work of equality bodies

Six connected issues can be identified from the work of the equality bodies on reconciliation of work and family life and work-life balance. These relate to discrimination, gender mainstreaming, culture, workplace practice, care infrastructure, and diversity.

In relation to **discrimination**, the equality bodies report:

- High levels of pregnancy related discrimination.
- Discrimination in connection with taking up leave arrangements.
- Denial of rights in access to statutory leave arrangements.
- Discrimination, where there are relevant provisions in equal treatment legislation, in access to flexible working arrangements.

Most equality bodies highlight significant levels of under-reporting of these different forms of discrimination. This is despite, in some instances, equality bodies dealing with a significant level of casework on pregnancy related discrimination.

While women predominantly report this discrimination, equality bodies note discrimination reported by men in accessing leave arrangements or flexible working arrangements.

In relation to **gender mainstreaming**, equality bodies have taken up a range of policy issues including:

- Legislation on statutory leave arrangements that is seen to reflect and underpin gender stereotypes and the gendered roles ascribed to men and women. The lack of paternity leave for men and the failure to design leave arrangements in a manner that secures take-up by men have been a particular focus.
- Active labour market measures that are seen to fail to mainstream a focus on gender and caring responsibilities. This results in labour activation measures that are not designed to enable reconciliation of work and family life or work-life balance and run counter to gender equality commitments.

In relation to ***culture***, equality bodies have challenged:

- Gender stereotypes that assign gendered roles to women and men from an early age.
- Workplace cultures that make it difficult for men in particular to request flexible working arrangements or to take up statutory leave provisions.
- The unequal sharing of caring, housework and paid work between women and men.

In relation to ***workplace practice***, equality bodies have promoted and supported:

- Workplace practices that offer flexibility to enable employees to balance work with their caring responsibilities or with other needs.
- Management skills in providing and managing flexible working arrangements for employees.

In relation to ***care infrastructure*** equality bodies have been concerned to challenge limitations in the development and provision of care services:

- The inadequate provision from the caring infrastructure has been a focus for policy work by equality bodies. This issue has been taken up where the demand for services for children exceeds supply or where the costs are exorbitant. These issues are also relevant in relation to care for other family members.

In relation to ***diversity***, equality bodies have raised issues of the need to take account of the diversity among those with caring responsibilities and among those who need access to flexible working arrangements in the design of leave arrangements, flexible working arrangements and supports. This diversity includes:

- A social class issue to being able to afford the decrease in income that comes with certain flexible work arrangements. There are also issues of affordability in relation to the costs of care services for children and for other family members. As a result, the highly paid and the low paid can have different perspectives on reconciliation of work and family life and work-life balance.
- The gender pay gap, and the greater likelihood that women are in low paid work. As a result, women can be more likely than men to take up certain flexible work arrangements, as this ends up being most cost effective for the household.
- The need expressed by older people for flexible working arrangements in the period prior to retirement.

- The requirement from people of different religious beliefs for an accommodation for their religious obligations.
- The rights of people with disability in relation to reasonable accommodation of their individual needs to enable participation in the workplace.
- The needs of lesbian, bisexual, and gay employees for access to leave arrangements to be available for same-sex couples.

Change pursued by equality bodies

Equality bodies seek to achieve change through their work on reconciliation of work and family life and work-life balance. They define this change in different ways and with different levels of ambition. The change sought can be at:

- Societal level, in terms of changed culture.
- Institutional level, in terms of changed practices in the workplace and/or in terms of change in policies and legislation.
- Household level, in terms of the sharing of housework and caring responsibilities.
- Individual level, in terms of redress for discrimination.

The equality bodies identify six different change objectives for their work on these issues. These are to:

- Decrease discrimination.
- Increase access to the labour market for those with caring responsibilities.
- Change employer attitudes and employment practices.
- Reduce gender stereotyping.
- Prompt households to reconsider the distribution of paid and unpaid work.
- Advance gender equality.

The equality bodies identify different understandings as to how they see such change being achieved through their work. They deploy four different levers for change. The first two are seen as key levers for change.

Equal treatment law is, almost universally, seen as the first key lever for change. This relates in particular to seeking to decrease discrimination. Successful casework is identified as a significant stimulus for change. It also relates to seeking to change employment practices, especially where positive duties on employers are provided for in equal treatment legislation.

The promotion of role model organisations is identified as the second key lever for change. This relates in particular to change in employer attitudes, employment practices, management skills, and human resource policies. The provision of practical supports for good practice is seen as a key stimulus for the emergence of role model organisations and the further dissemination of good practice by these organisations. It also relates to providing

encouragement to employers to introduce flexible working arrangements and offering acknowledgement where they do so.

The gathering and presentation of evidence of discrimination and inequality is identified as important in shaping new policy and informing a changed public consciousness. Research and survey work is identified as an important stimulus for change.

Awareness raising and 'getting people thinking' is pursued as a valued lever of change. This change in awareness is sought from employers, policy makers, employees, those who experience discrimination and the general public. Making discrimination visible, promoting new forms of media debate and combating gender stereotypes are seen as important in this work.

The deployment of a strategic mix of these different levers for change is identified as the most effective means of contributing to change by a small number of equality bodies.

Actions taken by equality bodies

Casework

Discrimination and related legal casework is a common and significant focus for action on reconciliation of work and family life and work-life balance by equality bodies. There are high levels of pregnancy and maternity related discrimination reported. There is also discrimination reported against people:

- Likely to take up or seek flexible working arrangements.
- Who have taken up flexible working arrangements.
- Taking up and/or returning from leave arrangements.

Discrimination is also highlighted in relation to a failure to make flexible working arrangements available to an employee with caring responsibilities and unfair treatment at work due to family responsibilities. In certain situations and jurisdictions these are and can be considered a form of discrimination.

The discrimination in relation to these issues that is addressed by equality bodies is not confined to the workplace. Equality bodies also report responding to discrimination by educational establishments in relation to these issues.

Support good practice

Equality bodies report three different ways in which they support good practice in the workplace on reconciliation of work and family life and work-life balance.

First, equality bodies provide **advice and training** to employers and social partner organisations on their obligations under equal treatment legislation in matters pertaining to

these issues. This can be reactive in response to requests for information or proactive with the production and dissemination of information materials.

Secondly, **diversity and the accommodation of diversity** is a focus for some action on these issues by equality bodies. Equality bodies have promoted flexible working arrangements and the development of workplace cultures that are positive to this flexibility. Equality bodies have used funding schemes, training, guidance materials, peer learning opportunities and award schemes in pursuit of these goals.

Thirdly, **cooperation, platforms for dialogue and partnership arrangements** are used by equality bodies in supporting good practice on these issues. Key partners include companies and employer organisations, trade unions, associations concerned with gender equality, and policy makers or Government Ministries.

The Equality Authority in **Ireland** funded a large employers' association to develop a "Maternity and Parenting Toolkit" to address the difficulties experienced by women during pregnancy and maternity leave and to ensure the process was a positive one for employee and employer alike.

Experts from the Ombud for Equal Treatment in **Austria** support initiatives in enterprises when workers representatives or employers want to establish programmes for better work-life balance or reconciliation of work and family life.

The Institute for Equality between Women and Men in **Belgium** prepared a database on good practices by employers.

The Equality Authority in **Ireland** managed the work of a National Framework Committee for Work-Life Balance Policies for a number of years, up to 2010. This Committee involved employer organisations and trade unions and was chaired by a Government Department. The Equality Authority managed a scheme to fund consultancy support to enterprises and organisations from different sectors to develop and implement work-life balance policies in their workplaces.

The National Commission for the Promotion of Equality in **Malta** provides training on equal treatment to organisations that request such training. These include employers, employee associations, and managers. The training aims to empower them to support equal treatment and work-life balance in the workplace.

The Commission for Equality in Labour and Employment in **Portugal** developed a partnership project with companies to create a forum within which the companies would take on responsibility to promote gender equality in the workplace. Companies sign a membership agreement letter that commits them to develop and implement gender equality measures in their workplace with quantified targets. The equality body monitors the achievement of these targets. The measures are designed to address a range of issues including reconciliation between work, family and private life and the protection of maternity and paternity.

The National Commission for the Promotion of Equality in **Malta** implemented a pilot project on teleworking. This was preceded by a research initiative to analyse the utilization and sustainability of teleworking in different contexts. This demonstrated that teleworking contributed to improved work performance, diminished absenteeism and improved employee retention. The pilot teleworking project then enabled a number of public officials to work some days per week from home over a twelve month period. This was to demonstrate the benefits of this flexible working arrangement, to address any barriers identified and that teleworking was feasible. The project is now being followed up by the provision of training for managers to enable them to effectively manage teleworkers and to ensure sustainability to this practice.

The Institute for Equality between Women and Men in **Belgium** supported the Wo.Men@Work Award. This honours high-level managers of a company or organisation who proactively promote gender balance and are personally committed to guaranteeing an equal representation of women and men in top management in their company.

The National Commission for the Promotion of Equality in **Malta** manages the Equality Mark Certification. This acknowledges organisations that foster gender equality in workplace policies and practices. The reconciliation of work and family life is one of the criteria assessed by the National Commission for the Promotion of Equality prior to making an award. Organisations have to provide possibilities for men and women with caring responsibilities to remain employed or return to work through family friendly measures or other flexible working arrangements.

Policy work

Some equality bodies have engaged in policy work concerned with reconciliation between work and family life and work-life balance. The main focus for this work has been the provision and design of statutory leave entitlements for caring work.

There has been a particular concern demonstrated by some equality bodies to secure statutory leave entitlements that engage men in caring roles and that make reconciliation of work and family life an issue for both men and women. This has included policy work to secure the provision of paternity leave, the right of mothers to voluntarily share a portion of maternity leave with their spouse or partner, and provision of paid parental leave.

The Institute for Equality between Women and Men in **Belgium** published a report on “Paternity Leave in Belgium: The experience of the workers” which included recommendations to the authorities on the need to extend leave and make it more flexible and noted the absence of protection from dismissal in case of paternity leave.

The Equality Authority in **Ireland** made a submission to the Law Reform Commission in response to their consultation on legal aspects of family relationships. This called for the

introduction of paternity leave and for the right of mothers to voluntarily assign a portion of their maternity leave to their spouse or partner.

The National Commission for the Promotion of Equality in **Malta** contributed to the development of a Teleworking Policy in the Public Administration on foot of their pilot teleworking project. Ultimately, L.N. 312 of 2008 - Telework National Standards Order came into force. This set out the general framework for teleworking in the private and public sectors.

Research

Equality bodies have conducted research and surveys to:

- Identify the nature and scale of pregnancy related discrimination and action based on this discrimination.
- Establish the prevalence and type of flexible working arrangements made available by employers.
- Explore time use by men and women and the sharing of caring, housework and paid employment between women and men.
- Assess the business case for reconciliation of work and family life and work-life balance.

The Institute for Equality between Women and Men in **Belgium** published a study on “Pregnancy at Work: Experiences and barriers faced by women workers in Belgium”. This estimated that the percentage of women who have been victims of pregnancy related discrimination at 76.6%. Only 52.8% of the women who experienced some form of discrimination considered this to be a problem. This is related to the highly stereotyped roles of women and men.

The Equality Authority in **Ireland** has conducted significant research on pregnancy related discrimination. This work was done in partnership with the Crisis Pregnancy Programme of the Health Service Executive and involved three reports in 2011.

The findings of “Pregnancy at Work: A National Survey” included that unfair treatment was more common in organisations with few flexible working arrangements and without a formal equality policy and that women with higher earnings potential, better levels of education, and an employed partner are more likely to avail of the extended period of unpaid maternity leave and to receive top-up payments from employers while on maternity leave.

“Pregnancy Discrimination in the Workplace: Legal Framework and Review of Legal Decisions 1999-2008” provided a detailed profile of the characteristics of the women who brought the 54 cases examined, their employment and the nature of the workplace experience that led to the case.

“Pregnancy and Employment: A Literature Review” brought together evidence from national and international sources on pregnancy discrimination, the health consequences of working during pregnancy and the impact of having children on women’s future careers and earnings. The research reviewed made it clear that public policy makes a difference.

The Defender of Rights in **France** has carried out several surveys that identify discrimination on the ground of sex, marital status, or pregnancy and good practices by companies.

The Institute of Human Rights in **Denmark** is currently conducting a small study on how local authorities have followed up on discrimination cases brought against them. This study shows that the largest number of these cases regard pregnancy related dismissal. However, it would appear that the local authorities take no action based on a finding of discrimination and merely await some form of settlement that will be more to their advantage.

The National Commission for the Promotion of Equality in **Malta** carried out research in 2006 on ‘family friendly measures at the workplace’. This analysed the strengths and weaknesses, opportunities and challenges related to family friendly measures. It examined their accessibility and applicability, the effects of such measures on women’s aspirations, the commitments to and attitudes towards family friendly measures, and the benefits of these in the workplace.

The Commission for Equality in Labour and Employment in **Portugal** conducted a national survey on the use of time by women and by men. It is proposed to conduct a further study in 2014.

The Equality Authority in **Ireland** published research on “Gender Inequalities in Time Use” in 2008. Its findings included that, including paid and unpaid work and travel, women work on average around forty minutes per day longer than men. Men spent a lot more time on paid work, while women spent substantially more time on caring and housework.

The Institute for Equality between Women and Men in **Belgium** published a study “Gender and Time Use” in 2009. This analysed differences in time use in the field of employment and in the private sphere. It showed that women devoted one hour and 23 minutes more per week than men to care for and educate children and eight hours and 35 minutes more to housework, but were doing remarkably less paid work than men.

The business case for work-life balance was explored by the Equality Authority in **Ireland** in “The Business Impact of Equality & Diversity: The international evidence”. This was published by the Equality Authority and the National Centre for Partnership and Performance in 2007. It reviewed international evidence for the business case for workplace equality and diversity systems. One of its findings was that “there appears to be an uneasy relationship between the investment by employers in initiatives such as flexible working arrangements and their take-up by employees, despite the evidence that there are benefits for both employers and employees in such arrangements.

Communication work

Effective communication about reconciliation of work and family life and work-life balance is seen to have a particular importance for equality bodies where:

- Under-reporting of pregnancy related discrimination is prevalent. Communication about and media coverage of successful cases is indicated as a vital part of the response to under-reporting.
- There is limited provision of flexible working arrangements by employers, despite a clear business case for supporting reconciliation of work and family life and work-life balance, and there are specific barriers that inhibit take-up of flexible working arrangements, particularly by men. Communication to disseminate the business case for flexible working arrangements and to encourage take-up is identified as necessary.
- Widespread gender stereotyping influences the choices made by women and men and, ultimately the sharing of paid work, care and housework within households. Communication to challenge stereotypes and to make their implications visible is seen as important.

However, only a small number of equality bodies report dedicated communication initiatives in this field.

The Institute for Equality between Women and Men in **Belgium** developed a guide for women workers and employers. This provided a summary of legal steps to be followed in cases of pregnancy and maternity, and tips on responses to be developed within companies.

The Defender of Rights in **France** sought to raise awareness of both employers and those vulnerable to discrimination of pregnancy related discrimination through the publication and dissemination of a leaflet “Pregnancy without Discrimination”.

The Institute for Equality between Women and Men in **Belgium** conducted an awareness campaign on pregnancy related discrimination. This showed a pregnant woman’s and a fat man’s bellies accompanied by the slogan “Is a pregnant woman less productive than a man?” and the free phone number of the Institute.

The Commission for Equality in Labour and Employment in **Portugal** organised a national campaign to promote work-life balance among employees and employers. This lasted ten days and included a TV advertising spot, a radio advertisement and ten radio programs with testimony from people and companies about using work-life balance arrangements.

The National Framework Committee for Work-Life Balance, which was supported by the Equality Authority in **Ireland**, organised an annual Work-Life Balance Day. This included a public awareness campaign, media coverage and events to promote work-life balance.

The Institute for Equality between Women and Men in **Belgium** financed an information leaflet on the rights and duties of fathers with regard to leave.

The Equality Authority in **Ireland** published “An Introduction to Gender Equality Issues in the Marketing and Design of Goods for Children” in 2007. This established the need to challenge stereotyping from an early age in identifying how the marketing of toys reinforced gender stereotypes that, ultimately shaped views about the gendered division of housework and care.

Factors that enable or disable the work of equality bodies

Disabling factors

Given the mandate and focus of the work of most equality bodies, under-reporting emerges as a significant barrier to the scale and quality of their work on reconciliation of work and family life and work-life balance issues. All the equality bodies responding to the survey, bar one, report significant levels of under-reporting of pregnancy related discrimination. Fear of victimisation is identified as a key cause of this.

A number of equality bodies that have not taken up issues of reconciliation of work and family life and work-life balance point to their lack of human and financial resources as the main reason. Those that have taken up these issues report barriers due to the limited resources available to them.

In the current context of financial and economic crisis and high levels of unemployment, equality bodies report that social partner organisations and individual employers can be disinterested in taking action on reconciliation of work and family life and work-life balance issues. The take up of supports for action in these areas provided by equality bodies has diminished. National enterprises in some jurisdictions are notably less interested than multi-national corporations. Fiscal consolidation measures have impacted negatively on the supply of public sector care services.

The arena of private or family life can be seen as beyond the mandate of the equality body or any statutory intervention. This can limit equality body action on key issues relating to the distribution of paid work, care and housework within households. However, it was noted that this arena can be addressed indirectly by challenging stereotypes, making the unequal sharing of paid work, care and household work visible, and creating and influencing new choices for both women and men.

Enabling factors

A number of equality bodies note that the standing accorded to the equality body by key stakeholders and by the general public is an influential factor in the nature and impact of their

work on reconciliation of work and family life and work-life balance. The status of their recommendations or findings and the reputation of the supports they provide are key in enabling equality bodies to achieve change.

Four equality bodies report that their work on reconciliation of work and family life and work-life balance is to some extent driven by a mandate that explicitly includes reference to a family status ground or to a person having children or to harmonising work and family life alongside the ground of gender. While this is a small number of equality bodies, it could suggest that this more explicit mandate would be an important enabling factor for equality bodies to develop a focus on these issues.

Statutory obligations on employers in relation to flexible working arrangements and access to these arrangements influence the capacity of equality bodies to make an impact. These statutory obligations emerge as an important lever for change and have been used by equality bodies to build commitment by employers and engagement from social partner organisations on issues of reconciliation of work and family life and work-life balance.

Looking forward

Equality bodies

A number of equality bodies have developed a significant and broad body of work on reconciliation or work and family life and work-life balance issues. These equality bodies could usefully serve as role models to support a wider focus on these issues by other equality bodies. Equality bodies are challenged to develop their focus on these issues given their centrality to advancing gender equality, in particular, and equality on the other grounds of discrimination.

Equality and the structural nature of gender inequality are a focus for action on reconciliation of work and family life and work-life balance by some equality bodies. This is most evident in proposals that equality bodies have put forward in relation to legislation for leave arrangements, in research done on the gendered use of time, and in communication work to challenge gender stereotypes. In their work on reconciliation of work and family life and work-life balance, equality bodies could usefully develop initiatives that seek to contribute to change that advances gender equality and equality on the other grounds that are a focus in this work, and that addresses the structural nature of gender inequality and of inequality on the other grounds involved.

Equality bodies could usefully re-examine their work on these issues and the manner in which their work might best contribute to such change. This would include a review of the goals that guide their work on these issues, an exploration of how best to address the underlying causes of the discrimination they seek to combat in this area, and an assessment of the most effective combination of legal, policy, communication and practice support actions that they could deploy to achieve their goals.

Policy makers

Policy makers could usefully engage equality bodies in the planning and implementation of policies and programmes to support reconciliation of work and family life and work-life balance at Member State and European Union levels.

Legal duties on employers to consider or make accommodations for reconciliation of work and family life and work-life balance could be explored, developed and implemented. These obligations have been seen to offer valuable levers for change for equality bodies in advancing gender equality. Such obligations would build on the evident business case for such flexibility. They would play a valuable role in advancing the employment objectives established in the Europe 2020 strategy.

Policies and programmes to support reconciliation of work and family life and work-life balance could be further developed and enhanced. Significant gaps in these policies and programmes are evident from the work reported by equality bodies on these issues. Statutory leave provisions, flexibilities in the workplace, and care services could be a focus for this further development. Reviewing the positive contribution of current policies and programmes to gender equality, the elimination of gender stereotyping, equality between women and men in the sharing of caring responsibilities, and equality on other grounds could be the focus for their enhancement.

Notes

EQUINET MEMBER EQUALITY BODIES

AUSTRIA

Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.at

BELGIUM

Interfederal Centre for Equal Opportunities
www.diversite.be and www.diversiteit.be

BELGIUM

Institute for the Equality of Women and Men
<http://igvm-iefh.belgium.be>

BULGARIA

Commission for Protection against Discrimination
www.kzd-nondiscrimination.com

CROATIA

Office of the Ombudsman
www.ombudsman.hr

CROATIA

Gender Equality Ombudsperson
www.prs.hr

CYPRUS

Office of the Commissioner for Administration
(Ombudsman)
www.ombudsman.gov.cy

CZECH REPUBLIC

Office of the Public Defender of Rights
www.ochrance.cz

DENMARK

Board of Equal Treatment
www.ast.dk

DENMARK

Danish Institute for Human Rights
www.humanrights.dk

ESTONIA

Gender Equality and Equal Treatment Commissioner
www.svv.ee

FINLAND

Ombudsman for Equality
www.tasa-arvo.fi

FINLAND

Ombudsman for Minorities
www.ofm.fi

FRANCE

Defender of Rights
www.defenseurdesdroits.fr

GERMANY

Federal Anti-Discrimination Agency
www.antidiskriminierungsstelle.de

GREECE

Greek Ombudsman
www.synigoros.gr

HUNGARY

Equal Treatment Authority
www.egyenlobanasmod.hu

HUNGARY

Office of the Commissioner for Fundamental Rights
www.ajbh.hu

IRELAND

National Equality Authority
www.equality.ie

ITALY

National Office against Racial Discrimination - UNAR
www.unar.it

ITALY

National Equality Councillor
www.lavoro.gov.it/ConsiglieraNazionale/

LATVIA

Office of the Ombudsman
www.tiesibsargs.lv

LITHUANIA

Office of the Equal Opportunities Ombudsperson
www.lygybe.lt

LUXEMBURG

Centre for Equal Treatment
www.cet.lu

(FYRO) MACEDONIA

Commission for the Protection against Discrimination
www.kzd.mk/mk/

MALTA

National Commission for the Promotion of Equality
www.equality.gov.mt

MALTA

National Commission for Persons with Disability
www.knpd.org

NETHERLANDS

Netherlands Institute for Human Rights
www.mensenrechten.nl

NORWAY

Equality and Anti-Discrimination Ombud
www.ldo.no

POLAND

Human Rights Defender
www.rpo.gov.pl

PORTUGAL

Commission for Citizenship and Gender Equality
www.cig.gov.pt

PORTUGAL

Commission for Equality in Labour and Employment
www.cite.gov.pt

PORTUGAL

High Commission for Immigration and Intercultural Dialogue
www.acidi.gov.pt

ROMANIA

National Council for Combating Discrimination
www.cncd.org.ro

SERBIA

Commission for the Protection of Equality
www.ravnopravnost.gov.rs

SLOVAKIA

National Centre for Human Rights
www.snsip.sk

SLOVENIA

Advocate of the Principle of Equality
www.zagovornik.net

SPAIN

Spanish Race and Ethnic Equality Council
www.igualdadynodiscriminacion.org

SWEDEN

Equality Ombudsman
www.do.se

UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission
www.equalityhumanrights.com

UNITED KINGDOM - NORTHERN IRELAND

Equality Commission for Northern Ireland
www.equalityni.org



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