

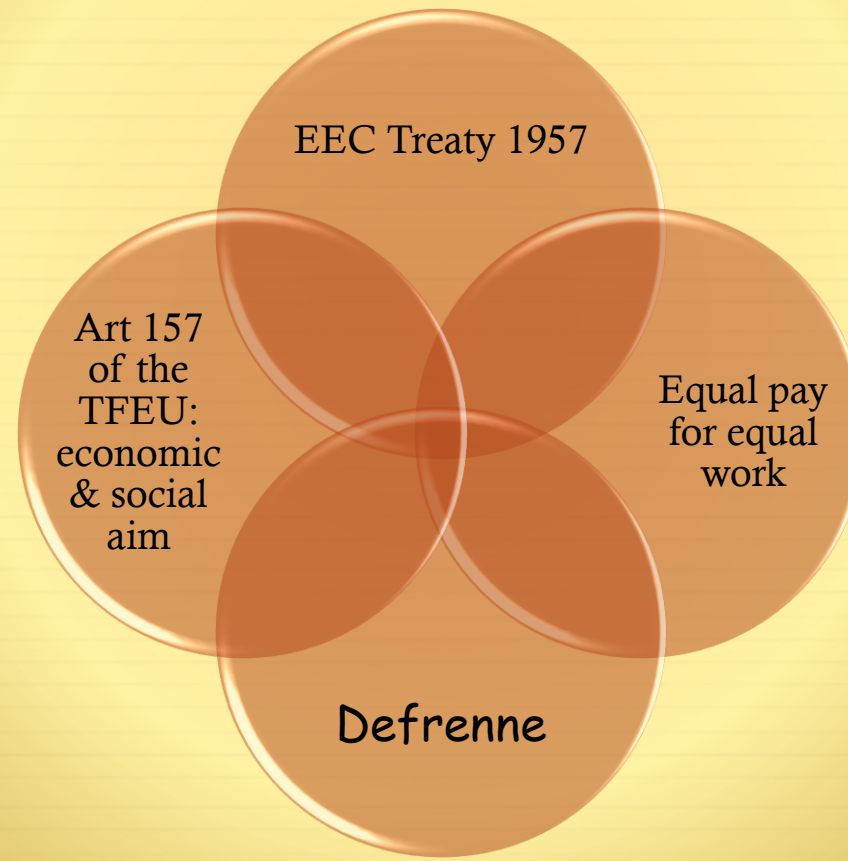


What legal and policy context is needed to complete gender equality legislation and implement it?

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(Cantab)

# PRINCIPLE OF EQUALITY



# LEGAL IMPLEMENTATION



- ✦ CONSTITUTIONAL PROVISIONS
- ✦ GENDER EQUALITY ACT (2008)
- ✦ ANTIDISCRIMINATION ACT (2008)
- ✦ LABOUR ACT

# SEX DISCRIMINATION IN EU FRAMEWORK



Action on LEGAL IMPLEMENTATION has a long history at European level, going right back to the beginnings of the European Community.



Since 1957, the EEC Treaty has contained a provision prohibiting unequal pay for men and women.



From 1975, the EU has issued several directives on sex discrimination and the European Court of Justice has given a great number of judgments on sex discrimination cases .

# “closed” or “open” system of grounds



- ◎ some states have what might be called a ‘closed’ system of grounds of prohibited discrimination (e.g. CROATIA) in which the listed grounds appear to be the only grounds in which discrimination is prohibited.
- ◎ Others (e.g. Poland) have a more ‘open’ system, where the list of grounds is either not given at all and discrimination is prohibited on any ground, or the state has adopted an approach to drafting closely related to the approach taken in the ECHR, where a list of grounds is specified but ‘any other status’ is included as well, thus bringing it closer to being an ‘open’ system in practice (e.g. Portugal).

# Gender stereotypes start from childhood



# Gender stereotypes-it is hard to eradicate “traditional stereotypes” – it takes generations



**Gender roles examined**



# Gender stereotypes – female body as a object





# Gender stereotypes

Disney princess



Disney princes



# Gender stereotypes – film & marketing industry



# Gender stereotypes at the labour market




# Gender stereotypes – in media



# Gender stereotypes – traditional match making – broken system of moral values




# PROBLEMS AT EU LEVEL



- ✦ Despite 58 years of European, legislation and policy development on equality between women and men, there is an implementation gap regarding economic, political and social equality between women and men.

# How much has really changed in women's lives these past 58 years?



- ✦ The persistence of gaps between women and men in the economic sphere is the sign of a dysfunctional labour market, which also is influenced by globalization – GLOBAL ECONOMIC CRISIS & AUSTERITY MEASURES
- ✦ While EU legislation has been instrumental in promoting gender equality and women's rights in Member States and accession countries, **the binding legal instruments do not address the obstacles and inequalities that women confront in the private sphere.**

# NATIONAL LEGISLATION COVERS THE FOLLOWING AREAS





# WHAT IF NATIONAL LAW IS NOT IN ACCORDANCE WITH EU GENDER EQUALITY LAW?

If the European Commission believes that an EU-country has breached EU law it is entitled to initiate an 'infringement procedure' under article 258 of the Treaty on the Functioning of the European Union (TFEU).

For each EU directive passed, a deadline will be set for the transposition of its objectives into national law and all EU-countries are legally obliged to meet the deadline, unless an agreed alternative or exception is made.

# GENDER PAY GAP



# BOY OR GIRL EQUAL OPPORTUNITIES?



# BOY OR GIRL EQUAL OPPORTUNITIES?

✦ These babies are born with equal opportunities, but the educational and career expectations for boys and girls are different.

✦ **If nothing has changed by the time they grow up, the boy will be earning on average 16 % (18% in Croatia) more than the girl.**

# IS OUR WORK VALUED THE SAME?



# IS OUR WORK VALUED THE SAME?

✦ Women have as good or better qualifications than men, but often their skills are not valued the same as men's and their career progression is slower.

✦ **AVERAGE GENDER PAY  
GAP IN THE EU**

✦ **16%**

# Will having a child harm my career?



- ✦ Family responsibilities are not equally shared.
- ✦ As a result, women have more frequent career breaks and often do not go back to a full time job.
- ✦ **women earn on average 18 % less per hour than men;**
- ✦ **higher proportion of female part-timers.**

# SAME JOB, SAME PENSION?





# SAME JOB, SAME PENSION?



- ✦ Many EU Member States still have not individualised their tax, benefit and pension systems; this reinforces women's economic dependency and constitutes direct discrimination.


# SAME JOB, SAME PENSION?

The combined effect of lower hourly wages for women with women working fewer hours than men over their lifetime, results in lower pensions.

This leads to more women than men experiencing poverty in old age.

**DIRECT DISCRIMINATION**

# The guarantee of equal pay for equal work is still far from being achieved



- ✦ This situation is due to a number of structural problems of direct discrimination against women, sectoral and occupational gender segregation, gender-specific employment patterns (part-time work for example), structural inequalities in access to education and training, biased evaluation and pay systems, and stereotypes.
- ✦ Equal pay legislation, equal opportunities policies and relevant wage policies are neither effective nor adequate
- ✦ **RECOMMENDATION:** cooperation with the labour inspection in the area of equal treatment including equal pay

# Recommendations



**specific positive actions**

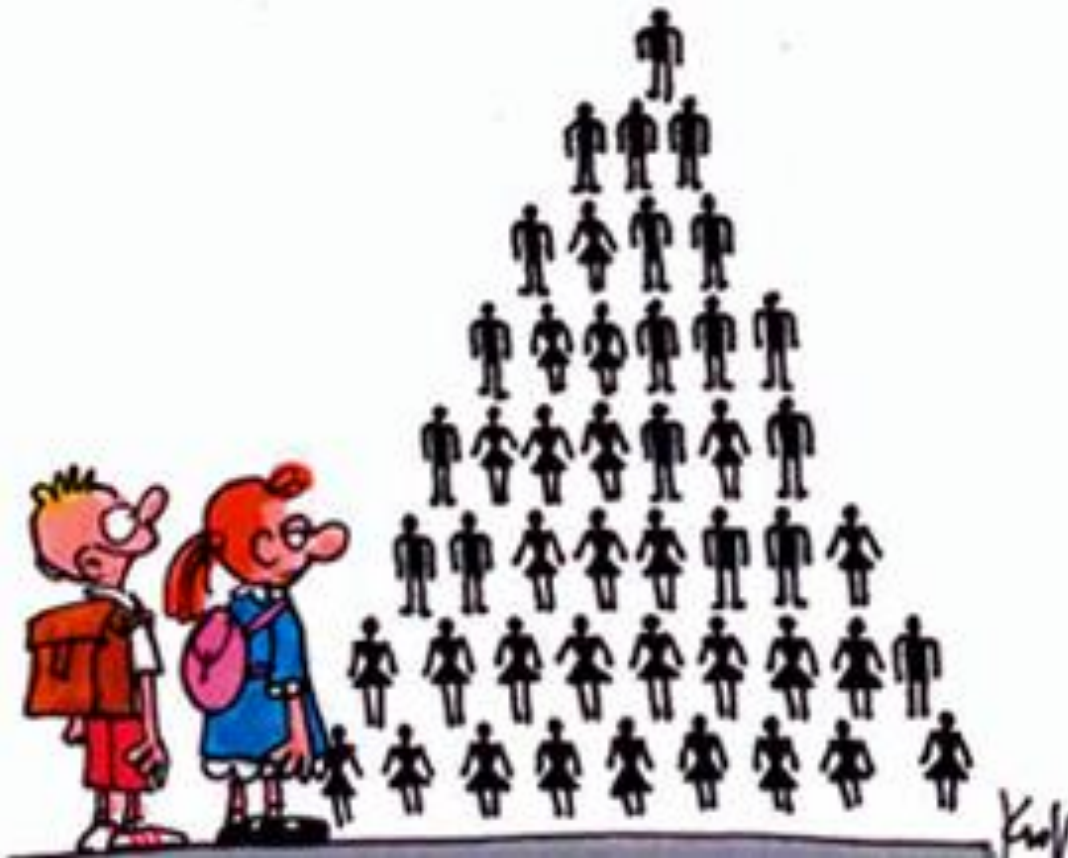
**concrete objectives and timetables on the closing of the gender pay gap are required.**

**Effective institutional mechanisms for closing women's pay gap must be instituted, and active involvement of social partners and women's organisations is a prerequisite.**

**An exchange of innovative policy initiatives amongst Member States is needed to support progress.**

EU and national legislation regarding equal pay for equal work or work of equal value is quite extensive, but the effectiveness of its enforcement is problematic. Rules of procedure are missing on how to compare jobs in an objective manner, and **job evaluation systems used often discriminate against women directly or indirectly.**

# GENDER IN DECISION MAKING – GLASS CEILING



# WOMEN @ LABOUR MARKET

**progress in eliminating gender inequalities remains slow.**

**Women's employment rate is decreasing due to austerity measures**

**Economic independence is a prerequisite for enabling both women and men to exercise control over their lives and to make genuine choices.**

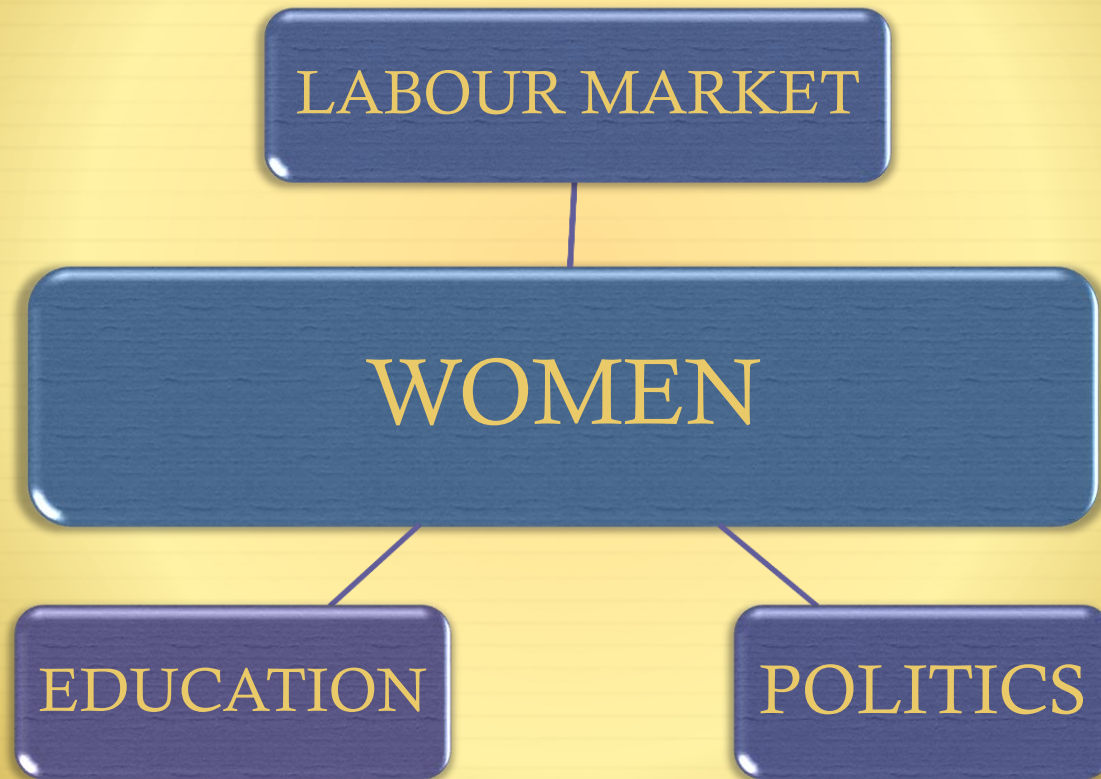
# CHANGING THE TRADITIONAL ROLES

ECONOMIC  
GROWTH

AWARENESS  
RAISING

INCREASED  
PARTICIPATION  
OF WOMEN IN  
THE LABOUR  
FORCE

# CHANGING THE TRADITIONAL ROLES IN:





# IDENTIFIED PROBLEMS

labour market participation of older women,

single parents, women with a disability,

POSITIVE  
ACTION  
MEASURES  
NEEDED

Direct discrimination of pregnant women

Direct discrimination of women from ethnic minorities.

# The impact of parenthood on labour market participation



Nearly 60% of university graduates are women,



Mostly in low wage sectors - health, education and welfare sectors.

# GENDER BALANCE IN DECISION MAKING



# reasons for the under-representation of women in power and decision-making????



LEADERSHIP  
POSITIONS

BUSINESS

POLITICS

# DID YOU KNOW????



✦ In CROATIAN  
Parliament, 24%  
members are women  
(2011).

# IN BUSINESS???

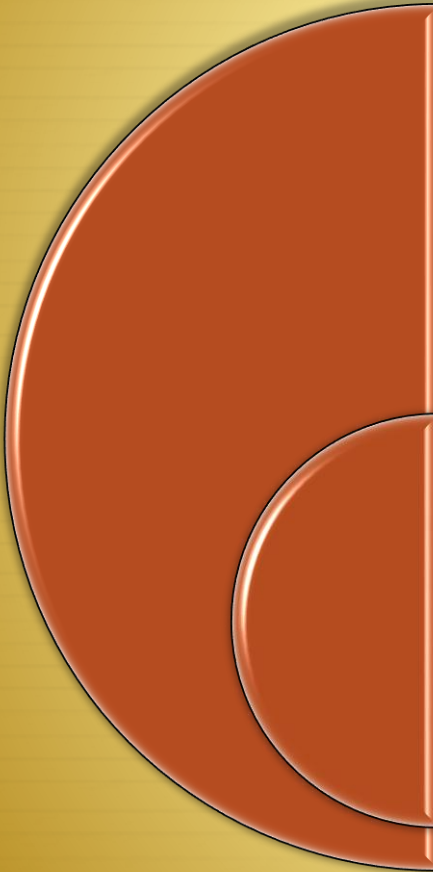


Even  
worst!!!!!!!



**23% @top  
management positions  
(GEO research).**

# OMBUDSPERSON FOR GENDER EQUALITY



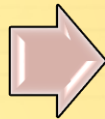
POSTIVE EXAMLE OF AN  
EFFICIENT INSTITUTIONAL  
MECHANISM

DEALS DIRECTLY WITH  
VICTIMS

# GEO powers.....



CONDUCTING  
INQUIRIES ON  
COMPLAINTS



ENTITLED TO  
INSPECT  
OFFICIAL  
DOCUMENTS



REQUEST  
AUTHORITIES  
TO PROVIDE  
EXPLANATIONS



# GEO powers



Need to be extended

More active approach in judicial procedures

Increased budget

More active role in implementation of gender equality policies

Strengthening networking with executive, legislative and judicial power

# GEO examples of good practice

Increased public awareness – presence in media

Successful dealing with complaint & participation in court proceedings (5)

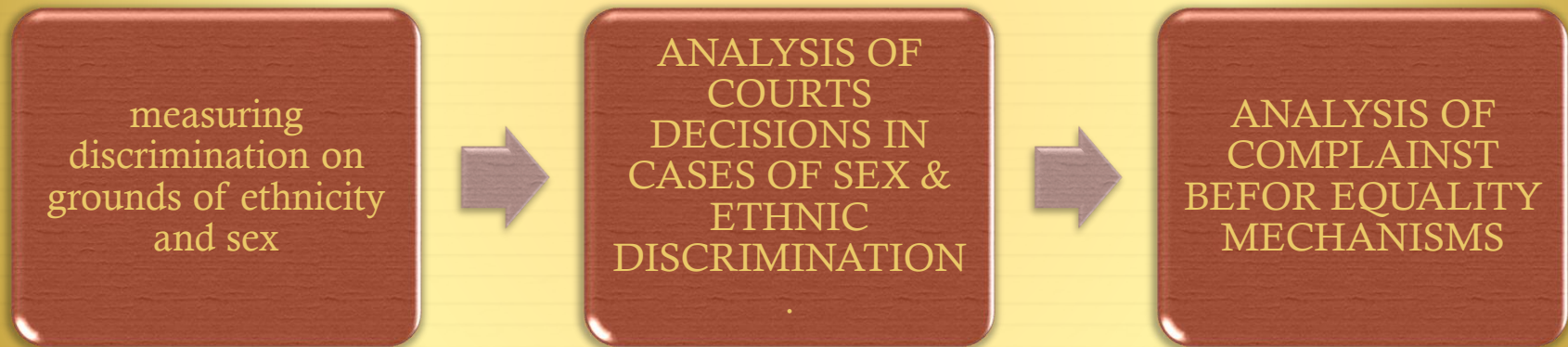
Necessity for extending powers – creating quasi-tribunal body (similar to the Irish model)

# RECOMMENDATIONS



- ✦ **to adopt actions supporting women experiencing multiple social exclusion and discrimination, including targeted policy action for their inclusion in the labour market and supporting non-traditional and one-parent families.**
- ✦ **MONITORING - Deliver an analysis and strategic action plan on the reform of social protection systems in support of equality between women and men,**
- ✦ **Incorporate specific EU gender equality objectives in the field of health care**

# discrimination impact index



# discrimination impact index



- ✦ The importance of this study is to investigate whether the discrimination impact index can help in measuring discrimination, increase transparency and efficiency of reporting discrimination, awareness and tolerance of individuals about what really constitutes ethnic discrimination
- ✦ That would help eradicate the so-called dark figures or gray areas of discrimination.

# The specific methods, which would be applied in this research, are:



- ✦ critical analysis of different theories concerning ethnic and gender discrimination;
- ✦ comparative analysis of legal definitions of discrimination at the EU and level;
- ✦ analysis the legal documents, policies and case-law in the EU (Fundamental Rights Agency)
- ✦ interviewing relevant stakeholders who participated in shaping antidiscrimination policies and legislation.
- ✦ Interviewing randomly chosen citizens (measuring perception of discrimination)
- ✦ Development of Discrimination Impact Index using statistical tools

# CONCLUDING REMARKS

- ✦ There is no harmonization of enforcement mechanisms with regard to legal standing, class action and effective dissuasive sanctions.
- ✦ However, positive developments are court actions in cases of sexual orientation discrimination. Croatia, as a whole, is still considered to be relatively conservative, especially in public reactions regarding lesbian, gay, bisexual, transgender (LGBT) rights and visibility of LGBT people. - Act on registered partnership
- ✦ Problems in identifying indirect discrimination
- ✦ In terms of proving discrimination, national law is silent in respect of the use of shifting the burden of proof, including situation testing and the use of statistical evidence.
- ✦ Croatian law does not explicitly permit the use of situation testing and statistical evidence; it does not define it nor establish procedural conditions for or limitations to the admissibility of such evidence in court. However, there are no obstacles, in anti-discrimination law or in civil procedural legislation, for the use of both.
- ✦ Anti-discrimination policy shaped by national governments in Croatia has been proven to be inefficient and lacking important monitoring and evaluation mechanisms.