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Contribution ID: 6063b334-0786-4cd0-a314-3bd7486eeebb

Date: 25/12/2016 16:35:24

Consultation on the European Pillar of Social Rights

On the social situation and EU social "acquis"

1. What do you see as most pressing employment and social priorities?

Gender equality and anti-discrimination: Enforcing equal pay for equal work or work of equal value, closing the gender pension gap, analysing and tackling the gender impact of austerity politics and cutbacks to social rights, supporting female labour market participation and economic independence of women, ameliorating the work-life balance, implementing gender balanced leadership, tackling sexual harassment and harassment on the grounds of sex, fighting intersectional discrimination of women, fully implementing and effectively enforcing gender equality and anti-discrimination law.

2. How can we account for different employment and social situations across Europe?

By making social rights, social justice, anti-discrimination and gender equality priorities of European law and policies.

In the area of gender equality the EU has possibilities to take legal action based on Art. 157 TFEU, for example by taking action against the non implementation of the gender directive or implementing a directive on gender pay gap . Moreover it would be important to implement a binding mechanism for both the monitoring and implementation of existing and updated social rights, especially as regards equal opportunities, including female participation in the labour market and women in board and in management positions, fair working conditions, precarious work and adequate and sustainable social protection for women.

3. Is the EU "acquis" up to date and do you see scope for further EU action?

The EU "acquis" is not up to date. We need a horizontal anti-discrimination directive. We need full implementation and actual enforcement of gender equality and anti-discrimination

law. These rights and principles must not be hampered or suspended by austerity politics or severe social cutbacks. The CJEU has to employ a material and transformative gender equality approach and respect and comply with the CEDAW convention.

Moreover, further EU action could be taken by proposals based on Art. 153 and 157 TFEU. For example this could foster flexible working arrangements to facilitate work-life balance by allowing both people in employment and firms to adapt working schedules and patterns to their needs. (Wahlarbeitszeit) Member states should be encouraged to take steps to reduce fiscal disincentives to work for second earners and promote the economic independence of women.

On the future of work and welfare systems

4. What trends would you see as most transformative? [Please select at most three from the list below]

between 1 and 3 choices

- Demographic trends (e.g. ageing, migration)
- Changes in family structures
- New skills requirements
- Technological change
- Increasing global competition
- Participation of women in the labour market
- New ways of work
- Inequalities
- Other

5. What would be the main risks and opportunities linked to such trends?

The integration of (especially migrant) women into the European labour market is one of the main challenges for the next years. One of the main risks is that (especially migrant) women will only get jobs in fields of traditionally female occupations, namely in care work. As care work is still mainly done in part-time, with family-unfriendly working hours and conditions, poorly paid and without promotion opportunities, such an integration would reveal itself as another poverty trap for female (migrant) employees.

The overall rise of especially economic, social and gender-based inequalities in Europe is a threat for the future of the Union.

6. Are there policies, institutions or firm practices – existing or emerging – which you would recommend as references?

On the European Pillar of Social Rights

7. Do you agree with the approach outlined here for the establishment of a European Pillar of Social Rights?

- I strongly agree
- I agree
- I disagree
- I strongly disagree

Please specify:

For the issues that seem pressing to us, social rights must be given a more important weight. The existing EU law on gender equality and anti-discrimination has to be implemented and enforced. Gender equality has to be connected to the strategy Europe 2020. A new strategy for gender equality is necessary. It should be focused on the gender pay and pension gap, the gender impact of austerity politics and cutbacks to social rights, female labour market participation and economic independence of women, the work-life balance, gender balanced leadership, sexual harassment and harassment on the grounds of sex, as well as intersectional discrimination of women.

8. Do you agree with the scope of the Pillar, domains and principles proposed here? (If you wish to provide detailed comments on any of the 20 domains, please see the section "Detailed comments by domain" below)

	I strongly agree	I agree	I disagree	I strongly disagree
1. Skills, education and life-long learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Flexible and secure labour contracts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Secure professional transitions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Active support for employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Gender equality and work-life balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Equal opportunities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Conditions of employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Wages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Health and safety at work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Social dialogue and involvement of workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Integrated social benefits and services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Health care and sickness benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Pensions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Unemployment benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Minimum income	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Disability benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Long-term care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Childcare	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Access to essential services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there aspects which are not adequately expressed or covered so far?

The impact of the EU competition law is not covered so far. We need a competition law that takes into account, if a company provides social benefits like a company Kindergarten or other caring activities. For example it would be helpful to implement an incentive for offering social benefits in public tendering procedures. Today companies that offer additional benefits will not win tendering procedures being more expensive due to their social engagement. Therefore it is necessary to have the European competition law in mind and to put this aspect in the scope of the Pillar.

Concerning No. 5: Art. 157 TFEU has to be mentioned as legal basis where the EU is competent to legislate.

Concerning No. 6: Without the actual enforcement of gender equality and anti-discrimination law and a material and transformative approach, equal opportunities remain a hollow promise.

9. What domains and principles would be most important as part of a renewed convergence for the euro area? (Please select maximum 5)

- 1. Skills, education and life-long learning
- 2. Flexible and secure labour contracts
- 3. Secure professional transitions
- 4. Active support for employment
- 5. Gender equality and work-life balance
- 6. Equal opportunities
- 7. Conditions of employment
- 8. Wages
- 9. Health and safety at work
- 10. Social dialogue and involvement of workers
- 11. Integrated social benefits and services
- 12. Health care and sickness benefits
- 13. Pensions
- 14. Unemployment benefits
- 15. Minimum income
- 16. Disability benefits

- 17. Long-term care
- 18. Childcare
- 19. Housing
- 20. Access to essential services

Comments:

The existing EU law has to be put into force. Gender equality has to be joined to the strategy Europe 2020. A new strategy for gender equality is necessary with the focus on the gender pay and pension gap, the gender impact of austerity politics and cutbacks to social rights, female labour market participation and economic independence of women, the work-life balance, gender balanced leadership, sexual harassment and harassment on the grounds of sex, as well as intersectional discrimination of women.

No. 2 and 18: Affordable and accessible childcare facilities and the offering of flexible and secure labour contracts will enable women to equally participate in the labour market and gain economic independence as basis for any other participation in society.

No. 8 and 15: The gender pay and pension gap will never close without strong enforcement of the principle of equal pay and minimum wages to stop a detrimental downtrading of wages, especially for „female“ work.

10. How should these be expressed and made operational? In particular, do you see the scope and added value of minimum standards or reference benchmarks in certain areas and if so, which ones?

For many years, the gender equality law and policies of the EU had been among their most innovative, regularly working beyond minimum standards. Since the financial crisis, policies and law enforcement in this field have been cut back below the minimum. Equality and social justice are the core of the EU, and moreover, equality is a very important economic factor. Rising inequalities are a major threat to the economic, social and political future of the EU.

It is important to enforce the principle of equal pay for equal work or work of equal value by gathering figures to verify inequalities. Therefore it is necessary to implement the duty on employers to pass standardised screening processes periodically. This is the first step to make unequal pay transparent and enables to react. This could be part of a directive on the gender pay gap. The second step should be the individual right to information about the wages for employees.

Women do not equally participate in the labour market and thus, do very often not enjoy economic independence. Fiscal disincentives to work for second earners play an important role in stabilizing this situation. Women are among the first to suffer from austerity politics

and social cutbacks which has to be restricted when causing severe inequalities and exclusion of women, especially those suffering from intersectional discrimination.

Concerning the working conditions, it is also important to provide for flexible working times due to family care (care for children and the elderly) and to improve the practices of promotion of women to crack the glass ceiling.

Detailed comments by domain

If you wish to provide detailed comments on any of the domains, please select one or more from the list below and fill the table(s) and comment box(es) underneath. (A detailed description of the domains and principles is available in the [Annex "A European Pillar of Social Rights – Preliminary Outline"](#) to the [Commission communication "Launching a consultation on a European Pillar of Social Rights", COM\(2016\) 127 final](#)).

- 5. Gender equality and work-life balance
- 6. Equal opportunities
- 15. Minimum income
- 20. Access to essential services

5. Gender equality and work-life balance

	I strongly agree	I agree	I disagree	I strongly disagree
Do you agree with the challenges described?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the principle addressing those challenges in the right way?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Should the EU act to put in reality this principle?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you have other comments or additional suggestions? For instance: how to address these challenges in the right way? How should the EU act to put in reality this principle?

Many of the challenges are described, but we are missing the whole field of gender balanced leadership. Also the equal pay gap should be emphasized for example by questioning why

professions mainly chosen by women are lower-paid. And as we have stated already, Art. 157 TFEU has not been mentioned as legal basis.

6. Equal opportunities

	I strongly agree	I agree	I disagree	I strongly disagree
Do you agree with the challenges described?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the principle addressing those challenges in the right way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should the EU act to put in reality this principle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have other comments or additional suggestions? For instance: how to address these challenges in the right way? How should the EU act to put in reality this principle?

Without the full implementation and actual enforcement of gender equality and anti-discrimination law, equal opportunities remain an empty promise. Moreover, the CJEU has to employ a material and transformative equality approach to further gender equality and to respect and comply with the CEDAW convention (especially in but not limited to gender quota cases).

15. Minimum income

	I strongly agree	I agree	I disagree	I strongly disagree
Do you agree with the challenges described?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the principle addressing those challenges in the right way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should the EU act to put in reality this principle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have other comments or additional suggestions? For instance: how to address these challenges in the right way? How should the EU act to put in reality this principle?

The gender pay and pension gap will never close without strong enforcement of the principle of equal pay and the overall introduction of minimum wages to stop a detrimental downtrading of wages, especially for „female“ work. Moreover, the guarantee of a minimum income avoids a situation in which female labour market participation turns out to be another poverty trap for (certain groups of) women.

20. Access to essential services

	I strongly agree	I agree	I disagree	I strongly disagree
Do you agree with the challenges described?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the principle addressing those challenges in the right way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should the EU act to put in reality this principle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have other comments or additional suggestions? For instance: how to address these challenges in the right way? How should the EU act to put in reality this principle?

As many women across Europe are caring for their families and feel or might be held responsible for daily life, they are particularly badly affected by the denial of access to essential services and the cutback of social services and social rights. It is time to acknowledge the gender impact of austerity politics and social cutbacks and to make gender equality a priority of European Law and policies again.

Ramona Pisal
President

Sabine Overköping
Chairwoman Commission European Law
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