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Leave no woman behind: a European regulation for a gender-responsive recovery

The COVID-19 crisis has exacerbated pre-existing inequalities, including gender inequalities. Indeed, the socio-economic consequences of the crisis have had – among other effects – a detrimental impact on women’s participation in the labour market. Moreover, the pandemic has given an unprecedented push to the spread of teleworking, which also had significant repercussions on women’s work-life balance and employment levels.

How is the EU trying to ensure that no woman is left behind during the recovery? In this briefing paper SOLIDAR gives an overview of the legislative and policy developments concerning women participation in the labour market introduced between 2020 and 2021 at EU level. At the end of the paper, we develop a set of recommendations for a gender-responsive future of work.





Introduction

As the COVID-19 pandemic keeps on affecting lives, jobs, and livelihoods in Europe and around the world, we can already see that its social and economic consequences are having a regressive effect on gender equality and women's participation at different levels: public, political, economic, in the labour market, etc. In an attempt to tackle this situation in Europe, several policy initiatives have been developed during 2020 and 2021, particularly in the social and employment fields at EU and national levels. In this briefing paper, SOLIDAR wants to give an overview of recent developments in EU legislation concerning the participation of women in the labour market, especially with respect to teleworking. Finally, we present a non-exhaustive set of policy recommendations. As the topic is in continuous development, this briefing paper aims to be a starting point for further explorations and debates on how to prepare the future of work, without leaving any woman behind.

While most people's lives and jobs have been negatively affected by the crisis, in general, women's jobs and livelihoods have been more affected by the COVID-19 pandemic because of pre-existing gender inequalities¹. Structural inequalities such as the existing wage gap (14,1% in 2019), overrepresentation among domestic and informal workers, as well as the uneven share of care and household responsibilities that fall on women, all contributed negatively to the situation of women during the pandemic². The downward trend for employment levels of women due to the pandemic has been severe: globally, 4.2% of women lost their jobs in 2020, compared to 3% of men.³ The European Union, despite positive pre-pandemic developments in the domain of gender equality⁴, did not manage to prevent women from suffering huge losses in terms of income and employment.

Women unemployment levels reached the peak of 8.1% at EU level in August 2020⁵, to then slightly recover in 2021, with 7.0% of women in the labour force unemployed in October 2021⁶. It is worth noting that, until the first quarter of 2020, the participation of women in the labour market had shown an increase since 2015⁷.

The importance of developing relevant and effective policies to improve participation of women in the labour market as a means to promote and achieve gender equality has time and again been stressed by the ILO, who, in a report following the 2008 financial crisis, highlighted that women employment levels recovered at a slower pace compared to other categories of workers.⁸ Without adequate proposals, attention, and research it is unlikely that women's employment levels would recover at a fast enough speed this time around either.

The recurrence of teleworking intensified at an incredible pace during the pandemic (it is estimated that before the pandemic only 15% of EU workers resorted to telework - while in 2020, the percentage reached more than 40%)⁹. Home-office arrangements, however, risk having a negative impact on women in general and disadvantaged women in particular. During the lockdowns and restrictions in mobility, increased levels of teleworking was paired with limitations of social contacts and activities, as well as the need for home-schooling, and the time allocated by women to unpaid domestic activities increased with it. This naturally added pressure on their opportunities to participate in the labour market, even forcing many to leave formal employment.

2022 will most likely be a period of continued change and adjustments in the labour market in the ongoing recovery process, and several policies are being developed with the aim of finding proper solutions. In order to avoid uneven recovery process and ensure wo-



men's labour rights, these policies must be gender-responsive to a much greater extent, and more specifically, in a context of increased teleworking and flexible working schemes, and the potential risk they carry for women. **SOLIDAR strongly believes that one of the key actions to undertake should be to find common ground on how to better regulate the conditions for working from home.**

The EU Trajectory:

At European level, the Commission has identified gender inequality as a major challenge and addressing this as key for achieving a Social Europe. Gender equality is found among the objectives to be reached by 2030, as outlined in the **European Pillar of Social Rights Action Plan**¹⁰. In particular, it sets **the target of halving the gender employment gap by 2030** (compared to 2019), while combating gender-based stereotypes and discriminations. The Plan also identifies the need to regulate the realm of teleworking with the aim of protecting workers' rights and their work-life balance. Still, it fails to stress the disproportionate effects that no - or a late - intervention would have on women's participation in the labour market.

In March 2020, the European Commission launched its five-year strategy for gender equality¹¹, hoping to close the gender pay gap and to push for new opportunities to mainstream gender equality into all new legislative initiatives. The **Gender Equality Strategy 2020-2025** sets out three main objectives to be achieved by 2025: **equal opportunities to choose personal and career paths, equal access to the labour market with fair and equal employment conditions**, and to ensure **fair representation of women in all sectors of society**. The Strategy aims to do so by featuring some existing plans, such as the proposal for a Directive for gender balance on boards¹² - proposed in 2012 and since then blocked by the Council¹³ - or the Directive requested by the

European Parliament to prevent and combat all forms of gender-based violence.¹⁴ Another objective of von der Leyen's Commission, is to ensure that the Istanbul Convention¹⁵, will be ratified by the last six European countries: Latvia, Lithuania, the Czech Republic, Slovakia, Hungary, and Bulgaria.¹⁶ The UK also signed but did not ratify the Convention.¹⁷ The Strategy also introduces the concept of intersectionality, understood – as the European Institute for Gender Equality puts it – as an “analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/ identities, and how these intersections contribute to unique experiences of discrimination”¹⁸.

One year later, in March 2021, the European Commission published its **Report on gender equality in the EU**¹⁹ which confirmed that women still **lack equal access to employment, as well as equal and fair working conditions**. In addition, it reports that the unequal gender distribution across sectors is another factor that disadvantaged women's participation in the labour market over the past couple of years. Specifically, women are overrepresented in low-paid sectors – therefore suffering greater financial instability and often economic dependence from others – as well as in some of the sectors which registered the highest economic damages due to the pandemic (e.g., hospitality, retail, and personal services). The Commission's Report also mentions the questionable effects that **teleworking arrangements have on women, as they have been shouldering the unforeseen increase in unpaid care and housework**. Notably, women with children had to oversee the latter while online schooling, and to provide for their basic needs.



The European Economic and Social Committee (EESC) recently adopted an **opinion on Teleworking and Gender Equality**²⁰, to raise awareness and draw EU institutions' attention to the risks connected to telework. Particularly, the EESC is concerned with the possibility that **telework exacerbates the unequal distribution of unpaid care and domestic work, which are more often borne by women**. What the opinion advocates for, is a complete debunking of gender stereotypes fostered by an economic model that relies on inequalities. These stereotypes not only are discriminatory but hinder a fair distribution of unpaid work within households. In addition, the EESC calls for a "Care Deal for Europe", in order to push European countries to provide more, accessible, and quality care services that would follow the individual throughout the whole life cycle, therefore lowering care responsibilities that are now carried out within households.

Finally, in June 2021, the Council of the European Union approved its **draft conclusions on teleworking**²¹ in which it calls member states to establish national strategies to address the topic, and to increase evidence-based research on the opportunities and risks related to it. SOLIDAR particularly welcomes the Council's request to taking into consideration the gender dimensions of the topic, and to consequentially amend and adjust existing national policies.

What we ask:

SOLIDAR welcomes the EU direction and its focus on a much-needed cultural turn to **remove structural barriers and obstacles to people's career and personal developments**; it is essential that European and national institutions keep up the pace and turn the concepts into legally binding actions in this momentum for action. As new generations are growing up with different sensibilities and levels of awareness on the topic of gender identities, roles, and

stereotypes these changes are essential to meet their expectations and ensure real and long-lasting changes. SOLIDAR also calls for **increased public investment in care infrastructures and services** (e.g., childhood and elderly care) as an indispensable precondition to ensure a fair recovery that does not leave any woman behind.

Given the current COVID-19 pandemic situation and its likely long-term effects, SOLIDAR also calls for the drafting of a consolidated and gender sensitive European framework on telework. A review of the **European social partners' Framework Agreement on Telework**²², negotiated in 2001, is necessary to include gender perspectives and considerations and to ensure a fair recovery that will not be based again on models that spread gender stereotypes and inequalities. Notably, teleworking arrangements have to be regulated so that they do not accentuate existing inequalities, nor increase a gendered division of tasks within households and families.

The European Commission should **promote research on the potential risks and challenges of teleworking with a special focus on the situation for women**. Disaggregated labour market data by gender and other relevant intersectional categories should be made available to support policymaking with evidence and enable civil society and social partners to monitor developments.

To conclude, SOLIDAR stresses the role and importance of social partners to achieve the aims of gender equality, and to this effect include gender perspectives in all negotiated agreements. In order for civil society organisations and the trade union movement at national and EU level to develop a common strategy and shared positions, more dialogue and cooperation in this field is recommended.



Further readings

European Commission, European Pillar of Social Rights Action Plan (2021): <https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/en/>

SOLIDAR, Social Rights Monitor 2021: <https://www.solidar.org/en/publications/social-rights-monitor-2021-the-state-of-social-rights-in-europe>

European Commission, European Strategy for Gender Equality 2020-2025: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152#footnote11>

EIGE, European Gender Equality Index 2021 Report: Health: <https://eige.europa.eu/publications/gender-equality-index-2021-health>

Footnotes

- ¹ Hupka, C. (2021) Covid-19 and gender inequality in Spain: <https://www.esade.edu/ecpol/en/publications/covid-19-gender-inequality/>
- ² EIGE (2021) Gender Equality Index 2021 – Time: <https://eige.europa.eu/gender-equality-index/2021/domain/time>
- ³ ILO (2021) ILO Brief: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_824865.pdf
- ⁴ EIGE (2020) Gender Equality Index: <https://eige.europa.eu/gender-equality-index/2020>
- ⁵ OECD (2021) Unemployment rate – monthly: <https://data.oecd.org/unemp/unemployment-rate.htm>
- ⁶ Eurostat (2021) Gender statistics – Labour market: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_statistics#Labour_market
- ⁷ OECD (2021) Unemployment rate – quarterly: <https://data.oecd.org/unemp/unemployment-rate.htm>
- ⁸ The ILO 2021 Brief reports that, after the economic and financial crisis of 2008, women’s employment levels took longer than those of men to recover. Therefore, we can expect to see a similar trend in the coming period. https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_824865.pdf
- ⁹ European Commission Joint Research Centre (2020): Telework in the EU before and after the COVID-19: where we were, where we head to: https://ec.europa.eu/jrc/sites/default/files/jrc120945_policy_brief_-_covid_and_telework_final.pdf
- ¹⁰ European Commission (2021) European Pillar of Social Rights Action Plan: <https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/en/>
- ¹¹ European Commission (2020) Gender Equality Strategy 2020-2025: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152#footnote11>
- ¹² European Commission (2012) Proposal for a Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures, COM/2012/0614 final - 2012/0299(COD) : <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52012PC0614>



¹³ European Parliament (2021) Legislative train schedule:

<https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-gender-balance-on-boards>

¹⁴ European Parliament (2021) Resolution on challenges ahead for women's rights in Europe: more than 25 years after the Beijing Declaration and Platform for Action:

<https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1651109&t=e&l=en>

¹⁵ Council of Europe – Istanbul Convention on violence against women: <https://www.coe.int/en/web/istanbul-convention/home?>

¹⁶ European Parliament (2020) Legislative train schedule: <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-accession-to-the-istanbul-convention>

¹⁷ Council of Europe – Text of the Istanbul Convention: <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

¹⁸ EIGE – Glossary: Intersectionality:

<https://eige.europa.eu/thesaurus/terms/1263>

¹⁹ European Commission (2021) 2021 report on gender equality in the EU:

https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2021_printable_en_0.pdf

²⁰ EESC (2021) Teleworking and gender equality - conditions so that teleworking does not exacerbate the unequal distribution of unpaid care and domestic work between women and men and for it to be an engine for promoting gender equality:

<https://webapi2016.eesc.europa.eu/v1/documents/EESC-2020-05159-00-01-AC-TRA-EN.docx/content>

²¹ Council of the European Union (2021) Draft Council conclusions on telework:

<https://data.consilium.europa.eu/doc/document/ST-9131-2021-INIT/en/pdf>

²² European Commission (2002) Social Partners' Framework Agreement on Telework:

<https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=10418&langId=en>



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