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EQUAL OPPORTUNITIES FOR MEN AND WOMEN IN THE LABOUR MARKET IN THE CONTEXT OF THE EU-GEORGIA ASSOCIATION AGREEMENT

Drafted by: Andrzej Adamczyk, member of the EESC

Introduction

Although there is a broad consensus on the need for women and men to enjoy equal opportunities and equal treatment on the labour market, just as in other areas of life, it is surprisingly difficult – for all countries, both within and outside the European Union – to achieve this objective. Such problems are generally not due to opposition to the relevant legislation; instead, they arise out of difficulty in effectively implementing this legislation. After all, no politician who does not want to risk immediately losing half of the electorate would publicly come out in favour of discriminating against women in any area whatsoever. Nonetheless, it is clear that the classic image of a widespread model of professional and family life – based on the belief that men should shoulder the main burden of supporting the family while women look after hearth and home – is still predominant. Although few would be willing to openly admit it, many people do think this way, which has obvious ramifications. Meanwhile, even in countries or settings where this kind of thinking has been practically wiped out and most people are genuinely against discrimination, employment and salary statistics clearly show that women and men who do the same job are paid different amounts (with women being paid less, needless to say); moreover, women are forced into lower-ranking roles.

There is, therefore, marked professional segregation in most countries' labour markets. One reason for this is a division into "male" and "female" occupations, with the pay for "female" occupations inevitably being lower – and this despite the fact that clear anti-discrimination regulations are in force. However, it is hard to apply these regulations in individual cases, which are usually settled in favour of men; thus the statistics show that traditional thinking has an enormous impact on labour market practices in spite of much vaunted claims of political correctness. Furthermore, schools of thought have recently emerged that aim to discredit political correctness as an externally imposed way of thinking that runs counter to local customs and traditions, one that aims to enslave thought and subjugate the general public to sinister and shadowy forces. Such currents – marginal phenomena until recently – are becoming more popular and more influential, and they are also having a chilling effect on the modernisation of anti-discrimination legislation and the adaptation of regulations to take

account of, for example, changes in the labour market. The situation is further aggravated by the fact that anti-discrimination regulations sometimes encompass various other discriminated groups, such as LGBT people, or issues that are not directly related to gender discrimination, e.g. sex education. These cases are often thought to be too sensitive, and the way they are raised sometimes offends the sensibility of different social groups: going beyond issues that are directly linked to gender equality – such as linking children's and young people's education to equality regulations – sometimes sparks off major ethical debates. The report on the EU Strategy for equality between women and men post 2015, discussed by the European Parliament in June 2015, is one example. While the result of the vote was positive, it revealed deep divisions among MEPs, as 341 voted in favour of the report and 281 against, with 81 abstentions. While issues directly linked to the principle of equality between women and men were uncontroversial, the report's inclusion of gender-related questions, broadly defined, caused a debate and an inconclusive vote. The most sensible course of action in this case would have been to leave such sensitive issues to be resolved at national level, in accordance with the subsidiarity principle, even at the risk of disparities emerging between different countries.

The European perspective

Equality between women and men is one of the European Union's fundamental principles and values. The principle of equal pay for equal work was laid down as early as the Treaty of Rome in 1957. This principle is now enshrined in Article 157 TFEU. The obligation to ensure equality between women and men in all areas, including employment, work and pay, is also set out in Article 23 of the EU Charter of Fundamental Rights. Provisions concerning equal treatment are set out in a range of supplementary legislation, including Directive 2006/54/EC, which brings together some older provisions. There is also a widespread belief that fully integrating women into the labour market is key to harnessing their enormous potential to be catalysts for increased economic growth. The Europe 2020 strategy aims to attain a 75% employment rate for both men and women between the age of 20 and 64 by 2020.

But despite institutional efforts at both EU and Member State level, and the significant progress that has been made in recent years, women continue to experience constant discrimination on the labour market. In 2014, the employment rate for women was 63.5%, which is 11.5% less than for men. Women are four times more likely than men to be employed part-time. Men and women work in different occupations and economic sectors, which can make it difficult for women to realise their full potential and also leads to a mismatch between their job and their skills and education. Women are more likely both to have jobs in less prestigious economic sectors and to have less lucrative positions. This contributes to unequal pay between women and men. In the European Union, women currently earn on average 16% less than men for every hour worked.

All of this clearly demonstrates that inequality between women and men on the labour market has not yet been eliminated, despite the fact that this goal is set out in the treaties, directives, the Charter of Fundamental Rights, and numerous provisions and strategies adopted at European and national level. Even the weightiest of documents sometimes betray the fact that pursuing the goal of equal treatment receives little more than lip service, with none of the necessary determination or any plan to actually achieve this aim. The Europe 2020 strategy can serve as an example of the lack of regard shown to gender equality issues. On this, the EESC noted that it was "essential to overcome the fact that the gender dimension is not specifically addressed in any of Europe 2020's seven flagship initiatives. The gender dimension should therefore be systematically incorporated into the National Reform Plans

(NRP) and the European semester, especially at a time when Europe's economic situation requires more effective policy implementation and the more efficient use of resources, recognising the detrimental effect of gender inequality on economic growth". The EESC also "highlights the importance of the commitment and involvement of the social partners at the European, national, regional and sectoral levels, and at all stages of implementation of the various policies, to ensure that the changes needed in gender equality take place in all European Union countries. Social dialogue and collective bargaining agreements are key instruments for complementing national reform plans with the gender dimension. The framework for gender equality measures adopted by the European social partners is an important example in this regard, which should be reflected in Europe 2020"¹.

Shortcomings in implementing legislation and failure to attain the goal of achieving equal treatment of women and men have been acknowledged, which is why the European Commission is also actively tackling this issue and has published a series of strategic documents to rectify the situation. First, the Strategy for equality between women and men 2010-2015 was implemented, and as the results were not fully satisfactory, the Commission published a document entitled "Strategic Engagement for Gender Equality 2016-2019", an extension of the planned actions. This document sets out the framework for the Commission's work and focuses its efforts on the following five priority areas:

- increasing female labour-market participation and achieving equal economic independence for women and men,
- reducing gender-related wage and pension gaps and thus fighting poverty among women,
- promoting equality between women and men in decision-making,
- combating violence against women and protecting and supporting victims,
- promoting gender equality and women's rights across the world.

The situation in Georgia

The Association Agenda dedicates just under two lines to equality between women and men; it speaks of enhancing "gender equality and ensuring equal treatment between women and men in social, political and economic life". This is understandable given that the constitution of Georgia guarantees equality between women and men; Article 2 of the Labour Code also prohibits discrimination of any kind, including gender discrimination. In addition, the law of March 2010 "on Gender Equality" sets out provisions that ensure equal rights, freedoms and opportunities for women and men both in general and in the particular context of industrial relations, and also lays down the legal mechanisms for implementing them in important areas of public life. The existing law is intended to prevent all forms of discrimination and to create the conditions for equality. Under this law, the state is responsible for ensuring equal employment opportunities for women and men. The state must guarantee:

- the freedom to choose a profession and place of work,
- professional support,
- vocational training,
- civil service positions on the basis of qualifications and professional abilities,
- equal treatment in evaluating the work performed.

¹ SOC/471.

Formally speaking, therefore, and from a legal point of view, equal treatment of women and men in Georgia is guaranteed. However, as in many other countries, the reality falls far short of these intentions. Women have a lower level of participation in the labour market than men, and are more likely to be employed in sectors and positions that pay less and offer much worse prospects for career advancement.

According to official statistics, 77.4% of men and 57.1% of women are in active employment, a difference of 20.3% (compared to 11.3% in the European Union). This is in spite of a higher proportion of women in tertiary education (56% women versus 44% men). This means that women have fewer opportunities than men to make the most of the potential given to them by their education. In 2014, the average monthly salary was 980 Georgian lari for men and only 618 lari for women – a difference of 37%.

Some occupations are traditionally regarded as more suitable for men or for women, which inevitably leads to horizontal segregation. The available data point to significant employment differences in some sectors according to gender and type of activity. For example, statistics from 2014 show that women accounted for 85% of those employed in education, 72.5% in health and social care and 61% in hotels and restaurants, whereas in "male" occupations, such as industrial production, they accounted for only 26.7%. Vertical segregation is even clearer, particularly as regards employment in decision-making roles. According to the Global Gender Gap Report 2015, women accounted for 34% of legislators, senior civil servants and managers. In other words, there are twice as many men in senior posts as women. Assuming a comparable level of education, these differences in employment profile and remuneration can only be explained by more or less conscious discrimination against women, despite all the legal guarantees that are supposed to prevent such situations arising.

There are a whole variety of reasons for discrimination against women in Georgia's labour market. Clearly, the difficult transformation of Georgia's economy from the centrally planned model to a market economy, and the related economic phenomena, have contributed to a worsening of women's situation. From the start of the economic reforms, restructuring processes and privatisation led to a significant widening of income disparities, as well as to changes in the structure of employment in the 1990s. These problems were compounded by the civil war, the influx of refugees and the occupation of part of the country's territory, which still continues today. All these problems led to massive unemployment, which had a much greater impact on women than on men. This can be partly explained by the fact that those areas of the economy traditionally considered as the preserve of women (the food industry, chemicals, clothing, the social sector) sustained the heaviest damage, and many firms simply closed. Notwithstanding the efforts made, women proved unable to find employment matching their level of education. Many of them found temporary or permanent employment abroad, often below their level of qualifications. Many found occasional employment in the informal sector, which grew rapidly. The squeezing out of many women from formal employment in the country not only meant that they were less well paid and protected, and deprived of labour rights. Perhaps the most serious consequence of unemployment, or employment in a different field, was the loss of acquired skills and labour market competitiveness. The effects of career breaks, which have mostly affected women, are still being felt today.

It is clear that the Georgian government, if only because of its European aspirations, as well as many civil society organisations, recognise the problem of unequal treatment of men and women and are making efforts to improve the situation. Success in this area has, however, been quite limited. For part

of Georgian society, gender equality is a foreign import that threatens the traditional Georgian way of life. This impression is reinforced by the observation that gender equality is being promoted, often very forcefully, by foreign organisations with the resources to finance anti-discrimination projects. The reluctance to identify the issue of equal treatment of men and women as a problem is so great that even senior women politicians publicly claim that the problem of gender inequality does not exist in Georgia. Persistent stereotypes concerning the role assigned to women and men in many areas of life, including in the labour market, and attitudes deeply rooted in culture and tradition have a considerable impact on people's different expectations of women and men, making it more difficult to achieve equality of opportunity. According to surveys, 88% of Georgians believe that "men should support their family", 66% of those polled think that "it is always better for the man to work and the woman to stay at home", while 79% think that "women should put family before career". Only 11% of respondents think that "women should make an equal contribution to the economic upkeep of the family". Attitudes of this kind mean that women occupy a subordinate position in society. Moreover, the ability of women to obtain decent work is highly correlated with the division of responsibilities within the family. Women are much more likely than men to have to choose between family and career. They also frequently bear a disproportionately heavy burden and do unpaid work, such as cleaning, preparing meals, looking after children or old or sick relatives, etc. This inevitably has a negative impact on their career opportunities and social status. Fewer opportunities in the labour market also have an impact in terms of unequal treatment in the family, as parents often expect more from their sons than from their daughters. Moreover, this results in teenage girls having lower occupational and social aspirations than their male counterparts.

The problem of women having fewer opportunities on the labour market, despite the formal legal right to equal treatment, is not unique to Georgia. It exists in most, if not all, EU countries. The difference is that in Georgia there is greater social acceptance of this situation and a widespread belief that legal guarantees solve the problem, and that there is no need for specific measures to raise social awareness or promote change in traditional ways of thinking. Formal compliance with gender equality standards is considered sufficient, and more ambitious expectations are seen as unwelcome interference in local customs and traditions and the artificial imposition of foreign standards of behaviour. Georgia is not alone in this kind of reaction to the recommendations of European or international organisations regarding the effective implementation of equal opportunities and treatment policy. As difficulties of this kind stem to a great extent from specific local cultural attitudes, civil society organisations have a special role to play. They have the greatest potential impact on public awareness and can play a role in educating people and shaping customs and the culture of social relations. The social partners have an essential role to play here, as they are able, through autonomous social dialogue, to establish mechanisms for the full integration of women into the labour market. This has both an ethical and an economic dimension and can make a significant contribution to stimulating economic growth.

Conclusions

The issue of equal treatment of women and men, equal opportunities and access to the labour market is a vital challenge facing all countries. It is also an economic challenge, since a higher female employment rate contributes to economic growth. In its opinion on Female employment in relation to growth² the EESC makes its views very clear:

² SOC/486.

- "Female employment should no longer be raised as another debate on gender equality, but instead as an economic imperative to bring prosperity and jobs to the European Union – a social necessity to face the challenges of demographics, social and environmental concerns to ensure sustainable growth.
- The increase in the employment rate of women has already significantly contributed to growth over the last 50 years. Yet, in order to fully use the potential of women's contribution to growth, more focused measures have to be implemented at both EU and national levels. It is nonetheless important to ensure that such policies are comprehensive and encompass not only the most obvious economic obstacles, but also tackle the domains of tax, benefit and pension systems, labour rights, decision-making, entrepreneurship, education, stereotypes and violence. It is also clear that both women and men must play their part if such multifaceted issues are to be solved. Women and men should also be involved in dialogue and cooperation among the relevant stakeholders and in the application of successful practices."

These recommendations relate of course to the European Union and its Member States, but are equally valid for Georgia. It is also clear that, despite the efforts of the Georgian government to meet the requirements arising from both the Association Agreement and the country's own laws, including the Constitution, it has not been able to put in place policies that fully meet the challenges faced by women. This situation arises above all from a lack of sensitivity to gender inequality issues that is entrenched in public attitudes, undermining the government's resolve, as well as from inadequate institutional capacity to tackle inequality, which is in turn partly a consequence of lack of experience. For example, the government's agenda and budget are not subject to an equal opportunities impact assessment prior to approval and implementation. As a result, government policy does not take account of gender inequality problems at the planning stage.

Consolidation and coordination of efforts are needed to ensure equal opportunities for women and men on the Georgian labour market. Both the government and local authorities should promote gender equality more vigorously, going beyond mere formal introduction of the principles of equality in law, and attempting, in cooperation with civil society organisations, especially the social partners, to create the conditions and momentum for a real increase in women's chances of finding decent, appropriately paid employment, and to bring their opportunities into line with those available to men. Implementation of equality law and projects aimed at bringing about equal opportunities must be accompanied by monitoring of the effectiveness of these measures. In addition, all government projects must be accompanied by an equal opportunities impact assessment and, if necessary, they must be systematically corrected. Such projects must take account of the existence and impact of stereotypes regarding the division of roles of men and women in society, and they should cover, *inter alia*, the following elements:

- collection of statistical data fully reflecting the effect of gender on people's social, financial and labour market situation,
- mainstreaming gender equality in government plans and policies,
- ensuring equal opportunities in education and vocational training,
- access to the labour market on equal terms, taking into account gender differences and ensuring genuine equality in terms of working time and remuneration,
- ensuring access to services enabling the reconciliation of work and family life,

- involving women in decision-making on an equal footing with men,
- ensuring universally accessible and affordable childcare, enabling both parents to work,
- preventing any kind of workplace discrimination, harassment or violence.

Offering women and men the opportunity for full, decent and productive employment is of key importance for creating the conditions for growth and development and for combating poverty.
