II

(Preparatory Acts)

COMMISSION

Draft Council Recommendation on the promotion of positive action for women

(COM(84) 234 final

(Submitted by the Commission to the Council on 26 April 1984)

(84/C 143/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft recommendation proposed by the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas various actions have already been undertaken at Community level to promote equal opportunities for women, in particular the adoption by the Council, on the basis of Articles 100 and 235 of the Treaty establishing the European Economic Community, of Directives 75/117/EEC (1), 76/207/EEC (2) and 79/7/EEC (3) concerning equal treatment for men and women; whereas work is currently under way with a view to the adoption of other legal instruments;

Whereas Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions provides, in Article 2 (4) , that it shall be without prejudice to measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect women's opportunities in the areas referred to in Article 1 (1);

Whereas existing legal provisions on equal treatment, which are designed to afford rights to individuals, are inadequate for the elimination of all *de facto* inequalities unless parallel action is taken by governments, social partners and other bodies concerned, to counteract the prejudicial effects on women in employment which arise from social attitudes, behaviour and structures;

Whereas the Council resolution of 12 July 1982 (4) on the promotion of equal opportunities for women approves the general objectives of the new Community action programme on the promotion of equal opportunities for women (1982 to 1985), namely the stepping up of action to ensure observance of the principles of equal treatment and the promotion of equal opportunities in practice by positive action (action B of the programme), and expresses the will to implement appropriate measures to achieve these objectives;

Whereas, in a period of economic crisis, the action undertaken at national level and Community level should be not only continued but also intensified with a view to promoting the achievement of equal opportunities in practice through the implementation of positive actions, more especially in the fields of equal pay and equal treatment as regards access to employment, vocational training and promotion, and working conditions,

HEREBY RECOMMENDS TO MEMBER STATES:

A. to adopt a strategy on positive action, designed to eliminate *de facto* inequalities affecting women in working life and to promote desegregation in the labour market.

And for that purpose:

B. 1. To adopt and promote appropriate measures of positive action taking account of national practices and provisions, in order:

(1) OJ No L 45, 19. 2. 1975.
(2) OJ No L 38, 14. 1. 1976.
(3) OJ No L 6, 10. 1. 1979.

(4) OJ No C 186, 21. 7. 1982.

(a) to counteract or compensate for the prejudicial effects on women in employment or seeking employment which arise from existing social attitudes, behaviour and structures based on a perceived division of roles in society between men and women;

(b) to encourage the participation of women in all occupations and sectors of working life where they are at present under-represented and at all levels of responsibility.

2. To ensure that such measures are taken in:

(a) the public sector,

(b) all agencies concerned with vocational guidance, training or placement;

that such measures are promoted in:

(c) the private sector;

(d) organizations representing employers, workers and the self-employed, including such organizations in the agricultural sector;

and that such measures are made known to:

(e) women and particularly young women and women seeking employment;

(f) the public at large.

3. To establish a framework containing appropriate legislative, financial or administrative provisions designed to promote and facilitate the introduction and expansion of such measures by public and private organizations. That framework, whatever its nature, should be set out in documents readily available to the public and of which copies should be provided to the Commission.

4. To take steps in order that positive action includes as far as possible the following specific types of action:

(a) action to inform and increase the awareness of the general public of the need to promote equal opportunities for women in working life and enhance respect for women in their capacity as workers, by means including information campaigns in the media and in the workplace;

(b) action to clarify further the nature, extent and causes of *de facto* inequalities in all areas of training and employment, in particular by means of statistical studies broken down by sex and by continuing analysis of, and consultation on, obstacles to equality in specific situations, especially as regards individual training schemes and undertakings;

(c) action to broaden the range of vocational choice of women seeking training and employment, in particular by adapting the methods and materials used in information and counselling and by designating specialized personnel to promote such action especially in placement offices;

(d) action to facilitate the acquisition of appropriate vocational skills by women, by means including changes in the organization and timing schemes, and in training methods and materials, and by setting up specific training or pre-training schemes for women;

(e) action to encourage women candidates and increase the recruitment of women to areas of training and employment, including promotion, where they are under-represented, in particular by means of adaptations in advertising procedures, interviewing techniques, job descriptions and assessment criteria, by setting up appropriate recruitment provisions, for example by fixing indicative targets for recruitment;

(f) action to reduce the difficulties faced by working parents, whether full or part-time, in meeting their occupational and family responsibilities, in particular by introducing greater flexibility or reductions in individual working hours, by improving childcare facilities, and by adapting school hours and school transport provisions where appropriate;

(g) action to facilitate the participation of women in decision-making, particularly as regards standing for office in bodies representing workers, employers or the self-employed.

5. To enable existing statutory bodies, responsible for equal opportunities, to play a full role in promoting such measures and in disseminating information about such measures within the Member States and within the Community, by providing these bodies with appropriate means of action.

6. To draw the attention of employers and trade unions to their continuing responsibility, whether through individual or joint initiatives, to promote positive action in the workplace with a view to the better utilization of human resources; to this end to use all appropriate means to encourage the introduction of provisions on positive action in the framework of collective agreements and to suggest codes of good practice on the implementation of positive action programmes in the workplace as exemplified in Annex.

7. To arrange for adequate monitoring of measures taken by public bodies at all levels to promote or introduce positive action, and to encourage regular reporting on measures taken by individual undertakings.

8. To ensure, in line with the Council resolution on the promotion of equal opportunities for women, that the public sector sets an example in the field of positive action.

9. To examine the possibility of stimulating positive action in the private sector in the context of public procurement policy.

And to this end requests the Commission:

1. To promote and organize, in liaison with the Member States, the systematic exchange of information and experience in positive action within the Community.

2. To draw up a report, for submission to the Council within three years following the adoption of this recommendation, on progress achieved in its implementation, on the basis of information forwarded to it by Member States.

ANNEX

INDICATIVE OUTLINE FOR THE DRAFTING OF A PROGRAMME OF POSITIVE ACTION AT THE WORKPLACE

The following outline is intended as a guide for the planning and implementation of any programme of positive action carried out by an undertaking and can be adapted to take account of the traditions of individual undertakings and the various forms of worker participation. The close involvement of the personnel department of the undertaking is essential at every stage.

STAGE 1

Decision of principle, information campaign, allocation of responsibilities

A decision is taken, preferably at top management level, to develop an equal opportunities policy.

The undertaking informs its personnel of its intention and organizes external publicity where appropriate.

Responsibility for devising and implementing the positive action programme is given to an individual manager or a steering committee, assisted by a bipartite coordination and information group and by an expert with experience in equal opportunities matters and who has access to the necessary information.

STAGE 2

Collection and analysis of statistical and other information, publication of results

The team responsible, referred to in stage 1 above, assembles statistical data on the workforce, on the representation of women at all levels in the hierarchy and on formal and informal practices as regards recruitment, assessment criteria, selection tests, training, promotion, working conditions, on the reduction, reorganization and sharing of working time, on fringe benefits, assessment methods and terminations of employment.

The information gathered is published, together with any conclusions which can be drawn from it.

STAGE 3

Establishment of objectives, timetable and organizational arrangements

The undertaking defines the specific objectives and timetable of its programme of action to improve the situation as regards the presence and active participation of women in all sectors and jobs, and at all hierarchical levels. Individual measures are then defined in detail and appropriate working methods agreed. Steps are taken to ensure that all parties concerned are made aware of what will be expected of them.

STAGE 4

Implementation and evaluation

The measures as defined are put into operation. Information about the programme is published on a regular basis. In parallel, a monitoring and evaluation group is established within the undertaking to assess progress, identify obstacles and report to the team responsible. Provision should be made to enable adjustments to be made during the course of the programme if required.

STAGE 5

Information and external monitoring

Information on the way the programme is carried out and the progress achieved is communicated to the appropriate national body responsible for equal opportunities, in order to facilitate the dissemination of information and experience on positive action within the Member State concerned and throughout the Community, and to enable any external monitoring to be organized.