

A comparative study of work based Discrimination and Equal Opportunities

in Italy, the Czech Republic,
Hungary, France,
and the UK.



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within C.I. EQUAL Round 2 - Action 2 - TCA "M2E"

WORK GROUP:

"A specific focus on women and gender
discrimination in the workplace"

DP leader:

Italy "THE KNOWLEDGE BASED COAST" - IT G2 TOS 061

DP Members:

Czech Republic "ADIP" - CZ-44

France "EGALITHE" - 2004-RAL-42903

Hungary "Variációk foglalkoztatási rehabilitációra" - HU-15

U.K. "ECUBE" - U.K.-126

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Introduction Europe and Equal Opportunities

The principle of equal treatment of women and men is a fundamental aspect of the European Union's policies that dates back to 1957 and is ratified in treaty.

The EU's strategy for equal rights between women and men has evolved over time: it has changed from a poorly co-ordinated initiative to a global strategy that encourages all the political communities to participate in the promotion of gender equality by modifying existing interventions (active approach: horizontal integration of the dimensions of Equal Opportunities) and by concrete actions to better the position of women in society (reactive approach: specific actions).

The European Employment Strategy (EES) launched at the Luxembourg European Council, held in November 1997 and laid down by Lisbon Council (March 2000), has reinforced the promotion of Equal Opportunities. This approach has characterised the programming of the **European Social Fund**, the primary financial instrument for the promotion of EU-wide employment between 2000 and 2013.

The equality of treatment also represents a principle also present in the programming of the **European Regional Development Fund** (ERDF) and the **Cohesion Fund** in EU initiatives, even if these programs and actions are in differing environments: research, the fight against discrimination, poverty and social exclusion, health, education subjects and instruction, youth, culture, justice and internal affairs and enlargement and EU external affairs (including community external actions in the sector of men and women's rights).

See:http://europa.eu/regional_policy/sources/docoffic/official/regulation/newreg10713_en.htm

Presentation A comparative study of Discrimination and Equal Opportunities in EU Partner Countries

In the ambit of "EQUAL" Community Initiative Round 2 – Action 2, partners from five European Countries, the Czech Republic, France, Hungary, Italy and UK signed the Transnational Cooperation Agreement (TCA) "Motivation to Employment" (M2E) that united them in a consortium that recognizes the prime importance of fostering the European dimension to their national work plans, with the aim of developing more common understanding of the impact of different cultural, legal, organisational and social structures for the empowerment of excluded people. All the members of M2E share objectives that are in close synergy with the overall objectives of the consortium enhanced by the added value of networking and these are to:

- Fight against all forms of exclusion and define and implement strategies to increase the possibilities of integration of excluded people in the E.U.
- Identify and examine actions to combat exclusion, discrimination and inequality and define and implement actions and strategies to increase the possibilities of social integration in the labour market of excluded people in the E.U.
- Enhance a "bottom-up movement" of awareness amongst people in general, beneficiaries, professionals, employers and employees, trade unions, institutions and politicians
 - Adhere to the Lisbon Benchmark about the need to have a significant rate of European citizens involved in Lifelong Learning activities and training opportunities
 - Evaluate legal, public and corporate structures to develop a common ground and complimentary actions to support people endangered by exclusion on the labour market
 - To promote gender equality between women and men in matters of employment and occupation and fight sex discrimination within and outside the work place.

The common interests of the partnership are in the sharing of knowledge, information and experience to empower excluded people across Europe in the work place. Knowledge about accessibility to employment, lifelong learning, skills needs, training opportunities, competence building, and socio-political imperatives that influence work and work opportunities are all crucial features in the ability to obtain and sustain employment. Within this context, the partnership had developed a workplan that enables information to be shared both between the partners and with experts outside of the partnership.

By developing a programme of work groups , the M2E project created an effective and stimulating knowledge exchange environment. Therefore each one of the five partners of the TCA became the leader of a work group and responsible for the development of an in depth research study on a defined theme of common and shared interest.

This publication presents the results of the work group **“A Specific Focus On Women And Gender Discrimination In The Workplace”** led and coordinated by the Italy Development Partnership member, Provincia di Livorno Sviluppo, with the participation of: Motiváció Foundation, Budapest (representative of the Hungary Development Partnership); S.E.D.I. Social Enterprise Development Initiative “Empowering communities from within U.K. - Toucan Group, Manchester (representative of the U.K. Development Partnership); TyfloCentrum, Liberec and S-COMP Centre s.r.o., Prague (representative of the Czech Republic Development Partnership), Organ-

isme Paritaire Collecteur Agréé REGIONAL, Lyon (representative of the France Development Partnership).

The aims of the work group **“A Specific Focus On Women And Gender Discrimination In The Workplace”** were first defined in the initial meeting of the work group:

1. Achieve an acknowledgement, connotation and extent of the problem in DPs' Countries
2. Provide an active picture of women's employment status in the partner countries' Labour Market in order to compare data gathered in the framework of the workgroup related to specified subjects
3. Picture gender discrimination level and kinds in the workplace
4. Share good practice on work-life balance policies
5. Enhance specific issues on women situation, critical areas and strength points
6. Realise, as a final goal, a publication of transferable and European value: therefore the WG members engaged in collecting all kind of documentation concerning Equal Opportunities in their related Countries in order to do accomplish not only a valid workgroup essay, but also a collection of Equal Opportunities, entrepreneurship, etc. rules and laws to compare the situation in different counties

As second activity, the group has prepared a questionnaire, a **“Table Of Survey Of National/Regional Conditions Of Policies, Strategies, Methodologies”**, a tool by which to start collecting the material to be then assembled and compared.

TABLE OF SURVEY OF NATIONAL/REGIONAL CONDITIONS OF POLICIES, STRATEGIES, METHODOLOGIES		PARTNER'S NAME/ COUNTRY/NATIONAL PROJECT CODE
1	Notion of disabled / disadvantaged / discriminated	
2	Specific legislation on Equal Opportunities (gender, disadvantaged categories)	
3	Specific laws for the disabled	
4	Regional / national (specify which) data on employment unemployment rates disaggregated and by gender for each economic sector	
5	Organisation of childhood services	
6	Laws or practices on “The Town Times”	
7	Systems or organised structures to support female job	
8	Specific / peculiar issues and problems	

Then each partner made a contribution, by supplying data and information according to the general aims and the overall plan of the current study and in relation to the particular interests shown by each country.

Italian
Partner
Contribution

Italian Partner Contribution

1. Notion of disabled/disadvantaged/discriminated

1.1. The First Document of the World Health Organisation

In 1980, WHO (World Health Organisation) published a draught document titled International Classification of Impairments, Disabilities and Handicaps (ICIDH). In this publication an important distinction was made between "impairment", defined as "any limitation or loss of mobility of psychological, physical or bodily functions". The other two terms were respectively defined as "disability (consequent to an impairment) of the capacity to complete an activity in a way or amplitude considered normal for a human being" and a "handicap" as "a condition of disadvantage consequent to an impairment or a disability in a certain person that limits or impedes the implementation of the normal role for such a person in relation to their age, sex and socio-cultural factors". The significant aspect of this first OMS document was that it associated the individual state not only with the functions and structure of the human body but also with individual activity or social participation.

1.2. The New World Health Organisation Document (ICF)

On the 21st of May, 2001, the 191 countries partner countries participated in the 54th World Health Assembly and accepted the new International Classification of Functioning, Disability and Health-ICF as an "evaluation standard and classification of health and disabilities" a classification tool that analyses and describes disabilities as human conditions that anyone can experience. This instrument proposes an innovative and multi-disciplined approach to normal individuals and the disabled. The general goal of the ICF is to provide a standard and unified language that serves as a role model for the descriptions of the components of health and the correlating states of being.

The latter are described from bodily, individual and social view points under two main headings:

1. Bodily functions and structure
2. Activity and Participation

The classification also lists environmental factors which are consequences or the result of a complex relationship between an individual's state of health as well as the personal and environmental conditions that represent the circumstances in which an individual lives.

The ICF can be used in diverse disciplines and sectors (e.g. clinical, statistical, research and welfare) in that it provides a scientific base for the understanding and study of health, conditions and determining causes and consequences. It establishes a common language with the goal of improving communication between health workers, researchers, politicians, and the general population, including people with disabilities. It makes possible the comparison of collected data from various countries, health systems and services in differing time periods. It provides a systematic codification for health information systems.

The classification is the result of a lengthy review started in 1993 by the WHO, of the International Classification of Impairments, Disabilities, and Handicaps – (ICIDH) of 1980.

Italy is one of the 192 governments that have actively participated in the validation of the ICF. Starting in 1998 the work on the revision of the previous classification of ICIDH was initially done in Italy by an informal network of institutions, services, experts and associations of people with disabilities called the Disability Italian Network- DIN. This was co-ordinated by the Agenzia Regionale della Sanità of Regione Friuli Venezia Giulia (The Friuli Venezia Giulia Regional Agency of Health), the same agency that organised the presentation of the official Italian version of the ICF held on the 17th of April, 2002, in Trieste during the "WHO- Conference on Health and Disability".

The ICF is a classification of people's state of health in relation to their environmental limits (social, family, work) and ultimately aims at understanding the difficul-

ties disabilities can cause in the socio-cultural context. Through the ICF the aim is to describe the day-to-day situation in relationship to the environmental context and underlines the individual, not only as a person with health problems or disabilities, but highlights their uniqueness and oneness with the world. The instrument describes such situations, adopting a standard and unified language and tries to avoid semantic misunderstandings while facilitating communication between various worldwide users.

1.3. Innovative aspects of the ICF classification

The first innovative aspect of the classification clearly emerges in the title. Unlike previous classifications (ICD and ICIDH) where ample space was given to describe the individual's health problems, using terminology such as illness, impairment and handicap (often with negative connotations) in the last classification of the WHO, reference is made to terms that analyse the health of the individual in a positive way (function and health).

The ICF provides a broad analysis of individuals' state of health, considering the correlation between health and the environment and arriving at a definition of disability intended as a state of health in an unfavourable environment.

The analysis of the external factors of the individual highlights that not only must people live with their pathology, but also what it is possible to improve their quality of life.

The ICF classification, by analysing various components, highlights the importance of getting closer to a disability, making reference to its many facets that underscore it as a universal human experience. Disability is not only a deficit or loss on an organic or physical scale, it is a universal condition.

The ICF underlines the importance of evaluating the influence of the environment on individuals. Factors such as society, the family and the workplace can influence one's state of health and diminish the capacity to perform requested tasks and cause difficult situations. The ICF therefore proposes a detailed analysis of the possible social consequences of disabilities getting closer to the disabled condition in a respectful and humane manner.

The ICF document covers all the aspects of wellbeing by putting them in the domain of health, which covers sight, hearing, walking, learning and memory and those related to health (health related domains

that include mobility, education, social participation etc).. It is important to immediately clear up a misunderstanding: the ICF does not only deal with disabled people, it deals with everyone and therefore has universal value. As regards to the hundreds of individual classifications one or more qualifiers can be used to qualify their "functioning".

Similar qualifiers exist for activities, for which we speak of restrictions, and for participation, for which there can be limitations. The positive classification has the advantage over the ICIDH classification, because one is not obliged to specify the cause of an impairment or disability, but only to indicate its effect. The fact that term "handicap" has been abandoned is noteworthy, as the term disability covers the restriction of activity and the participation limitation.

The social concept of disability therefore is not only attributable to a person, but to a range of potentially restrictive derivatives of a failure of the society to satisfy the needs of people and to allow them to show their capabilities. (European Commission, Delivering Accessibility, 26/9/2002).

2. Definition of Disadvantaged People In Accordance With Law 381/91

In agricultural, industrial, commercial or careers and job agencies the following are considered disadvantaged: those with physical, psychological and sensorial disabilities, those previously admitted to psychiatric hospitals, people undergoing psychiatric treatment, drug dependants, alcoholics, young workers coming from difficult family situations, detainees given alternative sentences to prison time ex articles 47, 47bis, 47-ter and 48 of law 26/06/1975 no.354 and modified by law of 10/10/1986 no. 663. We must also include in this category those defined by the decree of the President of the Council of Ministers upon the proposal of the Employment and Social Security Ministry together with the Ministry for Health, Ministry of the Interior and Ministry for Social Affairs upon recommendation of the commission for cooperation set up by article 18 by the legislative decree of the provisional head of State on 14th December 1947 no. 1577 and subsequent modifications.

3. Discrimination

The law of reference to Discrimination is Article 4 of law L. 125/1991, modified by article. 2 del.Lgs D. 30 may 2005, n. 145 and by Lgs. D. 11 april 2006.

n. 198, Codex of Equal Opportunities between man and woman.

Discrimination is thus classified:

- **Direct:** any act, agreement or behaviour which produces a prejudiced effect and discrimination against workers with regard to their gender or that maybe considered less favourable than the treatment given to another worker in similar circumstances,
- **Indirect:** when apparently neutral laws, regulations, policies or practices have an unfair impact on one of the sexes, unless this differentiation may be justified by objective factors,
- **Collective:** any act, agreement or behaviour which produces a prejudiced effect towards a number of workers.

Discrimination may be expressed in different ways and in different areas of everyday life: education, income, work, gender, origins, health, political or trade union ideas as well as religion.

There are two main types of discrimination:

- **Economic discrimination:** people in the non-productive minority groups (e.g. disabled or elderly people) have insufficient income to live with dignity.
- **Social discrimination:** a single way of life is imposed corresponding to one way of thinking and a single social model (e.g. homosexuals who are retracted because they do not correspond to a social or political idea of the family model).

Often these two types of discrimination are associated and reinforce the effects of one on the other, and thereby, isolating the groups or people discriminated against.

Frequently these people do not underline their difference and so their exclusion is increased and social fabric weakened.

Discrimination In Work Placements (in art. 4 of Law L. 125/1991, modified by article 2 of Law D.Lgs 30 May 2005, n. 145)

Employers cannot discriminate between men and women when hiring, for example, by having job advertisements for a particular gender, as this goes against EU and national legislation. There is, however, an exception to this anti-discrimination regulation in cases where a person's gender is an essential factor for a determined type of job. Where it has been objectively proven that only workers of a particular gender can carry out the duties related to a job, in this case the employer may exclusively take on either men or women. In the theatre and fashion (actors/actresses and models) gender may be considered to be a determining factor.

4. Specific Laws for the Disabled

In Italy laws aimed at helping the social integration of the disabled reflect precise constitutional requirements (Articles 3 and particularly 38). These requirements reflect and incorporate the fundamental principles which inspired those who wrote the Constitution itself. If this is not understood it would be difficult to appreciate the cultural value of the various laws passed. Laws which have been passed to assist the social integration of the disabled and which provide diversification from the legislation developed in other European countries and the world. This is stated to point out the road that Italy has undertaken to encounter the needs of integration of the disabled. It is the fruit of the union between laws and culture.

From the 60s, attempts and experiences were carried on which enforced the value of integration and carried on, in the subsequent decade, a series of laws, we will cite a few:

- L. 482/68 – enforcing the right of the disabled to work; (now substituted by Law n.68 of 1999 “Norme per il diritto al lavoro dei disabili che ha lo scopo di promuovere l’inserimento e l’integrazione lavorativa delle persone disabili nel mondo del lavoro attraverso servizi di sostegno e di collocamento mirato”. (regulating a disabled person's right to work, with the purpose of promoting inclusion and integration on the labour market by providing targeted support and careers services)
- L. 118/71 – Enforcing A Disabled Person's Right To Essential Services such as: schooling, rehabilitation, assistant etc;
- L. 517/77 – a fundamental law for integration and school;
- L. 382/79 and subsequent d.p.r. 616/79 – which handed over to local regions and local authorities the responsibility of social assistance previously provided by the state or government bodies;
- L. 104/92 – A Declaration Of Rights For The Disabled
- L. 68/99 - to “promote inclusion and integration of disabled people in the labour market by providing targeted support and careers services”, understood as the particular support for disabled people with the use of technical instruments and a system to properly evaluate their working ability and hence find suitable jobs. L. 68/99 broadens the range of employers required to take on disabled workers, and incorporates both the private and public sectors with the following criteria:
 - Between 15 and 35 employees: obligation to

hire 1 nominated disabled employee

- Between 35 and 50 employees: obligation to hire 1 nominated and 1 numerical;
- Over 50 employees: 7% of staff (excluding legal provisions), of whom 60% nominated and 40% numerical.

Article 13 of Law 68/99 established a national fund for the right to work of disabled people and help in the employment procedures. By making use of agreements ex article 11 the relevant authorities can give social contribution incentives to private employers in proportion to the extent of disability of the disabled staff employed based upon the applications and funds available.

4.1 Disabled Women In The Province Of Livorno. Some Notes On The Application Of Law L.68/99

The employment of disabled women cannot be compounded by the parallel disadvantage that they experience in the Italian labour market. Women know first hand that their employability is tied to the need care for their families. This is reflected by women's profile in the labour market and the difficulty they experience in the work life balance and the opportunities for advancing their careers and having responsible positions in the workplace. Let us therefore imagine that this same woman has health problems which put her at a disadvantage at the workplace. The double discrimination against her is more than evident. Yet since 2002 we have witnessed women overtaking men in the provincial lists of law 68/99. Moreover, our province has seen the number of interviews of women surpass that of men and in particular their pro-active approach in the search for work (sending out CVs, going to interviews). However, the employment of disabled women, in accordance with the law 68/99 of 2005, is not more than 40% of the total number employed until 2003 (it should be noted that in the first year the law for the right to work for disabled was in force the percentage was 28%).

The main type job inclusion is the long-term contract, and this is related to specific conditions, such as a percentage of disability above 67%, to be over 50 years of age, and having a type of mental, physical or sensorial disability which means that the employer is entitled to tax incentives. Part-time contracts deserve a mention; nearly half the women employed are on this type of contract (21 out of 52). Women coming to request our services tend to have particular requirements. Employment is only possible on a part-time contractual basis, because otherwise it becomes difficult to reconcile time

at work and time needed to take care of the family.

In other cases, full-time employment is absolutely essential in order to provide sufficient income for a family. This latter case constitutes about 20% of female unemployment in a sector that is particularly at risk and where circumstances cannot be managed individually (other than in cases of self-denial of one's limits) and therefore requires very careful selection of employment possibilities. It is interesting to note, that there were 133 job placements in 2005 as against 179 in 2004 a 25% drop. The number of disabled over 50s employed in 2004 in the province of Livorno is 31, dropping from 17% in 2004 to 14% in 2005.

5. Regional/ National/ Local Data On Employment/ Unemployment Rates Disaggregated By Gender And For Each Economic Sector

The objective to reach a 70% employment rate in the age range of 15 to 64 years by the year 2010 was set by the EU at the Lisbon conference. The increase in employment over the past three years has, more than anything, involved the sharing of existing employment quotas (this cycle ended in 2005 after the 2004 crisis). Increased occupation for 'redistribution' is -- not in itself negative -- however, it coincided with a fall in the quality of jobs for the newly employed and resulted in an increase in short-term contracts, free-lance work, and part-time contracts. Essentially, the increase in employment over the last few years has, provided low added value and in some sectors has replaced investment and innovation (consequently production has deteriorated with a lowering in the trade off between employment and investment). Those who have suffered the most are women, young workers, Southern Italy and the North-east.

Before examining the information a few things need to be pointed out: the Istat definition of "employed" is people over 15 years of age, who during the week of the survey, have carried out the least one hour of work. So alongside the number of employed, we had the number of standard work units (the jargon for this is Ula, read other words the ideal working situation of 40 hours per week). The term 'people in search of work' refers to those who intend to work in the age range 15 to 64, but still unemployed and by adding this to the "employed" this represents the "workforce". On the basis of these figures it is therefore possible to establish indicators that give an idea of the current economic climate: the rate of activity, (namely the percentage of the workforce and population), the rate of employment (the percentage of employed and the

population) and the rate of unemployment (percentage of people in search of work and total workforce).

Between 1997 and 2005, according to Istat's surveys, the number of employed in Italy increased from 20,384,000 to 22,563,000, with an increase between 1997 and 2002 (before the reforms of the centre-right parties and the economic crisis) of about 1,500,000. The increase continued (at a much lower rate) with another 650,000 people being employed over the three years between 2003 and 2005. The statistics include 630,000 immigrant workers who obtained work permits between the end of 2002 and the middle of 2003 and who by leaving the black labour market (a positive factor in itself) increased the working population and consequently influenced the figures.

Women: those most affected by the new employment trends. The increase in female employment has been the driving force in the growth of jobs from 1996 to 2003 seeing an increase of 7,403,000 (Istat figures), reaching 8,825,000 by 2005. This gave an increase in female employment of 7.1% up to December 2004. However, this growth ceased in 2005 following a strong slowdown (the first time in 10 years). This means that the number of newly employed females has become almost identical to the number for men (between 2003 and 2004 female employment grew by 0.1%, in figures this translates as 86,000 newly employed women compared to 78,000 newly employed men).

In 2005, female employment was at + 0% which compared to the national growth was down 0.5% (-0.3% alone in 2005). The drop in unemployment measured in the two years from 2004-2005 (-0.5%) is a sign of general discouragement amongst women. From this we can see that female employment in Northern and central Italy has grown little whilst employment in the South, which in 2003 already showed signs of a drop of 3,000 over the previous years, has plummeted by 50,000 in the two years from 2004 to 2005. If we consider that female activity in the South dropped from 40% in 2003 to little over 37.5% in 2005 it becomes clear that many have given up the search for proper work. If we look, in particular, at what happened between 2004 and 2005 the national average saw a fall in job offers only amongst females due to the fact that over 120,000 women (and 60,000 men) 'gave up' in the South. Even in this case, the drop in female unemployment over the last three years in the South has fallen by almost 6 (in 2005 alone it fell by almost 1%; this too was brought about by a fall in the total workforce on which the rate is calculated). Finally, it is especially women and in particular the younger ones, who are employed on short-term contracts thus giving a complete picture: women have been the victims in this latest development of the Italian labour market.

People in search of work by gender (YEAR 2004):

TUSCANY (in thousands) MEN 33 WOMEN 49 M+F 82
LIVORNO (percentages) MEN 3 WOMEN 4 M+F 8

Rate of unemployment

TUSCANY (in thousands) MEN 3,6 WOMEN 7,3 M+F 5,2
LIVORNO (percentages) MEN 4,2 WOMEN 7,6 M+F 5,6

People in search of work by gender (YEAR 2004):

ITALY (in thousands) MEN 925 WOMEN 1036 M+F 1960

Rate of unemployment ITALY (in thousands)

MEN 6,4 WOMEN 10,5 M+F 8,0

5.1. 1993 -2004: a decade of female employment

Presented by Istat, at the conference "Pari opportunità e servizi per l'impiego" (Equal Opportunities and employment services) the figures collected between 1993 in 2004 on female employment in Italy, organised by the Welfare Ministry and co-financed by the European Social Fund.

In this period we have almost 1.5 million women being employed as against an increase amongst men of 223,000. Unfortunately, there is still great disparity between the two genders in employment. In 2004, 13.6 million men were working in comparison with approximately 9 million women. Once again, it is women from the South who were particularly penalised. Of the 1.5 million newly employed female workers in Italy over the 10-year period, more than 1.2 million are from the Central Italy and the North and only 182,000 from the South. The picture presented by the Director General of Istat, is that female Italian workers are more frequently white-collar than blue-collar, from the services sector and fewer from industry, they work atypical hours, numbers have increased in management, but also in part-time and short-term contracts. Finally work-life balance has improved, but mainly thanks to the strategies adopted by women rather than from help provided by their husbands. The Director General of the Labour Market from the Ministry of Welfare commented "figures on female employment show us that in the 90s, during which female employment was greater than that of men, growth seems to have died. Whilst on the one hand female employment is gradually increasing, on the other we have a trend of unemployment/inactivity even amongst females with a high level of education and often those without children.

<http://www.labilitalia.com/articles/Approfondimenti/9371.html>

5.2. Employment in our area: figures on male/female employment in the province of Livorno (years 2004/5/6)

Data province of Livorno	2006	2005	2004
EMPLOYED	132,000	124,400	126,400
LOOKING FOR JOB	8,000 (2F/6M)	7,600	7,500
WORK FORCES	140,000 (81M/59F)	131,900	134,000
MALES EMPLOYED	79,000	73,400	73,300
FEMALE EMPLOYED	53,000	50,900	53,100
EMPLOYED IN AGRICULTURAL SECT.	6,000	4,600	2,900
EMPLOYED IN INDUSTRY SECT.	31,000	32,400	32,900
EMPLOYED IN SERVICES	95,000	87,400	90,600
EMPLOYEES	95,000	89,600	86,500
AUTONOMOUS WORKERS	37,000	34,700	39,900
UNEMPLOYMENT RATE	5.9	5.7	5.6
FEMALE UNEMPL.RATE	10.7	8.7	7.6
MALE UNEMPL. RATE	2.5	3.6	4.2
EMPLOYMENT RATE	59.9	57.4	58.8
FEMALE EMPL.RATE	48.0	47.1	48.9
MALE EMPL. RATE	72.1	68.4	68.8

6. Laws on Equal Opportunities: National, Regional, Local. Organisation of Childhood Services and Structures of Assistance

L. n. 289 of 15/10/2003 regarding maternity benefits of freelance professionals.

D.LGS. n. 115 of 23/04/2003 laws passed to guarantee maternity and paternity rights ex art. 15 of

D.L. n. 73 of 14/04/2003 laws for benefits for families with at least three minors and for maternity.

D.LGS. n. 151 of 26/03/2001 maternity and paternity law.

L. n. 53 of 08/03/2000 Memo for maternity and paternity support, the right to care and training and coordination of the city's patterns. Reassessment for 2006 for child benefit for large families (articles 65, para. 4, of law 23/12/1998, n.448) and maternity benefits (article 74 of D.Lgs.26/03/2001, n.151):

Bonus bebè - 2006

Service for infancy are currently governed by a law dating to 1971. In the light of great social changes, one of the main objectives of the Ministry for Equal Opportunities was that of establishing a complete set of regulations giving particular attention to the theme of reconciliation between one's career and maternity.

6.1. Funding for Setting Up of Nurseries

The financial law of 2002 (n. 448/2001, art. 70) established a Fund for nurseries. € 300 Million were set aside to be distributed between 2002 and 2004 to regions and local bodies for the development of a network of local services for babies between three months and three years of age. The third lump sum, €150 Million, was transferred under decree provisions governing the National fund for social policies in 2004.

The resources as described in Article 70 may be provided to regions also to establish micro-nurseries at work, a measure that many regions have adopted.

Moreover, the financial law of 2003 L. 289/2002 art. 91 has established a rotating fund (€10 Million) to assign resources to employers for the creation of nurs-

eries and micro- nurseries at the workplace. Of 227 requests made, 97 were financed for public and private bodies. This experimental measure has attracted much attention and shows that the involvement of the players is a determining factor in sharing and integrating family policies. Request for funding was made directly to the Ministry by the employers in accordance with the methods described in article 91 of the law governing the fund and evaluated on the basis of criteria laid down in a specific decree also pursuant to article 91 (inter-ministerial decree of the 16th of May 2003).

Under this measure, aimed at providing a wide range of flexible services to families, the Livorno Local Authority has optimised the resources available to it by using one of its buildings, now named LUDONIDO, located in via Caduti del lavoro 26. Here the local authority has set up two services for young children from zero to three years of age and their families. These services are an extension of a traditional nursery which can be integrated or used as an alternative to the nursery itself:

THE EDUCATIONAL PLAY CENTRE 18 MONTHS TO THREE YEARS OF AGE: open in the morning from 7.30-1230 from Monday to Saturday. There is no canteen service for the 20 children whose families have not been able to access traditional nurseries, or who, due to organisational or cultural choices have chosen to send their children to a peer group for shorter periods than those of traditional nurseries.

CENTRE FOR PARENTS AND CHILDREN FROM THE 18 MONTHS TO THREE YEARS OF AGE: open in the afternoon to enable families to have their children mix with peers between the ages of 0 to 3 years accompanied by their parents or trusted adults.

In the commune and province of Livorno the following infancy services have been set up: nurseries and micro-nurseries, and local authority nurseries, authorised private nurseries, Local Authority Pre-school, State Pre-school and other private Pre-schools as well as other services such as:

6.2. Tata Familiare (Family Nanny)

This is a Project by the Livorno Local Authority forming part of the network of local services, originally financed by the Tuscan Region with users having a Service Voucher. At present, Livorno Local Authority supports families who self-organise for the "Tata Familiare". This service is provided in people's homes and integrates and/or is an alternative to nurseries. It works in flexible modules no greater than five consec-

utive hours a day providing child care and excludes canteen and baby sleeping services. It is based on the self organisation of families from a minimum of three to a maximum of five who decided to entrust small groups of their children, aged between 1 and 3, to a qualified babysitter in one of their homes. It is a service that exists as a direct relationship between the families and the company/co-operative chosen by the family and accredited by the Livorno Local Authority for the provision of this service.

This service was created in order to establish an integrated system of infancy services for families in which various offers, both government and private, are provided and which reflect the families' various needs, interests, and cultural options of families and children. The local authority's role is that of managing the service but also promoting, facilitating and guaranteeing it. In this way it hopes to provide the multifaceted, modern-day family with services which means they can enhance their values and profile in today's social and political world so as to promote and support forms of self organisation and monitoring the evolution of family networks involved in organising tasks of child care and enhancing it at both the family and professional level.

The qualified private sector is seen as a catalyst in social, educational and welfare areas and becomes an invaluable asset. Private companies offer well-qualified child care to families excluded from traditional nurseries and those families who, for cultural and organisational reasons, have decided to care for their children at home. A spin-off is the possibility of having qualified professional provide care for children at home in an area of employment which, traditionally, requires a high degree of flexibility but is low in quality. In the past, this work was usually done by people employed illegally or with unstable work contracts. However, the fact that these service providers now require authorisation gives workers the opportunity of becoming legitimately employed and consolidate their contracts.

6.3. The infancy, adolescents and family centre

(C.I.A.F). "Edda Fagni" – Livorno: with deliberation of the Regional Council on 18th March 1992 no. 162 the Regione Toscana decided to set up centres for Infancy Adolescents and Families "...to develop a policy for infants and adolescents based on the notions of children being entitled to certain rights and wide ranging security which endorses psychological and physical growth within their families and the community...". The infancy, adolescents and family centre (C.I.A.F).

"Edda Fagni" is the result of shared policies between private and government bodies and is a focal point for social and educational network of services with the purpose of providing security and social development. The sector identifies strategies for the general policy for infants, adolescents and families, who are entitled to rights, resources and support through which the quality of personal and social relationships must be promoted and enhanced. The centre offers a network of contacts in the sector which guarantee privileged channels of information and connections with other worlds and useful experiences already acquired by others. The activities also include those required by law number 285/97 for the promotion of rights and opportunities for infants and adolescents aimed at supporting the quality of life, the development and fulfilment of the individual and the socialisation of minors and their families whether these be natural, adoptive or foster.

7. Work-life balance policies: laws and practices

The new and multiple activities of one's work and social life mean that time has become a rare and precious resource linked to an ever more complex social organisation with the associated limitations and rigidity of cities and its citizens' various and particular needs. A city can be enjoyed, welcoming and a friend of whoever lives and works in it, if however, it gives citizens time, or in other words gives men and women the time to reconcile working hours with the time needed to take care of oneself.

The law of the 8th of March 2000 n° 53 lay down the following dispositions aimed at harmonising work and lifetimes in the broadest application of the law:

40 billion Lire were set aside for the employment fund in the form of contributions to companies who use flexible contracts, and in particular:

1) Flexibility in working hours and organisation in favour of working mothers and fathers or where one of them is a freelance worker in cases where they have custody or have adopted a minor

2) Training schemes for those returning to work after periods of leave

3) Projects which provide for the substitution of a company owner or freelance worker, taking parental leave, with another businessman or freelance worker

Incentives on welfare contributions of 50% for companies with fewer than 50 employees who take on workers with short-term contracts to substitute employees who have taken obligatory or optional parental leave. This is applicable until the child of the parent on leave, reaches one year of age or for the first year

of adoption or custody being granted of a minor. In companies employing freelance female workers who take maternity leave it is possible to employ a worker with a short-term contract for a maximum period of 12 months with the above-mentioned incentives until the child reaches one year of age or for the first year of adoption or custody being granted of a minor.

Regional regulations for local authority coordination of the opening hours of shops, public services, and peripheral offices of local administration, as well as the promotion of time being used for purposes of social solidarity, the drawing up and implementation of plans by local authorities the plan is aimed at harmonising city services, the setting up of time banks for the exchange of neighbourhood services and to favour the spread of solidarity in local communities, adjusting the hours of local administration, considering the needs of citizens, and also through the provision of online services and by simplifying various procedures.

National law requires specific planning and input from Regional Authorities, who are called upon to provide criteria and procedures of plans and coordination of opening hours etc and to reward the implementation and setting up of time banks. Once the objectives and tasks of the Regional Authorities have been defined, the criteria that local authorities must follow to respect the local plans for opening hours, ex law 53/2000 for the coordination of town times, must be set. These guidelines are aimed both at the quality of citizens' lives and those of city life. These 'time' policies include improved access to services, renewal of public areas, providing for ease of movement with the objective of reducing traffic and increasing the use of public transport in particular hours and areas, including the suburbs. Special funding, in addition to that under law 53/2000 is provided to local authorities with the intention of promoting the area plan for opening hours. This provides incentives for innovation that helps improve the quality of life for individuals and local communities through the free exchange of services without applying a market value. In this way it is hoped to give rise to a new and rich idea of community based on the principle of exchange of hours asked for and offered. This would arise from everyone's needs and availability, a novel reintroduction of the idea of mutual help typical of friendly neighbourhood from the past. The law reflects the desire to give enhances the ideas of care, solidarity, giving and exchanging of services and the idea that time is priceless.

7.1. Work-Life balance

The issue of work-life balance is more and more strategic, in particularly for women, and is closely

interwoven with the requirements of managing one's daily life. This management may involve the organisation of work and flexibility of hours, care of oneself and one's family.

EU guidelines put conciliation at the centre of their actions for 2002, as part of the European objective of increasing female employment to 60% by 2010. Female participation in the labour market has changed and must be accompanied by a balanced, fair, social management of roles within a partnership and family with regard to domestic duties and care.

WORK-LIFE BALANCE PROGRAMMES IN THE EU
<http://www.worklifebalance.com/assrts/pdfs/cases-tudy.pdf>

The countries of the EU have a different cultural viewpoint, than that of the U.S., with respect to work-life programmes. Often, programmes came about as a result of government legislation backed by public mandate. This demonstrates that European programs are based primarily on social responsibility rather than competitive advantage.

The complexity of modern life, changes in the labour market, individual desires and family needs oblige us to look for suitable solutions. The difficulty of reconciling work and family life make this a priority to such an extent that they influence personal and family prospects. The need to make more time for oneself and one's personal and family plans is affected by other complex needs, such as, employment, organisation of one's work, the network of local services and the quality of life of Europe's citizens. To make it possible to fit together these pieces of one's daily life, resources and energy are an essential requirement, similarly one must know of all the means available to better manage one's time. The TEMPOperMEttendo site sets itself a range of objectives: collecting information on citizens' real needs with regard to the management of their time and supplying information and guidelines of opportunities available on how to better organise oneself.

The information gathered by TEMPOperMEttendo will contain a precious catalogue of information to pass on to those who have the task of supplying policy answers and preparing conciliation programs. The TEMPOperMEttendo website falls under the broader project called "CONCILIAZIONE: Rete regionale a sostegno della conciliazione dei tempi di vita e di lavoro" (Conciliation: regional network to support conciliation of life and work times) co-founded by the ESF and the Regione Emilia Romagna (Ref. PA 2004

801/RER Ob.3 E1 approved with DGR n.406 dated 16/02/2005) and promoted by the Centro Documentazione Donna di Modena. This organisation has a more general objective of disseminating gender culture and making more tools available as part of a "Rete Conciliazione" (Conciliation network). It includes: data banks, online and physical information help desks, coordination centres, etc. the project also aims to set up local coordination centres and a regional computer databank that is accessible to all help desks. This will be produced and managed at local level with software that can edit information and exchange it with the main centre.

The product also intends to build an integrated system of help desks through the network and the TEMPOperMEttendo site which will be connected to virtual communities (help desks) providing constant information on activities carried out and tools used.

The information obtained from temporary, circumscribed, conciliation services (woman's helpdesk, centres for families, job centres, offices for times of the city, etc) and to manage economic support (care vouchers) will be handled by the website.

Examples of projects on this theme:

Progetto Con-tempo

<http://www.equalcontempo.it/testopres.htm>

<http://www.tempopermettendo.info/progetto.php>

8. Systems and organised structures to support female job and entrepreneurship

In Livorno: Equal Opportunities Advisor; Equal Opportunities Commission; Women's advise centre at the Provincial Job Centre; Informagiovani (Youth Information Centre) ; Dedicated offices at the Local Councils; Centro Donna (Women's Centre); Centro Servizi Donne Immigrate (Centre for female immigrants) (CESDI).

http://www.consiglio.regione.it/pari-opportunita/menu/link_indirizzi/link_pari.htm#toscani

http://www.provincia.livorno.it/pari_opportunita/chi.ht

http://www.comune.livorno.it/_livo/pages.php?id=2723&lang=it

<http://www.consiglieraparita.li.it/>

At National/ Regional Level:

Ministero per le Pari Opportunità (Ministry for Equal Opportunities): <http://www.pariopportunita.gov.it>

Commissione Nazionale per la Parità e per le Pari Opportunità tra Uomo e Donna (National Commission for equality and Equal Opportunities between men and women): <http://www.pariopportunita.gov.it>

Ministero dell'Economia e delle Finanze. Comitato per le Pari Opportunità (Ministry of the Economy and

Finance Committee for Equal Opportunities): http://www.tesoro.it/dag/pari_opportunita/pari_opportunita_funzioni.asp

Ministero del Lavoro e delle Politiche Sociali (Employment and Social Services Ministry): www.lavoro.gov.it and www.solidarietasociale.gov.it.

La Rete delle Pari Opportunità (Network for Equal Opportunities): <http://www.retepariopportunita.it/>

Rete nazionale delle Consigliere di Parità (National Network of Councillors for equality): www.lavoro.gov.it/NR/rdonlyers/4F37CD2A-CD4E-8BCF-462B4CDE9980/0/ElencoConsigliere_19_10_2006.doc

http://www.consiglio.regione.toscana.it/pari-opportunita/menu/link_indirizzi/link_pari.htm#toscani

Commissione Pari Opportunità per Regione (Regional Committees for Equal Opportunities) f.i. Regione Toscana: www.consiglio.regione.toscana.it/pari-opportunita/

Sindacati (Trade Unions):

CGIL Pari Opportunità (CGIL trade union Equal Opportunities): www.cgil.it/pariopportunita/

CISL Donne:

<http://www.cisl.it/SitoCISL-Donne.nsf/07a1e4567443e732c1256dfe004f618e/9e2e24eef16dc362c12570c900567cb1?OpenDocument>

UIL Pari Opportunità (UIL trade union Equal Opportunities): http://www.uil.it/pari_opportunita/E0/

UILCA Dipartimento Politiche di Pari Opportunità (Department of Policies for Equal Opportunities)

Coordinamento nazionale di comitati pari opportunità delle università (National Committee for Equal Opportunities at Universities)

Comitati Pari Opportunità universitari (che nascono per la tutela di lavoratrici e lavoratori, studentesse e studenti, ma anche al fine di promuovere le tematiche di pari opportunità all'interno degli atenei). (Committees for Equal Opportunities at Universities) for guarantees for workers, students, and to promote the theme of Equal Opportunities within universities.

Migrant Women's Network in Italy, Via Ceprano 9 - Rome, Italy 00172 - Tel: 0039 6 242 35 12

Italian Association for Women in Development, Via dei Giubbonari, 30 - 00186 Rome - Telephone: 39-06-6873214

Email: aidos_italy@compuserve.com

The Italian Association for Women in Development (AIDOS) is a non governmental, non profit organisation, established in Rome in 1981 by a group of women development professionals and activists with the intent of carrying out the goals of the UN Decade for women: equality, development, and peace. Its comprehensive goal is to support the concept and the methodology of women's empowerment by reinforcing women's organisations and NGOs in developing countries, enabling them to respond to women's needs and to manage their interventions autonomously.

Since its creation AIDOS has concentrated its project work in four areas of intervention, where the contribution of Italian women is particularly relevant:

a) women's reproductive health and rights through the creation of health counselling centres for women that follow a holistic, integrated approach and support to projects aiming at the eradication of FGM in Africa

b) creation of micro and small enterprises run by women and support to existing enterprises through the establishment of business service centres that provide technical and organisational support

c) capacity building of women's institutions and organisations, mainly through the creation of documentation, information and communication resource centres; and

d) the education of girls

Women's Library and Documentation Centre <http://orlando.women.it>: the Centre was established by a group of women active in both politics and research. They intended to found an autonomous gendered institution and to promote studies on gender differences. The centre is the most significant women's institution in Italy with a wide range of national and international contacts.

The Women's Documentation Centre and Library houses special collections including: books and periodicals before 1945; a special section of literature for little girls (Sofia's Library); a feminism-of-the-seventies collection and a collection on Contemporary Women Artists in Italy. The centre also participates in an Internet Tea Room and collaborates with more than 30 Italian women's centres in the national women database, Lilit. Language: Italian

9. Specific / Peculiar Issues and Problems

Female Immigrants, exploitation of prostitution, reconciliation, mistreatment of domestics, harassment at work.

10. Empowerment

Empowerment has a dual connotation; the process whereby a result is obtained, and the result itself, the subject's state of being "empowered". Empowerment is associated with the process and product and is therefore the evolution of a learning experience which helps people to overcome a state of impotence. The ability to 'know what to do' and 'how to be' derived from self-belief, the ability to experiment and to face one's surroundings. The actions revolving around empowerment are designed to strengthen the individual's choice and improve one's competencies and knowledge with regard to political emancipation and in a therapeutic sense.

The concept of empowerment first appears in American political studies during the 50s and 60s where it was used in reference to the civil rights movement for minorities and the emancipation of women. In the 70s it became part of the socio-political literature of modern theories of democracy and the civil rights movement, the development of the so-called Third World, and female and minority emancipation movements. Since the 80s it has also been used in the language of organisations and management.

Socially the process of empowerment focuses upon social and gender imbalances whilst in the political and institutional world its connotation is fundamentally democratic, it enables citizens to freely redefine all aspects of social life, government organisation, ownership, work and interpersonal relationships. In an organisational setting it is an expression of the battle for power being obtained by those working in poor conditions. It is in precisely this area that it expresses the theories and models proposed by female emancipation as well as the increased power of women in various social and political fields.

The most recent world conference on the condition of women in the world, held in Beijing in September 1995, concentrated its attention on the time and methods needed to obtain greater empowerment for women in countries with emerging economies but also those which are more advanced. The term was closely tied to that of mainstreaming.

PCM. Directive of 27th March 1997 (Direttiva Prodi) reiterated the Beijing Conference objectives, and pointed to acquisition of power and responsibility (empowerment) as a strategic objective for the improvement of the female situation.

11. Mainstreaming

When referring to gender, the term mainstreaming expresses a principal which has had a particularly

important role in the shaping EU policies for Equal Opportunities over the last decade. It considers the differences in the condition, environment, and needs of women and men so that the outlook for gender is applied to both the policies and actions of the EU.

Gender mainstreaming can be considered a strategy to unmask and diminish the differences which apparently neutral policies for Equal Opportunities between men and women fail to achieve. Indeed, the objective of this strategy is that of obtaining Equal Opportunities so that women are put at the centre of all EU policies and actions and promoting their participation in areas and in roles from which they were previously excluded. The implementation of gender mainstreaming policies, programmes and general projects is a complex process involving many different stages; from the drawing up of a policy, its planning, its implementation, right through to its evaluation and review. The principle that was formally endorsed by the United Nations and the Beijing conference in 1995 is the cornerstone of programme IV 1996 to 2000 and one of the fundamental components of the Amsterdam Treaty of 1997. It contributes to the objective of Equal Opportunities between men and women, together with entrepreneurship, adaptability, and innovation and has become the transversal and undeniable point of reference for access to programs, formulation of projects and national political thinking. The fundamental gender mainstreaming thoughts are found in an EC communication of the 21st of February 1996, "to integrate Equal Opportunities between men and women in the general EC policies and actions" through:

- employment and the labour market: with the intention of defining a judicial framework of equality, and the rationalisation and better integration of policies to support study of female entrepreneurship and the reconciliation between family and professional lives.
- women in the policy of cooperation in the development of countries with emerging economies: the inclusion of gender questions in the cooperation of development is defined in a memo from the Commission to the European Council and Parliament with regard to the inclusion of gender issues in the cooperation for development, female managers and female partners of small and medium-sized enterprises. To be achieved through the improved flexibility of work and oppression or qualification together with favourable access to investment funding,
- education and training: together with EU actions on the subject of education training and youth which aims to include Equal Opportunities as a specific objective will additional priority,
- Individual's rights: action in the fight against violence to women, the fight against trafficking in people

and the reintroduction into society of the victims of this trafficking. Other actions foreseen are aimed at improving the security and integrity and providing refuge to women,

- research and science: supported by the commission's communiqué of 1999 pertaining to women in science;
- Policies of personnel: the policies of Equal Opportunities are implemented by the EU with its own staff through positive action.

12. Positive Action

The expression "positive action" first appeared in a European context at the beginning of the 80s and is used to describe means of combating various forms of discrimination toward female workers and support the implementation of principles of Equal Opportunities between men and women. Recommendations by the Council of ministers of the EC made in 1984 lead to positive action becoming the operative tool to promote the participation of women at all levels and sectors of the workplace. These recommendations are taken on board at a national level in 1991 in the law of the 10th of April 1991 no. 125 "Azioni positive per la realizzazione della parità uomo-donna nel lavoro" (positive action for the attainment of male-female equality at work). This endorses the concept of positive action drawing together and broadening principles and objectives that other laws (L.1204/71 and L.903/77) had introduced. This positive action is in effect positive discrimination which strengthens the presence of women, and accelerates the process of the establishment of parity and combats all forms of direct and indirect discrimination toward female workers. The context of this positive action is schooling and professional training, access to work, career progress, inclusion of women in activities and professional sectors in which females are under-represented, the balance and fairer sharing between the two sexes of family and professional responsibilities.

The following measures are seen as positive action:

- favouring the employment of women and promoting female entrepreneurship,
- enhancing the potential and work of women in terms of quantity and quality in all sectors, duties and levels,
- Identify and subsequently correct inequality which affects women in their attempt to access the labour market.

These measures are directed at eliminating negative effects derived from the traditional division of roles of men and women within the family and society and to reconcile family responsibilities with work responsibilities,

- Reinforce true equality between men and women.

We can distinguish between vertical positive action directed at the advancement of women in company hierarchies and roles of responsibility and horizontal positive action aimed instead at the creation of mixed and balanced employment in all sectors. The mixed range of positive action covers both areas. In light of the effects produced by positive action we can distinguish between:

- strategic: aimed at producing a real immediate and noticeable effect in the workplace in support of management and organisation process which are limiting for women,
- Symbolic: aimed at introducing women to positions of responsibility or jobs from which they had been traditionally excluded.
- Awareness raising: planning training and informative activities aimed at disseminating the promotion of the female figure and role in companies and to fight indirect discrimination effectively

Finally the positive action can be classified as promotional, namely action aimed at overcoming the disadvantaged position that women have in the workplace and also providing compensation which generates answers to female discrimination, particularly with reference to pay and career. Positive action is implemented through laws which are powerful tools that give rewards along this difficult path for improved opportunities for women. Positive actions <http://www.provincia.torino.it/sportellosociale/pariopp/sp0>

13. Equal Opportunities at Work

The transformation of women's roles within society is one of the most significant phenomena to have ever happened across Europe, particular in Italy, over the last 20 years. For instance, work is no longer the exclusive territory of men, but it has slowly opened up to women as well. However, while contemporary society acknowledges that women play an overriding role, and not just within the scope of their families, the discrimination that can be found in entering and within the world of work still runs very deep. Many differences remain between men and women in the job market: the separation of men and women by different kinds of jobs - home care, health care and teaching are still completely left to women; the concentration of women in part-time jobs or in other forms of non-permanent jobs; the fact that more women are unemployed than men; or that the majority of working women are employees, while women employers or self-employed women are fewer than men, women having more difficulty in climbing up the career ladder.

Even if qualifications and professional training have become more and more important to land a permanent job in more secure, better paid jobs, nevertheless women keep being paid significantly less than men in most countries (about this, see the "code of conduct" published by the EU in 1996, which invited companies and trade unions to voluntarily adopt a system for monitoring retributions and locating the causes of wage discrimination).

In the mid-70s, this led to the need to adopt regulations for the actual protection of working women through a number of measures for the prevention and repression of any form of discrimination.

In Europe, the Treaty of Rome established that men and women must be paid the same salary for a work of equal value, and a number of directives were adopted in 1975 to specify and develop this essential right of community law.

In Italy, in order to promote women's employment, the Act no. 12 of April 10th 1991, "Positive action for the achievement of equality between men and women on the workplace", established for the first time some provisions for the achievement of gender equality through funds and actions.

In practical terms, the EU initiatives in favour of women have taken different directions; They have established a social and political obligation on the member states to guarantee the equal treatment of men and women in terms of retribution; The principle of equality has also been extended to some political spheres that had been ruled out in the first place (employment policies, with positive action for access to employment and industrial safety; education and training; social security, the family); From being at the receiving end of the political decision-making process, now women are becoming more and more involved in the process through the increasing number of women having access to the institutions, as well as having more power and responsibility in the development of policies.

13.1 National And European Legislation For Equal Opportunities For Work

13.2 European Legislation

Treaty of Rome (1957) Establishing the European Community, in article 119 the treaty recognises the principle of equal remuneration for male and female workers.

Treaty of (1992) Treaty on the European Union: governs Equal Opportunities between men and women with reference to the labour market and treatment at the workplace. ESF positive actions are introduced.

Treaty of Amsterdam (1997) A treaty which state the EC's commitment to gender mainstreaming, and the inclusion of Equal Opportunities in the community policies and positive action.

Card of fundamental Rights of the European Union (2000) Reiterates the importance of equal rights and opportunities between men and women in particular with article 23

<http://www.distel.ca/womlist/countries/italy.html>

13.3 National Legislation

Decreto legislativo 11 April 2006, n. 198 Codex of Equal Opportunities between men and women ex. article 6 of Law 28 November 2005, n. 246

Law 28 November 2005, n. 246 Simplification and reassessment of laws for 2005 (art. 6, "Reassessment of law governing Equal Opportunities ")

Memo n. 9/04, 18 March 2004 Part-time work with reference to law delega n. 30/2003 reforming the labour market

Memo n. 10/04, 18 March 2004 Modifications governing work in cooperatives as per Law n.142, 3 April 2001

Law 15 October 2003 n. 289 Maternity pay for freelance professional mothers

Law 11 August 2003, n.228 Measures against the mistreatment of people

Law 10 April 1991, n. 125

13.4 Positive actions for the achievement of equality between men and women on the workplace

Art. 3, paragraphs 1 and 2 of the Constitution

Act 493 of 3 December 1999 Regulations for health protection in households and establishment of a home accident insurance

Act 215 of 25 February 1992, Positive action for women entrepreneurs

MD 30 November 2000 Reorganisation of the Equal Opportunities Department pursuant to Legislative Decree no. 303/1999 and decree of the President of the Council of Ministers of August 4th 2000

Legislative Decree no. 196 of 23 May 2000, Regulations on the activity of men and women Councillors for Equal Opportunities regarding positive actions pursuant to article 47 of Act no. 144 of 17 May 1999.

Memo no. 5 of 23 December 1999, Methods for submission of proposals for funding of initiatives aimed at promoting the location and exchange of information and experiences about good practices, under the EEC medium-term program for Equal Opportunities for men and women (1996-2000).

Legislative Decree no. 24 of 31 January 2000, Pro-

visions for the volunteering recruiting, legal status and promotion of female military staff in the Armed Forces and Financial Police, pursuant to article 1, paragraph 2, Act no. 380 of 20 October 1999.

Act no. 380 of 20 October 1999, Government delegated law for the establishment of volunteer female military service.

Act no. 53 of 8 March 2000, Provisions in support of maternity and paternity, the right to health care and education and the coordination of city time (parental leave)

Legislative Decree no. 645 of 25 November 1996, implementation of 92/85/EEC Directive on the improvement of health and safety at work and the health of pregnant, after-birth or breast-feeding female employees.

Act no. 194 of 22 May 1978, Regulations for the social protection of maternity and abortion,

Act no. 405 of 22 July 1975.

Establishment of family guidance centres, order 11571 of 20.11/1997.

Criminal Court of Cassation-Labour Department, sentence on "Prohibition of female work at night".

Memo no. 13/2000, "New provisions about night work".

Act no. 25 of 5 February 1999, "Provisions for the fulfilment of obligations connected with Italy's membership of the European Communities – EEC Act 1998"

Prov. No. 532 of 26 November 1999, "Provisions about night work pursuant to art 17, paragraph 2 Act no. 25 of 05/02/99"

Prov. No. 41 of 9 July 1996, "Criminal regulations against sexual harassment".

Act no. 154 of 5 April 2001, Measures against violence in family relations

Regional Act no. 1 of 8 January 2004, Regulations for the development of an integrated regional system of social actions and services and rearrangement of legal references.

Region Piedmont, Regional Bill no. 603, "Protection of workers from moral abuse and psychological persecution at work"

Directive of the PCM of 27 March 1997 (Prodi directive), Actions aimed at promoting the attribution of powers and responsibilities to women, acknowledging and guaranteeing free choices and social equality to men and women.

Regional Act no. 1 of 8 January 2004: published on the Official Journal of January 15th 2004 in implementation of the national general policy law on the integrated system of social actions and services.

13.5. Remuneration. Equal Pay

Along with a more limited career choice, the salary gap between men and women is another side to vertical segregation. According to the latest published surveys, the wage income earned by women is unfailingly lower than that of their male counterparts, and this does not depend on age, professional position or line of business, since the gap is wide even when these parameters are taken into account. The gap is wider in the private service industry than in the manufacturing and public service industry. Such difference is even wider for higher positions, but it is extremely high for women labourers working in the private service industry. Some surveys show that Italian female workers earn 20 to 25% less than their male counterparts, while in the rest of Europe the salary gap is about 23%. This wide salary gap largely depends on the fact that more men than women have high positions in the companies' hierarchies, in those areas in which wages are higher and in middle-large size companies where salaries are better protected by the trade unions; as well as on the fact women take more days off and work less overtime, because of their family responsibilities.

Factors that contribute to the salary gap in Italy and Europe include age, qualification, and job type.

Reducing the gender pay gap is an important topic on the European political agenda. Since 1999 it has been part of the European Employment Strategy and policy efforts have intensified over the years. In 2003 member states were called on to formulate targets in this respect in order "to achieve by 2010 a substantial reduction in the gender pay gap in each Member State through a multi-faceted approach addressing the underlying factors of the gender pay gap including sectoral and occupational segregation, education and training, job classifications and pay systems, awareness raising and transparency" (Council Decision 2003 L197/20). Eliminating the gender pay gap is also an important objective of the recently published Roadmap for Equality between Women and Men, 2006-2010 (EC 2006). The persistence of the gender pay gap, according to the Roadmap, results from direct discrimination against women and structural inequalities, such as segregation in sectors, occupations, and work patterns, access to education and training, biased evaluation and pay systems and stereotypes

13.6. Italian Laws and Regulations Dealing with Equal Pay

Art. 36 of the Italian Constitution provides a general principle, according to which "the worker shall be en-

titled to remuneration in proportion to the quantity and quality of his work and in every case sufficient to enable him and his family to live a free and decent life". As a consequence, workers can apply to courts to claim for a proportional and sufficient pay, and courts generally use the standard pay established by the collective agreement signed for the specific industry like a concrete reference.

Art. 37, para 1, of the Constitution states that "a working woman shall have the same rights and, for equal work, the same remuneration as male worker". In order to comply with EC Directive 75/117, the constitutional principle of "equal pay for equal work" (Art. 37) was reworded and clarified by Art. 2 of Act N. 903/1977: "a female worker shall be entitled to the same remuneration as a male worker where the services required are equal or of equal value. Occupational classification systems applied for the purpose of determining remuneration shall adopt common criteria for men and women".

No new statute law has been enacted in the field of equal pay. Also Act N. 125/1991 on positive actions (even as amended by Decree N. 196/2000) does not include any provision expressly referred to equal pay; nonetheless, the extensive definition of direct and indirect discrimination given by Act N. 125/1991 can be of great importance in this field at least from an abstract perspective, as cases brought to court are very few as Art 4 of Act N. 125/1991 provides the partial reversal of the burden of proof¹¹³. The concept of "equal pay" is not defined by Act N. 903/1977. In the application of Art. 2 of Act N. 903/1977, the legal concept of pay has been very widely construed by Italian Courts; it includes any economic benefit in cash or in-kind directly and indirectly paid on the ground of the employment. The basic legislation covering equal pay applies to all "employees", independent from the kind of the labour contract, in the private as well as in the public sector.

13.7. Main EU directives on Equal Opportunities between men and women

Directive 75/117 EEC- Reconciliation of the legislations of the member states regarding the application of the principle of equal salaries for men and women

It introduces the concept of 'equal retribution for jobs of equal value', which goes one step further than the previous reference to 'equal jobs'

Directive 76/207 EEC- Implementation of the principle of equal treatment for men and wom-

en in the access to employment, training, professional promotion and working conditions

A directive of essential importance, since it relies, as a prerequisite to achieve its objective, on the lack of direct or indirect discrimination based on marital status.

Directive 79/7 EEC –Gradual application of the principle of equal treatment of men and women in the area of social security.

The goal of this Directive is to eradicate discrimination in the area of sickness, disability, old age, industrial accidents, industrial diseases and unemployment.

Directive 86/3/78 – Implementation of the principle of equal treatment for men and women in the professional regimes of social security

This Directive resumes the topic of the earlier 79/7.

Directive 86/613 EEC –Application of the principle of equal treatment for professional men and women, including the farming industry, and protection of maternity.

It extends the Equal Opportunities principle to self-employed professionals and covers provisions for self-employed women during pregnancy and maternity.

Directive 92/85 EEC-Improvement of industrial health and safety for female workers during pregnancy, after birth or during breast-feeding.

It provides for a minimum maternity leave of 14 weeks before and after birth, the retention of retribution/indemnity during maternity leave, non dismissal from start of pregnancy to the end of maternity leave, temporary rearrangement of working time and conditions or exemption if risky for the woman's health.

Directive 96/34 EC-Parental leave

It provides for a minimum parental leave of 3 months for children up to 8 years of age for both the mother and father. This is fruit of the first European trade union agreement between the European Confederation of Trade Unions (CES9), private employers (UNICE) and public employers (CEEP).

Directive 97/80 EC-Burden of proof in case of gender discrimination.

The member states must guarantee the effectiveness of the provisions on equal treatment principle; the injured party, after filing the case with other bodies having jurisdiction, takes legal steps and the states must take measures to ask the defendant to supply proof of the groundlessness of the violation of the equality principle.

Directive 97/81CE-Part-time

This directive implements the framework agreement between the CES, UNICE and CEEP unions, in order to promote voluntary part time work and avoid discrimination of part-time workers

Directive 2000/43 EC-Principle of equal treatment of persons regardless of race and ethnic group

It bounds the member states to ensure protection against discrimination based on race or ethnic group in the area of employment and working conditions

Directive 2000/78/EC-General framework for equal treatment in employment and working conditions

This directive is connected to the previous one and reasserts the ban on any form of direct or indirect discrimination based on religion, personal beliefs, disability, age or sexual behaviour

Directive 2002/73/EC promoted by the EU Parliament and Council

It amends the 76/207 EEC Directive. It establishes that the member states must abide by an equal treatment of men and women in formulating laws, regulations, administrative deeds, policies etc.

14. International documents on Equal Opportunities

IV World Conference of Women (Beijing, 1995)

Convention on the eradication of any form of discrimination of women. Adopted by the General Assembly of the United Nations on December 18th 1979.

Recommendation 92/131/EEC of the Commission of 27 November 1991

Protection of the dignity of men and women on the workplace. Note of the European Commission of 21 February 1996.

Integrating Equal Opportunities for men and women within EU policies and actions. Note of the European Commission of 24 July 1996.

Prevention of sexual harassment on the workplace. European charter of fundamental rights, December 2000.

Article 23 sets forth the principle of gender equality and the European code of conduct for the protection of the dignity of men and women on the workplace.

Le disuguaglianze sociali (Social inequalities), M. Eve, A.R. Favretto, C. Meraviglia, Roma, Carocci, 2003, pp.128, 8.50 euros

Stelle in movimento. Comete in transito. I luoghi delle donne in Italia (The places of women in Italy)

A research project aimed at taking a census of the consistency and quality of today's women associations across Italy and at forming a databank, as part of a wider information service known as "Archivio del presente", which Associazione Orlando of Bologna is developing.

Nati da Donna - La mia genealogia femminile, edited by Centro studi e documentazione del pensiero

femminile, Turin, in cooperation with the Equal Opportunities Commission of the Region Piedmont, funded by the European Social Fund under the Regional Operational Plan 2000/2006 measure E1 on Equal Opportunities, 2001. A project targeted to the secondary schools of Piedmont.

L'alterità della parola. Storia e scrittura di donne nel Piemonte di epoca moderna (Histories and writings of women in modern Piedmont), first volume of the collection Donne del Piemonte, edited by Cristina Bracchi with essays by Alegra Alacevich, Luisa Ricaldone, Adriana Chemello and Daniela Maldini

Differenze e disuguaglianze Prospettive per gli studi di genere in Italia (Differences and inequalities. An outlook on gender studies in Italy). By Franca Bimbi, Bologna, Il Mulino, 2003, pp. 504,

Code of conduct on sexual harassment. For the employees of the Ministry of Labour and Social Security.

15. Exchange of good practices carried out in other projects/programmes

EU Equal Opportunities Programmes

Iris programme: European network of women's training programmes, launched in December 1988

Now programme: European programme. It pursues the objective of eliminating gender segregation, reconciling professional and working life, increasing women's involvement in decision-making processes.

V Action Plan (2001-2005)

The Province of Turin has promoted the 'parità in movimento' project and coordinates the L.I.F.E.- Libertà Femminile project in partnership with other parties under the Equal EU initiative aimed at the social integration of trafficked women who have undergone plans for leaving forced prostitution.

15.1. Contribution of the Equal Opportunities Councillor of the Province of Livorno to initiatives and projects

· "Costellazione" project (VP/2002/6), willingness to work towards:

- bringing evidence of local good practices to promote the presence and proactive involvement of women in decision-making roles and bodies;
- pointing out good practices in the training of women that promote a balanced participation of men and women in the decision-making process.

· "ITACA: l'isola (pedonale) alla quale si ritorna" project

The goals:

- promote the culture of Equal Opportunities.
- gender promotion in social and professional spheres

Project for a positive action pursuant to Act 125/91 "Il gioco d'incastri".

The goals:

- promote Equal Opportunities for men and women on the workplace,
- gender promotion.
- "Paola - Percorsi di Accompagnamento e Orientamento al Lavoro" project. The goal of this project is to develop models and tools to offer guidance to those women who want to find a place or resume their former places on the job market after a long leave or who want to find a place in training and professional spheres in which they are outnumbered by men.
- "Livorno, a knowledge province for senior at work" project (VP/2003/021). As a partner to the project, it has the following responsibilities:
 - promote Equal Opportunities in active labour policies
 - protection from gender discrimination
 - positive actions for equality and Equal Opportunities.
- ADO project (Azienda Donna Oriented), POR Obj. 3, Meas. E1, Action D. As a supporter, it supplies the information required to investigate the specific aspects of potentials and problems of female employment.
- "OTIG – Offerta Turistica Integrata di Genere: piano di riqualificazione per gli operatori della Toscana costiera" project. As a supporter, it has the following responsibilities:
 - promote Equal Opportunities for men and women on the workplace,
 - gender promotion,
 - Promotion of female employment in the territory concerned.

As an added value to the project, it is expected to add institutional support and advice on the problems of women's training and employment.

15.2. National initiatives:

"Women, safety and work" organised by ANMIL Livorno "Tracce di Eva in percorsi operosi"

- "F.I.La. – Formazione Inclusionione Lavoro" project, as part of phase two of the EU program, "Leonardo Da Vinci" (EAC/11/04)

where it has the following responsibilities:

- monitor activities for abiding by the implementa-

tion of the principle of equal treatment of men and women

- develop specific measures to ensure the women's presence in activities

- raise awareness of the problems of the female component of the job market

· "Programma di sostegno alle donne trasformatrici dei prodotti aleutica del "Pencum Senegal" project, institutional support.

· "I.C. Equal - La Costa della Conoscenza" project, round 2, within the European strategy for fighting all forms of discrimination on the job market. As a project network partner, roles and responsibilities are:

- reduce the gender gap and support professional de-segregation;
- fight the vertical/horizontal segregation mechanism and promote new time policies.

· Permanent forum on the centrality of female employment in local issues, "Donne e lavoro"; it is a system project that received an important award: it was selected by the Union of Italian Provinces to be presented at the "First National Assembly of Elected Women and Women Executives of the Provinces of Italy" held in Bologna on 3-5 November 2005.

· Positive Actions project, pursuant to art. 2 Act 125/1991 and art. 7 Legislative Decree 196/2000 "Puzzle"; The project involves proactive cooperation among the Provincial Equality Councillor, the Provincial Equal Opportunities Commission and the future Board Committee of the Province of Livorno. The goal of this project is to combine information, training, and support actions to promote the enforcement of Equal Opportunities regulations and respond to the new EU directives on gender equality at work.

15.3. Women in politics: Italian situation in 2006

Italian Parliament is composed by two houses (chambers): the House of Deputies made of 630 members and the House of Senators made of 315 members. In the House of Deputies women represent 17.1% while in House of Deputies women form 13,6%. In Government 21.9% of Ministers and Vice-Ministers are women, in total 7; 11 are Under-secretaries (16.9%).

Czech Republic
Partner
Contribution

Czech Republic Partner Contribution

The category of "person" is divided into two distinct types of persons: males and females. One aspect of gender division is the level of power and prestige that "naturally" goes with being a male. Or the changing levels of prestige that women gain as they work in the same professions as men - doctors, lawyers, ministers.

1. Disability

In Czech Republic before 1989, disabled people were only handicapped people (health). In the work place, disability, gender, race and national or ethnicity are often reasons for discrimination. During the communist time questions of disability played a major role only in the field of social services. Many disabled people wanted to integrate into the rest of society. In the Czech Republic there also many children and students with learning disorders (e.g. dyscalculic, dysgraphic, dyslexic). They are also disabled people.

2. Discrimination

In the Czech Republic, discrimination can occur in terms of the following: nationality, sexual orientation, age, color of skin, race, gender, nationality, ethnicity, marital status, financial and work contracts, political affiliation, maternity, health, homelessness etc.

The greatest issue in Czech Republic is Roma ethnic minority. In 1991, when Czechoslovakia split, most Roma remained in Slovakia. Between 1991 and 2006

they migrated to the Czech Republic due to there being a better economic situation, many Roma families and better social services etc... Many people in the Czech Republic consider that this situation has led to prostitution, criminality, unemployment etc.

3. Disadvantage

Disadvantage in Czech Republic is generally a gender problem in the labour market (women with children, women over 50 year old, women with disabilities, Roma women etc).

Building a career among women means combining work and family, gender roles, the standing of women in management positions, Equal Opportunities, free-time activities, household work. Women in management positions often devote their free time to overtime work or furthering their education. In general, however, women have less free time than men, as a part of this time is devoted to work in the household and caring for children.

From the perspective of the assessment of Equal Opportunities for men and women in society, women, like men, in management positions more often deny the existence of inequality or discriminatory behaviour towards women. Female managers do not want to acknowledge their disadvantage, which stems in particular from the stereotypical notions of what their 'lot in life' is. This is especially a result of the fact that gender stereotypes are considered to be genuinely substantiated and justified by the lower competences of women. Therefore, women in management positions fear that if they were to indicate any sense of inequality they would automatically be accused of being less capable of performing management work as opposed to men. Basic answers to questions are posed on the differences relating to the time devoted to work, to building a career, financial evaluations, and the potential loss of employment.

4. Czech Republic Employment in Figures

Unemployment rate from the territorial perspective, employment of aliens, employees (average gross monthly salary) and further data

Indicator		1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Number of employees	%, r/r	.	0.7	2.6	0.6	-2.0	-1.4	-2.4	1.3	0.6	0.0	-0.4	-0.4
Registered unemployment rate	%, average	2.95	3.29	2.99	3.08	4.28	6.04	8.54	9.02	8.54	9.15	9.90	10.2
Registered unemployment rate (new methodology)	%, average	.	.	.	.	.	.	.	.	.	.	.	9,19
General unemployment rate	%, average	4.3	4.3	4.0	3.9	4.8	6.5	8.7	8.8	8.1	7.3	7.8	8.3

Sources: MF (Ministry of Finance), MPSV (Dept. of Labour & Social Affairs), CNB (Czech National Bank) and CSU (Czech Statistical Office) Notes: r/change between years; .information not available; *state at the end of period.

The number of employees (average) is a sum of the average registered number of employees in terms of individuals and the number of working company owners and cooperating household members for whom work in the company is the main economic activity. The registered number of employees includes people in employment (both main and secondary), at cooperatives also in membership, where part of membership is an employment relationship. Employees of economic entities that are not statistically monitored are not included; furthermore, persons executing public functions (e.g. deputies, senators, released councillors at all levels) women on maternity leave, people on parental leave (if they do not work simultaneously in employment relations), apprentices, people working for companies under agreements of work executed out of employment, etc.

The data includes formerly unpublished sections of resorts of the Ministry of Defense and Ministry of the Interior. Until 1997, data were sourced from the results of processing quarterly statistical statements, corrected by data from annual surveys (in certain years also including qualified estimates for disregarded economic entities). Since 1998, data has been sourced from results of processing annual statistical statements of the Czech Statistical Office (CSU). To discover activities of economic entities and to determine their size, available administrative sources have been used since 2002, which led to a change of formerly published values of indicators. The same method was applied to specify results of the annual statements processing for the years 2000 and 2001. Time series is not therefore completely methodologically comparable. Data for the 2003 and 2004 is preliminary. The registered unemployment rate, according to the original methodology, is calculated as a quotient, where the number of unassigned job applicants is located in the numerator, registered at Job Centres as of the last day of the period monitored (Source: Ministry of Labour and Social Affairs of the Czech Republic) and Labour force is in the denominator, i.e.:

a) number of employees in all public economy sectors with sole or main employment, including women on maternity leave and next maternity leave (from company surveys) + the number of unassigned job applicants, registered at Job Centres as of the last day of the period monitored (till the end of the first quarter 1994)

b) number of employed out of a survey sampling of the Labour force (sliding annual average) + number of unassigned job applicants, registered at Job Centres as of the last day of the period monitored (from the second quarter 1994 until the end of 1996)

c) number of employed out of a survey sampling of

the Labour force (sliding annual average) + number of unassigned job applicants, registered at Job Centres (all sliding annual average). Unlike previous periods, employment does not include women on extended maternity leave (from the first quarter of 1997).

Since the third quarter of 2004, the Ministry of Labour and Social Affairs accepted a methodical change comprising different inclusion of certain groups of people, both in the numerator and the denominator. The number of so-called achievable unassigned job applicants is in the numerator (incl. Czech citizens and EU citizens (EHP)), these are registered unemployed as of the end of the period, who can directly enter a job, and the Labour force is in the denominator, i.e. the number of employed from LFSS (Labour force survey sampling) (+ the number of employed citizens of EU (EHP) + the number of working foreigners from third countries with valid work permits or license permits + the number of achievable unassigned job applicants (all sliding annual average).

The general unemployment rate (ILO) is calculated as a quotient of the number of unemployed in the total Labour force (in percent) where both the numerator and denominator are indicators, calculated according to international definitions and recommendations (of Eurostat and the International Labour Organisation - ILO). These are estimates from a Labour force survey sampling. The subject of the survey are all persons usually living in private households. The survey does not include persons living long-term in collective accommodation facilities. For that reason, the data of certain groups of citizens, especially aliens living and working in the territory of the Czech Republic, are available only to a limited extent. Unemployed persons, according to the internationally comparable methodology, are all persons 15 years of age and older, usually living in the monitored territory, who in the course of the reference week concurrently met the following ILO conditions:

- were unemployed, i.e. have neither been in paid employment nor self-employed,

- were ready to enter work, i.e. during the reference period were directly available or at the latest within 14 days for execution of paid employment or self-employment,

- in the course of the previous four weeks had actively sought a job (through a job center or a private recruitment agency, directly at companies, by means of adverts, taking steps to set up a company, by submitting an application for a work permit and license or any other way). Unemployed persons also include persons who have found a job but have not started working yet (within three months at the latest).

All data in time series is retrospectively converted to

the 1998 comparable base, in methodology corresponding to applicable definitions of Eurostat and ILO recommendations.

The Labour force includes both employed and un-employed persons.

The employed are considered all persons of 15 years of age and older, usually residents of the monitored territory, who in the course of the reference week worked at least one hour for salary or any other remuneration, or though they were not at work, they had formal relations vis-a-vis employment; the main criterion for classification among the employed is therefore developing any remunerated work activity. Whether the work activity of these people had a permanent, temporary, seasonal or accidental character is not therefore decisive, the same goes for wheth-

er they had one or more parallel jobs, or whether they studied simultaneously, drew any pension etc. According to the international methodology, the employed include:

- people working on their own or family company,
- professional army members
- persons executing compulsory military and civil service (until 2004 incl).

- people on maternity leave who worked before
According to the international methodology, the employed do not include:

- people on maternity leave, who did not work before they started maternity leave, and people on next maternity (parental) leave – are classified as unemployed or persons economically non-active, depending on whether they comply or do not comply with the ILO conditions.

4.1. Unemployment rate from the territorial perspective

Region	Total applicants achievable	Total Labour force	Unemployment rate
Prague	22,183	692,966	3.20%
South Bohemia	21,628	327,797	6.60%
South Moravia	59,837	589,425	10.20%
Karlovy Vary	17,235	168,753	10.20%
Hradec Kralove	20,621	284,212	7.30%
Liberec	17,475	228,266	7.70%
Moravian-Silesia	90,951	640,716	14.20%
Olomouc	34,051	321,214	10.60%
Pardubice	21,510	259,776	8.30%
Pilsen	19,076	299,663	6.40%
Central Bohemia	38,034	615,828	6.20%
Usti	66,343	433,264	15.30%
Vysocina	21,456	262,256	8.20%
Zlin	27,219	295,149	9.20%
Others	3,452		
<i>Source: MPSV</i>			

Methodical note:

"According to the official methodology, the rate of registered unemployment at the level of the Czech Republic regions and districts, is calculated on the basis of the Labour force survey sampling. The unemployment rate in villages, micro-regions, ORP and POU is due to unavailability of data on employed at the level of these territorial units, calculated based on economically active inhabitants."

4.2. Employment of aliens

The number of work permits, information of EU/EHP and Switzerland and aliens of third countries are stated as of December 31, 2004.

Region	Number of registered foreigners	Number of registered foreigners of EU/EHP + Switzerland	Number of aliens' work permits	Total number of aliens
Prague	141	18,495	15,883	34,519
Central Bohemia	58	11,940	5,023	17,021
South Bohemia	64	2,732	1,768	4,564
Pilsen	80	4,824	952	5,856
Karlovy Vary	38	1,523	663	2,224
Usti	136	1,133	1,161	2,430
Liberec	54	2,771	1,656	4,481
Hradec Kralove	28	3,106	1,201	4,335
Pardubice	25	1,926	1,102	3,053
Vysocina	13	1,814	1,325	3,152
South Moravia	45	7,830	2,095	9,970
Olomouc	13	1,814	727	2,554
Zlin	8	3,043	475	3,526
Moravian-Silesia	44	9,889	366	10,299
Total	747	72,840	34,397	107,984

Source: The Ministry of Labour and Social Affairs

4.3. Employees and their average gross monthly salaries in public economy according to sectors

in thousands of individuals, in CZK

Sectors	1999	2000	2001	2002	2003 ¹⁾
Total employees (average numbers)	4,098.6	4,058.6	4,080.2	4,049.5	4,020.7
Of which sector:					
Non-financial enterprises	2,775.5	2,784.9	2,817.9	2,808.7	2,772.7
Public	506.0	431.5	382.0	372.9	362.8
Private national	1,911.3	1,830.3	1,822.4	1,803.9	1,753.0
Private under foreign control	358.2	523.1	613.5	631.9	656.9
Financial institutions	74.1	71.7	69.8	66.9	65.0
Public	2.3	2.4	2.5	1.9	2.3
Private national	62.9	53.6	22.6	13.4	11.6
Private under foreign control	8.9	15.7	44.7	51.6	51.1
Governmental institutions	688.2	678.8	683.7	680.9	701.9
central	474.1	456.4	385.2	342.6	292.4
local	207.0	215.4	291.4	331.1	402.2
Social security funds	7.1	7.0	7.1	7.2	7.3
households	528.8	492.0	477.0	461.1	447.1
Non-profit making institutions serving for households	32.0	31.2	31.8	31.9	34.0
Total public sector	1,196.5	1,112.7	1,068.2	1,055.7	1,067.0
Total private sector	2,902.1	2,945.9	3,012.0	2,993.8	2,953.7
Total average gross monthly payments	12,165	12,918	13,996	14,999	15,937

OF WHICH SECTOR:

Non-financial enterprises	12,743	13,565	14,587	15,534	16,350
public	13,527	14,217	15,079	16,274	17,389
Private national	11,917	12,507	13,563	14,315	14,975
Private under foreign control	16,043	16,730	17,320	18,577	19,447
Financial institutions	23,120	25,557	28,803	31,300	32,841
public	27,798	29,960	32,250	33,260	36,245
Private national	21,451	22,901	27,574	28,019	28,884
Private under foreign control	33,770	33,936	29,231	32,078	33,593
Governmental institutions	12,606	12,841	14,086	15,521	16,999
central	13,170	13,491	15,616	17,535	19,681
Local	11,202	11,325	11,963	13,350	14,985
Social security funds	15,913	17,152	18,231	19,546	20,530
households	7,178	7,682	8,400	8,809	9,495
Non-profit making institutions serving for households	9,618	10,322	11,107	12,017	12,682
Total public sector	13,024	13,412	14,484	15,820	17,172
Total private sector	11,811	12,731	13,822	14,710	15,490

1) preliminary data

2) individuals not registered in the trade register

Source: Statistical Yearbook of the Czech Republic 2005

4.4. Minimum wages development - Amount of minimum wage in the Czech Republic pursuant to Section 111 par. 4 of Act No. 65/1965 Coll., Labour Code, as amended:

Date of effectiveness since											
1.1. 1992	1.1. 1996	1.1. 1998	1.1. 1999	1.7. 1999	1.1. 2000	1.7. 2000	1.1. 2001	1.1. 2002	1.1. 2003	1.1. 2004	1.1. 2005
Amount of minimum monthly wages in CZK 2,200	2,500	2,650	3,250	3,600	4,000	4,500	5,000	5,700	6,200	6,700	7,185

5. Social assistance benefits

Contents:

- Social assistance benefits
- Social assistance benefits for families and children
- Closely related or other person care allowances
- Social assistance benefits for old people
- Social assistance benefits for the severely handicapped
- Social assistance benefits in special assistance

5.1. Social assistance benefits

The social assistance benefit system responds to people's individual situations depending on age, state of health and other important reasons.

Decision making on individual benefits is the responsibility of municipalities, authorised municipalities and authorities of municipalities with extended powers - www.statnisprava.cz.

Social assistance benefits are provided by the relevant municipalities as part of the performance of state administration in a transferred capacity, and the financial funds for their payment are provided from the state budget. Interest-free loans and one-off cash allowances are also provided in an independent capacity (i.e. from the funds of the self-administration unit).

Social assistance benefits are provided in accordance with:

- Act No. 482/1991 Coll., On Social Neediness
- Act No. 100/1988 Coll., On Social Security
- Act No. 114/1988 Coll., On the Jurisdiction of the Czech Republic Bodies in Social Security
- MPSV Decree No. 182/1991 Coll.

Benefits due to social neediness

One-off or recurrent benefits (in cash or in-kind) intended to provide the fundamental living requirements are granted if a person or a household's (jointly considered persons) net income is below the minimum subsistence level and cannot be increased for reasons of age, state of health or other serious reason by using person's own endeavour. The benefits supplement the household's insufficient income, generally up to the minimum subsistence level, on the basis of an individual assessment of the social and economic situation (income and property). They may, however, be provided in a lower or higher level than the minimum

subsistence level amount if justifiably higher basic living needs can be proven relating to e.g., medically recommended diet, increased accommodation costs etc. Benefits are provided by the authorised municipalities under the Act on Social Neediness on the basis of a written application for their grant. A person with insufficient income should attach the relevant documents concerning not only all her/his income but also accommodation costs etc. An appeal against a decision made by the relevant administrative body on a social assistance benefit should be submitted to the relevant regional authority via the Municipality that made a decision on the benefit.

5.2. Social assistance benefits for families and children

Applications for social assistance benefits for families and children are submitted at the relevant municipal office.

Child maintenance benefit

Child Maintenance Benefit is a cash benefit intended for a depended child who is regarded as being in social need, and whose sustenance needs as stipulated by a court order are not met by the maintenance payments provided by an obliged person not living with the child. If the cash child maintenance benefit is not used to the child's welfare it will be provided in-kind. The benefit is provided in the amount of the stipulated maintenance amount, although not more than the difference between the child's income and its minimum subsistence level increased where relevant by dietary needs or due to the child holding a ZTP/P special privileges card. The benefit is provided (by the Municipal office of a Municipality with extended powers) on a monthly basis for as long as the child is eligible.

Cash and in-kind benefits to parents of dependent children, pregnant women and dependent children

Optional benefit in cash or in-kind provided to pay for one-off extraordinary costs of a family whose individual members do not have sufficient means. An assessment is made of the income situation of the parents of dependent children, pregnant women or dependent children in a family, i.e. where it is not possible to pay one-off, extraordinary costs, such as a child's stay in „School in the Countryside“, school equipment, new washing machine etc., from the finances that the family has available. The cash benefit can be provided up to CZK 15 000. A benefit in-kind

can be provided up to CZK 8 000, and in exceptional cases up to CZK 15 000. The benefit is provided by authorised municipal office.

Allowance at contracting of marriage

An optional benefit in cash provided (by Municipal office of Municipality with extended powers) in the event of marriage for the payment of costs for equipping the household of a child that has been in foster care. Foster care ends upon the child reaching the age of 18.

The benefit can be provided up to CZK 10 000. The benefit is provided on a case-by-case basis.

Allowance for the acquisition of basic equipment for a child

An optional benefit in cash provided to people who have taken charge of a child with the consent of the relevant authorities before a court decision on the child being entrusted to their foster care, or to the care of a guardian. The benefit is always paid if the child was in institutional care before such care began. The benefit is provided (by Municipal office of Municipality with extended powers) on a case by case basis up to CZK 4 500 for a child of pre-school age, and up to CZK 6 000 for other children. The provision of the benefit does not rule out the benefit provided upon the acceptance of the child as part of the state social support system.

Allowance for settlement for use of flat of an orphaned depended child

An optional benefit in cash provided to pay for accommodation costs of an orphaned dependent child. The benefit is conditional upon the transfer of lease for an orphaned dependent child, living in alternative care or an orphaned dependent child, who has reached the age of majority and is preparing for a profession. A basic condition is that the child should not have sufficient income. The benefit is provided (by Municipal office of Municipality with extended powers) to pay for the costs of accommodation and related services, reduced by the amount that the child's income, including child benefit, exceeds the child's minimum subsistence level amount for personal needs and the proportion of joint household costs. The benefit can also be provided in the amount necessary to pay a debt incurred by such child. The benefit is provided throughout the period of eligibility.

Allowance for recreation of pensioner's child

An optional benefit in cash provided to pay the recreation costs of the child of a pensioner. The benefit

is conditional upon the need to pay costs for the recreation of the pensioner's own or adopted child, or a child taken into surrogate care from its parents up to end of school age. The pensioner must meet the conditions for social neediness. The contribution can also be provided if the pensioner does not meet the conditions for social neediness but her/his family has increased living costs due to the long-term illness or invalidity of a family member, or the pensioner was a member of the resistance. The benefit is provided (by authorised municipal office) on a case by case basis in the amount of 80 % of total recreation costs, and in exceptional cases up to the full amount of the costs.

5.3. Closely related or other person care allowances

Entitled to the closely related or other person care allowance shall be:

- a citizen who provides personal, all-day and due care for a closely related or other person who is prevalingly or totally helpless, or over the age of 80 and partly helpless. If the claimant cares for another person, this person must live in the same household;
- a parent, grandparent or other person who has assumed a child into care substituting parental care based upon a decision by relevant authority, who cares for a minor child above one year of age, such child being long-term severely handicapped and in need of extraordinary care according to the special legislation.

The all-day care requirement shall be deemed met e.g. by completed time not exceeding four hours a day throughout the time period when the pre-school age child has been attending a day nursery or kindergarten; and throughout the time period of schooling in case of a child attending the compulsory education. The condition is also met where the person caring for a relation or other person has arranged for this person's care by another adult at a time when she/he has to resolve essential personal matters or perform gainful activity. Limited gainful activity does not make the claimant ineligible for the benefit. The allowance amount is fixed as 2.25% multiple of the minimum subsistence level amount necessary for ensuring sustenance and other basic personal needs; and 3.85% multiple where caring for two or more people. Applications for the benefit are submitted to the authorised Municipality that pays the benefit. The benefit is provided on a monthly basis throughout the period of eligibility.

5.4. Social assistance benefits for old people

One-off optional benefits

One-off cash benefits designed to pay short-term liabilities for people in institutional care, psychiatric hospitals or care facilities for the long-term ill. (Municipality).

Allowance towards recreation and spa care for non-working pensioners who pay for recreation and spa care from their own resources. The amount of the contribution depends on the size of the pension. (Authorised Municipality).

Allowance towards the transport costs of persons using recreation and spa care and who are in social need. The allowance may cover the entire costs. (Authorised Municipality).

One-off benefits in cash and in-kind for persons in social need to pay extraordinary costs that they cannot pay for from their own income. (Municipality).

Benefits in-kind for persons in social need to pay for their ordinary living needs that they are unable to pay for themselves due to their state of health, age or loneliness. (Municipality).

Allowance for instalation of telephone subscriber line and allowance for change of connection of telephone subscriber line may be granted to the socially needy severely handicapped citizens who have been awarded special privileges of Grade III, or to the citizens - recipients of an increased pension due to their helplessness. The allowance is up to CZK 1 000. (Municipality).

Recurrent optional benefits

Allowance for public catering designed to pay part of the costs of old people in social need for public catering. The allowance is CZK 12 for one lunch, or in exceptional cases increased by 15 %. (Municipality).

Allowance for increased costs of living for people permanently using orthopaedic, compensatory or other aids, where the use of such aids causes them to incur extra costs. The allowance may be up to CZK 200 monthly. (Authorised Municipality).

Allowance for operation of a telephone subscriber line for people over the age of 70 who live alone, or for the socially needy severely handicapped citizens. The amount of the allowance may cover the entire basic monthly rate for the telephone's use. (Authorised Municipality).

5.5. Social assistance benefits for the severely handicapped

One-off obligatory benefits

Allowance for flat modification intended for people with serious disabilities of support and motion apparatus and people who are totally or almost totally blind in order to remove obstacles in their accommodation. The contribution may be up to 70 % of certified refurbishment costs, although not more than CZK 50 000. (Municipality with extended powers).

Allowance towards individual transport intended for people with severe disabilities of support and motion apparatus, people who are totally or almost totally blind, and parents of dependent children who are undergoing treatment for malignant tumor or haemoblastosis, where the parents do not own a motor vehicle or the children are not transported by the motor vehicle, for operation of which motor vehicle operation allowance has been granted. The allowance is amounted to CZK 6 000 annually. (Municipality).

Allowance for motor vehicle purchase intended for people with severe disability of support and motion apparatus and parents of dependent children which have severe disability of support and motion apparatus, are totally or almost totally blind or are severely mentally disabled. The allowance is up to CZK 100 000. (Municipality with extended powers).

Allowance for general overhaul of a motor vehicle intended for people with severe disability of support and motion apparatus and parents of dependent children which have severe disability of support and motion apparatus, are totally or almost totally blind or are severely mentally disabled. The allowance is up to CZK 60 000. (Municipality with extended powers).

Allowance for special modification of a motor vehicle intended for people with severe disability of support and motion apparatus who drive a motor vehicle themselves and who require modifications to the vehicle as a result of their disability. The allowance covers the total price of the modification, unless the aggregate cost of the three contributions provided over 10 consecutive calendar years amounts to CZK 200 000. (Municipality with extended powers).

Allowance for motor vehicle operation intended for owners of a motor car whose state of health justifies the provision of grade II and III of special privileges and who use the motor car for their regular transport; car owners who use the motor car to regularly transport their relations and whose state of health also justifies the provision of grade II and III of special privileges; and parents of dependent children who are undergoing treatment for malignant tumor or haemoblastosis.

The allowance for onewheeled vehicles is CZK 3 920, or CZK 2 170 (ZTP/P and ZTP), and for two-wheeled vehicles CZK 9 124, or CZK 5 624 (ZTP/P and ZTP). (Municipality with extended powers).

Recurrent obligatory benefit

Allowance for settlement for use of a barrier-free flat intended for people with severe disabilities of support and motion apparatus who live in a specially-designed flat. The contribution is up to CZK 400 monthly. (Decided by the authorised Municipality).

Recurrent optional benefit

Allowance for increased costs of living granted to people who permanently use orthopaedic, compensatory or other compensatory aids, in the event that they have increased costs in relation to the use of such aids. The allowance is up to CZK 200 monthly. (Decided by the authorised Municipality).

Allowance for increased cost of living intended for totally or almost totally blind people who are systematically employed or prepare for employment by means of systematic training or study. The allowance is CZK 200 monthly. (Decided by the authorised Municipality).

Allowance for operation of telephone subscriber line intended for severely disabled people. The allowance may cover the entire costs for the basic monthly rate for using the telephone line. (Decided by the authorised Municipality).

Allowance for settlement for use of a garage intended for people with severe physical disabilities who live in a specially-designed flat. (Decided by the authorised Municipality).

Allowance to totally or almost totally blind people, intended to feed a guide dog owned by such person. The allowance is CZK 800 monthly. (Decided by the authorised Municipality).

Special privileges for disabled people

Special privileges for the severely disabled, intended for people who suffer from severe restriction in mobility or orientation. The privileges are stipulated in three grades (TP, ZTP and ZTP/P cards). Special privileges cards are used to identify beneficiaries. (Decided by Municipality with extended powers).

Interest free loans for severely disabled people in adverse life situations, where such situations can be overcome by means of the loan, which would be otherwise unavailable. The maximum loan is CZK 20 000. If a severely disabled person fulfils the conditions for

an allowance towards a motor vehicle, an interest-free loan of up to CZK 40 000 can be provided. This is a non-recurrent, optional provision of social assistance from a authorised Municipality with extended powers, and is provided from the authority's funds. (Decided by a Municipality with extended powers).

One-off optional benefits

Allowance towards public transport costs intended for social needy users of recreational and spa treatment. The allowance can be awarded up to the full cost of treatment. This is a non-recurrent and optional benefit. (Decided by the authorised Municipality).

One-off allowances for acquisition of special aids intended for severely disabled people to remedy, reduce or overcome the consequences of their disability. The maximum amount of the allowance is stipulated by a percentage part of the price of the aid. (Decided by Municipality with extended powers).

Allowance towards costs related to the training and handover of a guide dog to totally or almost totally blind people. The allowance may be provided up to the full, customary costs. (Decided by the Municipality with extended powers).

Allowance towards setting up a telephone line intended for people in social need who have been granted grade III special privileges; the allowance is up to CZK 1 000. (Decided by the Municipality).

Allowance for instalation of telephone subscriber line and allowance for change of connection of telephone subscriber line intended for people in social need who have been granted level III special privileges, in the event that a group connection is changed to a line with separate or dual connection; the allowance may be granted to the citizens-recipients of an increased pension due the their helplessness as well. The allowance is up to CZK 1 000. (Decided by the Municipality).

One-off cash benefits intended for people placed in a social assistance institutions, psychiatric hospital or homes for the long-term ill to pay for short-term liabilities. (Decided by the Municipality).

Allowance upon leaving an institution, intended for people in institutions for physically disabled young people, for young people with physical and mental disabilities, for young people with multiple physical disabilities and for people with altered work capacity who have completed training for employment. The allowance amounts to CZK 7 000, and in exceptional cases CZK 15 000. (Decided by the Municipality).

One-off benefits in cash and in-kind intended for people in social need to pay for extraordinary necessary costs that they cannot pay from their ordinary

income. (Decided by the Municipality).

Benefits in-kind intended for people in social need to meet their general living requirements that they cannot secure themselves due to their state of health, age or loneliness. (Decided by the Municipality).

Allowance for public catering of CZK 12 for one lunch, or in special cases increased by 15 %. (Decided by the Municipality).

Allowance towards recreation and spa treatment intended for non-working pensioners who pay for recreation and spa care from their own means. The size of the allowance depends on the size of the pension. (Decided by the Municipality).

5.6. Social assistance benefits in special assistance

Benefits in cash and in-kind for people who temporarily experience a particularly difficult situation or live in such circumstances; the benefits are intended to help them overcome adverse life situations, in particular to help them to find employment, improve their home environment, care for the upbringing and education of children, use spare time and develop culturally. The size of the benefit depends on the assessment of the administrative body. The benefits are non-recurrent and renewable on a monthly basis upon the fulfilment of conditions for social need.

Benefit in cash for people who temporarily find themselves in particularly difficult situations due to meteorological disasters or fires, intended to provide immediate assistance to overcome the consequences of such events. The benefit may be up to CZK 30 000 and depends on the property of the person concerned and that of her/his family. The benefit is provided once and is not dependent on social need.

Optional benefits to people experiencing social adaptation problems

Benefits in cash and in-kind to help people secure their basic needs upon fulfilment of the condition for social need. They are intended as first aid for people released from prison, people who are facing criminal proceedings, or whose prison sentence has been deferred, alcohol and drugs addicts, people living an undignified lifestyle and people released from institutional or care educational institutions. The benefit is provided up to CZK 1 000. Interest-free loans to people who are in an adverse life situation. The maximum amount of the loan is CZK 20 000.

Optional benefits for people who receive social assistance in health care facilities

One-off and recurrent benefit for people in social need, intended to pay for basic personal needs. The size of the benefit is decided by the Municipality with extended powers. The benefit is optional.

One-off cash benefit provided by the Municipality within its self-administration

A Municipality may in its self-administration capacity provide people who have found themselves in particularly adverse social conditions with an one-off benefit in cash.

Contacts

Municipalities, authorised municipalities and municipalities with extended powers.

Ministry of Labour and Social Affairs

of the Czech Republic
www.mpsv.cz, www.noviny-mpsv.cz
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6. Pensions

Contents:

- Information about pension insurance
- Applications for pensions
- Old-age Pension
- Increases in retirement age
- Invalidity pensions
- Survivors' Pensions
- Adjustment

6.1 Information about pension insurance

Matters such as who pays pension insurance premiums, what her/his duties are, and what the premium amounts to, are regulated by Act No. 589/1992 Coll., on social security and state employment policy premiums, as amended.

The scope of persons who participate in pension insurance, the conditions for their participation in insurance, insurance periods, substitute insurance periods, conditions for entitlement to pensions and their payment, the calculation of pensions and rules for their adjustment are regulated by Act No. 155/1995 Coll., on pension insurance, as amended.

Social security authorities and their tasks in im-

plementing pension insurance, duties and rights of employers and insured persons, and procedure in matters pertaining to pension insurance are regulated by Act No. 582/1991 Coll., on the organisation and implementation of social security, as amended.

Pension insurance is compulsory

Natural persons enumerated in the Pension Insurance Act have to participate in pension insurance, provided they meet the conditions stipulated by the Act. Most persons become participants in insurance by law, without having to sign up.

Exceptions:

- men who care for a child up to four years of age
- persons who care for a child up to 18 years of age suffering a severe long-term disability which requires extraordinary care
- persons who personally care for a substantially or totally helpless person or of a partially helpless person older than 80 years, provided they live in one household (in the case of a close person, the household condition will not be required).

In these cases, participation in pension insurance will commence if they submit an application for participation in pension insurance within two years of the care for a child or a helpless person. Applications are to be filed with the District Social Security Administration offices in whose district the care-giver has permanent residence.

Self-employed persons

Self-employed persons have to inform the District Social Security Administration in whose district they have permanent residence (or, if they do not have a permanent residence in the Czech Republic, then the District Social Security Administration determined according to the place of their self-employment) that they have commenced or re-commenced self-employment or co-operation in the self-employment of another person, or about the fact that they have terminated their self-employment, by the 8th day of the calendar month following upon the month in which the fact subject to information duty arose.

Voluntary insurance

Persons over 18 years of age may participate in pension insurance voluntarily, provided they have applied to participate in the insurance and it concerns the period when:

- they are registered as job applicants who are not entitled to unemployment benefit and this period exceeds the three years included "by law"
- they study at a secondary school, higher spe-

cialised school, or university, with the exception of the first six years of study after the age of 18, which are covered "by law"

- they are engaged in a gainful activity abroad
- they perform volunteer work on the basis of an agreement signed with the posting organisation based on the Volunteer Service Act

In the first two cases mentioned, an application for participation in the insurance may be submitted and premiums paid up at any time prior to the submission of an application for pension. In the case of a gainful activity abroad, or of volunteer services, premiums can be paid up retrospectively for up to two years prior to the submission of the insurance application. All other persons over 18 years of age may participate in pension insurance voluntarily. They may, however, only pay up retrospectively for up to one year prior to the submission of the application for insurance. In total, up to 10 years of pension insurance may thus be acquired. Applications are to be submitted to the District Social Security Administration in whose district the applicant has her/his permanent residence.

6.2. Applications for pensions

The following pensions are provided under pension insurance:

- old-age
- full disability
- partial disability
- widow's
- widower's
- orphan's

Applications for pensions will be filled out on prescribed forms:

- on behalf of employees in an employment relationship by the organisation by which they are employed, provided it takes care of their sickness insurance
- on behalf other profitably active persons (with the exception of self-employed persons) by the organisation authorised to perform tasks in implementing pension insurance
- on behalf of all other citizens, by the District Social Security Administration

Applications for survivors' pensions may be submitted:

- by the survivors in the place which was authorised to fill out the deceased pensioner's application

- by the survivors of non-working pensioners to the District Social Security Administration
- if a citizen is not able to work at the time of the submission of a pension application, and her/his permanent residence is in a different district than that of the registered seat of the organisation, or if the citizen's survivor has her/his permanent residence in a different district than that of the seat of the organisation by which the citizen was employed, the application may be submitted to the District Social Security Administration appropriate to the place of the applicant's permanent residence
- on behalf of citizens who, due to their state of health cannot submit a pension application themselves, an application may be submitted by their family members, provided they agree and on the basis of a physician's report confirming their health. In the case of citizens who do not have any family, application can be submitted by another citizen, on the basis of a power of attorney
- application for a pension to which entitlement arose during imprisonment or detention will be submitted by the citizen through the prison authority
- The appropriate organisation (employee) or District Social Security Administration will not refuse to fill out an application.

6.3. Old-age Pension Conditions for old-age pension entitlement

- at least 25 years of pension insurance and reaching of retirement age
- if those conditions are not met, then at least 15 years of pension insurance, and the reaching of at least 65 years of age

The duration of pension insurance is the period for which premiums were paid in the Czech Republic. A calendar month in which the prescribed income considered for the assessment basis was not achieved (e.g., due to an unpaid leave of absence) will not be calculated as insurance period. A calendar month in which an employer did not pay premiums although it was required to do so, will be usually calculated into the duration of insurance.

Retirement age

As of 1996, retirement age has been gradually increasing every year, by 2 months for men and by 4 months for women, so that men and women without children would eventually reach the same age-limit of 63 years. The retirement age of other women continues to be differentiated according to the number of children they have brought up, ranging from 59 and 62 years.

Year of birth						
Retirement age	Man	Woman without children	Woman with 1 child	Woman with 2 children	Woman with 3 or 4 children	Woman with 5 and more children
54						1945
55					1944	1948
56				1943	1947	1951
57			1942	1946	1950	1954
58		1941	1945	1949	1953	1957
59		1944	1948	1952	1956	1960
60		1947	1951	1955	1959	
61	1941	1950	1954	1958		
62	1947	1953	1957			
63	1953	1956				

Early old-age pension - permanently reduced

An insured person will be entitled to early old-age pension provided s/he has been insured for at least

25 years and s/he has less than 3 years to reach retirement age. Such pension will be permanently reduced, i.e., the granting of this type of early old-age pension excludes entitlement to a regular old-age pension once retirement age is reached.

6.4. Increases in retirement age Old-age pension amount

Is composed of the basic amount and a percentage amount.

The basic amount is a flat rate identical for all pensions, which is from January 2006 CZK 1470.

The percentage amount depends on the insurance period and on the gross earnings covers the period since 1985 to the year preceding retirement. All earnings are indexed in relation to the average wage. Not all earnings are incorporated in the Personal Assessment Base (up to CZK 9100 is 100% incorporation, from CZK 9 100 to CZK 21 800 is 30% incorporation and over CZK 21 800 is 10% incorporation) 1.5% of the Personal Assessment base per year of insurance (no maximum).

The minimum percentage amount of pension will be at least CZK 770 per month.

Accumulation Concurrence of old-age pension and earnings from the work gainful activity

A condition for entitlement to the payment of an old-age pension alongside with income from gainful activity is that the employment relationship is concluded for a definite period of time, which does not exceed one year.

There is no entitlement to the payment of a early old-age pension, if the beneficiary engages in gainful activity or receives unemployment benefits.

Invalidity pensions

Full disability and partial disability will be assessed by the doctors of District Social Security Administration in the place of permanent residence of the citizen in question.

6.5. Full invalidity pension

An insured person is entitled to a full invalidity pension:

- if s/he has become fully disabled and has completed the required insurance period, provided that s/he had not, as of the date on which her/his full disability arose, been entitled to an old-age pension or, if s/he has not reached retirement age, s/he is an insured person who has been granted a permanently reduced early retirement
 - or if s/he has become fully disabled due to a work-related injury or an occupational disease
- An insured person is fully disabled if, due to her/his handicap

- a. her/his reduced capacity for any economic activity has decreased by at least 66 %
- b. is, due to her/his disability, handicap she/he is able to work only under entirely extraordinary conditions

Partial invalidity pension

An insured person is entitled to a partial invalidity pension:

- if s/he has become partially disabled and has completed the required insurance period
- if s/he has become partially disabled due to a work-related injury or an occupational disease

An insured person is partially disabled:

- if, due to her/his handicap her/his ability to economic activity has decreased by at least 33 %
- if her/his long-term adverse state of health significantly impairs her/his general standard of living. The group of disabilities which significantly impair one's general living conditions is specified in Ministry of Labour and Social Affairs regulation no. 284/1995 Coll.

Insurance periods

The insurance periods required for entitlement to a full or partial invalidity pension are the with respect to specific groups:

- up to 20 years - less than one year
- between 20 and 22 years - one year
- between 24 and 26 years - three years
- between 26 and 28 years - four years
- between 22 and 24 years - two years
- over 28 years - five years

Amounts of invalidity pensions

Is composed of the basic amount and a percentage amount. The basic amount of both the full and partial disability pensions is a flat rate identical for all pensions, which is from January 2006 CZK 1470.

The percentage amount depends on the insurance period and on the Personal Assessment base (gross earnings - see old-age).

The percentage amount of full invalidity pension is 1.5 % of the Personal Assessment Base per year of insurance (no maximum).

The percentage amount of a partial invalidity pension is 0.75 % of the Personal Assessment Base per year of insurance (no maximum).

For these purposes, insurance periods are deemed to continue between the date when entitlement to a full disability or partial disability pension arose, and the date when the beneficiary reached retirement age. That is the so-called additional period.

The minimum percentage amount of a full invalidity pension will be at least CZK 770 per month.

The minimum percentage amount of a partial invalidity pension will be at least CZK 385 per month.

Accumulation invalidity pension with earnings from work

Full invalidity - no limitations.

Partial invalidity - no limitations.

6.6. Survivors' Pensions

Widow's or Widower's Pension

A widow (widower) is entitled to a widow's (widower's) pension, if the late husband (wife) was a beneficiary of an old-age, full disability or partial disability pension, or had, as of the date of her/his death, complied with the condition of the period required for entitlement to a full disability pension, or to an old age pension, or if s/he has died due to a work-related injury or an occupational disease.

A widow (widower) is entitled to a widow's (widower's) pension for one year, following the death of her husband (his wife). After the passage of one year, the widow (widower) is entitled to a widow's (widower's) pension provided that:

- she/he is taking care of an dependent child
- she/he is taking care of an underage child suffering from a severe long-term disability who requires extraordinary care, or of an of-age child, who is predominantly or totally incapacitated
- s/he is taking care of a substantially or totally incapacitated parent of hers/his or of her/his husband's (wife's), who lives with her/him in one household, or of such a parent who is partially incapacitated and is more than 80 years old
- is fully disabled, or has reached the age of 55 years (or 58 years, in the case of a widower) or pension-age, if the pension-age is lower

Entitlement to a widow's (widower's) pension will arise again if any of the above conditions is met within five years of the expiration of the former entitlement to the pension.

Entitlement to the pension will expire upon entry into a new marriage. In that case, a widow (widower) will be entitled to a lump-sum amount in the amount of 12 monthly pension payments to which s/he was entitled on the date of the expiration of her/his claim.

Amount of a widow's and widower's pension

Is composed of the basic amount and a percentage amount. The basic amount is a flat rate identical for all pensions, which is from January 2006 CZK 1470.

The percentage amount of a widow's (widower's) pension is 50 % of the percentage amount of the old-age or full disability pension to which the deceased person was entitled or would have been entitled, or 50 % of the percentage amount of a partial disability pension of the deceased person - beneficiary of such a pension, who, as of the date of her/his death, did not comply with the conditions for entitlement to a full disability or old-age pension. If a widow (widower) is, in addition to a survivors' pension, also entitled to an old-age, full disability or partial disability pension, the higher of the pensions will be paid out in full (both the basic and percentage amounts), plus only one half of the percentage amount of the lower pension.

Orphan's pension

An dependent child is entitled to an orphan's pension if her/his (adoptive) parent, or the person who has taken the child to substitute family, died, and the child was, at the time of that person's death, primarily dependent for nourishment on her/him, the nourishment not being provided by the child's parents for serious reasons. A child orphaned by both parents will be entitled to an orphan's pension after each of them.

Conditions for entitlement to an orphan's pension:

- the deceased person was a beneficiary of an old-age, invalidity or partial invalidity pension
- or had, as of the date of her/his death, complied with the condition of the insurance required for entitlement to a full invalidity pension or an old-age pension
- or died due to a work-related injury or an occupational disease

A child will not be entitled to an orphan's pension after her/his foster parent or her/his spouse.

A child's entitlement to an orphan's pension expires with the child's adoption. If a child orphaned by both parents is adopted by only one person, the child's entitlement to orphan's pension will expire with respect to the parent who was replaced by the adoptive parent.

Entitlement to an orphan's pension will be renewed if adoption is abolished.

Amount of orphan's pension

Is composed of the basic amount and a percentage amount. The basic amount is a flat rate identical for all pensions which is from January 2006 CZK 1470.

The percentage amount of an orphan's pension is 40 % of the percentage amount of the old-age or

full invalidity pension to which the deceased person was entitled or would have been entitled at the time of her/his death, or 40 % of the percentage amount of a partial invalidity pension of the beneficiary of such a pension, who, as of the date of her/his death, did not comply with the condition of insurance periods required for entitlement to a full invalidity pension or to old-age pension.

If a child orphaned by both parents is entitled to two orphan's pensions, the higher of the pensions will be paid out in full (both the basic and percentage amounts), plus the percentage amount of the lower pension.

6.7. Adjustment

Basic principles for adjustment

Periodical pension payments are increased regularly, every January. A different process is only used in the case of a very low inflation rate (when the increase would be less than 2 %) and in the case of a high infla-

tion rate (over 10 %).

A pension increase will be set in a way as to constitute at least 100% of the price increase in the case of the average old-age pension, and at least one third of the increase of real wages. The specific increase will be set by a government regulation; an increase may be higher than that stated by law as the minimum increase.

The basis for regular January increases is the total growth of the overall household consumer price index in the twelve-months' July-July period preceding the pension increase.

The basis for the growth of real wages is the calendar year, which precedes the year of the pension increase by two years.

Pensions will be increased extraordinarily, at any a different date, if the price-increase over the period monitored is at least 10 %; the government will decide on such an increase within 50 days from the day on which this condition is met.

Overview of increases of pensions paid out

Month/year of increase	Increase in percentage amount Pensions awarded		Increase of basic amount (in CZK)	Basic pension amount after increase (in CZK)
	Prior to 31.12.1995	After 1.1.1996		
April 1996	8 %	8 %	240	920
October 1996	6 %	6 %	140	1060
August 1997	8 %	8 %	200	1260
July 1998	9 %	5 %	50	1310
August 1999	7,5 %	5 %		1310
December 2000	9 %	5 %		1310
December 2001	11 %	8 %		1310
January 2003	4 %	3,8 %		1310
January 2004	2,5 %	2,5 %		1310
January 2005	5,4 %	5,4 %	90	1400
January 2006	6 %	4 %	70	1470

Contacts

Specialised assistance in matters concerning pension insurance will be provided to citizens and organisations by the District Social Security Administrations (DSSA - "OSSZ"), in Prague by the Prague Social Security Administration (PSSA - „PSSZ") and its local branches.

The DSSA and PSSA activities are governed and reviewed by the Czech Social Security Administration (CSSA - "SSZ"), which also makes decisions on entitlement to pensions, pension amounts, and their payment.

In respect of members of the armed forces (professional soldiers, police, prison guards, and others) and their survivors, similar duties will be performed by social security authorities of the Ministry of the Interior, Ministry of Defence, and Ministry of Justice.

Czech Social Security Administration
Křížová 25, 225 08 Prague 5
Tel.: +420 257 062 860-8

Czech Social Security Administration

Ministry of Labour and Social Affairs

www.mpsv.cz, www.noviny-mpsv.cz, e-mail: posta@mpsv.cz

7. Non-profit sector

7.1. The non-profit sector in the Czech Republic

Non-governmental, non-profit organisations (NNOs) can have the following legal formats in the CR:

- Citizen-action association
- Foundation and foundation funds
- Church legal entity established by a church or religious organisation
- Generally beneficial company

The non-profit sector comprises organisations that are based on aims other than economical profit, and all possible profits are re-invested into the organisation's activities. NNOs are autonomous regarding the state and exist in all areas of human activities. The entities providing public services, entities working for their members, entities that finance the activities of other people, etc., belong to the non-profit sector. NNOs operate in many publicly beneficial areas, such as social services, caring for the disabled, solving social issues, environmental protection, culture and the protection of cultural monuments, sports, and EU development. Variety is the main characteristic and a strong point of this sector, which is usually linked to many benefits for a democratic society. More information about types of non-profit organisations can be found under Non-governmental, non-profit organisations in the Czech Republic

7.2. Basic legislative scope of NNOs

NNOs activities in the Czech Republic are regulated by the following laws, which determine the registration process, organisational structure, financial management, economical management, and termination.

- Citizen-action associations comply with Act No. 83/1990 coll., on citizens' associations, as amended.
- Generally beneficial companies comply with Act No. 248/1995 coll., on generally beneficial companies and on alteration and amendment of some acts, as amended.
- Foundations and foundation funds comply with Act No. 227/1997 coll., on foundations and foundation funds, and on alteration and amendment of related acts, as amended.
- Churches, religious organisations, and church legal entities comply with Act No. 3/2002 coll., on the freedom of religious worship and the status of churches and religious organisations, and on alteration of some acts, as amended.

NNOs and tax law

In European countries, tax relief for NNOs are usually linked to a specified definition of public benefit, which determines a partial selection of subjects for tax relief within various laws.

Assignment is another possibility. Tax assignment means that the taxpayer of physical persons' income tax can decide which NNO receives 1-2% of the paid tax. From a fiscal point of view, the tax assignments are another source of funding for NNOs. Unlike in the system of government subsidies, public finances collected by the state are not distributed after parliamentary budget approval, but by the decision of individual taxpayers.

7.3. Tax privileges for donors in the Czech Republic:

- **Physical persons**

(in compliance with § 15 section 5 of the act on income tax)

Physical persons can deduct the value of the donation from the tax base, if the overall value of the donation in the tax period is greater than 2% of the tax base or is a minimum of CZK 1,000. A maximum of 10% can be deducted from the tax base. In order to fiscally exercise a donation, the donation or several donations must in one year exceed CZK 1,000, or a sum greater than 2% of the tax base.

- **Legal entities**

(In compliance with § 20 section 8 of the act on income tax)

If the value of the donation is a minimum of CZK 2,000, the value of the donation can be deducted from the tax base of the legal entity. A maximum of 5 % can be deducted from the tax base that was already reduced. This deduction cannot be applied by taxpayers who are not established for business purposes. For tax purposes, the donation must be a minimum of CZK 2,000.

Generally beneficial companies are free of the donation tax. All donations that the company gains can be used for the company's activities in a reduced amount.

Phases of the non-profit sector's development since 1989

The non-profit sector has a long tradition in the Czech lands. Foundations and associations have always had an important share in national, cultural and political emancipation (for example, the National Renaissance, the establishment of the Czechoslovak Republic in 1918, and the Velvet Revolution in 1989). The tradition was torn during the totalitarian, fascist,

and communist regimes, when such independent public initiative was deemed undesirable. During the communist regime, the autonomous non-profit sphere was practically non-existent, and some organisations operated within the National Front. In 1989, a fundamental change was recorded in this area. Thousands of NNOs began to operate and the non-profit sector underwent many changes.

Four stages of development within the non-profit sphere have been recorded in the past 16 years.

1990-1992 The atmosphere of the time resembled the first legal amendments regarding the non-profit sector (act on associating and legal regulations of the foundations) and in the establishment of the Foundation Investment Fund. The Council for Foundations was established as the advisory body of the government for issues regarding NNOs. The liberal politics of the state created conditions for the rapid development of the non-profit sector. Foreign donors entered the country and supported the non-profit sector as part of new democracy's development.

1993-1996 The state's attitude toward the non-profit sector was sceptical and reserved (due to the lack of will to divide the Foundation Investment Fund, and hesitation over new laws regarding the foundations). The concept of the non-profit sector was influenced by the debate between two leading political figures, Václav Havel and Václav Klaus, on the subject of a so-called civil society. State politics fell behind the natural development of the non-profit sector, but state support for the non-profit sector remained stable (CZK 2 million to 3 million).

1997-2001 The attitude of the state regarding the non-profit sector was becoming more intense and correct. New laws regarding foundations resulted in the stabilization of the foundation sphere; new bills were being prepared and donation regulations were specified in individual ministries. The activity of RNNO (the government council for non-governmental, non-profit organisations) was reinstated and the first financing from the Foundation Investment Fund was distributed.

2002-2005 Two big changes occurred in this period. Firstly, the reform of the public administration established the regions that influence the NNO situation. Secondly, EU membership brought an opportunity to enter into partnerships and utilize EU funds. EU membership can change the situation of many NNOs: Some can improve their influence and significance; others may suffer or become defunct.

NNO members

Citizen-action associations, which are established on the basis of associating citizens as members, are a type of NNO. Nearly half the adult Czech population (47%) are members of citizen-action associations. Five years ago, only one-third of the population claimed membership of associations. The difference can be attributed to improved public knowledge of NNOs in the past five years, and people have realized that these also include various interest groups. The great floods in 1997 and 2002 could have had an essential influence. Possibly the educated and relatively well-provided middle classes are growing, which traditionally supports the activities within the non-profit sector. In any case, the trend is noticeably positive.

Czech citizens are mostly members of sporting organisations (16%) and are often members of interest organisations such as gardening and cultivation (6%), volunteer firemen (6%) and fishermen organisations (5%). Fishermen have a greater membership base than Czech political parties. The number of men registered in an association is slightly higher than that of women; 53% of men are members of some civil-action group, whereas only 42% of women are registered. Association members usually come from a social group with an average or above-average monthly income (net personal salary is CZK 8,000 to 15,000). On the contrary, people with low incomes (less than CZK 6,000) and with limited education, mostly do not register for membership. The highest membership base is among ODS and KDU-ČSL supporters.

The activity of the civil-action associations is proved by the fact that they record less people who do not vote, unlike in the rest of the population. In other words, members of the civil-action groups are active citizens – voters.

French
French
Partner
Partner
Contribution
Contribution

French Partner Contribution

1. What is to Discriminate?

In the common language, to discriminate is not only to make distinction but also to organize into a hierarchy, to offer a person a less favourable treatment. The verb "to discriminate" has a negative connotation; it is an illegitimate difference of treatment. The legal definition has preserved this negative connotation. The criteria prohibited by law are :

- age
- sex
- origin
- family situation
- sexual orientation
- manners
- genetic characteristics
- true or supposed membership, with an ethnic group, a nation, a race
- physical appearance
- disability
- health
- state of pregnancy
- patronym
- political opinions
- religious convictions
- trade-union activities

Discrimination can be direct or indirect. Indirect discrimination, which is a European notion, was introduced in the 2002 law said "loi de modernisation sociale".

The "discrimination directe" is a deliberate practice, the use of a prohibited criterion to impose an unfair treatment.

The "discrimination indirecte" is a "apparently neutral practice having unfavourable consequences on persons because of a prohibited criterion". Example : a size limit for recruitments can be a way to throw out women.

The 2002 law introduced a radical change on the burden of proof, requiring the defender to prove that his practice is not a form of indirect discrimination.

Today, discrimination is a major question for the EU and the member states. After a quick presentation of

the French laws about gender equality, we will provide some data on wage inequality. Finally, we shall introduce studies to reveal the high level of discrimination in the French job market.

2. French law

In 1946, the principle of equality between men and the women is registered in the preamble to the French Constitution of 1946. The text, maintained into force by the Constitution of 1958, proclaims again that "any human being, without distinction of race, of religion, nor of belief, has rights inalienable and crowned (...). the law guarantees to the woman, in all the fields, the rights equal to those of men".

The United Nations Gender Equality convention of 1979 is ratified by the French Parliament December 14, 1983. The same year a law nicknamed "Roudy Law" (Name of the Women's Rights Minister) introduced into the Penal code and Employment Law a general principle of non discrimination.

In 2001, a law relating to the fight against discrimination is established. Its aim is to introduce into the French Law the article 13 of the Amsterdam treaty. The field of Discrimination was widened and relates to all the stages of the professional life: formation, qualification, promotion, change etc.

In 2006 a law is adopted by both chambers, its goal is to promote equality of salary between men and women:

- End the wages differences between men and women within 5 years
- Help women to access to the Board member statute inside companies and to the labour courts (Conseil des Prud'hommes)
- Develop vocational training and apprenticeship for women¹

3. Gender inequalities: economic situation

Women represent in France account for 45.9 % of the workforce, this is a huge improvement in 45 years. Whereas in 1960 only 6.5 million women were at work, they were 11.5 million in 1999. In 1968 less than half of the women between 25 and 49 were at work whereas they were 79 % in 1998.

But we can see strong inequalities, for instance women account for only 6.3 % of the management teams of the 5000 biggest companies implemented in

¹ Source: la Halde

France. If we look at a larger group of 300000 managers, women represent only 17 % of them. In the public services, women account for 59.6 % of the workforce but only for 10 % of the high ranking civil servants (for instance, in 1999 there were only 5 women prefect for 104 men and 11 women ambassadors for around 150 men).

On average, women's wages are 21 % lower than men's and even if the job conditions, experience are the same, women continue to have wages 13 % lower, which is "purely discriminative" according to Béatrice Majnoni, from University Paris XII.

Women tend to have jobs with a lower level of qualification, a lower wage and seem to be more exposed to unemployment. According to a 2004 study using ILO standards, unemployment rate for women was 10.8 % and 8.9 % for men.

In ANPE, the national job centre, women account for 53.9 % of the category 1 of more than one year unemployed registered persons despite representing only 45.9 % of the workforce.

Women tend to be heavily concentrated on a few sectors: 6 job types constitute 60 % of women (private companies, public services, services to companies or persons, semiskilled workers, teacher, health professions, social activities).

29.8 % of them are part time workers. It is not surprising considering that 70 % of the domestic chores are done by women.

4. The May 2004 ADIA/PARIS I study

In 2004, ADIA and the University PARIS I carried out the first field study in France. They applied for jobs proposed in newspapers or by the national job agen-

cy sending CVs for different (imaginary) candidates, the level of qualifications was the same but they had different:

- Gender (male/female),
 - Ethnic origin (French/North African),
 - Address (Paris/Poor suburb),
 - Face (Average looking face/ (disgracieux visage)
 - Age (Less than 50/50 years old)
 - Disability (no disability/disabled)
- Seven CVs had been sent for each offer :
- One from a male, French name and surname, living in Paris, less than 50, average looking,
 - One from a female with the same characteristics,
 - One from a man with a North African name and surname, living in Paris, less than 50, average looking,
 - One from a man, French name and surname, living in Val Fourré in Mantes-la-Jolie (Paris suburb), less than 50, average looking,
 - One from a male, French name and surname, living in Paris, less than 50, (visage disgracieux),
 - One from a male, French name and surname, living in Paris, 50 years old, average looking,
 - One from a male, French name and surname, living in Paris area, less than 50, average looking with a disability

1806 CVs were sent, corresponding to 258 job offers. The results are dispatched into three categories: no answer, a negative answer, an invitation to a job interview:

	POSITIVE ANSWER	NEGATIVE ANSWER	% OF ANSWER	% OF POSITIVE	PART OF ALL THE POSITIVE ANSWERS
ETHNIC ORIGINE	14	20	13,18%	5,43%	5,36%
UNSIGHTLY FACE	33	17	19,38%	12,79%	12,64%
AGE	20	11	12,02%	7,75%	7,66%
SENSITIVE SUBURB	45	14	22,87%	17,44%	17,24%
WOMAN	69	14	32,17%	26,74%	26,44%
REFERENCE CANDIDATE	75	10	32,95%	29,07%	28,74%
DISABLED	5	18	8,91%	1,94%	1,92%
TOTAL	261				100,00%

With around a third of answers and around 29 % of positive answers, the reference candidate is without any surprise the most in demand. The most surprising part of this survey is the level of discrimination against disabled people that it reveals, with less than 2% of positive answers, despite the legal obligations, he is by far the most discriminated of the panel. Ethnic origin and age are similarly heavily discriminated against. The North African candidate only had 5.43 % positive response and the 50 year old candidate 7.75 %.

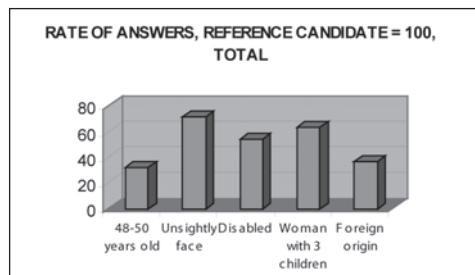
Another revelation of the survey is the level of discrimination against people average-looking people with less than 13 % of positive response. In this study, the level of discrimination against women appeared limited, this is certainly due to the fact that the selected jobs had a low level of qualification, and results could have been different with more skilled jobs. Furthermore, the study stopped before the interview stage and therefore it was not possible to study a possible difference in the level of (remuneration) offered.

5. Barometer of Discrimination ADIA/PARIS I

The barometer of discrimination aims at following the evolution of the discrimination in the duration on a rather wide number of criteria. The method used is that of the testing, at the end which more than 6461 CV were sent answering 1340 job offers. The rate of answer is 9.26%. The profiles of the factitious discriminated candidates are as follows:

- Age: a man from 48 to 50 years
- Gender: a woman, mother of three children
- Disability : state (COTOREP) recognition of a disability
- The origin: name and first name of the candidate from North Africa
- Physical appearance: unsightly face

The reference candidate is a man of 28-30 years old, with a French origin name and surname. This candidate will be used as a basis for the study of the discriminated candidates, the number of answers which he obtains being presented on a basis of 100.

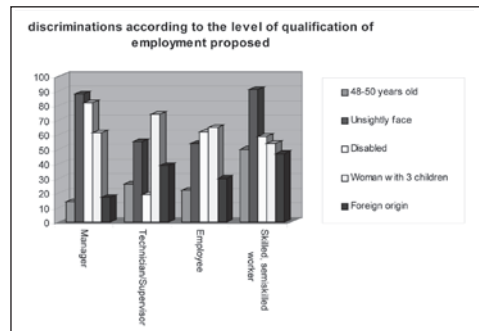


The total results show that for 100 positive answers received by our reference candidate, the 48-50 years old worker received 68 % less answers, the candidate with an unsightly face 29 % less answers, the woman, mother of three, 37 % answers less, the disabled worker 46 % answers less and the candidate with a North African name 64 % answers less.

These figures are only averages; the study allowed a finer analysis according to criteria like: mode of recruitment, size of the company, the type of employment, the geographical situation.

5.1 Discrimination according to the level of qualification of employment offered

	Manager	Technician/Supervisor	Employee	Skilled, semiskilled worker
48-50 years old	14	26	22	50
Unsightly face	88	55	54	91
Disabled	82	19	62	59
Woman with 3 children	61	74	65	54
Foreign origin	17	39	30	47



Discrimination is greater for the elderly workers of more than 45 years and for the people of foreign origin. They respectively obtain 86% and 83% less answers than the candidate of reference.

To the opposite disabled people and the people with an unsightly face obtain, in this type of employment results approaching those of the candidate of reference with a differential of 18% and 12%.

For the jobs of technician and supervisor, the disabled persons obtained very low results with a rate of positive answers lower than 81% compared to the reference candidate.

For employees, workers of more than 45 years obtain the lowest rate of positive answers, lower than 78% compared to the reference candidate.

Lastly, if the jobs of unskilled worker and skilled worker are overall more open (discrimination is lower there), the foreign origin people have a rate of response lower than 53% compared to the candidate of reference, the disabled persons having a rate of response lower than 41%.

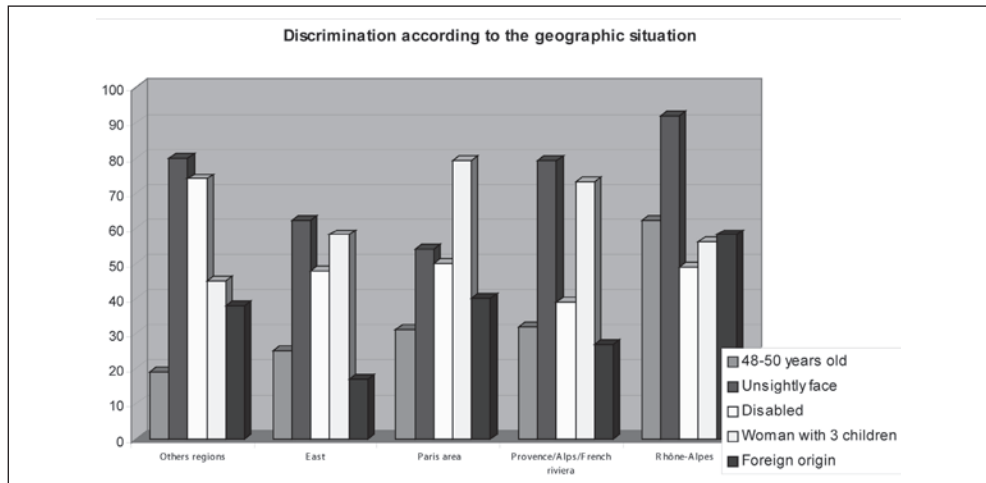
Women have a level of discrimination much higher

in both extremes: for the positions of management, their rate of positive answers is lower than 39%, for the positions of skilled workers and unskilled workers, their rate of answer is lower than 46%.

To the opposite, the jobs of technician and employee are more open with rates of answers respectively lower than 26% and 35%.

5.2. Discrimination according to the geographic situation

	Rate of answer per cent answers obtained by the reference candidate				
	Others regions	East	Paris area	Provence/Alps/ French Riviera	Rhône-Alpes
48-50 years old	19	25	31	32	62
Unightly face	80	62	54	79	92
Disabled	74	48	50	39	49
Woman with 3 children	45	58	79	73	56
Foreign origin	38	17	40	27	58



The geographical situation is an important dimension in observing discrimination. Thus, a foreign origin applicant who obtains a rate of response lower than 60% compared to the reference applicant in Paris will have a rate lower than 83% in the East of France.

Broadly the level of discrimination is higher in the South (area Provence the Alps Riviera) and in the East of France that in Paris area or Rhône-Alpes.

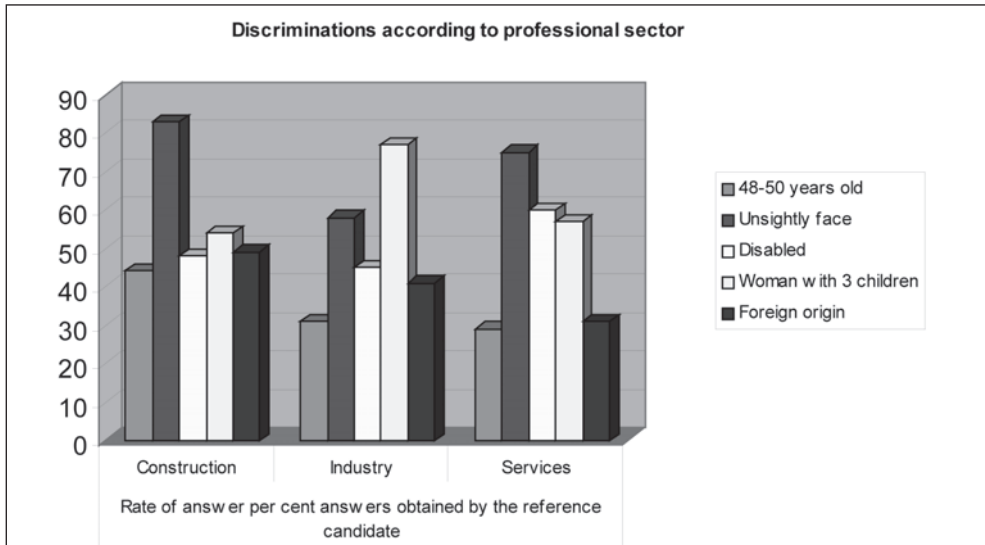
Our area is characterized by levels of discrimination appreciably lower than in other areas and this more

particularly with regard to discrimination against the older workers and to the people of foreign origin. In these two cases, the rates are lower than 38% and 42% compared to the candidate of reference whereas they are lower than 75% and of 83% in the East of France.

The most notable exception concerns the women; their rate of positive answers is lower than 44% in Rhône-Alpes region whereas it is lower only 31% in Paris area and 27% in the south of France.

5.3. Discrimination according to the professional sector

Rate of answer per cent answers obtained by the reference candidate			
	Construction	Industry	Services
48-50 years old	44	31	29
Unightly face	83	58	75
Disabled	48	45	60
Woman with 3 children	54	77	57
Foreign origin	49	41	31

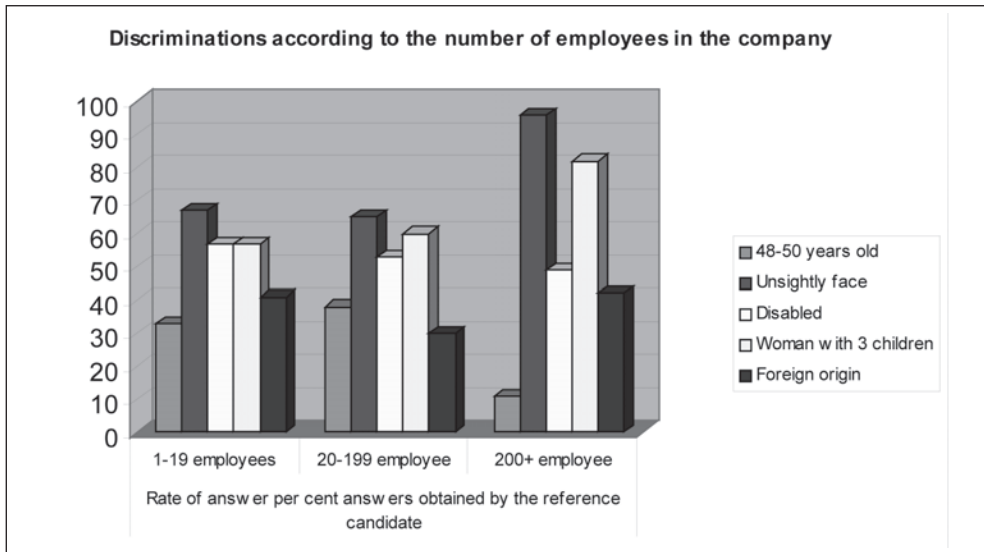


As opposed to what one could a priori have thought, it is in the sector of industry that women obtain their best rate of answer, with 23% less answers than the candidate of reference. In services, the rate of answers will be lower than 43% and 46% in the sector of construction.

The 45 years old and older candidates obtained the lowest rate of answers and this, especially in services (rate lower than 71%) and in industry (rate lower than 69%), discrimination is slightly less marked in the sector of construction with a rate of answers lower than 56%.

5.4. Discrimination according to the size of the company

Rate of answer per cent answers obtained by the reference candidate			
	1-19 employees	20-199 employee	200+ employee
48-50 years old	33	38	11
Unightly face	67	65	96
Disabled	57	53	49
Woman with 3 children	57	60	82
Foreign origin	41	30	42



The size of the company is also a factor to be taken into account when one examines discrimination during recruitment.

Women obtain much better rates of answers in the companies of more than 200 employees (it is lower only 18% compared to the candidate of reference) than in the companies of less than 20 employees (it is then lower than 43%) or between 20 and 199 employees (lower than 40%).

The old workers have very low chances of recruitment in the companies of more than 200 employees (rate of positive answers lower than 89% compared to the candidate of reference) than in the companies from 20 to 199 employees (lower than 62%) or of less than 20 employees (lower than 67%).

People with unsightly face obtain in big companies (more than 200) rates of answers very close to the candidate of reference (lower than 4%) whereas it is lower

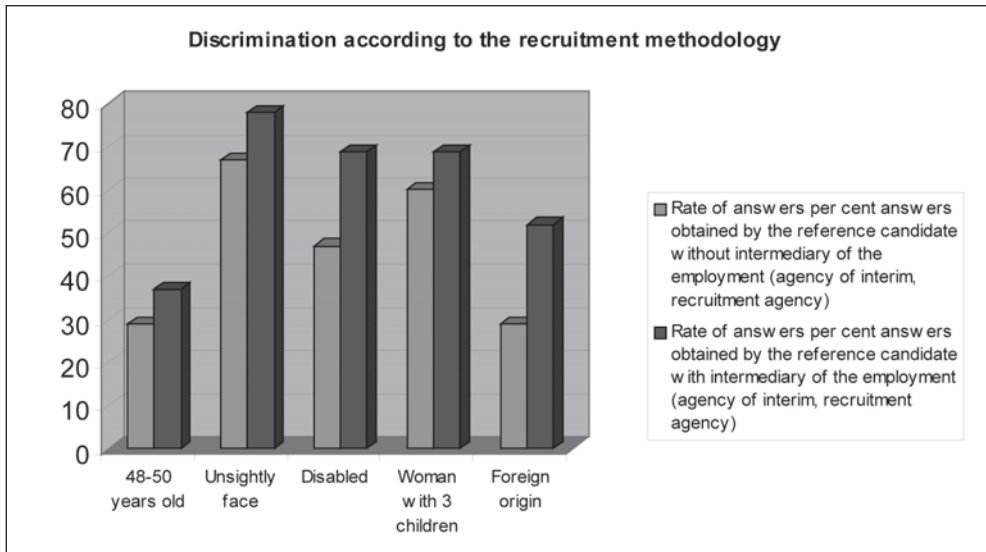
than 35% in the companies from 20 to 199 employees.

For disabled workers, the variations are lower, even if it is surprising to note that companies of less than 20 employees give better results (rate of answers lower than 43%) than the companies from 20 to 199 paid (rate lower than 47%) or of more than 200 (lower than 51%) whereas all the companies of 20 employees and more are subject to an obligation of employing disabled workers. With OPCAREG we had already been able to do this report in our activity for disabled workers employment and vocational training; small companies not subject to the obligation often give better results than others.

Foreign origin people obtain their lowest rate of answers in companies from 20 to 199 employees (rate lower than 70 compared to the candidate of reference), the companies of less than 20 employees, and more than 200 offering a rate higher of 10 points.

5.5. Discrimination according to the way recruitment is done

	Rate of answer per cent answers obtained by the reference candidate	
	without intermediary of the employment (agency of interim, recruitment agency)	with intermediary of the employment (agency of interim, recruitment agency)
48-50 years old	29	37
Unsightly face	67	78
Disabled	47	69
Woman with 3 children	60	69
Foreign origin	29	52



For all the types of public susceptible to be discriminated, the use of an intermediary (agency of interim or agency of recruitment), increases in a considerable way the rate of positive answers. For foreign origin people the rate of positive answers is lower than 48 % compared to the reference candidate while it is lower

than 71 % without intermediary.

For others, differences are less important but recruitment with intermediary gives at least result 10 points higher and even 20 points higher for disabled persons.

Hungarian
Partner
Contribution

Hungarian Partner Contribution

Gender studies

1. Disability and discrimination in Hungarian legislation

1.1 Definitions of disability

Similarly to gender, race or belonging to a national or ethnic minority, disability is often a reason for discrimination even in developed countries. However, disability is not an exactly defined term. Even experts have different opinions about which groups belong to disabled people, and there are significant differences in the definition of disability among the countries of the European Union.

During the last few years, Hungarian legislation has become more confused in the definition of disability. Both narrower and wider definitions are used in the laws regarding accessibility, education, etc., so it has to be clarified in the case of every single law, what is meant by disabled persons. Instead of helping families to live more independently, huge institutions were created for disabled people unable to maintain themselves and who did not have a family to take care of them. In this way many disabled people were forced to live in a segregated environment, even if they could have lived an integrated life with a little help. Living in huge segregated institutions led to the hospitalisation of disabled inhabitants, even if staff was well trained and professional. Living in institutions meant also that many disabled people became invisible to the rest of the society, which has remained another major obstacle towards integration. Such problems of discrimination were less apparent in the case of other underprivileged groups, like women or Roma people, because the communist state guaranteed full employment for all non-disabled people in Hungary, including women or the Roma, even if their salaries were rather low.

Since the political changes, a controversial process has taken place. Regarding disadvantaged groups in general, their economic situation has become worse,

because the state no longer provides guaranteed work for everyone, and many people could not find a job in the free market economy. So, there is often a feeling of nostalgia for the communist period, when a modest but safe existence was assured for everybody. It is especially true for people with decreased working capacity, as the real value of their state guaranteed pensions diminished a lot due to economic recession.

On the other hand, a positive development has begun for disabled people: the modern European conception of autonomy and independent living has been accepted and has become integrated into legislation, even if financial sources are still missing for its full practical realisation.

As for financial benefits, there is an overlap between the elements inherited from the communist period and those introduced recently. Social insurance benefits continue to be calculated according to the percentage of one's lost working ability. Being entitled to the benefit and its sum depends also on the number of years spent in employment and on one's last monthly salary. Since 1998, a new type of benefit has been added to this system called disability allowance created on the model of the Special Benefit For The Blind. This allowance is a monthly sum of 16-20000 HUF (80 EU) paid for seriously disabled persons over 18. For disabled persons under 18 a child care benefit is paid to families. In the case of these benefits, the term "disabled persons" mean visually, hearing and mobility impaired people, as well as people with learning difficulties and autistic people, provided that the gravity of their disability reaches the legally defined grade.

In 1998, the **Law on the Rights of Disabled People** was published, which was a breakthrough in the field of Hungarian legislation on disability and discrimination. This law concerns the above mentioned five groups of disabled people, but unlike the similar laws of some developed countries it neglects psychiatric patients, which was criticized by many. The law prohibits every kind of discrimination against all groups of disabled people, and it provides for Equal Opportunities both generally and in the sectors of education, employment, transport, culture and sports. The law ordered that all public buildings should be made accessible for disabled people by 1 January 2005 and all means of public transport should become accessible before 1 January 2010. Unfortunately, as legislators did not allocate financial sources for the implementation of the law, only 10% of public buildings were made accessible by the fixed deadline, and a similar

situation can be expected in the field of public transport. But, in spite of these difficulties, we can consider this law as a significant step in the history of Hungarian anti-discriminative legislation.

A separate law was published in 2002 about the rights of disabled people in the field of education. This law prescribes that disabled students should have equal access to study materials and Equal Opportunities during the examinations, according to the type of their disabilities. This law includes into the category of disabled people visually impaired, hearing impaired and mobility impaired persons, people with learning disabilities and autistic people, as well as dyslexic, dysgraphic and dyscalculic persons. This enlargement of the category is positive as it assures Equal Opportunities for more people, but at the same time it also increased confusion about the definition of disability.

1.2 Definition of discrimination

The following very important step in Hungarian anti-discriminative legislation was the passing of the Law on Equal Opportunities in 2003. This law can be considered very positive because of two reasons. Though the Constitution of the Hungarian Republic has prohibited discrimination in general since 1989 and many laws has repeated this in various fields of legislation, but it was only this law to create the concrete methods of enforcing theoretical declarations in the practice, through the introduction of the possibility of a lawsuit without trial process. This is important because earlier in any lawsuit alleging discrimination, the suitor had to prove that he or she was victim of discrimination and this led to great expense and a long trial period. The new law changed the order of proceedings and since then it has been the party accused of discriminating, e.g. an employer, who has to prove that the charge is false.

The other important innovation of the law was an exact definition of discrimination. Though the Hungarian Constitutional Court and various local Labour courts had already dealt with the definition of discrimination, it was only this law that gave a general definition on the national level.

The law considers prohibits all forms of behavior which are in contrast with the principle of Equal Opportunities. According to the law, such forms of behavior are:

- a. direct unfavourable distinction,
- b. indirect unfavourable distinction,

- c. molestation,
- d. illegal segregation,
- e. punitive actions,
- f. or giving directions to any of these.

Some forms of distinction with a logical reason and connected to some specific situations are not included in the above mentioned categories.

According to the law, any kind of unfavorable distinction should be considered discriminatory which is made against an individual or a group on the basis of the following supposed or real characteristics:

- a. gender
- b. race
- c. color of skin
- d. nationality
- e. belonging to a national or ethnic minority
- f. language
- g. disability
- h. health condition
- i. religion or faith
- j. political conviction or other opinion
- k. marital status
- l. maternity (gravidity) or paternity
- m. sexual orientation
- n. sexual identity
- o. age
- p. social origin
- q. financial situation
- r. daily work time or length of work contract
- s. belonging to any advocacy organisation
- t. any other condition or characteristics

This list is important because it tries to cover all conditions and social situations which serve as a basis of discrimination. In this way, the concept of discrimination which was used only in sociology previously, became a clearly defined legal term. Though not all of the categories listed under a-t can be considered unfavorable social conditions (e.g. belonging to a political party or religious community), most of them lead to a disadvantaged situation, so the list covers in legal terms practically all conditions which can be the reasons for social exclusion.

According to the law, indirect unfavorable distinction comprises all measures which do not employ the methods of direct unfavorable distinction and meets the rules of Equal Opportunities, but still result in a significantly unfavorable situation for some individual or groups respected to the situation of other individuals or groups. Molestation means any form of behavior against the human dignity of a person, which is

based on his or her above mentioned characteristics and which aims at the creation of a frightening, hostile, humiliating or aggressive environment against a person. Illegal segregation means the separation of an individual or of a group of individuals on the basis of their above mentioned characteristics, without any other objective and logical reasons. Punitive actions mean any form of punishment or threatening against persons who have been initiators or participants of a protest or lawsuit about the violation of Equal Opportunities.

1.3 Tools for enforcing anti-discrimination laws

Besides the definition of discrimination, the law has also provided for the practical implementation of its regulations by creating the so called Equal Opportunities Authority, an organisation based on successful European models. This authority forms part of the Prime Minister's Office, but it is not subordinate to that office in its operations. The decisions of the authority are made together with an independent board of experts comprising the representatives of social groups exposed to discrimination. The law tries to safeguard the independence of Equal Opportunities Authority in this way.

The Authority can take steps either on the demand of a discriminated person or even ex officio if the principle of Equal Opportunities is violated by the State or by a local government, public authority, the military or the police. The Authority can interrogate witnesses and carry out local inspections. It is entitled to mediate between the two parties if the accused party admits discrimination and wants to stop it. Otherwise, the Authority can verify the violation of Equal Opportunities and it has the option to employ various sanctions. With a legal resolution, it can force the offender of the law to stop its discriminating activities. The resolution can be published in the mass media, destroying the public image of the offender. The Authority is also entitled to decide on a penalty between 120,000 HUF and 15 million HUF (500 EU - 60 000 EU). It would be desirable to increase this penalty. At the same time, the Consumer Protection Authority can also fine the offender party and the offended person can also begin a lawsuit against it.

Beside law courts and the Equal Opportunities Authority, also ombudsmen in the Parliament (Hungarian National Assembly) can play a role in the fight against discrimination. Politically independent and generally

acknowledged legal experts are chosen for this job. According to Hungarian law, there is a general ombudsman and a separate ombudsman for national and ethnic minorities. The ombudsmen can carry out extensive examinations, but they are not entitled to decide on penalties. They use both the force of publicity, especially the media and their own personal prestige against the acts of discrimination, and they can propose even the modification of laws.

Out of the above mentioned institutions, also the development of organisational structures will be a very important part of anti-discriminative measures in the future. There is a lack of regional and local centres of the above presented institutions, which is a major obstacle of their effective use against discrimination. The gradual decentralisation of legal tools and authorities is a great challenge for the future.

2. Social support system in Hungary

Social support system in Hungary can be divided into two main fields: financial benefits paid by the State and by local governments on the one hand and various social services and the other hand.

2.1. Financial benefits

According to the various groups of socially disadvantaged people, there are five types of financial benefits:

Social benefits:

This type of benefit is offered for people whose monthly income is not enough for maintaining themselves. It can be regular or temporary. It can be given as help to pay monthly bills or to pay back monthly details of debts. A condition of receiving the benefit is taking part in public works for the local government. Besides paid benefits, there are also benefits in the form of discounts, the most important being the so called "public health allowance", to which both people receiving regular social benefits and people with serious disabilities are entitled. This allowance means that a great part of medicines and medical aids are received free of charge (e.g. a wheelchair for a paraplegic person).

Family benefits:

The two most important family benefits are child care allowance and family allowance. The former makes it

possible for one of the parents to stay at home with their child until the age of three. For disabled children it is paid until the age of 10. It is a monthly payment equal for everybody and it is paid even if the parent has not yet worked in a work place. It is also possible to receive it when the child is between 1-3 years old. With this system, for example outreach work is provided for women with small children. Family allowance is a smaller sum than child care allowance, and it is received when the child is 3-18 years old or until he or she enters higher education. In the case of disabled children a double sum of family allowance is paid. Other types of family benefits are gravity allowance and child care fee. Unlike the first two types of benefit, these are paid by the social insurance system only for people who have had a work place in the previous 6 months. The sum of this benefit is calculated on the basis of the average salary of the last 6 months. Families with low income can obtain the school books free of charge.

Unemployment benefits:

The most important type of these benefits is job seeking allowance. It can be paid for a maximum of 270 days. The sum is 60% of the previous monthly salary with an upper limit and it decreases gradually from the 4th month. Only those are entitled who have been employed for a minimum of one year in the previous 4 years. It is no longer paid if the person refuses to accept an offered job suitable to their qualifications and not too far away from their home. Those unemployed persons, who are no longer entitled to the job seeking allowance and cannot find a suitable job, can receive a special allowance corresponding to 40% of the minimum salary, if they have less than 5 years remaining until they become a pensioner. For unemployed persons who participate in a supported professional course, the price of the course is paid by the state and during the period of the course they receive a training benefit for their living expenses.

Disability benefits:

The most important such benefit is disability allowance mentioned already in the 1st chapter of our study. Another type of support for disabled persons under 18 is the above mentioned double sum of family allowance. Disabled people who are not entitled to a pension, but have a certificate on their 100% lost work capacity, receive a special complementary allowance. Here we can see again a mixture of the old and the new systems (lost working capacity and disability) in the Hungarian social system.

Pensions:

All of the types of pensions are paid by the social insurance system. Only those are entitled to pensions who have had an employment for a determined period. For women, the years spent with their small children are included in this period. Age limit for a pension is 62 years in Hungary both for men and women. Those who have lost their working capacity in a degree of at least 67% are entitled to receive pension even earlier. Special types of pension are paid for widows and orphans, if the decayed person had a determined period of employment before his or her death. The sum of pension for disabled people, widows and orphans is higher and the determined period of employment is not required, if the loss of working capacity or death is due to a workplace accident.

2.2 Social services

These services are offered first of all for people with very low income and for persons with disabilities. People with low income include persons with accumulated disadvantages as financial problems often go together with chronic dependencies (especially alcoholism), and a part of them are even homeless. Local governments establish daycare institutions and residential homes for chronic dependent persons, and daytime resting rooms or provisory night shelters for the homeless, though their number is not sufficient respected to the needs.

Supporting services are available for disabled people, including personal assistance, transport service for a discounted fee, as well as information and advice service. Personal assistance helps disabled people to live in their own homes and lead an independent, autonomous life. The cost of transport service is only 10-20% of taxi prices, and it helps disabled people who cannot use public transport. Information and advice service gives a complex type of help both for disabled people and their family members about appropriate life management and rehabilitation methods. Those disabled people who cannot be helped in their own homes or do not need support services for any reason, can require a place in a living-in home. A major problem with such homes in Hungary is that waiting-lists are too long and that the transformation of the huge hospital-like traditional institutions into small family-like communities meeting European standards has only begun recently.

3. Support for working women

Women are in a disadvantaged situation in Labour market competition due to their physical characteristics and to traditional social roles expected of them until today. An accumulated disadvantage can be for a woman belonging to a discriminated social group like Roma or disabled people. The social policy of the State tries to diminish these disadvantages by granting various benefits for employers. With slightly different conditions, such benefits are also available in the case of employees who either start their careers or are over 50. Some benefits are offered directly for employees who have children, which concerns mainly female employees due to their traditionally bigger role in child care.

According to the law, employers can require a tax discount for returning to the Labour market after staying at home with their children. Any employer, who employs such a woman, receives a financial support

which corresponds to half of the social insurance contribution after that employee for 9 months. During this period the employee cannot be dismissed, except in the case of her serious violation of the employment contract. The support is paid to the employer after the period of 9 months.

Mothers staying at home with their small children and receiving child care allowance can require state support for any professional course with a maximum number of 20 lessons per week. This support can be required only if the participant of the course is not in employment.

The State also supports the part-time employment of women having children younger than 14 years old. Any employer who employs such a woman for 1 year as a part-time worker of 50-75% of the full work time, can receive a support corresponding to 75 % of the employee's salary. Also in this case there is an obligation to employ the woman also afterwards.

U. K.
Partner
Contribution

U. K. Partner Contribution

1. Gender Discrimination

Discrimination is a violation of civil rights law defined by unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, sex, color, religion, national origin, age, physical/mental handicap, sexual harassment, sexual orientation or reprisal for opposition to discriminatory practices.

Gender discrimination can be any action that specifically denies opportunities, privileges, or rewards to a person or a group because of their sex.

Almost thirty years since the Sex Discrimination Act the situation faced by women in the UK is still not equal to that of men. In almost every area of society the differences are evident. Whether political representation, business, employment, the family, community, personal safety or education are considered, women are still experiencing life very differently from men.

2. Equal Rights for Women

Britain has played a pivotal role in the development of gender equality in Europe and the rest of the world. Mary Wollstonecraft's "A Vindication of the Rights of Woman" (1792) is considered by many academics as having laid much of the foundation towards gender equality and the feminism movement. However, it was not until the 19th Century that feminism became an organised movement and it was particularly the movement to gain the right to vote or suffrage that motivated and galvanised women into action.

With the onset of the Industrial Revolution in Britain (17th Century) traditional rural communities were displaced and destroyed as people migrated towards urban centres to seek employment and a better life. This led to new social issues and problems. Throughout the 18th Century, women began to assert themselves much more as they themselves became breadwinners.

Commentators remark that the Protestant work ethic was central to the success of the industrial revolution in the UK. It would be fair to add that Britain's wealth was also substantially based on the exploitation of its colonies.

The Suffragette movement was central to the development of Equal Rights for women in Britain – and ultimately for the rest of the world. In 1918, women were granted the right to vote (Representation of the People Act 1918). Women over the age of 30 could now vote. Further amendments were made to this Act until women achieved the same right to vote as men (Representation of the People Act 1928).

After the granting of universal suffrage, women's movements turned to the deeper issues of social reform and equality. The two world wars further changed the social landscape and ultimately the perception of women's roles began to change even more. However, it was only after the Second World War that women began to campaign for reproductive rights and removal of discrimination.

3. Legislation on Matters of Equal Opportunities

It is now nearly forty years since the first institutions specifically to combat discrimination and promote equality of opportunity came into being. Most of the early anti-discriminatory legislation focused on the issues of race and gender. Between 1965 and 1976 four key Acts were introduced: the Race Relations Act 1965, the Equal Pay Act 1970, the Sex Discrimination Act 1975 and the further Race Relations Act in 1976 – a subsequent Race Relations Amendment Act being introduced in 2000. The Disability Discrimination Act was introduced in 1995. These pieces of legislation were generally introduced in a reactive way and were single issue focused. New laws have also been introduced to address sexual orientation, religion and belief, and age, largely as a result of directives agreed within the EU.

Aside from these standalone statutes, other legislation included provisions that were aimed at making the legal system more responsive to the growing demand to address instances of discrimination both direct and indirect. This included legislation that was not principally anti-discrimination but would have a significant impact on equality, for example, maternity and paternity leave regulations. In 1998 the Human Rights Act was introduced, setting out what are regarded as a set of universally available values and standards.

The following is an overview of the main legislations that exist to protect women's rights:

3.1. Race Relations Act

The Race Relations Act 1976 was enacted during a time when there was a revolution in equalities legislations. Within a short span, the Sex Discrimination Act 1975, the Equal pay Act 1970 (which came into force in 1975) and the Race Relation Act 1976 changed the way in which women and groups from ethnic minorities were perceived by law. (ibid: 45).

The act provided protection against direct or indirect discrimination against anyone on the basis of race, colour, nationality (including citizenship), or ethnic or national origin. It generally applied to the field of employment, planning, housing, the exercise of public functions such as prisons, the provision of goods, facilities and services, and education.

Direct discrimination can occur when an individual treats another individual less favourably on the racial grounds than he or she treats, or would treat, someone else from a different racial group. (www.cre.gov.uk). Example, 'We had a Nigerian employee before who did not work well in a team, so we will not interview this applicant. Asians are best at figure work'.

Indirect discrimination occurs when rules, requirements or conditions that appear to be fair ñ because they apply equally to everyone ñ can be shown to put people from a particular racial group at a much greater disadvantage than others, and the rule cannot be objectively justified. (www.reedbusiness.co.uk). For example, an employer might make a condition that all female staff must wear short skirts, but there is no business case for making this condition. This will immediately have a discriminatory effect on Muslim women; since a higher proportion of them observe a religious requirement that they should have their legs covered. The wording used to define indirect discrimination is complicated and not clear to help Muslims claim cases of discrimination on the basis of religion, and hence, the importance of indirect discrimination becomes apparent in cases like above and the only approach Muslims can take is to argue indirect discrimination. (Seddon, et al, 2004:49).

In relation to Race discrimination, it is unfortunate to say that many people experience discrimination at work based on their religion. However, the coming into force of the *Employment Equality Regulations* (December 2003), now makes discrimination on the grounds

of an individual's religion or belief unlawful. This covers the full spectrum of the employment relationship, from recruitment and interviews, to pay, terms and conditions of employment, training, promotions and dismissal, and the provision of references.

The Regulation makes provisions for harassment based on a person's religion to be illegal, for example, individuals may find they are the subject of jokes and teasing related to their religion. This could be a rare incident or a general culture at work; the key subject is, it violates a person's dignity, creates an intimidating effect leading to hostile or offensive environment for that individual. This is the primary reason a regulation based on harassment of one's religion has come in to force.

The Regulations has also brought in to affect the 'Positive Action Initiative', where employers can take positive steps to redress previous inequalities in the work place. They can advertise vacancies in the ethnic press to attract individuals from particular religions which are underrepresented within their workforce, and organise training courses so that individuals are armed with skills required for promotion. Evidently, selection for promotion will be on the basis of merit alone, but these measures, which would be anti-discriminatory, can be extended to help those religious groups who have suffered in the past. (www.essex.police.uk).

3.2. Equal Pay Act

The Equal Pay Act 1970 makes it unlawful for employers to discriminate between men and women in terms of their pay and conditions where they are doing the same or similar work; work rated as equivalent; or work of equal value. www.womenandequakityunit.gov.uk.

The act applies to both men and women, but does not give anyone the right to claim equal pay with a person of the same sex. In other words, the comparison must be with the opposite sex. It also determines that men and women working for the same employer are entitled to equal pay for 'like' or 'equivalent' work.

The main causes for the 'Gender Pay Gap' are the gender segregation in the labour market. The impact of women's family and care responsibilities and inadequacies in the supporting services especially in some localities, hinder women from accessing job opportunities. Interrupted employment and the choice of part-time work also lead to women's lower life-time earnings. (Buckner, et al, 2004:36).

The theory of 'functionalism and human capital' put forward by Teresa Reeds, argues that '*the position of women in the labour market is a consequence of the interrelationship between capital and patriarchy*'. (Rees, 1992:23). This shows that the dominance of men over women in the economic sector is an embedded feature and in relation to the city of Derby where the silk mill industry employed a majority of women and children, who worked for long hours and has had an impact on the social environment of Derby. Sex discrimination was clearly apparent in the tasks that were allocated differently according to genders, where men had higher salaries than women.

3.3. Sex Discrimination Act

The Sex Discrimination Act 1975 applies to both men and women and makes sex discrimination unlawful in employment and vocational training, education, the provision and sale of goods, facilities and services and premises. (www.womenandequalityunit.gov.uk). The Act also provides for the establishment of the Equal Opportunities Commission to monitor the cases of discrimination on the basis of gender, it therefore leaves no room for claims from individuals who face discrimination in job vacancy advertisements.

The act prohibits direct and indirect discrimination. Direct discrimination consists of an explicit statement, which lays down different treatment for people according to their sex, or whether they are married. For example, an agreement which would state that the annual holiday entitlement for men is three weeks and

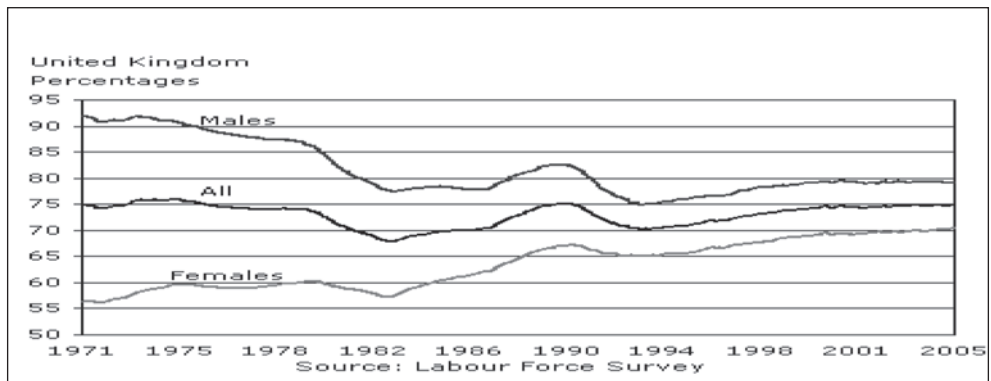
for women it is two weeks, or management training will be made available to unmarried staff that have completed two years employment with the company, this indicates direct discrimination on the grounds of sex. (Equal Opportunities Commission: Sex Discrimination Act. 2005).

Indirect Discrimination occurs when employers or other people set requirements or conditions which apply equally to men and women but which members from one sex will be less likely to be able to comply with than others. For example, an unnecessary requirement to be less than 5'10 would discriminate against men; a requirement to work full time might be unlawful discrimination against women. Since December 2003 the Sex Discrimination Act makes discrimination on the grounds of sexual orientation in the employment field unlawful under the employment equality. (Court, 1995).

4. National Data on Employment / Unemployment

4.1. Employment Rates

The working-age in the UK is defined as males aged between 16 and 64 and females aged between 16 and 59. The employment rate for people of working age rose from 71 per cent in 1995 to 75 per cent in 2005. For men the rate rose from 76 per cent to 79 per cent and, for women, from 66 per cent to 70 per cent.



Employment rates: by sex

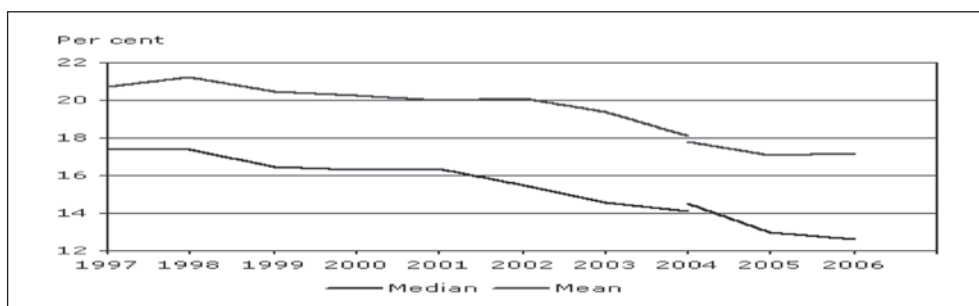
4.2. Gender Pay Gap

The gender pay gap (as measured by the median hourly pay excluding overtime of full-time employees) narrowed between 2005 and 2006 to its lowest value since records began. The gap between women's median hourly pay and men's was 12.6 per cent, compared with the 13.0 per cent recorded in April 2005. The median hourly rate for men went up 3.7 per cent to £11.71, while the rate for women increased by 4.2 per cent to £10.24. The largest difference was in the South East region, where women's median pay was 16.9 per cent less than men's. The smallest gap was in Northern Ireland, at 0.2 per cent. On the internationally comparable measure based on mean earnings, women's average hourly pay (excluding overtime) was 17.2 per cent less than men's pay, showing little change on the comparable figure of 17.1 per cent for 2005. Although the pay gap narrowed for most of the distribution, higher pay rises for males in the top decile of earners have kept the mean gender pay gap from narrowing.

Median weekly earnings of full-time employees in 2006 for women (£387) were 26 per cent less than those for men (£487), down 0.8 percentage points from 2005 (26.8 per cent).

Women's weekly earnings, including overtime, were lower than men's, partly because they worked fewer paid hours per week. However, based on hourly earnings excluding overtime, women's earnings increased faster across the bottom 10 per cent of the distribution than men's, with a growth of 4.8 per cent compared with 3.6 per cent for their male counterparts. In comparison, the hourly earnings of the top 10 per cent grew by 3.1 per cent and 4.5 per cent respectively.

Although median hourly pay provides a useful comparison between the earnings of men and women, it does not necessarily indicate differences in rates of pay for comparable jobs. Pay medians are affected by the different work patterns of men and women, such as the proportions in different occupations and their length of time in jobs.



The gender pay gap for hourly earnings, excluding overtime; April 1998 to April 2006 (<http://www.statistics.gov.uk/>)

5. Women in Politics

Women continue to remain unrepresented globally in politics and in the labour market - except in jobs traditionally perceived as feminine.

5.1. Female share of seats in elected national chambers in November 2004 (percent) (Source wikipedia)

Denmark 38.0
 Finland 37.5
 Germany 32.8
 Iceland 30.2
 Netherlands 35.0
 Norway 36.4
 Spain 36.0
 Sweden 45.3
 UK (Commons) 17.8

In Europe women remain fairly unrepresented – the UK lags significantly behind other European nations. However, despite the low percentage key female UK politicians remain at the forefront of British politics. Margaret Thatcher was probably one of the most famous UK Prime Ministers – albeit the only female PM in British history. Currently, leading female politicians include the following Cabinet ministers:

Ruth Kelly MP - Minister for Communities and Local government / Women & Equality
 Margaret Beckett MP - Foreign Secretary
 Tessa Jowell MP - Secretary of State for Culture, Media and Sport / Olympics
 Patricia Hewitt - Secretary of State for Health
 Hazel Blears - Minister without Portfolio and Party Chair
 Jacqui Smith - Chief Whip and Parliamentary Secretary to the Treasury

In addition, Harriett Harman and Hazel Blears have both been touted as potential future contenders for the deputy leadership of the Labour Party.

Other political parties in the UK also have their fair share of leading female politicians.

These are positions of quite considerable seniority and expertise. It should be added however that the main political parties have laboured to ensure that more females are elected by making “all women” selections. This policy was first introduced in 1997 by the Labour Party as part of its on-going internal reforms.

6. Barriers to Employment for Women

6.1. Job Segregation/Sex Stereotyped Occupations

Job segregation is an obstacle in promoting equality between males and females, since this kind of segregation unnecessarily ceases opportunities for both sexes in certain-kinds of jobs. One of the main reasons for sexual division of labour within workplaces is the assumed characteristics of each sex. For example, men are believed to be stronger, more intelligent, more aggressive, more devoted to work than women. Therefore, they are directed towards occupations that require such traits: medicine, engineering and the like. Women are considered more nurturing, caring, and kinder than men, therefore, professions like teaching, and nursing are more appropriate. For example, a survey which consisted of 4012 senior managers in 800 major corporations found that only 19 were women,

under 0.5%. (Jacoben,1994). Furthermore, a report published in March 2005 revealed that girls are doing well in schools and in exams, but this is not translating into moves into the more traditional male occupations, and to senior and managerial positions. Women still dominate the five “Cs”- cleaning, catering, caring, cashiering and clerical work. (Prosser,2005). The Equal Opportunities Commission’s investigation into occupational segregation and official data suggest that women are segregated into sectors by gender and ethnicity. A quarter of all Pakistani, Bangladeshi and Indian women are in wholesales and retail.

Almost third of Black Caribbean women are in Health and social work. Under a fifth of white women are in these sectors.

6.2. Horizontal and Vertical Segregation

Catherine Hakim (1979) defines these in following terms: horizontal occupational segregation exists when men and women are most commonly working in different types of occupations. Vertical occupational segregations takes place when men are working most commonly in higher grade occupations and women are most commonly working in lower grade occupations or vice versa. (*Beechey and Whitelegg, 1991*). Previous research clearly shows that women face a enormous degree of occupational segregation – the majority of women are concentrated away from men in the lowest paying industries and occupations i.e. horizontal segregation; and within those industries and occupations are concentrated in the lowest level, lowest paying grades i.e. vertical segregation. It is these factors which mean that women earn substantially less than their male counterparts and why they are affected by low pay.

6.3. The Glass Ceiling

The term glass ceiling will be more familiar to the average women than men. It is a transparent barrier, which women feel they face or knock their heads against at certain levels in an organisation. They can see there are more destinations above it, but they can neither pass through the glass, nor shout through it. The glass ceiling occurs under a variety of circumstances. Corporate management may be either unable or unwilling to establish policies and practices that are effective mechanism to promote workplace diversity. The company may not have adequate job evaluation criteria that allow for comparable worth criteria, or they may rely on traditional gender stereotypes in evaluation limited family, friendly workplace policies will

also inhabit women's ability to raise. (Kimmel, 2000)

Various programmes are offered to crack this as they include reducing workloads for women after they give birth, and offering training sessions to promote leadership development. The implications of such programmes are still ineffective (Jacobson, 1994). Furthermore, a market research conducted by Equal Opportunities Commission found that ethnic minority women still find it difficult getting a promotion, as one woman put it, "the glass ceiling has different levels depending on who you are, and what you look like".

(Equal Opportunities Commission, 6th December 2004. City Hall London).

7. Systems or Organised Structures to Support Females into Employment

Women who have taken time out of the workplace can find it hard to return to work.

The Government wants to help such women by removing the barriers they face – both external such as lack of childcare and flexible working opportunities and personal, such as lack of workplace skills and confidence.

Tax Credits

Child Tax Credit and Working Tax Credit are payments to support families with children. On 3 April 2006, 6.0 million families with 10.1 million children were benefiting from tax credits. Generally, any family with children, with an income of up to £58,000 a year (up to £66,000 if there is at least one child less than a year old) will be eligible for some support.

The tax credits contain 3 features that, in particular, benefit women:

- Child Tax Credit (CTC) and the childcare element of Working Tax Credit (WTC) is paid to the main carer, usually the mother.
- Dual earner couples with children can combine their hours so no one person has to work full-time to get the 30 hour element of the WTC, allowing them to choose how to balance work and family life.
- The former WTC was tapered from net income (after tax/National Insurance Contributions) whereas CTC and WTC taper from gross income (before tax/ National Insurance Contributions). The latter improves second earner work incentives for those working part-time.

Flexible Working Rights

Parents' right to request **flexible working hours** will help ensure that those returning to work can achieve work/life balance. The Work and Families Act 2006 extends this to give carers of adults the right to request flexible working, recognising the difficulties many women (and men) face in juggling work with caring responsibilities. Measures within the Act also include extending the period for payment of Statutory Maternity Pay, Maternity Allowance and Statutory Adoption Pay to a maximum of 52 weeks and giving fathers and new right to an additional period of paternity leave.

Access to Childcare

The Government is committed to ensuring that good quality, affordable and accessible childcare is available to maximise parents' chances to work, train or learn, confident that their children are being cared for in a safe and stimulating environment and helped to meet their full potential.

All 3 and 4 year olds in England now have access to a free, part-time, early education place if their parents want one. As from April 2006, all 3 and 4 year olds are receiving their free early education over the minimum of 38 weeks of the year. And from 2007, 3 and 4 year olds will gradually begin to receive an enhanced entitlement of 15 hours per week, with all of them receiving it by 2010.

Promoting Women's Involvement in Science, Engineering and Technology (SET)

For every year since 1997 the total number of females studying SET subjects at under and post graduate levels has gone up. In 1997/98 the figure stood at 299,665; by 2003/04 it stood at 485,520, a rise of over 62%

In April 2003, the Government published **A Strategy for Women in Science, Engineering and Technology** to improve the position of women in SET employment, education and policy making in the UK.

The Strategy is in response to **SET Fair** by Baroness Greenfield published in 2002, who was appointed to advise on a stronger and more strategic approach to increasing the participation of women in SET. 'Set Fair', contains wide-ranging and comprehensive recommendations for improving recruitment and retention of female scientists and engineers across all

SET. A copy of the report can be downloaded from the Promoting SET for Women Unit's website, www.set4women.gov.uk.

Government is working with key partners to increase the recruitment and retention of women in technology. Activities include:

- ❖ Funding a study by Roehampton University to conduct an analysis of the recruitment of highly skilled women returners to the sector

- ❖ Supporting the implementation of Sector Skills Agreements for the ITEC sectors (driven by the Sector Skills Councils e-skills UK and SEMTA) to provide

skilled resources and training programmes required by business, taking account of diversity as a cross-cutting issue.

- ❖ Working closely with the DTI funded UK Resource Centre for Women in Science Engineering and Technology

- ❖ Intellect's Women in IT Forum – the trade body for the UK's hi tech industries

(http://www.womenandequalityunit.gov.uk/work_life/returning.htm)

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WORK GROUP:

"A specific focus on women and gender
discrimination in the workplace"

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Italy "THE KNOWLEDGE BASED COAST" - IT G2 TOS 061

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Hungary "Variációk foglalkoztatási rehabilitációra" - HU-15

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