

Gender mainstreaming in a legal and practical perspective

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Outline

- The gender equality situation on the labour market in Denmark
- Gender discrimination
- Gender mainstreaming and gender equality
- The legal perspective
- The practical work on gender mainstreaming in the Ministry of Employment

Women in the workforce in Denmark

- Women constitute 47.5 per cent of the entire workforce.
- Women's participation rate is lower than men's. From 1997 to 2006, the participation rate for women was stable at 72-74 per cent. In comparison, men's participation rate has been about 80 pct. In 2006 the participation rate was 79.6 percent for men and 73.4 per cent for women.



Gender mainstreaming and quality

- Target groups
- Data collection
- Interaction between legislation and analyses

The gender-segregated labour market

- A little more than half of female employees and about 21 per cent of men are employed in the public sector. A larger number of men are employed in the private sector. In local government there are more than three times as many female as male employees. By contrast, there are slightly more men than women employed in the state sector.



Working hours

- In 2007, there were more women than men who worked less than 37 hours per week. By contrast there were more men than women who worked 37 hours or more.
- In 2006 the average weekly working hours for women were 32.2 hours whereas men worked on average 38.3 hours a week.

Housework

- Compared with 1964, men spent more time than women on housework in 2001 whereas women spent less time.
- In 2001, men spent almost 2 ½ hours a day on housework which is an increase of almost 2 hours compared to 1964. On average women spent 3½ hours per day on housework which constitutes a decrease of about 1 hour compared with 1964.



Pay development for women and men

- On average men earn more than women. The naked pay differentials reflect among other things differences in the trades they work in, differences in the jobs they perform and differences in the personal characteristics such as educational level and work experience. Nowadays, discrimination is a minor problem.

Maternity leave

- On average women received maternity benefits in 27.2 weeks in 2006, whereas men received paternity benefits in 3.7 weeks on average. Men's paternity leave constitutes 8 per cent of the entire leave.
- In some cases the person concerned gets paid by the employer in connection with confinement. In these cases benefits are paid to the employer.



Unemployment rate

- In general, women's unemployment rate is higher than men's. The trend is that men's and women's unemployment rate follows the same pattern. Unemployment for both men and women has basically been decreasing since 2003. In August 2007, the unemployment rate among women was 3.9 per cent whereas 2.7 per cent of men in the workforce were unemployed.

Gender discrimination

- Gender discrimination is forbidden in all walks of life since the year 2000.
- On the labour market gender discrimination has been forbidden since 1978.
- Both direct and indirect discrimination is forbidden. Especially discrimination during pregnancy and maternity leave has been an issue.
- Interaction between sex discrimination and gender mainstreaming



The concept of equality

1. Formal equality - a demand for gender neutrality
2. Procedural equality - equal safeguarding of male and female values as a question of justice and fair distribution of resources
3. Material equality - acceptance of gender differences combined with equal results

The first tier is prohibition against discrimination, i.e. formal gender neutrality. The second tier is procedural equality which develops formal gender neutral equality. Material equality including an equality target develops both formal gender neutral equality and procedural equality. The prerequisite of the planning of an equality policy is that the values are defined. A gender assessment is implemented.



Definition of gender mainstreaming

Gender mainstreaming is the (re)organisation, improvement, development, and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.



Targets for the gender mainstreaming strategy

1. Promotion of equality policy goals
2. Improvement of the quality of services
3. The procedure of gender mainstreaming is to be a constant component of the day-to-day work (a lasting change of the organisation)
4. Insistence on and development of the results
5. Methods for learning and current development of the organisation to ensure dynamics



Why gender assessment

- Relevant gender and equality aspects must show that the gender impact assessment is to contribute to avoiding unintended effects of a parliamentary bill
- As Parliament is interested in the gender situation on the labour market, it is very important that the civil servants are ready to explain the consequences



Gender mainstreaming versus ordinary equality work

- Common prerequisites for gender mainstreaming and equality work
- The concept of gender equality must be understood among the persons involved
- Understanding the gender dimension implies that an equality policy is drawn up
- Data, statistics and gender reviews must be provided
- Equality expertise is necessary
- Ordinary actors are involved and have to change behaviour when they carry out their jobs



Gender mainstreaming in the legal system

- National regulation
- International regulation not least within the European Union
- Employment guidelines
- CEDAW – legal action – the right to own property - conduct
- Mainstreaming as a legal standard/good practice



Scope

- Conduct of jurisdiction
- Benefits for citizens
- Public manpower policy

Competence and duty to carry out gender mainstreaming

- Who has the authority – public authorities
- How is the competence exercised
- What is the competence
- Duty to act on gender mainstreaming



Actors on gender mainstreaming

- Legal persons in relation to gender mainstreaming
- Who has a gender mainstreaming duty
- Gender equality bodies – Role of inspiration and enforcement

Remedies and enforcement

- Courts etc.
- Special Complaints Boards – The Equal Treatment Board
- Class actions
- Sanctions



Sanctions

- Devestment of legal personality/legal capacity
- Right to the job
- Punishment
- Invalidity
- Compensation
- Naming and shaming

Gender policy in the Ministry of Employment

- Ensure economic independence of women and men
- Work for women's and men's equitable participation on the labour market
- Work for equal pay
- Desegregate the gender segregated labour market



Gender equality efforts within the Ministry of Employment

- Manpower policy
- Equal pay
- Women in management
- Reduction of the gender segregated distribution within working functions [duties]
- Data collection
- Gender assessment of parliamentary bills



Equality assessment of parliamentary bills in the Ministry of Employment in Denmark

- Background
- Purpose
- Target groups
- Assessment of the gender equality situation



Prerequisites for gender assessments of bills in the Ministry of Employment

- The gender policy of the Ministry must be known by everybody
- Guidelines for the gender impact assessment must be drawn up
- Procedures for the establishment of data must be well known
- Selection of parliamentary bills which are suited for gender mainstreaming
- Analysis of needed relief measures including education must take place



Data collection

- Common supervision – create consciousness of the importance of gender for the labour market policy
- Gender segregated statistics for the entire labour market for the purpose of promoting gender equality
- Gender segregated statistics in all units in order to supervise key services for the benefit of gender assessment and identification of the need for gender mainstreaming of key services



The organisation of work

- Gender assessment of bills is approved by the top management
- A working group with participation from all entities within the Ministry decides about the framework of the work
- All civil servants responsible for drawing up proposals for parliamentary bills must carry out their own proposals



The content of the memo

- The reasons for the parliamentary bill. It must be explained why the bill is introduced
- The purpose of the bill. It is described how the bill is to change the current situation on the labour market ie the size of the labour supply
- The target group
- Aggregated assessment – Description and analysis of the significance of the bill regarding the conditions of women and men on the labour market



The target group

- The target group is the most important aspect of the gender assesment.
- Without knowing the distribution of men and women, other characteristics of the persons involved, and the total number of persons affected by the bill it is not possible to tell how the bill is going to work
- This means that a gender assessment leads to better quality



The outset of the analysis

- The economic independence of the individual
- Connection to the labour market
- Reconciliation of working life and family life
- Balanced distribution of the two genders on governmental committees
- Resources for gender equality work

