

Background paper – Gender

1. International policy framework

The international regulatory framework on gender related matters is broad and varied. In this paper, we will focus on aspects pertaining to combating direct and indirect discrimination and promoting gender equality – namely in the social, cultural, economic and employment fields –, as much as on all forms of gender-based violence in the world of work and beyond, and on the intersectional aspects that have emerged over time at legislation and action programmes level.

As far as the **United Nations** are concerned, the original sources and landmark events we will draw upon include the UN Conferences on Women, and in particular the **Beijing Conference of 1995**¹. This was the fourth UN conference on the subject since 1975 and the one that consolidated decades of regulatory and conceptual progress on gender equality, laying the ground for many national and international action programmes that followed. The UN Division for Women, in its review of the four World Conferences, stated that “The fundamental transformation that took place in Beijing was the recognition of the need to shift the focus from women to the concept of gender, recognizing that the entire structure of society, and all relations between men and women within it, had to be re-evaluated”. Moreover, the Beijing’s World Conference drew attention to the fact that age, disability, social and economic status, ethnicity and race can create particular barriers for women. This led to the development of a framework for recognising multiple and coexisting forms of discrimination, which became part of the Beijing Platform for Action.

The current framework for gender equality and anti-discrimination interventions was defined by the member states of the UN in 2015, through the **2030 Sustainable Development Agenda**. Goal 5 is focused on Gender Equality².

Aspects of economic inclusion and gender equity in the labour market have traditionally been incorporated into ILO conventions and recommendations, which have long established international standards on these matters too, but take on a specific framework in the Agenda 2030 implementation programmes, such as the **UN Women Strategic Plan 2022-2025**. For what concerns the promotion of women’s economic empowerment, the plan focuses on “incentivizing decent work, equal pay for work of equal value”; promoting interinstitutional efforts capable of “supporting the development and implementation of macroeconomic policies and practices that advance gender equality and women’s empowerment”; and supporting social dialogue aimed at “engaging

¹ Fourth World Conference on Women, 4-15 September 1995, Beijing, China, <https://www.un.org/en/conferences/women/beijing1995>.

² *Goal 5: Achieve gender equality and empower all women and girls*, and its targets include: “5.1 End all forms of discrimination against all women and girls everywhere”; “5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”; “5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation”; “5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate”; “5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life”, <https://www.un.org/sustainabledevelopment/gender-equality/>

with women's organizations, the private sector and trade unions to tackle discriminatory social norms, practices and legislation, and support women's active participation and leadership in the economy"³.

The UNDP too, in its **2022-2025 Gender Equality Strategy**⁴, stresses the importance to "contribute to gender equal and sustainable economies", especially by implementing "gender-responsive social protection systems" while promoting the inclusiveness of the labour market.

With regard to standards and provisions on employment and labour rights, the **ILO** intervenes through **Conventions and Recommendations** that apply to men and women, but some of them focus⁵ in particular on the status of female workers and on issues such as: equality of remuneration; discrimination in employment and occupation; maternity protection; workers with family responsibilities; special measures relating to night work, underground work and part-time work, and other health-related issues.

ILO Conventions that prohibit discrimination on the basis of sex and promote equality are: the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Maternity Protection Convention, 2000 (No. 183). The first two are fundamental conventions and they emphasise, among other things, the link between individual and structural discrimination affecting women on the labour market and in business. Of particular importance is ILO Convention No. 190. It contains the first internationally recognised definition of work-related violence and harassment: "a range of unacceptable behaviours and practices [...] that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment". The Convention's preamble takes on an intersectional angle when it states that "an inclusive, integrated and gender-responsive approach, which tackles [...] multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work".

2. Legislation at European level

Since 2020, the **European Commission** has published a set of coordinated strategies and action plans to promote diversity, equal opportunities, combat discrimination and address the structural conditions of inequality. "A Union of Equality"⁶ summarizes the centrality of this principle within the policies and institutions of the EU, on the basis of the principles laid down in the Treaty on the Functioning of the European Union (TFEU), namely in Articles 8, 9 and 10⁷.

³ UN Women Strategic Plan 2022-2025, <https://www.unwomen.org/en/un-women-strategic-plan-2022-2025>

⁴ UNDP, Gender Equality Strategy 2022-2025, <https://genderequalitystrategy.undp.org/#>

⁵ ILO Conventions On Gender Equality In The World Of Work, 2006, <https://www.ilo.org/media/321471/download>

⁶ The Union of Equality, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/union-equality_en

⁷ Article 8 - In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women. Article 9 - In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health. Article 10 - In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

The strategy “A Union of Equality” includes the **Gender Equality Strategy 2020-2025⁸ (GES)**, the EU Anti-racism Action Plan 2020-2025, the EU Roma strategic framework for equality, inclusion, and participation 2020-2030, the LGBTIQ Equality Strategy 2020-2025, the Strategy for the Rights of Persons with Disabilities 2021-2030. The Gender Equality Strategy 2020-2025 was the first framework to be defined, in March 2020.

This strategy was preceded by a framework developed by the European Commission in its **Strategic Engagement for Gender Equality 2016-2019⁹**.

The Gender Equality Strategy pursues a dual approach that, on the one hand, aims at mainstreaming general and specific actions on equality and combating discrimination and, on the other hand, posits “intersectionality [as the] horizontal principle for its implementation”¹⁰ in every field of action: raising awareness against gender stereotypes; including women in the labour market, especially in terms of the intersection with their ethnic or religious affiliation and migratory background; making sure that national and European public authorities collect and examine relevant data; and funding research in the field of gender and intersectional studies¹¹

The Commission stresses the importance of funding actions to achieve the GES objectives, from the resources to be allocated within the Multi-Annual Financial Framework to incentives for adequate national policies. The EC supports the funding of programmes implementing “actions to promote women’s labor market participation and work-life balance, invest in care facilities, support female entrepreneurship, combat gender segregation in certain professions and address the imbalanced representation of girls and boys in some sectors of education and training”.

Legislative actions and actions aimed at guiding policies in the areas of competence of the EC itself and of other EU bodies represent a further line of intervention. As one of the first deliverables of the Strategy, the Commission proposed binding pay transparency measures on 4 March 2021. The Pay Transparency Directive was adopted in May 2023¹². The pay transparency actions are part of a set of measures to address inequalities between women and men in the labour market, in particular by focusing on the principle of “equal pay for equal work”¹³. Within this framework, in August 2022 the new EU-wide work-life balance rights for parents and carers came into force. In September 2022,

⁸ *Gender equality strategy. Achievements and key areas for action.* https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

⁹ European Commission, *Strategic Engagement for Gender Equality 2016-2019*, https://commission.europa.eu/document/download/89af673e-daf5-455d-b4f0-948b7fae01f0_en?filename=strategic_engagement_en.pdf

¹⁰ *COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, A Union of Equality: Gender Equality Strategy 2020-2025*, COM/2020/152 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>

¹¹ E.g. The European Institute for Gender Equality (EIGE) is a European agency that works to promote and ensure equal opportunities for women and men across Europe and beyond through quality evidence for better policymaking; The European network of experts on gender equality – the Scientific Analysis and Advice on Gender Equality (SAAGE) network provides external expertise to the Commission in the field of gender equality policy.

¹² *DIRECTIVE (EU) 2023/970 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023L0970>

¹³ *EU action for equal pay The EU is tackling the gender pay gap from various perspectives. The aim is to promote the effective equal pay principle by creating new legislation and monitoring its implementation*, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equal-pay/eu-action-equal-pay_en#pay-transparency

the Commission presented the European Care Strategy¹⁴, linked to new targets on early childhood education and care to enhance women's labour market participation.

On 8 March 2022, the European Commission adopted a new EU-wide proposal for a directive to combat violence against women and domestic violence¹⁵. The co-legislators reached political agreement on 6 February 2024 on this proposal, and the Council adopted the EU Directive on combating violence against women and domestic violence on 7 May 2024, after the European Parliament approved the text on 24 April. Member States will have until 14 June 2027 to transpose the Directive into their national law and policy¹⁶.

In October 2023, the Commission became a party to the Council of Europe Convention on preventing and combating violence against women and domestic violence - the Istanbul Convention¹⁷ – which requires parties to develop laws, policies and support services to end violence against women and domestic violence¹⁸.

The European Parliament (EP) has played an important role in supporting and integrating the Commission and European Council's proposals¹⁹, also from an intersectional perspective²⁰. An important pillar is the Equality Framework Directive 2000/78/EC²¹, a major part of EU labour law which aims to combat direct and indirect discrimination (including harassment and instructions to discriminate) based on religion or belief, age, disability and sexual orientation in the field of employment and occupation.

In 2024, the Parliament supported the European Council's call for Member States to ratify ILO Convention No. 190 (C190), the first international treaty to recognize the right to a world of work free of violence and harassment, including gender-based violence and harassment.

¹⁴ A European Care Strategy for caregivers and care receivers A European Care Strategy for caregivers and care receivers, <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10382>

¹⁵ Gender-based violence. Violence against women is happening across the EU. It's criminal, a brutal form of discrimination and a violation of women's fundamental rights, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence_en

¹⁶ DIRECTIVE (EU) 2024/1385 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 May 2024 on combating violence against women and domestic violence, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401385&qid=1716884102079

¹⁷ The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), <https://www.coe.int/en/web/gender-matters/council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence>

¹⁸ <https://www.coe.int/en/web/istanbul-convention/home>

¹⁹ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L1158>); Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (<https://eur-lex.europa.eu/eli/dir/2022/2381/oj>); Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (<https://eur-lex.europa.eu/eli/dir/2023/970/oj>); Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU (<https://eur-lex.europa.eu/eli/dir/2024/1500/oj>).

²⁰ European Parliament resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent (2021/2243(INI)), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022IP0289>.

²¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>.

3. Trade unions

The ETUC has long placed Gender Equality at the heart of its actions and programmes, not only as a specific field of intervention but also as a general orientation for union action at all levels: one to be supported within its own organizational model as much as in collective bargaining and through institutional mainstreaming efforts.

In its most recent **ETUC Action Programme 2023-2027**, the gender perspective recurs as a horizontal cross-reference. For example, this perspective must be reflected in social and tripartite dialogue as much as in collective bargaining, which should be “gender transformative”; attention must be paid to organising and “digital unionism” forms that address gender biases; and the very limits of trade union organisations and their capacity to represent workers through an inclusive approach must be challenged: “precarious work and forms of non-standard workers, as well as migrants and other particularly vulnerable groups of workers, taking into account a gender perspective”. This cross-cut approach to gender is also adopted in several other fields, from health and safety at work to the right to professional development and training.

The ETUC considers Gender Equality as a cross-cutting and intersectional dimension of trade union intervention, in particular in the current context of economic and social crisis: “the weakening of women’s working and living conditions is likely to continue and even escalate with the cost-of-living crisis. Single mothers, migrant women, women with a low level of education, young women and older women will be most impacted”²².

The bulk of the actions to be carried out is outlined in the chapter on “Improving Working Conditions and Ensuring Quality Jobs”, which underlines in particular the need to eradicate the gender pay gap and the gender pension gap, deliver a framework on working time that is fair for women, and contrast the undervaluation of work predominantly done by women in various sectors of the economy.

Regarding recent legislative initiatives at EU-level, the ETUC has been particularly active on the Work-Life Balance Directive, the Pay Transparency Directive and the Directive combatting violence against women and domestic violence, among other.

Trade unions acknowledge the progress made with the adoption of the Pay Transparency Directive, but they also stress the important role that trade unions and workers’ representatives in the workplace must play in its full application and in its implementation, in particular through collective bargaining.

On the issue of combating gender-based violence, the ETUC has welcomed the EU’s accession to the Istanbul Convention. However, the recent Directive on combating violence against women and domestic violence “fails to deliver meaningful provisions to make the world of work safer for women workers. It also fails to recognize our role as trade unions in ending gender-based violence”²³ in particular when it comes to acknowledging the different forms of “economic violence” that affect women and minorities, starting from the austerity policies that reduce and defund the welfare state. The final text of the directive also fails to include explicit measures aimed at effectively tackling gender-based violence in the workplace. One article only in the text (art. 45, “Reporting and

²² Etuc Action Programme 2023-2027. Adopted by the Etuc 15 th Statutory Congress (Berlin, 23-26 May 2023), p. 27, https://www.etuc.org/sites/default/files/document/file/2023-06/ETUC%20Action%20Programme_Together%20for%20a%20Fair%20Deal%20for%20Workers_0.pdf

²³ Adopted Resolution - On the offensive to combat gender-based violence in the world of work, <https://www.etuc.org/en/document/adopted-resolution-offensive-combat-gender-based-violence-world-work>

Review”) establishes that “[By 14 June 2032, it] the Commission shall assess whether further measures at Union level are necessary to effectively tackle sexual harassment and violence in the workplace, taking into account applicable international conventions, the Union’s legal framework in the area of equal treatment of men and women in matters of employment and occupation and the legal framework on occupational safety and health”.

In its recently concluded project “Safe at home, safe at home, safe online”, ETUC explored strategies to further prevent and combat gender-based violence in the world of work, including forms of cyber violence, domestic violence and third-party violence. The ETUC resolution “On the offensive to combat gender-based violence in the world of work” from June 2024 offers a set of actions filling the gaps left by the recently adopted Directive. The resolution calls for new legislative measures for safe workplaces to be proposed by the European Commission, for an update of the social partners’ autonomous Framework Agreement on Harassment and Violence at Work of 2007, as well for mainstreaming the fight against gender-based violence in upcoming legislation and policy in the field of employment.

ETUC also advocates for the right to legal, free and safe abortions and explores the workplace dimensions of sexual and reproductive health and rights, including menstruation or menopause.

4. Let’s start thinking about... gender and intersectionality

The intersectional dimension is present in several general and strategic preambles at the international level, at least since the UN Beijing Conference. This is reflected in the European institutional initiatives, alongside gender mainstreaming²⁴. The gender/women dimension is one of the first and most fundamental dimensions of intersection to be cited when discussing the conditions of inequality and discrimination.

Women’s employment issues (access to the labour market, working conditions, wages, etc.) thus become matter to be considered together with a set of different social and subjective conditions, such as migration and disability.

Women and girls with disabilities face multiple and intersectional discrimination in all areas of life, including, socio-economic disadvantages, social isolation, violence against women, forced sterilisation and abortion, lack of access to community services, low-quality housing, institutionalisation, inadequate healthcare and denial of the opportunity to contribute and engage actively in society. Women with disabilities are two to five times more likely to face violence. The status of women and girls with disabilities is not only worse than that of women without disabilities but also worse than that of their male peers.²⁵

Gender is a crucial variable when looking into the policy area of migration. The lack of a gender perspective in migration, asylum and integration policies can have detrimental effects on the women and men on the move²⁶.

²⁴ EIGE, *Fostering a gender and intersectional perspective in EU foresight*, 2024, https://eige.europa.eu/sites/default/files/documents/fostering-a-gender-and-intersectional-perspective-in-eu-foresight_0.pdf

²⁵ EDF, *Women and girls with disabilities in Europe*, <https://www.edf-feph.org/women-and-gender-equality/>

²⁶ <https://eige.europa.eu/gender-mainstreaming/policy-areas/migration>.

A migrant woman's status – i.e. whether she is regularly or irregularly resident – is likely to shape her migration experience. Those who migrate for work are expected to 'fill the gaps' in the labour market. Often this means working in low-paid and unregulated sectors of the economy, where they are likely to be over-qualified. Employment and legal status are inter-related: both have an impact on the migrant woman's access to public services. Yet many migrant women, especially those with young children, face barriers to accessing the labour market. The European Institute for Gender Equality (EIGE) confirms that migrant women are more likely to be unemployed or economically inactive than any other group in the EU labour market.²⁷

An intersectional dimension that is sometimes neglected is the one concerning social status and class, despite its huge role in harshening the factors of discrimination, exploitation and oppression for certain population groups. As a report from Equinet found:

Poverty of women stems from a range of interrelated factors, including their often precarious position in the labour market, due to a strong educational and occupational horizontal and vertical gender segregation derived from traditional stereotypes and bias, and the unequal sharing of care and domestic household responsibilities between women and men, leading to lower payment of work done in the majority by women [...] The situation worsens for women in vulnerable situations or belonging to vulnerable groups, who are more likely to live in poverty, such as older women with a low pension, single-mother families, women with disabilities, women with migrant background or from ethnic minorities, women with a low socio-economic status, women in rural areas, and women in precarious jobs (such as in the care sector), seasonal workers (tourism, agriculture), etc. [...] Women in poverty are not only confronted with direct individual discrimination when applying for a job, searching for an apartment, or assessing the health sector, they also – like all other women - experience structural discrimination and it is often exactly this structural discrimination that pushes them into poverty²⁸

²⁷ EPRS European Parliamentary Research Service, *Migrant women and the EU labour market. Overcoming double discrimination*, 2023,

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747905/EPRS_BRI\(2023\)747905_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747905/EPRS_BRI(2023)747905_EN.pdf)

²⁸ EQUINET, *Women in poverty. Breaking the Cycle*, 2020, <https://equineteurope.org/publications/women-in-poverty-breaking-the-cycle/>