

EQUALITY AND DIVERSITY LEARNING IN THE EUROPEAN STEEL INDUSTRY

A Report for *LEONARDO DA VINCI*

Community Vocational Training Action Programme

Second phase: 2000-2006

UK/04/B/F/pp-162 166

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September 2007

Volume Two

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This Report was funded under the *LEONARDO DA VINCI*, Community Vocational Training Action Programme, Second phase: 2000-2006, UK/04/B/F/pp-162 166

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One: Equality and Diversity in the European Union: A Legal and Institutional View

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Equality in Europe: A legal and institutional overview

This report provides a review of current equal opportunity legislation and policy at supra-national, and Member State level, throughout the European Union. The equal opportunities picture is summarised through considering both 'hard' (formal legal measures) and 'soft' measures within the following categories:

Over-arching Principles and Treaties;

The Race Equality Directive 2000 (RED);

The Equal Treatment Directive 2000 (ETD);

Progress on the transposition of the Directives into national law;

Gender Mainstreaming (GM) and;

National Reform Programmes (NRPs) with the Lisbon Strategy

The report begins by explaining various understandings and approaches to tackling inequality. Rees (1998, 2006) has typified the evolving European Union equality agenda as incorporating Equal Treatment (ET), Positive Action (PA) and Gender Mainstreaming (GM). Legislation or policy that flow from such schema can operate distinctly or simultaneously. In addition to this, human rights legislation and in some Member States, new 'duties to promote equality' are being introduced. These require employers, mainly in the public sector, to create action plans to tackle race, disability and gender equality. The first section of this report explains these different approaches to equality and discusses the increasing use of another approach to equality, Diversity Management (DM), which is increasingly the focus of European Commission equality strategies.

In the sections that follow, the report identifies how such approaches are being translated into new legislation in the EU. For example, since the Equal Treatment Directive (ETD 2000), a 'six strand' approach to equality has emerged. Now, all Member States have legislation prohibiting discrimination on grounds of age, gender, disability, race and ethnicity, religion and belief, and sexual orientation in employment and training (EC 2005). However, the coverage and scope of this legislation, the ways in which it has been transposed into national legislation or labour codes, and the effectiveness of implementation measures varies greatly across Member States.

Beyond legislation for Equal Treatment, addressing the unequal distribution of jobs and rewards is viewed as central to the success of the re-launched Lisbon Strategy (2005). Here, the focus has become growth and jobs, with the aim of full employment and an increase in research and development expenditure to 3% of GDP by 2010. The European Employment Strategy (EES) targets are:

- Overall employment rate (2004: 63%, target 2010: 70%)
- Female employment rate (2004: 55%, target 2010: 60%)
- Employment rate for workers over 55 (2004: 40%, target 2010: 50%)

Member States submit annual action plans called National Reform Programmes (NRPs). To meet the targets, it is estimated that 20 million jobs will need to be created within the EU. The EES guidelines make it clear that to achieve these targets, Member States must focus upon improving the participation of women, young people, migrant workers,

members of ethnic minority groups and disabled people in labour markets. They must also act to prevent mature workers from becoming detached from the labour market either through redundancy or early retirement.

1. Approaches to Equality

This section explains the varying approaches to attaining greater equality in education, training and employment that are currently in use by the EU and in Member States. These approaches are inter-related and most often employed contemporaneously. .

Equal Treatment

Equal Treatment, or anti-discrimination, legislation supports a basic principle of equal access and opportunity to education, training and labour markets. Following a liberal tradition, it has historically attempted to remove formal barriers to labour market participation. For example, the principle of Equal Treatment has been called upon to argue for the removal of 'marriage bars', which required women to resign from their jobs upon marriage. This policy operated until 1972 within the Diplomatic Service of the UK Government and the Irish Civil Service. However, such policies leave a lasting legacy; the idea that women's priority should be their role in the home still underpins the terms on which they participate in labour markets.

Equal Treatment is also the principle called upon to prevent different groups of people from being treated unfairly in relation to each other in respect of access to occupations, pay and progression. It is in essence, anti-discriminatory legislation and in practice it enjoins employers to treat everyone 'the same'. However, it is clear that this is insufficient to produce equality of outcome.

Within labour markets, the employment contract is tacitly underpinned by a 'gender contract' (Rees 1998). Women, as the providers of the majority of unpaid household and caring work, often have restricted access to labour markets and hence different working patterns to men. Thus women tend to be the majority of the low paid, to work in gender concentrated 'women's sectors', and are often employed on less advantageous employment terms to men. The work/life imbalance within heterosexual gender relationships structures the operation of labour market systems, and means that women and men must sell their labour under different conditions. Men and women are not the same and to treat them as the same can lead to unequal outcome. An example of this is given in the review of Member States National Reform Programmes in section 2.5. Some Member States are recognising that standard minimum national insurance contributions that have been calculated on a 'male norm' of full time work over the lifetime, are not suited to many women's earning patterns. This can lead women to eschew the formal labour market in favour of the informal economy.

The Equal Treatment rationale for equality enjoins employers to overcome their negative perceptions of women, older workers, ethnic minority populations and lesbians and gay men. It insists that employers view members of these groups as unmarked by their 'difference' to the assumed 'norm'. However, the equal treatment framework cannot, for example, address the over concentration of members of certain minority ethnic groups in low paid service sector jobs or the ways in which minority ethnic labour is being used to fill jobs that (predominantly) white working class women no longer wish to do (caring, cleaning etc). In essence, the labour contract, the prevailing labour market conditions of supply and demand, and the gender symbolism of jobs and pay, will often determine who applies for which jobs.

What is missing from an analysis of equal treatment legislation is an understanding that to treat people equally one may have to treat them differently. This is the basic principle of Gender Mainstreaming (GM). This approach to equality focuses upon removing labour market systems and practices which, in effect, create positive discrimination to the advantage of the traditionally 'ideal' worker, who is a white, heterosexual, able-bodied man.

For example, mature workers have been particularly vulnerable to redundancy and subsequent long-term unemployment since labour market restructuring in the 1980s, resulting in increased rates of early retirement or leaving the labour market to take long term sickness benefits (Rees 1992, EIRO 2004). Policy intervention will be needed to reverse this trend. To produce equality of outcome, which is more meaningful than formal equality of access, older workers may need to be treated differently to other workers by having specific training programmes or fiscal measures applied to them. Again, examples of this are explored below in relation to Member States' NRPs.

Positive Action Measures

A Positive Action approach recognises the significance of the effects of ascriptions applied to group membership (older, younger, disabled, ethnic minority, women) on the allocation of positions in the labour market (Rees 1998: 35). It therefore seeks to:

...provide mechanisms which will facilitate women's entry on an equal footing by compensating for unequal starting positions. They are predicated on addressing the ways in which women are 'different' from men and thereby disadvantaged' (Rees 1998: 34/35)

The Equal Treatment Directive 2000 (discussed below) adds provision for Positive Action on grounds of sexual orientation, age, disability, ethnicity, religion and belief, to already existing race and sex provision.

The Commission's first and second Medium Term Action Programmes on Gender Equality can be characterised as Positive Action programmes. They addressed the founding of equality networks, enforcement of equal opportunities legislation, training provisions for women and development of women's enterprises (Rees 1998: 62). However, the projects were often piecemeal, and precariously funded. Too little women-only training was undertaken and the content was too often designed to bring women up to men's standards (i.e. providing them with assertiveness training). Such measures treat 'difference' to men as 'deficit', and consequently do not address the structural replications of men's advantage as the 'norm'.

Another example, would be the recent European Parliament Resolution on the Situation of People with Disabilities in the enlarged EU (2006/2105(INI)), which calls upon Member States 'to explore more intensively ways of offering jobs to people with disabilities' (measure 53). This recognises that protected or assisted employment places in employment or Positive Action measures, may be needed to create an equitable situation.

However, such measures on their own leave existing labour market structures untouched, doing nothing to ensure the integration of disabled workers into the mainstream of industries and occupations. Positive Action measures for ethnic groups, disabled workers, and older workers now in place in labour market programmes might also be in danger of treating these people as 'less than'. The alternative would be to positively embrace difference and amend systems and practices to account for the reality of different working lives, rather than try to model all workers on the subjectivity of a mostly non-existent 'ideal worker'.

Gender Mainstreaming and Diversity Management

Gender mainstreaming is an equalities approach that distinguishes itself from ET and PA in seeking to undermine the reproduction of advantage and disadvantage through all policy, rather than relying upon ET or PA in discreet equality legislation. GM treats the difference of individual lives to a structural 'norm' as requiring systems change, not individual denial of difference. Gender Mainstreaming is explained fully below in relation to its evolution and latest developments in EU policy-making (see page 19).

Diversity Management (DM) is a more recent equalities approach and is driven not by public policy but by Human Resource Management (HRM) practices. The rationale is 'the business case' for equality (Kandola and Fullerton 1998, Lorbecki 2001). In this conception of equality, difference is valued because it is claimed it will enrich the workplace, better reflect the wider society, produce better team working, innovative ideas and insights into niche markets. Difference is, however, treated as an individual characteristic. There is no desire to tackle group disadvantage or change systems and structures (Parken and Rees 1999). Resting on the business case, in particular the need to maximise the recruitment 'talent pool', HR managers have found it easier to engage the general management of organisations in this approach.

Wild claims for the success of this approach have been made although there has been little evaluation of the success of DM practice (Kandola and Fullerton 1998). However, it has been noted that women issues are a low priority in DM frameworks (Webb 1997), and the idea that diversity is a 'freeing' or 'do-able' approach to addressing inequality, Prasad and Mills (1997) argue is a:

... naïve attempt to de-politicise the gender conflicts, racial tensions and cultural frictions that are an endemic feature of contemporary organisational life (in Lorbecki 2001:9).

A study of over 200 companies in four Member States, prepared for the EC (2003), attempted to measure the costs and benefits of DM. It found that measurement and indicators of diversity success were in an embryonic stage but that various voluntary initiatives were underway, and attributes the adoption of such initiatives to the interest in equality created by the ET Directive.

The study states that the companies surveyed claimed long-term benefits in relation to competitiveness and improvements in performance in the short and medium term. Over 70% of companies stated that the policies had strengthened cultural values, enhanced corporate reputation, and helped to attract and retain highly talented people. Over 60% of companies said that DM had improved innovation and creativity, helped to address labour shortages and improved customer satisfaction (2003:3).

Parken and Rees (1999) similarly found innovative workplace practices in 'DM exemplar companies' such as social labour programmes for youth offenders; programmes to address the gender concentration of women in administrative roles by moving them into technical and stock market dealing roles; active programmes to make the large number of women employees reaching child bearing age aware of their maternity rights and the companies' staged return to work programme (TIM, Italy); a business and government diversity coalition working to change societal attitudes toward ethnic groups by beginning with organisational life (Sverige 2000 working with Volvo Trucks and World Union Stockholm Energi), and 'time-hours cheque books' for flexible working (Altana, Italy). However, the companies that produced such innovations were either usually start-ups, newly formed from restructuring of industry or 'family' owned. Long established companies can find it problematic to make cultural change without the aid of impetus from innovative labour market

policy. This is where public policy informed by gender mainstreaming (equality mainstreaming) can assist by creating conditions favourable to fostering such in-company diversity practices.

More recently, actions under the Community Action Plan to combat discrimination (2000 – 2006), have further investigated and promoted the DM approach. The website www.stop-discrimination.info/ carries useful tools to help employers measure whether DM practice has increased their choice of talent in recruitment, improved understanding of current and new customers and built employee commitment. *The Business Case for Diversity: Good practices in the Workplace* (EC 2005), provides useful case studies. However, most of these relate to mid to high skilled occupations where human capital may be scarce.

Legal Duties to 'promote' equality

More recently, a new approach, to equality has emerged in some Member States. It is most developed in the UK. Since 1999 in the UK, measures to devolve government to Scotland, Wales and Northern Ireland have created political space to innovate in the field of equal opportunities. Following the Gender Mainstreaming approach to equalities provision, *duties to promote equality* have entered into law. These legal duties far exceed the negative right not to be discriminated against (ET).

In Northern Ireland, the Assembly has a duty to promote equality on nine specified grounds. Besides the 'six strands' (age, disability, race and ethnicity, religion and belief, sexual orientation and gender), policy must be made to promote equality for gypsy traveller communities, 'between persons with dependants and persons without', and on grounds of political belief. Eire also lists nine grounds although these differ slightly from those listed by Northern Ireland.

In Wales and Scotland (Scotland doesn't have a specific law but has chosen to interpret its new powers as requiring the government to produce a positive right to equality for citizens), the list of grounds covered is non-exhaustive meaning not restricted to the six strands covered by the Equal Treatment Directive (2000/78/EC). At the UK level, following the Race Relations (Amendment) Act 2000, the Disability Discrimination (Amendment) Act s 2004 and 2005, and the Equality Act 2006, duties to promote equality in employment and in the provision of goods, facilities and services exist for race, disability and gender respectively. All the 'duties' differ in their scope, requirements and the ways in which impact is to be assessed.

For gender, such duties are recognised in Denmark, Norway, Sweden, and in the Netherlands. Recent guidelines from the European Commission against Racism and Intolerance (ECRI), signal that this approach is likely to be the way forward in Europe. They note that some Member States have adopted this approach on some grounds, and call for a duty on all public authorities not to discriminate and to promote equality, to be at the heart of policy-making (Guideline 7, see EC 2007).

The extension of public duties at the UK level to the latter three grounds of discrimination and disadvantage is the subject of a current consultation, following the Discrimination Law Review (2007). A similar review of equality law is underway in Finland. It is likely that the 'next step' in equality legislation will be the introduction of public duties throughout the Member States with an attendant review of which grounds are covered. For example, the existing situation in the UK, means that the new Commission for Equality and Human Rights, due to commence operations this year, will inherit considerable differences between the strands of equality in relation to negative and positive rights on a UK basis. Not only will only 3 strands have a 'duty to promote' but the devolved areas of Wales and Scotland will operate a non-exhaustive list – going beyond the six defined strands.

Conclusion

This introductory section has established the different conceptions of inequality, which underpin ET, PA, GM and DM policy approaches to producing equality in labour markets, and given some examples of their use, and described the likely future direction of development for equality legislation.

As discussed, all approaches tend to be in operation contemporaneously; no approach is likely to succeed on its own. Gender mainstreaming needs the underpinning basic principles of equality and democracy even if ET falls short of producing equal outcome. Positive Action measures have produced some spectacular results in relation to the participation of women in public life. Through a system of 'twinning', wherein in each 'safe' Labour seat a man and woman were put forward for selection, the National Assembly for Wales achieved a perfect gender balance of Assembly Members in its second term of operation; a unique worldwide achievement for a legislature.

The operation of Diversity Management practices in the public sector may also make enormous difference to the inclusion of under-represented groups. The test will be how much their different lives and perspectives will be allowed to transform the operation of their workplaces. This is the legal, or 'positive duties' to promote equality, could transform the equalities landscape and give in-company approaches such as DM much enhanced impetus.

This report proceeds by examining the over-arching treaties and principles by which Member States of the EU are bound and the recent EU anti-discrimination Directives. As discussed, the Directives have already impacted upon DM initiatives by prompting the inclusion of new groups of people within the focus upon equality and through the setting-up of national equality bodies.

2. Supra-National Equality Framework

The right to equal treatment between men and women was enshrined in the Treaty of Rome 1957, under Article 119 on equal pay. Equality was not then, as it is now, established as a core principle of the European Union for reasons of both economic development and social justice.

The Treaty of Amsterdam 1999 has concretised the principles of equal treatment and non-discrimination at supra-national level through the Equal Treatment (2000/78/EC) and Race Equality Directives (2000/43/EC). For the first time in many Member States, trainees and workers (including self-employed, those on government training programmes and in further education) are afforded protection on grounds of religion and belief, race and ethnicity, disability, age, and sexual orientation. The measures cover recruitment and selection, employment and post-employment. Gender is not dealt with specifically in these directives although the Treaty of Amsterdam did establish a legal basis to the principles and practices of gender mainstreaming.

The following section reviews the binding equality treaties and declarations in the EU before detailing the provisions of the ET and RE Directives 2000, which represent a major progression in equal treatment legislation for many EU countries.

Over-arching Principles and Treaties.

Article 6 of the Treaty on European Union establishes the founding principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (Council Directive EC 2000/78/EC). These principles are common to all Member States wherein, fundamental rights are guaranteed by the European Convention on Human Rights and Fundamental Freedoms (ECHR). All Member States have ratified the ECHR and are required to transpose this framework into domestic law. Article 14 protects against discrimination in relation to the fundamental rights and freedoms, and Protocol 12 provides for a non exhaustive list of grounds upon which citizens can be protected against discrimination in, and beyond employment. Thus far Protocol 12, has only been ratified by Cyprus, Finland, Italy, Luxembourg, the Netherlands and Romania (EC 2007: 41).

In the UK the Human Rights Act 1998, has been transposed in such a way as to make the ECHR capable of changing any national laws it may be in conflict with, unless the government applies for, and obtains, an exemption. Thus, interpretation rests with the judiciary in higher national courts and does not rely on referral to the European Courts of Justice.

The right of all persons to equality before the law and protection from discrimination is enshrined in the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention on the Elimination of Racial Discrimination. Member States are also signatories to the United Nations Covenants on Civil and Political Rights.

The EC called upon these basic principles, the founding articles and the Employment Guidelines 2000 (Helsinki), which agreed the 'need to foster a labour market favourable to social integration by formulating a coherent set of policies aimed at combating discrimination against such groups as those with a disability' (OJEC L 303/16), as the basis for enacting the new Framework Equality Directives (ETD and RED).

The Equal Treatment Directive (2000/78/EC)

Following the Amsterdam Treaty 1997, all Member States were required to transpose into law anti-discrimination legislation relating to training, occupation and employment on grounds of disability, age, religion or belief, and sexual orientation.

Member States were required to transpose the Directives into law during 2003 (1st May 2004 for the then Accession Countries), although there was an option to delay implementation until 2006 (Germany and Luxembourg only substantially transposed the ETD in 2006, and UK and Sweden delayed age and disability legislation respectively until 2006)¹. The Directive is binding as to results to be achieved, but national governments have discretion about the form and methods of implementation (EC 2005).

The European Courts of Justice can enforce protection for individuals where they find that Member States have inadequately transposed the Directives. All candidate countries must enact the Directives, and the existing Community Law on equal treatment between men and women (Council Directive 76/207/EC, of 9 February 1976) prior to accession. Besides equal treatment, the Directives provide for Positive Action on grounds of disability, race and ethnicity, religion or

¹ Although primary legislation has not always been enacted. For example, the UK government has introduced the EED as regulations (The Employment Equality Regulations 2003), under the European Act 1999. Using this Act the government argued it could not extend equal treatment on the new grounds to the provision of goods and service, education etc. as is the case for the Race Directive. Latvia has introduced the principles of equal treatment via amendment to the Labour Law, and has used this method to transpose many European Union laws since accession, removing the need for discrete laws in each case (MPG 2005).

belief, and sexual orientation. A Community Action Programme, designed to establish baseline data to enable policy-making, share best practice, build equality knowledge capacity and provide training, underpins the transposition of the Directives in Member States (CAP 2001- 2006).

The ETD provides a foundation of protections from discrimination and Positive Action measures in all Member States but apply only to training and employment. There can be no regression as a result of the implementation of the Directives on the situation already prevailing for citizens of Member States who were already protected on such grounds. The non-regression principle means that existing anti-discrimination legislation in the provision of goods and services on grounds of race and ethnicity, disability and sex remains in force. In short, these Directives provide the minimum protection that citizens can expect, but for some states it has meant momentous progression in the recognition of rights.

The transposition of the ETD into national law is an area where disparity between 'strands' of equality can occur. For example, Recital 22 to the Directive on sexual orientation states that the new laws will apply 'without prejudice to national laws on marital status and the benefits dependent thereon'. The UK government has interpreted this as having effect beyond social security systems, so that it remains legal for employer pension schemes to specify survivor's benefits will only apply to 'spouse' or Civil Partner (following the Civil Partnership Act 2005). This leaves hundreds of thousands of not married heterosexuals, and lesbians and gay men who have not registered their partnership, without security in retirement.

Age discrimination provisions are also 'without prejudice' to retirement ages laid down by Member States'. Age requirements in relation to training and employment are not delimited but restrictions must be legitimate. States must distinguish between difference in treatment justified by employment policy, labour market and vocational training objectives, and discrimination, which must be prohibited. One effect of the Directive, if equal treatment is interpreted as meaning 'to treat everyone the same', may be to discourage the targeting of training at mature workers who may need specific help in order to re-enter the labour market. Such measures are legitimated by the Directive and are a stated intention of the European Employment Strategy (EES).

The ETD provides for exemptions to equal treatment for Genuine Occupational Requirements (GOR). These can be applied in two ways. Firstly, as 'opt outs' for employers, so that in the UK some 'religious organisations' have been given dispensation to exclude lesbians and gays in key posts. This has been the subject of a judicial review, wherein it was found that this opt out can only be interpreted extremely narrowly (i.e. doctrinal posts). More recently, in July 2007, an Employment Tribunal in the UK found in favour of a youth worker whose offer of employment was revoked when he declared himself as a gay man (Case Number 1602844/2006, judgement 17/7/2007). This will clarify the boundaries of the use of GORs as exclusion.

The second and more positive use of GORs is to 'ring fence' posts where the main purpose of the organisation is to serve the needs of an excluded or disadvantaged group and where tacit skills and knowledge are as important as formal qualification. For example where women can be specified as employees for organisations working with women abused by men, or where members of a religious or belief community are required as community workers for that community.

However, this example of usefully 'employing difference' is less discussed or applied. For example, lesbians and gay people experience high levels of homophobic violence in public places and in the work place (Palmer 1999). There are few safe public spaces but since the implementation of the Directive a 'gay bar' would be guilty of discrimination under the ET if advertising for bar staff was only placed in gay magazines. In this instance, attempting to recruit 'difference' or tacit community knowledges for positive outcomes for customer comfort would be viewed as discriminatory'.

The Race Equality Directive (2000/43/EC)

The Race Equality Directive (RED) applies beyond employment and training to provide protection against discrimination in the provision of goods and services.

In employment, as with the ETD, employees are protected from discrimination in recruitment and selection, throughout their employment with an organisation, and in post-employment. Equal rights of access and employment conditions cover types of contract, rewards and progression. Protection includes protection from direct, indirect, instruction to discriminate, victimisation (where an employee has made a complaint) and harassment, which is defined as a form of direct discrimination.

Post employment coverage mostly applies to the provision of unfavourable references where the basis is racism rather than reporting verbal or written warnings. This means that employers must be able to back up their claims of 'not being a team player', 'disruptive' or, say, 'unreliable' with evidence from written performance appraisal or other personnel documentation. As with the ETD, the burden of proof is placed upon employers once a prima facie case is established.

The RED contains a new definition of harassment, which has then been applied to the grounds covered by the ETD. An employee can claim harassment if the culture of the work place is hostile to ethnic minorities (or other grounds). The employee need not have experienced a racist incident or remark directly. Merely overhearing racist comments that go unchallenged by the company can be said to show that the employer had allowed a hostile environment to prevail.

The directive provides coverage to all EU nationals and people from outside the EU who are living or working in the EU. The Directives provide that anyone who feels they have a complaint must be given the right of redress. Member States can decide whether this is through the judicial systems or via an employment tribunal system.

Unique to the RED is the requirement that all Member States create an independent body that will promote the anti-discrimination legislation and provide help and advice to those suffering discrimination so that they might pursue a complaint. Many Member States have chosen to have a single body to oversee all strands, whilst others have single bodies or responsibility rests with an ombuds(wo)man. This is the case in Cyprus for example, whereas responsibility in Estonia rests with the Justice Ministry, in Germany there is federal authority for all grounds, whilst Malta still has to create a body for race equality (at present a commission only exists to oversee equal treatment for women and men²).

Positive action measures for training, unemployment and entrepreneurship are also allowable under the RED. As with the ETD, the Community Action Programme is involved in data collection on attitudes to ethnicity (through the Eurobarometer), monitoring measures being taken against racism and sponsoring information campaigns.

Looking to the future, the Communication "Non-Discrimination and Equal Opportunities for All - A Framework Strategy" [COM(2005)224 - Not published in the Official Journal], calls for anti-discrimination legislation in respect of the provision of goods and services to be extended beyond race to encompass all 'strands' across the EU.

Community Action Programmes

² (See Bell *et al.* 2006, pp117- 123 for the way Member States have implemented this requirement of the RED.)

The Community Action Programme (CAP, 2001-2006) supports the implementation of the ET and Race Directives. It is designed to produce useful insights into the reproduction of inequality through labour market practices, and to build capacity and promote equality values.

Measures under Strand One include the formation of independent advisory groups (such as the Single Network of anti-discrimination law experts), and equality lobbying groups to advise on issues of ethnicity, religion and belief, disability and sexual orientation. These groups assist the Commission to monitor the transposition and effectiveness of the anti-discrimination directives.

Strand 2 of the CAP focuses upon capacity building. It supports 27 transnational partnerships to exchange good practice, 4 European umbrella networks:

- The European Network against Racism;
- The European Disability Forum
- The International Lesbian and Gay Association
- AGE, the European Older People's Platform.

It also supports 5 smaller EU level organisations:

- The European Blind Union
- The European Union of the Deaf
- Inclusion Europe
- Autisme-Europe
- Action Europeene des Handicapes

Strand 3 of the CAP supports awareness raising including funding for Member State Governments to run information programmes, and seminars for the legal professions on how to interpret the concepts and thus the spirit of the directives. When reviewing the transposition of the Directives into Member State law it was clear that few had undertaken Strand 3 initiatives.

In 2005 the EC adopted the "Non-Discrimination and Equal Opportunities for All - A Framework Strategy" [COM(2005)224]. This further enhances the action programmes by introduction of PROGRESS, (community programme for employment and solidarity). From January 2007 this programme brings together all actions to promote equality and tackle discrimination in employment. Part of its work is the promotion and oversight of the 2007 European Year of Equal Opportunities, which involves many cross-strand equality initiatives in Member States. In addition the Framework Strategy calls for the extension of protection in the provision of goods and service to the other grounds of equality besides race. However, several Member States have already exceeded the scope of the Directives in this regard. However, several Member States have already exceeded the scope of the Directives in this regard (see Bell *et al.* 2006, pp130- 135).

3. Progress on the Transposition of the Directives into Member State Law

The EC (2005) review of progress towards transposition tentatively suggests that all Member States have now completed the process in relation to the Race Equality Directive (2000/43/EC) and Equal Treatment Directive (2000/78/EC) or would have done so by the end of 2006. This would include those States who had applied for extensions in relation to the 2003 deadline for transposition (1st May 2004 for the then accession countries) such as

(Sweden - age and disability, France - disability and UK, Belgium, the Netherlands - age) and Germany and Luxembourg, where draft law covering all grounds was pending, due for introduction in 2006).

However, the European Commission has taken action against UK, Finland, Germany, Austria and Luxembourg for failing to transpose the ETD (2000/78/EC) in all of their territories. It has also issued 'reasoned opinions' in respect of the Race Equality Directive, requiring the Czech Republic, Estonia, France, Greece, Ireland, Italy, Latvia, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom to fully transpose. Areas of concern include transposition that limits the Directive to employment (thus the goods and services anti-discrimination element is omitted or insufficiently transposed), and 'definitions which diverge from the Directive and inconsistencies with regard to protection against victimisation or the burden of proof' (EC 2007: 48)

In contrast some Member States have exceeded the requirements of the Equal Treatment Directive (2000), either on grounds or scope or in the competencies of the designated equality body. In other countries, significant gaps remain (EC 2005: 3). However, it is safe to say that where previously there was provision only in constitutional agreements or collective bargaining arrangements, the majority of Member States now have discrete anti-discrimination legislation for most grounds.

Bulgaria and Romania who joined the EU in 2007 have yet to supply country reports although draft laws are in evidence in 2005 and 2006 respectively. There is currently no information regarding the candidate countries: Croatia, Macedonia and Turkey.

Equal treatment legislation for sexual orientation appears to have been the most problematic addition but is now present in most Member States. Additionally, the adoption of 'reasonable accommodation' legislation in respect of disability legislation is still outstanding in many Member States. For example, the EC (2005) report suggests there is no proper transposition in Hungary, that there is no general duty on employers in Italy and no direct provision in Lithuania.

The terminology used to transpose, and therefore grounds, covered within the Race Equality Directive is divergent between Member States. The EC (2005) report identifies two reasons for this variation. Firstly, the use of 'race', within national legislation, often overlaps with other 'characteristics' such as nationality, language or religion, and there is divergent use of meanings. The UK is the only country to include 'colour' within race legislation and Poland and Slovenia have specific legislation relating to 'national minorities'. Countries with significant poverty, social exclusion and discrimination issues in regard to Roma often have 'national minorities' included as a term. The EC (2005) report also identifies significant segregation issues for Roma in education that need to be addressed in the Czech Republic, Cyprus, Denmark, Finland, Greece, Hungary, Poland and Slovakia. These should be covered by the part of the RED that relates to the provision of public services.

Secondly, there is anxiety to avoid anti-discrimination legislation reinforcing a determinist view of different 'races' as distinct species; an unscientific view for which there is no evidence (EC 2005: 19-20). For example, to make this distinction clear, that racial discrimination is based upon a social, cultural and economic hierarchy, Austria employs the term 'ethnic affiliation', France uses the terms 'race' but qualifies this as 'real or presumed' and Sweden uses the phrase 'ethnic belonging'.

Where Member States have adopted a non-exhaustive list of grounds in respect of the Equal Treatment Directive (2000), this can be interpreted as exceeding the 'six strand' approach. This is the case in Austria, Belgium, Finland, Ireland, Hungary, the Netherlands and Slovenia. However, the phrase 'any other circumstances' can also indicate that some grounds do not have specific anti-discrimination legislation, as is the case in Latvia where sexual orientation is not

specifically mentioned, but taken to be included under 'any other circumstances'. A non-exhaustive list of grounds can be especially problematic where Member States have also chosen not to provide a definition of what constitutes 'a ground' and have not used discrete anti-discrimination legislation to implement the Directives (using a mixture of labour and penal codes, for example, Portugal). Questions remain, then, about the rigour of implementation and methods for legal remedy particularly for disability, sexual orientation, religion, age and ethnicity throughout the EU.

Member States have discretion as to how they interpret the meanings of indirect and direct discrimination, harassment, victimisation and the burden of proof. Many States have chosen to incorporate the definitions provided in the Directives whilst others have not. There are also gaps in material scope between States, where the law may apply only to either the public or private sector.

There are also considerable gaps in provision relating to 'instruction not to discriminate' and the collection and analysis of monitoring data, both of which are required under the Equal Treatment Directive (see Bell *et al.* 2006). Many states have stringent rules about the collection of personal data which appear to forestall employee monitoring processes for the purpose of understanding which groups are underrepresented within organisations, and for identifying the over concentration of some workers in 'occupational ghettos'.

The Directives also provide for social partners, Trade Unions and non-governmental organisations (NGOs) working on equality issues, to take cases or intervene on behalf of individuals. The lack of clarity on this point in the EC review (2005) appears to demonstrate that the authors of the country evaluations (from the Independent Single Network of Legal Experts on Discrimination Law) struggled to obtain and analyse this information. This suggests that the social partners generally do not have the legal standing required to bring hypothetical cases or group actions on behalf of others in most States. Their role is restricted to support and advice for individual claimants.

Bodies who can take or support actions, are restricted in Austria to one specific NGO involved in anti-discrimination work (The Litigation Association of NGOs which has been involved as an 'intervener' in a successful employment tribunal case of harassment against a gay employee), and some trade unions in Estonia, Latvia, Sweden and Ireland. The Czech Republic lists designated bodies but a draft law is expected to extend this right to other organisations. In Denmark, it is unclear whether NGOs could take a case without a victim and Malta only extends the right of NGOs to support individuals to one disability organisation.

Besides the failure to fully implement the provision for 'reasonable accommodation' in respect of the disability legislation, there are three further areas of concern that must be addressed to ensure the effectiveness of the legislation.

Firstly, the introduction of Positive Action measures is particularly patchy. Only Ireland, the UK and Germany appear to have Positive Action provisions for all grounds. The remaining countries appear to have Positive Action measures in place only for disability and not all have complied with this requirement in respect of race in the RED. Where Member States have not enacted discrete anti-discrimination legislation, it appears that they have relied upon existing provisions in law which predates the ETD to provide for PA measures in some. However, several Member States have already exceeded the scope of the Directives in this regard (see Bell *et al.* 2006, pp125-129).

Of particular concern is the emergence of an implementation gap. Whilst the legislation for equal treatment may be in place to varying degrees in terms of scope and coverage, the EC report (2005) on progress towards transposition identifies that few Member States have met the requirements to disseminate information, promote social dialogue and encourage debate with non-governmental organisations (EC 2005: 27-29).

A significant failing is the finding that Member States have not systematically reviewed and repealed all discriminatory laws (EC 2005). Member States are relying upon individuals to bring cases in order to set precedents which amend the law. This attitude falls far short of the requirements, and spirit, of the equality directives, and the ambition for growth and jobs which relies upon ALL policy as a vehicle for promoting equality,.

In summary, Member States have now transposed the Directives with the exception of the gaps identified. Evaluating effectiveness across the EU will be difficult however, given the evidence of partial transposition within legislation, the variability of meanings and definitions, the spread of laws and administrative measures used to implement the directives.

4. Gender Equality and Mainstreaming

Gender Mainstreaming: Meanings and Evolution

The Amsterdam Treaty invoked Article 3 (2) as the principle on which the EU and Member States must aim to eliminate inequalities and promote equality between men and women. This has found its expression through the policy of gender mainstreaming. Gender mainstreaming is a supra-national policy obligation resulting from the Declaration at the United Nations Fourth Conference on Women, Beijing 1995.

The Declaration states three principles:

- 1) The empowerment of women;
- 2) The re-affirmation of women's rights as human rights;
- 3) The promotion of gender equality through mainstreaming.

The resulting *Platform for Action* outlined 12 Critical Areas of Concern: one of which is women's poverty in relation to women's employment. As a result, whilst continuing specific actions targeted at women, the European Commission introduced a new Community Action Programme 1996-2000, and most importantly introduced the principle of gender mainstreaming defined as:

... mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking account at the planning stage of their possible effects on the respective situations of men and women. COM (96) 67 final from 21/2/96 (CEC 1996).

Thus the actions required, to eliminate inequalities and promote equality for women and men, are not limited to equal treatment or discrete equality measures but must be at the heart of all policy formation. When the Treaty of Amsterdam came into force in May 1999, (under Article 3) gender mainstreaming was given formal legal status. Equality for men and women becomes one of the explicit tasks of the Community (Article 2) (DG Employment and Social Affairs, EC unit DG5 'Beijing +5: An overview of the EU follow up and preparations', EC 2000 ISBN 92-828-9418-5).

The EC DG5 report, highlights this legal reform as progress since Beijing along with the benchmarking programme agreed by Council 1998 (p.6), and indicators for women in power and decision-making position, agreed by Council 2000. The Amsterdam Treaty also produces enforcement power with regard to human rights; Member States can now be sanctioned for 'violating in a serious and persistent way' liberty, democracy respect of human rights and fundamental freedoms and the rule of law' (EC 2000:7).

The Beijing Platform is also translated into action in the requirement placed upon Member States to show how equality and women's advancement are addressed in the national budget. Member States have pointed out the difficulty of identifying funding issues for women in the general budget for healthcare or education etc. This is a good example of how achieving gender mainstreaming must change institutional structures. National budgets are concerned with surpluses, inputs and outputs, productivity, GNP, GDP: that is, measurements of 'productivity' in the public domain to which value has been attributed (Himmelweit 2000). Accounting for the difference that gender makes to the lives of men and women, and the different inputs achieved by them (for example unpaid caring and educating work) will require institutional shifts and different ways of conceptualising value, in terms of inputs and outputs to the economy.

Work in Progress

The Community Framework Strategy on Equal Opportunities for Women and Men 2001 defined a 'dual approach' to gender equality. This entails gender mainstreaming combined with specific actions (legislation and financial programmes). This was the first annual work programme on gender equality to be adopted by the Commission (EC 2002). It provides a structure for gender mainstreaming in all policy areas, e.g. The European Employment Strategy, which was evaluated in 2002 including the impact of gender mainstreaming (EC 2003).

Despite its legal status, gender mainstreaming is still considered 'soft' policy by governments and is subject to the vagaries of 'political will' in each Member State. It often requires pressure from inside and outside of government structures to achieve this change of approach.

For example, the European Women's Lobby (EWL) has criticised Member States' inability to use gender budgeting techniques (for example Gender Beneficiary Assessments), which are critical to identifying inequalities between men and women. The EWL has called for an EU budget heading for mainstreaming and allocated resources, whilst maintaining specific programmes for women. In response, Regulation 1.9.5 (EC) No 1922/2006 has approved a *European Institute for Gender Equality* (EIGE), which will be sited in Vilnius. When it begins operations (forecast to be 2007), it will have responsibility for data gathering and analysis of gender issues across the EU. On the basis of the evidence it gathers it will develop the necessary methodological tools to support the integration of gender equality into ALL EU policies.

Indeed, building upon lessons learned from gender mainstreaming and environmental impact assessments, all new EU policy initiatives are now to be subject to impact assessment. The Communication - "Non-Discrimination and Equal Opportunities for All - A Framework Strategy" [COM(2005)224 - Not published in the Official Journal], calls for such actions under 'mainstreaming' to create tools that can manage this in an integrated way, that is capable of capturing *all strands* of inequality and multiple situational discriminations. This suggests, for the first time, the extension of the principles of mainstreaming to the other 'strands' of inequality and the development of impact assessment processes that might capture 'intersectionality'. This is essentially what the EIGE has now been established to do. Work on this intersectional or multi-strand approach, has already been pioneered in the UK between the department responsible for the new integrated Commission for Equality and Human Rights and the Welsh Assembly Government (Parken and Young forthcoming, 2007).

The Annual Report on Equality between men and Women 2006 (Com (2006) 71 – final – Official Journal of the EU c67.183 2006), states that three quarters of the new jobs created in the EU between 1999 and 2006 have been filled by women. However, these remain most often the most poorly and paid an insecure of service sector posts.

The report particularly calls upon the social partners to adopt the Community Framework for action on Gender Equality (848/2004/EC), in order that they are fully involved promoting work/life balance, addressing gender roles and tackling the gender pay gap. Women are overwhelmingly employed in 'female' roles, and gender segregation is stubbornly persistent in men and women's differing occupations and contract terms. Part-time work accounts for 75% of women's employment in the Netherlands, 40% in the UK and Germany, but less than 10% in Slovenia (EC 2006). Whilst part time work is seen as a method for bringing women out of the domestic sphere and into employment, part time jobs are most often characterised as low skilled, insecure, without access to training and progression and poorly paid. In contrast, highly skilled occupations rarely allow for part time working, sticking rigidly to a male model of full time working over the career. This is one of the contributory factors in the finding that although women hold 43% of PhDs in Europe, they are only 15% of full professors (EC 2006, ETAN 2002).

The Communication, 'Roadmap for equality between men and women' - challenges and actions up to 2010', calls for the adoption of a new Directive to tidy up, update and simplify gender equality legislation across the EU in respect of employment. At a political level the EC calls upon Member States to:

' strengthen their implementation of the principle of gender mainstreaming into all relevant policy areas'

and

' ... reinforce gender mainstreaming in all chapters of the National Reform Programmes' Com (2006) 71 – final – Official Journal of the EU c67.183 2006)

The evaluation of Member States National Reform Programmes with the European Employment Strategy suggests the 'dual approach' to gender equality (GM and specific initiatives) is having an impact on women's employment rates. Further work is underway in many Member States to gender mainstream the tax, national insurance and benefit system, which can act as a disincentive to women's participation in formal labour markets. Addressing the structural underpinnings of the gender pay gap and implementing the Barcelona child-care strategy (90% coverage for pre-school children over 3 years old, and 33% coverage of those under 3 by 2010), is a key target.

The extension of parental leave arrangements is one area where those involved in gender mainstreaming note how new policy intended to create gender equity can be subverted. When it is generally only women who will take extended leave (as they are still often viewed as secondary earners within the household), gender inequality can actually be reinforced by such measures.

Research in the UK, shows that men do not want 'flexible working' to mean part-time working, which they view as financially prohibitive, lacking the status of full-time work and indicating a lack of commitment (EOC 2003:5). The addition of the term 'flexicurity' to the lexicon of employment terms, also signals another division in access to rewards and resources between men and women. Flexicurity is the attempt to strike a balance between flexible working and security for employees. Whilst the EU seeks movement from fixed term to full time employment contracts but with accommodation for business' and workers' need for flexibility, it is still most often women who remain on short term, part time or zero hours contracts. Labour market structures are insufficiently changed for men to overcome their fear that they will suffer the same career and income detriment that befalls women. They want a work/life balance that does not result in loss of pay due to reduced hours and they want to retain the 'breadwinning ideal', which is still '... a powerful source of identity for fathers', providing them with a 'clearly defined role' (EOC 2003:2). To arrange parental leave or flexible working arrangements in ways that preserve men's privileged position but not offer or make attractive the same working patterns to women would not be gender mainstreaming.

It is too early to report on progress towards implementing the Gender Directive (2004/113/EC) in respect of the provision of goods and services or the renewed call by the EC to ensure that gender is mainstreamed into the structural funds programmes for 2007- 2013, or in the PROGRESS community action plan that consolidates all equality initiatives. Gender mainstreaming remains a work in progress. Its meaning often differently interpreted between countries and policy contexts (Rees 2002), and its implementation 'patchy'. The Commission continues to support gender mainstreaming in Member States through the action programme to transpose the Directive on sex equality (2002/73/EC), and in 2007 will report on the success of those countries that have gone beyond the equal treatment approach and implemented gender mainstreaming measures in all policy.

In regard to policy evaluation, this report next offers an evaluation of how gender mainstreaming and equality in the other 'strands' has been embedded in the European Employment Strategy.

5 National Reform Programmes.

The five-year review of goals set at the Luxembourg Jobs Summit prompted the setting of a new strategic aim for the EU at the Lisbon European Council (March 2000):

... to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion (EC 16/012004).

The overall employment targets were set at 70% employment in the EU, including a 60% employment rate for women.

The Lisbon Strategy has been evolving. Intermediate targets for overall employment (67%) and women (57%) by 2005 were added at the Stockholm Council (March 2001), and an additional target for older workers (55-64) was set: 50% by 2010. Full employment and social cohesion underpinned the set of guidelines produced by Council (2003/578/EC). Member States have common objectives and targets for employment in the Joint Assessment Priorities (to ensure candidate countries adhere to common principles and definitions) and annual National Action Plans (now National Reform Programmes).

The four pillars of the employment guidelines established at Luxembourg, which included one focused upon equal opportunities between women and men were replaced by three 'overarching objectives'. These were full employment, quality and productivity at work, and social cohesion and inclusion. The guidelines included an instruction for gender mainstreaming to be integral to all policy. At the time, there was concern that the removal of equal opportunities as a central pillar of reforms would weaken the policy focus in this area (see Rubery *et. al.* 2003 for an evaluation of the impact on GM policy).

In 2003 there were 10 EES Guidelines:

- 1) Labour market programmes for the unemployed and inactive
- 2) The fostering of job creation and entrepreneurship
- 3) The promotion of adaptability and mobility in the labour market:
- 4) The promotion of Human Capital Development and Life-Long Learning (LLL)
- 5) Increasing labour supply and promoting active ageing
- 6) Gender equality
- 7) Promoting the integration of and combat the discrimination against people at a disadvantage in the labour market

- 8) Making work pay through enhancing its attractiveness
- 9) Transforming undeclared work into regular employment
- 10) Addressing regional employment disparities

The mid Term review (2004) of the Lisbon Strategy found that Europe was recovering slower from the global downturn in the economy than expected, that the gap between European partners in growth and productivity was widening, and that the ageing population continued to present enormous challenge. It was concluded that there were too many actions and insufficient prioritisation. New priority actions were set focusing upon growth and jobs, and in particular actions to tackle the problems of an ageing workforce (Council Decision [2005/600/EC](#) of 12 July 2005 on guidelines for the employment policies of the Member States).

Of greatest significance to this review, is Priority Action 3: *Getting people into work*:

- To help increase employment rates and to finance pensions and health care for an ageing population, Member States should adopt a lifecycle approach to employment, with people of all ages offered the support they need.
- Every young person who has left school or university should be offered a job, apprenticeship or additional training within six months of becoming unemployed by the end of 2007, and within 100 days by 2010.
- There should be stronger efforts to meet national targets for the provision of affordable high-quality childcare and measures to achieve greater gender equality at work and to promote a work-life balance.
- ‘Active ageing’ should be implemented, with more training for those over 45, financial incentives for prolonging working lives and use of part-time work.

The Commission intends to organise an extraordinary social summit and present a report by the end of 2007 on the balance between flexibility and employment security (“flexicurity”).

Council Decision [2005/600/EC](#) of 12 July 2005 on guidelines for the employment policies of the Member States, produced a new set of Integrated Guidelines³.

The new Employment guidelines are:

- (1) Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion.
- (2) Promote a life-cycle approach to work.
- (3) Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people, and the inactive.
- (4) Improve matching of labour market needs.
- (5) Promote flexibility combined with employment security and reduce labour market segmentation, having due regard to the role of the social partners.
- (6) Ensure employment-friendly labour cost developments and wage-setting mechanisms.
- (7) Expand and improve investment in human capital.
- (8) Adapt education and training systems in response to new competence requirements.

³ Europa.en/scadplus/leg/en/cha/c11323.htm

At first glance, the difference between these guidelines and the Integrated Guidelines (Member States now produce one report covering macro/ micro economic and employment policies) following the mid-term review, rationalisation and re-launch of the Lisbon Strategy in July 2005, is the loss of specific guidelines relating to gender equality and combating disadvantage faced by groups discriminated against in the labour market. This, again, prompts concern about the demotion of the centrality of equality, although it would be argued that these provisions were present, if subsumed, within the 8 new guidelines.

A review of Member States' action plans in 2004 concluded that the plans represented a substantial increase in labour market and social regulation, incentive and policy. This was interpreted as suggesting that the 'active' processes of addressing labour market inequalities would, in theory, be the province of government, the social partners and business working in partnership, and that the economic rationale for equality was visible and ascendant in the guidelines (Fairbrother *et al.* 2004).

Labour Market Policies

The 2004 review drew out general labour market policies targeted specifically at increasing the labour market participation of disabled persons, older workers, women, ethnic minorities and immigrants. None of the policies mentioned an intention to address labour market discrimination on grounds of sexual orientation or religion or belief. This was, and remains, partly due to a lack of data on the economic situation of members of these groups.

However, the report detailed significant actions with regard to gender equality, the integration of economic migrants, the significant use of fiscal policies in some Member States to extend working lives, integrate disabled people into the labour market, and support programmes to prevent younger people and ethnic minorities from experiencing labour market exclusion (Fairbrother *et al.* 2004).

However, each group seemed to be being addressed only under one of the employment guidelines, so that there was a one dimensional approach to each equality strand. For example, under entrepreneurship there was little or no discussion about programmes designed to attract or support women entrepreneurs, and discussion of older workers did not discuss those with disabilities or from ethnic minorities where a 'one size fits all policy' may not have been successful. There was little mention of ethnic minority issues under the gender equality plans.

The current picture of employment rates in the EU27 according to the European Labour Force Survey is as follows⁴:

Overall employment rate:	64.4% (target – 70%)
Women	57.2%
Men	71.6%
Older workers	43.5%
Women	34.8%
Men	52.6%

⁴http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996.45323734&_dad=portal&_schema=PORTAL&screen=welcomeref&open=/&product=STRIND_EMPLOI&depth=2

Unemployment in the EU stands a 7.1% in comparison with 4.5% in the US and 3% in Japan.

The average age of exit from the labour market has increased by approximately one year for both women and men between 2001 and 2006, standing currently at 59.9 and 60.9 years, respectively. Extending working lives by preventing early retirement through reform of pensions provision has become the major focus of the current Member States National Reform Programmes (Latest reports Autumn 2006).

The continuing disparity between men and women in employment rates demonstrates why narrowing this gap is essential if overall employment goals are to be met. Given the depiction (above) that the gender gap in the employment of men and women does not narrow but rather increases over the lifetime, there is concern that none of the current Member State NRPs refer to gender when discussing tackling the employment rate deficits for older workers. These 'older workers' appear to be unmarked by gender, or indeed, ethnicity or disability. The review of the programmes and initiatives to tackle youth unemployment, which aims to increase attachment education and the labour market, lists no specific programmes for men or women or disabled young people. Essentially, the finding from the 2004 survey of, the then, National Action Plans, is repeated: interrelated or multi-strand equality concerns are not yet being addressed in policy.

Given that this is the premise on which we proceed, that women are only targeted by specific gender equality measures in the NRPS, we must conclude that neither gender equality or equality for any other strand is being embedded in policy and certainly, therefore is absent in any sense of equality mainstreaming - meaning the use of policy to promote equality.

The remainder of this review considers the current NRP initiatives that target older people, ethnic minorities, migrant workers, women and disabled people in keeping with the grounds covered by the ETD (there are no targeted measures in relation to sexual orientation or religion and belief).

Younger and older workers in the EU

The NRPs submitted to the EU in 2006, fully reflect the 4 new priority action areas, and as such, addressing the situation for older workers in the EU has become the crucial focus. Indeed, a key target is to increase the average age of retirement in the EU from 59.9 to 65 years.

In general the newer members of the EU25 have the lowest employment rate for workers 55-64, with Poland at the bottom of the table at just 28.1%, Malta at 30%, Slovenia 32.1%. However, both Italy and Belgium are in the bottom ten at 32.5% and 32% respectively. Denmark, Sweden and the UK top the league at 60.7%, 59.6% and 57.4% respectively.

France, which had one of the lowest employment rates for older workers in 2004 review has increased the employment rate by 3 percentage points to 37.6% for 55-64 year olds (EU average 43.5%). It would appear that across the EU measures to break the cycle of skills loss and break a culture that excludes older workers are succeeding.

The situation for older workers is complex. Older workers benefit from greater social and employment protection and may be less vulnerable to redundancy than younger workers. Length of service can convey seniority and higher related pay levels (EIRO 2000). Conversely, older workers can sometimes be more vulnerable to redundancy if they are viewed as expensive (the down side of seniority pay rates), and can suffer from upper age limits at work in internal labour

markets and employer perceptions that may stereotype them as less productive and illness prone (EIRO 2000). By 1997, three out of five economically active 55-60 year olds had left the labour market in Europe.

Older workers are currently the target of 'active-ageing' policies by the Member States and the social partners, including the new emphasis on a life cycle approach to working and ageing. They are the target for life-long learning strategies, and increasingly of flexible working arrangements designed to enable them to combine paid work and caring responsibilities. It is hoped that older workers might benefit particularly from new laws in the UK that give employees the 'right to request' flexible working, in order to care for a family member (Work and Families Act 2007).

Some employers are beginning to address labour market shortages by actively targeting older workers. Policies aimed at retention include the operation of flexible working hours, or reduced working hours in combination with partial draw down of pension funds, and pension top-up rewards for remaining economically active (the Netherlands, Sweden, UK, Germany). In Denmark employment amongst the 50-59 age group is growing at three times the rate of overall employment. This may be partially due to the affect of a subsidy for recruitment of long-term unemployed people 48+, into the public sector.

Fiscal measures apparent in the 2004 of NAPS designed to encourage workers to stay in the labour market, by restricting access to early retirement (Germany), providing those working beyond 65 with greater tax exemptions (note this is the retirement age for men), (Ireland), or rewarding with substantially higher state pension contributions/top ups/top ups (Sweden, Demark, Finland), have now become the norm throughout Europe. Fiscal measures and pension reform is the central mechanism for retaining older workers.

Less used are the penalties/bonuses, for making older workers disproportionately redundant/ hiring respectively. Such measures are present in Austria, Czech Republic, Portugal, Spain, and Greece. In Austria, the AVRAG (workers code) governs the terms of severance payments and offers access to partial pensions. In the Netherlands, employers who lay off workers over the age of 57 must contribute to their social security benefits payments. Other labour market measures such as those to promote adaptability/flexibility under will impact directly upon older workers. For example, the length of the 'working week', which is 35 hours in France, has now been reduced from 48 to 43 hours in Greece.

Increasingly, labour market support programmes, are intended to provide older and younger workers with job seeking advice and retraining within 6 or even 3 months of becoming unemployed. These, and the pension reform measures, appear to be having an impact with most Member States reporting increased employment rates. However, the EC review of the 2005-6 NRPs enjoins some countries, notably Austria and Malta to do more.

Member States have also focused upon young people in their measures to prevent unemployment and reintegrate unemployed people into the labour market. Actions are generally aimed at integration/ reintegration through advice and support to find work, restricting access to unemployment benefit unless there is substantive evidence of job seeking, and measures under the heading of 'making work pay', aimed at both younger (and older) workers to reduce the tax burden (Tax Credits in the UK) and wage subsidies (Austria) for those employed in low wage sectors.

Migrant and Ethnic Minority Workers (EMG)

As discussed, actions to promote social cohesion and inclusion focus upon the integration of ethnic minorities and migrant workers into labour markets. The ET Directive and the Race Equality Directive are a vital part of the strategy to combat discrimination.

In the 2004 review a number of specific measures related to Guideline 7, '*Promoting the integration of and combat the discrimination against people at a disadvantage in the labour market*', were apparent although there was little mention of actions specifically targeted at the integration of ethnic minorities in the other EES guidelines). At the time this suggested a lack of mainstreaming equality actions for these groups in all policies. The most recent NRPs demonstrate considerably fewer measures specifically addressing the disadvantaged position of some people from ethnic minority groups (EMGs), suggesting that the removal of a specific guideline may have had a deleterious effect.

Again, measures under new Guideline (1) *Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion*, are overwhelmingly targeted at 'young' and 'older' workers without discussing the specificity of the position of ethnic minority 'young' and 'older' populations, despite their higher unemployment rate compared to indigenous populations throughout Member States.

Measures targeted at EMGs mentioned in the current NRPs mostly report provision for language training for job seekers, including technical languages, policies to up-skill migrants to higher technical positions (and in some cases allow them to use already higher qualification gained elsewhere). Regional policies aimed at deprived areas show acknowledgement that some ethnic minority groups and economic migrants may be amongst the targets.

The UK is working on a public procurement policy to promote race equality, and demonstrates something akin to a 'mainstreaming' approach by operating a cross-government task force for ethnic minority policy; aiming to produce 'joined-up' policy in each area. However, this latter example is not mainstreaming in the intended sense of producing policy to 'promote equality' but rather an example where the term has been subverted to mean *including* all policies/departments.

The EES is a vital tool for social integration of ethnic minorities. The EQUAL programme is designed to support this and runs until 2006. So far 700 transnational projects have been financed by the European Commission to promote the integration of immigrants and ethnic minority communities. The new Lisbon Strategy calls for EES targets to be supported by projects within the new ESF and ERDF structural programmes (2007- 2013). PROGRESS, the integrated programme for EU anti-discrimination, will be vital in this regard.

Disabled Workers

The European Commission set out its vision for improving the participation of people with disabilities in working life in the *Communication on Equality of Opportunity for people with Disabilities – a new Community disability strategy in 1996*. The emphasis is on social inclusion and in keeping with the ETD (2000/78/EC), places requirements upon businesses to make 'reasonable accommodation' to their workplaces to facilitate workers with disabilities into employment, unless to do so would represent a disproportionate burden.⁵ The involvement of the social partners is vital to the success of the strategy.

A recent EIRO study (2004) found that despite a lack of reliable data and difficulty of comparison across Member States, approximately 12% of EU citizens could be classified as disabled. There is a low rate of employment for people with disabilities throughout the EU. The employment rate is some 20%-30% below non-disabled people (EIRO 2004: 3) The

⁵ See also the Commission documents: *Raising employment levels of people with disabilities – the common challenge* (1998) and *Mainstreaming disability within EU employment and social policy* (1998).

employment rate is 46.1% in the UK, 60.1% in Sweden, 43% in Portugal (these figures are not directly comparable). The employment rate is slightly higher for men than for women, for young than for older workers, and varies within and amongst countries by type of disability.

Many disabled people have lower educational attainments and thus earn less than their non-disabled counterparts. When qualified, disabled people often do not have jobs that reflect their skills levels and as a group appear more vulnerable to dismissal (DRC 2006).

In the current review of NRPs, several states make no mention of disabled workers, whereas in 2004, Sweden identified disabled workers as a priority group in all labour market policies thus demonstrating a mainstreaming approach. Beyond this, and in keeping with most Member States, the emphasis is upon enforcing the new protections for disabled workers under the ETD (2000). Spain, Finland and Greece offer subsidies to employers of disabled groups, whilst the Netherlands and France have extensive sheltered employment schemes.

The UK introduced the Disability Discrimination Act 1995, and this was subsequently enhanced by provisions in the ETD 2000. The Disability Discrimination Amendment Act 2005 places a duty upon all public sector employers to promote equality for disabled people. A 2004 DDA Amendment Act, also requires all employers from both public and private sectors and including companies with less than 15 employees to make 'reasonable adjustments' to ensure that disabled people could be employed. This includes the amendment of duties and working hours in some circumstances. This is closer to the principles of mainstreaming; rigid policies or practices must be reversed where it can be shown that they effectively disbar disabled people, and where there is no evidence based business case for their retention. This is in contrast with the finding in the previous section that the provision for 'reasonable accommodation' has mostly not been transposed into Member State domestic law.

In the main, employment policy provision for disabled people rests upon measures such as the 'Access to Work Programme', which provides personal support, financial subsidy for aids and equipment (c.f. the Netherlands), and the 'New Deal for Disabled People' which in the UK is targeted at those on incapacity benefit. The trend across all Member States is to reform welfare benefit provision for those economically inactive for reasons of being long term sick or disabled. In the UK, reform of Incapacity Benefit has brought 227,450 participants to the New Deal for Disabled People since May 2006. 121,490 have been 'helped into work', although the UK NRP does not give retention figures for these workers. To assist in reaching its stated aim of an 80% employment rate, the UK government intends to reduce the current 2.7 million Incapacity Benefit claimants by 1 million. Such intentions must be provide long term support for reintroduction to work, as well as employer support and education.

Gender

Member States NRPs reveal concentrated efforts on flexible working measures and child-care strategies. As discussed, the danger in these policies is that they may be seen only as relevant women, and have the effect of keeping them out of the labour market for longer. Sustained efforts are needed to ensure that these programmes relate to the gendering of work, and thus focus upon men taking up flexible and work/life balance opportunities. Child-care provision is also vital; most Member States estimate they will meet or exceed the childcare provision targets in the EES.

Member States highlight the employment rates of women, which range from just over 70% in Sweden to below 35% in Malta. Particular attention is given to addressing the gender pay gap, standing at 27.3% in Austria between men and women in full time work. Change measures include addressing gender segregation and the provision of 'equal pay for equal work' job evaluation kits. In the UK employers subject to a pay discrimination claim must complete an Equal Pay

Questionnaire for an Employment Tribunal to consider. In Denmark, the social partners and private companies have agreed an analytical framework for assessing pay and grading systems. The importance of the social partners and collective agreements cannot be under-estimated in this area.

France, Portugal, Greece, Sweden and Ireland note the disproportionate number of women amongst the lowest paid workers. In France, over 80% of those earning less than the monthly minimum wage are women. Finland is introducing new incomes agreements to allow for pay rises in female dominated sectors but is still suffering from having a very high number of women on fixed term contracts. Ireland notes that the low pay of women has been substantially reduced by the introduction of the minimum wage. This is true across Europe; women benefit disproportionately precisely because they are the majority of the working poor.

In this regard, amendments under the guideline regarding *Making Work Pay*, which may involve changes to the minimum National Insurance contribution levels which are often set according to a 'norm' of full time working men, may have significant impact in encouraging women into the formal economy. Similarly, Germany has reviewed its tax system, which places women in the 'additional income' bracket within the household. Not being taxed in her own-right can operate as a disincentive.

Member States emphasise the strengthening of Gender Mainstreaming measures in the public service, at all levels of governance. However, the EC review of progress (2006), admonishes several Member States, and requires renewed efforts to tackle gender segregation, the gender pay gap and for those lagging behind, to have much more ambitious plans for an increase in childcare places.

6. Good Practice – The Way Forward

The current EC review of the NRPs under the re-launched Lisbon Strategy, notes that most reports offer a listing of initiatives or programmes, which have not yet been embedded or evaluated. In this regard, the report notes that the next review will be concentrating on evaluating the results of implementation. As President Barossa has noted, 'it's time to step up a gear' (Memo IP/06/1758).

It is clear from this review that equality measures, such as Gender Mainstreaming and Diversity Management, and legislation (Equal Treatment and Positive Action) have considerable EU impetus behind them. The social partners can support and lobby for change with the equality commissions to be established under the Directives. Taking the measures specified in the NRPs under the EES, they can also work with others to ensure full and innovative implementation to produce effective solutions relevant to their industry and country. Multi-strand solutions, and the introduction of legal duties to promote equality are likely to be the future direction for integrating equality into ALL policy.

With regard to implementing equalities policies in-company, experience has shown that success means changing organisational cultures. Clearly then, solutions specific to country and organisation are needed. One possible model of equalities suggests equality experts working with company managers, unions and an organisational change-agent to implement policy and change the cultural ethos of the business.

Although solutions must be 'tailor-made', there are a number of general principles and several industry or sector specific 'toolkits' available. See especially The EC sponsored website www.stop-discrimination.info/ and (Parken and Rees 2003), *Mainstreaming: The things you were afraid to ask*, available at www.eoc.org.uk and follow links to the Wales website.

7 Conclusion

The European Union recognises that the goals for economic growth can only be achieved by increasing the participation and progression of those members of groups who suffer disadvantage. It has acted to remove formal and informal barriers to access via Equal Treatment legislation, and by promoting 'soft' policy such as gender mainstreaming which seeks to undermine the legacy of previous discriminatory systems and practices within labour markets. It could be argued that equality targets are included within the European Employment Strategy where women, younger and more mature workers are particularly subject to fiscal policy and labour market support initiatives. The European Union has taken significant steps toward producing a value-added knowledge economy, whilst recognising that the same groups that are disadvantaged now in the labour market may also lose out in new sectors and ways of working.

Most Member States now have discrete anti-discrimination legislation, although there are considerable differences between States in the ways in which the ETD and RED have been transposed and implemented. To ensure the intention of the Directives is fulfilled, Member States will need to audit all policy to root out discriminatory practices, enact Positive Action legislation and initiate programmes to support this approach.

The EU maintains its commitment to gender mainstreaming, particularly in relation to the application of EU structural fund and in complementary support programmes. This positive approach to promoting equality is increasingly being used for other 'strands' of equality in legal duties to promote equality. This approach, along with review and augmentation of equality legislation in Member States, single commissions covering all strands of equality, and working towards intersectionality (multi-strand inequalities), is likely to be the foci of the next phase of the EU's approach to embedding equality in labour market structures and public service delivery.

Exponents of the 'status-quo', often oppose transformative equality measures by suggesting it is 'social engineering'. There needs to be clearer recognition that the current situation of 'winners' and 'losers' is itself 'socially engineered' by policy being made on the situation of the current winners. This reinforces inequality and is underpinned by the assumption of meritocracy, whereas social mobility is limited throughout the EU by uneven starting places, defined by class, gender, ethnicity, access to education and health services, disability, age and sexual orientation.

The 'business case' for diversity is currently ascendant. With the backing of the new ET Directives, the social partners could embrace the diversity model and underpin it with rationales for social justice. This approach would require a mainstreaming approach to equality; that is using all economic and social policy to promote equality between and amongst citizens.

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Two: Vocational Education and Training in the European Steel Industry

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1. Introduction

The purpose of this reference document is to show how European and national vocational education and training (VET) systems and policy shape VET provision in the steel industry in Europe with regard to issues of equal opportunities and groups at a disadvantage in the labour market. The document begins with a description of VET policy at European level, demonstrating how equal opportunities issues have increasingly come to be a central element of EU VET policy. The next section looks at VET policy at European sector level for the steel industry and how it is shaping national steel sector VET policies, again with regard to the ways in which the actors are using VET policy to promote equal opportunities. The third section looks at how these European policies are being implemented at national level and compares the way in which national VET policies in the partner countries of the EDLESI project promote (or hinder) equal opportunities and diversity. Finally section 4 looks at what is happening in the steel sector in each of these countries with regard to VET for the target groups of the EDLESI project.

This document focuses on how VET policy at the various levels affects equal opportunities and the target groups of the EDLESI project. For detailed descriptions of the national VET and qualification systems the reader is referred to the CEDEFOP (European Centre for the Development of Vocational Training) thematic database of national VET systems at www.trainingvillage.gr/etv/information_resources/NationalVet/Thematic/

2. The influence of EU level VET policy on national and sectoral VET policy

Articles 129 and 150 of the European Treaty define the role and limitations of education and training policy at European level. As the diversity of national systems of education and training make a European 'common policy' involving any kind of harmonisation impossible, the role of the EU is limited to encouraging and facilitating cooperation between the Member States. According to article 150, which deals with vocational education and training (VET), Community action shall aim to:

- facilitate adaptation to industrial changes, in particular through vocational training and retraining;
- improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market;
- facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people;
- stimulate cooperation on training between educational or training establishments and firms;
- develop exchanges of information and experience on issues common to the training systems of the Member States,

At the same time, the intention is to 'fully respecting the responsibility of the Member States for the content and organisation of vocational training'.

For many years EU VET policy focused mainly on the recognition and greater transparency of qualifications in order to promote mobility and the free movement of workers. It was the inclusion of the Employment Chapter in the Treaty of Amsterdam (1997) which significantly raised the status of education and training policy at EU level (Heidemann 2003) by giving the EU the task of:

“developing a coordinated strategy for employment and particularly for *promoting a skilled, trained and adaptable workforce* and labour markets responsive to economic change...” (Article 125 Treaty of Amsterdam)

Vocational training, based on the principles of lifelong learning, employability and adaptability, was thus incorporated into the main focus of European growth and employment policy.

The Lisbon Strategy and the Open Method of Coordination

In 2000 the European Union set itself the goal of becoming by 2010:

“the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.”

The programme of reforms which should enable the Member States to achieve this goal is known as the Lisbon Strategy. The method with which these reforms should be implemented, monitored and evaluated, known as the ‘Open Method of Coordination,’ consists of jointly identifying and defining common objectives and targets to be attained and setting timetables for their attainment, defining common benchmarks and indicators with which to measure and assess progress, ‘naming and shaming’ best and worst performers, ‘peer reviewing’, and exchanging and disseminating best practices.

“Since 1997 the OMC has been utilized as a “soft” strategy to achieve greater integration in policy fields where otherwise no progress could have been made due to the principle of subsidiarity” (Magnusson, 2005: 18).

The OMC, ‘the central tool of EU social policy-making in the new millennium’ (Zeitlin, 2005a:19), has been the cause of controversy in recent years: On the one side it has been hailed as:

“a new mode of EU governance, suitable for addressing common European concerns while respecting legitimate national diversity, because it commits Member States to work together in reaching shared goals and performance targets, without seeking to homogenize their inherited policy regimes and institutional arrangements” (ibid:22).

On the negative side, it has been criticized for amounting:

“to little more than the Emperor’s newest clothes, an exercise in symbolic politics where national governments repackage existing policies to demonstrate their apparent compliance with EU objectives” (ibid:24).

Recent empirical evidence, however, has demonstrated that the OMC processes have contributed to broad shifts in national policy orientation and thinking, and to concepts such as active ageing, lifelong learning, gender mainstreaming and work-life balance entering or gaining new prominence on national policy agendas (Zeitlin *et al*, 2005). The production of the National Action Plans for Employment and Social Inclusion (now National Lisbon Reform Programmes, see below) have required increased collaboration and coordination between different government ministries, such as employment, social affairs, education and finance, and have:

“strengthened the hand of employment and social affairs ministries in negotiations over budgets and policy with finance and other ministries in fields such as activation and prevention policies, training and lifelong learning.. and so on” (Zeitlin, 2005b:480).

The gender mainstreaming (see below) requirement of the OMC for employment (the European Employment Strategy) has in many cases led to the creation of government units responsible for gender equality (Rubery, 2005). The OMC has also led to improved statistics and data collection at national level as well as harmonization of national and European statistics and has strengthened the involvement of social partners and other civil society stakeholders in policy-making.

The OMC processes:

“have pushed EU Member States to rethink established approaches and practices as a result of comparisons with other countries on the one hand and of the obligation to re-examine and re-evaluate their own policies and performance on the other...In some cases, such reflexive learning has involved making new connections between hitherto separate policy issues, such as pensions and lifelong learning or women’s employment and childcare provision. In others it has entailed recognizing that policies which seemed beneficial from one perspective can be harmful from another, such as early retirement as a palliative for unemployment” (Zeitlin, 2005b:471ff).

There is certainly much room for improvement in the use of the OMC, but it cannot be denied that the process is significantly influencing policies at national level. As noted:

“The Lisbon strategy and the open method of co-ordination radically changed European policy co-operation in the area of education and training. Until the European Council meeting in Lisbon, the main focus of European co-operation in the area of education and training had been the implementation of the Socrates and Leonardo programmes. The Lisbon strategy provided a platform to discuss education and training policies at European level, and the Open Method of Coordination offered the opportunity to build a coherent policy framework without impinging on national competences” (EC, 2006).

There is, however, a deep contradiction in the EU’s policies regarding lifelong learning. On the one hand, there is the rhetoric about the need to invest in skills in order to create the knowledge-based economy which is Europe’s only way of both competing in a globalised world *and* maintaining its ‘social model’. It surely goes without saying that a highly skilled workforce does not come for free nor without some obligations on employers. On the other hand, EU policy is presenting globalisation as an unstoppable, uncontrollable force, the only answers to which, if we are to remain competitive, are deregulation and flexibility. When following this road inevitably resulted in a lack of skills development, policy-makers came up with the notion of ‘employability’ to ensure that the responsibility for skills development and (un)employment lies strictly with the individual (Heyes 2007, Stuart, forthcoming).

National Lisbon Reform Programmes

Since 2005 each Member State now produces a National Reform Programme for the implementation of the Lisbon Strategy every three years and reports on its implementation every year. Each year the Commission assesses the implementation reports and makes recommendations to Member States on the areas where more effort is needed.

The National Reform Programmes are drawn up based on the Integrated Guidelines for Growth and Jobs, which are divided into two parts: the economic guidelines and the employment guidelines. Gender mainstreaming is a requirement across all the Employment Guidelines. (The National Lisbon Reform Programmes 2005-2008 can be found here: http://ec.europa.eu/growthandjobs/pdf/nrp_2005_en.pdf)

The following Integrated Guidelines relate to VET:

Guideline No 17

Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion. Policies should contribute to achieving an average employment rate for the European Union of 70 % overall, of at least 60 % for women and of 50 % for older workers (55 to 64) by 2010, and to reduce unemployment and inactivity. Member States should consider setting national employment rate targets.

Special attention should be paid to tackling the persistent employment gaps between women and men, and the low employment rates of older workers and young people, as part of a new intergenerational approach.

The quality of jobs, including pay and benefits, working conditions, employment security, access to lifelong learning and career prospects, is crucial, as are support and incentives stemming from social protection systems.

Guideline No 23

Expand and improve investment in human capital, through:

- inclusive education and training policies and action to facilitate significantly access to initial vocational, secondary and higher education, including apprenticeships and entrepreneurship training.
- significantly reducing the number of early school leavers.
- efficient lifelong learning strategies open to all in schools, businesses, public authorities and households according to European agreements, including appropriate incentives and cost-sharing mechanisms, with a view to enhancing participation in continuous and workplace training throughout the life cycle, especially for the low-skilled and older workers.

Guideline No 24

Adapt education and training systems in response to new competence requirements, by:

- raising and ensuring the attractiveness, openness and quality standards of education and training, broadening the supply of education and training opportunities and ensuring flexible learning pathways, and enlarging possibilities for mobility for students and trainees.
- easing and diversifying access for all to education and training and to knowledge by means of working time organisation, family support services, vocational guidance and, if appropriate, new forms of cost-sharing.
- responding to new occupational needs, key competences and future skill requirements by improving the definition and transparency of qualifications, their effective recognition and the validation of non-formal and informal learning.

The Integrated Guidelines set the following targets and benchmarks relating to VET:

- that every unemployed person is offered a new start before reaching six months of unemployment in the case of young people and 12 months in the case of adults in

- the form of training, retraining, work practice, a job or other employability measure, combined where appropriate with on-going job search assistance.
- that 25 % of long-term unemployment should participate by 2010 in an active measure in the form of training, retraining, work practice, or other employability measure, with the aim of achieving the average of the three most advanced Member States.

Individual employability and thus lifelong learning and education and training systems are recognised as critical factors for the success of the Lisbon Strategy, which has also set the objective of making European education and training systems a world quality reference by 2010 (EC 2005). This is to be achieved through the implementation of a detailed work programme, now known as the *Education and Training 2010 Work Programme* (see below). The Member States report to the European Commission every two years on the implementation of this work programme.

Education and Training 2010, 'the integrated programme supporting implementation of the Lisbon Strategy'

This 'coherent policy framework' has been characterised since Lisbon (2000) by an ever increasing number of objectives, objectives with which to achieve objectives, benchmarks, goals, targets, indicators, levers and priorities. Alongside the overall objective of making education and training systems in Europe a world quality reference by 2010, Ministers of education agreed on three 'strategic goals' to be achieved by 2010. Thirteen concrete objectives fall under these three strategic goals which are to be achieved through the Education and Training 2010 Work Programme:

Strategic objective 1: Improving the quality and effectiveness of education and training systems in the EU:

- Objective 1.1.: Improving education and training for teachers and trainers
- Objective 1.2.: Developing skills for the knowledge society
- Objective 1.3.: Ensuring access to ICT for everyone
- Objective 1.4.: Increasing recruitment to scientific and technical studies
- Objective 1.5.: Making the best use of resources

Strategic objective 2: Facilitating the access of all to education and training systems:

- Objective 2.1.: Creating an open learning environment
- Objective 2.2.: Making learning more attractive
- Objective 2.3.: Supporting active citizenship, equal opportunities and social cohesion

Strategic objective 3: Opening up education and training systems to the wider world:

- Objective 3.1.: Strengthening the links with work and research and society at large
- Objective 3.2.: Developing the spirit of enterprise
- Objective 3.3.: Improving foreign language learning
- Objective 3.4.: Increasing mobility and exchange
- Objective 3.5.: Strengthening European cooperation

In the first phase several working groups of experts from the Member States were set up to provide recommendations on how to achieve these thirteen objectives and to define indicators for their

measurement. In the current, second phase these working groups have been replaced by 'clusters' of countries, focussing on key issues according to their national priorities and interests (EC 2005b).

Twenty-nine indicators with which to measure progress towards these objectives have been identified by experts from the participating countries:

Teachers and Trainers

- Age distribution of teachers together with upper and lower retirement age.
- Number of young people in the 0-14 and 15-19 age groups and as percentage of total population.
- Ratio of pupils to teaching staff by education level.

Skills for the Knowledge Society

- Percentage of those aged 22 who have successfully completed at least upper secondary education (ISCED 3).
- Percentage of pupils with reading literacy proficiency "level 1" and lower on the PISA reading literacy scale.
- Distribution and mean performance of students, per country, on the PISA reading literacy scale.
- Distribution and mean performance of students, per country, on the PISA mathematical literacy scale.
- Distribution and mean performance of students, per country, on the PISA science literacy scale.
- Percentage of adults with less than upper secondary education who have participated in any form of education or training, in the last 4 weeks by age group (25-34, 35-54 and 55-64).

Mathematics, Science and Technology

- Students enrolled in mathematics, science and technology as a proportion of all students in tertiary education (ISCED 5A, 5B and 6).
- Graduates in mathematics, science and technology (ISCED 5A, 5B and 6) as percentage of all graduates (ISCED 5A, 5B and 6).
- Total number of tertiary (ISCED 5A, 5B and 6) graduates from mathematics, science and technology fields, broken down by gender.
- Number of tertiary graduates in mathematics, science and technology per 1000 inhabitants aged 20-29 broken down by ISCED levels 5A, 5B and 6.

Investments in Education and Training

- Public expenditure on education as a percentage of GDP
- Private expenditure on educational institutions as a percentage of GDP
- Enterprise expenditure on continuing vocational training courses as a percentage of total labour costs.
- Total expenditure on education per pupil/student (PPS), by level of education
- Total expenditure on education per pupil/student (GDP per capita).

Open Learning Environment

- Percentage of population aged 25-64 participating in education and training in 4 weeks prior to the survey by level of educational attainment.

Making Learning more Attractive

- Hours in continuing vocational training (CVT) courses per 1000 working hours worked (only enterprises with CVT courses), by NACE.
- Hours in continuing vocational training (CVT) courses per 1000 working hours (all enterprises), by NACE
- Participation rates in education by age and by level of education.
- Share of the population aged 18-24 with only lower secondary education and not in education or training

Foreign Language Learning

- Distribution of lower/ upper secondary pupils learning foreign languages.
- Average number of foreign languages learned per pupil in upper secondary education.

Mobility

- Inward and outward mobility of teachers and trainers within the Socrates (Erasmus, Comenius, Lingua and Grundtvig) and Leonardo da Vinci programmes
- Inward and outward mobility of Erasmus students and Leonardo da Vinci trainees
- Foreign students enrolled in tertiary education (ISCED 5 and 6) as a percentage of all students enrolled in the country of destination, by nationality (European country or other countries)
- Percentage of students (ISCED 5-6) of the country of origin enrolled abroad (in a European country or other countries)

An annual report on indicators and benchmarks also supports the monitoring of progress. New indicators are also in the process of being defined for the following areas:

- Key competencies, and particularly learning-to-learn
- Investment efficiency
- Information and Communication Technology (ICT)
- Mobility
- Adult education
- Vocational education and training
- Languages
- Professional development of teachers and
- Social inclusion and active citizenship

Five 'benchmarks' have also been defined for 2010, namely:

1. **At least 85% of 22-year-olds in the European Union should have completed upper-secondary education.** In 2005 the percentage of young people (20-24) in the EU with upper secondary education reached 77%. This represents almost no improvement since 2000. Women have a 5 percentage point lead in the completion of upper-secondary education among young people aged 20-24 in the EU25. Furthermore, the attainment levels of non-nationals in the EU were close to 20 percentage points lower than that of nationals. Many of the new Member States already perform above the EU benchmark set for 2010 and three of them, the Czech Republic, Slovakia and Slovenia, plus Norway and Croatia, already have over 90%.

2. The percentage of low-achieving 15-year-olds in reading literacy in the European Union should have decreased by at least 20% compared to the year 2000. In 2003 about 20% of young people under the age of 15 in EU Member States achieved only the lowest level of proficiency. The average performance did not improve compared to 2000. Best performing EU countries are: Finland (5.7%), Ireland (11%) and the Netherlands (11.5%).
3. The total number of graduates in mathematics, science and technology in the European Union should increase by at least 15%, while at the same time the level of gender imbalance should decrease. The first objective will be achieved ahead of schedule, while there is slower progress as regards the gender balance. Slovakia (17.6%), Italy (12.8%) and Poland (12%) are the EU countries with the strongest growth in MST graduates. Best performing countries with regard to MST graduates per 1000 population aged 20-29, are: Ireland (24.2), France (22.2), and the UK (21.0), while in terms of female graduates Estonia (42.5%), Cyprus (42.0%) and Portugal (41.5%) have the highest proportion.
4. The European Union average level of participation in lifelong learning should be at least 12.5% of the adult working age population (25-64 age group). The rate of adult participation in education and training in 2005 reached 10.8% in the EU. (9.4% in 2004, 7.9% in 2000). Best performing EU countries are: Sweden (34.7%), the United Kingdom (29.1%) and Denmark (27.6%).
5. By 2010, an EU average rate of no more than 10% early school leavers should be attained. In 2005, almost 15% of young people aged 18-24 in the EU left school prematurely (16% in 2004, 17.2% in 2000). Best performing EU countries as regards the share of early school leavers are: Poland (5.5%), Slovakia (5.8%) and the Czech Republic (6.4%).

Implementation of National Lifelong Learning Strategies by 2006

The Education and Training 2010 work programme has also committed the Member States to putting in place 'comprehensive, coherent and concerted lifelong strategies' by 2006 which target their efforts at disadvantaged groups and incorporate learning environments which are open, attractive and accessible to everyone (EC 2004). This obligation was then repeated in the European Employment Guidelines, ensuring more coordination between national ministries for education and employment and social affairs. The national lifelong learning strategies have subsequently been incorporated into the national Lisbon Reform Programmes (see above) thereby improving coordination also with economic, employment and social inclusion policies.

The Copenhagen Process

Falling under 'Education and Training 2010, the integrated programme supporting implementation of the Lisbon Strategy', we also have the *Copenhagen Process*, arising from the Copenhagen Declaration (2002), whose aim is to enhance cooperation and set priorities at European and national level for VET policies. For Higher Education there is the 'Bologna Process', derived from the earlier Bologna Declaration (1999). Concrete products coming out of the Copenhagen Process expert working groups are the 'European Qualifications Framework', the 'European Credit Transfer System for VET' (ECVET), the 'Common Quality Assurance Framework', and the 'Common principles for the validation of non-formal and informal learning', which are described in more detail below.

Every two years the Copenhagen Process also sets the priorities at European and national level for VET policy. These priorities are defined jointly by the Ministers for Education, the European Commission and the European social partners. The current priorities include at national level:

“the further development of VET systems to meet the needs of people or groups at risk of labour market and social exclusion, in particular early school leavers, low skilled, migrants, persons with disabilities and the unemployed. This should be based on a combination of targeted investment, assessment of prior learning and tailored training and learning provision.”⁶

These priorities should be incorporated into the national lifelong learning strategies, the implementation and follow-up of which is reported on in the biennial national reports on the implementation of the Education and Training 2010 work programme. The Copenhagen Process also insists that governments involve social partners at national, regional and sectoral level in the implementation of these priorities, and that more coherency and closer cooperation should be developed between VET, economic, employment and social inclusion policies. This means incorporating the Copenhagen priorities into the national Lisbon Reform Programmes.

Progress made towards the Education and Training 2010 objectives

In its evaluation of the last national reports on the implementation of Education and Training 2010, the Commission made the following assessments:

- All the Member States now consider, to varying extents, that the Lisbon strategy is a factor in national education and training policy development. Many countries have established or are establishing their own targets that relate – to varying degrees – to the European benchmarks. However, the Education and Training 2010 priorities need to be taken more fully into account in national policy making.
- Many – but by no means all – Member States have developed lifelong learning policy statements, for example strategy documents or national action plans. Others have put in place framework legislation (e.g. EL, ES, FR, RO). A large majority of countries express concerns about the needs of low-skilled people, currently numbering almost 80 million in the EU, highlighting the importance of the role of VET systems as a key means of ensuring social inclusion. Most countries concentrate in particular on the unemployed and the youth population in this context. Adults and older workers, on the other hand, are still given insufficient priority. The need to increase participation rates in further learning is a major challenge particularly in the southern European countries and the new Member States.
- There is too little progress against those benchmarks related most closely to social inclusion.
- Public spending on education and training is increasing, with significant national variations (ranging from 4% to 8% of GDP) and most governments recognise that the necessary reforms cannot be carried out with existing levels and patterns of investment. Many countries are stimulating individual investment in lifelong learning but there is little evidence of an overall increase in employer investment in continuing training nor of the effectiveness of efforts to encourage employers to invest more.
- Most countries use international comparative data to assess their performance, but many have not developed adequate national performance indicators or data collection arrangements, making it difficult to measure the impact of actions taken.

⁶ ‘Maastricht Communiqué’ http://ec.europa.eu/education/news/ip/docs/maastricht_com_en.pdf

- Vocational pathways are still too often less attractive than academic ones. The improvement of the quality and attractiveness of VET continues to be a key challenge for the future.
- There is a lack of coherent and coordinated modes of governance with effective inter-ministerial synergy between 'knowledge policies' (education, training, employment/social affairs, research, etc.), strong social dialogue, and the awareness and active involvement of other key actors such as parents and teachers/trainers, the voluntary sector and local actors.

EU VET tools and products

As well as trying to coordinate and shape national education and VET policies, the European Commission is also producing a range of European tools and products which will facilitate the mobility of Europeans by making their qualifications more transparent, comparable and transferable to other EU countries. The implementation of these tools is also shaping national VET policies, the European Council having decided that they should be 'used as important reference points when designing national reforms'.⁷

The European Qualifications Framework (EQF)

The European Commission now describes the European Qualifications Framework (EQF) as its 'key priority' for education and training policy (see the DG Education and Culture website). After a broad consultation with stakeholders, the Commission will produce a formal proposal for the EQF in the latter half of 2006. The EQF will act as a translation device to facilitate the transfer and recognition of qualifications held by individual citizens. The prerequisite for citizens to be able to make use of the EQF is the existence of a national qualifications framework in their own country. The EQF is likely to have eight levels (which should relate to the ISCED levels of the OECD) against which the levels of the national qualifications framework can be linked. Thus for example, a Swedish post secondary engineering education qualification is mapped against the EQF at level 4 and is therefore comparable to an Irish post-secondary education at national level 6.

For this system to work, users must have confidence in the quality of the qualifications mapped against the EQF and in the way the mapping is carried out in other countries. The European Commission, via the working groups of national experts, is therefore also working on producing a Common Quality Assurance Framework and developing Zones of Mutual Trust.⁸

Many European countries, particularly in the new Member States but not only, do not yet have a national qualifications system. The development of the EQF is stimulating the creation of such national

⁷ 2006 Joint interim report of the Council and the Commission on progress under the 'Education & Training 2010' Work Programme' (2006/C 79/01)

⁸ A European Credit Transfer System for VET (ECVET) is also being designed. This will allow training and learning outcomes, which have been acquired abroad in both formal VET or in non-formal contexts, to be documented, validated and recognised, as part of a learning pathway leading to a qualification, vocational diploma or certificate.

To support the work of the Technical Working Group established by the European Commission to develop the principles of the European Credit Transfer System for VET (ECVET), CEDEFOP commissioned three pieces of research to present proposals in relation to, respectively, reference levels for qualifications (the vertical dimension), a typology of knowledge, skills and competence (the horizontal dimension), and a system for credit transfer. These studies recommended an 8-level system of reference levels (Coles and Oates, 2005) a horizontal dimension comprising cognitive, functional and social competences (Winterton et al, 2006) and the principles to be adopted for an effective credit transfer system (Le Mouillour, 2005).

frameworks as well as shaping the form they take. Every qualification in Europe, whether national, sectoral, company or otherwise, should be able to fit into one of the 8 levels. At each of the eight levels, the qualification should be described in terms of the knowledge, skills and personal and wider competences it certifies. It is therefore an *outcome or competence-based system*, unlike the traditional qualification frameworks for general and higher education, which are input or time-based. This is an indispensable factor for the inclusion within the EQF of knowledge, skills and competences gained through non-formal and informal learning. The Berlin Communiqué (2003) introduced the idea of comparability between the competence statements of VET with learning outcomes in Higher Education, replacing the nominal workload approach of the European Credit Transfer System for HE established under the Bologna Declaration (1999). The adoption of a common competence-based approach was a highly significant development, providing an opportunity to bridge the divide between VET and HE, integrating education and training, aligning each with the needs of the labour market and promoting mobility for individuals (vertical as in career progression, lateral as in movement between sectors and spatial as in geographically), especially for workers faced with job insecurity (Winterton, 2005).

Recognition and validation of non-formal and informal learning

A great many people throughout Europe (including many in the steel industry) have skills and competences gained through experience which are not formally recognised or certified in any way. This is one of the major challenges for VET policy in the EU Member States, even though some countries already have well established systems for the validation of non-formal and informal learning and other countries are on the way to establishing them (Bjørnåvold, 1997; 1999; Collardyn and Bjørnåvold, 2004). Such systems are an essential component of the lifelong learning strategies which Member States have committed themselves to implement by 2006 (see above).

Validation has been identified as a key issue in making learning more attractive and relevant for the individual (Bjørnåvold, 2000). According to the European social partners, the recognition and validation of competencies is essential in order that each employee is aware of and encouraged to develop their competencies in the course of their occupational life, and that each enterprise has the tools to better identify and manage the competencies in the company.⁹

According to the European Council:

“The identification and validation of non-formal and informal learning serves the needs of the individual learner. They support social integration, employability and the development and use of human resources in civic, social and economic contexts. They also meet the specific needs of those individuals who seek integration or re-integration into education and training, the labour market and society.”¹⁰

The European Commission proposed common European principles for identification and validation of non-formal and informal learning in May 2004. These principles focus on individual rights to validation, the requirements of providers of validation, the need for transparent procedures and criteria and the importance of systematic quality assurance. A European Inventory of methodologies for validation of non-formal and informal learning covering 30 countries and a wide range of sectors has also been produced and is available here: <http://www.ecotec.com/europeaninventory/2005.html>

⁹ European social partners' *Framework of Actions for the Lifelong Development of Competencies and Qualifications*, see 1.6 below.

¹⁰ Draft Conclusions of the Council and of the representatives of the Governments of the Member States meeting within the Council on Common European Principles for the identification and validation of non-formal and informal learning.

Sectoral qualifications strategy

In November 2002 the European Council decided that "increased support should be given to the development of competences and qualifications at sectoral level, by reinforcing co-operation and coordination especially involving the social partners."¹¹ The European Commission has therefore proposed a strategy for a more coherent strategy supporting development of international qualifications and competences at sector level based on the arguments that:

- The internationalisation of skills is an issue which cannot be dealt with by national education and training systems alone. Sectors can be looked upon as a 'testing ground' for development of international qualifications and competences. Sectoral actors are increasingly operating in global markets and with internationally shared technologies and are therefore closer to the potential solutions. They are playing an increasingly important role in developing practical training solutions and are eager to seek VET solutions going beyond the scope of national qualifications. This has led to a broad range of initiatives aiming at the development of international training modules, assessment standards, assessment methods, curricula and certification/diplomas. All these initiatives underline the need for education and training solutions going beyond those provided at national level.
- In the context of today's labour market, where individuals change field of occupation several times during a lifetime, the issue of transversal and basic skills is of central importance. There is therefore a need to improve the visibility and transparency of sectoral qualification initiatives so that transversal and transferable qualifications can be developed.
- International initiatives at sector level have a direct impact on the solutions at national level (influencing qualification standards, quality requirements). There is therefore an urgent need to clarify the mutual influence between sectors and national systems.
- The role of sectors in promoting European and international solutions is not yet very visible in the overall context of education and training. The consequence is that stakeholders at different levels work in isolation from each other. There are few mechanisms in place enabling a systematic dialogue, for example between sectors and national education authorities.
- Many sectors seem to lack the necessary infrastructure to implement initiatives on a permanent basis.

The Commission proposes to make the European Qualifications Framework (see above) a key instrument for clarifying the links between initial and continuing training, exemplified by the need to link sector-based initiatives to national qualifications. The Commission is promoting the visibility of sectoral VET initiatives via a dedicated website¹² and has also decided that the Leonardo da Vinci programme will in future strategically and systematically target the education and training needs of sectors.

Key competences for lifelong learning

The Lisbon strategy stresses that "Every citizen must be equipped with the skills needed to live and work in this new information society" and that "a European framework should define the new basic skills to be provided through lifelong learning: IT skills, foreign languages, technological culture, entrepreneurship and social skills" in order to face the challenges in adapting to globalisation and the shift to knowledge-based economies. The Integrated Guidelines for Growth and Jobs call for the adaptation of education and training systems in response to new competence requirements through better identification of occupational needs and key competences as part of Member States Reform

¹¹ 'Copenhagen declaration'

¹² The Cedefop 'virtual community on sectoral approaches to lifelong learning'

Programmes. Employees need both to update specific job-related skills and to acquire generic competences that enable them to adapt to change.

Whilst many countries recognise the need to provide adult learners with broader competences, there has not been a common understanding of what they are, and the provision for key competences is seldom adapted to meet the learning needs of citizens at all ages. The 'Education and Training 2010' work programme has therefore included work on identifying basic skills and how they can be better integrated in curricula, learned, and maintained through life. It is stressed that these basic skills should be genuinely available for everyone, not only to young people in initial education and training, and that particularly those with special needs, school drop-outs and adult learners should be able to acquire and update basic skills. The proposal also stresses that there are a number of minorities among whom illiteracy is a major problem and that low skilled people are less likely to participate in further training, making it harder to support those who need it most.¹³

The Recommendation proposed by the Commission presents a European reference tool for key competences and suggests how access to these competences can be ensured for all citizens through lifelong learning. Its objectives are to:

- 1) Identify and define the key competences necessary for personal fulfilment, social cohesion and employability in a knowledge society.
- 2) Support Member States' work on ensuring that by the end of initial education and training young people have developed the key competences to a level that equips them for adult life, and that adults are able to develop and update them throughout their lives.
- 3) Provide a European level reference tool - the Key Competences for Lifelong Learning - for policy makers, education providers, employers, and learners themselves to facilitate national and European level effort towards commonly agreed objectives.

The key competences identified and described in the recommendation are:

- 1) Communication in the mother tongue;
- 2) Communication in foreign languages;
- 3) Mathematical competence and basic competences in science and technology;
- 4) Digital competence;
- 5) Learning to learn;
- 6) Interpersonal, intercultural and social competences and civic competence;
- 7) Entrepreneurship; and
- 8) Cultural expression.

A number of themes are applied throughout the Framework: critical thinking, creativity, initiative taking, problem solving, risk assessment, decision taking, and managing feelings constructively play a role in all eight key competences.

¹³ European Commission COM(2005) 548 final, Proposal for a recommendation of the European Parliament and of the Council on key competences for lifelong learning

Equal opportunities and gender mainstreaming in EU VET policy

European law has guaranteed equal access to vocational training in employment for men and women since 1976 (Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions). Since 2000, EU Directive 2000/78/EC (Equal Treatment Directive) guarantees the same right to not to be discriminated against in employment on grounds of sexual orientation, religion and belief, age and disability. Age restrictions in relation to training and employment are allowed but must be legitimate; States must distinguish between difference in treatment justified by employment policy, labour market and vocational training objectives, and discrimination, which is prohibited.

'Equal treatment' as an approach to equal opportunities has been criticised for being insufficient to produce equality of outcome because treating everybody exactly the same assumes that everyone is on a level playing field and does not take into account that certain social groups are starting from a disadvantaged position (for example Kirton & Greene 2004). The EU 'equal treatment' directives, however, also contain provisions legalising 'positive action'. The basis for positive action is the recognition that for people to have equal opportunities, they may need to be treated differently. Positive action in relation to gender equality initiatives gained a legal basis in the Treaty of Amsterdam in 1997¹⁴. It is a 'soft' policy or voluntary approach (as opposed to 'hard' legislative measures) which aims to promote a better balance of the sexes in employment via specific support measures such as women-only training programmes. It does not involve quotas and should not be confused with 'positive discrimination'. Since the 2000 Equal Treatment Directive, positive action measures are now also permitted on grounds of race and ethnicity, disability, age, sexual orientation and religion.

The positive action approach has of course also been criticised. It is said that positive action aims to help other social groups to compensate for their 'deficits' in order to reach the same standards as the white able-bodied male and does nothing to change this standard norm. The positive action approach has therefore been developed further by the introduction of the concepts of 'mainstreaming' and 'diversity' or 'diversity management'.

Mainstreaming is generally understood as the integration of (equal opportunities) principles, strategies and practices into all policies and activities of an organisation. It has also been defined as an approach which "positively embraces difference and amends systems and practices to account for the reality of different working lives, rather than try to model all workers on the subjectivity of a mostly non-existent 'ideal worker'. Mainstreaming treats the difference of individual lives to a structural 'norm' as requiring systems change, not individual denial of difference" (Fairbrother *et al*, 2005:28).

Diversity and 'Diversity management' are approaches which aim to make organisations better reflect the reality of society. At a minimum Diversity Management is understood as providing a 'business case' for equality – diversity enriches the workplace, brings more creativity and enhances performance. Most progressively it is regarded as an approach which values differences equally and requires changes to institutional and organisational culture in order to challenge the standard norm of the white able-bodied heterosexual male (Wrench, 2002; Kirton & Greene, 2004).

It is not yet evident, however, that the approach at the level of the European institutions has evolved this far. Even if some officials in the equality and anti-discrimination units of DG Employment and social affairs may be thinking in this direction, the rest are not yet talking about diversity and understand

¹⁴ The European Council adopted a recommendation on the 'Promotion of positive action for women' already in 1984.

mainstreaming at most in terms of assessing where women need some extra help – as long as this is compatible with economic strategy (see Schmidt, 2003 and Rubery, 2005).

The Commission defines gender mainstreaming as:

“the integration of the gender perspective into every stage of policy processes – design, implementation, monitoring and evaluation – with a view to promoting equality between women and men. It means assessing how policies impact on the life and position of both women and men – and taking responsibility to re-address them if necessary. This is the way to make gender equality a concrete reality in the lives of women and men creating space for everyone within the organisations as well as in communities - to contribute to the process of articulating a shared vision of sustainable human development and translating it into reality.”

As already noted, gender mainstreaming is required throughout all of the European Employment Guidelines, several of which refer to issues of lifelong learning and vocational training. According to Rubery (2005), there is clear evidence that the focus on lifelong learning initiatives in the Employment Guidelines since 2001 has led to the development of an equal opportunities dimension in the VET and lifelong learning policies of the Member States. The targets set by the Lisbon Strategy of a 60% employment rate for women and a 50% employment rate for 55-64 year-olds by 2010 clearly require positive action for these groups in VET and lifelong learning areas, as do the ‘Education and Training 2010’ benchmarks relating to gender and social inclusion (see above).

The Member States are also ‘encouraged’ to mainstream gender at each stage of the National Action Plans for Social Inclusion. The Inclusion NAPs must reflect the seven key inclusion policy priorities, one of which is “tackling disadvantages in education and training”. In turn, the NAPs for Inclusion require that social inclusion policies are mainstreamed into all other relevant policies, including education and training policies. Social inclusion policy at European level also includes indicators pertaining to the equal opportunities dimension of education and training policies (e.g. indicator on persons with low educational attainment, broken down by age and gender).

Although there is no explicit statement that gender or equal opportunities are to be mainstreamed into EU education and training policy, the major strategic objective of the ‘Education and Training 2010’ work programme of ‘facilitating the access of all to education and training systems’ amounts to much the same thing:

- “Extending education and training in this way will raise issues such as adaptation to family-friendly timetables, to the availability of child care during courses, location and affordability of learning opportunities, and the recognition of prior non-formal and informal learning gained outside formal education and training systems.”
- “...education and training systems have to lead people to accept that racism and intolerance have no place in our society; that discrimination on any ground – such as gender, religion, colour or ethnic origin – is unacceptable.”¹⁵
- “Policies in the field of education and training are important tools for gender equality. The EU’s Socrates (education) and Leonardo da Vinci (training) programmes refer explicitly to the promotion of equal opportunities.” (European Commission website)

¹⁵ Report from the Education Council to the European Council “The concrete future objectives of education and training systems”, 14 February 2001

As noted above, great emphasis is laid on the equal access of all – requiring positive action for particular disadvantaged groups – to basic skills and key competences and the validation of informal and non-formal learning in the tools which have been produced at EU level for these purposes.

In conclusion, it is fair to say that, since vocational training, based on the principles of lifelong learning, employability and adaptability, was incorporated into the main focus of European growth and employment policy, equal opportunities issues have in turn been shifted into the main focus of EU level VET policy. Later we shall look at how these policies are being implemented in the Member States of the EDLESI project (CZ, DE, FR, GR, IT, PL, UK) and with what effect. The social partners at European level are strongly involved in the elaboration of European policies on lifelong learning, and education and training, but they are also active in an autonomous way, elaborating their own bipartite policy agendas and work programmes on lifelong learning and equal opportunities. These are discussed in the following section.

European social dialogue on VET

The ILO defines social dialogue as follows:

"Social dialogue represents all types of negotiation, consultation and information sharing among representatives of governments, social partners or between social partners on issues of common interests relating to economic and social policy".

The social partners are organisations representative of management on the one side and labour on the other. Social dialogue at European level is formally differentiated into *cross-sectoral* social dialogue and *sectoral* social dialogue. This section will look at European cross-sectoral social dialogue on VET. European sectoral social dialogue, and particularly steel sector social dialogue, on VET will be discussed in section 2.

In all Member States, training and lifelong learning are issues upon which social partners are most easily able to find common ground, even though there are subtle differences of interest between the parties. In particular, VET and lifelong learning offer an avenue for demonstrating the value of social dialogue to reluctant partners in the new Member States and Candidate Countries. The European Commission is therefore using the almost compulsory consultation and involvement of social partners required by 'Education and Training 2010' to strengthen social dialogue in these countries where the lack of social dialogue tradition and the weakness of social partner organisations present a special challenge to the European social dialogue and the European social model (Winterton and Strandberg, 2004).

The results of the survey carried out for the Maastricht Study (Leney, 2004), show that most Member States expect social partnership to be the model which governs VET policies and decision making in the future. Social partner involvement is widely acknowledged to be crucial for the success of VET (both initial and continuing vocational training) and lifelong learning since the social partners have the specialist experience of the real world of work. While employer involvement has been taken for granted in this respect, recent developments have shown that the trade unions add particular value: especially in providing advice to reluctant learners, negotiating access to workplace learning facilities and delivering workforce consent in programmes designed to raise skill levels and facilitate restructuring of work (Winterton, 2006).

It is therefore unsurprising that vocational education and training has also been the area where the European social dialogue (cross-sectoral and sectoral) has made the most progress. According to

Cedefop (the European Commission Agency for Vocational Training), the European social partners¹⁶ have, since the founding of the EEC, put vocational education and training on the European agenda, strongly influencing European VET policy and action to implement it (Cedefop, 2004).

In 2002 the European cross-sectoral social partners concluded negotiations on a *Framework of actions for the lifelong development of competencies and qualifications*, the implementation of which was to be reported on annually for three years and then evaluated. UNICE (representing industry employers) was not prepared at that time to sign a 'Framework agreement' i.e. a text which contains binding obligations and imposes certain commitments to be carried out by a specific date (like the Framework Agreements on telework and stress). According to ETUC (the European Trade Union Confederation), there was broad consensus on the outstanding challenges and problems but as noted:

“consensus is more difficult when it comes to identifying joint actions or defining new rights and responsibilities in implementing lifelong learning” (Kerckhofs and André, 2003).

However, the new 2006-2008 work programme of the European social partners states that they will:

“negotiate an autonomous framework agreement on either the integration of disadvantaged groups in the labour market or lifelong learning.”

The Framework of Actions for the Lifelong Development of Competencies and Qualifications

The *Framework of Actions for the Lifelong Development of Competencies and Qualifications* was the first of a new genre of instruments within the European social dialogue, christened 'new generation texts' by the European Commission (EC, 2002; 2004a). The development of this new genre of autonomous, voluntary, non-binding instruments, to be implemented according to national procedures and practices, has been promoted by European employer organisations, who are less and less inclined to accept regulatory or legally binding agreements, and is justified by the diversity across Member States in the institutions and traditions of industrial relations and the dominant level of social dialogue (De Boer *et al*, 2005).

The *Framework of Actions* identifies four priorities for action extending to all categories of employees and job-seekers and all age groups. These priorities are:

- Identification and anticipation of competencies and qualifications needs;
- Recognition and validation of competencies and qualifications;
- Information, support and guidance;
- Mobilising resources.

In its introduction, the *Framework of actions* clearly makes the link between lifelong learning and equal opportunities:

“The ageing population and the social expectations, which have resulted from higher levels of education of younger generations, require a new way of approaching learning systems, ensuring that there are opportunities for all age groups – both women and men, skilled and

¹⁶ The European cross-sectoral social partners are European Confederation of Trade Unions (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE), European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP), European Association of Craft, Small and Medium-sized Enterprises (UEAPME).

unskilled – if significant increases in competencies and qualifications levels are to be achieved. Lifelong learning contributes to the development of an inclusive society and the promotion of equal opportunities.”

The approach is a multi-level one: national, regional, local and company, with recommendations made for action on each of the four priorities at different levels. The text:

“certainly constitutes a considerable step towards the coordination of training and development efforts and actions at all appropriate levels (enterprise, sectoral and national) across Europe” (Kirton-Darling and Clauwert, 2003:254).

Its potential lies in the possibilities it offers as a basis for national, regional, sectoral or even local agreements on training development and lifelong learning. The *Framework of Actions* is based on the Open Method of Coordination, although no specific targets, quantified or qualified, are set.

In the countries where there is a long tradition of social partners being responsible for defining and implementing national VET policy and where there are extensive systems of collective agreements on VET at all levels covering large sections of the workforce, the *Framework of Actions* represents a moral commitment to make progress on already identified issues rather than to introduce anything new. Although in most of these Member States, this commitment existed at national level already, there are signs that the *Framework of Actions* has added some momentum to the progress. In some countries important national cross-sectoral agreements have been negotiated since the *Framework of Actions*. Although it is often the case that these would have been negotiated anyway, participation in the negotiations for the *Framework of Actions*, and the exchange of good practice with other Member States during the negotiations will have contributed to the outcome of the subsequent negotiations for cross-sectoral agreements at national level (Stringfellow and Winterton, 2005).

In the new Member States, and particularly in Central and Eastern Europe, it would appear that the European social dialogue is stimulating the debate among social partners in these countries on lifelong learning and thereby strengthening social dialogue. At European sectoral level, the insurance, construction, banking, catering, sugar, postal, metal and engineering, electricity, agriculture and textiles sectors have all reported initiatives and progress made on lifelong learning issues, in many cases as a result of the *Framework of Actions* and/or taking it as a basis for their negotiations and discussions. Kirton-Darling and Clauwert (2003) believe that this suggests the building of a coherent and collectively agreed policy strategy. Kerckhofs and André (2002) report that recent sectoral activities in the area of VET indicate that sectoral social partners are now moving on from declarations and joint opinions to direct actions or frameworks of action.

After three annual implementation reports the European Social Partners produced their own evaluation report on the Framework of Actions in March 2006. Their multi-annual Work Programme 2006-2008 foresees the possibility of the Framework of Actions being followed up by an autonomous framework agreement on either on the integration of disadvantaged groups into the labour market or on lifelong learning. The decision will be made late 2007.

The Framework of Actions for Gender Equality

In 2004 the European cross-sectoral social partners concluded their negotiations on a *Framework of Actions for Gender Equality*. Again, they identify four priorities upon which their national member organisations and affiliated European sectoral organisations commit themselves (non-bindingly) to take action (addressing gender roles, promoting women in decision-making, supporting work-life balance,

tackling the gender pay gap). They then suggest actions which social partners at various levels can take to follow-up on these priorities.

The *Framework of Actions for Gender Equality* refers repeatedly to the role of education and training in the promotion of gender equality and makes some concrete suggestions as to what social partners themselves could do in this regard:

“...the economic slowdown experienced since 2001 reveals that women continue to be more vulnerable than men to unemployment and economic inactivity, especially when they have a low level of education.”

And

“a high level of occupational and sectoral gender segregation remains in the labour market, with women dominating in low paid and low skilled jobs or in sectors such as health care and social services, education, public administration and retailing while a disproportionate number of men work as technicians, engineers, finance professional and managers.”

And

“European social partners believe that the following elements are key to fight stereotyped gender roles on the labour market.

Encouraging competence development for adults to allow men and women to evolve in their careers throughout life and to address deficits created by the structure of the education system in the past...
Examples of practical tools to do so include:

- Ensuring transparency and transferability of competences and qualifications;
- Promoting the participation of low-skilled workers and/or workers in non-standard employment in further education and training and lifelong learning;
- Setting gender balance objectives at sectoral level for access to vocational training.”

The social partners will report on their follow-up actions annually for five years and then carry out an impact evaluation.

3. VET policy in the steel sector at European level

Until 2002, all issues concerning the European steel industry were dealt with at European level by the European Coal and Steel Community (ECSC) Consultative Committee. Its members were divided equally between producers, workers and consumers/dealers in the two sectors covered by the ECSC Treaty - coal and steel. When the ECSC Treaty expired in 2002, the members and activities of the Consultative Committee were incorporated into the European Economic and Social Committee.

On the workers side, the steel industry is represented at European level by the *European Metalworkers' Federation* (the EMF). The EMF represents all workers in the Metals sector and not only the steel industry. On the employers' side, the iron and steel industries are represented by *Eurofer*. The two organisations have worked together for 50 years within the ECSC Consultative Committee.

When the latter expired the two organisations tried to set up a European Sectoral Social Dialogue Committee (SSDC) for steel but experienced problems because Eurofer did not fulfil all of the European Commission's requirements of a representative social partner - Eurofer is an industry association (rather

than an employers' association¹⁷) and did not have a mandate from its members to negotiate collective agreements. This problem has now been resolved and the first meeting of the SSDC for steel took place in June 2006.

The metal trades as a whole are represented at European level by the *Council of European Employers of the Metal, Engineering and Technology-based Industries* (CEEMET¹⁸). Members of CEEMET are national employers' associations for the metals sector, which may also have as members national associations of steel industry employers. CEEMET, however, does not have any sub-sector or branch members, such as Eurofer for example.

Although CEEMET is still against establishing a Sectoral Social Dialogue Committee with the EMF, it has recently proposed and established a permanent joint working group (whose structure and mandate resemble very much that of an SSDC) with the EMF to discuss social policy issues such as 'competitiveness and employment' and 'education and training'. This development is a result of the successful cooperation between the two organisations in a joint ad hoc working group on 'skills shortages in the metal industry'. As already mentioned, education and training are often the issues which the two sides of industry can cooperate most easily on, thereby building the relationships, trust and understanding necessary for cooperation on more contentious issues. Pressure has also come on CEEMET to increase its cooperation with the EMF as a result of the progress made in social dialogue at European level by the subsectors such as shipbuilding and steel.

Skills shortages, despite persistent high unemployment rates in many European countries, are evidently a major concern for European metals sector employers and one which has important consequences for equal opportunities, although no explicit recognition is made of this in the joint work carried out so far by CEEMET and the EMF.

In 2001 CEEMET and the EMF set up the ad hoc joint working group on skills shortages mentioned above. A year later they held a joint conference on the subject and produced 'broad common findings' and a compendium of good and innovative practices. This exercise was intended to increase mutual learning between countries and companies and to "serve as a stimulus for launching new such initiatives in the European metal and electrical industry". Although the EMF wanted an agreement on a common position which:

"would guide negotiations at the national level and would encourage a common commitment to competence development and training in Europe"¹⁹.

CEEMET insisted that the content of the 'broad common findings' 'in no way has a binding or obligatory character'.

The joint working group identified six areas of importance for tackling the problem of skills shortages. The first was the *image* of the metals sector which is not attracting qualified, and particularly young, workers. Under this heading, CEEMET and EMF members noted that women and ethnic minorities were particular groups to be targeted with special initiatives to win them over. The 'broad common findings' vaguely referred to the possible implications of this for equal opportunities issues such as work-life balance:

¹⁷ Industry associations normally lobbying and interest representation organisations, active in economic and industrial policy areas, they do not normally dialogue with trade unions or deal with social policy issues.

¹⁸ Formerly known as WEM.

¹⁹ EMF position on Lifelong Learning, 16 June 1999

“To a certain extent companies of the metal and electrical industry may consider a more flexible approach with regard to hiring women and their re-entry to work after career breaks.”

The second area identified was ‘*motivation for training and lifelong learning*’. Here again equal opportunities concerns were vaguely referred to:

“A lack of motivation of employees for (further) training and lifelong learning cannot be an excuse. On the contrary, it should be a reason to stimulate or improve motivation... Special means might be taken for ethnic minorities. Where necessary and possible, solutions should be adapted to the different target groups.”

However, the issue of equal access for all workers to training and guidance was conspicuous by its absence, despite the recognition that the increased use of new forms of training delivery such as distance and e-learning may deter the people who need training most:

“Several countries report that particularly qualified workers make use of further training courses in general and of e-learning initiatives in particular. On the contrary, unqualified or not adequately qualified workers tend not to use the training opportunities offered to them. Guides, tutors or mentors may help hesitant persons to come over the first threshold and motivate them to complete a chosen course.”

Like the cross-sectoral European social partners in their *Framework of actions* (see above), CEEMET and the EMF emphasise several times in their ‘common broad findings’ that further training and lifelong learning are the shared responsibility of the employer and the individual:

“In a world of fast-changing technologies and increased competition, motivation for LLL is a shared responsibility between management and employees, partly, if deemed appropriate, together with public authorities. The lifelong development of skills and competencies is a precondition for competitiveness of companies and improved employability of workers. Individual employees have a responsibility in this respect which they should comply with. Management and employees have a shared responsibility for occupational training, further training and in a certain way also for LLL, thus also with respect to the motivation of training as mentioned before.

Promising approaches to stimulate or improve the awareness for the need of tailored forms of appropriate LLL were seen in several company examples, social partners' initiatives with respect to information and guidance to individual persons. These initiatives have as an effect that individuals become aware of and take their responsibility for their personal development.

The funding of occupational training and further training is a shared responsibility of management and of employees – as described above -, where both could contribute in the form of time or money. Where appropriate the funding can be shared together with national authorities.

Training is important for the *competitiveness* of the company and the *employability* of the individual worker. This illustrates that training, especially further training, is a shared responsibility.”

In this respect, the importance of trade unions and workers' representatives in motivating employees and explaining the benefits of lifelong learning for employability and job satisfaction is recognised. Although not mentioned in the text, this again concerns issues of equality and the role of trade unions in ensuring that all workers are included and that certain groups, such as disabled workers and ethnic minority workers for example, are not neglected. Equality may be considered by most trade union representatives to be a fundamental principle of the trade union movement and therefore an automatism of trade union practice. It remains the case, however, that trade union decision-making structures and

membership in general and particularly in the metals sector are dominated by white able-bodied males, which has a clear impact on their priorities and bargaining agendas. The responsibilities of trade unions in this respect are addressed in the EMF 'Training Charter' (see below).

The 'broad common findings' also recommend a more competence-based approach to recruitment and promotion. Although the foremost motive for this is the shortage of available workers with the desired qualifications, the recognition is also implied that unqualified but experienced workers may be equally or more competent for a given position. Again there are (unstated) implications for equal opportunities, particularly in a sector which has traditionally been characterised by its segregation of 'qualified' and 'non-qualified' workforces, limited career progression possibilities for certain sections of the workforce and the exclusion of non-graduates from managerial positions.

"Skill profiles shall... offer a basis to give a current and accurate overview of the capacities and skills of an individual person, showing her/his acquired formal learning certificates... and non-formal skills. ...Finally, a skills profile should as well describe what an individual person actually did and does, e.g. via a brief description of the tasks they performed during their last jobs. On that basis, a worker may show her/his skills and an employer may verify if an individual worker is suited for a given vacant position in a company."

The EMF has also worked independently on the issues of training and lifelong learning, emphasising different priorities. In 2001 the EMF approved the "EMF Training Charter" as a common guideline on how to integrate the topic of vocational training into collective agreements. According to the Charter, national and sector agreements when translated into company level agreements rarely include all employees in the company. "On the contrary, they focus on training activities tightly connected to purely company needs and focus on key persons or key groups of employees or they are connected to changes in work organisations or investments in new technology." A large part of the EMF Training Charter is therefore dedicated to the trade unions' responsibility for looking after the interests of specific "vulnerable" groups whose jobs are most at risk from structural changes and technical progress:

- "Women still have jobs with lower requirements of training, education and experience. Consequently they receive little further training and education.
- Single parents of both sexes often need special arrangements to be able to participate in education and training activities. Such arrangements are rare.
- Part time workers might have problems to participate in training and educational activities. Mostly that is not taken into consideration.
- Many elderly workers have just basic school education or vocational training that is now outdated. There should not be any age discrimination in the access to vocational training.
- Immigrants have, to a large extent, low qualified jobs and receive little training and education.
- In order to maintain their skills and upgrade their competence, trade union representatives in the companies must receive vocational training during their term of office.
- A large part of the work force today no longer has permanent jobs but work on various fixed term contracts. Companies are unwilling to invest training resources in employees with this kind of contracts.
- The use of temporary agency workers is increasing all over Europe. Safeguarding those workers' right to continuous education and training is essential both for the workers themselves and the industry in general."

Disabled workers, a particularly vulnerable group, are not specifically mentioned although the Charter does demand the right "to competence development to enable every worker to contribute to industrial development, increased competitiveness, a high standard of living and a well functioning democracy."

The EMF Training Charter takes a significantly different stance on the subject of the shared responsibility for lifelong learning between companies and employees to that of CEEMET. Whereas CEEMET views training that is not directly related to the job and which aims at increased employability as being the individual's responsibility and should therefore be financed by the individual (mainly in terms of time), the EMF believes that the competence development of the flexible and adaptable "new metal-worker" demanded by today's metals sector employers goes beyond the occasional and ad hoc upgrading of skills for jobs which may anyway become obsolete:

"Since the company will profit from competence gained through personal development it should be obliged to co-finance wider learning opportunities for its workers."

The EMF defines the employee's responsibility for further training as being:

"to take part in the planning of her/his own vocational training and participate in such training." "In principal it is also the companies' responsibility to finance vocational training. However, taking into account the different structures and systems in the European countries, government means, funds and other institutions could be used."

In 2004 the EMF began its campaign 'A common demand for a common future: The individual right to training guaranteed by collective agreements'. The aim was to coordinate national collective bargaining policy by translating the 'Common demand' into collective agreements at national, sectoral, company or regional level or into joint projects with employers according to national structures and traditions. The 'Common demand' consists of:

- **An individual right to training and lifelong learning**, guaranteed to the complete work force and not only to a selected group with an organisational and controlling role for trade unions.
- **A minimum number of 5 days of training for all employees.**
- **An annual training plan** for each company and each employee and approved by the local trade union representation or the company works council. The scheduled training must be appropriate for the needs of the work and the employability of the worker.
- **Vocational training must be cost-free for the employee** and during normal working hours. Vocational training outside normal working hours can only be accepted by a collective agreement.
- **Funding for training and lifelong learning** where individual training and education in domains other than those vocationally required forms an essential element of our knowledge-based society, collective agreements should provide a clear framework for access to this kind of life-long learning and aim at searching for funding possibilities.
- **Certification for qualification**, whether this qualification is achieved through training and/or experience.
- **Training as a right in case of restructuring and dismissals**
- **Training for the unemployed** to redress the mismatch between the employment possibilities and the available work force.
- **Trade union involvement at company level** in discussions as well as decisions on training activities. The employees and the local trade union representation or the works council should be given continuous information on the company's future needs for skilled and trained workers. They should also control the quality and evaluate the realisation of programmes.

The EMF will facilitate the exchange of good practices for the implementation of the 'Common demand' and annually evaluate the progress made by its affiliates.

In conclusion, it can be surmised that VET policy at the level of the European metals and steel sectors is currently confined on the employers' side to the exchange of information and good practices, whereas on the trade union side a policy of more coordinated collective bargaining is being tried out. It is clear that training and lifelong learning issues are a top priority for both trade unions and employers in the metals sector at European level. So far, however, the significance of these issues for equal opportunities and the interdependence of successful lifelong strategies with equality policy and practice have been only vaguely and partially expressed.

4. How do national VET policies promote equal opportunities and diversity?

This section looks at VET policies in the countries covered by the EDLESI project (CZ, DE, FR, GR, IT, PL, UK) and the ways in which they promote (or not) equal opportunities for the target groups of the project.

National VET systems

The role of the social partners

The role of social partners in VET policy-making and implementation (initial VET, continuing VET, lifelong learning initiatives) varies greatly in the EU according to the diverse national traditions of social dialogue. Social partners in all 25 Member States are somehow involved in VET policy-making, either on a consultancy basis or directly involved in tripartite decision-making (Leney 2004). In the old Member States of the EU this role includes representation at national level; in the majority of cases also at sectoral level; and in many cases also at regional and local (enterprise or establishment) level (Winterton, 2003). Social partner involvement in the old EU15 ranges from being formal, institutionalised, highly regulated and at all levels of policy-making and implementation (in some cases the social partners are the principal providers of initial VET), to being merely consulted by ministries on VET policy issues.

In the new Member States, where the social partners are fragmented and weak on both sides and bipartite social dialogue is often almost completely absent, their involvement and interest in VET is much less evident. The integration of VET issues into the European Employment Strategy (see above) has to a certain extent intensified the involvement of trade unions in the practical implementation of continuing training in the countries of Eastern and central Europe, where they have been involved in setting up market-based systems for VET (Heidemann, 2002). However, enhancing the relevance of VET to the labour market by improving relations with the social partners appears to be recognised as an important challenge by most Member States (old and new) trying to tackle the issues of quality and attractiveness of VET (EC, 2005a). The National Lisbon Reform Programmes appear to be an important lever in the new Member States for encouraging social partners to be more involved in VET policy. A survey carried out for the OECD Employment Outlook in 2003 revealed that the level of continuing training was significantly higher in companies with joint training agreements than in companies without them, providing further grounds for more social partner involvement. As mentioned above, pressure to fulfil the obligations of the European *Framework of actions for the lifelong development of competencies and qualifications* is also being exerted on the sometimes reluctant social partners in the new Member States by the European social partners.

VET systems can be either workplace and industry-led or school-based and education-led, and regulated by the state or the market. For example, in terms of its locus, VET is mostly industry-led and centred on the workplace in the UK and Germany, whereas training is education-led and centred on

school in Italy and France. Whereas VET is regulated by the state in Germany and France, in the UK and Italy arrangements are market-led, with responsibility for training largely devolved to employers. State regulation and a long-term focus on VET appear necessary for effective social dialogue, but these conditions alone are insufficient since the French system shares these characteristics with Germany. The key difference with Germany is that the French system is school-led and the trade unions are poorly organised, which militates against meaningful dialogue at local level, as it does also in Italy, where the situation is exacerbated by a market-led system with little effective state regulation. The UK system of VET, despite also being market-led and of short-term focus, is grounded in the workplace, making it conducive to social dialogue where there is sufficient strength of trade union organisation (Winterton, 2006).

In those countries with a tradition of state regulation (e.g. Germany and France), social partner representation in VET policy-making is determined by legislation. In countries with a tradition of voluntarism, such as the UK, the law has been much less prescriptive concerning social partner involvement, but the social partners play a major role in developing VET policy nevertheless.

In addition to their role in the formal structures of VET policy making, the social partners in the old Member States are involved in various activities concerned with the implementation of VET actions, particularly at sector and local levels. Heidemann (2002) notes a tendency for trade unions and workforce representatives to become increasingly involved in the practical implementation of further training; developing curricula, new qualifications, on-the-job training and encouraging the take-up of learning opportunities. While the structures of participation vary according to the degree of state regulation, social partner involvement in developing curricula and qualifications is extensive irrespective of the nature of the regulatory framework. In many countries, the social partners are also involved in establishing arrangements for the funding of VET. Levy-grant arrangements are a common means of financing VET and the social partners are involved in so far as employers make contributions to funds via the levy and claim grants in relation to training. In some countries, employers' associations have a role in administering the system and on occasion the unions are also involved.

The social partners' involvement in VET implementation at company level varies with the form of regulation. In the more regulated states, there is a legal right to be involved, whereas in countries with more voluntarist traditions, practice varies substantially between individual employers. Irrespective of the degree of state regulation, the social partners in the old Member States are widely involved in initiatives to promote lifelong learning and to encourage learning at work, for example by introducing individual learning accounts or training vouchers, concluding collective agreements on paid leave for training, acting as 'intermediaries' at the interface of individuals and learning opportunities, participating in the quality assurance of VET and encouraging a learning culture at work (Vind *et al*, 2004).

In Germany social partner representation is determined by legislation. The main feature of the German VET system is the close partnership, based on social dialogue and codetermination, between employers, trade unions and the government. Management and labour have an institutionalised role in the planning and implementation of *in-company* vocational education and training and exert considerable influence on the content and form of vocational education and training, "Responsible action of all participants, over and above each group's particular interests, is a precondition for the efficiency of the dual system of vocational education and training."²⁰

At national level, in the Main Board of the *Bundesinstitut für Berufsbildung* (Federal Institute for Vocational Education and Training) social partners are involved in the setting of standards and

²⁰ quoted from the information provided by the German authorities for the Cedefop database on national VET systems.

designing of training regulations. At Länder level there are committees for vocational training, with equal representation of employers, employees and the Länder authorities. They do not have any co-determination in vocational school matters, but they advise the state government and also to a certain degree influence concepts and schemes, for example those for providing support for disadvantaged youths, and opportunities for additional qualifications requiring school training.

At regional level, there are the *Zuständige Stellen* (competent bodies). In every competent body there is a vocational training committee which is made up of tripartite representation of employers, trade unions, teachers. The most important duties of the competent bodies in vocational training are:

- establishing and maintaining the directory of apprenticeships;
- promoting vocational training by providing counselling to enterprises and trainees;
- supervising the implementation of vocational training;
- conducting intermediate, final and further training examinations.

In Germany, the social partners decide (through tripartite arrangements) on the funding of training schemes, including apprenticeships, run by the Employment Service at national, regional and local level.

The *Betriebsverfassungsgesetz* (Works Constitution Act) for the private sector grants works councils or staff councils numerous co-determination and involvement rights at the company level both in the field of initial and continuing training. This includes collective bargaining on the remuneration of trainees, planning and implementing in-company training, appointing the instructors, realising special in-company education and training programmes, concluding employment contracts upon completion of training, continuing training leave. Works Councils in companies with more than 5 employees can request that the employer undertakes a Training Needs Analysis. In companies with more than 5 employees, the social partners are involved in the interview and selection process for apprentices and trainees, in which youth representatives have a special brief for equal opportunities and the integration of migrant workers. The two parties have to discuss the implementation of the measures at least once a year. Experience has shown, however, that in-company continuing training plays a rather subordinate role in the activities of the Works Councils compared to other tasks such as ensuring adequate wages etc (Cedefop Refernet report, 2004²¹)

Despite the fact that the proportion of employees in the private sector represented by Works Councils has decreased from 50% to 40% over the last 20 years, the German system of co-determination encourages the conclusion of internal company agreements with Works Councils. Sectoral collective agreements on further (continuing) training have played a relatively minor role in the past and were not a priority of trade union bargaining policy (Heidemann 2004). However, the upgrading of knowledge and skills is stipulated by agreements between the social partners at both sectoral and company level and there are a large number of collective agreements that contain training provisions in one way or another. Often training is included in connection with other issues requiring regulation such as industrial safety and environmental protection, personnel and skills development, company and work organisation, remuneration arrangements, performance terms, working hours, job security, promotion of women and the family (Cedefop Refernet report 2004). The CVET measures that are included in collective agreements are primarily 'off the job' measures, the purpose of which is higher wages and job advancement. Job adaptation and initial skills training concepts, i.e. 'on the job' measures, on the other hand, are largely ignored in collective agreements (Cedefop Refernet report, 2004). Nevertheless, an

²¹ "Achieving the Lisbon targets: the contribution of vocational education and training systems. Country report Germany"
http://www.refernet.org.uk/documents/Country_Report_Germany.pdf

important and ground-breaking sectoral agreement on further training and lifelong learning has been signed in the metal industry (see section 4). Where there is neither works council nor sectoral agreement, further training is at the discretion of the employer (see section on CVET below).

In France, the involvement of the social partners in VET policy making is defined in various articles of the Labour Code, notably Book IX, Article 910-1: 'Vocational training and social advancement form the basis of a concerted policy coordinated chiefly with employers' and employees' organisations.' The social partners meet the authorities at national level to discuss VET issues in the National Council for Vocational Training, Social Advancement and Employment (CNFPPSE), which examines government priorities in education and vocational training.

Social partners in France have an advisory role concerning the form and content of initial vocational training. The social partners can propose new curricula and qualifications in the sectoral Joint National Employment Boards and Professional Consultative Commissions responsible for the creation of diplomas and technological and professional certificates, for programmes of study beyond the high school level and for all higher education diplomas.

At national level there is a highly developed system for social dialogue over vocational training involving equal representation of employers and trade unions, negotiations on vocational training every five years and mechanisms for integrating agreements into legislation e.g. the inter-professional agreement on lifelong learning of September 2003 (Vind *et al*, 2004). National level general agreements are interpreted through detailed sector level negotiations. The law of 24 February 1984 imposed on companies with at least 50 employees and union representation an obligation to negotiate on training where not already covered by a sector agreement. But enterprise level agreements are rare due to low union membership and under-developed organisation at workplace level, and until the law on social dialogue of April 2004 company level agreements were only allowed to improve on the provisions of sector or national level agreements. Since the 2003 agreement, employee representatives also have the right to play a major role in the development of lifelong learning and in elaborating training needs at works council level. Trade unions are not involved in the recruitment of trainees and employers have the final say on training priorities within their company, but these closely reflect the preferences of the social partners at either sectoral or national level.

There are two joint labour-management authorities at national level in charge of co-ordinating and regulating training-related issues; The Joint National Committee for Vocational Training (CPNFP) is in charge of ensuring that collective agreements are duly applied within the framework of agreements related to continuing vocational training, and the Unique Fund of Adjustment (FUP) co-ordinates issues related to individual training leave and controlling financial regulations related to sandwich courses funds.

At sector level, approved Joint Collection Organisations (organismes paritaires collecteurs agréés or OPCA), which are managed by labour organisations, collect, pool, and allocate mandatory contributions by companies within the framework of their continuing vocational training plan. Collective agreements entitle them to increase the legal minimum payment. At sectoral level, social partners can dictate funding volume and prioritise certain types of training or courses (e.g. favour apprenticeship over sandwich courses, give preference for training to the low-skilled). These agreements apply to enterprises belonging to signatory employers' associations so are not necessarily generalised throughout the sector.

A portion of unemployment insurance funds is allocated to managing employment and training policies. These funds are managed jointly by management and labour representatives. The unemployment

insurance agreement concluded by the social partners and approved by the state in December 2000 took effect on July 1, 2001 and includes important provisions for the training of job seekers.

In countries with a tradition of voluntarism, notably the UK and Ireland, historically the law has been much less prescriptive concerning social partner involvement in VET policy. Heidemann *et al* (1994: 11), for example, commented on the 'almost total absence of social dialogue' over VET in the UK. Nevertheless, in both countries the social partners play a major role in VET policy. In the UK, the focus was on sectoral Industry Training Boards, established as statutory tripartite bodies under the Industrial Training Act 1964. The Conservatives radically overhauled the VET system during the 1980s (Rainbird, 1990; Senker, 1992), creating a market-led system in which employers played an increasingly powerful role and in which the unions' formal influence at sector level was reduced, although trade union involvement continued in most of the new training bodies, even in sectors where union membership had virtually collapsed (Winterton and Winterton, 1994). In April 2001, the Labour Government established the Learning and Skills Council (LSC) for England to deliver all post-16 education and training (excluding higher education), and included formal trade union representation both on the national LSC Board and its local arms.

In the UK, the unions are also involved in developing new qualifications. During the Conservative reforms of the UK VET system, a competence-based approach was adopted in order to establish a national unified system of National Vocational Qualifications (NVQs) in England and Wales (Scottish Vocational Qualifications, SVQs, in Scotland) based on occupational standards. The standards for qualifications were developed through functional analysis organised by employer-led Industry Lead Bodies, a role subsequently taken over by Standards Setting Bodies. Social partner involvement is essential for the establishment of occupational standards, and in addition to the employers, trade unions are involved in those sectors that are unionised, even in construction, which has a very low trade union density.

In the UK, even under the Conservatives (1979-97) when the institutions of collective bargaining were systematically marginalized, where unions remained effective, there was social dialogue over VET at both enterprise and workplace levels, depending upon the structure of collective bargaining (Winterton and Winterton, 1994). However, it is difficult to assess the extent to which unions succeeded in engaging employers on training because the overall scope of collective bargaining contracted significantly from the early 1980s. The available evidence suggests that the unions had only limited success in attempting to extend the bargaining agenda to include training issues (Claydon and Green, 1992). Nevertheless, several studies during the 1990s concluded that trade unions have a positive influence on training in general at workplace level in the UK (Claydon and Green, 1992; Green, Machin and Wilkinson, 1995; Heyes and Stuart, 1998; Winterton and Winterton, 1994). Towards the end of the Conservative era, the unions had demonstrated commitment to establishing local collaborative arrangements to promote lifelong learning, an approach that influenced the *Union Learning Fund* initiative, with which trade unions targets basic skills as well as a wide range of other learning needs. The Union Learning Fund is seen as a continuing success story, helping unions to exert their influence on employers, employees and training providers to encourage more people to engage in learning (Cowen *et al*, 2000). In 2003, the Fund helped an estimated 25,000 workers try some form of work-based learning (Cedefop Refernet report, 2004). In Wales, the important role of employers and trades unions has been recognised through the signing with the Welsh Assembly Government and ELWa, of a skills Concordat which sets out a joint agenda for addressing skills issues.

The social partners are widely involved in initiatives to promote lifelong learning and to encourage learning at work. In 1998 the Government established the *Union Learning Fund*, with the aim of using trade union influence to increase the take-up of learning at work, while boosting union capacity for

delivering learning among trade unionists. Arguably the most important social partner led innovation focused on increasing the take-up of learning opportunities, has come out of the UK, where statutory support for social dialogue is absent. Between 1998 and 2000, TUC Learning Services developed the idea of Union Learning Representatives, active union members, normally lay officials, who provide advice, guidance and support to colleagues in activities related to learning and may negotiate with employers or providers to increase access to learning opportunities. The *Employment Act 2002* provided statutory backing for learning representatives, a development that may be of pivotal importance for improving trade union effectiveness in influencing VET and lifelong learning opportunities in the workplace. There are now over 7,000 ULRs, (and over 3,500 new ULRs received ULR role-related training in 2004). It is predicted that there could be as many as 22,000 in place by 2010, who could help over 50,000 workers a year (Cedefop Refernet report, 2004).

The Government's recent Skills White Paper, *Getting on in Business, Getting on at Work*, the outcome of extensive consultations on 14-19 education and improving adult skills, has placed employers firmly at the centre of reform, recognising the gap between the skills employers need and what is currently being delivered and committing to deliver publicly-funded training in a way that is directly led by employers. The White Paper sets out the government's intention to:

- position Sector Skills Councils as the principal bodies with responsibility for setting out employer needs and defining a strategy for meeting these needs in Sector Skills Agreements with local Learning & Skills Councils.
- introduce Sector Skills Agreements between industry and education to:
 - define what needs to be done to improve skills in each sector
 - guide the development of relevant qualifications
 - encourage unions and employers to work together to improve productivity and skills with the help of Union Learning Representatives.
- introduce Skills Academies run jointly by industry and education, to deliver specialist training for individual sectors, strengthening Centres of Vocational Excellence (CoVEs) and building a network of provision in each sector.

In Italy, the social partners' legal right to an important role to in VET policy-making and implementation at national and regional level was established in 1978 (Framework Law 845/78). Thereafter, consolidation of the principle of 'concertation' meant that the social partners were not just 'partners' but 'joint deciders'. The national inter-confederation agreements signed between 1985 and 1991 were significant here and paved the way for the establishment of many joint bodies, in particular the bilateral bodies which promote training activities. The trilateral agreements of 1993, 1996 and 1998 stressed the importance of concertation and recognised it as a basic instrument for planning and formulating action strategies. The White Paper on the Italian labour market (2001) paved the way for new relations between the government and the social partners, with a shift away from (tripartite) 'concertation' towards (bipartite) 'social dialogue' (Cedefop database of national VET systems).

"Strong central commitment to social dialogue has resulted in significant national and regional agreements and a tripartite model of VET. Social partner agreements injected a degree of dynamism into a system that is otherwise portrayed as stagnant and slow to adopt much-needed reform" (Winterton, 2000:32).

The social partners play a key role in VET implementation for apprenticeship, defining the objectives of the courses held outside the workplace. At sectoral and enterprise level, an agreement on continuing training must be signed in order to qualify for funding from the recently established Fondi interprofessionali (cross-sectoral training funds), which are administered by the social partners. Joint bodies composed of the social partners at sector level carry out 'Needs Analysis' at national, regional

and local level: The aim is to describe job contents and suggest the most suitable skill classifications in order to “map” the state of the art, trends and probable requirements. The Ministry of Labour Decree 174 of 31/5/2001 provides for the setting-up of a national committee and sectoral committees composed of national and local training organisations and the Social Partners, to define and update qualification standards and profiles. The decree also provides for a major reform, the aim of which is to create a national qualifications framework (see above) based on an agreement between the social partners and the regional authorities.

The following description of the role of the social partners in VET in Poland is taken directly from the information provided by the Polish authorities for the Cedefop database on national VET systems.

The institutional framework for social dialogue in Poland started to be created in the early nineties; however, initially the prime interest of social partners was focused on social and economic issues. Recently the involvement of social partners - both employers' and employees' organisations - in VET-related matters has been increasing.

The main institutional platform for social partners' involvement in vocational education and training at the national level is the Tripartite Commission on Socio-Economic Issues (*Komisja Trójstronna ds. Społeczno-Gospodarczych*), established by the resolution of the Council of Ministers of 15 February 1994. The Tripartite Commission is composed of representatives of public administration, employers such as the Business Centre Club, the Confederation of Polish Employers, the Polish Confederation of Private Employers, the Association of Polish Crafts and the National Chamber of Commerce, the largest trade unions (NSZZ Solidarnosc, OPZZ and Trade Unions' Forum) as well as some sectoral trade unions.

All these organisations, representing employers and employees, function in two capacities: consultatively and as initiators of legal measures in the field of vocational education. This may be illustrated in the consultation in 2002 regarding the governmental programme “First Job” addressed to post –gymnasium school leavers, works on development of modular curricula for vocational education and training and the accreditation procedures for curricula and educational institutions implementing them. Likewise, an illustration may be the discussion on vocational and continuing education taken up in March 2004 by the Tripartite Commission during a plenary session with the Minister of National Education and Sport. That session provided an opportunity for a broad presentation of social partners' various opinions both on the present state of vocational and continuing education and on plans for their development.

Another body for social dialogue operating at the national level is the Central Employment Board (*Naczelna Rada Zatrudnienia*), which fulfils an advisory role to the Minister of Labour. The Central Employment Board consists of representatives of public administration, employers' organisations, trade unions and representatives of territorial self-governments and is consulted on, amongst others, issues concerning training of the unemployed, programmes promoting employment, planning and use of the Labour Fund (state purpose fund).

Furthermore, social partners take part in works of the Education Committee of the Polish Parliament and in works of the Ministry of National Education and Sport task forces on the reform of the vocational education and training system.

The Ministry of National Education and Sport, in 2002, initiated a search for social partners willing to sign agreements in order to improve the quality of vocational education, particularly practical education, and to broaden its technical base by taking advantage of enterprises' capacities.

Between 2002 and 2004, the Minister of Education signed agreements with ten partners, including organisations participating in the social dialogue underway as part of the Tripartite Commission. For some of them, the agreements represent a crowning achievement to years of collaboration with the Department of Education (e.g. the Association of Polish Crafts) whereas for others the agreement represents the first step along a common path.

A relatively new consultation structure for VET issues are the regional commissions for social dialogue, established on the basis of the Act of 6 July, 2001. The commissions consist of representatives of regional administration, employers' organisations, trade unions and representatives of regional self-government. The commissions meet at least once every three months and discuss social and economic matters crucial for the region, including questions of education organisation and financing. However, not enough time has passed since they started operating to assess their real impact on vocational education and training.

The independent country report on Poland provided by the experts of Cedefop's Refernet network²² provides this analysis, which concentrates mainly on employer organisations:

The involvement of social partners in education and training is still weak and limited, mainly due to the lack of interest of employers and efficient co-operation models. The links between schools and employers are not very well developed.

A thorough analysis of the minutes from the meetings of the Tripartite Committee (and other negotiation bodies – the Supreme Employment Council and Voivodship Committees for Social Dialogue - WKDS) held in the period January-September 2003 indicates that issues of vocational education and training were not part of the existing social dialogue. In a situation of social unrest and the difficulties of the state budget, pressure is exerted on social partners to focus on the current problems which call for a prompt solution. When confronted with the pressing social and financial problems (unemployment, state budget deficit, poverty), the issues of aligning vocational qualifications to the needs of the labour market become of lesser importance.

According to the Polish report on the implementation of the 'Education and Training 2010' work programme, the dialogue with social partners on the development of continuing education and the rules for its financing has been more intensive in the recent years. As a result of the experience gained and the dialogue initiated in projects financed by the EU PHARE programme, several new instruments supporting continuing education were introduced into the Act on Employment Promotion, for example, an agreement was reached on a register for training institutions, a Training Fund, a training holiday and a job rotation system reimbursing employers for the salaries of unemployed people who replace employees on training leave.

The following description of the role of the social partners in VET in the Czech Republic is taken directly from the information provided by the Czech authorities for the Cedefop database on national VET systems.

In the Czech Republic the involvement of social partners in VET is voluntary and depends on the initiative of the parties concerned. There are no legal regulations fostering this involvement and the

²² 'Achieving the Lisbon goal: The contribution of vocational education and training system, Country report Poland' 2004 http://www.refernet.org.uk/documents/Country_Report_Poland.pdf

roles of social partners in this respect. The positions provided by social partners are mostly of a consultative nature.

At national level a platform for social dialogue is provided by the Council for Economic and Social Agreement. Apart from other issues, it also covers education – it is the responsibility of a “working team for education and human resources”. At this level, social partners as members of this Council contribute to the formulation of legal regulations and government papers and provide their comments. A comprehensive approach to human resources development (HRD) is promoted by the Government Council for Human Resources Development (established in 2003). It is composed on a tripartite principle and its task is to take part in the development of strategic national documents and decisions inter-linking the areas of employment, VET, qualifications and entrepreneurship. Establishment of similar bodies for strategic HRD management has been initiated at regional level as well.

In general, as regards the regional level, social partners are represented in Regional Councils for Social and Economic Agreement and Councils for HRD. However, the situation varies region by region. In practice social partners are involved in changes to the structure of VET provision.

At sectoral level there are some examples of cooperation between social partners and VET schools. This cooperation is usually initiated by professional organisations (economic chambers) – i.e. not by employers or trade unions. The level of cooperation depends on the importance of the relevant industry for the regional economy.

At enterprise level cooperation occurs mainly between schools and companies which employ graduates. Education in VET schools is not designed so as to prepare an individual for a specific position. On-the-job introductory training is entirely up to companies. One reason for this is the fact that the business sector often uses state-of-the-art technologies, whereas schools do not have human, teaching and technical resources to cover the latest developments.

Social partnership also involves the process of collective bargaining both at ministerial level and at corporate and institutional levels. This process is provided for in the Czech legal system (Act on collective bargaining). At present the agreements include a few examples that affect participation in lifelong learning.

The pursuit of harmony between the content of VET and labour market needs is supported by the representation of social partners on so-called “field groups”. The formation of the groups in 1998 was authorised by the Ministry of Education, Youth and Sports and they contribute to the identification of objectives and the content of VET. There are currently 25 “field groups” covering the entire spectrum of occupations which those who complete secondary VET schools and higher professional schools may perform. Another important step embedded in the new School Act is that social partners have to be involved in the examination board for final examinations in vocational certificate programmes.

The involvement of social partners in the development of VET takes the form of projects within various programmes which may serve as examples of good practices (mainly the Leonardo da Vinci programme). In project implementation the aforementioned problems occur that relate to social dialogue and, most importantly, to low levels of motivation on the part of social partners and missing legislation.

The independent country report on the Czech Republic provided by the experts of Cedefop's Refernet network²³ provides this analysis of social partner involvement in VET:

Social partners in the CR are actively involved in the development and evaluation of key documents concerning CVT. However, their role is limited more to consultations, as they have no decision-making or executive powers. Trade unions consider systematic lifelong learning to be one of the major conditions for maintaining employment. However, their objectives are very general and they propose no specific measures. If training is mentioned in collective agreements, it is largely on a marginal and not very specific note.

The involvement of social partners in vocational education and training is voluntary and depends on the initiative of the individual players. There is no legislation fostering this involvement and defining the role of the social partners. Their opinions are of a consultative nature. Public pressure has been growing to increase the involvement of social partners in the design of the content of vocational education in terms of defining future labour market needs. However, in reality there is insufficient motivation on the part of social partners for taking part in this process.

What is seen as a problem is the still insufficient involvement of social partners in the design of school based curricula, and the control of the quality of educational outcomes on the part of employers.

One negative feature is the lack of interest on the part of social partners in involvement in IVET (they believe that IVET is the responsibility of the state), which is intensified by negligible financial incentives for this co-operation.

In its National Lisbon Reform Programme, Greece emphasises repeatedly the need to reform its education and training systems with increased involvement of the social partners. However, the description of the national VET system in Greece provided by the Greek authorities for the Cedefop database on national VET systems does not give any information on social partner involvement. The independent country report on Greece provided by the experts of Cedefop's Refernet network²⁴ sheds some light on the reasons for this:

Vocational Training and Education (VET) in Greece is highly centralised and controlled by the state, with the Ministry of National Education and Religious Affairs (MNERA1) playing the coordinating role. In addition to MNERA, a range of other organisations are directly involved in VET. The most important of these is the Greek Manpower Employment Organisation (OAED), which reports to the Ministry of Labour.

While significant incremental policy reform has been undertaken in theory, the practical implementation of reform tends to be held up by the fragmentation of ministerial authority and competing organisations active in the VET field. The role of the private sector as well as other social partners has only recently been enhanced, but still requires much improvement.

²³ 'Achieving the Lisbon goal : The contribution of vocational education and training system, Country report Czech republic' 2004 http://www.refernet.org.uk/documents/Country_Report_Czech_Rep.pdf

²⁴ 'Achieving the Lisbon goal : The contribution of vocational education and training system, Country report Greece' 2004 http://www.refernet.org.uk/documents/Country_Report_Greece.pdf

Despite the real changes undertaken, there continues to be widespread criticism from many quarters, including from social partners, about the complexity, fragmentation and opacity of the VET system.

Initial Vocational Training (IVT)

The main priority for most EU member States with regard to initial VET is increasing its attractiveness. Strategies to achieve this mostly focus on improving links to the labour market and the social partners, the development of curricula, flexible progression and transfer routes. In countries such as Germany and the Czech republic, where the status of VET and participation rates are high, the focus is on increasing possibilities for progression from VET into general and higher education.

Germany

Germany's initial vocational education system is a dual system of company training "on the job" and vocational school leading to qualification as a skilled worker in an officially recognised and regulated profession. The concept of the state recognised profession (*Anerkannter Ausbildungsberuf*), of which there are approximately 350, is very important in Germany. It covers all occupations requiring formal training, which is strictly regulated. Over 80% of all 17-year-old and 18-year-old young men and women attend secondary sector II (VET) schools and approximately 60% of an age cohort participates in the dual apprenticeship system. The result is a small proportion of university students compared with other countries. This demonstrates the high regard in which apprenticeship training is held in German society, in stark contrast to many other European countries.

The school-based part of the "dual system" education takes place in a *Berufsschule*. Other full-time and part-time vocational schools in the post-compulsory education system are the *Berufsfachschule*, the *Fachoberschule*, the *Berufliches Gymnasium* or *Fachgymnasium*, the *Berufsoberschule*, the *Fachschule* and other types of schools that exist only in certain Länder (Eurydice 2002). These provides vocational training at different levels allowing entry to an occupation or to further and higher education. They all include general education in subjects such as German, social studies and economics, religion and sport.

In Germany, there are national 'minimum' curricula for VET, but companies are free to go beyond these and large companies frequently do so, creating additional qualifications to meet their own needs and supplementing national qualifications. However, by law young people (less than 18 years) must be trained for state recognised qualifications only, ensuring their wider employability.

However, the number of apprentice places offered in enterprises has been declining for several years, causing a supply-and-demand crisis. In 1985 one third of companies offered apprenticeship places, nowadays it is only one quarter (about 500,000 companies). The Government and employers' associations agreed in 2004 upon a Memorandum of Understanding ("Nationalen Pakt für Ausbildung und Fachkräftenachwuchs in Deutschland"), which includes a commitment from employers to increase the number of apprentice places in enterprises by 30,000 per annum by 2007. In 2005, however, the number of apprentice places offered fell by a further 4%. The other result is that the Government passed a law in 2005 to improve the status of full-time vocational education schools in order to make them more respected as an alternative to the preferred dual training path.

In terms of performance²⁵, 22.3% of pupils in Germany have a reading literacy proficiency of only level 1 or lower (ISCED scale). This is higher than the European average of 19.8% (figures for 2003). Non-native and first generation migrant pupils performance is significantly lower.

The percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education is at 72.8% also lower than the EU average of 76.6% in 2004 and, contrary to almost all other EU countries, has even decreased since 2000. In 2005 the rate for nationals was 75.2% compared to 54.7% for non-nationals.

Germany has a higher than European average participation rate for 18 year olds in education: 86.9% in 2003 compared to EU average 76.4%. As already mentioned above, the percentage of pupils in upper secondary education enrolled in the vocational stream is high compared to the EU average (62.2% compared to 55.6% in 2003). Germany also has a higher than European average rate of participation in post-compulsory education for 15-24 year olds: 63.5% compared to EU average 59.0% for 2003. Total public expenditure on education and training as a percentage of GDP has increased in Germany but at 4.78% remains below the EU average of 5.22 (for 2002).²⁶

Italy

Initial vocational training does not enjoy the same status in Italy, in fact it is a poorly regarded last resort option with a very under-developed apprenticeship system (almost exclusively in craft and small enterprises) and very few apprentices. In 2003 only 26% of pupils in upper secondary education chose a vocational school, the lowest rate in Europe after Cypress and Malta. Vocational schools are the *Istituti tecnici* and *Istituti professionali* which in the last decades have gradually modified their programmes towards more general education. Now the only difference between general and vocational upper secondary schools is that the latter offer some specialised vocational subjects in the final two years. At the end of the upper secondary school, all students take the examination for the upper secondary school leaving examination (State examination). An important characteristic of Italian VET is the large regional disparities in provision and quality.

In the 1990s the absence of publicly funded VET linked to workplaces led to the emergence of a two-tier system of training, comprising an ineffective formal institutional system and an informal system 'submerged' in SMEs (Winterton, 2000). The challenge was 'to institutionalise the submerged system, both to give a greater role to the employers and the unions in negotiating training programmes and to make the training system more effective' (Brierly, 1990:191). The Labour Agreement signed by the Government and the Social Partners in September 1996 envisaged a real strategy for the innovation of the system, focusing on access to lifelong learning and an overall reorganisation of the training system, in part through extensive institutional renewal (Cedefop Refernet report, 2004²⁷).

The following information is taken directly from the Cedefop independent Refernet report²⁸

In 1999 a law on initial training introduced the institution of *obbligo formativo* (compulsory training), i.e. the compulsory requirement to remain within one of the three strands of the education system (education, vocational training, apprenticeship) until the age of 18. This provision led to a reform of

²⁵ All performance indicators and statistics in this section are taken from the Cedefop Refernet country reports and European Commission staff working document SEC(2005) 1415

²⁶ These statistics are not very reliable as each country has its own definition of 'total public expenditure'.

²⁷ 'Achieving the Lisbon goal', Country report Italy http://www.refernet.org.uk/documents/Country_Report_Italy.pdf

²⁸ *ibid*

initial training. The law also introduced the new strand of Higher Technical Education and Training (IFTS).

Recently, Law 53/03 set out the reform of the education and training system, while Law 30/03 set out a reform of apprenticeship and introduced new and more flexible employment contracts. Law 53/03 introduced the “*diritto-dovere all’istruzione e alla formazione professionale*” (right/duty to participate in education and vocational training) for at least 12 years. This law has improved the *attractiveness* of vocational training by allowing the *right/duty* to be fulfilled by obtaining a vocational qualification.

A new channel for vocational education and training has been established, which young people can enter into directly after lower secondary education. Those who follow this channel will no longer risk reaching a dead end, as occurred in the past for initial vocational training. After acquiring the qualification they will be able to continue to study and attain a vocational certificate and then, if they wish, study for an additional year, enabling them to enter university or higher technical education and training. Law 53/03 has thus radically changed the minor role assigned in the past to regionally-run initial vocational training, which was to simply provide a link or interface between schools and the world of work. Initial vocational training has been extended to three years, highlighting its role as an alternative to the education pathway and strengthening the component consisting of the teaching of basic skills.

Performance indicators

Low achievers: % of pupils with reading literacy proficiency of only level 1 or lower (ISCED scale) in 2003

(EU benchmark for 2010,	15.5%):
EU average:	19.8%
Italy:	23.9% (large increase from 18.9% in 2000)

Percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education (EU benchmark for 2010: 85%):

	EU average	Italy
2000	76.3%	68.8%
2005	77.3%	72.9%

Participation rate for 18 year olds in education in 2003:

EU average:	76.4%
Italy:	75.9%

Percentage of pupils in upper secondary education enrolled in the vocational stream 2003:

EU average:	55.6%
Italy:	26%

Participation in post-compulsory education for 15-24 year olds in 2003:

EU average:	59.0%
Italy:	53.0%

Total public expenditure on education and training as a percentage of GDP²⁹ in 2002:

EU average:	5.22%
Italy:	4.75%

France

Since 1985, France has been pursuing a policy of making vocational training more attractive by creating new levels of vocational diploma and extending the length of vocational training above CAP and BEP (vocational qualifications at secondary school or lowest apprenticeship level). Thus the introduction of a *baccalauréat professionnel* (vocational high school diploma equivalent to a general high school *baccalauréat* diploma), which permitted entry into higher education. Then in 1999 the *Licence professionnelle* was introduced; allowing vocational education up to the level of three years of higher education. Few *baccalauréat* holders go on to take the *Licence* however (under 20%). A *BTS (Technician)* qualification is also possible at higher education level, two years after the *baccalauréat*. A period of work experience in an enterprise is now almost compulsory for all initial vocational training.

Apprentices represent approximately 27% of all young people in initial vocational training. The Law on social cohesion of December 2004 increased apprenticeship contracts to 500,000 per year by providing a tax credit of 1,600 euros per apprentice to companies which take them on for six months or more. Since 1990, all national vocational diplomas can be acquired via apprenticeship, which contributed to a large growth in their numbers, which was all the more noteworthy because the number of 16-25 year olds in the population was/is decreasing significantly. The creation of *Lycées des Métiers*, 'centres of competence' for particular professions offering vocational education at all levels as well as validation of acquired competences, has also served to raise the status of vocational training.

The French system, like the German, is characterised by several levels of initial vocational qualification and several routes towards them within an open framework allowing transfer between different routes. Whichever route is taken, IVET always involves a large amount of general education subjects (about 50%).

However, it is still very much the case that vocational training is looked upon by young people, their parents and teachers as the route for those who fail programmes of general education. Thus 48% of children from poor backgrounds are oriented into vocational training compared to 10% from wealthier families.³⁰

Performance indicators

Low achievers: % of pupils with reading literacy proficiency of only level 1 or lower (ISCED scale) in 2003

(EU benchmark for 2010,	15.5%):
EU average:	19.8%
France:	17.5%

²⁹ These statistics are not very reliable as each country has its own definition of 'total public expenditure'.

³⁰ Laurence Seugé-Bernabeu "Un million d'enfants pauvres en France" in *Valeurs Mutualistes* No. 231, May 2004, p.15

Percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education (EU benchmark for 2010: 85%):

	EU average	France:
2000	76.3%	81.6%
2005	77.3%	82.8% (non-nationals 63.7%)

Participation rate for 18 year olds in education in 2003:

EU average:	7	6.4%
France:		80.1%

Percentage of pupils in upper secondary education enrolled in the vocational stream 2003:

EU average:		55.6%
France:		56.4%

Participation in post-compulsory education for 15-24 year olds in 2003:

EU average:		59.0%
France:		60.3%

Total public expenditure on education and training as a percentage of GDP³¹ in 2002:

EU average:		5.22%
France:		4.75%

UK

As in France, initial vocational training in the UK suffers from lack of esteem and despite the efforts of successive governments to promote the parity of vocational and general academic qualifications, IVET is still seen as the route for low academic achievers. Historically, training came within the voluntary domain of employers in the UK and school-based technical and vocational education did not develop to anything like the extent envisaged in the country's post-war legislation (Cedefop Refernet Report, 2004). Over the past two decades the state has played a pro-active role and currently, major reviews of vocational qualifications across the UK are under way. It is hoped that increased transparency of vocational qualifications, (through the use of qualifications frameworks) and making it easier to take a blend of vocational and general subjects i.e. vocational GCSEs and Alevels, will make initial VET in the UK more attractive.

The UK VET systems (England, Scotland, Wales and Northern Ireland) offer several levels of initial vocational qualification and various routes to their acquisition: five levels of NVQ (National Vocational Qualification), City and Guilds certificates (these are Vocationally-Related Qualifications, 'VRQs', from independent awarding bodies) at various levels, BTEC awards, certificates and diplomas etc. can be acquired with a broad range of institutions and work-based learning providers. In the UK, the majority of students attend courses that take place solely in education/training institutions. As NVQs are

³¹ These statistics are not very reliable as each country has its own definition of 'total public expenditure'.

competence-based, there is less emphasis on general education at post-compulsory level than in other countries such as France and Germany.

Apprenticeship declined in the UK along with the decline in the Manufacturing Industries where they were mainly based (Cedefop Refernet report, 2004³²). The 'Modern Apprenticeship'(MA) was introduced in the 1990s and relaunched in 2001. A review of Modern Apprenticeships carried out in 2003 found that MAs involve 42,000 organisations including 36,000 employers and 224,000 apprentices. From the MAs it is possible to progress to the Advanced Apprenticeships and in some cases Foundation Degrees.

In 2003 the government White Paper on Skills Strategies addressed the issue of low productivity and skills gaps in the UK, noting that productivity levels per hour worked were 25% lower than in Germany and over 30% lower than France. The gap in qualification levels between the UK and France and Germany is particularly significant: Germany has double the proportion of 25-28 year olds at Level 2 and treble the proportion at Level 3 compared with the UK (*Adult Literacy in Britain 1997 IALS*). The National Skills Task Force *Final Report: Skills for All* (not Scotland) proposed to increase the proportion of 25 year olds with a level 3 qualification from 41% to 70%. The Government's recent Skills White Paper, 'Getting on in Business, Getting on at Work,' is the outcome of extensive consultations on 14-19 education and improving adult skills and sets out the government's intention to:

- introduce Sector Skills Agreements between industry and education to define what needs to be done to improve skills in each sector and guide the development of relevant qualifications,
- introduce Skills Academies run jointly by industry and education, to deliver specialist training for individual sectors, strengthening Centres of Vocational Excellence (CoVEs) and building a network of provision in each sector,
- retain apprenticeships as the main work-based route for young people to gain employment skills and enable progression into higher education. Adult apprenticeships in a few sectors, including Engineering, will also be piloted. No details are yet given on levels of funding.

Of the old Member States the UK showed the strongest increase in spending on education and training. However, "there are still many people with no qualifications and a significant proportion with poor basic skills. Neither current trends in education nor workplace learning appear set to change these trends. Attainment in vocational qualifications is likely to remain at relatively low levels and significantly behind some of our main European partners should current trends persist" (Cedefop Refernet report UK, 2004, p.17).

Performance indicators

Low achievers: % of pupils with reading literacy proficiency of only level 1 or lower (ISCED scale) in 2000

(EU benchmark for 2010, 15.5%):

EU average:	19.4%
UK:	12.8%

Percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education (EU benchmark for 2010: 85%):

³² Country Report UK "Achieving the Lisbon Goal" http://www.refernet.org.uk/documents/Country_Report_UK.pdf

	EU average	UK
2000	76.3%	76.4%
2005	77.3%	77.1% (70.0% nationals/77.8% non-nationals)

Participation rate for 18 year olds in education in 2003:

EU average:	76.4%
UK:	53.8%

Percentage of pupils in upper secondary education enrolled in the vocational stream 2003:

EU average:	55.6%
UK:	no data

Participation in post-compulsory education for 15-24 year olds in 2003:

EU average:	59.0%
UK:	54.7%

Total public expenditure on education and training as a percentage of GDP³³ in 2002:

EU average:	5.22%
UK:	5.25% (4.58% in 2000, largest increase of all EU Member States)

Poland

The Polish educational system has undergone a series of vigorous reforms, begun in the late 1990s. The main aim of the reforms has been to reduce the focus on VET which previously accounted for 65% of the entire provision and to put more emphasis on general and higher education. The initial efforts to reform VET in the late 1990s were “based on the requirements of students and their parents, rather than an analysis of labour market needs. Nearly all types of VET schools were abolished (with the exception of basic vocational schools focused on manual occupations), and the objective was to decrease the proportion of VET to 20%. This approach was then reviewed and a new stage of the reform was launched in 2002. A new structure of secondary schools has been proposed into which secondary technical schools have been re-incorporated, as they constitute an important VET path. The reform is now of a comprehensive nature” (Cedefop Refernet Report Poland 2004, p.5). The outdated content of VET is being tackled and the large number of programmes with very narrow specialisations, which led to a high rate of unemployment among those who completed them, has been reduced. The Classification of Occupations and Vocational Education Specialisations have been reduced from over 500 in 1982 to 195 in 2002. “vocational clusters” programmes favouring occupational mobility are now being promoted (Eurydice database).

IVET in Poland is almost completely school-based and contains a large proportion of general education (45% to 65%). Practical training in enterprises is only available via apprenticeship or in craft trades; “it can be stated that employers (apart from craftsmen) are not interested in training the pupils and that the percentage of pupils who receive their practical vocational training in an employer’s company is fairly

³³ These statistics are not very reliable as each country has its own definition of ‘total public expenditure’.

small. Since 2002 the ministry of education - in co-operation with other ministries - has initiated activities designed to change those proportions. So far the Ministry of National Education and Sport has concluded agreements with ten social partners aimed at establishment of a network of companies which will offer practical training for pupils and teachers and will support schools' technical base."³⁴

Polish students are increasingly more interested in general than vocational education. Participation in general education almost doubled from 19 % in 1990 to 36% in 2001/2. However, vocational education still predominates and approximately 60% of the relevant age groups undergo VET at upper secondary level. The VET educational routes leading to the "maturita" higher education entry qualification have been promoted. Participation in programmes at secondary technical schools has increased (from 27% to 33%), while the proportion of students in basic vocational schools dropped from 43% to 22%. The seems now to have stabilised. The greatest increase occurred in terms of participation in tertiary education (from 13% to approx. 44%) (Cedefop Refernet Report 2004).

Performance indicators

Low achievers: % of pupils with reading literacy proficiency of only level 1 or lower (ISCED scale) in 2003

(EU benchmark for 2010, 15.5%):

EU average:	19.8%
Poland:	16.8%

Percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education (EU benchmark for 2010: 85%):

	EU average	Poland
2000	76.3%	87.8%
2005	77.3%	90.0%

Participation rate for 18 year olds in education in 2003:

EU average:	76.4%
Poland:	85.4%

Percentage of pupils in upper secondary education enrolled in the vocational stream 2003:

EU average:	55.6%
Poland:	54.3%

Participation in post-compulsory education for 15-24 year olds in 2003:

EU average:	59.0%
Poland:	67.3%

³⁴ Information provided by the Polish authorities for the Cedefop database on national VET systems, point 0403.

Total public expenditure on education and training as a percentage of GDP³⁵ in 2002:

EU average:	5.22%
Poland:	5.6%

Czech Republic

In 2003, the highest proportion of students enrolled in the vocational stream of upper secondary education was observed in the Czech Republic (79.3%). The Czech Republic is characterized by low ratios of early school leavers, but also by relatively low participation in higher education. This might indicate that the system of vocational education and training is strong, highly developed and very well meeting the educational needs of a high proportion of young people (EC, 2006a).

The status of vocational education in the CR is traditionally high. Before 1989 it was supported by official education policy. The status of IVET was also enhanced as a consequence of larger investors entering the CR (particularly in the auto and related industries where a number of new jobs with good prospects were created in engineering fields – mostly requiring secondary vocational qualifications). The proportion of students entering initial VET appears to have stabilised, after a slight decline in the mid-1990s, at around 80%, while the proportion of general education (*gymnázia*) is still lower than 20%. One negative feature is the lack of interest on the part of social partners in involvement in IVET (they believe that IVET is the responsibility of the state), which is intensified by negligible financial incentives for this co-operation (Cedefop Refernet report 2004³⁶).

As in Poland, IVET in the Czech Republic is completely school-based with practical training being carried out in Practical Training Centres ([středisko praktického vyučování](#)) or school workshops. 30% to 40% of education in a vocational school is devoted to general education (Eurydice database). As in Germany and Poland, IVET in the Czech Republic leads to a qualification as a skilled worker in one of the occupations in the official Classification of Occupations (e.g. Electrician).

In spite of this there are differences in viewing various vocational programmes. Secondary technical and vocational education completed by a 'maturita' (higher education entry qualification) examination is highly valued. Secondary vocational programmes without 'maturita' are viewed less favourably by students and their parents. This is apparent from the decline in interest expressed in vocational training without 'maturita' and the increase in the proportion of students entering 'maturita' programmes. This development was, in the later 1990s, speeded up by liberalisation in education and legislative changes, which facilitated the establishment of private schools. It turned out that parents are even willing to pay for attractive vocational courses with 'maturita'. The government has announced plans to extend the provision of 'maturita' vocational pathways (Cedefop Refernet report 2004³⁷).

The new Member States have in particular increased public spending on education and training, with the Czech Republic showing an increase of more than 0.25% percentage points of GDP.

Performance indicators

³⁵ These statistics are not very reliable as each country has its own definition of 'total public expenditure'.

³⁶ Country Report Czech Republic "Achieving the Lisbon Goal",
http://www.refernet.org.uk/documents/Country_Report_Czech_Rep.pdf

³⁷ *ibid*

Low achievers: % of pupils with reading literacy proficiency of only level 1 or lower (ISCED scale) in 2003

(EU benchmark for 2010, 15.5%):

EU average:	19.8%
CZ:	19.4%

Percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education (EU benchmark for 2010: 85%):

	EU average	CZ
2000	76.3%	91.1%
2005	77.3%	90.3%

Participation rate for 18 year olds in education in 2003:

EU average:	76.4%
CZ:	88.3%

Percentage of pupils in upper secondary education enrolled in the vocational stream 2003:

EU average:	55.6%
CZ:	79.3%

Participation in post-compulsory education for 15-24 year olds in 2003:

EU average:	59.0%
CZ:	56.2%

Total public expenditure on education and training as a percentage of GDP³⁸ in 2002:

EU average:	5.22%
CZ:	4.41% (increase from 4.04% in 2000)

Greece³⁹

Vocational Education and Training (VET) in Greece is highly centralised and controlled by the state, with the Ministry of National Education and Religious Affairs (MNERA) playing the coordinating role. In addition to MNERA, a range of other organisations are directly involved in VET. The most important of these is the Greek Manpower Employment Organisation (OAED), which reports to the Ministry of Labour.

A defining characteristic is the extensive use of subsidies equivalent to the national minimum wage to trainees as well as employers. Another defining characteristic is the controlling aspect of the State: while private education in VET was recently introduced in the upper secondary and continuing VET streams, private education at the tertiary level remains legally impossible, and degrees granted by private

³⁸ These statistics are not very reliable as each country has its own definition of 'total public expenditure'.

³⁹ Information on IVET in Greece has been taken entirely from the Cedefop Refernet Country Report Greece "Achieving the Lisbon Goal" http://www.refernet.org.uk/documents/Country_Report_Greece.pdf

universities in Greece are unrecognised by the State. Despite the recent efforts in Greece to improve the VET system, Greece continues to be a world leader in the proportion of students studying in foreign universities as a share of its total population.

Initial VET remains dominated by state institutions. The attractiveness of VET is not as great as that of higher education, and in many cases enrolment in VET schools is often the result of a failure to perform in the comprehensive senior high school system.

Teaching is based on curricula and materials approved by MNERA. In the past, this has led to a significant gap in the adaptation of curricula to emerging issues, such as information and communications technologies (ICT), business studies and other key areas. The fact that private education is extremely limited while the IVET system itself is heavily dependent on either MNERA or the Ministry of Labour for funding and content defines the scope for innovation in teaching. In other cases, delays in funding or procurement has resulted in delays in implementing curricular reforms or the introduction of new content or methods, such as the computerisation of schools or facility renovation.

Until recently, the general status of the IEK (post-secondary vocational training institutions, for students from 19-20 years of age) and TEE (technical vocational schools, for students from 15-18 years of age) institutions was perceived to be of low quality, both in terms of facilities and curricula as well as employment opportunities and status. A major reason for this has been the need for a formal degree from a higher educational institution as a pre-requisite for public sector employment, which has traditionally played a major role in the Greek workforce and society. The VET system has also been perceived as being removed from the labour market. A number of policy reforms have been implemented to address this, including upgrading the qualifications of teachers; increasing funding; and, most recently, the ratification of Law 3191/2003 developing a new national framework linking VET with employment (ESSEEKA). The quality of education and facilities differs markedly from region to region.

A series of policy reforms have been undertaken to make VET more attractive. These have been implemented with at best mixed success. Despite the real changes undertaken, there continues to be widespread criticism from many quarters, including from social partners, about the complexity, fragmentation and opacity of the VET system.

Despite a significant increase since 2000, Greece still has the lowest level of public spending on education and training in Europe as a percentage of GDP.

Performance indicators

Low achievers: % of pupils with reading literacy proficiency of only level 1 or lower (ISCED scale) in 2003

(EU benchmark for 2010, 15.5%):

EU average:	19.8%
Greece:	25.2%

Percentage of the population (aged 20-24) having completed at least upper secondary (ISCED 3) education (EU benchmark for 2010: 85%):

	EU average	Greece
2000	76.3%	79.3%

2005 77.3% 84.0% (86.5% for nationals and 54.2% for non-nationals)

Participation rate for 18 year olds in education in 2003:

EU average: 76.4%
Greece: 73.6%

Percentage of pupils in upper secondary education enrolled in the vocational stream 2003:

EU average: 55.6%
Greece: 36.0%

Participation in post-compulsory education for 15-24 year olds in 2003:

EU average: 59.0%
Greece: 58.1%

Total public expenditure on education and training as a percentage of GDP⁴⁰ in 2002:

EU average: 5.22%
Greece: 3.96% (lowest in Europe)

Continuing VET (CVET) and lifelong learning

Performance indicators

% of population aged 25-64 participating in education and training in the four weeks prior to the survey (2005):

EU	UK	FR	DE	IT	CZ	PL	GR
10.8	29.1	7.6		6.2	5.9	5.0	1.8
EU benchmark for 2010: 12.5%							

% of population aged 25-64 participating in formal and non-formal education and training in 2003:

	EU	CZ	DE	EL	FR	IT	PL	UK
Formal	4.5	1.4	3.4	1.3	0.9	4.5	4.1	8.4
Non-formal ⁴¹	16.8	12.9	13.1	4.9	20.1	5.1	9.8	36.6

Mean average number of hours spent in non-formal training in 2003:

EU	CZ	DE	EL	FR	IT	PL	UK
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⁴⁰ These statistics are not very reliable as each country has its own definition of 'total public expenditure'.

⁴¹ European Commission definitions: *formal education* (the regular educational system of each country), *nonformal education* (organised and sustained educational activities that do not correspond exactly to the definition of formal education) and *informal learning* (activities outside formal or non-formal education, of a low-level of organisation, such as self-study).

75.7 68.7 76.0 70.4 75.8 72.0 82.6 83.9

The reports of the Member States on the implementation of the 'Education and Training 2010' work programme and the Cedefop Refernet reports demonstrate that there is a lot of (much needed) activity in all the Member States to increase participation in CVET and lifelong learning. The main activities are:

- Increasing employer incentives to provide CVET (e.g. tax credits, subventions, learning accounts and vouchers).
- Establishing rights for employees to CVET (normally through collective agreements) e.g. right to paid or unpaid time off for training, minimum hours of training per year during working time.
- Implementing national lifelong learning strategies (see above) with a particular focus on systems for the validation of non-formal and informal learning.
- Developing national qualification frameworks (see above) with flexible, open and transparent routes to qualifications (including via validation of non-formal and informal learning) and facilitating transfer between pathways e.g. from vocational to general education and from non-formal to formal.

According to the European Commission, approaches to lifelong learning in Europe range from 'cradle-to-the-grave' strategies, to largely employability-related approaches, to approaches where social inclusion is the main focus for lifelong learning policies, although this typology must be treated as indicative rather than conclusive (EC, 2006a).

The greatest participation in lifelong learning is in the countries which have made the most progress in non-formal and informal learning provision (the Nordic and Anglo-Saxon countries) as a complementary addition to formalised education and training, rather than as a substitute for it (Suoto Otero and McCoshan, 2005).

In all Member States there is a recognition of the inequalities in access to CVET and lifelong learning, particularly for low-skilled and older workers. Policies are beginning to address these inequalities with positive action measures.

UK

In 2005, the UK was the second best performing country in terms of participation of adults in lifelong in some kind of learning in the four week period prior to the survey (29.1% of 25-64 year olds). The majority of training within employment is on-the-job training, which may be provided by private trainers, the employer's own training staff or by the line supervisor. The Department for Education and Skills survey of learning at work in 2002 reported that 90% of employers had provided some form of training for at least some of their employees during the year.

Despite this, the UK is one of the lowest performers in terms of the qualification of the workforce and low levels of basic skills, only 1% of the working age population (25-64 years old) having acquired Level 2 and Level 3 vocational qualifications. The National Skills Task Force *Final Report: Skills for All* (DfEE 2000) (not Scotland) has therefore proposed the following targets for 2010:

- To reduce the proportion of adults with low numeracy and literacy levels from 20% to 10%;
- To increase the proportion of 25 year olds with a level 3 qualification from 41% to 70%;
- To increase the proportion of the adult workforce with a Level 2 qualification from 68% to 80%.

In terms of qualifications, the distinction between initial VET and continuing VET is not as clear in the UK as it is in other countries such as France and Germany. This is because the competence-based, on-the-job assessment system of NVQs allows progression through its five levels at all stages of working life.

There are no formal rights to CVET in the UK and except for the Agriculture, Construction and Engineering Construction sectors, there are no formal training levies on employers. After some financial irregularities the first time around, the UK is now re-introducing Individual Learning Accounts. Another innovation, introduced in 1990 is the Investors in People (IiP) scheme which awards IiP status to companies and organisations that have met the IiP Standard based on 4 principles:

- 1) **Commitment:** to invest in people to achieve business goals
- 2) **Planning:** how skills, individuals and teams are to be developed to achieve these goals
- 3) **Action:** to develop and use necessary skills in a well defined and continuing programme directly tied to business objectives
- 4) **Evaluating:** outcomes of training and development for individuals' progress towards goals, the value achieved and future needs.

Both the IiP Standards and the organisations given IiP status are reviewed every 3 years.

The Government's recent Skills White Paper, *Getting on in Business, Getting on at Work* (DFES 2005), sets out its strategy for improving adult skills through employer-led Sector Skills Councils (SSCs) and Sector Skills Academies. SSCs should:

- define what needs to be done to improve skills in each sector,
- guide the development of relevant qualifications,
- encourage unions and employers to work together to improve productivity and skills with the help of Union Learning Representatives.

Skills Academies should deliver specialist training for individual sectors, strengthening Centres of Vocational Excellence (CoVEs) and building a network of provision in each sector. A new National Employer Training Programme (NETP) will help employers increase opportunities for employees to achieve higher level skills, to level 3 (in the current UK framework), in line with employer demand.

The UK has an "emerging lifelong learning strategy" (EC, 2006a) but faces structural barriers to framing an over-arching national policy for all of the devolved systems of education and training in Scotland, Wales, England and Northern Ireland. "The complexity and inflexibility of the current system of vocational qualification is a frequently identified barrier to learning. The Government will therefore reform the qualifications framework to make it credit based, thereby allowing learners to build up achievements over time. Scotland and Wales are well advanced with their comprehensive credit-based Credit and Qualifications Frameworks, England is developing a new Framework for Achievement and similar developments are being taken forward in Northern Ireland. These reforms will be compatible with the proposed European Qualifications Framework, to support mobility between the UK and other EU Member States. Scotland already has its own national qualifications framework" (UK Lisbon Reform Programme, point 3.79).

As regards the validation/recognition of non-formal and informal learning, the UK is described as being one of the countries with some national policy in place, an uneven set of methods across the sectors which are at an early stage of development and a medium degree of acceptance and take-up of methods for the validation of non-formal and informal learning, (Suoto-Otero *et al*, 2005a).

Germany CVET

Lifelong learning is understood in Germany as company-based further (continuing) training (Heidemann, 2004). This arises from the traditional company-based dual system of apprenticeship training, which in the past was regarded as one-off training for an individual's entire working life with only occasional need for updating.

"With some exaggeration, one can say: lifelong learning consisted of participation in apprentice training and sporadic skills updating" (Heidemann, 2004: 29).

This accounts for the lack of attention paid to further training in collective bargaining policy by trade unions (see above).

"In brief, the situation in Germany can be characterised by the absence of an overarching framework regulation on further training and lifelong learning." (ibid).

There are no legal individual rights to further training as in France and the right to one week paid leave only applies to 12 of the 16 Länder (take-up rate for this was less than 1.5% of those entitled in 2004). The only other area where there is state regulation of further training is for the individual training examinations that build on the apprentice training - the master craftsman/woman ("Meister") certificate. Since 1996, the Upgrading Training Assistance Act (*Gesetz zur Förderung der beruflichen Aufstiegsfortbildung*) has established the individual's statutory entitlement to financial assistance for vocational upgrading training, in other words, for master craftsman-level programmes or other courses that prepare the individual for a comparable level of advanced vocational qualification. Since this law was revised in 2002 to include additional CVET courses, more financial assistance for families and single parents, plus larger grants to cover the cost of training courses, the number of recipients more than doubled. The number of women recipients has risen from one in seven to nearly one in four. The skilled trades – a male-dominated field – continue to account for the majority of persons receiving assistance. However, their share out of all recipients has shrunk by 12 percentage points since 1996 (Cedefop refernet report, 2004).

Distance learning courses offered by private organisations have required state approval in the Federal Republic of Germany since 1979 under the Fernunterrichtsschutzgesetz (FernUSG; Protection in Distance Education Act). The decision to approve a distance learning course is taken by the Staatliche Zentralstelle für Fernunterricht (ZfZ; Central Office for Distance Learning) of the Länder of the Federal Republic of Germany.

The German Government is currently trying to encourage social partners to negotiate collective agreements on learning-time accounts, which are considered the most relevant instrument for the low-skilled and older workers in employment. Training vouchers have also been introduced, however, 20% of them are not used:

"because people cannot find the right course on their own. There is a lack of transparency of courses on offer; there are big differences in the regional provision structure, and a good guidance and counselling infrastructure still needs to be developed" (Cedefop Refernet Report, 2004 p.34)

Participation rates of adult learners in education and training (for the four week reference period) are still, however well below the EU target level.

"The most important sector of further vocational training is that of companies. ...32% of the workforce participates in in-company further training. ...The company-based training measures usually do not lead to qualifications that are recognised outside the company and on the labour market. In the last ten years, the proportion of companies which offer or organise further training has declined from 85 to 76% in contrast to other European countries" (Heidemann, 2004: 30).

Germany is also described as having an 'emerging lifelong learning strategy' (EC, 2006a), which was agreed on by the Federal and Länder authorities in July 2004. It is being implemented so far largely via innovative pilot projects at regional level and focuses mainly on increasing the provision for self-organised learning outside of the workplace. The development of the European Qualifications Framework is inspiring reflections on a national qualifications framework in Germany and a national system for the validation of non-formal and informal learning (the Weiterbildungspass) is being tested. Adults without a formal qualification may also enter the final examination for the skilled workers (apprenticeship) certificate even if they have not participated in formal training (exceptional admission). They must be employed in the occupation for which the qualification is being acquired, and (as a rule) have spent twice the amount of time in the occupation as the length of the relevant training period. Germany is also one of the countries where a variety of methods for the validation of non-formal and informal learning exist but take up and transferability tend to be low (Souto-Otero *et al*, 2005a).

Italy

In the 1980s and 1990s, the deficiencies of the school system and initial training of young people and generally low educational attainment levels in Italy resulted in trade unions prioritising VET as a remedial education measure thus distorting VET provision and blurring the boundary between education and training (Winterton 2000). Today, only approximately one-fifth of workers participate in training activities but progress has been made in creating a national system for CVET, particularly since the creation of the multi-sectoral funds administered by the social partners and initially financed by the Ministry of Labour to the tune of 190 million euros. 350 000 companies with a total of 5 million workers were involved in 2004 (Cedefop Refernet report, 2004). At sectoral and company level, training is decided by negotiation or agreement among the stakeholders. An agreement must be signed between the social partners for financing to be accorded out of the multi-sectoral funds mentioned above.

Education provision for adults is being developed, in particular through local adult learning centres and a training vouchers system. A law passed in 2000 (Law 53/00) gives workers an individual right to training leave. But the participation of adults in lifelong learning and the educational attainment levels of the whole workforce are still well below the EU averages (53.5% of 25-64 year olds had at most ISCED level 2 in 2003, whereas only 36% had ISCED level 3 and 10.5% had qualification levels above ISCED 3). One of the most important challenges is the very significant regional disparities in Italy. A significant reform was therefore the recent handing over of responsibilities for VET to the regional authorities.

Italy also has a lifelong learning strategy at an early stage of implementation based on the major reforms agreed upon with the social partners in 2003. The reform intends to establish an integrated and coherent policy system for CVET as well as a national qualifications framework and national system for the validation of non-formal and informal learning. Despite the fact that Ministries, regions, trade unions, employers representatives, VET system providers, universities, youth associations and the voluntary sector all agree on the need for a national system of validation of non formal learning through formalized recognition pathways or certification procedures, nothing has yet been put in place in Italy. This is explained by two historical-cultural factors - the formal and legal value of educational qualifications obtained through formal education pathways and the traditional weakness of short-term and adult education and training. These factors combined mean that the economic and social value of non-formal

VET is not culturally perceived. This is reinforced by the low level of institutional trust at national level in VET providers and employers representative bodies.⁴²

France

CVET and lifelong learning have been highly regulated in France. The 35 hour week introduced by law in 2000 and the reduction in working time had an impact on the CVT system, since the system is based on precise definitions of working time and further training time, establishing rights and obligations for employees and employers. The Aubry 2 law distinguishes further training for the adaptation of employees to developments in their workplace from further training aimed at developing individuals' competences. The first is the duty of the employer and takes place during working hours, whereas the second takes place outside working hours. Regulation of the different types of further training is left to agreement between the social partners at sectoral and company level. The few agreements concluded so far indicate that this leads to a restriction of further training during working hours to measures aimed at adapting individuals to their current jobs (Vind *et al*, 2004).

The national interprofessional agreement, which was transposed into the 'law on lifelong learning' in 2004, created the 'individual right to training' (*droit individuel à la formation*) of 20 hours per year, which can be accumulated over 6 years. The employer must agree to the subject of the training and in principle it should take place outside of working hours but paid at 50 % of the normal salary rate. The employer also covers the cost of the training (subsidised by the training funds). In 2005 the law was amended to include skills auditing, the implementation of a training passport and the accreditation of professional experience.

"Employees with a certain level of seniority in their company or professional branch are eligible to take time off work through the Individual Training Leave program (*congé individuel de formation or CIF*). The length of leave taken corresponds to the length of the training program and is legally limited to one year for continuous training or to 1,200 hours for periodic training schedules. Except in particular cases provided by the law, an employer cannot refuse an employee's request for training as part of the Individual Training Leave program. State approved joint collection organisations (*OPCA*) are responsible for the implementation and funding of this program. There are particular clauses governing the use of Individual Training Leave by employees with temporary employment contracts and for temporary workers. Training programs under the Individual Training Leave program are most often long programs resulting in formal qualifications (899 hours on average in 2001), which contrasts sharply with training carried out as part of company training plans."⁴³

French employers are not required to train their employees, but they are legally obliged to contribute to funds for continuing vocational training managed by the social partners or to implement a company training plan. The training plan may be made up of all training and skills surveys conducted for employees (with the exception of Individual Training Leave) in order to further the company's own development objectives. These training programmes are provided under the employer's authority and at the employer's expense. Training provided as part of company training plans tends to be short-term (25 hours on average) and does not tend to result in the employee obtaining formal qualifications.⁴⁴ It must be undertaken outside of the workplace.

One of the largest single providers of CVET for adults in France is the AFPA, the national association for adult vocational training. The AFPA is attached to the Public Employment Service and employs

⁴² http://www.ecotec.com/europeaninventory/publications/inventory/chapters/euro_inv_italy.pdf

⁴³ Information provided by the French Government in the Cedefop Database on national VET systems, point 0504.

⁴⁴ *Ibid.*

12,000 workers, 5,000 of whom are trainers and 1,000 are career counsellors. So far 42% of those counselled have participated in an AFPA training, 23% were placed in external training courses and 1% received a certificate of validation of acquired competences, carried out by AFPA. 103,000 training places were filled in 2005, 48,000 of which were taken by employed adults.

Nationally recognised sectoral professional qualifications for adults are also offered by joint sectoral bodies of the social partners. The CQPM are an important example – the Joint Qualification Certificates for the Metals Sector.

Besides the laws on employer investment in further training, the government has also introduced measures to increase employer investment. These include special job contracts for people under 26 and over 45 years of age which include training provisions and entitle employers to tax exemptions.

France has probably one of the most advanced and well-established national systems for the validation of non-formal and informal learning. This national legal framework has created a wide-ranging right to validation in France, which is currently being implemented by public bodies, training organisations and businesses. A law passed as long ago as 1991 gave all workers with at least five years professional experience a legal right to obtain a *bilan de compétences*, or personalized skills audit. This has subsequently been reduced to three years. The same law introduced the right to 24 working hours paid leave to undertake the process. The national interprofessional agreement which was transposed into the 'law on lifelong learning' in 2004 gave special priority access to the *bilan de compétences* and validation of informally acquired competences to workers over 45 years of age. The processes in the validation and recognition of non formal and informal learning are:

- Initial guidance and information,
- Preparation of a dossier or portfolio,
- For some vocational diplomas, work place assessment at the work place or simulated,
- Assessment and if appropriate certification,
- If necessary, "top up training".

The most recent consolidated figures available show that 14 374 candidates were examined to obtain a diploma via 'VAE' (validation of acquired competences) in 2003, a 90% increase compared to 2002. 60% of candidates were women. "Despite the increasing uptake of VAE, there is some evidence that the system is still struggling to assert itself in the French educational and labour market culture, which has long judged individuals on the basis of formal qualifications."⁴⁵

France's national qualifications framework comprises a well developed competence-based VET qualifications systems (including validation of non-formal learning) which allows the linking of the different subsystems. Non-formal and informal learning can be considered as a basis for the award of all types of nationally-recognised qualification.

Nevertheless, the participation rate of adult learners in lifelong learning (7.6%) is still below the EU target level of 12.5% and the EU average of 10.8%. Educational attainment levels, however, corresponded in 2002 to EU averages (percentage of the population aged 25-64 with ISCED 0-2 = 35%, ISCED 3 = 41% and ISCED 5+ = 23%).

Czech Republic

⁴⁵ National chapter on France in European Inventory of validation of non-formal and informal learning: http://www.ecotec.com/europeaninventory/publications/inventory/chapters/euro_inv_france.pdf p.6

According to the independent Cedefop Refernet report on the Czech Republic, “the Czech government is fully aware of insufficient motivation on the part of individuals and employers for improving and updating knowledge and skills.” Although there have been many strategic documents, White Papers etc identifying the obstacles to the development of continuing education and proposing solutions, there has been a lack of political will to implement any major practical measures, exacerbated by the unclear division of responsibility for governance over this area of education between ministries (Cedefop Refernet report, 2004). A series of measures and instruments have been introduced into the Labour Code and in major policy documents but when the Cedefop report was written in 2004, no steps had yet been taken to put these measures and instruments into practice.

In the case of professions which are legally regulated, the Czech Labour Code lays down the obligation for employees to systematically upgrade the skills that are necessary for their job and the obligation for employers to establish favourable conditions for this. The employer is obliged to facilitate the acquisition of a qualification for unskilled employees, through practical or theoretical on-the-job instruction. Where the employee is updating a qualification that is necessary to perform the job stipulated in the employment contract, he/she is entitled to training leave on full pay. If the employee is acquiring a new qualification, the terms governing leave and remuneration are stipulated either in a collective agreement or in the business organisation’s internal regulations. In return for financial investment in training an employee, the employer may conclude an agreement with the employee whereby the employee must undertake to stay with the employer for a certain period of time (maximum five years) or to pay back the training costs.

Employment policy is supposed to stimulate employers’ demand for CVET by providing co-financing via the Labour offices. Co-financing of retraining of employees has been available since 1998 as an investment incentive for foreign and Czech investors. Existing employers may also get grants to retrain employees in order to retain them in the company and tax credits also exist for continuing training. However, incentives for employers are not considered very effective.⁴⁶

“Not only the demand for but also the supply of continuing education must be stimulated (by financial and non-financial incentives). The supply of training programmes provided by private training organisations is abundant, but the certificates issued are not generally recognised. Training programmes offered by schools (secondary, higher professional and HE institutions) are almost exclusively focused on initial education, normally last several years and fail to meet the diverse spectrum of needs of learners. There is a shortage of short modular programmes which would make it possible to complement and enhance qualifications according to the specific needs and situation of an individual. However, schools (particularly vocational and technical) are beginning to realise that, in view of considerable demographic decline, they must enlarge their provision and design short continuing training courses for adults, and not only provide long programmes for initial learners which are not attractive for adults.”⁴⁷

The Czech Republic is in the process of establishing a national qualifications framework via a law on lifelong (continuing) learning that was passed in 2005. There is now a legal framework for the validation of non-formal and informal learning but methods are predominantly still in development. The retraining of job seekers is also defined in legislation: Those who complete accredited retraining courses are awarded a nationally valid certificate of retraining.

⁴⁶ Czech implementation report for the ‘Education and Training 2010’ work programme http://ec.europa.eu/education/policies/2010/natreport/cz_en.pdf

⁴⁷ *ibid*, p.17

In the Czech Republic nationally recognised certificates can only be issued by the state administration and do not exist for post-initial VET except in the legally regulated professions, where there are laws which lay down specific qualification requirements, courses and the form of assessment for the state sectoral bodies.

“Many sectors have very elaborate systems of assessment, training and certification of qualifications. These are mostly industries that involve professions covered by specific laws and regulations, or those sectors where international qualifications and certificates play an important role” (Strietska-Ilina, 2005a, p.16).

Otherwise, whilst there are many certificates which are very well received by employers, such as the ECDL (European Computer driving Licence), there are no other nationally recognised certificates. Although it is now possible in some cases to take an examination for a nationally recognised initial VET qualification based on professional experience only, normally the individual:

“is expected to complete the full education course required by this level. Such courses are not adjusted to the requirements of the adult population, who are often engaged in other activities (employment, family) and thus lack free time and wish to receive/change/upgrade their qualification in order to immediately apply their acquired competences in their work” (ibid, p.10).

Companies are therefore only able to provide employees with certificates which are not nationally recognised, except in the case of the regulated professions.

Despite the very low participation rates of adults in CVET and lifelong and the low investment of enterprises in continuing training, 76% of the population aged 25-64 in 2002 had ISCED level 3-4, whereas only 12% had ISCED level 0-2. This probably means that a large percentage of the population has not received any or only very little training since completion of their initial vocational training and may well have skills which are now outdated on the labour market. Over half of the Czech labour force has only attained a vocational certificate – i.e. does not have “maturita” (upper secondary certificate allowing access to higher education).

Poland

The situation in Poland is beginning to change:

“The role of CVET in Poland is gaining in importance, but it is usually seen in the context of labour market and unemployment and does not fully embrace the concept of lifelong learning as set out in the Lisbon Strategy.”⁴⁸

Employers do not yet have many incentives in Poland to provide continuing training for their employees. The emphasis seems to be placed more on providing incentives for individuals to organise their own training for increased employability. The existing income tax system allows, for example, the deduction of expenses for additional professional training or university studies. The labour office can finance the acquisition of new qualifications for up to twelve months for people whose original training prepared them for professions in declining sectors. Specific training measures have also been included in

⁴⁸ Cedefop, “Developments in vocational education and training (VET) At EU-Level, in the Member States and in acceding and candidate countries, July 2005 To March 2006”, p.19

governmental programmes for reform in the mining and steel sectors and in the programme for rural revitalisation (see section 4).

Employees are entitled to paid training leave when it is the employer who sends the employee for training. There is a right to unpaid leave when the training is at the employee's initiative. Incentives for employers are for example co-financing from the Labour Fund for the training of apprentices and other employees. Employers are also eligible for a partial reimbursement from the Labour Fund of the training costs related to the training of employees at risk of redundancy. The Labour Fund is composed of contributions from the national budget and from employers. In 2000 14% was contributed by the state, 84% by companies. However these incentives have a very limited reach and incentives for employers to invest more in continuing training and in improving professional qualifications of employees are considered insufficient (Cedefop Refernet report 2004). More than half of employers do not invest at all in training for their employees.

Poland describes its lifelong learning strategy as 'in formation' (EC 2006a), and performs markedly less well in the area of CVET and lifelong learning than in the area of initial VET (where it performs well above EU averages for most indicators and has already achieved several EU benchmarks, see above). One of the priorities of the Polish 'Strategy for the Development of Continuing Education until 2010' is the implementation of a coherent national qualifications framework that would facilitate comparison of qualifications, certificates and diplomas acquired in the formal as well as the non-formal system of education. This is, however, still far from being realised.

The same is true for the implementation of a uniform system for the recognition of non-formal learning: there are many unconnected initiatives in this field and the system is still in the process of change and adaptation. One important reform has been the introduction of extramural qualification examinations so that individuals can now obtain a recognised qualification without having to undergo formal education. The formal initial vocational education system leading to the same recognised certificates and qualifications is accessible in principle to all adults in the comprehensive night school and 'second chance' system. For certain professions, (e.g. security worker, engineers and technical staff in the electrical power sector, work safety and hygiene technicians and officers), sector entities and professional associations issue and deliver state-recognised certificates. The Craft Chambers also certify the skills necessary for achieving the title of 'journeyman' or 'master of crafts'. Some regional labour offices carry out evaluation of skills and experience acquired in a non-formal manner along the lines of the French model (diagnostics and balance of competencies). In practice, however, approaches vary widely and there is a lack of comparability between the certificates issued by the different institutions. Awareness, take-up and involvement of companies in these diverse initiatives are still very limited (Strietska-Illina, 2005b).

Participation rates of adult learners in CVET and lifelong learning are particularly low, although, for those who do participate, the average number of hours per year spent in non-formal training is relatively high – this may be partly due to the number of unemployed people in full-time non-formal training rather than the number of workers in continuing training (only 4.4% of the unemployed aged 25-64 participated in non-formal training in 2003 but at around 20% the unemployment rate was considerably higher than most other countries).

According to Eurostat data, 82% of the Polish population aged 25-64 has at least ISCED level 3. However, in the case of Poland, this includes a large proportion (33%) for whom ISCED level 3 means the basic vocational education level which does not lead to a secondary education certificate ('Matura'). "Despite the fact that the educational attainment of the Polish society rose considerably in the 1990-ties, gaps in human resources development are still significant, and are a strong barrier to continuous

improvement in the conditions on the labour market. Educational needs in Poland are vast in the area of both general education, and vocational education and training. The level of educational activity among adults is far below that in the highly developed European countries. Employees and employers still need to be convinced of the necessity to upgrade knowledge and skills on a regular basis, i.e. to invest continuously in education and training. .. A recent questionnaire survey concerning various stakeholders on the educational market in Poland, including employers, employees and institutions providing training outside the school system, show clearly that there still exist (institutional, organisational and mental) obstacles to the development of continuing education in Poland.”⁴⁹

Greece

As the statistics at the beginning of this section show, Greece performs particularly badly in terms of the provision of continuing training for the working-age population. In fact, Greece has by far the lowest rate of participation in lifelong learning for 25-64 year-olds out of all 25 Member States.

“It is also important to recognise that the role of human resources development and management in Greece is only in its initial stages. This is seen in a range of corporate management issues, ranging from staff compensation (which is usually far below both comparable European market rates, but in many cases also below what would be considered a living wage, particularly for younger workers) as well as the fact that key practices, such as the role of the Human Resources Manager, are only just starting to take on importance” (Cedefop Refernet report Greece 2004, p.14)

The provision of VET within companies as well as educational institutions is financed to a very large extent by EU funding. “There is abundant anecdotal evidence to suggest, however, that the role of EU funding and its national co-financing has created significant distortions in supply and demand for VET services. In this subsidy environment (trainees and employers are subsidised at the minimum wage for the time of support), there is an oversupply of some VET services, while the real qualifications, motivations and suitability of some types of companies or trainee groups are open to interpretation” (Cedefop Refernet report Greece 2004, p.13). Given that levels of EU financial support for Greece are widely expected to fall, this also has very important implications for the sustainability of existing VET provision.

Greece has begun to develop a national strategy for lifelong learning based on a combination of reforms involving key stakeholders. It appears to be too early days to speak of a national qualifications framework but the foundations for creating an overall framework for the validation of non-formal learning have been set:

“in the form of the establishment of a new institution for the accreditation of training structures which has been very active in the past few years. A recent framework law which aims to better co-ordinate the systems of initial and continuous training and which establishes a number of Committees for the development of adult learning is also expected to help in this direction.”⁵⁰

Equal opportunities issues and specific VET measures for disadvantaged groups

From the following statistics it can be said that:

⁴⁹ Education and Training 2010 Implementation Report Poland 2005, p.21

http://ec.europa.eu/education/policies/2010/natreport/pl_en.pdf

⁵⁰ National chapter on France in European Inventory of validation of non-formal and informal learning: http://www.ecotec.com/europeaninventory/publications/inventory/chapters/euro_inv_greece.pdf p.5

- Women and non EU nationals have higher unemployment rates in all countries⁵¹
- Women who are non EU nationals and disabled people have the highest unemployment rates of all.
- Most countries, particularly France, Italy and Poland, have a long way to go to meet the EU benchmark of a 50% employment rate for 55-64 year olds (the UK has already reached this target).
- Participation in lifelong learning is much lower for older than for younger workers in all countries.
- In most countries, women participate slightly more in lifelong learning. This is due to the fact that, in most countries, more women are in formal training than men (but participate slightly less than men in non-formal and informal learning in most countries).

For 2005	EU	CZ	DE	FR	GR	IT	PL	UK
Total unemployment rates in %:	8.7	7.9	9.5	9.5	9.8	7.7	17.7	4.7
Unemployed women as percentage of female active population:	9.8	9.8	10.3	10.5	15.3	10.1	19.1	4.3
Employment rates of workers aged 55-64 as % population aged 55-64 : 42.5 (EU benchmark for 2010 = 50%)	44.5	45.4	37.9	41.6	31.4	27.2	56.9	

% of disabled people employed, unemployed and inactive in 2002⁵²:

	EU	CZ	DE	FR	GR	IT	PL	UK
Employed	7.3	21.3	6.5	4.4	...	20.4
Unemployed	15.8	26.6	6.5	4.9	...	28.0
Inactive	19.7	31.3	17.0	10.2	...	48.7

Source: Eurostat Statistics in Focus THEME 3-26/2003

Unemployment rates in % for nationals and non EU nationals and non EU national women in 2002 (data for ethnic minorities is not available):

	EU	CZ	DE	FR	GR	IT	PL	UK
Nationals:	8.1	8.1	9.8	4.9
Non EU nationals:	16.2	24.9	9.6	10.0
non EU national women :	14.6	28.6	15.0	9.0

⁵¹ Except in the UK, where, however, almost half of employed women work part-time (see below) and in Greece, where non EU nationals have a more or less equal, if not slightly lower unemployment rate than nationals.

⁵² These statistics are difficult to compare as the definitions of “disability” vary between Member States.

Source: Eurostat Labour Force Survey 2002

% of population aged 25-64 participating in education and training in the four weeks prior to the survey (2005):

	EU	UK	FR	DE	IT	CZ	PL	GR
Women	11.7	33.9	7.9	7.0	6.6	6.4	5.6	1.7
Men	10.0	24.2	7.4	7.8	5.7	5.5	4.3	1.9

(EU benchmark for 2010: 12.5%)

Participation rates in lifelong learning by age in % for 2003:

	EU	CZ	DE	FR	GR	IT	PL	UK
25-34	50.2	33.5	50.1	61.1	27.2	57.4	40.8	44.1
55-64	29.5	19.5	31.6	32.2	7.2	35.4	16.2	22.5

The European Labour Force Survey data also shows that participation rates in lifelong learning vary importantly with regard to levels of educational attainment; for people with low educational attainment levels, the average rate of participation in lifelong learning in Europe was 23%, whilst those with high educational attainment had a rate of 69% (in 2003). This suggests

'that participation in adult education is... inversely related to need: current patterns of participation are likely to exacerbate rather than reduce labour market inequalities and processes of social exclusion" (Suoto Otero and McCoshan, 2005:84).

Regarding the low participation rates for older workers in training and lifelong learning, Suoto Otero and McCoshan provide the following reasoning: "These age related patterns in the intensity of training may reflect economic rationality, since older citizens/workers may already possess a significant stock of skills and competencies, and investment in training of older workers will, on average, have a shorter time-span within which to recoup the cost of that investment. However, this near-universal pattern of a decline in training intensity over the life-cycle should be regarded as posing a weighty challenge to those seeking to promote lifelong learning" (ibid: 90).

The ageing population in all European countries is creating an increasing shortage of young qualified workers. This and the problems involved in sustaining social protection systems at their current levels makes it increasingly necessary to extend working lives. VET measures in the Member States to increase equal opportunities for older workers therefore focus mainly on increasing their motivation to become re-involved in learning and to update their competences in line with technological changes. The principal method used for achieving this is the recognition and validation of the knowledge, skills and competences they have acquired during their working lives.

'Patterns regarding gender inequalities in access to adult education are unclear' (Suoto Otero et al, 2005b, p.98). But the issue is not only promoting equal access to training; it is also about how training provision promotes equal opportunities. Thus the fact that women in Europe may have a slightly higher participation rate than men in (formal) training has not significantly reduced the gender pay gap, nor eradicated glass ceilings, nor changed the fact that women are still the principal child-carers and domestic workers in the family, are still concentrated in low-paid jobs and sectors, and constitute almost

all part-time workers. Moreover, in every country a higher percentage of men than women received financial support for training from employers, while a greater percentage of women provided funding of their own for education and training (IALS survey for the 1990s, see Suoto Otero and McCoshan, 2005).

The gender pay gap in % (difference between average gross hourly earnings of men and women) in 2004 and share of female managers in total managers in % (Q2 2005):

	EU	CZ	DE	FR	GR	IT	PL	UK
Gender pay gap :	15	19	23	12	10	7	10	22
% of total managers who are women :	32.1	30.3	26.4	37.1	25.8	31.9	32.5	34.5

Source : Eurostat A statistical view of the life of women and men in the EU25, 2006

Employed part-time as a share of total employment (Q2 2005):

	EU	CZ	DE	FR	GR	IT	PL	UK
Men	7.3	2.1	7.7	5.7	2.1	4.5	7.7	10.6
Women	32.6	8.4	44.3	30.9	9.1	25.7	14.2	43.1

Source : Eurostat A statistical view of the life of women and men in the EU25, 2006

Thus VET measures to increase equal opportunities for women often focus on reducing the gender pay gap by encouraging women to work in the better paid male-dominated sectors and on measures to increase training provision in female-dominated sectors. VET measures to increase women's employability tend to focus on making training compatible with family responsibilities and part-time work. It is important to note that higher unemployment levels and lower pay for women are not correlated to lower educational attainment levels. On the contrary, women in Europe have higher levels of educational attainment than men (Rubery et al, 2004) and there are far more female than male graduates at ISCED levels 3-5 (Eurostat). Women's higher levels of unemployment and the gender pay gap must therefore be attributed to other factors such as discrimination, lack of child-care facilities, etc.

The very low rates of employment and participation in training for disabled people mean that VET measures to increase equal opportunities for the disabled are focussed on ensuring access to training and to employment via specific workplace training programmes and work experience placements which include subsidies for employers, and guidance in identifying and locating suitable training provision.

Most measures for ethnic minorities concern young people in general and initial education. As a rule, VET measures targeted specifically at ethnic minorities mostly concern language training. Other VET measures which indirectly target ethnic minorities focus on basic literacy and numeracy for low-skilled adults, more training provision for priority deprived areas/zones of high unemployment, guidance and social integration programmes as well as training for teachers and trainers in contact with immigrants. National VET measures designed specifically for ethnic minorities include the training courses for the Roma population in the Czech Republic and the Ethnic Minority Outreach Service in the UK (see below).

The European Commission notes in its evaluation of the Member States implementation reports for the 'Education and Training 2010 Work Programme' (EC, 2005b) that most Member States are addressing the needs of low skilled citizens and disadvantaged groups. "Different policy approaches are reported by the countries. One focuses on specific "target groups", a second is mainly centred on the education system and a third is closer to a lifelong learning strategy in so far as it encompasses groups of all ages, with low socio-economic status and/or low educational attainment. However as there is a lack of information on the non-formal and informal sectors, it is difficult to assess the full range of measures in all the countries" (EC, 2005b, p.46).

UK

The UK exceeds all the European employment rate targets, including those for women and for older workers. However, like all other European countries, its population is ageing and it needs to keep older workers in employment for longer. The UK has set a target of having least three-quarters of the working-age population in work by 2010⁵³. But the UK also has unemployment levels which are twice as high for ethnic minorities as they are for the white population (6.8% and 3.4% respectively⁵⁴) and gender segregation has been identified as a cause of the UK skills shortage.⁵⁵

The 2003 Kok Employment Report therefore made the following recommendations concerning VET and equal opportunities for the UK:

- Implement the New Deal for adults at an earlier stage than the current 18 months, in order to prevent de-skilling and improve the chances of sustainable (re-)integration of adults into the labour market. Particular attention should be given to the low-skilled, ethnic minorities, older workers and people in deprived areas or in less-developed regions.
- Improve access to, and affordability of, childcare; address other causes of the gender pay gap such as sectoral and occupational segregation.
- Ensure effective implementation of national skills strategies to achieve a general improvement in skills levels, develop lifelong learning and increase participation in training. Particular emphasis should be put on addressing the situation of the low-skilled and underperformance at school level, early school leaving and poor adult literacy.

Most national VET and lifelong learning initiatives in the UK are aimed at young people, especially from deprived areas and poor backgrounds, the long-term unemployed and the very low-skilled (without basic literacy and numeracy). These include the Union Learning Fund, which encourages and supports many people back into learning who would otherwise not have had the confidence, information or networks to do so. To ensure that every adult has the opportunity to acquire skills and improve them throughout their working life, the Government's strategy is to focus intervention on 'tackling market failures in the provision of training', which are most acute for those with low skills. The Government is therefore promising an entitlement in England for free tuition up to full upper secondary level (level 2) qualification for any adult without one, and free training in literacy, language and numeracy skills, delivered through Further Education colleges and other training providers from 2006-07, and through the National Employer Training Programme (UK Lisbon Reform Programme). These measures could, however, be considered to be more remedial initial education measures than vocational training.

⁵³ UK National Action Plan on Social Inclusion 2003-2005

⁵⁴ Ethnic Minority Employment Taskforce website, <http://www.emetaskforce.gov.uk/keys.asp>

⁵⁵ Women & Equality Unit, 'Tackling occupational segregation fact sheet'

http://www.womenandequalityunit.gov.uk/publications/tackling_occupseg_facts_apr06.pdf

The 'New Deal' Government programme for getting the unemployed into work or training also targets specific groups: The New Deal for Disabled People provides vocational training specifically designed for disabled people as well as subsidies for employers who train disabled employees.

The Ethnic Minority Outreach Service and the Ethnic Minority Flexible Fund are also part of the New Deal. The fund is available to job centres in areas with large ethnic minority populations and high unemployment. These job centres use the finance training courses designed specifically for ethnic minority people e.g. in child care, construction, soft, basic and presentational skills required by local employers, etc. The success of these courses is measured by how many participants subsequently enter employment or New Deal work and training programmes. Tenders from providers for these courses must not only prove their ability to address the specific needs of the ethnic minority participants but also their ability to reach these communities and recruit training participants. Approximately 125,000 people from ethnic minorities have been helped into work through the New Deal. A recent report for the Department for Work and Pensions has criticised the New Deal's accessibility and suitability for ethnic minorities and has made recommendations to improve these.

The Women and Work Commission, set up by the Prime Minister to make recommendations on tackling the gender pay gap presented a report in February 2006 containing recommendations to tackle the gender pay gap.

The recommendations address the barriers to:

- informed choice for girls at school - girls are still making stereotypical subject choices which lead them into less well-paid jobs and careers;
- combining work and family life - there is a lack of quality part-time work and women find it difficult to find a job which matches their skills when returning after a career break;
- lifelong learning and training – women's jobs are under-valued, and women have difficulty accessing training and upward career paths in some sectors; women find it difficult to re-train for a new occupation.
- improving workplace practice – unequal pay arises through workplace practices, for example how pay systems operate.

The Government has promised to issue an action plan to implement the recommendations within six months.

Many national level projects and initiatives are underway to tackle gender segregation, most of these target girls, schools and apprenticeships. The Apprenticeships Taskforce has recently upgraded its diversity agenda with the setting up of a Diversity Working Group. In its Final report of July 2005 the APF drew attention to the link between skill shortages and gender segregation in particular sectors. It also provided guidance on how to tackle segregation in its report on 'Good Practice in Promoting Diversity in Apprenticeships'.

According to its Lisbon Reform Programme, the UK Government is determined to reduce the p in employment rates between older workers and the working age population as a whole (69.9% and 74.7% respectively in Spring 2003.) Actions to achieve this focus more on overcoming employers' age discrimination, removing financial barriers and increasing financial incentives for individuals to stay in work longer rather than on lifelong learning, although the 'New Deal for 50 plus' offers a £1,500 in-work Training Grant.

Germany

The overall employment rate in Germany and the employment rates for women and older workers are above the EU averages but still below the Lisbon targets. Unemployment and especially long-term unemployment remain among the highest in the EU. The unemployment rate for non EU nationals is double that for nationals. As regards education and training the recommendations of 2003 Kok Employment Report for Germany were to improve basic education levels, strengthen efforts to integrate immigrants, develop lifelong learning strategies with particular attention to increasing participation by the low skilled and older workers.

As in the UK, most national education and training measures targeting specific disadvantaged groups are aimed at low-achieving disadvantaged young people and the long-term unemployed. In Germany, most of these measures are particularly targeted on young migrants and young people of migrant background. The most important of these measures is the project-funding programme 'Promoting skills – vocational qualifications for target groups needing special support' (BQF Programme), which is designed:

“to enhance the efficiency of existing support measures, in particular to promote more successful integration in training and employment and more effectively orient support towards target groups such as migrants.”⁵⁶

Another example is the Vocational Training Act 2003 introduced vocational training modules delivered in companies which prepare disadvantaged young people for vocational training in the apprenticeship or vocational school system and enable them to acquire the initial basic skills required in the workplace.

German policy does not refer to 'ethnic minorities' but to 'migrants', 'foreigners' or 'people of migrant background'. People of Turkish origin make up the largest group of migrants or people of migrant background. Some 41% of foreign apprentices in the dual system are Turkish, and nearly 40% of all young foreigners in each age group undergo training in the dual system, which is considerably lower than the corresponding percentage for young Germans. There are no national VET measures targeting adult migrants apart from language training. The government considers that:

“foreign workers who are persistently highly unemployed because on average they are considerably less highly qualified than the German workforce, will especially benefit from this new act [*Job-Aktiv Act*].”⁵⁷

The *Job-Aktiv Act* has provided a legal base for job-rotation and makes it possible to reimburse employers, partly or completely, for costs incurred in granting unskilled employees paid leave to acquire vocational qualifications, whilst substituting the absent employee with an unemployed worker. The employee bears the cost of the skills upgrading training.

Women have not been particularly targeted as a group with specific training needs apart from some measures to provide more financial support for training for single parents and support for projects between schools and enterprises to tackle gender segregation on the labour market. The distribution of occupations in the apprenticeship system is highly gender segregated. Many initiatives have been undertaken with the aim of achieving a better balance between young men and women. Little success has been achieved in overcoming conventional ideas of occupations' suitability for young people has not been too successful, however.

⁵⁶ Information provided by the German Government in the Cedefop Database on national VET systems.

⁵⁷ Ibid.

Most VET measures specifically targeting older workers have so far had a project character such as the 'Demography Initiative' funded by the Ministry of Education and Research and involving 127 businesses. A series of pilot projects in co-operation with enterprises has been funded by the Government, for example 'Qualifying older workers in the metal and electro trades'. The Government is currently trying to encourage social partners to negotiate collective agreements on learning-time accounts, which is considered the most relevant instrument for the low-skilled and older workers in employment.

"Looking at companies actively engaged in CVET, participation in continuing training is significantly higher in companies with learning accounts than in those without (59% to 45%); the low-skilled get included to a higher degree" (Cedefop Refernet Report Germany 2004, p.32⁵⁸).

A programme which ran until the end of 2006 also funded continuing training for older workers in companies with less than 100 employees. The training had to be offered outside the enterprise and knowledge and skills had to be provided that go beyond job-related adaptation qualification.

In relation to lifelong learning, Germany's:

"emerging lifelong learning strategy" (EC, 2006a), agreed by the Federal and Länder authorities in July 2004, is beginning to focus on increasing the provision for self-organised learning outside of the workplace. "The emphasis on company based learning is connected with the specific form of industrial relations in Germany with a strong position of works councils on enterprise level. Nevertheless, emphasis only on this level of action produces the danger of social exclusion: Training policy following only company needs tends to constrict access to lifelong learning. Widening access for all groups of employees (and unemployed persons as well) is reliant on complementary offers and mechanisms outside the individual company" (Heidemann, 2004: 38).

For unemployed disabled workers the Federal Ministry for Labour finances course fees and cost-of-living allowances with a view to reintegrating disabled persons into the labour market. Since the 2004 law on the promotion of training and employment for physically disabled people, employers who offer work experience placements, workplace training or trial periods to disabled people coming from sheltered work are offered subsidies and are now allowed to count these people in the 5% quota of disabled employees. The law has also introduced an obligation for employers to offer apprenticeship places to young disabled people and has strengthened the rights of the statutory Disabled Workers' Representatives in relation to the selection of apprentices. Continuing training for employed disabled people is not subsidised as such, however, if 'extraordinary' costs arise for the employer in relation to the employment of a disabled worker which put this worker's job at risk, the employer is entitled to financial support. A joint initiative 'JOB – Jobs ohne Barrieren' ('jobs without barriers') has also been launched. The German Government, employers, trade unions, disability associations and organizations, institutions responsible for rehabilitation and other institutions and authorities at the regional and national level cooperate to promote the training and employment of people with disabilities.⁵⁹ Again this is a project-funding initiative rather than a national measure applicable to all disabled people.

France

National VET measures in France focus primarily on young unemployed people. France has one of the highest youth unemployment rates in Europe (18 % in February 2004 for the under 25s) and 20% of

⁵⁸ Country Report Germany "Achieving the Lisbon Goal",
http://www.refernet.org.uk/documents/Country_Report_Germany.pdf

⁵⁹ Information provided by the German Government in the Cedefop Database on national VET systems.

school leavers in 2001 left school with no qualification at all (Cedefop Refernet report 2004). In comparison to the UK and Germany, both of which have unemployment rates for non EU nationals which are twice as high as for nationals, in France the unemployment rate for non EU nationals is more than three times higher than that for nationals (24.9% and 8.1% respectively). France also has one of the lowest employment rates for older workers in Europe. Recent research has shown that the high unemployment rates for older people and people of migrant origin are linked above all to discrimination rather than lack of qualification or competence (Amadieu 2004).

The October 2005 national inter-professional collective agreement on the employment of older workers will soon be transposed into law. Concerning VET, the agreement provides for workers over 45 years of age to have priority access to the 'période de professionnalisation'. The Professionalisation Period allows employees to acquire a qualification or to upgrade their skills via alternance training and is financed by the state. It is available to certain categories of workers and particularly those workers whose qualifications are not adapted to technological developments or who are in the 'second half' of their careers. The Professionalisation Period is utilised at the initiative of the employee or the employer.

A 'Professionalisation Contract' was introduced before the collective agreement and is considered by the social partners to be the priority means for promoting the reintegration of over 45 year-olds into the labour market by ensuring them a qualification. The Professionalisation Contract is available to young job-seekers under 26 years of age and job-seekers over 45 years of age. It is subsidised by the state and offers alternance training within an enterprise leading to a qualification and must last between 6 and 12 months. A minimum 15% of working time and a minimum of 150 hours must be spent in training.

The national collective agreement also gives workers over 45 years of age the right to a 'Professional interview for the second half of the career'. The interview is designed to discuss the evolution of the job and the employment perspectives in the company, the employee's competences, training needs and career progression. The agreement also provides for priority access for the over 45s or employees who have been working for 20 years to a skills audit ('bilan des competences'), paid for from the social partners' continuing training fund. Employees must have been working in the company for at least one year. Workers over 45 years-old also have priority access to the validation and certification of acquired competences, also paid for by the social partners' continuing training fund.

'Ethnic minorities' is a tabu expression in France, and one cannot speak of 'racial equality' either as the word 'race' is also unacceptable. Acceptable expressions are 'of foreign or migrant origin', 'visible minorities', 'different cultural origin' etc. Some specific training and professional integration programs for people of foreign or migrant origin are provided by the Social Action and Support Fund for Integration and the Fight against Discrimination (*FASILD*). This fund finances language initiatives and social mainstreaming programmes for certain defined target groups (family members joining individuals already present, as well as any person having trouble with social integration or access to training and employment). The fund can also offer its financial support to common law programmes open to foreigners. The grants it provides can cover information, guidance, adaptation of methods and teaching tools, social support for employment and training for instructors who are in contact with the immigrants and, in particular, sponsoring young people (Cedefop Refernet Report 2004). Most initiatives for people of migrant origin are organised at local level via funding for priority zones of high unemployment. There has been much criticism in recent years of the lack of such funding.

The 2002 Social Modernisation Law, recognises that 'it is the State's duty' to provide education, training and vocational guidance for disabled people. Vocational training for the disabled is mostly carried out in specialised establishments, but can also be offered in regular working or training settings. All disabled workers can receive training to adapt to a new situation, re-education or vocational training in a public or

private centre instituted or approved by the State, in a group or enterprise centre set up for this purpose, or in an enterprise. In addition, a vocational re-education contract is available for disabled people subsidised by the state. This specific fixed-term contract binds three parties: the social security unit which pays the disability benefits, an employer, and the employee. The contract establishes a training programme in a regular workplace.

The Law on equal opportunities for disabled people, February 2005 (came into force 1 January 2006) obliges companies to negotiate every year on the integration of disabled workers. For the sectors, negotiations are obligatory every three years. The law modifies the Labour Code so that the employer must take 'all necessary measures to allow disabled workers to have access to, or to keep a position of employment that corresponds to their qualifications, to practice it, to progress therein or to have access to adapted professional training.' The only limitation is 'disproportionate costs' (grants towards these modifications are available). Measures necessary for the professional integration of the disabled must be on the agenda of the social partners' annual negotiations. However, there is currently no specific provision regarding the failure to meet the duty to accommodate and the social partners' annual negotiations are rarely monitored for compliance with the law. Unemployment among disabled people in France currently stands at 27% (245,800 people). The government set the target of reducing this by 20% in 2005.

There are many nationally-funded projects to tackle gender segregation aiming at girls and schools, for example the IndustriElle initiative. A special measure has also been designed to help women access training by funding childcare during training. Intended for disadvantaged women who wish to begin or resume work, start a company or enter a training programme, this financial grant is used to help them cover the cost of childcare for one or more children. The Government is also setting targets for increasing the number of women in vocational training leading to a qualification in sectors where the labour market is buoyant and women are underrepresented (2003 National Action Plan for Employment).

Italy

The average qualification rate in Italy is among the lowest in the developed countries. Unemployment is high but characterised by significant regional differences - about 5% in the centre-north compared to 18% in the south. The 2003 Kok Employment Report for Italy draws attention to the continuingly low employment rates for women and older workers despite new policies introduced since 1997.

The Ministry of Labour has allocated a total of €50 million to promote company-level training plans and tailor-made actions targeted to certain categories of workers. These include all workers in companies with less than 15 employees, part-time workers, workers with fixed-term contracts and economically dependant workers, workers with reduced working hours, modulated or flexible contracts, workers receiving ordinary or extraordinary wage supplementation benefits, workers aged over 45, and workers holding only a primary school certificate or having only completed compulsory schooling (Cedefop Refernet Report, 2004). Although not mentioned explicitly, measures targeting part-time workers and workers with fixed-term contracts should indirectly target women and ethnic minorities who are over-represented amongst these categories.

Italy's Lisbon National Reform Programme puts special emphasis on the need to strengthen education and training systems for young people. A law facilitating access to IT equipment for disabled people is mentioned, as well as the need to activate inclusion and integration processes in education and training for the weakest groups in society, and to guarantee lifelong learning also for immigrants. Older workers are not mentioned as a specific group and it would appear that the trade-off between bringing young

people into employment and retaining older workers has clearly gone in favour of the former. No VET measures for specific target groups other than young people were mentioned in Italy's implementation report for the 'Education and Training 2010' work programme either.

Poland

Unlike most European countries, Poland still has a steadily increasing number of people in working age and a slow increase of the population in post-working age, due to the high birth-rate generation born in the late 1970s and early 1980s beginning to enter production age. Long-term unemployment is a critical problem, especially for the young; over half of registered unemployed people have been unemployed for over a year. Therefore, despite the fact that over 50% of Polish enterprises do not invest at all in training for their employees, Polish national VET policy is focussed almost exclusively on measures for the unemployed.

The Act on employment promotion and labour market institutions defines six categories of unemployed as 'persons with a special status on the labour market'. These are: the under 25s, people unemployed for more than 1 year, people aged over 50, unskilled people, single persons with at least 1 child aged up to 7 years, and disabled people. The Act has introduced for them a number of special labour market instruments including: work placements, vocational training at the workplace, grants for further education in the school system, reimbursement of childcare costs and the costs for care of a dependant.

"One problem is that these programmes are too often addressed to people who could find work without the assistance of employment services (at the expense of those with lower chances of finding employment)."⁶⁰

According to Poland's National Lisbon Reform Programme, the very low participation of adult Poles in lifelong learning is due, generally, to the fact that people in employment do not perceive the need to raise their qualifications.

"The people who are most vulnerable to unemployment (i.e. people with low professional qualifications and older people), do not commit themselves much to raising or changing their professional qualifications."

The Government's Lisbon Reform Programme therefore announces plans to promote the idea of lifelong learning, in order to increase in the number of adults participating, in particular from 'risk' groups such as the low-qualified, older and disabled workers. Costs of continuing education are a strong financial barrier for individuals. Despite this, the educational allowance benefit was cancelled in 2004.⁶¹

The information provided by the Polish authorities for the Cedefop database on national VET systems states that:

"Activities aimed to prevent vocational and social exclusion include education and training programmes targeted at the disabled, women, people with low education and skills, young people with no career experience who do not learn, train or work. ... The Sectoral Operational Programme Human Resources Development (SOP HRD) provides for supporting high-risks groups. Among others, it envisages measures aimed to help the unemployed (youth and adults), school-leavers, young people wishing to start their own business, the disabled persons, people threatened with social exclusion (unemployed

⁶⁰ National Lisbon Reform Programme Poland: <http://www.mgip.gov.pl/NR/rdonlyres/3161A3AD-E11D-41F3-80C2-F8F305D2D269/17077/KPR28grudnia2005poRMeng.pdf>

⁶¹ *ibid*

over 24, alcoholics, drug addicts, people living in prisons), women (in labour market integration), employees and employers. Such measures include training programmes, placements, workshops, labour exchange services, advisory and information services as well as supporting social employment.”

However, ‘training for the unemployed has low effectiveness’. In 2004, barely 4.0% of all unemployed people were trained, and the effectiveness of training courses was 32%.

Czech Republic

Czech CVET is more or less synonymous with employment policy and is focussed almost entirely on the unemployed. Again policies target primarily the young; the youth unemployment rate is double that of the economically active population as a whole, of whom 26% are low-qualified.

“In terms of inequalities in access to continuing education depending on the level of educational attainment the CR occupies the worst position in the EU.”⁶²

According to the Czech authorities, employers only invest in the continuing training of well-qualified workers and that:

“motivation for continuing learning is low, particularly among those groups that need it most, such as people with inappropriate or low qualifications and various disadvantages.”⁶³

Other challenges are the lack of training courses which meet the specific needs of older workers and age and sex discrimination on the part of employers, which are widespread in the Czech Republic (Cedefop Refernet Report 2004, and Czech Lisbon National Reform Programme 2006).

The Act on employment defines categories of job-seekers to be given special attention, due to their health condition, age, childcare responsibilities, ‘or for other serious reasons.’ Retraining courses are available to these individuals, including courses specifically focusing on motivation and re-socialisation and an Individual Action Plan for them to increase their employability.

Retraining is also offered to employees in cases of changes in production processes, introduction of new technologies and new work organisation. This is, however, only available for the most important employers in regions who are undergoing the process of restructuring. The age structure of retraining participants in the first half of 2005 looks like this:

< 19 years old, 4%
20–29 years old, 34%
30–39 years old, 33%
40–49 years old, 20%
50–59 years old, 9%

As noted:

“In the coming years, the demand for retraining is expected to double and the demand for counselling even to triple.. Other employment policy instruments will be reduced and re-oriented on specific groups, i.e. long-term unemployed or those threatened by long-term unemployment. ...measures will also be

⁶² Czech 2005 implementation report for the ‘Education & Training 2010’ work programme, p.16.

⁶³ ibid

taken to remove the existing barriers to equal entry on the labour market and thus to integrate people with different handicaps, i.e. people with disabilities, mothers with children, persons after maternity or parental leave, people with low or no qualification, older people and people with different socio-cultural background. The share of expenditures on these activities currently reaches about 20% of total expenditures on active labour market policy. Before 2008 this share is expected to increase to 30 – 40%.”⁶⁴

Over 22% of all job seekers are currently over 50 years old and this percentage is rising. As part of the National Programme for the Preparation for Ageing for 2003 – 2007, the Government plans to introduce a number of measures for the training of older citizens, including the design of specialised training programmes for the elderly, the development of a specialised form of continuing education in co-operation with secondary schools – the so-called Third Age Academy. A system for the recognition of previous experience should also be introduced.

“More specific assistance in relation to training is provided to elderly people by labour offices, in the form of placing them in retraining courses. However, the actual results are unsatisfactory. Analyses as well as day-to-day experience show that it is difficult to increase involvement of older persons in retraining courses. The reasons for this include a low level of motivation on the part of these people and a limited range of suitable active employment policy schemes.”⁶⁵

A national CVET initiative which appears to be motivating a lot of older people is the National Programme for Computer Literacy. The objective of the scheme is to ensure that 50% of the population acquires basic computer skills by 2006. The courses are in great demand, 30 thousand people participated in 2003 and most applicants are over 40 years old.

The Czech Lisbon National reform Programme states that disabled people have been neglected for many years as regards education and training (and therefore also employment). The government therefore approved in 2003:

“Propositions for integrated rehabilitation of individuals with physical disabilities”. An Act was subsequently drafted which should enter into force in 2006. The act should address, apart from other things, “the training of the disabled for suitable jobs.”

The Czech Republic still has a high employment rate for women compared to men and very few women work part-time compared with other European countries. Women’s unemployment rates are higher than men’s and on average they earn only 74% of men’s earnings. They also have to face other forms of discrimination from employers due to being of child-bearing age or having a family to look after. Adequate childcare is also difficult to find. Proposals are being made by the Government to improve the reconciliation of work and family life and to better implement anti-discrimination law. Regarding CVET for women one proposal has been made to motivate employers to help their employees caring for pre-school children to maintain their qualification by providing programmes to improve the abilities necessary to assert oneself on the labour market. Gender segregation on the labour market does not yet appear to be a great concern in Czech VET policy.

Regarding ethnic minorities (or people of ‘different socio-cultural origin’) the Czech Government has introduced a programme of measures to better integrate the Roma population. Most of these concern children and primary education, some also concern secondary education. For Roma adults courses are organised in basic and secondary schools where they can complete their basic education. These courses focus on skills applicable in the labour market.

⁶⁴ Czech Republic Lisbon National Reform Programme, p.32

⁶⁵ Cedefop Refernet Report Czech Republic “Achieving the Lisbon Goal”, p.15

“Specific training and retraining courses are designed for the Roma, where they can acquire the necessary knowledge and skills for securing a job in state administration (Roma assistance or advisors), or in the Czech Police. The education of the Roma population is negatively affected by the fact that the Roma community assigns a low value to education.”⁶⁶

Greece

Very low wages and high inflation in Greece mean that a large proportion of the active population has resorted to multiple employment and is working, at least partly if not entirely in the informal or ‘shadow’ economy. This is facilitated by the high number of immigrants, who make up nearly 10% of the total population and are generally seen as a cheap source of labour. Unusually, immigrants have a higher employment rate than Greek nationals, and work mainly in marginal or labour-heavy occupations, such as household cleaning, farming, family care, construction etc.

“These labourers are typically outside the VET stream, although their children are increasingly participating in the system.”⁶⁷

Greece is also characterised by a very high proportion of self-employed workers and very small businesses, with long working hours and very little part-time work. These factors also militate against participation in vocational training.

Although female employment rates have been increasing in the last few years, their unemployment rate is still double that of men. The rapidly ageing population (61% of the population will be over 40 by 2020) means a falling employment rate for older workers - 41.3% in 2003 to 39.4% in 2004. The Greek government has therefore announced in its Lisbon Strategy National Reform Programme that:

“During the next policy programme period 2007-2013 great emphasis will be placed on the training of unemployed and older employed individuals to upgrade their skills and their professional qualifications.” (Lisbon Reform Programme p.46)

Currently there are various subsidies for employers to employ and train socially disadvantaged groups at the minimum wage. These subsidies have been heavily reliant until now on EU funding, which, however, is decreasing due to the enlargement of the European Union. This approach to the link between VET and employment is therefore unlikely to be sustainable. It also risks creating a permanent underclass of socially disadvantaged people on the minimum wage (Cedefop Refernet report, 2004).

Apart from subsidies for employers to provide on-the-job non-formal training for socially disadvantaged people, vocational training for these groups is provided by state-run Adult Education Centres, for instance:

- Education of adult Roma (literacy, vocational training, health education, parental counselling).
- Education for repatriates (Modern Greek language, History, Literature, Geography, Labour, Legislation, information about the operation of the Hellenic public Services, etc.)
- Resources for education and training of special social groups, such as pupils who are immigrants in Greece as well as classes for Roma and the Muslims of Thrace.

⁶⁶ *ibid*, p.30.

⁶⁷ Cedefop refernet report “Achieving the Lisbon Goal”, p.27,

http://www.refernet.org.uk/documents/Country_Report_Greece.pdf

The Ministry of Labour also has a number of gender mainstreaming policies which contain specific quotas for women, or are oriented solely to women e.g. the Operation Programme 'Information Society' or 'Employment and Vocational Training' (Cedefop Refernet Report Greece, 2004).

5. VET in the steel sector at national level

The nature and extent of training provision in any industry is determined by the economic context, the qualification and socio-demographic profiles of the workforce, the national education and training system, arrangements for social partner involvement, active labour market policies and the rate of technological evolution in the sector. The extent to which training provision in an industry promotes equal opportunities is naturally determined by the same factors plus other cultural factors such as attitudes towards gender roles and the degree of social integration of minorities.

The previous sections have discussed the current conditions of national systems for initial and continuing vocational training in CZ, DE, FR, GR, IT and UK, and highlighted the processes of change they are undergoing in response to their national economic and employment contexts and European VET policy requirements. These reforms include the increasingly targeted use of national VET systems by governments to foster social inclusion and promote equal opportunities. This section will discuss the relation between these systems and processes and VET provision in the steel sector at national level.

Most training in the steel industry in Europe is task or occupation specific, usually on a 'when required' basis, and does not necessarily aim at qualifications as an outcome (NSIC report 11). This being said, the conditions for workers to acquire qualifications which are recognised outside of a steel company obviously depend on the national qualification system but also, and in particular, on social partner involvement at sectoral level. This explains why European VET policy is increasingly supporting social dialogue and training initiatives at this level (see above).

So, for example, in the French system of highly regulated CVET and training rights, extensively formalised social partner involvement, and almost completely school-based IVET (see section 4), the social partners in the metals sector jointly accredit and manage nationally recognised pay-related sector level CVET qualifications for workers and job-seekers in the metals and steel industry. The 'Joint Qualification Certificates in the Metal Industry' (CQPM) are of medium duration (usually around three months) and delivered through alternance training (partly in the workplace, partly in a training institution) or in e-learning programmes. According to the social partners, the e-learning programmes do not require any specific knowledge in computing and every trainee has individual support from a trainer. This tailoring of training to the needs of the individual saves time and money which allows more employees to train makes access to training easier for employees who are uncomfortable with traditional or more academic training (WEM-EMF, 2003). The CQPM can also be acquired through the validation of acquired competences and are competence-based rather than process-oriented so that the training programme can be adapted to the needs of the trainee and the company. They exist at 5 levels but more than two-thirds of them are for blue collar workers at post-secondary non-tertiary level. About 4,000 certificates are issued each year.

In the UK, where IVET and CVET qualifications merge into one, are competence-based and designed by employer-led Sector Skills Councils (see section 4), the sector skills body Metskill organises the delivery and funding of training and nationally recognised qualifications to workers in the metals sector. Metskill has signed a Sector Skills Agreement with the Education sector which includes cooperation with Union Learning Representatives (see above) to increase participation of workers, and has established a Metals Sector Skills Academy. Whilst the Union Learning Fund provides low-skilled workers in the steel industry with basic skills training, Metskill also provides training and certification in 'soft skills' such as

teamwork, leadership etc. which are recognised by employers within the sector. Training and assessment for nationally recognised qualifications (Metals NVQs) is in the workplace and there is, within reason, no time limit set for their acquisition. Their competence-based rather than process-oriented nature means that workers can enter the qualification system at whichever level is appropriate for them without having first to progress through lower levels.

In Germany delivery at company level of the formal IVET qualification (Skilled Worker qualification) in the dual system and the Meister (Advanced Skilled Worker qualification) is still considered sufficient as far as nationally recognised qualifications are concerned. The sector social partners do not consider it necessary to manage and deliver further levels (as in the UK) and/or types (as in France) of nationally or sectorally recognised qualifications. Furthermore, due to the dual system of IVET, steel plants in Germany usually have very evolved training centres on site where they deliver their own training, the content of which is decided at Works Council level. This means that most CVET certification in the steel industry is company level certification. The only nationally recognised qualifications which unqualified workers can obtain are therefore the Skilled Worker or Assistant or Meister qualification via the validation of acquired competences. This is subject to the condition that the individual has been working in the occupation for twice the length of time as the formal training time. At sector level, the employers association Gesamtmetall is not itself a training provider but has a database of recommended e-learning courses from private providers.

The Polish qualifications system is undergoing a reform transition from a process-oriented system similar to the German one, where length of vocational school attendance and type of vocational school determined qualifications, to something more similar to the UK competence-based system, where all examinations for nationally recognised qualifications are open to everyone at any stage in their career, with or without formal training. However, training and assessment for nationally recognised vocational qualifications take place outside of the workplace and are at the initiative of the individual rather than the company. Initiatives towards qualifications organised at sector level are also emerging, such as the certification system of the Polish Welding Centre of Excellence in Gliwice. The system is accredited by the Polish Centre for Accreditation (PCA). It is authorised by the European Federation for Welding, Joining and Cutting (EWF) and the International Institute of Welding (IIW). The Certification Centre offers qualification and certification, which includes:

- a. International Welding Engineer/European Welding Engineer,
- b. European Welding Inspector,
- c. International Welding Technologist/European Welding Technologist,
- d. International Welding Specialist/ European Welding Specialist,
- e. International Welding Practitioner/ European Welding Practitioner,
- f. European Welder.

Certificates of competence are issued in welding production, castings and forgings, production and processing of metals, pre-operation and operation testing of plants, objects and structures. However, in general, Polish enterprises use profiles and descriptions of competences rather than qualification standards (Strietska-Iliina, 2005b) and the steel industry does not appear to be an exception (Fairbrother *et al*, 2004a).

It can be surmised that this is also the case in the Czech steel industry. Generally speaking, except for the professions and trades which are covered by specific laws and regulations and require specific qualifications, Czech employers judge job applicants on their experience and competences rather than on their qualifications (Strietska-Iliina, 2005a). This is due to the fact that in the past it was virtually

impossible to obtain any qualifications once one had left the initial education system and entered employment.

“Since the beginning of the transformation period, the Czech labour force has also demonstrated high levels of professional mobility, where about 38% have changed their occupation at least once. This would not have been possible without recognition of informal and non-formal learning in the world of work. Therefore, prior learning and competences of the labour force in the Czech Republic are far more recognised in an informal way, rather than via an established national system of validation” (Strietska-Illina, 2005a: 14).

One of the regulated sectors with an elaborate system of assessment, training and certification in the Czech Republic is electrical engineering. This includes “modular training leading to specific competences defined as standard requirements for the knowledge and competences of related professional activities” (Strietska-Illina, 2005a: 16).

It is worth remembering that the average age of the steel industry workforce in most European countries is over 45 years. This means that many steelworkers in Europe did not experience national systems of education and initial vocational training in anything like their current form. Many steelworkers of the over 45 generation entered the steel industry at a time when recruitment was mainly for non-skilled manual labour and therefore only completed compulsory secondary education and may have no qualifications or experience of the formal IVT system at all.

This is the case in Poland, where over 60% of the steel workforce was over 40 years old in 2000 and many have few or no qualifications at all (Fairbrother *et al* 2004a). The Polish steel industry is characterised by over-employment in regions where unemployment is already very high. 47,000 jobs were cut between 1999 and 2001 alone and many more job-cuts are still expected. Training resources are therefore concentrated on retraining for workers who are leaving the steel industry, most of whom are over 40 years old and low-qualified (Towalski, 2003). In the rare cases of recruitment, employers prefer to recruit from the masses of unemployed qualified youth than to invest in qualifying and updating the skills of older workers. Major reforms in Poland have only just begun to incorporate transferable, generic ‘employability’ competences into formal education and training, and these were not previously included in continuing training in the steel industry either, which also focussed entirely on technical skills. Validating/credentialising the acquired competences of unqualified but experienced older workers is therefore an unlikely approach when these technical skills are considered outdated for their current job and untransferable in cases of retraining for other sectors.

Although the Polish social partners in the steel sector are not involved in delivering sectoral qualifications as they are in France, Germany and the UK, the importance of social dialogue for training provision is very evident in Poland, where the steel industry has an unusually well-developed social dialogue system by national standards (Towalski 2003). This has enabled the massive restructuring and workforce reductions in the Polish iron and steel industry to be carried out with very low levels of industrial conflict. In September 2003, for example, the sectoral social partners and government agreed an ‘activation package’ to accompany restructuring up to 2006. The package provides for training and counselling for redundant workers who are willing to seek work in other sectors. The success of this programme has been called into question, however, as only few have benefited from the training offers (Trappmann 2007).

Poland’s largest manufacturer of steel, with a 70% share of domestic production and approximately 15,500 employees, is Polish Steelworks (PHS), which was sold to the LNM Group (Mittal Steel) in 2004. The privatisation deal between the Polish government and LNM was very unusual for Poland as the government did not insist on the inclusion of a ‘social package’ with provisions protecting personnel

interests, which are traditionally an integral part of every privatisation deal in Poland (Towalski 2003). After several rounds of negotiations, an agreement was reached between LNM and the 12 trade unions operating in the company. One of the commitments made by LNM in the agreed social package was to draw up an annual personnel training programme and implement it in consultation with the trade unions. LNM has, however, been reluctant to respect this commitment.

In this climate of economic crisis, issues of training and equal opportunities for those remaining in the steel industry are clearly not a priority at company or government level. This lack of interest is compounded by entrenched cultural attitudes to gender roles (for example women were prohibited from certain jobs in the steel industry until the recent transposition of the EU equal treatment directives) and the socio-demographic profile of the industry, where ethnic minorities are very hard to find.

The situation is quite different in the old Member States where “massive investment in training and retraining has become an essential element of the European steel industry’s continuing process of change and restructuring” (Fairbrother *et al* 2004b: 4). Except in Italy, which significantly reduced the average age of its steel workforce through mass early retirement in the 1990s, the steel industry is everywhere characterised by an ageing workforce. In all countries, older workers in the steel industry tend to be low qualified and participate less in training than younger workers. In contrast to Poland though, the UK and France are struggling to recruit young qualified people (and this despite high youth unemployment in France) due to image problems of the industry and the low esteem in which vocational education is held. Despite efforts of governments to make initial vocational qualifications more attractive to young people and better suited to employers’ needs, training programmes in the steel industry in France and the UK are increasingly aimed at graduates.

As demonstrated in section 2, there are several challenges regarding training and equal opportunities for the steel industry in these countries. These challenges include:

- maintaining and training older workers in order to cope with the forecasted skills shortages crisis
- the transfer of knowledge and skills from older workers leaving the industry
- the adaptation of older workers and low-skilled workers to technological developments
- the need to target other sources of potential recruits (women, migrants) to the steel industry by encouraging and supporting them to acquire the necessary qualifications.

Similar challenges exist for the steel industry in Italy and Germany although the Italian steel industry’s low recruitment and high youth unemployment and the German steel industry’s high youth unemployment and effective work-based IVET system mean that skills shortages are not the primary concern. A severe skills shortage in the metals sector by 2011 was forecasted for Germany, but the steel industry reacted by orienting the number of vocational trainees towards total workforce numbers, which means that there is now a quota of 4-6% of trainees in the whole workforce.

Where attempts are made to respond to these challenges, social dialogue in one form or another is always the avenue taken, be it through collective agreements or joint initiatives and projects of the social partners at sector, company or plant level. Thus for example, concerning the issue of **qualifying the workforce**, a plant level collective agreement in Germany (Arcelor, Bremen) and a sector level collective agreement in Italy the social partners have decided to ensure that all employees without a nationally recognised formal qualification will obtain one. The Italian agreement from 2003 entitles all workers who left school early to extra paid leave, so that they can study (outside of the workplace) for an upper-secondary school certificate. The plant level agreement in Bremen aims to ensure that all unqualified workers are trained in the workplace for the IVET Skilled Worker qualification. A pilot project

funded by the German government in cooperation with companies in the metal and electro industries aims at qualifying older workers particularly those over 50 years old. In another project (entitled 'Life and Work: Qualification and Counselling in Dialogue') in the metals and electro sector in Germany, the social partners are elaborating tools for the early recognition of qualification needs and developing a concept for guidance and counselling based on skills audits (like the French *bilan de competences*). The project is also creating the new profile of a 'training coach' along the lines of the UK Union Learning Reps. IG Metall's (the German metal workers union) 'Competence Handbook' and 'Job Navigator' provide a further example of a social partner initiative to raise the level of qualification in the existing workforce. The handbook and the navigator provide guidance, mainly for low-qualified workers, in what competences are required by each job so that they can decide how they would like to progress in their career and what training they need to do so.

In the UK, the Sector Skills Agreements and the Union Learning Fund mentioned above constitute the main approaches taken to increasing qualification levels in the steel sector. In France, the qualification of the workforce in the steel industry is dealt with by company and sectoral level agreements which transpose the national cross-sectoral agreements on validation of acquired competences, the right to a skills audit (*bilan de competences*, see sections 3.1.1 and 3.1.3) and to an annual *entretien professionnel* (developmental appraisal interview between employee and superior to discuss training needs). In July 2004 an agreement was concluded between the social partners in the Metalworking sector on vocational training containing provisions concerning older workers, disabled workers and workers returning from maternity and parental leave.⁶⁸ The agreement establishes a joint observatory which should analyse professions and qualifications in the metalworking sector and should begin immediately by focussing on disabled workers, older workers and equality in the sector. The agreement provides for a '*periode de professionnalisation*' (training leading to a qualification) available to workers whose qualifications are not adapted to their work and in particular workers whose employment is precarious, notably older workers (over 45 years old), disabled workers, workers returning from parental or maternity leave and workers who have been absent for a long period due to illness or accident.⁶⁹

A regional agreement in the metals and electro sector in Baden-Württemberg in 2001 was the first agreement in Germany to introduce the right to formal annual consultations like the French *entretien professionnel* between employee and supervisor. The agreement represents:

"a fundamental change in approach" to training policy for both sides as "training needs are now being partly defined from the bottom up – by the individual employee – and not just exclusively from the top down" (Vind *et al*, 2004: 32).

Personal further (continuing) training is defined in the agreement as:

"training that has been personally determined by an individual but at the same time must prepare that individual to take on an activity within the company" (*ibid*)

⁶⁸ The metalworking sector agreement adapts the national intersectoral agreement of September 2003, which led to the law on vocational and continuous training of May 2004, see section 3.1.1 and 3.1.3.

⁶⁹ The intersectoral national agreement states that training leading to an accredited qualification is carried out during working time on full salary. Training may also take place with the employees consent outside of working time (maximum 80 hours per year) at 50% of the full salary. In the latter case, the employer is committed to offering the new employee a new position, corresponding to their new qualification, within one year. These provisions were not accepted by the employers in the Metalworking sector agreement.

There is a right to three years off work to pursue such training (after five years in the company). Concerning continuing in-company training, the agreement stipulates that employees must be trained to adapt to new developments and requirements in their field of work, and must be trained for an equally or higher skilled position when their job is no longer required. An obligation has also been introduced for employees to help identify their company training needs and to participate in training.

Regarding the need to target other sources of potential qualified workers, measures in the steel sector are mostly targeted at women and migrant workers or young people of migrant origin. In the UK, France and Germany, steel industry employers are involved in many initiatives aimed at attracting more girls to technical and scientific studies and careers, for example 'IndustriElle' in France, 'Girls' Day' in Germany, 'Take your daughter to work' in the UK, etc. In all of these countries it is felt that the main problem is the attitudes of schools and teachers which are not yet as advanced as those of industry employers when it comes to labour market gender segregation. Another initiative aimed primarily at facilitating the participation of women in training in the steel industry is the provision of child care facilities during training periods, which is offered in some German steel plants.

Measures at sector level aimed directly at people of migrant origin in the steel industry are rare. One example is a metals sector agreement from 2003 in Italy which entitles migrant workers to 250 hours of paid leave to attend courses in Italian as a foreign language. The training module produced by the social partners at sector level in Germany⁷⁰ called *iZusammen arbeiten, leben, lernen mit Ausländern* ('Working, living and learning together with foreigners') is not aimed directly at migrant workers but at the indigenous employees working with them. In the UK, training measures in steel companies or plants tend not to be aimed directly at ethnic minorities but indirectly through measures for the low-skilled (such as the Union Learning Fund).

There are more training initiatives aimed directly at people of migrant origin at company and plant level, especially in Germany where there has been a strong presence of Turkish workers and workers of Turkish descent in the industry since the 1950s. Well-publicised journalistic investigations in the 1970s into the exploitation of migrant Turkish workers in the German steel industry have led to the involvement of German steel companies in many initiatives for the integration and advancement of workers of migrant origin in the industry. Thyssen Krupp for example has been involved in the project 'culture mediators' and the 'Future Congress' entitled 'Migrants – an advantage for employers' in cooperation with the regional centres for the promotion of migrant families' children and youth in North-Rhine-Westphalia. ThyssenKrupp is also involved in the programme 'chance now' of the Federal State of North-Rhine-Westphalia. The programme's central objective is the improvement of the vocational situation of migrants. ThyssenKrupp Steel Duisburg initiated a vocational basic and further education day for migrants and was awarded for its commitment to support vocational qualification of migrants.

Some German steel companies also take part in the National Pact for Vocational Education and Future Skilled Workers (*Nationaler Pakt für Ausbildung und Fachkräftenachwuchs*). They provide trainee places with low qualification entry requirements primarily for disadvantaged young people from migrant backgrounds. The members of the VDEh Association⁷¹ offered 58 such trainee places (*Einstiegsqualifizierung für Jugendliche*, EQJ) within this National Pact in 2004. EQJ provides young low-qualified people with components of traditional apprenticeship which qualify them for entry into the apprenticeship system. High-level qualification demands in the steel industry make German steel companies reluctant to increase their commitment to offer EQJ training places. Stahlwerke Bremen

⁷⁰ IG Metall and GesamtMetall

⁷¹ VDEh, founded in 1860, is promoting mechanical, engineering-related, and scientific cooperation of engineers in order to further develop steel (production) technology.

(Arcelor) in Germany has an unofficial quota for apprentices with migrant background (mostly Turkish), which is in line with but probably preceded Government policy (see above).

Concerning disabled workers, there are quotas in Germany, France and Italy and the obligation for companies to train disabled workers in Germany and France (see above), but sectoral and company initiatives in the steel industry are rare. ThyssenKrupp in Germany for example have started projects to support the vocational education of severely disabled people. In general, however, provision for the special training needs of disabled workers in the steel industry depends more or less entirely on the importance assigned to this by trade union representatives at plant level.

6. Conclusion

Issues of equality and diversity have been integrated into VET policy at all levels with a certain cascading effect; VET policy-making at EU level, European social dialogue at inter-professional and sectoral level, national level policy-making, national level social dialogue, national steel sector level and steel company level. Despite the rhetoric and the 'soft' pressure from the European level, however, the implementation and the quality of VET measures targeting disadvantaged groups vary significantly from one context to another, being always subject to economic priorities. The strong tradition of social dialogue in the steel industry largely accounts for the fact that training is an area which the steel industry in most countries has taken seriously. The link between training and the promotion of equality and diversity is, however, not often realised with the result that measures tend to be *ad hoc* and mainly dependent on economic imperatives such as labour market shortages or the need to restructure.

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Three: Equal Opportunities and the European Steel Industry

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1. Introduction

The purpose of this reference document is to demonstrate the ways in which different national equality policies, themselves shaped by European policies and legislation (Section One, Annex Two), impact upon equality and diversity policies in the steel industry at national and company level. Together with the reference document on vocational education and training (Section Two, Annex Two) this document provides the contextual background to the project's primary research into equality and diversity practice in European steel companies.

All of the Member States of the European Union, many of them for the first time, now have equality and anti-discrimination legislation covering training and employment on the basis of age, disability, race and ethnicity, religion and belief, sexual orientation and gender. These regulations and requirements will relate directly to the policies and practice of European steel companies where continuing radical change and restructuring is bringing a specific set of challenges in relation to equality and diversity within the industry (see volume one). The responses which steel companies in Europe find to these challenges, however, will be significantly shaped by the varied and uneven ways in which European policies and regulations are implemented at national level.

This reference document looks at three main policy areas: anti-discrimination (on the grounds of race or ethnic origin, age, disability, religion or belief and sexual orientation), gender equality and work-life balance (WLB). The role of trade unions and social dialogue is then examined. Finally the impact of these policies and actors on the steel industry at sector and company level is discussed. The report covers six countries in the EDLESI project: the Czech Republic, France, Germany, Italy, Poland and the UK.

2. Anti-discrimination

This section deals with policies and measures in Member States against discrimination on the grounds of race or ethnic origin, age, disability, religion or belief and sexual orientation i.e. the grounds covered by the two European Directives 2000/43/EC (Racial Equal Directive) and 2000/78/EC (Employment Equality Directive). These Directives have been enacted since the Treaty of Amsterdam enlarged the powers of the EU to deal with more than just gender equality. As gender equality has a much longer history in most Member States and at European Union level (twelve Directives covering issues of gender equality dating between 1975 and 2002 were recast into one single Directive in 2006, see below) it will be dealt with separately in the next section.

The Racial Equal Directive 2000/43/EC and the Employment Equality Directive 2000/78/EC should have been fully transposed into national legislation by the 'old' Member States by July 2003 although there was an option to delay implementing the legislation on age discrimination until 2006. For the new Member States implementation had to be completed before accession (May 2004, or January 2007 for Rumania and Bulgaria). In June 2007 the European Commission had to send 'reasoned opinions' (the second stage of the infringement procedure) about the state of implementation of the Race Equality Directive to 14 Member States (EC 2007a), giving them two months to reply before the issue can be referred to the European Court of Justice. This does not mean, however, that the other Member States have implemented the legislation correctly, the Commission is still examining the legislation of the other Member States, so any possible infringement procedures are at a less advanced stage. In some cases new legislation has just entered into force and there has not been time to study it fully (for example in Belgium). In other cases, new problems have been identified which means that a 'complementary' letter

of formal notice has to be sent, and a reasoned opinion would only come at a later stage, if at all (EC 2007a). The Commission has not yet begun the infringement process for the Employment Equality Directive (covering disability, age, sexual orientation and religion or belief). However, it has commissioned reports from independent experts on the state of transposition of the Employment Equality Directive. Most of these reports suggest that the Employment Equality Directive has not been transposed entirely correctly.

The Commission has identified the following problems with the transposition of the Racial Equality Directive:

- Definitions of discrimination which diverge from the Directive, in particular, in terms of indirect discrimination, harassment and instructions to discriminate. Definitions may be lacking or incorrect. In the latter case the main issue is that the definition of indirect discrimination does not cover future or possible events. The definitions of harassment and instruction to discriminate are too limited in some countries.
- In some countries the scope of the directive is too limited e.g. the public sector or certain employment relationships of a private nature have been excluded, or the scope has been limited to employment only.
- Inconsistencies in the provisions designed to help victims of discrimination e.g. exceptions to the prohibition of direct discrimination are broader than allowed by the Directive or extended outside employment, the right of associations to engage in legal procedures to help victims of discrimination is limited, the burden of proof has not been reversed, a lack of protection against victimization in certain sectors, a definition of victimization is lacking.

Five of the six EDLESI project countries have been sent 'reasoned opinions' by the European Commission concerning their implementation of the Race Equality Directive.

The problems identified with the transposition of the Directive in the Czech Republic are an absence of definitions of discrimination, national legislation does not cover all types of employment, social protection or access to goods and services, the sharing of the burden of proof is not applied in all fields covered by the Directive, protection against victimisation applies only to employees and not outside the field of employment, no Equal Opportunities Body with the competences required under the Directive has been established, and anti-discrimination legislation does not cover the entry and residence of EU citizens.

The Czech Law on Employment which came into force in October 2004 introduced measures to prevent discrimination in employment on grounds of race, age, sex or religion and encountered a substantial amount of opposition (Kadavà 2004). There were some highly publicised cases of discrimination on grounds of ethnicity, religion and age in 2003 but these cases were considered highly exceptional as the legal procedures are slow and ineffective and legal aid is provided only in very limited circumstances (Kadavà 2004, Boucková 2007).

In the Commission's evaluation of the Czech Republic's National Reform Programme (NRP) 2005-2008 it notes that the Czech government has identified:

"problems of inclusion in the labour market and of potential labour market shortages and strives to address these problems by improving the inclusion of three specific groups: the young, the elderly, and women. The measures proposed are based mainly on an extension of existing labour market policies. Particular attention is paid to active immigration policy and the inclusion of foreigners in the labour

market. The NRP does not cover measures targeted at promoting the inclusion of disabled people or of resident ethnic minorities such as the Roma population, though the Czech authorities have indicated some separate information on this” (EC 2006a).

Boucková (2007) describes Czech society as having become increasingly homogenous since 1945. However, as the Czech Republic is one of the richer new Member States its immigration inflow has been increasing since 1990 (Ambrosini and Barone 2007), the most frequent immigrant nationalities being Slovak, Ukrainians, Vietnamese and Polish. In absolute terms though, the proportion of foreigners in the population is still low (0.7%). Boucková (2007) asserts that the unbalanced nature of the Czech Republic’s policies towards minorities became apparent when the Czech Citizenship Law was passed in 1993. This legislation effectively excluded from Czech citizenship virtually the entire Czech Roma minority population (the majority of the Czech Roma are descendants of the Roma migration from Slovakia after 1945). According to Boucková (2007), Czech draft Anti-discrimination legislation to implement the EU Directives fell:

“victim to these narrow and formalized perceptions in the opinion of the public and political bodies of equal treatment and protection against discrimination” (p.1).

It is commonly felt that the constitutional clause declaring the Czech Republic to be ‘a democratic state built on principles of rule of law and human rights protection’ is enough to serve as a legal base to protection against discrimination and that definitions of discrimination or rules on positive measures are not necessary.

“The most significant obstacle of effective protection is not only the lack of Antidiscrimination legislation implementing the EU Directives, but the widespread conviction in society, that real equality does not mean more than everybody to be treated formally identically, without respect to any difference essentially causing inequality. In case of disability, it is still tolerable to argue that such differences do result in real inequality” (ibid).

However, the measures of state policy to balance these inequalities (such as an employment quota of 4% for disabled workers) are widely resented as ineffective and the legislation to implement them is circumvented. The introduction of special measures in education or employment to balance disadvantages encountered by the Roma minority is mostly perceived by public opinion as unjustified positive discrimination. Concerning age, discrimination of elder people is not denied:

“but it is argued that this is a result of ‘market economy’ which brings positive and negative results and that it would be unreasonable and unjust to require the young and successful members of the society to pay for the senior population’s wellbeing” (ibid).

An Anti-discrimination Bill failed to pass through the Czech Senate in January 2006. The main topics of the discussion in the Czech Parliament were the refusal of positive measures which were considered to be positive discrimination and doubts about whether the Czech Republic really needs to implement the EU Directives with an Anti-discrimination Law. A new Anti-Discrimination Bill was submitted in February 2007. It is similar to the last one, the only important differences being that no mediation procedure on behalf of victims is proposed and no provisions allowing for positive action measures are contained in this draft (Migration Policy Group 2007).

The Commission’s Annual Report on Discrimination (2006) highlights cases of discrimination on grounds of ethnic origin in the Czech Republic, all of which were brought before the courts by NGOs. It appears that the Czech government is taking a minimalist approach to implementing the EU ant-

discrimination Directives and that without the intervention of NGOs the Directives would have little impact on employers or society.

The French government in contrast has paid a great deal of attention to issues of equality and discrimination in recent years although this has been caused more by societal developments than by the EU Directives. France has also received a reasoned opinion from the European Commission about its transposition of the Race Equality Directive although the problems appear to be quite minor: the absence of a definition of indirect discrimination, an incorrect definition of harassment, lack of full protection against victimisation, and limitations of the right of interested parties to initiate proceedings to defend the victims of discrimination. The French law is, however, extremely comprehensive in covering discrimination. The 2001 Law on measures to combat discrimination extended the list of discriminatory acts to include sexual orientation, physical appearance, patronymic name and age. The equality body created in 2005 (the High Authority to Combat Discrimination and Promote Equality, HALDE) has been given very extensive powers of intervention and operational funding (Latraverse 2007). Its roles include acting as a contact point for victims of discrimination and helping them to mount cases, providing advice to courts and any other official instances, implementing pro-equality promotional programmes and conducting research and statistical monitoring, and providing training, particularly to judicial actors.

“Its investigative powers allow it to request explanations from any public or private person, including the communication of documents and the hearing of relevant witnesses. In the event of non-cooperation with the investigation services, the law provides that the High Authority be in a position to request a court order. It may also ask that all necessary investigations be carried out by any service of the state and may undertake visits to all non-private premises after due notice and with the consent of the owner” (ibid p.8).

Unlike the Czech Republic, France has a high proportion in its population of immigrants (8%, Nicot 2007), but more important than that is the proportion of people of immigrant descent (second and third generation, mainly North African and African) who have French nationality. In 2004 several highly publicised reports were published on the situation of this part of the population. They revealed that racial discrimination pervades recruitment practices in France: Tests using identical CVs revealed that only 5% of recruiters invited candidates of Maghreb origin for an interview in comparison to 30% for “standard white-skinned candidates”. Contrary to what is generally believed, racial and ethnic discrimination is even more marked in the case of those with high qualifications (up to bac+5), where there are 3-4 times more non-EU foreigners unemployed than there are French unemployed. Patronymic names and addresses of candidates on CVs are also often discriminated against; CVs are frequently rejected for example because the candidate lives in a ZUS (Sensitive Urban Zone) (Amadiou 2004). In November 2004, the Court of Auditors published a report which heavily criticised France’s integration policies. The report describes a crisis situation that is the result of the way in which immigration has been handled, claiming a partial failure of the French model of integration. The document examines the social predicament of immigrants and evaluates the efficiency of public policies. The conclusion is that the results of the efforts made are unimpressive, with three areas - housing, schools and employment – being particularly problematic (Viprey 2005). In November 2005, riots involving young people of mainly immigrant descent began in the Paris suburbs and spread throughout the whole of France. The riots continued for several weeks leading the government to declare a three-month state of emergency. The powers of the HALDE were reinforced in 2006 as a result of the riots and the government introduced positive actions measures targeted at disadvantaged suburbs. The latter, however, have been much criticised for being insufficiently funded. The government informed employers that greater ethnic and cultural diversity in recruitment would be imposed via legislation if they did not bring this about themselves within two years. Since then, however, a new right-wing president has been elected and this threat has been removed. The new president is an advocate of positive discrimination but also of hardline ‘selective immigration’ policies.

As in the Czech Republic, France imposes an obligation in the private sector for companies to employ a minimum quota of disabled people (6%). 46% of companies had reached the target in 2003 (Jolivet 2005). In January 2006 a new law came into force increasing the fines for companies which do not meet the quota from 500 to 1,500 times the statutory hourly minimum wage (7.61€) per disabled person not hired. Companies failing to meet their quotas will be excluded from tendering for government contracts and the new law obliges companies to negotiate the integration of disabled workers annually (every three years at sector level). It also obliges the employer to grant flexible working time for workers taking care of disabled relatives. The law was heavily criticised, however, as having watered down the original bill, particularly regarding access for disabled people: The obligation for reasonable accommodation only applies to employment whilst:

“over 80% of bus routes, more than half of cinemas, bakeries and restaurants, 23% of town halls and 30% of post offices currently do not offer disabled access” (ibid).

Unemployment among disabled people in France was 27% in 2003 and the previous government aimed to reduce this by 20% in 2005 (ibid).

In June 2006, the French prime minister presented a national action plan to promote the employment of older workers, which completed a national intersectoral agreement established in October 2005. The plan of action aims to reach an employment rate of 50% among people aged from 55 to 64 years by 2010. At 37.9% in 2005 the employment rate for 55-64 year olds in France is one of the lowest in the EU 15 (compared to nearly 70% in Sweden for example). It was, however, under 30% in 2000. Long term unemployment is highest amongst older workers. The objective in the national intersectoral agreement of October 2005 and the national plan of action is an annual increase of two percentage points from 2006 to 2010 to reach the rate of 50% set by the European Council of Stockholm. One of the points in the national action plan is to eliminate the possibility of undertaking sector-specific negotiations which aim to bring the retirement age down to under 65 years of age. In 2004 the government introduced new types of contracts which should boost the employment of people over 50 years old. These proposals have not yet been taken up by employers however despite willingness on the side of the trade unions. The law on lifelong vocational training of May 2004 created the right for workers over 45 years of age to a ‘bilan de competences’ (competence assessment) from their employer. The law ‘Delalande’ imposes a fine on companies which terminate the employment of older workers who were recruited before the age of 45. It has been criticised as counter-productive (employers use the risk of the fine as an excuse not to recruit older workers), however, and will be phased out in the new action plan (Jolivet 2006).

The Labour Code forces the employer to take into account age and handicap as protecting factors in establishing the list of targeted employees in case of economic redundancy and article L321-4-1 LC imposes on the employer the establishment of a plan to organise as priority the reclassification and reemployment of older workers as well as a special regime to indemnify workers over 57 years of age until retirement age in case of dismissal after a certain age.

The Commission’s evaluation of the French National Reform Programme (NRP) 2005-2008 notes that:

“The stress on integration of disadvantaged target groups represents a change in emphasis as compared with previous years. The thrust of these measures is in the right direction” (EC 2006b).

The Commission emphasises that the employment of older people is a vital issue for France and acknowledges that France has introduced many new policy measures for people in difficulty, however, it concludes that the scope, coherence and impact of these employment policies is difficult to assess. It appears then that the French government has until now taken a positive stance with regard to

transposing European regulations and policies, primarily because these have coincided with urgent social and economic problems. Whilst the government has been keen to be seen to be tackling these problems with many new laws and initiatives, the actions taken to implement national policies, however, are often rather weak and undermined by factors such as a lack of labour inspectors and weak sanctions.

In Germany an Anti-discrimination Law implementing Directives 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC was passed in August 2006. This was considerably later than the deadline for transposition as the first bill put forward by the previous Socialist-Green Alliance in 2004 met with great opposition from the Christian Democrats and was thus postponed until after the general elections. Although the Bundesrat had recommended reducing the scope of the original bill to a text which does not go beyond the Directives and in many places the Act follows the Directive verbatim, it has added 'philosophical belief' to the list of prohibited grounds for discrimination. There are, however, various parts of the Act which may be found to be in breach of EC law (Mahlmann 2007), the most important being the exception of dismissal from the application of the prohibition of discrimination (because dismissal is covered in the legislation on unfair dismissal), certain qualifications as to the applicability of the prohibition of discrimination on housing. The Act also makes the award of compensation for material damage dependent on the proof of fault or wilful intent of the discriminator which is contrary to ECJ jurisprudence (Migration Policy Group 2007).

Regarding older workers the government introduced employment subsidies in 2006 for unemployed older workers in order to reach by 2010 the 50% employment rate target set by the EU. The subsidies are for employers who take on unemployed workers over 50 years old and for unemployed older workers who agree to accept a lower paid job than the one they had before. Apart from the planned increase in retirement age, the measures do not, however, aim at keeping already employed older workers in work (Stettes 2006).

Germany has a well developed legal framework for the protection and integration of disabled people in working life, supported by schemes of positive action. Disabled workers representatives elected by disabled employees and in proportion to the number of disabled employees in the company have extensive statutory rights, including the right to be consulted on training matters and the selection of apprentices. Same-sex partnerships may now have a secure legal framework as equivalent to marriage and the German Nationality Act, which was formerly based on descent (*Blutrecht*), requiring proof of forebears having been citizens, has liberalised the rules for obtaining German citizenship in order to foster integration (Mahlmann 2007).

“Nevertheless, Germany has to deal with severe problems of discrimination as well. Racism and Xenophobia continues to be manifested in many forms, even violence that claimed several dozens of human lives since 1990” (ibid p.1).

However, little empirical research has been carried out into discrimination in Germany. This may change with the creation of the new Equality Body required by the EU anti-discrimination Directives. It has the task of:

“supporting persons to protect their rights against discrimination, especially to inform them about the legal means against discrimination, to arrange legal advice by other agencies, to mediate between the parties, to provide information to the public in general, take action for the prevention of discrimination, produce scientific studies, and – every four years – a report on the issue of discrimination, together with the Commissioners dealing with related matters. These agencies can give recommendations and can commission together scientific studies. The agency can demand a statement of position in case of discrimination from the alleged discriminator, if the alleged victim of discrimination agrees” (ibid p.5ff).

Entrance regulations to the German labour market are extremely strict (Vogel 2007a). In 1973, a general ban on the further recruitment of foreign workers was imposed. This ban is still in effect, although where German companies cannot employ an EU citizen due to skills shortages work permits can be applied for. Contracts for guest workers exist with certain countries so that participants of guest worker programmes may work in Germany for up to 18 months. Despite these strict entry regulations the percentage of foreigners in the total population is quite high. It remained at 8.9% from 2000 to 2003 but fell to 8.1% in 2004 (Vogel 2007a). This is probably due to the liberalisation of the law on nationality enabling the children of first generation immigrants to acquire German citizenship. The most important groups of ethnic minorities in Germany are immigrants, the so called 'guest workers' (*Gastarbeiter*) and their descendants who were never supposed to remain in Germany but to go back to their home countries when they were no longer needed. Consequently no policies were established with which to integrate these immigrants and their children into German society. As a result they and their children often have poor German language skills and difficulties on the labour market. The Commission's evaluation of the German National Reform Programme (NRP) 2005-2008 notes that the policy initiatives aimed at the integration of disadvantaged groups in Germany have focussed on education and training measures for young people of immigrant descent. The Commission felt, however, that a more comprehensive approach to improve the integration of low-qualified workers, including immigrants is required. Of the 7.3 million foreigners in Germany in 2003 (population about 80 million) about 30% were Turks, 9% from former Yugoslavia, 8,5 % from Italy and about 5 % from Greece (Vogel 2007a, Mahlmann 2007).

"In addition, especially through asylum seekers and refugees, a heterogeneous ethnic community has formed in Germany in the last decades. A recent micro-census of 2005, the results of which were published in 2006 showed that about 20% of all German inhabitants today have a background of immigration – much more than formerly assumed" (Mahlmann 2007:1).

It would appear that the transposition of the anti-discrimination Directives has not been a priority in Germany. The lack of research into discrimination in Germany and the lack of case law on matters of discrimination (other than gender discrimination) suggest that it is not considered to be an important issue either. It is yet to be seen whether this will change with the introduction of the new anti-discrimination law and Equality Body.

Italy has also received a reasoned opinion from the European Commission about its transposition of the Race Equality Directive, the problems being no sharing of the burden of proof, limited protection against victimisation, and an incorrect definition of racial harassment. The Italian independent country report on measures to combat discrimination produced for the European Commission provides a very useful insight into the Italian stance on anti-discrimination policies:

"Discrimination on the grounds foreseen in the Directives has until recently been a marginal subject in Italian legal and political debate. As a result of the low priority that combating discrimination has had for social and political actors, empirical research on the dimension of the actual problems has been carried out to a limited extent.

...

Immigration has indeed caused a dramatic increase in the degree of perceived diversity within Italian society, where in a relatively short period distinctions (mostly regional and social) that previously represented important barriers became marginal vis-à-vis racial and ethnic factors. Frequent targets are thus "Albanians", "Muslims", "Africans", "Chinese" and persons categorised with these labels often report cases of discrimination, for instance in the private housing market. To this must be added the traditional hostility against the Roma (including those with Italian citizenship) which is deeply rooted in Italian society, although it has only recently come to the surface after the publication of reports on Italy by national and international bodies and NGOs

(primarily European Commission against Racism and Intolerance of the Council of Europe and European Roma Rights Center).” (Simoni 2007:1)

The legal migrant population in Italy represents 5.2% of the total resident population (Ambrosini 2007). “While other economically advanced countries are increasingly emphasising the need to attract skilled non-national workers, in Italy the demand for migrant workers has so far concentrated heavily on unskilled jobs” (ibid). This is due to labour shortages (despite high unemployment) for jobs involving difficult working conditions as well as high occupational instability (eg agriculture, construction, domestic services, cleaning and industrial sectors such as textiles).

“The Italian policies in recent years have tended to discourage, or at least to restrict, the access of migrant workers in the country, while approving *ex-post* amnesty decrees that ensure them a legal *status* after they have found a job because of the .. labour supply shortages and because they provide workforce at a low cost and high flexibility.” (ibid).

Migrant workers are considerably over-represented among undeclared employees and many are over-qualified for their jobs they hold (around a half of them has a university or an upper secondary degree) with very low opportunities for career development. Over-qualification is also an important problem for Italian nationals, but to a much lower extent (ibid).

Despite this need for immigrant workers, xenophobic debates around immigration policies have tended to completely overshadow discrimination policies:

“At least until the transposition of the Directives, reaction to xenophobia has not taken the form of well-defined policy proposals, as the debate has been mostly focused on immigration law and not on anti-discrimination law strictly speaking. Such an attitude has been until recently common to both political actors and NGOs. When action was taken at the parliamentary level to introduce anti-discrimination rules,... it was given little visibility, probably in order to avoid political costs” (Simoni 2007:1).

Other equality and diversity issues in Italy include the absence of a law on religious freedom which means that:

“those confessions (like Islam) that did not finalise an ‘agreement’ (*intesa*) with the State, ... do not enjoy automatic legal recognition of their specific needs (like holidays and ritual obligations)” (ibid p.4).

Anti-discrimination policies concerning sexual orientation are another controversial topic in Italy:

“Sexual orientation is now more rarely the target of openly hostile statements in the public arena. This notwithstanding, problems of discrimination and harassment on this ground are sometimes reported, although rarely with judicial outcomes. With regard to sexual orientation, the traditional position of the Catholic Church towards gays and lesbians can – at least in theory - cause problems when employment implies some sort of evaluation of religious and moral qualities, and this can in its turn strengthen homophobic attitudes arising in other contexts. The condition of gays and lesbians is, however, increasingly the object of public debate, specially with regard to the possibility of same sex marriage, and this probably contributed to the strong decrease of homophobic statements by politicians, that in the past were not uncommon” (ibid).

Regarding disability, a new law was introduced in 2006 extending protection for discrimination on ground of disability beyond the field of employment. However, the Decree transposing Directive 2000/78/EC omits the requirement of reasonable accommodation for the disabled.

“Problems concerning age and disability, quite often discussed in the media although almost never brought to courts, are instead more linked to the structure of the labour market, where difficulties exist in enforcing the Directives, especially with regard to age (protective rules for disabled employees do exist)” (ibid p.2).

As in many other European countries with a written constitution, Italy’s constitution includes principles that could have been used as a basis for anti-discrimination litigation before the introduction of the EU Directives. However, in the Italian case:

“while clearly forbidding any discriminatory legislation, it is a matter of legal debate whether this principle has direct effect, i.e. if it is a sufficient ground for an action by a discriminated individual. The potential of the constitutional equality principle to become a real remedy against discrimination has, however, never been clearly tested in court. It can certainly be discussed whether this happened because of the absence of discrimination or because of the difficulties in accessing justice by the discriminated individuals” (ibid p.2).

In 1998 the Italian government introduced a special judicial procedure for anti-discrimination cases, which is more swift and effective than ordinary procedures. Victims of discrimination can apply in person (in ordinary cases representation by a lawyer is compulsory) to the judge of the place of his/her residence to obtain an order of interruption of the discriminatory activity as well as damages (including non material losses, ordinarily excluded in civil cases).

“The hearing takes place ‘avoiding all unnecessary formality’, with free choice by the judge of the most suitable method to gather evidentiary materials. In cases of special urgency, the judge can issue an interim order, the violation of which (as that of the order issued in the final decision) is a criminal offence. The Decrees transposing the Directives establish, moreover, that in the field of employment and occupation there is the possibility of making use of pre-trial mediation and that the judge can order - together with the judgment - the production of a plan for the removal of discrimination, as well as the publication of the judgment in a major newspaper” (ibid p.5).

However, despite the fact that the ‘overall system of sanctions is likely to have a significant deterrent effect’ (ibid), the weakness in the system is the rule on the burden of proof which still falls mostly on the victim. As a result, ‘although representative of an increasing consciousness of the problem of racial discrimination’ (ibid), the EU Directives in their current state of transposition are unlikely to bring about any increase in the very low amount of discrimination litigation in Italy.

Unlike the other countries in this report, the newly created Equality Body in Italy only has responsibility for tackling discrimination with regard to race and ethnic origin. The office has been operational since November 2004, did not bring any cases to court in its first year, preferring mediation over litigation. It has addressed a report Parliament, containing a comprehensive analysis of the shortcomings of the present anti-discrimination legislation, and:

“proposing to strengthen its own role in the legal system, with the extension of its competence to other grounds of discrimination, stronger powers of intervention (with for instance the possibility to issue binding orders for the disclosure of documents or the interruption of discriminatory activities) and the introduction of at least some form of standing in judicial proceedings” (ibid p.6).

It would appear that there are grounds for scepticism about the impact of the EU Directives on Italian national policy. The Italian National Reform Programme 2005-2008 concentrates on combating youth unemployment through reform of education and vocational training, and on the integration of disabled and older people into the labour market (at 30% Italy is a long way off the EU employment rate target of 50% for 55-64 year olds by 2010). No mention is made of the integration of immigrant workers or ethnic

minorities suggesting that the use of immigrant workers as a source of cheap and flexible labour for the jobs which Italians will not accept is currently economically expedient and politically a non-issue. However, since the NRP was drawn up there has been a change of government in Italy. The current government has announced a strategy against all forms of discrimination as part of the '2007 European Year of Equal Opportunities for All' (Santi 2007).

Poland has also received a reasoned opinion from the European Commission on the transposition of the Racial Equality Directive. The problems which the Commission has identified are that the scope of national legislation transposing the Directive is restricted to the field of employment, exemptions from the prohibition to discriminate are too broadly defined, there is an incorrect definition of indirect discrimination and no definition of victimisation.

Poland is another country whose strong Catholicism has significantly influenced its equality policies. Like the Czech Republic it also has a very ethnically homogenous population (Mazur-Rafal 2007) and an even smaller migrant population than the Czech Republic; non-nationals making up only 0.3% of the total population (Ambrosini and Barone 2007). The majority of migrants come from Ukraine, Russia, Germany and Belarus. However, a large proportion of foreign workers in Poland come from rich Western countries, occupying well-paid and qualified posts in foreign-based companies and are more likely to be expatriates than migrant workers. The "peripheral" segment of illegal and below-average paid jobs [is] performed by the citizens of less-affluent former-Soviet countries" (Czarzasty 2007). Poland now has an increasingly important problem with emigration and the outflow of skilled workers to Western European countries creating labour force shortages. In order to compensate for this loss, the role of migrant workers in the national economy will inevitably increase and issues related to immigration will attract more attention from policy-makers (ibid).

"From this background it is not a surprise that Poland has no longer tradition and experiences in counteracting discrimination. The process of implementation into the legal system EU anti-discrimination laws based on race, ethnic origin, religion, age, disability or sexual orientation was initiated due to a membership in the EU and its conditions, and not in order to improve the existing laws or to ease social pressures. Nevertheless the current practice shows that there has been made use of the new provisions introduced to the Polish law like e.g. shifting of the burden of proof or ban of discrimination on the ground of sexual orientation" (Mazur-Rafal 2007:1).

Gender equality, sexual orientation and racial or ethnic origin are politically sensitive issues in Poland, which the major political forces are having difficulty agreeing on. This has resulted in a lack of information and communication policies to Polish citizens and hence a low awareness and passiveness among them regarding their legal rights (ibid). As in the Czech Republic, these activities are being left to NGOs. The new Polish coalition government has made it very clear which elements of equality and diversity it intends to promote and which it does not:

"counteracting discrimination in Poland has become more difficult after the conservative government consisting of Law and Justice Party (and later together with the Self-defence and League of Polish Families) came into power. Firstly, it decided to abolish the Government Plenipotentiary for Equal Status of Women and Men⁷². Secondly, in practice the freedom of assembly and expression of homosexuals was limited by bans of demonstrations. Thirdly, in the framework of a public discussion on the rights of homosexuals many homophobic statements were made by politicians of the ruling coalition, which might be classified as hate speech" (Mazur-Rafal 2007:1).

⁷² A new Department for Women, Family and Counteracting Discrimination has subsequently been established within the Ministry for Labour and Social Policy which has been ascribed the same tasks.

On the other hand, the Government has introduced many measures for the promotion of equality for the disabled. These include both positive and negative financial incentives i.e. subsidies for employing disabled workers, and quotas with fines for not fulfilling them. However, the government has focussed primarily on 'family-friendly' (although gender equality unfriendly, see below) policies. Youth unemployment (the highest in Europe) is the major priority in Poland and this inevitably has important consequences for age discrimination and active ageing policies. The previous Polish government introduced a programme of positive action measures for its Roma population. Implementation of the programme, however, was left to local governments, many of whom suspended the programme.

Poland has not created a single specialised Equality Body as required by the EU Directives. Instead responsibilities for equality and discrimination issues are spread across different institutions and ministries. The transposition of the equality and anti-discrimination directives and the serious implementation of equality and diversity policies and measures is clearly not a priority at national level now that Poland has become a full member of the EU.

The United Kingdom has received a reasoned opinion from the European Commission regarding its transposition of the Racial Equality Directive but for minor issues such as a definition of indirect discrimination which is different from that of the Directive, an unclear definition of the prohibition to give instructions to discriminate and some issues concerning Gibraltar. A Discrimination Law Review is also currently underway to simplify and clarify the anti-discrimination laws which have developed in a piecemeal manner over time and contain inconsistent definitions of key concepts (O'Conneide 2007). This review should deal with the problems identified in the Commission's reasoned opinion. In many ways, the EU Racial Equality Directive and the Employment Equality Directive have been modelled on UK legislation which existed before them, the UK having one of the longest traditions of racial equality legislation in the EU (the UK Race Relations Act was passed in 1976).

Like France, the UK has a history of colonialism which has resulted in a very multi-ethnic population with ethnic minorities⁷³ making up 7.9% of the population in 2001 (O'Conneide 2007). However, unlike France,

"this diversity has led to frequent acknowledgements by the media, politicians and by public officials that the UK is a multi-faith and multi-ethnic society, and the UK has been committed to a formal policy of integration and equal rights without cultural assimilation since the 1970s" (ibid p.1).

The UK has also experienced riots on several occasions since the 1980s which have had a racial origin and confirmed the need for equality policies. The Macpherson Inquiry following poor police handling of the investigation into the murder of a black teenager and its exposure of institutional racism in the police force has also been extremely influential. However,

"certain ethnic minorities continue to suffer from high rates of unemployment, social exclusion and poverty, including the native Traveller communities. Vitriolic media campaigns against asylum seekers and Travellers has contributed to greater hostility towards these particular groups. The events of September 11th and the London suicide bombings in July 2005 have had a similar impact upon British Muslim community, and considerable controversy now has arisen about issues such as the wearing of the niqab or Islamic face-veil which has resulted in several high-profile legal cases. The suicide bombings have also led to a prominent national debate upon the need for unifying common 'British' values, as a way of achieving greater social cohesion without demanding assimilation" (O'Conneide 2007:1).

⁷³ The UK is the only country in this study which has statistical data for ethnic minorities, for the other countries data is only available on immigrants and non-nationals.

The UK has a progressive stance on sexual orientation with comprehensive civil partnership legislation providing equivalent legal rights to those of married couples, including with regard to adoption. Regarding disability, the UK legislation on disability preceded and influenced the EU legislation, which in turn led to the re-strengthening of the UK law (Dickens 2007). The UK legislation also goes beyond the EU Directives in several areas, for example by extending the obligation for reasonable accommodation for disabled persons to access to goods and services, education, housing and the performance of public functions. Discrimination on the grounds of religious belief has also been extended to all of these areas and the same extension is in the process of being introduced for sexual orientation. Despite this, the influence of EU legislation and its interpretation by the ECJ has been considerable in pushing equality legislation forward in the UK and the receptiveness to this European influence not always wholehearted:

“with minimal transposition of EU Directives in some areas and the need for additional prodding by threat of enforcement action by the European Commission” (Dickens 2007:468).

The UK takes very different approaches to the public and private sectors when it comes to equality. Particularly noteworthy is the introduction of ‘positive duties’, imposing on public authorities the obligation to promote equality of opportunity (rather than simply prevent discrimination) on the grounds of race/ethnicity, disability and gender, constituting a significant development in the British legislative approach:

“It constitutes a shift away from legislative reliance on a retrospective, individualized victim-centred complaints approach towards pro-active, pre-emptive action by power-holders. It is a move away from ‘non-discrimination’ towards promoting equality, thus targeting inequality and disadvantage — and not only that arising from discrimination — rather than attempting neutrality. This conceptual shift is important but the form of the duty is relatively weak and thus may not fulfil the potential just outlined. Four years on, not all public authorities have met their statutory race equality duties (Godwin 2006a). The CRE has intervened in a number of organizations but as yet no compliance notice has been served (the enforcement mechanism)” (Dickens 2007:473).

The government is also beginning to use public procurement as a route to instilling and generalizing good practice:

“Positive use of procurement power (worth around £100 billion a year) was recommended by the Women and Work Commission (2006) and is being further encouraged by the public sector equality duties” (ibid p.485).

In the private sector, however, the approach is still a voluntarist one, the requirements of the law on private sector employers being minimalist. The age discrimination legislation for example has been transposed in such a way as to give employers as much scope as possible to justify discrimination, including setting mandatory retirement ages (this is currently being contested in the ECJ). The UK government generally prefers to place its faith in the ‘business case’ (economic arguments) persuading employers to engage in promoting equality rather than impose on them any obligations.

As regards enforcement, remedies and sanctions, the system has been heavily criticised. There have been important changes:

“but complainants still have to seek to enforce their rights within an adversarial tribunal system where procedures, despite some modification, remain complex and slow, where unrepresented applicants are at a disadvantage but where no legal aid is available” (ibid p.478).

Despite all of this, the UK still has one of the strongest litigation cultures in the EU when it comes to discrimination not relating to gender. Over 20,000 discrimination cases came before the Employment Tribunals in 2000/1, whereas the three equality commissions (for gender, race and disability respectively) were only capable of supporting a total of around 300. Success rates for discrimination cases in Employment Tribunals are not high either, with less than a one in five chance for race discrimination cases. The approach to remedies is on compensating the individual and has therefore been strongly criticised for not requiring unfairly discriminating employers to change their behaviour (ibid).

However, “the need to provide some greater discrimination expertise within the Employment Tribunal system has been accepted. Intensive training on dealing with discrimination cases is provided now to ET Chairmen.... Efforts also have been made in recruitment to address the racial and gender imbalance among tribunal members. However, it is still possible to have, for example, an all-white, all male tribunal hearing a race discrimination case involving a black woman complainant” (ibid p.477)

The Discrimination Law Review currently under way will lead to the merging of the three equality commissions mentioned above under the Single Equality Act 2009. These commissions are considered to have worked effectively and independently and to have exercised significant influence, particularly through the wealth of studies, inquiries and research they have produced. They have made many recommendations for change which should be taken into account by the Discrimination Law Review:

“There is now an ideal opportunity to address limitations of British equality law and to reconsider and strengthen enforcement mechanisms, some of which reflect priorities and practicalities of an age long gone, to provide a better fit with the contemporary nature of employment and employing organizations, and to draw upon improved understanding of the nature of discrimination, the structural sources of disadvantage and the legislative measures likely to promote fair representation, equality and diversity. Experience cautions against over-optimism but the government is presenting the CEHR as a ‘step change in how we promote, enforce and deliver equality and human rights’” (Dickens 2007:488)

The final report of a major government-commissioned review was published in July 2007. It proposes an extensive reform of the UK’s approach to promoting equality which has met with mixed reactions from the social partners (Kirton 2007). The Confederation of British Industry (CBI) finds the new concept based on ‘capabilities’ difficult to understand whilst the trade union Amicus:

“stated that the proposed new approach is too individualistic and ‘ignores completely the impact of class, poverty, discrimination, occupational segregation and roles of people at home, which impact greatly on what they are able to do in their lives’” (ibid).

Among the more positively received proposals are a stronger public sector duty to promote equality in employment covering all ‘equality groups’ (on the basis of gender, race and ethnicity, age, disability, sexual orientation, religion and belief, and transgender) and the repeal of existing legislation limiting positive action (for example, in recruitment and progression at the workplace) (ibid).

3. Gender equality policies at national level

In June 2006 the many EU Directives which have built up the legislative framework concerning all aspects of gender equality in employment over the last decades were simplified and updated into one single Directive. This new Directive must be transposed into national law by August 2008. The situation regarding gender equality in employment varies greatly between Member States and is greatly influenced by other factors and policies outside of employment, in particular social protection policies.

Gender equality has therefore been made one of the over-arching objectives of the Open Method of Coordination for social protection and inclusion policies recently introduced at EU level. The EU has also set Member States the target of attaining a 60% employment rate for women by 2010. The introduction of gender mainstreaming into the European Employment Strategy (EES) has required Member states to actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities relating to employment, promotion and vocational training, as well as working conditions. Such 'soft' law approaches do appear to play a role in increasing the importance of gender equality at national level but this is a very slow process and depends entirely on the importance which is attached to these issues at national level. The European Commission's Gender Equality Report 2007 shows that while gender gaps in employment are closing within the EU, sectoral and occupational segregation and the gender pay gap have remained almost unchanged. It would therefore appear that the increase in female employment is being achieved mainly in sectors of activity and in professions which are already dominated by women.

The employment rate for women in 2005 in the Czech Republic was 56.3% compared to 73.3% for men. This represented a decrease for women since 2000 (EC 2007c). The unemployment rate for women on the other hand has decreased slightly from 10.3% in 2000 to 9.8% in 2005 (compared to 7.3% and 6.5% respectively for men). The employment rate for women aged between 25-49 drops, however, by 32.1 percentage points when they have children, the highest percentage drop in the EU, this appears to be due to the lack of possibilities for part-time working, the percentage of part-time workers being one of the lowest in the EU at 8.7% (EC 2007C). The Czech Republic has a gender pay gap for average hourly earnings of 19%, which is 5 percentage points higher than the EU average. However, like the other new Member States, the Czech Republic has a higher percentage of female managers than most of the 'old' Member States (30.3%) although this can depend on the definition of manager. In job classification terms, the biggest gender pay difference is in the category of managers - women's average wage is just 54% of men's at this level (Fischlová 2005). The labour market is extremely segregated along gender lines with women mostly working in the financial sector, in public administration and in healthcare, while university graduates mostly work in the education sector. The education profile of women in the Czech Republic has improved in recent years so that now almost 60% of women have graduated from secondary or higher schools and just 8% of women have a only primary education (Hála 2007) but a constantly high proportion of women (approx. 30%) has only a basic educational level.

Percentage of female managers in 2005 (EC 2007c)

BE	CZ	DK	DE	EE	EL	ES	FR	IRL	IT	CY	LA	LT	LUX	HU
32.9	30.3	23.0	26.3	37.5	25.8	32.3	38.0	30.2	31.9	13.6	44.3	42.7	23.8	34.3

MA	NL	A	PL	PT	SL	SK	FI	SE	UK	BU	RO	EU
14.5	25.6	27.0	32.5	34.2	32.8	31.2	29.7	29.8	34.5	34.3	30.7	32.2

Difference between men and women's gross hourly earnings as a percentage of men's gross hourly earnings (EC 2007c)

BE	CZ	DK	DE	EE	EL	ES	FR	IRL	IT	CY	LA	LT	LUX	HU
6	19	17	22	24	9	13	12	11	7	25	17	15	14	11

MA	NL	A	PL	PT	SL	SK	FI	SE	UK	BU	RO	EU
4	18	18	10	5	8	24	19	16	20	16	13	15

Křížková (2006) asserts that the transformation of Czech society and the transition to a market economy since 1990 led to the neglect and trivialisation of issues relating to inequalities between men and women in society.

“The position of women is significantly affected by both family policy and social policy, areas which are only slowly beginning to address the issue of gender inequality, and thus far having only succeeded in reproducing gender stereotypes” (Křížková 2006:3).

Some hope is provided by the new legislation introduced to transpose the EU Directives in order to join the EU. However:

“these legislative changes occurred more as a reaction to the need to harmonise Czech law with the legislation of the EU, and less as the result of an awareness and an expression of needs on the part of the Czech population” (ibid).

The gender pay gap is not on the political agenda in the Czech Republic as it is generally assumed that it is caused by gender segregation in the labour market and in inequalities in access to education rather than discrimination, despite recent studies demonstrating that a relatively large pay gap still remains when all of these factors have been taken into account (ibid). The Commission’s evaluation of the Czech Republic’s National Reform Programme (NRP) 2005-2008 stated that the gender dimension had not been given sufficient attention.

Veverkova (2007) argues that gender equality legislation in the Czech Republic is often obviated in practice, and court cases on discrimination in the workplace are so far rare and often unsuccessful. She identifies the main obstacles impeding women in their professional life as:

- gender stereotypes about what is ‘woman’s work’ and subsequent discrimination by employers
- gender stereotypes held by women (striving for a career and professional advancement is not ‘feminine’)
- difficulties of balancing working and family life, and employers who are not willing to accommodate women’s needs in this regard
- informal efforts by men to preserve a ‘male atmosphere’ in company hierarchies.

The 2004 Act on Employment pays special attention to the area of discrimination against women with children which is rife in the Czech republic. It prohibits questions such as: ‘Are you married? Do you have children? How old are they? Who is going to mind your children? What will you do when your children fall ill? Are you planning to get married? Are you planning to have children? When? Where does your husband work? What is your state of health? You’re not pregnant, are you?’ (Kadavá 2004). However, according to research carried out in 2005 women with children are subjected to more discrimination on the labour market than any other group in the country and every second women reports being asked such impermissible questions during job interviews (Kadavá 2005).

The situation regarding government policy in France is very different, even if some of the problems such as labour market segregation (horizontal and vertical) and the gender are very similar. The employment rate for women in 2005 in France was 57.6% compared to 68.8% for men. This represented an increase from 55.2% for women in 2000 (EC 2007c). The unemployment rate for women on the other hand has remained the same at 10.9% (compared to 7.6% in 2000 and 9.0% in 2005 for men). Employment and

unemployment rates for women and men are therefore converging in France. The employment rate for women aged between 25-49 drops by 10.4 percentage points when they have children, much less than in the Czech Republic. This is due to the very high proportion of part-time working amongst women with young children in France. Part-time work is extremely gender segregated with the part-time employment rate at 30.7% for women and 5.8 % for men in 2006. According to Meilland (2007), part-time work in France:

“corresponds to jobs requiring few qualifications, and thus jobs with low salaries and which offer few vocational training possibilities. Finally, these jobs are often associated with working hours and working rhythms which are divided into several shifts. Part-time work thus penalises women threefold: first of all with regard to income, as part-time work implies a part-time salary – and thereafter a part-time pension – thus reproducing the economic dependency of women. Part-time work is an obstacle to the optimum progression of women’s careers. Finally, it does not often favour the reconciliation between a woman’s professional and family life.”

Despite the superior education levels for French women compared to French men, horizontal and vertical segregation in the labour market is significant: 85% of jobs in the tertiary sector (services) are occupied by women (ibid). Although the proportion of women in executive positions is increasing:

“women only represent 7% of the managing executives of companies whilst they represent 31% of the administrative and commercial executives and they only occupy 12% of the superior positions within the civil service whilst they represent 54% of the executives and superior professions within the State’s civil service” (ibid).

Regarding the gender pay gap, the figure provided by the European Commission (EC 2007c) based on average hourly earnings is 12% in 2005. However, the pay gap which has been referred to by policy-makers in France concerns the overall pay gap in monthly terms including both part-time and full-time work, this pay gap was 21% in 2002 (Silvera 2006).

The focus of national policy in France has been on eliminating the gender pay gap. Silvera (2006) argues that there has been real political will to make progress on the issue of equal pay with several strong legislative measures having been taken. However, the paradox is that occupational segregation, persistence of prejudice and stereotypes about women’s lack of availability, the development of women’s (imposed) part-time and low paid work mean that the overall pay gap is actually increasing. Therefore Silver argues, other dimensions of the battle against inequality in general should be consolidated, notably: the introduction of non-discriminatory job evaluation systems, which take into account equal pay for work of ‘equal value’ rather than simply ‘equal pay for equal work’; career guidance at school which currently promotes occupational gender balance; imposed part-time work, which directly contributes to women being over-represented among the low paid; stereotypes of women’s pay as the ‘second income’ and of women being *a priori* less available and less mobile; working environments and conditions, which are unfavourable notably to parents, in terms of work schedules and adequate childcare facilities in terms of both quality and cost.

There are several important laws on gender equality in France, all of which have placed a priority on implementation via collective bargaining. The ‘Roudy law’ 1983 established a legal framework for (voluntary) agreed equality plans in the private sector. However, between 1987 and 2004, only 35 equality plans were agreed, mostly in larger companies (Colclough 2004).

Workplace gender equality provisions in France

The law of 13 July 1983 (the ‘Roudy law’) introduced the concept of workplace occupational equality plans, since when two further instruments have been developed to promote occupational gender equality and access for women to various jobs in companies - ‘occupational equality contracts’ and

'contracts for greater gender balance in employment'. An equality plan is a legally-specified instrument for the application of gender equality, while equality contracts and contracts for greater gender balance in employment involve state subsidies.

- *Occupational equality plans* are agreements which may be reached voluntarily by company management and trade unions. They are then submitted to the works council for approval. The plans are drafted on the basis of the obligatory annual report presenting a comparative analysis between men and women in the company in terms of recruitment, training, grading according to qualifications, and pay (see above). They are then used as a legal instrument and a practical tool for implementing 'catch-up' measures in terms of women's position within the company. The timetable for these measures spans a three- to five-year period, and the areas dealt with are recruitment, ongoing vocational training, promotion, access to responsible posts, working conditions and general employment conditions.
- *Gender equality contracts* enable gender equality plans to receive public funding to finance training activities, reforms of job roles and working conditions, or research projects. These contracts are signed by companies and the state. The objective is to prioritise women's access to all the posts within the company and enable women with few qualifications to increase their skills. The financial incentives can account for up to 50% of the cost of training and the other expenses related to the fulfilment of equality plans (research etc). The state can also fund 30% of total wages during relevant training. To date, only 22 such contracts have been signed.
- *Contracts for greater gender balance in employment*, established in 1987, seek to allow women, on an individual basis, to take on traditionally male jobs in their firm. They are tripartite contracts signed by the state, the employer and the woman concerned. They may cover the funding of a training course, but also a complete overhaul of working conditions, equipment and facilities to increase levels of take-up of posts by women. These contracts concern only firms with fewer than 600 employees. The financial incentives are various: the state may meet up to 50% of training costs and of the costs of overhauling facilities; and it may also pay 30% of pay costs during relevant training. Some 1,500 contracts have been signed since 1987. This scheme is more flexible to set up than gender equality contracts and involves more companies, even though the contracts are arranged on an individual basis.

Source : Colclough (2004)

The 'Genisson law' in 2001 obliged companies with at least 50 employees to draw up an annual report on the comparative employment position of men and women, which is assessed by employee representatives. It also made specific bargaining on gender equality obligatory at company (and sector) level every three years. However, despite the obligation to negotiate, there is no obligation to actually reach an agreement. The Genisson law made it compulsory to mainstream the issue of gender equality in all normal bargaining topics at company and sector level.

"In fact, few companies have respected this obligation (according to a survey by the Senate, 72% of companies had not opened negotiations in 2004 and only 53% of major groups have done so)"

and

"mainstreaming equality into normal pay bargaining is rare" (Silvera 2006:8)

A new law on equal pay (March 2006) has two main themes: abolition of pay gaps and work-life balance. On the gender pay gap annual collective bargaining is made compulsory in order to abolish the gender pay gap by 31 December 2010. If a mid-term review reveals it to be necessary, a financial levy

based on the total wages bill for companies, which have not embarked on collective bargaining, will be introduced (Silvera (2006) is sceptical that this will be introduced). The law makes it compulsory for women on maternity leave (including for adoption) to receive the pay increases they would have received otherwise. The law also obliges companies to report annually on the measures they have implemented to promote work-life balance and obliges companies to include negotiations on the working conditions of part-time workers in the compulsory negotiations on gender equality. The law also introduces financial incentives and subventions for companies with less than 300 employees to implement work-life balance measures and a contribution to the funding of child care costs for workers with children who undertake training outside of working hours. As a complement to the law, the government has produced a guide to negotiating gender equality for the benefit of the social partners, which includes a section on positive action measures.

Silvera (2006) assesses the French legislation thus:

“The French situation is thus paradoxical: there are many laws, but no real evaluation is made before another draft law is proposed. Likewise, there are now some ‘coercive’ measures (up to a year’s imprisonment for not respecting the law!), but they are never implemented. A final paradox is that France is often accused of having a totally centralised system, which leaves little leeway for initiatives at sector- and company-levels, but most recent legislation aims, above all, at decentralising decision-making regarding equality and encouraging, and even rendering compulsory, sector- and company-level collective bargaining on equality and notably equal pay” (Silvera 2006: 10).

Court cases concerning gender discrimination are rare in France. The creation of the single equality body (the *HALDE*) was intended to change this. However,

“an initial report shows that only 6% of claims received by HALDE concern gender-related discrimination. Moreover, half of them came from men! (They concerned access to leave, which is still reserved for women, and refusal to recruit men to so-called “women’s” positions)” (Silvera 2006:15).

The other main government policy measure regarding gender equality is the ‘Equality label’, introduced at the end of 2004. It is a kite mark awarded by a special Commission for exemplary practices in companies, administrations and associations. The Commission is a tripartite one composed of five trade union representatives, five employers’ organisation representatives, and five representatives of the State. There are 18 qualification criteria, including negotiation of a collective agreement, sensitivity to gender balance and the equality of all employees, access to vocational training, general employment conditions and parenthood via work-life balance measures. The label is valid for 3 years and can be withdrawn at any time. So far, only 29 companies have been awarded the equality label (none of which are in the steel industry).

The large and growing gender pay gap in Germany has also recently received much public attention (Dribbusch 2006) although there appears to be a lack of political will to take any active measures to tackle it (Maier 2006). The gender pay gap in average hourly wages in Germany is the highest in Western Europe at 22% (EC 2007c). Other estimates put it as high as 25% (Maier 2006). It is, however, much higher in West Germany than in East Germany, where wages are also generally significantly lower. This is not the overall wage gap and does not take account of part-time work. Part-time work among women has increased greatly in Germany, and also amongst men although the percentage of men working part-time is still only 9.3% compared to 45.8% for women. The employment rate for women in 2005 was 59.6% compared to 71.2% for men. Germany has a very low percentage of female managers (26.3%) given their high education attainment levels. One of the main causes of the gender pay gap has been identified as the decline of collective bargaining coverage and the increase of low-

paid jobs in the sectors and companies which are not covered. Women are overwhelmingly dominant in these low-paid jobs. Linked to this is another major cause of the gender pay gap, which is the lack of a minimum wage (Maier 2006). The most important factor accounting for the gender pay gap at better paid jobs is the lack of sufficient child-care provision and hence the long career interruptions which German women have to experience when they have children. The government and social partners have concentrated on 'family' policies promoting a better reconciliation of work and family life, primarily through increased possibilities for part-time work but also through some efforts to increase child care provision. Policies to increase family-friendly work practices have, however, taken little account of the effects of these practices on women's career progression and pay.

"Although there is an on-going debate about the position of young men and women in employment and the role of family policy, this public debate is more influenced by the falling fertility rate than by serious concerns about gender relations and women's position in society. Within these public debates the reconciliation of work and children is an issue but the connection of employment, skills, working time, occupational segregation especially vertical segregation and wages / remuneration is not taken up seriously." (Maier 2006:3)

After all these factors have been taken into account, Hinz and Gartner (2005) come to the conclusion that there is still a gap of 12% in West Germany between men and women with the same educational level, the same employment experience and the same job cell.

German equal pay legislation goes no further than EU legislation and is even criticised as being too inexplicit and indistinct as well as lacking the institutional mechanisms required to implement the principle of equal pay. As a consequence women have a poor awareness of their rights (ibid).

"Here, the public sector as an employer has so far not set a good example. Claims have rarely been successful and they are characterised by considerable process-related obstacles" (ibid p.17).

In 2001 the German Employers' Association (BDA) successfully opposed a planned law on gender equality, instead reaching a bilateral agreement with the government on gender equality guidelines, which exclude pay issues. There have been no major legal changes regarding gender equality since 1980 (ibid). Matters of gender equality in the workplace in Germany are therefore left almost entirely to employers to handle unilaterally or to works councils (works councils are present in only 10% of all eligible establishments but still cover almost half of the workforce, Dribbusch 2005). Pay, however, is still decided primarily through sector level collective bargaining which covers the majority of the workforce (although this is declining, see below).

The employment rate for women in Italy in 2005 was only 45.3% compared to 69.9% for men. This represented an increase from 39.6% for women in 2000 (EC 2007c). The unemployment rate for women on the other hand fell from 13.6% in 2000 to 10.1% in 2005 (6.2% in 2005 for men). According to La Salandra (2007), however:

"the slight fall in the female unemployment rate recorded in 2005 was due, not to improved labour market participation by women, but to a decrease in the female labour supply. In fact, in 2005 the number of job-seekers diminished, and the decrease was largely accounted for by women in the South of the country and young people aged under 34. The simultaneous increase in the number of inactive women resident in the South indicates a growing tendency to give up the job search."

Youth unemployment rates are much greater for women compared to men, particularly in Southern Italy (Villa 2006). 18% of female graduates are unemployed compared to 10% of male graduates (La Salandra 2007).

The main reason for the low employment rate and the high unemployment rate of women in Italy is the traditional career model which “requires total commitment and a massive investment of time, both during the workday and throughout the career. Chances of professional advancement therefore depend on the availability of *face-time*, a term introduced by the sociologist Irving Goffman to denote the working hours devoted, not to the fulfilment of pressing or unexpected deadlines, but to acquiring visibility in the eyes of colleagues and bosses. Face-time seems to be a distinctive feature of Italian managerial culture ... as manifest by a work culture based on the organisational practices and behaviours of male workers” (La Salandra 2007). This career model explains the low proportion of part-time working amongst women in Italy, which is only 26.7%. Villa (2006) also discusses the rigidity in working time patterns in Italy as well as the lack of care services for small children which further hinder the prospects of work-life balance and female employment. The difficulties of reconciling a career with family also explain Italy’s extremely low fertility rate (1.26 children per woman). A recent survey by the management union (Federmanager) shows that

“only a small proportion (13.9%) of male managers are childless, compared with 43% of female managers, who declare that *they cannot afford this privilege*” (La Salandra 2007).

Statistics on the gender pay gap are confusing. The European Commission (EC 2007c) puts the pay gap at 7% for average hourly earnings which is very low compared with the other EU Member States. Villa (2006) agrees that the Italian labour market is characterised by a relatively narrow gender pay gap, which she says is not on the political agenda in Italy. She attributes the narrow pay gap to the egalitarian wage bargaining policies of the trade unions in the 1970s which had the (unintentional) effect of bringing women’s wages closer to those of Italian men. Villa therefore argues that the crucial problem in Italy regarding gender equality:

“is not so much the gender pay gap, but the gender employment gap. In fact, the majority of working age women are inactive (the female employment rate was only 45.2% in 2004), hence live in a male breadwinner household, with no economic independence” (Villa 2006:1).

As a result only 1.2% of women manage to accumulate a total of 40 years of social security contributions, while 52% accrue less than 20 years (Santi 2007).

Villa points out that at the time of writing no reliable data was available on the gender pay gap in Italy but there was a growing interest in the issue and a large research network had been set up at the Ministry of Labour to assess it. The results of this analysis are now available and, according to Santi (2007), Italian women earn on average only half the amount of their male counterparts. The type of employment contract is a factor; male employees earn 23% more than women, male economically independent workers earn 40% more, and men carrying out contract work earn 24% more than women. Women also carry out work requiring lower qualifications despite their better educational levels. According to La Salandra (2007), average net monthly income for female graduates is 26% less than that of their male counterparts.

Regarding national policy and legislation, the most important laws in Italy are the ‘positive action’ laws passed in 1991 and 2000 for ‘horizontal desegregation’ and the promotion of women in higher-level posts. The 1991 positive action law allows organisations to apply for total or partial funding of positive action plans in order to minimise the cost of change. Priority is given to positive action projects resulting from an agreement between the social partners. In the public sector the law imposes a specific duty on public administrations in their capacity as employers to introduce positive action measures giving women preferential treatment in promotions and hiring if there is no difference between the qualifications and experience of male and female candidates. A decree of 19 May 2000 set a deadline

for the introduction of such positive action plans and introduced penalties for non-compliance, as well as opening up funding opportunities. However, positive action plans are still not widespread in the public sector (Colclough 2004) and they have not been monitored by the unions or the administrations both of whom have emphasised the legal difficulty of applying the law and have not examined the culture and organisation of work (La Salandra (2007). In the private sector the law on positive actions

“has contributed crucially to eliminating overt discrimination, and to encouraging the adoption of positive action programmes by firms. However, it has had less impact on the covert discrimination characterised by vertical segregation. Today, reference is made to widespread vertical segregation taking the form of ‘occupational pyramids’ which systematically exclude women. In this regard, legislative measures appear to lack incisiveness, especially when they leave the elimination of gender disparities in work to the good will of the parties concerned” (La Salandra 2007).

For the 2007 ‘European year of equal opportunities for all’, the Italian Ministry of Labour has launched a general strategy to tackle discrimination which includes a 12-month project to examine, highlight and find eventual solutions for gender discrimination at national and local level. The focus of the project is on the gender pay gap and female job insecurity (Santi 2007). The 2007 budget law includes an increase in rights relating to maternity and difficult pregnancies. In order to encourage women into employment a tax wedge cut is being introduced, which foresees greater advantages for enterprises that hire women, particularly in southern Italy. Italian trade unions have criticised the inactivity of the Italian Ministry of Equal Opportunities in providing political guidelines and in playing the role of coordinator regarding these issues. ‘Such inactivity may render numerous projects ineffective as a result of a lack of coordination’ (Santi 2007).

An extremely gender segregated labour market, entrenched stereotypes of gender roles, a very low percentage of part-time workers (13.5%) and a lack of political will to tackle gender issues characterise the situation in Poland as they do in the Czech Republic. However, these problems in Poland are compounded by extremely high overall unemployment rates (19.1% for women and 16.6% for men in 2005). Employment rates are low for both women, 46.8%, and men 58.9% (EC 2007c). Perhaps surprisingly though, the gender pay gap in Poland is relatively low at 7% (ibid). The issue of gender pay gap, which is low by international standards, is not visible on the political, social or economic agenda in Poland. The average monthly gross pay differential (16.4% in 2004) is considerably higher than the average hourly earnings difference though and the widest gender gap in income was in the manufacturing/industrial sector (Plomien 2006).

“Despite the lack of specific policies aiming at the reduction of the gender pay gap there has been a clear trend in the narrowing of the distance between the incomes of women and men in the last two decades. Restructuring processes associated with Poland’s systemic change from a command socialist economy to a free market capitalist system are in part responsible for the narrowing of the gender pay gap in spite of the growth in the overall wage disparity. Such reform processes as privatization or closures of low paid female dominated industries (e.g. food processing, clothing) and highly paid male dominated industries (e.g. mining, heavy manufacturing) have contributed to the narrowing of the gender pay gap rather than specific wage policies dedicated to such a reduction” (Plomien 2006).

After all the factors such as lower number of hours worked, occupational segregation, working in specific sectors of the economy, lower pay in the public sector, and less opportunities to earn additional income have been taken into account, up to 50% of the gender wage gap in Poland remains unexplained (ibid).

As almost everywhere else, women’s educational attainment levels in Poland are higher than men’s. Discriminatory practices persist in employment, however, largely due to perceptions amongst employers

that women are not able to devote enough time to their jobs *and* carry out ‘their’ domestic work (Sula 2007). Employer organisations have been speaking out in favour of employing women, however:

“The Confederation of Polish Employers (Konfederacja Pracodawców Polskich, KPP) has gone on record as stating that female employees are ‘more valuable’ because they tend to be healthier and, accordingly, go on sick leave less often than men, making them more economical for their employers”! (Sula 2007).

Regarding governmental policy initiatives for gender equality, the new conservative government seems to view women “in the context of the family and gender equality as such is not a separate policy goal” (Plomien 2006). The office of the Government Plenipotentiary for Equal Status for Women and Men, which had been ‘an active advocate for gender equality’ (ibid) and had produced a National Action Plan for Women, has been closed and part of its competencies transferred to a newly formed Department for Women, Family and the Prevention of Discrimination within the Ministry of Labour and Social Policy. The National Action Plan for Women has been abandoned. The new government has proposed lengthening maternity leave from 16 weeks from the birth of the first child to 18 weeks (and perhaps longer in the future) with the legal guarantee of returning to work on conditions no worse than before maternity leave (ibid). The focus on such work-life balance policies, whilst welcome in themselves, does little to promote gender equality in the workplace. The government has also proposed implementing an insurance system for care benefits of older persons and those requiring care.

“Although this is motivated by the demographic changes associated with ageing of the society, there is a potential for benefiting women as primary carers. The proposal suggests monetary benefits (and does not mention the provision of care services) to those requiring care, which may result in either financially rewarding the thus far unpaid female family members performing caring duties or enable the persons requiring care to obtain it in the market” (Plomien 2006).

This could boost employment in the (low-wage) female dominated care sector. Employers’ organisations may be taking a more positive stance to gender equality than the government. According to the First Follow-Up Report to the European social partners *Framework of actions for gender equality* (ETUC et al 2006), the Polish Confederation of Private Employers, Lewiatan, is trying to introduce into Polish law a system of obligatory paternity leave lasting approximately one week in order to provide more equality between men and women.

In the United Kingdom the political will to tackle issues of gender equality appears to be far stronger than in any of the other countries in this study. A raft of policy initiatives are underway concerning the gender pay gap, occupational segregation and work-life balance. The potential effectiveness of these measures is, however, heavily called into question by experts (Carley 2007, Rubery and Smith 2006).

The employment rate for women in 2005 in the UK was 65.9% (77.6% for men), one of the highest in the EU (only the Netherlands and the Nordic countries were higher) (EC 2007c). At 4.3% and 5.1% respectively, the UK is one of the few countries where the unemployment rate for women is lower than that of men. The UK also has one of the highest rates of part-time working amongst women, 42.6% (10.6% for men). It is low-paid part-time jobs which account in large measure for the 20% gender pay gap in average hourly earnings, one of the highest gender pay gaps in the EU at 20%. The introduction of a national minimum wage has done much to improve women’s pay but not very much to reduce the pay gap.

“Women, particularly part-timers, were identified as accounting for two thirds of beneficiaries of the national minimum wage” (Rubery and Smith 2006:14).

There have been significant improvements in the gender pay gap amongst professionals, which is very narrow. High profile employment tribunal cases with some large financial awards have been very influential in this respect. The gender pay gap remains largest among male dominated occupations (ibid).

According to Newell (2007), occupational segregation and the gender pay gap have been high on the government agenda in the UK over the last few years, not least because organisations like the Equal Opportunities Commission have produced reports highlighting the damaging impact that this had on the UK's economy. Several reports commissioned by the government have made various recommendations on policies to improve access to careers for women. In 2006 the Women and Work Commission report published forty policy recommendations for promoting gender equality. In September 2006 the government issued an Action Plan implementing the Women in Work Commission's recommendations:

"The action plan includes: GBP 500,000 fund to support initiatives to increase the availability of quality, part time work; a Minister for Women who will champion quality, part-time work across the public sector; a programme for exemplar employers has been set up, with over 80 signatories; support for trade union Equality representatives; GBP 40 million has been set aside for initiatives in women's skills and training; obligations within the public sector to promote gender equality; national standards for careers advice to ensure all young people receive careers information, advice and guidance which is free from gender stereotyping" (Newell 2007).

Government initiatives in recent years aimed at tackling occupational segregation through educational choices of girls have clearly been successful: in 2005, 49% of science graduates were women (Newell (2007)). Most of the other recommendations and policy actions, however, are considered to have little bite (Rubery and Smith 2006) as they do not at all touch the main cause of the gender pay gap which is the undervaluation of the work carried out in the sectors dominated by women, particularly in the 'five "C"s' - caring, cashiering, catering, clearing and clerical. The focus of the recommendations was on giving girls better career advice and training so that they would not enter undervalued occupations. This is to

"ignore the issue of undervaluation and the continuing skill and labour shortage in the area of childcare and perpetuate the myth that the gender pay gap can be solved by women moving *en masse* into male jobs, against the trends in developments in the labour market. How men are to be persuaded to move into low paid female jobs is left extremely unclear" (ibid p.36).

Whilst Rubery and Smith (2006) credit the efforts of the trade unions with most of the progress with regard to equal pay and gender equality, they do, however also credit the government:

"with providing a framework within which more progress may be made in the future – in particular by including the general duty to promote gender equality in the public sector" (ibid p.43).

In July 2007, the Equal Opportunities Commission (EOC) published the 'most comprehensive ever measure of gender equality in Britain', based on 22 indicators that assess the 'state of the nation' in terms of gender equality. The report concludes that full equality is still generations away and calls for urgent action (Carley 2007). The Table below summarises the main employment-related indicators against which progress can be measured.

EOC gender equality index – selected employment-related indicators			
This table presents the EOC gender equality index, namely a set of employment-related indicators against which progress can be measured.			
Indicator	Latest statistics	Present trend	Number of years to reach equality (to nearest five years)
Full-time gender pay gap	In full-time work, female employees earn 17% less an hour on average than male employees	Improving	20 years
Part-time gender pay gap	Female employees in part-time work earn 38% less than the hourly rate of men in full-time work	Improving	25 years
High-level flexible jobs, including part-time jobs	Managers and senior officials are only 59% as likely as employees in other jobs to work flexible hours or part time	Improving	20 years
Retirement income	Retired women's income is 40% lower than retired men's	Improving	45 years
Segregated occupations	65% of occupational groups are dominated by either women or men	No change	Never, unless action is stepped up
Pregnancy discrimination	45% of pregnant employees experience tangible discrimination (UK0606019I)	Data not available	Sufficient data not available
Use of flexible working	Among employees, men are 61% as likely as women to use at least one flexible working arrangement (16% of men, 26% of women)	No change	Never, unless action is stepped up
Directors of companies in FTSE 100 stock-exchange index	10% of FTSE 100 directorships are held by women	Improving	65 years

Note: The FTSE 100 is a share index of the 100 most highly capitalised companies listed on the London Stock Exchange; the FTSE Group is owned by the Financial Times and the London Stock Exchange.

Source: Carley 2007

4. Work-life balance policies at national level

Work-life balance policies have been high on the political agenda at EU level and in all European countries for several years now. Almost all EU Member States have recently introduced programmes of 'family-friendly' reforms. This is primarily due to falling fertility rates as more and more women have been forced to choose between working and having children and are often for financial reasons forced to choose the former. The need to increase female participation on the labour market in order to cope with the costs of social security and to meet labour supply shortages has also been an important motivation. On the whole, most work-life balance policies do indeed make it easier for *women* to reconcile work with family life. However, they do little to enable the responsibilities of family life to be shared more evenly between the sexes so that men who increasingly wish to play more of a role in family life can do so and so that women can have children *and* the same possibilities for career progression and remuneration as men. In order to improve women's chances of participation on the labour market the EU set the target at the 2002 Barcelona summit of providing child care for 90% of

children between the age of three and mandatory school age and for at least 33% of children under three years of age by 2010. The Commission has also launched a formal consultation among the European social partners on the possible thrust of Community action regarding the reconciliation of professional, private and family life, including the promotion of flexible working arrangements, the development of crèche and care services and the possible revision of existing provisions regarding maternity leave and parental leave.

Fertility rates in Europe 2002 (EC 2006c)

IS	IE	FR	NO	NL	DK	FI	SE	UK	LU	BE	CY	PT	MT	EU 25
1.99	1.97	1.89	1.8	1.73	1.72	1.72	1.65	1.64	1.63	1.62	1.49	1.47	1.46	1.46

A	EE	DE	HU	RO	IT	EL	ES	LV	LT	PO	SI	BU	SK	CZ
1.4	1.37	1.31	1.3	1.3	1.26	1.25	1.25	1.24	1.24	1.24	1.21	1.21	1.19	1.17

Fertility rates are highest in the countries which offer the greatest possibilities for reconciling work and family life which combine flexible working arrangements with extensive good quality child care provisions, high parental leave benefits and individual rights for paternity leave.

Provision of childcare 2003 (EC 2006c)

	Childcare coverage rate 0-3 years school age	Childcare coverage rate 3 – compulsory schooling
Belgium (Flanders)	81%	100%
Belgium (French)	33%	98%
Czech Republic	8%	85%
Denmark	56%	93%
Germany	7%	89%
Estonia	22%	79%
Greece	7%	60%
Spain	10%	98%
France	43%	100%
Italy	6%	93%
Latvia	16%	75%
Lithuania	18%	60%
Luxembourg	14%	80%
Hungary	6%	86%
Netherlands	35%	100%
Austria	9%	82%
Poland	2%	60%
Portugal	19%	75%
Slovenia	27%	59%
Slovakia	-	70%
Finland	21%	70%
Sweden	41%	90%

The availability of child care is not enough, however. In some countries the quality of the child care is an important factor in the decision of parents (i.e. the mother) to look after the child at home. In the Czech Republic for example, child care provision for children below three years old is regarded as very poor. In Germany

“time constraints in the opening hours and provisions of meals are quite substantial, both for kindergarten and for *horte* – which restricts the working time flexibility of parents” (Maier 2005 :11).

In the UK the provision of public child care which is low-cost or free is usually only on a part-time basis (mornings or afternoons) and during school term time. Private child care is the most expensive in Europe, British parents pay 75-93% of child care costs compared to 30% in most other European countries (Fagan et al 2005).

For the provision of child care before three years of age the data can be misleading as in many cases it refers to pre-school activities which may only cover part of the working day.

Maternity, paternity and parental leave arrangements

Under EU law women must receive 14 weeks of maternity leave and parents are entitled to 3 months unpaid parental leave. (Parental Leave Directive 96/34, and Pregnant Workers Directive 92/85). The tables below present some of the legal rights for maternity, paternity and parental leave in Europe.

Fathers' rights after the birth of a child

Country	Paternity leave	Specific regulations with regard to fathers' take-up of parental leave
BE	10 days paternity leave partly paid depending on public or private sector	Individual (non transferable) entitlement
CZ	No statutory paternity leave	If a father stays at home with the children for the first 6 months he receives only a parental allowance and not the additional maternity allowance the mother receives.
DK	A father is entitled to 2 weeks paternity leave with unemployment benefit during the first 14 weeks after the birth of a child – normally just after.	Individual (non transferable) entitlement
DE	No statutory paternity leave	
EE	14 days during maternity leave or within 2 months following the birth	
EL	In the private sector fathers are entitled to two days leave upon the birth of a child. In the public sector fathers are entitled to 5 days special family leave, after the administration's approval and according to service needs.	Individual (non transferable) entitlement
ES	Statutory right of 2 days paid 100%	
FR	Fathers are entitled to paternity leave for 11 working days, to be taken within four months following the birth.	
IE	No statutory paternity leave	Individual (non transferable) entitlement
IT	No statutory paternity leave	If father takes more than 3 months then his maximum entitlement increases to 7 months and the maximum total time per child increases from 10 to 11 months.
CY	No statutory paternity leave	Individual (non transferable) entitlement
LV	10 days to two months. Since January 1, 2005 10 days of father leave have to be paid.	
LT	No statutory paternity leave	
LU	Two days after the birth, paid 100%	Individual (non transferable) entitlement
HU	Since 2003 fathers are entitled to 5 days of paid leave when a child is	Individual (non transferable) entitlement Paternity leave Specific

	born.	regulations with regard to fathers' take-up of parental leave
MT	No statutory paternity leave	Individual (non transferable) entitlement
NL	Employees are entitled to paid paternity leave of two days, unless otherwise specified by collective agreement.	Individual (non transferable) entitlement
AT	No statutory paternity leave	Leave is a family entitlement, but an additional 6 months of leave is paid if the father takes some leave.
PO	Since 2004 the mother must take at least 14 weeks maternity leave, but the remaining part can be transferred to the father.	In principle both parents have equal rights to the childcare leave and child-raising leave, however there are no incentives for men to opt for such leaves.
PT	Statutory paternity leave of 5 days, fully paid, to be taken up, consecutive or not, during the first month after childbirth.	The father can benefit from an allowance during 15 days of parental leave, provided that the days immediately follow the paternity or maternity leave.
SI	Statutory paternity right of 90 days. At least 15 days must be taken up during the maternity leave, whereas the remaining 75 days can be used until the child is 8 year old.	
SK	No statutory paternity leave	
FI	Fathers are entitled to a total of 18 weekdays of leave, to be taken up during maternity leave or the mother's parental allowance period.	Since 2003, it has been possible to extend the paternity leave by a 'bonus' of 1 to 12 weekdays if the father also takes the last 12 days of the parental allowance period. The extension must be taken in a single period immediately following the parental allowance period.
SE	Statutory paternity leave of 10 days, to be taken up before the baby has reached the age of 3 month.	90 days, out of a total of 480, are non transferable by the father, implying that if the father does not take up the leave, the family will lose two months of parental leave.
UK	Two weeks for most fathers, paid at 100 pound per week.	Individual (non transferable) entitlement
IS	Part of the three months overall leave entitlement	Three months of the parental leave are reserved for the father (paternal leave).
NO	Two weeks unpaid leave, in addition to the 4 weeks father quota in the parental leave. The father quota was extended to five weeks from 1 July 2005.	The father has the right to take up the father quota of four weeks if: 1) the mother worked 50% or more prior to birth, 2) the father had an income (with pension credits) at least 6 of the 10 months before the leave starts, and 3) Paternity leave Specific regulations with regard to

		fathers' take-up of parental leave the annual income was above a certain (low) minimum. The father is compensated according to the mother's proportion, if the mother worked between 50 and 75% prior to the birth.
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Source EC (2006c)

Maternity and parental leave regulations

Country	Maternity leave	Payment	Parental leave (right)	Total parental leave	Payment	Effective parental leave (weighted by level of payment)
CZ	28 weeks	69% of income	156 weeks (f)	156 weeks	113 euro/ month	58 weeks
DE	14 weeks	100%	36 months (including maternity leave)	36 months	300 euro/month for the first 6 months; 7-24 months 300 euro/month but means tested; 25-36 no payment	49 weeks
FR	16 weeks	100% with max. 61.11 euro per day	36 months (f) (including maternity leave)	36 months	1 st child unpaid. 2 nd child 513 euro/month up to 3 rd birthday. 3 rd child 750 euro/month for 1 year)	50 weeks
IT	5 month	Min 80%	10 months until child is 8 (f)	11 months (when father takes 3 months)	30%	24 weeks
PO	16 weeks for first birth and 18 for each subsequent birth	100% of earnings	36 months (f)	36 months	60% min wage for low income families, unpaid for others	50 weeks

UK	26 weeks for all women and 26 weeks if employed for 26 weeks with same employer	6 weeks: 90%; 20 weeks: flat rate £102.80 per week; 26 weeks unpaid maternity leave who work at least 1 year at the same employer	13 weeks (i)	13 weeks (i)	Unpaid	25 weeks
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Source EC (2006c) and EIRO

Factors determining take-up rates for parental leave

Take-up rates for parental leave depend on levels of parental leave payment. This also decides *which* of the parents will take up parental leave i.e. the parent with the lower paid job, which is most likely due to the gender pay gap to be the mother. Levels of parental leave payment in the Czech Republic are very low so there is no incentive for men to take avail of it, especially as their pay is on average much higher than women's (see above). This contributes to reinforcing existing stereotypes of motherhood and fatherhood and the financial dependence of women on their partners (Křížková et al 2005).

Culture is another important factor. In the UK, for example, there is also a strong:

“cultural notion that ‘good mothering’ is incompatible with using childcare services in order to pursue full-time employment... These preferences have developed historically in the context where childcare services had a poor reputation, associated with state provision targeted at ‘problem families’ and where good quality, affordable childcare was beyond the reach of most families” (Fagan et al 2005:7).

In many countries women are still expected to care for small children, irrespective of their income. As a result employers often have negative attitudes towards men taking parental leave and men are more likely than women to experience penalties in terms of career progression if they take parental leave. Discrimination against pregnant women is also still widespread: The UK Equal Opportunities Commission

“estimates that of the 441,000 women who are pregnant while employed each year, 45% said that they experienced some form of discrimination, 21% reported that they lost out financially due to this discrimination and 5% said they were put under pressure to resign when they announced their pregnancy. In an average year more than a thousand women take legal action claiming they were sacked because of their pregnancy” (Fagan et al 2005:18).

Flexibility in the take-up of leave may facilitate a parallel strategy in the sense that parents care for their children and stay in the labour market simultaneously. In some countries parents are not obliged to take up their parental leave on a full-time basis. For instance, aside from the possibility to take up part-time parental leave, France and Italy offer parents the opportunity to take up leave in periods instead of taking up their leave all at once. Finally, take-up rates are also determined by job guarantees for employees taking up parental leave.

The labour market sector seems to play a significant role. In France and Italy most of the few men taking up leave are civil servants or are employed in the public sector. This is due to more job and career advancement security, more flexibility and a higher payment level during parental leave than in the private sector. For employers in the private sector the time and costs associated with finding replacements during parental leave are considered to be (too) high. The type of employment contract can also be very important. In Italy, for example, the generous maternity and parental leave arrangements are only available to workers on secure open-ended contracts. Workers with ‘atypical’ contracts (which are actually becoming more and more ‘typical’) such as fixed-term contracts, are excluded from such rights.

In all countries there are major differences in the take-up between men and women. Only in Luxembourg, the Netherlands, Sweden, Iceland, and Norway the take-up of men is above 10%. However, the duration of the leave taken by men is most of the time short. The take-up of paternity or parental leave by men is more likely when leave is paid and where men have individual, non-transferable rights (i.e. on a ‘use it or lose it’ basis, rights for fathers cannot be transferred to mothers or

vice versa), for example paternity leave, or specific regulations with regard to fathers' take-up of parental leave. It appears that most countries have limited provisions of paternity rights, ranging from 2 days to approximately 2 weeks. Fathers' take-up of parental leave is likely to be low if parental leave is a family right (can be shared between parents and therefore transferred from the father to the mother) and not well-paid. Hence take-up has been very low in the Czech Republic (fewer than 1,000 men per year), Poland (2%), and Germany (5%), whilst take-up has been high in France (65%) and almost 100% in the UK (Fagan et al). In Italy, however, only 7% of fathers take up parental leave despite the individual right for fathers and the law on parental leave which has been designed to achieve a fairer distribution of family responsibilities between fathers and mothers. This is due to persistently strong cultural stereotypes about gender roles (Villa 2005).

The return rate of leave-takers depends on several factors. Where the duration of the parental leave is rather long, e.g. in Germany, the return rate is low (50%). In the Czech Republic however, parental leave is long but the return rate is high due to financial pressures on mothers. Their return to the labour market is marked by discrimination based on the interruption in their career, and by the fact that they have small children at home (Křížková et al 2005). Possibilities to work part-time are also an important factor, for example in France and the UK. Lack of child care provision and/or high costs of childcare put pressures on mothers, especially mothers with a low income, to exit the labour market. This is particularly the case in Germany, Italy and the UK. In France recent reforms to parental leave benefits are said to continue the traditional policy, which aims

“to reduce the official unemployment rate through continuing incentives to low-skilled women to give up work in favour of long parental leave periods; priority being given to forms of individual childcare above collective ones; and lastly, an emphasis through tax cuts and tax credits on middle-income and well-off families, with poor families seemingly left to their own devices” (Math 2005).

Flexible working

The act on part-time employment in Germany was changed in 2001, and strengthened the individual employee's position in the bargaining process over part-time and full-time. Every employee in a firm with at least 15 employees and an employment duration of 6 months has the right to demand a part time job. The employer has the right to reject the demand if the firm has no possibilities to change the work organisation. Parents have the right to return to full-time work after the period of parental leave (EIRO 2006).

The Labour Code in the Czech Republic provides the possibility of part-time employment for women with children under 15 and for pregnant women. The law also requires the needs of women caring for children to be taken into account when scheduling shift work. Both men and women have the right to take paid or unpaid time off to care for a family member. Roughly one-half of Czech women have expressed a desire to work part time while their children are of pre-school age (Hašková, 2002). However, employers offer very few opportunities for part-time employment, and the opportunities are not very attractive for employees (Křížková et al 2005).

In the Italian model of the welfare state the family is still the unit with primary responsibility for the welfare of individuals and the main provider of care services (Villa 2005). Work-life balance policies therefore require a radical change in the Italian welfare state model and work-life balance policies are therefore limited. High unemployment, particularly in the south puts pressure on women not to enter the labour market and thus takes pressure off employers to provide flexible working arrangements, which are viewed as costs rather than investments. In Italy there is no right to part-time work for family reasons (Villa 2005).

In Poland changes to the Labour Code in force since January 2004 introduce a shortened work week and the system of weekend work and make it easier for employees to work part-time by guaranteeing them protection in terms of freedom to work part-time, equal treatment with full-time employees in terms of salary and work, and obliging the employer to take into consideration employees' request to change their work-time status (EC 2006c).

In March 2007, the Polish government published a draft family policy programme for 2007–2014. The programme includes measures to support parenthood, increase the birth rate and reverse the current unfavourable demographic trend. The programme contains proposals to facilitate the reconciliation of work and family duties through the introduction of flexible working arrangements, such as telework, job sparing, flexitime and task-based work schemes. The proposals make these arrangements available only to expectant mothers and mothers of small children. The programme does not recognise

“the role of the father in the process of raising children and does not propose any means of supporting fathers in the performance of their family duties” (Hernik 2007).

In April 2003 a new right was introduced in the UK to request flexible work for parents with young children. Parents with a child under six years of age (or 18, if disabled), who have at least 26 weeks service with their current employer, can request flexible work. Flexible work is defined to include a change in working hours, days or place of work. Employers must consider the request for flexible work seriously but there is

“a long list of unchallengeable business reasons why such a request can be refused legitimately” (Dickens 2007:471).

Surveys show, however, that the majority of requests have been accepted (Fagan et al 2005). In April 2007 the right to request flexible working will be extended to carers of dependent adults. In the UK the culture of long working hours makes creating part-time jobs in higher level occupations and thus the combination of family and career advancement very difficult (Rubery and Smith 2006). In France, tax credit (60% reduction of operating costs) is offered to companies which provide family-friendly measures including flexible working (Silvera 2005).

Summary

Work-life balance in the Czech Republic is characterised by: a lack of child care and a lack of good quality child care; parental leave which is taken only by mothers as there is no individual right for fathers; parental leave payments levels which are too low to interest men; legal rights to long parental leave which keep women out of the labour market for long uninterrupted periods of time; a right to work part-time which only applies to women, is unpopular with employers and is financially unattractive (Křížková et al 2005); the lowest fertility rate in Europe.

Work-life balance in France is characterised by: fairly extensive and subsidised child care provision; an individual right to paternity leave and high take-up thereof; extensive possibilities for part-time and flexible working for women (not for men); a short period of highly paid maternity leave; parental leave payments which encourage low-paid mothers to leave the labour market; a relatively high fertility rate.

Work-life balance in Germany is characterised by: a lack of child care and a lack of good quality child care and schooling hours incompatible with working life (half-day school system); no individual right for fathers to paternity or parental leave; both parents may take parental leave at the same time; long legal periods of parental leave and a low return rate of mothers to employment; rights for parents to work

part-time; a strong culture of mothers remaining at home until children are of school age; a low fertility rate.

Work-life balance in Italy is characterised by: generous maternity and parental leave benefits and an individual right to parental leave for fathers which are intended to share parental leave more evenly between the sexes; a deeply entrenched culture of maternal responsibility for child-raising which prevents take-up of rights by fathers; very few possibilities for flexible working and no right to part-time working for parents; a lack of child-care provision and a welfare state in which the family is the main provider of care.; a very low fertility rate.

Work-life balance in Poland is characterised by: very low provision of child care; generous and long maternity and parental leave; no individual right to paternity or parental leave for fathers; very few possibilities for part-time or flexible working; very gendered government policies (only women provide family care); a very low fertility rate.

Work-life balance in the UK is characterised by: lack of affordable child care; an individual right to paternity leave, with around one third of companies offering full pay; short and unpaid parental leave; a long working hours culture with a high proportion of evening and weekend work; the right to request flexible working arrangements; many possibilities for part-time work but which is generally low-paid.

5. Equality issues: the role of social dialogue and trade unions

The role of social dialogue and trade unions in promoting equality and diversity in EU Member States varies widely according to the national system of industrial relations. In some countries, for example Germany, the corporatist and consensual system of industrial relations means that policy-making is often a shared task between the government and the social partners on a tripartite basis and implementation of policies is delegated from the government to the social partners. Most industrial relations issues such as working time, pay, training etc. are still decided through collective bargaining at sector level and these sector agreements still cover the majority (though this is declining) of the workforce (Maier 2006). Works Councils in Germany, though they only exist in about 11% of all eligible companies (all companies with a minimum of five employees are eligible to have a Works Council) nevertheless exist in almost all large workplaces, cover nearly half of the workforce (Dribbusch 2005) and have strong rights to information, consultation and co-decision. Trade unions and social dialogue therefore play a vital role in equality policies in Germany at workplace, company, sector, regional and national level.

In Germany, the current emphasis of trade union action appears to be in line with government priorities regarding work-life balance and family-friendly policies and initiatives. Although there is no data on works council agreements on gender equality a 2002 survey of works councils found that 9% had concluded agreements on positive action for women (Colclough 2004). However, surveys from 2003 and 2004 assessing the new provisions of the Works Councils Constitution Act on gender equality (2001) reveal that agreements on work-life balance at company level are still rather exceptional.

“Only 8.3% of all works councils surveyed by WSI have signed an agreement on the reconciliation of work and family life. Those agreements were most often found in the finance sector (18.4%) and in the largest workplaces. Moreover, it is significant that works councils were always the initiator of such measures, but that the issue is not at the top of the bargaining agenda. About 27% of works councils reported that reconciliation of work and family life had been taken up as an issue within the previous two years. Some 66% of works councils report that nobody had expressed any need for action. About one third of employees stated that individual solutions to reconcile work and family life had been found, while another third admitted that they had to face more urgent problems, such as securing existing jobs and

fighting job cuts. The combination of these two factors might explain the scarcity of collective agreements at company level” (EIRO 2006:22).

In France, the social partners are consulted by the government on all matters relating to employment and social affairs but are given only a very limited role in policy formulation. Trade unions are relatively weak at workplace level in France despite their strong institutional rights to representation. Political and ideological divisions and rivalries between the unions has largely accounted for their weakness. The government, however, has consistently tried to compensate for union weakness at company level by, for example, legally extending collective agreements to cover the entire workforce or sector. Over 90% of the workforce in France is therefore covered by collective agreements (DARES 2006). Relations between unions and employers are traditionally conflictual rather than consensual and the state has therefore tried to forcibly bring about collective bargaining and to dictate the bargaining agenda at national, sector and company level. So for example, in 2001 the government made regular collective bargaining on issues of gender equality compulsory at both sector (every three years at sector level) and company level (for companies with at least 200 workers). However, the lack of implementation of this law and the lack of labour inspectors to ensure its implementation led to the negotiation of a national inter-sectoral framework agreement on gender equality in 2004. A law on measures to combat discrimination was passed in 2001 which calls on social partners to negotiate sector agreements on racial and ethnic discrimination, requiring sector agreements to contain proposals on how to campaign against discrimination if they are to be approved. No sector agreements have yet been signed, however, although there are some notable company level agreements, such as Renault and Peugeot-Citroen. A national inter-sectoral framework agreement was negotiated on diversity in 2006 as a result of government pressure on employers (the government threatened to introduce a law on diversity in recruitment otherwise). Agreements have also been negotiated at national level on disabled workers and older workers. In 2005 the government passed a law obliging companies to negotiate every year on equal pay in order to eliminate the gender pay gap by 2010. The implementation of employment equality policies has therefore been largely delegated to the social partners by the government in France. Silvera (2006) notes that it is too early to draw full conclusions about the effects of the recent French laws on collective bargaining for gender equality but it is possible to say that: ‘the social partners (trade unions and companies) seem to be much more mobilised’ (Silvera 2006:10). The two biggest French trade unions, the CGT and the CFDT, have both introduced the requirement for gender parity within their decision-making bodies.

In Italy the social partners are involved in corporatist tripartite arrangements for policy-making at national and regional level. Sector level collective agreements play an important role as they are extended *de facto* to the entire sector. As a result around 90% of the workforce is covered by collective bargaining (Pedersini 2002). Trade unions also have extensive rights at workplace level. Social dialogue is the vehicle through which the state implements employment equality policies. The ‘Positive action laws’ (discussed in part 3 above) for example require private sector companies to agree on joint positive action plans for gender equality with trade unions in order to qualify for funding.

La Salandra (2007) accuses trade unions of a lack of commitment to gender equality at national level:

“They have done little more than have national collective agreements include statements of principle which have never been converted into concrete policies”.

Although positive action projects have been carried out in several large firms (mainly with the objective of recruiting young highly qualified women for management positions),

“the lack of conviction with which the social partners have addressed the problem of ‘gender segregation’ in career development has led to abandonment of positive actions as instruments to eliminate discrimination” (ibid).

After the enactment of the laws on positive action for gender equality, national collective agreements were negotiated establishing in-company ‘equality bodies’ on gender segregation issues. These ‘bilateral equal opportunities committees’ initially played an important role, but

“for some years now they have languished. The main factor responsible for their weakness is the ‘light’ definition given to them by agreements, which, with few exceptions, assign them largely the task of conducting surveys, but without sufficient resources to do so. This weak definition testifies to the resistance or suspicion of the bargaining actors, both unions and employers, in accepting the presence of women on the ‘bargaining scene’” (ibid).

Most of the trade union projects to promote female employment in recent years have focused on reconciling work and family responsibilities for women. However, there have been relatively few of these (a survey carried out in 2001 found 1,300 company-level agreements on work-life balance) (EIRO 2006). Most of collective bargaining on flexibility has focussed on flexibility for the employer through atypical work contracts such as fixed-term and part-time and ‘on-call’ contracts in return for rights and guarantees for the workers concerned. Issues such as maternity and parental leave, child and elder care have been less on the agenda as the social partners tend to consider that the generous statutory arrangements are sufficient (EIRO 2006).

The General Confederation of Italian Workers (Confederazione generale italiana del lavoro, Cgil), has introduced an ‘anti-discrimination clause’ into its statute, which states that

“neither of the two sexes may be represented to less than 40 per cent or more than 60 per cent. ... The Italian Confederation of Workers’ Unions (Confederazione italiana sindacati lavoratori, Cisl) has sought to promote the presence of women by strengthening their bargaining and leadership competences through training schemes for women trade unionists. It has also introduced a minimum quota of two-thirds for female candidates on the lists for election as congress delegates, but not in the bodies elected by the congress. Consequently, although the quota is applied to the candidate lists, two years after introduction of the clause, congress votes still reflect the union’s resistance to women” (La Salandra 2007).

The situation in the UK is very different to other Western European countries. Conservative governments since 1979 removed any institutionalised forms of social dialogue and ceased consultations with trade unions. They also removed most trade unions rights to carry out effective representation in the workplace and made it possible for companies to avoid collective bargaining by de-recognise unions. Collective bargaining at national level does not exist in the UK and sector level collective bargaining is virtually extinct. Collective bargaining does take place at company level but covers only about 35.5% of the workforce (Marginson 2002). Only 16% of workplaces in the private sector with ten or more employees recognise trade unions for the purposes of collective bargaining (Kersley et al 2005). Since 1997, the Labour government has increased informal tripartite consultation and dialogue but has not made any moves to introduce formal dialogue or tripartite institutions. The government has provided statutory rights to Union Learning Representatives and Union Equality Representatives (e.g. rights to time off to perform their duties) and financially supports capacity building for these union workplace equality representatives under the Trade Union Modernisation Fund (Dickens 2007). ‘Partnership agreements’ between companies and unions have also been supported by the government through the modernisation fund as a vehicle to promote equality but these concern very few companies. Collective bargaining, however, is not viewed by the UK government as a medium for the implementation of national policies as it is in other western European countries (Dickens 2007).

Collective bargaining remains largely confined to the 'basic' issues of pay (61% of workplaces which recognised unions), working hours (53%) and holidays (52%). Equal opportunities are negotiated in only 15% of workplaces where trade unions are recognised for collective bargaining purposes (Kersley et al 2005). The unilateral initiatives of trade unions therefore play a greater role than social dialogue in promoting equality in the UK.

Trade unions in the UK have been increasingly active in all areas of equal opportunities, acknowledging that they have neglected these issues in the past (Kirton and Greene 2002).

"Greater internal equality within trade unions is a major influence pushing unions to pursue external equality, via collective bargaining and other means, reframing and widening union agendas and making it more likely that unions will respond positively (including in bargaining behaviour) to opportunities provided by public policy developments including equality legislation" (Dickens 2007:484).

The Trade Union Congress (TUC) has four equality committees (for Women, Race Relations, Disability and Lesbian Gay Bisexual Transgender). Most UK trade unions have reserved seats for women on their executive and several have reserved seats for black and minority ethnic workers (Kirton and Greene 2002). The TUC holds a National Women's Conference and a National Black Workers' Conference annually and is currently working with Ruskin College, Oxford on establishing a course that will promote women in leadership and decision making in the trade union movement. This will use evidence from other European countries and will look at ways of ensuring that more women secure positions in senior ranks of UK trade unions (ETUC et al 2006). In the absence of possibilities to engage in collective bargaining, unions have been cooperating on an informal tripartite basis with employers organisations and the government to produce a series of guides to good practice, for example on reducing long hours and other work-life balance initiatives such as flexitime, annualised hours and job-sharing (EIRO 2006). The TUC also has:

"a high profile 'Changing Times' campaign and associated resources devoted to evaluating trends and lobbying government for reform and working with member unions and employers to develop reconciliation measures" (Fagan et al 2005:2).

In the health care and local government sector, unions are involved in projects to attract more men into traditionally female dominated sectors in order to counter the undervaluation of 'women's work' (ETUC et al 2006).

"Since September 2001, the TUC has trained some 400 men and women to become equal pay experts on its 'Close the gap' online and classroom-based courses. As a result of the training, these newly skilled equal pay reps work with employers to identify pay discrimination and find ways of eliminating the problem" (Newell 2007).

Managers have taken part in this TUC training course, for example at BMW in Oxford.

"As a result of the training, the company intends to carry out a major internal communications exercise before embarking on an action plan to carry out a review of equal pay" (ibid).

Unions and employer organisations tend to be structurally much weaker in the new Central and Eastern European Member States than in Western Europe. Social dialogue in Poland and the Czech Republic at national level takes place almost only on a tripartite basis, the sector level social partner organisations are very weak and there is very little social dialogue at this level as a result. Collective bargaining only occurs very rarely in the private sector and where it does occur it is only at company level and does not

involve equal opportunities issues (Plomien 2006). A study carried out by EIRO in 2004 found no known bipartite or tripartite initiatives with wide impact regarding gender equality.

“As the private sector expands, the hope that traditional social dialogue, based on relations between trade unions and employers, can become entrenched at enterprise level recedes. The unions seem to have some difficulty coming into their own in the private sector, and the employers are not exactly jumping to their assistance. As a result, dialogue is often supplanted by monologue by the employer, with the employees as a 'captive audience'. Some explanation for this state of affairs is provided by the difficult situation in the job market, which does much to discourage employees from any form of union activity - what if their militancy causes them to lose their job?” (Towalski 2006).

According to Vervekova (2007) equality issues are only dealt with by trade unions in the Czech Republic at federation or national level, whilst it is still very rare for unions at sector or enterprise level to deal with such issues. The reasons for this are “a low level of information and awareness about gender issues at the level of trade union organisation and at enterprise level; trade union organisations lack the necessary staffing and financial capacity to accommodate a specialist in this issue; the topic is sometimes disparaged and ridiculed in the Czech Republic – fear of ridicule, doubts as to whether it is an important topic; other priorities – trade union organisations have other problems to deal with; insufficient interest in this issue among women” (Vervekova 2007).

Křížková et al (2005) note that unions:

“do not contribute to creating any framework or context beyond what is required by law that would help make it easier for employees to combine work and family life. .. The majority of unions do not promote the issue of reconciling work and family life as an independent problem, and they have little interest in dealing with it, even in employment branches dominated by women (such as shops, health care, education, care services, etc.).”

The situation in Poland is very similar to the Czech Republic. At national level most Polish trade unions have a Women's Committee (Sula 2007). The biggest trade union grouping in the Czech Republic, the Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů, ČMKOS), has established a Committee on Equal Opportunities for Men and Women which:

“is a response to the lack of trade union activity in integrating gender equality into trade union policy and collective bargaining” (ibid).

The Committee has three fundamental goals:

1. To ensure that women are duly represented in collective bargaining and decision-making bodies (primarily involving steps that will lead to an increase in the number of women in trade unions and women taking part in collective bargaining).
2. To integrate gender equality into all areas of trade union policy.
3. To strive to achieve equality in pay (measures need to be taken, in particular through collective bargaining, that will lead to a gradual reduction of the pay gap between men and women).

The second biggest trade union confederation, the Association of Independent Trade Unions (Asociace samostatných odborů, ASO), however, is not active in this area (ibid).

Much of the activity amongst and within trade unions regarding equality is happening within the context of European community funded projects, particularly through the EQUAL programme. Trade unions in Western European countries often lead these projects to transfer their experiences and expertise in promoting and negotiating equality to their counterparts in new Member States.

6. Equality policies in national steel sectors

Equality policies in national steel sectors are clearly shaped by the equality policies and priorities of national governments described in the previous sections. The role of trade unions is also a vital one for promoting equality in the steel sector and this role depends greatly on the capacities of unions to influence government policy at national level. Thus, for example, inequalities in pay between men and women, gender segregation, discrimination and a lack of policies and practices to facilitate work-life balance or to protect disabled and older workers in Poland and the Czech Republic are not problems particular to the steel industry, but reflect the general lack of policies in this area at national level and amongst trade unions as well as the weakness of the latter. In Italy lack of government pressure on companies, trade union attitudes and the lack of any welfare tradition for the provision of care services, have also meant that companies in male dominated sectors such as the steel industry have had no reason to consider policies for the promotion of gender equality or work-life balance.

In countries where unions are strong and influential actors in policy formulation as well as implementation, on the other hand, steel unions - usually amongst the strongest unions in European countries - can be frontrunners in collective bargaining innovations for equality. So, for example in Germany, the first sectoral agreement on 'working-life time accounts' was signed in the steel industry in 2000. The agreement allows employees to save overtime pay over a long period by paying it into an account. This money can be used to finance either a period of time off, early retirement or an additional pension (EIRO 2006). Major reforms of collective agreements to introduce less gender biased job evaluations and descriptions in order to close the gender pay gap also appeared first of all in the metals sector in Germany (Maier 2006).

Government priorities are reflected in the trade union and company policies and practices. So for example, work-life balance has been a priority issue as regards equality policies in the German and UK steel industries despite their very small proportions of female workers. In Germany this can be largely explained by the corporatist system of government which delegates the implementation of policies to the social partners. This means that the sectors with the strongest unions are likely to lead in this policy implementation. In the UK the government delegates policy implementation to companies and expects 'role model' companies to lead the others through the spread of good practice. Companies in sectors experiencing labour market shortages, particularly of skilled workers, for example steel industry companies in the UK, are likely to implement the policies and good practices advocated by the government in order to be 'an employer of choice'. Work-life balance has also been a government priority in France. The French model, however, involves policy implementation through legislation. The French state has "developed one of the most highly regulated employment systems in the world, with the Labour Code covering every aspect of work, from discipline procedures to coffee breaks" (Parsons 2005:30). Equality policies at company level are therefore often considered unnecessary as it is largely a question of simply fulfilling legal obligations, for example regarding parental and care leaves and equal pay. This coupled with the weakness of trade unions at workplace level explains why collective agreements in France rarely go further than the minimum legal requirements, which have usually been negotiated between the social partners at national level. Legislation in France, however, often lacks enforcement, which can lead to half-hearted implementation by companies. So, for example, Arcelor, France's largest steel company, was under pressure to sign the Employers' (voluntary) Charter for Diversity in 2004 but has been slow to transpose it into any concrete initiatives.

This reference document has discussed national equality policies - themselves shaped to varying degrees and in various ways by legislation and policies at European level - so as to better understand the context around the equality policies and practices in European steel companies. Many other factors play a role in shaping equality policies and practices in European steel industries, for example, the socio-demographic profile of the population at national as well as local level is an important factor, as are other social and economic factors such as high unemployment, labour force skills shortages and restructuring. These issues are discussed in more depth in the EDLESI Research Report Volume One.

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