

## Annex

Introduction - Government documents designed to promote equality between men and women  
Annex 2: Concept of Equal Opportunities between Men and Women

### **The concept of equal opportunities between women and men**

#### **Introduction**

One of the essential attributes of a democratic state is building such legislative and institutional framework that would guarantee human dignity to its citizens and supervise that their fundamental rights are safeguarded. We regard the issues of equal opportunities between women and men (further referred to as “equal opportunities”) to mean that human beings may freely develop their abilities and use opportunities without lasting barriers that would entail gender roles or any other barriers to participation in the economic, political and social life of the society based on gender. They are deemed to be part of universal human rights, and as such, are given more attention over the last decades in all developed countries of the world. These countries have been striving for several decades to introduce equal opportunities policies in all walks of life of the society.

Ensuring a legislative framework, i.e. eliminating gender discrimination in the effective legislation, or potentially drafting new legislation focussed solely on these issues, is a necessary prerequisite for the application of equal opportunities. In this respect, the introduction of equal opportunities *de facto* is seen as needed, in addition to equal opportunities *de jure*. Hence, it is necessary to initiate new, ancillary institutional mechanisms that would safeguard equal opportunities. To make the process efficient, the whole society needs to be involved in the application of the principle of equal opportunities in practice and no longer categorise gender equality as so-called women's issue, but rather deem it to be the matter of the whole society. This is a new, modern approach, which is characterised as gender mainstreaming. It is a new concept which involves progressive systematic integration of needs and priorities of women and men in all policies and measures, aimed at enforcing equality of women and men, while taking account of their mutual differences and interests.

#### **Historical background**

##### **1. The background for designing the concept of equal opportunities of women and men**

In the light of the continuing discrimination against women in some areas of life of the society, and the development trends embraced in the European Union, the principle of equal opportunities should be recognised as one of the priority tasks within building of the democratic state, and equally, as one of the opportunities to use human potential to a maximum extent in rejuvenating the economy.

Since the subject of equal opportunities is multi-disciplinary in nature and has not yet been comprehensively analysed, close cooperation will be necessary in its implementation of state bodies, social partners, local government, research institutions, non-governmental organisations and other subjects that will be flexibly and actively involved in the gradual elimination of discrimination, using also adequate system of monitoring and control. These

issues are orchestrated by the Ministry of Labour, Social Affairs and Family of the Slovak Republic, which in 1999 established a subsection of equal opportunities for this purpose. Its role is to produce conceptual, legislative and strategic document drafts in the area of equal opportunities and monitor the situation in observing the principle of equal opportunities in practice. The Coordinating Committee for Women's Issues (further referred to as the "Coordinating Committee") is an important body operating in this area, which is an advisory, coordinating and initiative body of the Government of the Slovak Republic, having a broad representation of central bodies of state administration and non-governmental organisations (it was set up in 1996 at the MLSAF SR). One of the most significant activities of the Coordinating Committee was the development of the National Action Plan for Women in response to the requirements put forward by the 4-th Conference on Women in Beijing. It includes the principles by the elaboration of which individual sectors and social institutions set themselves tasks in an effort to create non-discriminatory conditions for women and men. In the third year, the evaluation of the achieved targets of the National Action Plan (NAP) (according to the Progress Report of the NAP in the Slovak Republic for 1999) revealed the absence of adequate society-wide discussion and a number of reserves that can be resolved by using new strategy in the approach to their accomplishment. The experience gained from the efforts in National Action Plan pointed to the absence of a global approach to equal opportunities and a need to tackle it conceptually. In the view of the development in the problems since the National Action Plan on Women had been adopted, it seems necessary to innovate and introduce new approaches in tackling the tasks laid down in the NAP, namely from the aspect of their complex understanding – the concept.

The basis for the legislation in the area is to be found in the Slovak Republic's Constitution, which lays down fundamental human rights and freedoms regardless of gender. The Labour Code in force makes provision for equal opportunities in Article III of the Fundamental Principles, by rejecting discrimination on the grounds of gender. As practice showed, such a general formulation is not sufficient and more explicit provisions on the issues of equal opportunities are needed in labour relations. This issue is addressed in the new draft Labour Code, the draft law on state service and draft law on public service. As for other legislative provisions of equal opportunities in other legal regulations, we need to note that the current Slovak legal regulations do not have, as a rule, discriminatory character. The Act of the National Council of the Slovak Republic, no. 292/1999 of the Collection of Laws, which changes and supplements the Act No. 387/1996 Coll. on employment, as later amended, embedded explicit ban on publishing job vacancies, which would contain any limitations or discrimination. Other provisions are being prepared in the new Labour Code. The principle of equal opportunities is not provided in a complex way. A specific provision is anticipated for the future for equal opportunities in the form of a law.

Without adequate institutional mechanism, the current legislation of equal opportunities does not guarantee consistent observation of the principle in practice. For example, in the Slovak Republic there are not institutions of protection of equality, such as the Ombudsman, the Commission for Appeals, etc. that would receive and resolve complaints in the area of human rights. The indicator calling for the use of such mechanisms, particularly control ones is the current, poorly efficient system of control in the area of gender equality.

## **2. International implications**

The Government of the Slovak Republic in their Statement of Policy subscribe to ensuring gender equality in the working process. They are bound to it also by the signing of a number of international documents aimed against gender discrimination. Among the principal

documents in this respect is the Universal Declaration of Human Rights. This document makes general provision for human rights, but contains also significant legal provisions in the field of equality between women and men in labour relations, asserting the principle of equal pay for work of equal value, and enshrining the right of all people to work, as well as adequate and appropriate working conditions without any discrimination.

The issues of equal opportunities between women and men are one of priority areas of the majority of international organisations and institutions. The Conference on Gender Mainstreaming: a Step in the 21-st Century, organised by the Council of Europe in September 1999 in Athens – emphasised the significance of the new method which became a priority subject of the Council of Europe in the field of equality between women and men, and defined its main instruments. Gender mainstreaming is a new approach in the application of the principle of equal opportunities in social life, which has also been adopted by countries of the EU and these pledged to develop it. In this context, the European Union declared democracy to be its principal value, which requires the dimension of equality of opportunities to be integrated in all policies and programs of the Community. Hence part of its activities in the following years will be specifically orientated to the issues of the current time: employment and equality of opportunities.

The new, active approach of the European Union to gender discrimination has also been reflected in the Treaty of Amsterdam, which, in the relevant area, supplemented the Treaty of Rome in Article 2, adding the task of promoting equality of position held by women and men. The activities of the Community developed in this area are defined in Article 3 of the Treaty. In all items of Article 3, the Community sets itself the objective to eliminate inequality between women and men. Article 13 of the Treaty pledges the Community and the Council to act unanimously at the instance of the Commission and, following consultation with the Parliament, in an effort to combat discrimination based on gender, racial or ethnic origin, religious belief or denomination, disability, age or sexual orientation. Article 141 of the Treaty pledges the member states to ensure the application of the principle of equal pay for women and men for equal work, or work of equal value - computing remuneration on an output basis according to equal rates, and ensuring the same remuneration for work on an hourly basis for equal work. Article 141 of the Treaty contains new item 3 - enabling member states either to introduce measures granting special advantages to less represented gender to facilitate their professional work activities, or to prevent or compensate disadvantages in the professional career aimed to fully secure equal treatment of men and women.

With regard to the interest of Slovakia to accede the European Union and meet its commitments thereof, it is vital to catch up with the ongoing trends and ensure their progressive implementation.

In this context, particularly the documents of the Partnership for accession and the National Program for the adoption of *acquis communautaire* are of significance for the Slovak Republic, in which in Chapter 13, Social policy and employment, a section on equal treatment for men and women is to be found. The objective of the National Program for the adoption of *acquis communautaire* is to align the legislation of the Slovak Republic with the European Union law. In this way the European Union monitors legislative and institutional provision of equal opportunities in the Slovak Republic. It lays a special emphasis on the elimination of discrimination on the grounds of gender and controls its observation in practice through constituting appropriate institutions, such as the Ombudsman for equal opportunities. The European Community recommends its member states to introduce in their countries the institutes of Ombudsman, or set up other control institutions.

In June 2000, the European Commission adopted a recommendation regarding the Framework program of the Community on equal opportunities between men and women for the years 2001 – 2005, with an overall budget of EUR 50 million for the above period. This

program covers all policies of the Community aiming at achieving equality between men and women. The framework strategy of the program focuses on 5 objectives: equality in economic life, equality in participation and representation, equality in social life, equality in civic life, modification of roles and elimination of stereotypes. The activities will be concentrated in two directions: the integration of particular activities for women into all existing policies, activities and programs, including external relations and the development policies of the European Commission and the combat against all forms of discrimination against women in the workplace. It is assumed that the European Commission will approve the new program in December 2000, or in early 2001. Joining the program entails a "financial admission" amounting to SKK 2.5 million.

The relevant international documents which are binding for the Slovak Republic, and which promote implementation of equal opportunities in legislation and practice, include the conventions of the International Labour Organisation (ILO), the European Social Charter (ESC), and the Supplementary Protocol to the ESC and others.

The United Nations Organisation ranks among those international organisations, which are engaged in the field of improving the position of women, and securing equal opportunities. The conclusions of the Action Plan of the International Conference on Population and Development in Cairo, the Fourth World Conference on Women in Beijing, and the timely Follow-up Activities and Initiatives for the Implementation of Beijing Declaration and the Action Platform, adopted at 23-rd Special Session of the UNO General Assembly in New York (June 2000) are documents, which have been accepted by the Slovak Republic. It is expected that the Slovak Republic will proceed to implement the principle of equal opportunities in the life of the Slovak society.

Among the most significant documents of the United Nations Organisation in this area is CEDAW- the Convention on Elimination of All Forms of Discrimination Against Women (1979). By virtue of Article 11 of the Convention, the Slovak Republic has pledged to adopt measures to eliminate discrimination against women and men and ensure equality in the area of the right to work, equal opportunities in getting a job, the right to career promotion, the right to equal pay, etc.

On behalf of the Slovak Republic, as 38-th country, on 5 June 2000, the Minister for Labour, Social Affairs and Family of the Slovak Republic signed the Option Protocol to the Convention, within 23-rd special session of the UN General Assembly. By it, the Slovak Republic has pledged to make the mechanisms of eliminating discrimination and violence against women more efficient. Another step should be its ratification by the National Council of the Slovak Republic (Parliament).

### **3. Equal opportunities in the Slovak Republic**

In the Slovak Republic, fundamental human rights and freedoms are guaranteed in the Constitution of the Slovak Republic and in essentially a non-discriminatory legislation. Article 12 of the Constitution of SR establishes that people are free and equal in their dignity and rights. The fundamental rights and freedoms are unassailable, inalienable; they cannot lapse or be abolished. In the territory of the Slovak Republic they are guaranteed to all regardless of sex, race, colour of skin, language, faith and religion, political and other belief, national or social origin, nationality or ethnic group allegiance, property, family, or other status.

In recent years, particularly in connection with the implementation of *acquis communautaire*, several provisions have been incorporated in the legislation of the Slovak Republic, which strengthen the principle of equal treatment of women and men, (the amendment of the Employment Act, the amendment of the Labour Code, the amendment of

the Child Allowance and Supplementary Child Allowance Act). Other provisions are prepared in the new Labour Code and the new Social Insurance Act, the State Service Act, and Public Service Act. At the same time, a number of provisions have been deleted from legislation that were not consistent with the principle of equal opportunities, such as repeal of ban of women's night work, preference of mother in claiming child allowances in situations, where parents fail to reach an agreement.

However, the position of women in the Slovak society in actual reality is not such as is guaranteed by the Constitution of the Slovak Republic and other legislative norms. Several positive steps have been taken to improve it – the establishing of a subsection of equal opportunities at the MLSAF SR, the setting up of the Coordinating Committee for Women Issues, and the Parliamentary Committee of Women with the National Council of the Slovak Republic. The Coordinating Committee for Women Issues outlined the National Action Plan for Women in the Slovak Republic aimed to improve the position of women in several areas of life. For example, economic area, the area of protection and promotion of women's health, elimination of violence against women, creation of conditions for personal development of women having restricted development chances, the area of shaping public opinion towards respect for equality between women and men, etc. This program document was approved by the Government of the SR for a period of 10 years. It is directed to improve the position of women through particular activities and projects, mainly in collaboration with non-governmental women's organisations. The concept builds on the experience from the NAP, which notes the incongruity between formally created prerequisites for the application of equality between women and men and the fact that in reality these conditions are not met and unequal position of women in the Slovak society persists. The purpose of the concept is to outline the strategic steps for a complex solution, i.e. covering both legislative and institutional provision for equality, particularly in three priority areas, where inequality between women and men is most conspicuous in the Slovak Republic:

1. labour market
2. public and political life
3. family - reconciliation of the family and working life.

These facts imply a need for a more efficient legislative provision of equal opportunities in the society, for example through an equal opportunities act, which would address this problematic comprehensively in all areas of social life. We need to note in this respect that similar laws exist in most developed countries of the world.

The Norwegian Gender Equality Act may be a positive example, where gender equality is promoted in all spheres of the society – in education, culture, equal pay, employment relations, etc. (see Appendix 1). The law decrees positive action measures and imposes an obligation on civil servants to take such measures that will strengthen equal position. Recognising the requirement of special action for women, the act governs the work of the ombudsman and constitutes the legal ground allowing positive action on behalf of women. From among post-communist countries, Lithuania, for example, has a similar law.

The current state in the area of equal opportunities of women and men in the Slovak Republic also indicates the absence of appropriate control institutional mechanisms at all levels, e.g. an Ombudsman for equal treatment (the constitution of the ombudsman ensues from the National program for the adoption of *acquis communautaire*), commission for equality, etc.

In most European countries, including post-communist ones, but also in a number of Asian countries, the institute of Ombudsman is already in place. The Slovak Republic is one of the last countries, which is still without this institution. Most recently it was constituted in 1999 in the Czech Republic and Estonia, in 1997 it was introduced in Rumania, Ukraine, Macedonia, and Moldavia. In these countries, which had authoritarian regime for a long time,

a model is successfully implemented of the ombudsman handling the exercise of fundamental human rights and liberties, which relate to gender, race, or the rights of the disabled citizens

In some countries, equality issues are institutionally provided for by separate ministries. For example, in France, and in Germany, it is the Federal Ministry for Family Affairs, Elderly, Women and Youth (1991), etc.

For the sake of efficient enforcement of equality, it is necessary that institutional provision and the application of equal opportunities in the Slovak society embrace all levels of state administration and self-government of upper tiers. Hence it is necessary, in addition to the mechanisms at central level, to build also institutional instruments at regional and local levels, by adding equal opportunities agenda to the work description of one particular employee. From the perspective of state administration we see building of such personnel mechanisms at regional and district offices highly desirable, which would then function as information and institutional tools.

In this context, there are many European countries, such as Norway, Austria, Germany, France, Italy, etc, which stand as good examples of complex institutional provision at all levels. In Italy, for example, there is a *National Equal Opportunities Commission*, which works as an umbrella organisation responsible for creating conditions for the implementation of equal opportunities and elimination of discrimination on the grounds of sex in labour relations. To promote implementation of the above principles, Equality Councils are set up at their levels (the Central Commission for Employment, the Regional Commission and the District Commission). In Norway, for example, there are competent independent authorities, administratively joined to the Ministry of Family and Children – the Ombudsman for Equal Treatment, and a Commission of Appeals for Equal Treatment. The Council for Equal Treatment is a linking mechanism between state bodies, organisations and the public. It acts as an advisory body to the Commissions for Equal Treatment set up at Municipal Offices.

### **3.1. Equal opportunities in the labour market of the Slovak Republic**

The transformation of the economy in post-revolutionary period was accompanied by essential changes in the area of employment. With the impact of new social and economic conditions, women labour force has acquired a qualitatively new shape.

Women constitute a substantial segment of the labour force. According to the sample survey of the labour force of the Statistical Office of the Slovak Republic, in 1999, there were on average 2,573 thousand economically active population, of which women constituted 45 per cent, which is 1,159 thousand. The number of women in employment was growing until 1996, when it went up by 54 thousand in the period between 1995 and 1996. Since 1997, there was a decrease in the average count of women in employment in the SR, when it went down by 22 thousand between 1997 and 1999. In the first half of 2000, there were 234 thousand registered unemployed women, with the rate of registered unemployment for women reaching 18.38 per cent. From the aspect of marital status, most registered unemployed women at the end of June 2000 were in the category of married women (54.7 per cent of the overall figure for unemployed women). In men, single men prevailed, (51.7 per cent of the total count of the unemployed men).

At the end of June 2000, 50.6 per cent of the total number of unemployed women were long-term unemployed women (for more than a year), which is more, compared with the proportion of registered long-term unemployed men in the total number of registered unemployed men (49.5 per cent). An analogous situation is found in very long-term unemployed women (for more than 2 years) that constitute 27.1 per cent of the total number of registered unemployed women, which is more than in very long-term registered unemployed men, constituting 24.0 per cent of the total number of registered unemployed men. At the end of June 2000, relative to the period of the preceding year, in connection with

the overall increase in long-term unemployment of 2000, the proportion of long-term registered unemployed women was higher by 8.2 percentage points.

Despite this, a high rate of participation of women in the labour market persists. This is likely due to several factors affecting the decisions of women about entering the labour market. The relevant factors include:

- ◆ high value women ascribe to work in their value system
- ◆ economic necessity, arising from the existence of double-income model of family
- ◆ work attitude in which work is regarded as a sphere of social contacts
- ◆ self-realisation.

New economic, social and legislative implications of the functioning of the labour market create new conditions for job performance and for opting between a paid employment or work in the household and for non-typical forms of employment.

Women would appreciate the possibility to work shorter hours, in shared employment positions, carry out work at home (women comprise 80 per cent of part-time workers in the countries of the European Union – it is an alternative to reconcile employment and family roles). A typical feature of women in employment in the Slovak Republic is also the fact that women are not evenly represented in individual branches of economy, which results in so-called over-feminised areas, which are most often lower-income branches of the economy (services, health, education, see the Appendix – tables 6 and 7). Males therefore do not have greater interest to work in these branches, which entails female overrepresentation to intensify and the women income being lower also in this respect.

This fact, as well as the tradition and the historical development subsequently determine the amount of old-age and invalidity pensions of women, which are calculated from a lower income base. The level of pension benefits as a whole is assessed according to the level of old-age pension also because most pensions are determined in relation to old-age pension. The different pension age for men and women in connection with the rise of the right to old-age pension was laid down in the Slovak Republic (CSSR) in the Act no.55 of 1956. The Act no. 101 of 1964 extended different treatment of men and women, when it reduced pension age for women, depending on the number of children reared. These provisions had been taken over by the Act no. 121/1975 Coll., on social security, on which the currently effective Act no. 100/1988 on social security, as later amended, is based. This act sets the age for the rise of the right to old-age pension at 60 years for men, and 53 to 57 for women, depending on the number of children reared.

Besides this aspect, another element of different treatment in the Slovak system of pension security is the preference of the husband in case of pension being the sole source of income. The different pension age for men and women affect the amount of pension of women from pension insurance scheme (the minimum period of employment in old-age pension is the same – 25 years but the additional period of employment has unfavourable effect upon old-age pension of women, which is due to lower pension age and also with regard to the method of calculating old-age pension). There are also different conditions for men and women in survivor's benefits – between widow's and widower's pensions. Men are entitled to a widower's pension, which is determined as a fixed amount only, where they take care of at least one dependent child, while widows are much more advantaged. These facts point to many drawbacks in applying the equality principle in the system of pension security, which involves great differences between the woman and the man, which emerge particularly in different pension age.

The number of women, which, despite accompanying difficulties and financial and time demands, have decided to go into private sphere business is growing. Women have identified the need for self-realisation and the acquisition of economic independence as the decisive impulses to start their entrepreneurial activity. These factors indicate the interest on

the part of women to be engaged in the working process, and not to direct their activities solely to domestic responsibilities.

The high rate of women in employment and their share in economic activities in the society obliges the society to eliminate discrimination against women in the field of work. In this connection, it may involve direct discrimination – any differentiation, exclusion, or restriction which is done on the basis of gender, and which results in, or is aimed at eroding, or abolishing the advantages, or self-realisation of women, regardless of their marital status. We also encounter indirect discrimination, which involves a clearly neutral measure, criterion, or practice, which places at an advantage substantially higher proportion of members of one sex, unless this measure, criterion or practice is appropriate and necessary and may be justified with objective factors.

This is the reason why appropriate attention is given to the principle of equal opportunities and equal treatment of women and men within the reform of the employment law, which resulted in the elaboration of a new draft of the Labour Code, in which a duty is imposed on the employer to inform employees about the provisions pertaining to equal treatment. Accordingly, the new draft Labour Code contains provisions defining indirect discrimination. It also stipulates a possibility for the employee to take action in relevant court, where he or she believes to have been harmed as a result of failure to apply the principle of equal treatment, with the burden of proof that it does not involve gender discrimination, resting with the employer. Explicitly, equality between men and women in being paid equal pay for equal work and work of equal value, is embedded. The right of a male to parental leave in the same extent as a mother is also embedded, provided he looks after the child from its birth. As for provision for instruments for protection of human dignity of women and men at work, the new draft Labour Code also made provisions for banning sexual harassment.

The current employment legislation regarding employed women and mothers in the Slovak Republic is so designed as to protect them to a broader extent. For example, the employment legislation pertaining to pregnant women and mothers – as a specific group at risk – is providing for greater protection in the Labour Code within the provisions on general working conditions, namely with regard to their biological state. In this respect, we refer to the so-called positive discrimination (introduction of such measures, or additional rights, which contribute to the preference of one, or the other sex). This form of positive discrimination is not regarded to contradict the principle of equal opportunities by international standards, as it stems from the unique biological role of the woman – the mother.

The new Government Concept of Employment Policies until 2002, which defines the framework for the National Employment Plan, also proceeds in line with ensuring equal opportunities in employment. It contains the objectives of employment policies and the labour market policies by the year 2002, which are divided into four pillars. One of these pillars is to strengthen the equal opportunities policy, which aims to achieve equal position for women in employment. Within this pillar, measures have been designed targeted to eliminate signs of discrimination in the labour market.

As has been referred to above, despite the positive approach of the Government of the Slovak Republic to the elimination of inequality in the position of women in the labour market, in practice discrimination against women is persistent, particularly in employment, which is indicated mainly by the following factors:

- ◆ entrenched prejudice about men being more fit to carry out certain works, or functions
- ◆ career promotion and participation of women in leading positions is not adequate to roughly similar levels of qualification of women and men
- ◆ preference given to men over women in filling job vacancies, for fear of the employer that the woman will go on maternity leave, and will stay home due to care after a sick child.



The above factors entail the following facts:

- ♦ the difference between the amount of average wages in the so-called typically male and typically female jobs ( see tables 6 and 7 in the Annex)
- ♦ differences in remuneration - gender differentiation in average wages.

The weight of the decisive effects on different levels of average wages in men and women may be demonstrated, for example, on the data of the sectoral statistical survey of average earnings for Q2 of 2000. In selected reporting units with substantial proportion of equal jobs (having the same wage tariff bracket) in women and men, the total average earnings of women constituted 71.3 per cent of the total average earnings of men. Where only male and female employees having the same job, and the same salary bracket were selected from the total count of employees (men and women), the proportion of average earnings of women in the average earnings of men increased considerably, reaching 96.2 per cent. This implies that the major impact on the difference in the amount of average wages, which is unfavourable for women, is due to the above-referred different structure in employment of men and women.

- ♦ discrimination in remunerating women and men for equal work, or work which is assigned equal value.

This may be demonstrated by the data from the Information system of the value of work (ISCP), where on the basis of the data from the Average Earnings Survey for Q2 of 2000 the following facts emerged. 481 organisations employ 95 097 employees, who are categorised in the same job, with equal basic tariff salary awarded. Of these employees, 32, 742 women, (34.4%) reached lower earnings than men. There were, however, 10,048 (10.6%) male employees that reached lower earnings than women. Tables 12 and 13 give more detailed data about the differences in earnings of men and women. The data of the tables indicate that the difference in earnings between men and women up to 10% of the salary in favour of women is comparable to 15% difference in wages in favour of men.

The differences arising from discrimination against women in remunerating them for equal work, or work of equal value, are essentially lower than the overall difference between the amounts of average wages of women and men, hence, this difference is affected by further objective and subjective factors, in addition to some measure of discrimination against women in remuneration.

Most salient differences in remunerating women and men emerge when their average earnings are compared. The differences in disfavour of women are revealed in all comparisons, whether by age, education, or salary bracket, or branch (see the comparisons in the tables). In comparing average earnings of men and women by age, the wages of women, as a rule, fluctuate in the range of 68 % - 86 % of the earnings of men.

The decisive reason for women to earn less than men, in statistical average, is the different structure of positions of women and men. In the lowest functional structures more women than men are employed. Older women, in particular, have a difficult situation, when they hold much lower positions than men, when aged 50 to 60, while men are, for different reasons, more favoured in the selection for leading positions, which is coupled with higher evaluation in terms of wages. Significantly less women than men hold most senior positions, with correspondingly high salaries.

A similar situation of discrimination against women in career promotion was addressed in Austria by adopting a federal law, the Act of 1993 on Equal Treatment of Women and Men and on Career Promotions of Women. This law stipulates to guarantee preferable recruitment of female candidates with equal qualification, until 40 per cent is reached in the given function, or in the given salary bracket. Wage differentiation in

remunerating women and men was solved under a separate law. These issues are universally provided for in the Swedish Equal Opportunities Act (1992). It includes rules that require employers to actively promote equality principles in the workplace, and encourage reconciliation of family life and work. Its most fundamental aspect is to promote equal opportunities for women and men in professional life. In order to increase chances to achieve equal pay for equal work, the act stipulates tightening provisions regarding incidence of wage discrimination. Despite this legislative support, the differences in salaries persist to be an acute problem. Therefore, the Austrian Government established a relevant commission to tackle the issue.

As for the control mechanism in this area, legislation is only indirect and partial. The Labour Code in the provision under § 270a gives the competent authorities general responsibility to control compliance with employment regulations. Although observance of ban of gender discrimination falls within this control (in reference to Article 3), these legal provisions are not sufficient.

## **2.2. Equal opportunities in public and political life in the Slovak Republic**

Despite the fact that the proportion of women and men in our population is almost balanced, (of the total number of population of the Slovak Republic at 31 December 1999, women constituted 51.4 per cent and men 48.6 per cent, respectively; women slightly prevail and over the last 30 years, their number was increasing) women's representation in public functions of the Slovak Republic is disproportional compared with men. In recent election, only 16.9 per cent of candidates were women, while 83.1 per cent were men. The actual women's representation and their participation is low both in legislature as well as the executive component of power, which may be regarded to be a sign of marginalisation of women in public life. There are 150 deputies in the Parliament, of which 21 are women, i.e. 14%, while the average for all countries of the European Union is 26.8 % of women MPs. Representation of women in the Government of the Slovak Republic is equally low. There are two women in the Government, which is 10% of all government members. The ratio is very similar also in communal politics. Of all City Mayors only 6 women were elected, which is 4.4%. The representation of women among Community Mayors is slightly better, comprising 17.5% (see Annex – tab.1, 2, 3, 4, 5).

According to the analysis of the structure of party bodies, conducted by the S.P.A.C.E. Foundation, women's participation in top politics in Slovakia is low, and the pattern holds: the higher the position, the lower the proportion of women.

For the sake of comparison, political engagement of women and their representation in public functions in the EU is, compared with the SR, lower in only 4 countries, with the highest representation of female members of Parliament in Sweden – 42.7 per cent.

Women's representation in the EU governments is lower only in two countries (Portugal, Greece); the highest number of women in Government is in Sweden, where of 20 Government members, 10 are women.

Despite they are being no legal barriers to the entry of women into politics in Slovakia, their representation in public activity, even with their interest, is low. There are a number of reasons for the low representation of women in public sphere. First of all, it is the determination by the family environment, where the family is regarded as primary territory for women and the woman-politician has to join family commitments and political career, which may be very problematic. Entrenched stereotypes in our society are common, which place the woman at the “family fireplace” and reject engaged women – politicians. The entry of women into politics is thus made more difficult. Hence it should be the society's task, not only one of

individual family, to consider introducing support mechanisms, or temporary measures in general scope.

One of the alternatives – introduction of quotas – percentage representation of women, as a short-term mechanism, ensuring participation of women in political parties has been applied to date in a number of advanced democratic countries (Sweden, France, Norway, Slovenia, etc.), bringing about increased representation of women in public sphere. Iceland is also an example, where the Equal Rights Act has contained a provision that all bodies, commissions, and support boards, set up by public bodies must be made up of roughly equal number of men and women. The law also permits temporary measures, sometimes called “positive discrimination”, with the aim to improve the position of women.

A Belgian example of using quotas may be the Act on balanced participation of men and women on election lists (1994), in which presence of women on election lists is provided for in a way, which stipulates that the number of candidates of the same sex on any list may not exceed a two-thirds limit.

In this connection, we should refer to the Final Commentary of the UN Commission for the Elimination of Discrimination Against Women to the deliberation of the Inception Report of the Slovak Republic on the UN Convention on Elimination of All Forms of Discrimination Against Women. The Commission invited the Slovak Republic to use special temporary measures. They recommended to laying down time schedule for achieving of a minimum 30% representation of women in politi

### **3.3. The family in the Slovak Republic**

The position of the partners in the current Slovak family is characterised by culturally entrenched stereotypes, according to which the care of the family is traditionally taken to be the role of women, which entails that women, however equal they may be formally, do not enjoy automatically actual equality.

Most sociological research studies of the family in Slovakia conclude that there is discrepancy between the social status of women, or unequivocal acceptance or non-acceptance of the double role of women – the role of the mother and the role of the worker. The results of sociological surveys also showed that more than 80 per cent of Slovak women place the family on the top position in their preferences, but the same percentage does not want to solely devote to the family, but wish to have both the family and an occupational career.

This reiterates the problem of reconciliation of self-realisation in both employment and in the family. Its specificity manifests on the surface by statements of difficulties in reconciling the role of a woman in employment and mother, or wife (so-called double burden). The results of research of the Focus Agency of 1995 on sharing family work between women and men show that women give higher preference to a partnership sharing of duties by both parents, whereas men prefer more the core of it being borne by the woman. This is connected with the difficulties of return to work after maternity leave, or extended maternity leave and the adaptation of women to the profession after longer absence due to child-care, or looking after other member of the family, which often results in their double work load. This approach leads to feelings of acute shortage of time, personal exhaustion, dissatisfaction with unfinished work, unfulfilled desires and ambitions. Another unfavourable ramification is the absence of the male role in the family and in rearing children. In this respect, reconciliation of the role of the worker and mother is of great significance, which depends to not an insignificant extent on increasing the value the society ascribes to women in the society and strengthening the role of man in the family.

Following are typical aspects of the status of the woman and the man in the Slovak family:

- ◆ disproportionate double burden of women
- ◆ unequal distribution of partner roles, or low representation of the man in the care after the family and in rearing children
- ◆ lack of reconciliation of work and family life
- ◆ a need to restructure parenthood on the basis of partnership

Reconciliation of family and work responsibilities requires to change the perspective of looking at the traditional model of the family, in which major responsibility and duties in the family rests on the woman's shoulders, and the man's role is to financially provide for it. The participation of the man in family responsibilities, particularly in child-care, and a partnership approach to securing running of the household, is one option to achieve greater professional self-realisation for women.

In this view, the prepared Draft concept of building a system of state social support proposes to provide parental allowance, among others, in respect of the same child, simultaneously to the other parent, where this parent, is on a parental leave, subject to the Labour Code, until the child is three years old, but not exceeding one calendar month. The concurrent drawing of parental allowance by both parents will only be available to be used once during the period of allowance provision in providing regular personal and all-day care by both parents simultaneously. By contrast to the current legal state, it is proposed to make drawing parental allowance compatible with the gainful activity of the parent. It is proposed to provide a parent, engaged in gainful activity, (regardless of income from the earning activity) parental allowance at half the amount. The reason for this proposal is to eliminate hitherto obstacles in providing parental allowance to parents, whose nature of work did not enable them to interrupt work, which, as a rule, disqualified them from the right to parental allowance. At the same time, this proposal will allow all parents to select the form of care (personal or provided by other means) according to their needs and possibilities.

Another variant, permitting the worker with family responsibilities simultaneously the care of family and realisation in employment, is in the flexibility of working arrangements and the use of different form of flexible working hours. These would contribute to elimination of undue burden of women, in particular, which most often carry the burden of the care of the household and children. With this regard, the legal provisions in the Slovak legislation, which define the position of the pregnant woman and mother in the labour market directed to increase their protection and the so-called positive discrimination facilitates participation of women and mothers in the working process.

In Germany, the situation of women in employment who also have responsibilities in the family, has been addressed by the passage of an Act on working mothers, which stipulates that the number of hours worked in a week by working mothers in private and public sector should be reduced by two hours, where this mother has children aged 0-2 years, and by one hour, where the children are aged 2-4 years.

Norway applied a different approach to this problem. They have set up an institution, called the Division of Equal Position and Family, and the Parliament passed the priorities, proposed by the Government, which are the main points of the agenda for this decade. One of them is – a family policy to achieve division of duties in care of children between men and women. Simultaneously, the organisation of maternity leave reserves four week of holidays for the father. Sweden proceeds similarly, when the Government policy in their 5-year plan defined specific objectives, which include organisation of working hours and child-care in a way, which would enable both genders to be in paid employment and carry out parental

responsibilities as well. We may note that the efforts to reconcile working and family life are part of the strategies of many governments in advanced democratic countries.

The International Labour Organisation also moved along these lines, when in 1981 it adopted the Convention no. 156 on Equal Opportunities and Equal Treatment of Men and Women Responsible for the Family. The Convention unerringly pursues creation of job opportunities, or facilitation of access to employment and its performance for persons, responsible for the family, as far as possible, without conflict of their employment duties and those in the family. The Slovak Republic thus far has not ratified this Convention but the work on the proposal for ratification is in progress under the auspices of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

In conclusion we would like to note that despite the fact that the principle of equal opportunities has been incorporated in numerous legal regulations after 1989, and the discriminatory aspects have been eliminated from a number of legal norms, the equality *de jure* does not equal the equality *de facto*. Giving legislative framework to the problems (although it still is not complete and will continue) is not sufficient to ensure gender equality. It will therefore be vital to adopt a general strategy for equality, which will pursue all aspect of the life of the society, develop specific activities in the field of education, family, health, work, public life, etc. We regard building a complex legislative provision of the problems to be essential. Its final form will result from further analyses and reviewing of the possibility to draw up legislative intends of a separate law.

Constituting adequate institutional mechanisms is also needed, that will enforce and control equal opportunities in practice, at different levels and in different sectors (culture, economy, employment). We believe the constitution of the institute of Ombudsman, which is still absent in the SR, to be one appropriate form. The Ombudsman for equal treatment, regarding access to work, professional training, promotion, and working conditions is an institution, which also follows for the Slovak Republic from the National Program for the adoption of *acquis communautaire*. His constitution falls within the chapter of Social policy and employment, under medium-term priorities scheduled for 2001. The Ombudsman would be an independent institution, initiating, and recommending remedies of discriminatory facts in the area of equal treatment of women and men in the working process. Another alternative of this institution might be the constitution of the Ombudsman - the public protector of fundamental rights and freedoms. It would be an independent body, empowered to protect citizens, where any of their fundamental rights and freedoms were infringed, or threatened, by unlawful or wrong official procedure or public administration bodies failing to act. The Ombudsman conceived in this way would carry out activities not only in the area of equal opportunities for women and men, but in a whole complex of fundamental rights and freedoms.

Awareness raising and education is, in our opinion, another of significant steps in applying equal opportunities. Inadequate information about gender equality, the existing norms and stereotypes foster mechanisms, producing inequality. Therefore, the whole society should gradually be made aware of this, focusing on stimulation of general sensitivity to gender issues, development of gender awareness, and its introduction into practice. To this end, it is important to give lectures, organise training courses, hold conferences, seminars, design training materials – television programs, information literature, etc.

Statistics, broken down by gender, is an important part of information on equality between men and women. Statistical data constitutes the basis for the analysis of gender relations, and therefore it is a crucial tool for formulating important propositions and evaluations.

Surveys and analyses of the topical information and problems in any given area are the tasks for the research. The basic research in gender studies may lead to identification of

areas of gender inequalities and contribute in analysing the mechanisms intended to eliminate them.

#### **4. Approaches, principles and objectives of the concept**

The concept relied on the results of sociological research and numerous discussions, conclusions and recommendations of conferences and seminars with international participation, which looked at the position of women and men in the Slovak society, pointing to inadequate observance of the principle of equal opportunities in practice and the rich experience in providing for equal opportunities in advanced European countries. At the same time we have considered:

- ◆ inadequate participation of employers and trade union organisations in tackling the issues
- ◆ proposed legislation on equal opportunities in the working process
- ◆ the absence of applying equal opportunities in the other areas of public life of the society and the family sphere
- ◆ inadequate institutional provision for equal opportunities for women and men at all levels of state administration and self-government (inadequate monitoring, control, and possibility to eliminate discrimination)
- ◆ stereotyped views of the position of women and men in the society, traditional understanding of their social roles
- ◆ international documents, involving the principle of equal opportunities
- ◆ inadequate attention being paid and the minimal interest in the problems on the part of media, educational institutions, and other subjects, which shape cultural and moral consciousness of the society.

The concept was developed on the basis of the following principles:

- ◆ constitutionality – the application of equal opportunities of women and men is the fulfilment of the realisation of the constitutional principle of equal rights on the grounds of gender: „The fundamental rights and freedoms are guaranteed in the territory of the Slovak Republic for all, regardless of gender, race, colour of skin, language, faith and religion, political or other belief, national or social origin, nationality or ethnic group allegiance, property, family or other status. Nobody may be harmed, advantaged or disadvantaged on these grounds“.
- ◆ gender mainstreaming - the principle is a new way of asserting women in areas of development and integration of women's values. The Action Platform of the UN Fourth World Conference on Women in Beijing also asserted mainstreaming, when it declared that “the governments and other officials should pursue active and visible policy of public understanding of gender perspective in all political activities, programs so that before any decisions are made, an analysis should take place of their impact upon women and men”.
- ◆ democratic nature – non-discrimination on the grounds of gender is one of the fundamental human rights and ensuring them for the whole society constitutes an attribute of democratic and legal state. The accomplishment of representative democracy lies also in asserting equal participation of women and men in political and public life. Participation of both genders in all decisions, at all levels, and spheres of social life is crucial for the society.

The main objective of the concept is

- ◆ the application of equal opportunities for women and men in all spheres of life of the Slovak society, as part of upholding fundamental human rights and freedoms. This main objective will be achieved through progressive objectives:

- ◆ preparation of contents base for initiation of legislative intends
- ◆ identification of basic forms and application procedures
- ◆ definition of main social areas, in which equal opportunities will be applied
- ◆ proposal of measures and recommendations for the implementation of the principle of equal opportunities in social practice.

The objectives of the concept will be implemented in the following tasks, stemming from the implementation of the principle of equal opportunities, included in the conclusions of conferences and summits of the UNO and other international organisations, and the pre-accession strategy of the Slovak Republic into the EU:

- ◆ legislative provision for equal opportunities in all spheres of life of the society
- ◆ adequate institutional provision for equal opportunities, namely at all levels of state administration and local self-government of upper tiers
- ◆ implementation of the principle of equal opportunities of women and men in socio-economic area and in labour relations
- ◆ application of the principle of equal pay for work of equal value for women and men, implementation of the principle of equal treatment of men and women in access to employment, professional training, promotion and the working conditions
- ◆ stipulation of the obligation for the employer to create conditions for reconciliation of working and family life of employees. Provision of incentives for employers to create flexible forms of employing women and men (part-time employment, work arrangements at home).
- ◆ ensure progressive implementation of the principle of equal treatment in matters related to social security, newly provide for issues of pension security/insurance (for example, pension age, calculation of invalidity pension, elimination of different entitlement conditions in widow's and widower's pension, adjustment of pension being the sole source of income which is always preferentially granted to the man). To embed the implementation of the principle of equal treatment in occupational social security schemes.
- ◆ increase participation of women in public and political life. Promote non-governmental organisations in their activities (training, seminars, education, enlightenment), focused on raising women's interest in engaging in political and public life. Introduce short-term temporary measures (quotas) with the objective to increase the rate of women's representation on the election lists and nominations of women in the leading political functions.
- ◆ to make women, as personalities with their own goals and options of self-realisation, visible. Through media policies, erase stereotyped views of the position of the woman in the society; present the woman as a personality having own interests and objectives.
- ◆ alter traditional gender perspective in looking at family and the position of partners within the family. Strengthen the role of the man in the care of children. Encourage research into unpaid domestic work and develop activities for its social acceptance. Strive to achieve that calculation of the economic value of domestic work is added to the gross domestic product. Initiate national discussion on the subject.

It is not possible to give accurate costing of the Concept of equal opportunities of women and men. The constitution of the Ombudsman for equal treatment regarding access to employment, professional training, promotion and the working conditions and the corresponding demands on the state budget is given in the enclosed table. This table also gives the financial costing of the preparation and participation of the Slovak Republic in the

Fifth Medium-term Action Program of the European Union for Equal Opportunities of Men and Women.

## **5. Measures and recommendations for the implementation of the Concept of equal opportunities**

### Measures and recommendations for the implementation of equal opportunities in the area of the labour market

1. To ensure complex and systematic approach in elaborating and updating the list of works and workplaces banned for women, pregnant women, juvenile workers and mothers for a period up to 9 months after confinement.

Responsible: Ministry of Health, Ministry of Labour, Social Affairs and Family      Date:  
30 April, annually.

2. In collaboration with AZZZ SR (employers associations) and KOZ SR (confederation of unions) ensure the implementation of equal pay for women and men for equal work and work of equal value.

Responsible: The National Labour Inspectorate  
Date:            30 April, annually

3. In collaboration with KOZ SR (confederation of unions), ensure control of compliance with the principle of equal pay of women and men for equal work and work of equal value.

Responsible: The National Labour Office  
Date:            30 April, annually

4. Create more possibilities for women to find realisation in leading positions and evaluate them periodically.

Responsible: ministries and other central bodies of state administration  
Date:            30 April, annually

5. In cooperation with AZZZ SR (employers associations) and KOZ SR (confederation of unions) create conditions for employment of women and men which take care of children and dependent members of family and facilitate their return to work, through upgrading their qualification, reskillig, and counselling in their transition to self-employment. Provide incentives for employers to create a range of possibilities and use part-time employment, work arrangements at home, temporary work and different kinds of flexible work regimes.

Responsible: Ministry of Labour, the Agency for Development of Small and  
Medium-size Businesses



Date: 30 April, annually

6. See to consistent observance of equal opportunities for women and men in the prepared legislation of the pension insurance (pension age, calculation of invalidity pension, elimination of different entitlement conditions for widow's and widower's pension, adjustment of the pension being the sole source of income, which is preferentially always awarded to the man)

Responsible: Ministry of Labour, Social Affairs and Family SR

Date: 2001

7. Support creation of the institute of the Ombudsman – public protector of fundamental human rights and freedoms (in keeping with the amendment of the Constitution of the Slovak Republic)

Responsible: Ministry of Justice SR

Date: 2001

8. Ensure annual audit, “the Family and Employment”, to be focused on rewarding most family-friendly employers.

Responsible: Ministry of Labour, Social Affairs and Family SR

Date: 30 April, annually

9. Together with AZZZ SR, (employers associations) and KOZ SR (confederation of unions), strive that both the General agreement and collective agreements contain measures for reconciliation of work and family life and ones that ensure equal opportunities in employment.

Responsible: Ministry of Labour, Social Affairs and Family SR  
April, annually

Date : 30

10. Give support to projects to enhance the position of rural women and men and the women and men with lesser development chances.

Responsible: Ministry of Labour, Social Affairs and Family, Ministry of Soil Management, Ministry of Economy of the SR

Date: 30 April, annually

Measures and recommendations for the implementation of equal opportunities in the area of public and political life

11. Support modification of the Act on political parties and the Act on election so as to ensure representation of women in politics and political parties, for example, by introducing quotas and other short-term provisional measures.

Responsible: Ministry of Interior of the SR

Date: 2001

12. Encourage interest and active participation of women in public life through seminars and educational activities.

Responsible: Ministry of Labour, Social Affairs and Family, Ministry of Culture

Date: 30 April, annually

Measures and recommendations for the implementation of equal opportunities in the family

13. In the view of reconciling working and family life, expand and upgrade social services provision aimed at the care of children, the elderly, and the disabled people with different types of impairments so as to give a respite to the family in cases of excessive burden with the care of these persons.

Responsible: Regional Offices, District Offices  
April, annually

Date: 30

14. Develop a national strategy for the elimination of violence against women and in the families.

Responsible: Ministry of Labour, Social Affairs and Family, the Government Council for Crime Prevention of the SR

Date: 2002

15. Give support to setting up facilities for victims of domestic violence within amending the Social Assistance Act.

Responsible: Ministry of Labour, Social Affairs and Family, Ministry of Interior

Date: 2002

16. Supplement the effective legislation from the area of the elimination of domestic violence, sexual harassment, and the traffic in human beings.

Responsible: Ministry of Justice of the SR

Date: 2001

17. Provide training programs to increase awareness of gendered violence for policemen, prosecutors, judges, social workers and physicians.

Responsible: Ministry of Justice, Ministry of Interior, Ministry of Labour, Social Affairs and Family

Date: at 30 April, annually

18. In all crime statistics, specify gender of both offenders and the victim, and their mutual relation, in order to facilitate identification of gendered crimes.

Responsible: Ministry of Interior of the SR

Date: at 30 April, annually

Other measures and recommendations for the implementation of equal opportunities in all areas of social life

19. Intensify cooperation with international organisations in the area of equal opportunities.

Responsible: Ministry of Labour, Social Affairs and Family, Ministry of Health Ministry of Health of the SR

Date: at 30 April, annually

20. Monitor and minimise the traffic in women, including information on numbers of victims and subsequent punishment of the offenders.

Responsible: Ministry of Interior of the SR, Ministry of Justice of the SR

Date: at 30 April, annually

21. Give support to training programs on family planning and sexual partnership through Phare projects and other projects.

Responsible: Ministry of Labour, Social Affairs and Family, Ministry of Health, Ministry of Education of the SR

Date: at 30 April, annually

22. Propose adding gender equality and non-discrimination on the grounds of gender in the school curricula; eliminate the use of gender stereotypes from the school curricula.

Responsible: Ministry of Education of the SR

Date: 2001

23. Give support to programs of life-long training adding gender issues and equal opportunities.

Responsible: Ministry of Labour, Social Affairs and Family, Ministry of Education of the SR, sectoral training institutions.

Date: at 30 April, annually

24. Ensure information of top officials of state administration (ministries and other central bodies of state administration, Regional and District Offices) and self-government officials in issues of equal opportunities for women and men through instruction, seminars and training.

Responsible: Ministry of Labour, Social Affairs and Family of the SR

Date: at 30 April, annually

25. Involve citizens associations and non-governmental institutions in awareness raising activities on gender equality and encourage their participation.

Responsible: Ministry of Labour, Social Affairs and Family, Regional Offices

Date: continuously

26. Within the National Health Promotion Program, give support to projects aimed at reproduction health and prevention of cancer diseases.

Responsible: Ministry of Health of the SR

Date: at 30 April, annually

27. Incorporate the problems of domestic violence and traffic in women and children in the curricula of the upper grades of primary schools and secondary schools.

Responsible: Ministry of Education of the SR

Date: 2002

28. Prepare conditions for the implementation of the Fifth Medium-term Action Program of the European Union on Equal Opportunities of Women and Men.

Responsible: Ministry of Labour, Social Affairs and Family of the SR

Date: 2000 - 2001

29. Initiate record keeping of the equal opportunities agenda at ministries and central bodies of state administration, Regional and District Offices.

Responsible: Ministry of Labour, Social Affairs and Family of the SR

Date: 2001

30. In working with the Ministry of Foreign Affairs, prepare background reference materials for the ratification of the ILO Convention No. 156 – on equal opportunities and equal treatment of men and women responsible for the family.

Responsible: Ministry of Labour, Social Affairs and Family of the SR

Date: 2001

31. Ensure through research institutions of the Ministry of Labour, Social Affairs and Family systematic monitoring and research into the areas of

- ◆ upholding the principle of equal opportunities in employment, education, social security etc.
- ◆ position of the woman in the family, reconciliation of her working and family responsibilities
- ◆ position of the woman and the man in the labour market
- ◆ representation of women and men in public positions
- ◆ position of the man in the family, the trends and the nature of change of his status compared with selected countries of the world
- ◆ the economic and social appraisal of unpaid work of women in the area of the care of family and children
- ◆ following the latest trends in the area of equal opportunities

Responsible: Ministry of Labour, Social Affairs and Family, the Research Institute of Labour, Social Affairs and Family, the International Centre for Family Studies

Date: 2001 – 2005