

**National Expert Assessment of the Gender Perspective in  
The National Reform Programme for Employment**

**France**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

AFPA	National organisation for adult vocational training (agence de formation professionnelle pour adultes)
API	Single parent's allowance ( <i>Allocation parent isolé</i> )
CA	Contracts for the future ( <i>Contrat d'avenir</i> )
CFDT	The French Democratic Federation of Labour ( <i>Confédération française démocratique du travail</i> )
CGT	General Confederation of Labour ( <i>Confédération générale du travail</i> )
CIVIS	Integration into society contracts ( <i>Contrats d'insertion dans la vie sociale</i> )
CNE	New Recruitment Contract ( <i>Contrat nouvelle embauche</i> )
CRP	Agreement on personalised redeployment ( <i>Convention de reclassement personnalisé</i> )
CTP	Occupational transition contract ( <i>Contrat de transition professionnelle</i> )
FISO	Social Investment Fund ( <i>Fonds d'investissement social</i> )
INSEE	National Institute of Statistics and Economic Studies (Institut national des statistiques et des études économiques)
MDA	crediting pension contributions ( <i>majoration de durée d'assurance</i> )
MEDEF	Movement of French Enterprises (Employers' Organisation) ( <i>Mouvement des entreprises de France</i> )
NACRE	New help for starting-up or taking-over companies ( <i>Nouvel accompagnement pour la création et la reprise d'entreprises</i> )
PUCE	Customary areas of exceptional consumption ( <i>Périmètre d'usage de consommation exceptionnelle</i> )
RGPP	General revision of public policies ( <i>Révision générale des politiques publiques</i> )
RMI	Minimum Integration Income ( <i>Revenu minimum d'insertion</i> )
RSA	Active Solidarity Income ( <i>Revenu solidaire d'activité</i> )
RSC	Comparative Situation Report ( <i>Rapport de situation comparé</i> )
SMIC	National minimum pay ( <i>Salaire minimum interprofessionnel de croissance</i> )
TEPA	Work, employment and purchasing power ( <i>Travail, emploi, pouvoir d'achat</i> )
UNEDIC	National Union for Employment in Industry and Commerce ( <i>Union nationale interprofessionnelle pour l'emploi dans l'industrie et le commerce</i> )
VAE	Validating skills acquired on the job ( <i>Validation des acquis de l'expérience</i> )

## **PART 1 A.1. EXECUTIVE SUMMARY**

The financial crisis, which is now economic, affects the whole of Europe. In France, all indicators are in the red – concerning employment, unemployment and growth, even though the system seems to be resisting a little better than in neighbouring countries. According to Insee, GDP will drop by 3% in 2009 and unemployment will exceed 10% (10,1%), whereas it had been going down regularly and had dropped below 8%. It is estimated that job losses will hit 700,000 in 2009: 243,000 in industry, 51,000 in building and public works and 404,00 in commerce and services (including temporary agency work).

In other words, sectors where men's employment predominates are hit hardest. Can one think then that women will be saved from the economic crisis, as is said in France, or are on “the edge of the economic crisis” (Milewski, Perivier, 2009)?

In reality, nothing indicates that women will be saved from the crisis. Firstly, besides temporary agency work where men predominate, there is a risk that other forms of insecure employment, where women predominate, will increase (such as part-time employment and fixed-term contracts). Thus termination of contracts runs the risk of affecting women more, but in a less visible way. Unlike in the car industry, which the media focuses on, no-one thinks of showing the risks of increased under-employment (because women predominate), which is reflected above all in a reduction of working time, which is less visible than the loss of a stable job.

Moreover, certain service sectors are beginning to experience the crisis – above all in the market sector, services to businesses (in reaction to the decline of industry) have dropped significantly; commerce and services to individuals (hotels and catering), where women predominate, have also been affected. Non-market services are the only ones to resist for the time being (education and health).

Given the degradation of the labour market, the government decided to make employment its priority in the 2010 budget law. In this framework, the government is going to allocate an extra €2 billion to the Employment Mission to fund 360,000 subsidised jobs (a measure that it had abolished when it took office). Moreover, the Social Investment Fund (Fonds d'investissement social, FISO), which was proposed by the CFDT trade union, will be responsible for coordinating the State and social partners' efforts with €1.3 billion.

But not a single measure directly concerns women. On the contrary, some measures are directly aimed at predominantly male employment (car industry and partial unemployment, especially in industry, for example). However, as far as older and young people are concerned, major efforts have been made (which will indirectly concern women's employment). Only a few isolated measures concern women more, such as the development of personal services. The €200 bonus will be used to “relieve” domestic and family chores, which are mainly born by women (but only for up to 20 hours!), and the jobs expected in this sector (an estimated 40,000 jobs) will mainly concern women. But nothing is said about the quality of these jobs – an issue that we have already raised on many occasions. And, above all, no details are given and no gendered assessment of these measures is proposed.

A new report on equality aims at implementing the law that was adopted in March 2006 by introducing penalties (including 1% of the pay bill) for companies, which will not have carried out action plans and introduced quotas in economic and social management bodies. However, laws on equality are proposed independently of employment. A gender mainstreaming approach is not implemented in France, which would imply observing, before even launching a measure, their possible impact on women's employment. In our view, the most important example during the past 5 years concerns the development of personal service jobs (without any equality policy and approach aimed at creating high-quality jobs rather than insecure ones) and the second recent example is RSA. Both measures are based on good intentions (job creation and combating poverty), but turn out to be traps for women.

## A.2. CHANGES IN EMPLOYMENT, THE ECONOMIC CRISIS AND THE CONTEXT FOR GENDER EQUALITY

### A.2.1 – Evolution of key indicators and gender equality (include monthly data where available from national sources).

The financial crisis, which is now economic, affects the whole of Europe. In France, all indicators are in the red – concerning employment, unemployment and growth, even though the system seems to be resisting a little better than in neighbouring countries.

According to Insee, GDP will drop by 3% in 2009 and unemployment will exceed 10% (10,1%), whereas it had been going down regularly and had dropped below 8%. It is estimated that job losses will hit 700,000 in 2009: 243,000 in industry, 51,000 in building and public works and 404,00 in commerce and services (including temporary agency work).

Developments in paid employment are alarming. According to Dares' data (2009), in the first quarter of 2009, employment dropped by 1%. Industry is hit particularly hard, especially intermediate goods (metal and chemical industries). It is followed by the consumer goods and car industries. Temporary agency work has plummeted (-15,6% in the first quarter of 2009).

In other words, sectors where men's employment predominates are hit hardest. Can one think then that women will be saved from the economic crisis, as is said in France, or are on “the edge of the economic crisis” (Milewski, Perivier, 2009)?

According to most recent available data (see the following 3 tables), the unemployment rate increased from 7.6% at the beginning of 2008 to 9.1% at the beginning of 2009. This increase in unemployment affects all ages, but above all the under 25s (+2.4%, compared with +1.1 overall). Even if women's above-average unemployment still exists, it has decreased (0.9 percentage point gap) because of a quicker increase in men's unemployment: in France recent job losses have above all concerned the male sectors of industry. However, young men are above all concerned by job losses (+2.8 percentage points) and less so those men who are already in employment – at least for the time being.

Likewise, data of the Employment Centre (Pôle emploi), coming from a variety of sources, clearly indicate that men's unemployment has increased more quickly (+21,8% between 2008 and 2009 compared with +8,7% for women).

**Table 1: Category 1 jobseekers**

Thousands and percentage variations, CVS data

	January 2008	January 2009	Variation
Total	1 910,5	2 204,5	15,4 %
Men under 25 years	165,6	222,1	34,1 %
Women under 25 years	172,6	194,1	12,5 %
Men from 25 to 49 years	654,3	785,8	20,1 %
Women from 25 to 49 years	632,2	680,0	7,6 %
Men of 50 years and over	153,8	178,1	15,8 %
Women of 50 years and over	132,0	144,4	9,4 %
Men	973,7	1 186,0	21,8 %
Women	936,8	1 018,5	8,7 %

Source: Pôle emploi, DARES.

In reality, nothing indicates that women will be saved from the crisis. Firstly, besides temporary agency work where men predominate, there is a risk that other forms of insecure employment, where women predominate, will increase (such as part-time employment and fixed-term contracts). Thus termination of contracts runs the risk of affecting women more, but in a less visible way. Unlike in the car industry, which the media focuses on, no-one thinks of showing the risks of increased under-employment (because women predominate), which is reflected above all in a reduction of working time, which is less visible than the loss of a stable job.

Moreover, certain service sectors are beginning to experience the crisis – above all in the market sector, services to businesses (in reaction to the decline of industry) have dropped significantly; commerce and services to individuals (hotels and catering), where women predominate, have also been affected. Non-market services are the only ones to resist for the time being (education and health).

The following data concerning employment rates are lower than Eurostat's, but concern those over 15 years and not those between 15 and 64 years. However, a more significant drop in employment rates is confirmed for men. Finally, data on economic activity rates are the result of previous observations, namely their slight increase is explained by unemployment, not by employment.

Given the degradation of the labour market, the government decided to make employment its priority in the 2010 budget law. In this framework, the government is going to allocate an extra €2 billion to the Employment Mission to fund 360,000 subsidised jobs (a measure that it had abolished when it took office). Moreover, the Social Investment Fund (Fonds d'investissement social, FISO), which was proposed by the CFDT trade union, will be responsible for coordinating the State and social partners' efforts with €1.3 billion.

Not a single measure directly concerns women. On the contrary, some measures are directly aimed at predominantly male employment (car industry and partial unemployment, especially in industry, for example). However, as far as older and young people are concerned, major efforts have been made (which will indirectly concern women's employment). Only a few isolated measures concern women more, such as the development of personal services. The €200 bonus will be used to “relieve” domestic and family chores, which are mainly born by women (but only for up to 20 hours!), and the jobs expected in this sector (an estimated 40,000 jobs) will mainly concern women. But nothing is said about the quality of these jobs – an issue that we have already raised on many occasions. **And, above all, no details are given and no gendered assessment of these measures is proposed.**

**Table 2: Quarterly unemployment rate (ILO definition) by age and gender, for 2008 and beginning of 2009**

quarter.year	MEN (%)				WOMEN (%)				TOTAL (%)			
	Age			Total	Age			Total	Age			Total
	15-24	25-49	>49		15-24	25-49	>49		15-24	25-49	>49	
1 <sup>st</sup> quarter 2008	17,9	6,2	4,9	7,1	19,1	7,8	5,0	8,1	18,4	7,0	5,0	7,6
2 <sup>nd</sup> quarter 2008	19,5	6,0	5,5	7,3	19,6	8,0	5,1	8,3	19,6	7,0	5,3	7,8
3 <sup>rd</sup> quarter 2008	20,0	6,0	5,1	7,2	19,8	8,1	5,3	8,4	19,9	7,0	5,2	7,8
4 <sup>th</sup> quarter 2008	21,6	6,3	5,0	7,5	20,5	8,3	5,4	8,6	21,1	7,2	5,1	8,0
1 <sup>st</sup> quarter 2009 (p)	24,8	7,1	5,7	8,6	21,7	9,1	6,2	9,5	23,5	8,1	6,0	9,1

Source: Insee

**Table 3: Employment rate, 2008 – beginning 2009**

	2008 1 <sup>st</sup> Q	2008 2 <sup>nd</sup> Q	2008 3 <sup>rd</sup> Q	2008 4 <sup>th</sup> Q	2009 1 <sup>st</sup> Q (p)
<b>Employment rate</b>	<b>52,1</b>	<b>52,1</b>	<b>52,0</b>	<b>52,0</b>	<b>51,7</b>
Men	57,5	57,5	57,4	57,6	57
Women	47,1	47,1	47,0	46,9	46,9
<b>15-64 years</b>	<b>64,8</b>	<b>64,8</b>	<b>64,7</b>	<b>64,8</b>	<b>64,5</b>
15-24 years	29,8	28,6	28,6	28,5	29,0
25-49 years	83,3	83,5	83,4	83,4	82,4
50-64 years	55,2	55,4	55,3	55,5	55,6
<i>Incl. 55-64 years</i>	<i>41,1</i>	<i>41,3</i>	<i>41,2</i>	<i>41,8</i>	<i>41,7</i>
50 years and over	30,5	30,5	30,6	30,7	30,7

Source: Insee

**Table 4: Economic activity rate, 2008-beginning 2009**

	2008 1 <sup>st</sup> Q	2008 2 <sup>nd</sup> Q	2008 3 <sup>rd</sup> Q	2008 4 <sup>th</sup> Q	2009 1 <sup>st</sup> Q (p)
<b>Economic activity rate</b>	<b>56,1</b>	<b>56,2</b>	<b>56,1</b>	<b>56,3</b>	<b>56,7</b>
Men	61,7	61,7	61,6	62	62,1
Women	51	51,n1	51,1	51,1	51,6
<b>15-64 years</b>	<b>69,8</b>	<b>70</b>	<b>69,9</b>	<b>70,1</b>	<b>70,6</b>
15-24 years	35,4	35,2	35,4	35,8	37,5
25-49 years	89,1	89,4	89,3	89,5	89,3
50-64 years	58	58,4	58,2	58,4	59
<i>Incl. 55-64 years</i>	<i>42,9</i>	<i>43,3</i>	<i>43,3</i>	<i>44</i>	<i>44,2</i>
50 years and more	32	32,2	32,2	32,3	32,8

Source: Insee

### **A.2.2 – Responses to the crisis and gender for both employment and other measures (including gender mainstreaming of short-term measures and identification of good practices in responses to the crisis)**

Given the degradation of the labour market, the government decided to make employment its priority in the 2010 budget law. In this framework, the government is going to allocate an extra €2 billion to the Employment Mission to fund 360,000 subsidised jobs (a measure that it had abolished when it took office). Moreover, the Social Investment Fund (Fonds d'investissement social, FISO), which was proposed by the CFDT trade union, will be responsible for coordinating the State and social partners' efforts with €1.3 billion.

The following is an extract from the statement made by the Secretary of State responsible for employment (May 2009): “In order to tackle the crisis, the Government is carrying out a policy of supporting economic activity and an employment policy, which is based on four principles:

- it resolutely turns its back on so-called “statistical” treatment of unemployment, which in fact excludes whole categories of the economically active population from the labour market;
- it is based on close cooperation with the social partners, especially regarding the social investment fund;
- it seeks to render career paths secure via a modernised public employment service and system of training, which must especially promote redeployment towards occupations of the future;
- it is based on simple measures, which are rapidly operational and reversible when economic activity takes off again”.

Thus, this policy has three complementary aims, namely maintaining people in employment, stimulating job creation, and helping access to employment as well as return to employment.

The priority is maintaining people in employment. Partial economic activity, which makes it possible to avoid redundancies, could thus concern 700,000 employees this year. The measures to encourage companies to employ older people and those aiming at anticipating economic change by helping various sectors to manage changes in jobs and skills also contribute to keeping people in employment.

The Government stimulates job creation by using several new tools, such as helping recruitment via “Zero social contributions” (zéro charges) in very small companies (with 220,000 people recruited since the beginning of the year), as well as New help for starting-up or taking-over companies (Nouvel accompagnement pour la création et la reprise d'entreprises, NACRE) (with 400 operations per week), and also the distribution of vouchers making it possible for less well-off households to pay for personal services.

Access to employment and return to employment must be promoted by a modernised public service with the creation of the Employment Centre (Pôle emploi), and by using new tools, such as the extension of the Occupational transition contract (Contrat de transition professionnelle, CTP), a new Agreement on personalised redeployment (Convention de reclassement personnalisé) and the creation of Active Solidarity Income (Revenu de solidarité active, RSA).

Mobilisation for employment also requires specific action for the most vulnerable populations in the labour market. This is the aim of the emergency measures for youth employment, which were



presented by the President of the Republic in April and which will make it possible to accompany the entry of 500,000 young people into the labour market, as well as increased use of subsidised contracts, which are an effective tool for those who are most remote from employment.

Details of the key measures are as follows:

1. *Keeping in employment:*

- **Improving administrative procedures concerning partial economic activity** (previously called partial unemployment or short-time working<sup>1</sup>). Since December 2008, compensation for partial economic activity has improved. It has increased from 50% to 60% of gross pay (i.e. 70% of net pay) with a lower limit of €6.84 per hour. The State has increased its refund to companies (50%). The number of hours not worked has been increased from 600 to 800 per annum and 1,000 hours in the car industry *and textiles*. The maximum number of consecutive weeks of partial unemployment has been increased (from 4 to 6 weeks). Since the meeting with the social partners, which was held on 18 February 2009, it is possible to go up to 75% of gross pay in cases of agreements between the State, sectors and companies (instead of 60%). Moreover, vocational training for the least-skilled people affected by partial economic activity is consolidated (€76 million specifically for training that leads to qualifications for 15,000 unskilled employees and €54 million for 30,000 other employees hit by partial economic activity).
- Moreover, **a specific measure has been introduced for the car industry:** following the car industry agreement, which was signed on 9 February 2009, the State helps companies, which keep employment for 6 months, with a target of 10 days' training for all those concerned: an additional sum of €1.5 per hour for companies up to 250 employees and €1.75 for those with more than 250 employees, which is added to the €3.84 and €3.33 already awarded.
- **Employment of older people.** Paradoxically, the employment of older people seems to be resisting the crisis (the employment rate of 55 to 64 year olds even increased from 41% to 42.1% at the end of 2008). But, it is well-known that this rate is one of the lowest in Europe (far from the Lisbon target of 50%). Even though there are many departures for retirement (700,000 per annum), promoting older people's employment remains a priority. In 2009, some measures have been implemented:
  - i. Continuing economic activity by people who have reached retirement age and have a full contributions record is still promoted and compulsory retirement at 70 has been abolished. Extra pension for additional years worked applies (5% more pension for each additional year worked).
  - ii. Companies are “encouraged” to recruit and keep older people in employment (sector-level bargaining).
  - iii. Older people who are unemployed will be better serviced by the Employment Centre (dispensation from looking for employment will come to an end in 2012); better supervision and so forth.
  - iv. Combining employment and a pension will be extended to the various occupational pension schemes.
  - v. Good practices of 11 companies are promoted.

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<sup>1</sup> Partial unemployment or economic activity corresponds to a company stopping economic activity for economic reasons (temporary loss of orders and so forth). Employees' employment contracts are maintained and protection is provided for.

2. *Supporting job creation:*

- **Measure on “zero social contributions”:** In order to help small companies (fewer than 20 employees), employers do not have to pay social contributions for those who are recruited on minimum pay (SMIC) since 2 December 2008 – regardless of whether they have been recruited on the basis of a fixed-term contract, a permanent contract, full-time or part-time. For full-time employees earning the SMIC, this represents a monthly subsidy of €158€ (i.e. a 50% increase in reduction of contributions regarding the low-paid). This applies up to 1.6 SMIC. According to a poll (of 441 companies), 84% of them consider that it is a good measure; 25% think that they will recruit staff thanks to the measure, whereas they had not planned to do so (net effect); 20% are thinking of recruiting more people than they had planned to; and 24% are ready to renew one or several contracts.
- **Personal services:** Service employment vouchers (Chèques emplois services) will be offered to poor households in order to enable them to pay for some hours of services (home helps, cleaning, childcare and so forth) for a sum of €200 per household (i.e. about twenty hours). The total cost of this measure is €300 million for 1.5 million households and represents about **40,000 job creations**. This measure concerns households, which receive allowances for older people or the disabled, and also those with children, earning under €43,000 per annum. Moreover, €50 million will be provided by the Employment Centre for jobseekers with children and who do training or return to employment.

3. *Helping return to employment:*

- **Employment Centre:** Since April 2008, ANPE and UNEDIC have merged in order to provide a single counter for jobseekers (whether they receive benefits or not). This makes it possible to pool resources and improve mentoring. A tripartite agreement (State-Unedic-Employment Centre) will make it possible by summer 2009 for there to be 100% single counters. Single interviews and single advisors will be introduced in autumn 2009.
- **The Agreement on personalised redeployment (Convention de reclassement personnalisé, CRP) and the Occupational transition contract (Contrat de transition professionnelle, CTP)** are two measures regarding redeployment of employees who have been made redundant (companies of less than 1,000 employees). CTP is experimental (15 employment areas are currently involved and 25 will be by the end of 2009). It involves guaranteeing a high level of financial security (80% of previous gross pay during 12 months, i.e. almost 100% of net pay); highly personalised mentoring (one advisor for 30 jobseekers); the possibility of training and work without losing these rights. CRP is applicable throughout the country and is in line with negotiations between social partners. The system exists since 2005 and is now similar to CTP: its duration has increased from 8 to 12 months; benefits will be 80% of gross pay for the first 8 months (instead of 3), then 70% for the rest of the time. Mentoring will also be consolidated (1 advisor for 50 beneficiaries instead of 80-100 currently). 173,000 people have benefited from CRPs since 2005. 4,830 people were on CTPs at the end of 2008.
- **New help for starting-up or taking over companies (Nouvel accompagnement pour la création et la reprise d’entreprises, NACRE)** involves simplifying procedures for helping company start-ups for 20,000 jobseekers. The State doubled credit devoted to start-ups (€40 million in 2009). The Deposit and consignment office makes it possible to finance zero-rate loans up to a total of €100 million (between €1,000 and €10,000 per project). By March 2009, 931 operators had been accepted, 160 were in the course of

being examined and 700 were targeted.

- **Youth employment:** the number of jobseekers under 25 years increased by 78,000 between January 2008 and January 2009 (+23%, compared with +14% for all jobseekers). Various existing measures are being used:
  - i. The Integration into society contract (Contrat d’insertion dans la vie sociale, CIVIS) provides for mentoring with a view to finding long-standing employment. In 2008, 180,000 young people were concerned and 58,233 of them ended up with long-standing jobs. In the first part of 2009, 17,000 started this scheme and 8,153 finished, of whom 3,043 had long-standing jobs.
  - ii. Subsidised contracts. 75,000 young people benefited from them in 2008 (20% of the total number). The budget for subsidised contracts has been increased to provide 330,000 such contracts in 2009 with a view to giving young people priority.
  - iii. Autonomy contracts are experimental. They involve using private placement operators to enable 45,000 young people, who are not covered by the public employment service (in difficult districts with great difficulties regarding integration), to have special mentoring. The plan is for 19,000 young people to be covered by this scheme by the end of 2009.
  - iv. National commitment to the employment of young people in difficult districts. Companies undertake to recruit young people who are discriminated against because of the area they come from. In 2008, 68 companies signed such contracts, thus enabling the recruitment of 15,905 young people, of whom 2,471 were on sandwich courses (schemes where training alternates with work experience).

#### 4. *Supporting the victims of the crisis:*

- **The new agreement on unemployment insurance:** it is expected that the number of jobseekers will increase by between 600,000 and 700,000, of whom about two-thirds will receive benefits (unemployment benefit or post-entitlement benefit, namely a solidarity allowance). The others will not have contributed sufficiently (6 months in the previous 22 months). The people concerned are mainly young and on short contracts. For the latter, the duration of contributions is reduced to 4 months. About another 200,000 unemployed people should thus receive benefits. Maximum duration of benefits has been increased to 24 months (instead of 23) and remains 36 months for those over 50. A single track will be created, thus making it possible to award benefits in line with each day that has been worked, even if it was not in continuous service. The duration of benefits should thus increase by 0.7 months for those who have worked between 7 and 15 months.
- **An exceptional bonus of €500 for those on fixed-term contracts of more than 2 months.** It involves helping people in insecure situations, who have lost their job involuntarily. 230,000 additional people – of whom 40% are young - should benefit from this. The measure will be funded by national solidarity (via an estimated €120 million).

**Commentary:** The number of measures proposed and the rapidity with which the French government has reacted are impressive. The modernisation of the public employment service; the introduction of a system rendering career paths securer (on an experimental basis for those made redundant); and support for those who are most vulnerable (young and older people) all will contribute to limiting the impact of the crisis. But questions can be raised:

1. Firstly, obviously, there was no reference to the situation of women who are unemployed and in insecure situations, nor to that of lone mothers. **Not a single measure directly concerns such women.** On the contrary, some measures are directly aimed at predominantly male employment (car industry and partial unemployment, especially in industry, for example). However, as far as older and young people are concerned, major efforts have been made (which will indirectly concern women's employment). Only a few isolated measures concern women more, such as the development of personal services. The €200 bonus will be used to “relieve” domestic and family chores, which are mainly born by women (but only for up to 20 hours!), and the jobs expected in this sector (an estimated 40,000 jobs) will mainly concern women. But nothing is said about the quality of these jobs – an issue that we have already raised on many occasions. **And, above all, no details are given and no gendered assessment of these measures is proposed.**

2. These measures will not all be effective given the crisis. Most on-going redundancy plans propose, above all, early retirement funded by the company, whereas this is in total contradiction with numerous measures aimed at keeping older people in employment (in line with Lisbon targets). The measures of the plan for older people, which make companies recruit older people (1% of the wages bill is deducted if they are not implemented), do not apply to redundancy plans...

### **A.3. DEVELOPMENTS IN GENDER EQUALITY POLICY INFRASTRUCTURE AT NATIONAL (REGIONAL) LEVEL**

The French situation regarding gender equality remains paradoxical, as we emphasised last year. Thus, although - given the crisis - employment policy is being developed and consolidated, nothing is proposed with a view to reducing gender inequalities. It is as if there will be no impact on women's situation and even implicitly as if they are relatively protected and therefore not concerned. **We once again emphasise the fact that gender is not incorporated in choices regarding employment policy.** However, a new report on equality has just been presented and aims at drawing up proposals with a view to implementing the law that was adopted on 23 March 2006 and even goes further. But the issue seems to be totally independent of the first one, i.e. the crisis and men on the one hand, and women's equality on the other, as a “social after-thought” and a simple desire for equity...

#### **A.3.1. Infrastructure for gender mainstreaming of government policy (national, regional local), gender auditing/budgeting, gender analysis (developments plus decline of institutions)**

The institutions responsible for equality remain under threat in France. The Ministry of equality was abolished and has been replaced, since the government shuffle in June 2009, by a State secretariat that is responsible for the Family and Solidarity within the Ministry of Labour, Industrial Relations, Family and Solidarity. This alerts us, because the new Secretary of State, Nadine Morano, was responsible for the family and runs the risk of focusing on this dimension, rather than on equality in general.

#### **A.3.2. Equal opportunities policy frameworks, action plans etc.**

“The preparatory report ahead of consultations with the social partners on occupational gender equality”, which was presented by Mme Gresy in July 2009, firstly draws up an assessment of inequalities and then assesses actions carried out by all actors (see the table below) and finishes by

drawing up 40 proposals. It is obviously too early to know how the State and the social partners are going to tackle this report, but it will constitute the basis of work on this issue in autumn 2009.

**SUMMARY OF THE MAIN DATA**  
**Assessment of collective bargaining and public policies**

Number of agreements	69 sectors, i.e. 43% of all sectors, had not started bargaining on occupational equality in 2008. 5% of sector-level agreements tackle the issue of occupational equality accords. 7.5% of companies (declaring they have a trade union representative) have signed an occupational equality agreement. 55% of companies in the sample do not carry out a Comparative Situation Report (Rapport de situation comparée, RSC).
Monitoring of sector-level agreements	No refusal to extend sector-level agreements. 85 cases of extension observed between December 2007 and March 2009.
Monitoring of company-level agreements	Only 41% of planned monitoring concerning occupational equality has been carried out (415 out of 1,000).
Trade union training on occupational equality	Between 0.9% and 3.4% of trade union training funded by the General Labour Directorate (Direction générale du travail, DGT).
Apprenticeships	32% are women.
VAE (validation des acquis de l'expérience): Validation of work experience	68% are women.
CA (Contrats d'avenir): Contracts for the future	57% are women
AFPA (agence de formation professionnelle pour adultes): National organisation for adult vocational training	39% of S2 (Service d'appui à l'élaboration d'un projet professionnel): Support service for drawing up an occupational plan.
BAROMETER OF CONFIDENCE OF WOMEN EXECUTIVES 2009	55% do not have confidence in their future prospects. 69% deplore the glass ceiling. Index of confidence is twice as high in companies that communicate and implement measures promoting equality.

Source: B. Gresy, 2009

## THE GRESY REPORT'S 40 PROPOSALS

Two major proposals are worthy of our attention (out of the 40 that will be discussed in autumn 2009):

### 1. Penalties:

- A penalty for failing to respect an obligation regarding resources, namely providing a report on the comparative situation of women's and men's employment (Comparative situation report: Rapport de situation comparée, RSC) or a simplified report for companies with fewer than 300 employees, in the year following the promulgation of the new law on occupational and pay equality. The penalty will be repeated for each year that the RSC or simplified report has not been provided.
- A penalty for failing to respect the obligation to specify equality levers in an agreement or a unilateral plan, depending on the size of the company (two levers for an SME, four for companies with between 300 and 1,000 employees and six levers for bigger companies), accompanied by quantitative indicators and targets regarding progress. When an agreement has been signed, bargaining is required every three years. This penalty will apply the year following the drawing up of the RSC. These obligations apply to both companies and sectors.

### Two proposed penalties:

- **either a penalty based on conditions regarding general reductions of employers' social contributions;**
- **or a penalty representing 1% of the wages bill.**
  - Companies, which will not have negotiated and reduced inequalities, will be penalised financially (either by a deduction that is the equivalent of 1% of the wages bill; or by removing certain reductions of employers' social contributions).

### 2. The place of women in social and economic decision-making bodies

- **For boards of directors and supervisory boards:** 40% of the under-represented gender within a period of 6 years, with an intermediate target of 20% within 2 years, for public companies and companies whose financial securities can be negotiated in a regulated market with 1,000 employees.

#### - **For Employee representative institutions (Institutions représentatives du personnel, IRP)**

- a. maintenance of the general measure concerning the requirement - during the process of drawing up the agreement in the run-up to workplace elections – to examine ways and means of achieving balanced representation of women and men on the lists of candidates;
- b. obligation for companies with more than 300 employees to ensure - within a period of three years - proportional gender representation of employees in line with their share of the electors, with alternating positions of each gender on the lists of candidates;
- c. similar measures for elections of employee representatives (délégués du personnel).

#### - **For Employment tribunals (Prud'hommes)**

For the next employment tribunal elections (élections prud'homales), envisage **a target of reducing by a third** - compared with the 2008 elections – the gap between the representation of the under-represented gender on the electoral lists, compared with its share of the electors, with alternating positions of each gender on the lists of candidates.

**But it should be emphasised that both proposals are based on existing laws, namely the 2006 law on pay gaps, which provided for penalties by 2010, and the July 2008 law, which provided for a constitutional change with a view to introducing quotas in economic and social decision-making bodies!**

The other proposals made in this report concern bargaining occupational equality (simplification

with 10 proposed levers of actions, assessment and so forth), the battle against insecurity of women's work (especially imposed part-time work), reform of parental leave, and so forth.

#### **A.4. POLICY NEEDS AND CHALLENGES WITH RESPECT TO GENDER**

Although measures regarding equality in the labour market are being promoted, as we have just indicated, there have been important changes regarding employment since 2006 (above all since 2007, following the change of government). **But most of the measures that we are going to present have a major impact in gender terms, which is above all negative, without it being mentioned anywhere.** It is as if policies regarding gender mainstreaming do not exist: on the one hand, the reduction of gender inequalities, especially regarding pay are advocated (as emphasised in the Gresy report), but, on the other hand, measures are developed that render contracts more flexible and introduce stricter control of the unemployed, thus indirectly consolidating inequalities for those women who are in most insecure situations and who have family constraints.

##### **A.4.1 - Identification of and progress against national-specific priorities**

Many measures were introduced last year (the TEPA law on overtime; RSA which has now been generally introduced; law on the rights and duties of the unemployed; plan for older people, and so forth). It is difficult to make an assessment, as these laws are too recent (see below). Moreover, efforts of French employment policy are focussed on new measures that are advocated to tackle the crisis (see the beginning of this report). In our view, two measures will accompany the crisis programme and will be really implemented, namely RSA (in force since July 2009) and Sunday working in shops.

##### *Assessment of measures adopted in 2008:*

- **Law on “the rights and duties of jobseekers”**: towards a “reasonable job offer”, with the risk of penalties from January 2008 onwards. There is no assessment of the impact of the first year of implementation of this law. It seems, above all, to be a symbolic principle, which has not really been implemented yet. Indeed, given the explosion of unemployment related to the destruction of jobs, it seems difficult to apply this principle, which is based on the idea of available jobs that the unemployed refuse to take. (The only assessment available is that there have only been 4 people taken off the lists for refusing a reasonable job offer). Moreover, the new Employment Centre (Pôle Emploi) is experiencing huge difficulties given the growth in unemployment, to the extent of calling for tenders from private operators in order to deal with 300,000 unemployed!
- **The TEPA law (Travail, emploi, pouvoir d'achat: Work, employment and purchasing power)**: according to the government, the result is positive. One year after its implementation, this law is said to have made it possible to increase the number of hours of overtime by 40% on average, i.e. 6 million employees are said to be concerned for an average sum of €150 per month per household. However, independent economists are more reserved about the results. Firstly, the crisis will also greatly limit the use of overtime (it is the first adjustment measure used). Moreover, according to an economist in the banking sector, “overtime would have been a good thing, helping those who are least well-off, if certain companies had not simultaneously taken advantage of it not to raise pay”. Thus, in 2008, the amount of overtime dropped and it is estimated that employees in companies using overtime had on average 10 hours per month (i.e. an average of 4 hours for all employees), thus amounting to much less than €150 per month.

## A.4.2 - General commentary and overview of employment policies organised by the four themes

### *1 - Attract and retain more people in employment, increase labour supply and modernise social protection systems*

#### **1.a RSA**

Brief reminder of the principle: since 1 June 2009, RSA replaced RMI (Revenu minimum d'insertion: Minimum integration income) and API (Allocation parents isolé: lone parents allowance). RSA is available to all people who are over 25 years and who are French or have a residence permit of more than 5 years. It guarantees income, taking into account beneficiaries' family situation, with a fixed sum depending on one's family situation (€400 per month for a single person, €670 for a lone parent, and so forth) and a fraction of 62% of occupational income. If beneficiaries do not work, it does not change anything, but if they work, they can now combine definitively (and no longer just for one year, as previously) their pay and part of the allowance. But this new allowance obliges beneficiaries to look for employment and enter a process of integration, including if they have dependent children.

**Criticisms:** a single person who works quarter-time paid at the level of the Smic (legal minimum pay) receives €350 of RSA; half-time: €250; three-quarters time: €150; full-time: €50, i.e. respectively a total of €600, €750, €900 and €1000 (pay plus RSA). However, the poverty level in France is €900 for a single person and €1,200 for a family with a child... Thus RSA does not make it possible to leave poverty. Moreover, it encourages the development of short part-time work, which is more “profitable” for households. RSA will thus have little impact on employment and if it has some, it will above all be in the area of short service jobs, not stable full-time jobs. In addition, this allowance is related to family situations and thus will maintain the dependence of “secondary” pay in couples, where RSA's impact is biggest. Finally, API beneficiaries were mainly lone mothers with no childcare solutions. They will now have to seek and accept a “reasonable” job with monthly pay of €500 or more. But no one has thought about the issue of childcare, which remains difficult to find and is unaffordable for such families. Apart from a controversy, which is due to be launched in a future issue of the journal, *Travail, genre et Société*, and a few isolated articles, **no-one seems to see that the rationale of RSA, which was intended to be socially fair, will in fact be a new part-time work trap for women and will increase their dependence in the family. Once again, gender has been “forgotten”, when launching a new measure.**

#### **1.b Partial unemployment**

We have presented the principle of increasing employees' protection when facing partial unemployment. It was one of the first measures to be introduced to tackle the crisis and constitutes an important social shock absorber. However, the measure is transitory and applies, for the time being, to a majority of men in the industrial sectors that are hit hardest.

#### **1.c Older people's employment**

We have already referred to the new employment plan for older people, which adds to the previous one (2005):

- It obliges companies of more than 300 employees to sign agreements on age management and the employment of older people after 2009, **with the risk of being penalised by additional pension contributions from 2010 onwards. The penalty is now fixed at 1% of the total pay bill.**
- It abolishes the possibility of companies imposing retirement on employees by a certain age limit.
- It avoids the use of de facto early retirement. Redundancy and early termination of older people's employment contracts are still frequent, with unemployment benefit provided until



pension rights have been acquired. Such practices will be limited by harmonising the tax and social system of benefits regarding termination of employment contracts (both by the employer or by agreement).

- It makes it easier for pensioners who are 60 and have a full retirement contribution record - and for all pensioners over 65 - to combine working with their pensions.
- It gradually raises the age of exemption from looking for employment for the unemployed who are over 57, until such exemption has been abolished.

**Commentary:** These measures are very difficult to implement, given the crisis. Redundancy plans, which have been signed recently, have all included early retirement. Once again, long-term policies have been put into difficulty by the current crisis. Moreover, as is often the case, no measures for older women have been envisaged. Although the obligation to negotiate on the employment of older people is a good thing, equality between employees should be included in these agreements. In addition, all proposed measures should take into account specific situations regarding arduous work (in the broad meaning of the term, namely including service jobs) and make the system less rigid for the most vulnerable employees.

### **1.d Family advantages of pensions challenged?**

The various pension reforms affect women most. There was an intention to take this dimension into account, but it has not happened yet. Increasing the number of contributions required in order to receive a full-rate pension makes women's end of careers even more difficult as they have had various career-breaks. It is well-known that women's pensions are on average 38% lower than men's. Men have contributed on average for 157 quarters at the end of their careers, whereas women have only contributed for 137 quarters. According to simulations made by the OFCE, the 1970s generation will have the same average length of careers as the 1950s generation, because of the influence of childbearing on their careers.

Because of these features, since 1971 there is a system of crediting pension contributions (majoration de durée d'assurance, MDA) for mothers who are private-sector employees, namely the equivalent of two years of contributions per child<sup>2</sup> (one year in the civil and public service, which has now been jeopardised for children born after 2004). This system aims at (partly) making up for inequalities, which are related to family situations and lead to women's careers being much more intermittent.

However, on 19 February 2009, the Court of Appeal awarded the benefit of MDA to a father, because he considered that he had brought up his children equally. It was thus decided to change the system by the time of the 2010 social security budget, because it seems financially impossible to extend the principles of MDA to fathers, at a time when the duration of contributions is being extended in order to reduce the deficit of the pension funds. One of the solutions under study - and which is far from acquiring social unanimity - would be to apply the less generous system of the public sector (see footnote). Another proposal of the Pensions Steering Committee (Conseil d'orientation des retraites) would be to reduce MDA to one year with financial support to maintain the corrective dimension of the former system (principle of positive action) without encouraging women to stop working too long. Some voices – including amongst the right-wing – have been raised against challenging MDA for women, because it would involve them in a “double penalty” (increasing the required number of contributions and loss of MDA) (Marie-Jo Zimmerman, UMP member of parliament and chair of the women's rights parliamentary group). Another proposal was thus formulated (including by the CGT), namely to show that this advantage is directly linked to motherhood (and thus not to the fact of being a woman) and thus link the awarding of MDA to

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<sup>2</sup> In the civil and public services, MDA was only one year of contributions per child. Then the 2003 reform reduced it further for children born after 2004 to 6 months for all “parents” who have a career break of at least 16 weeks to look after their child. Thus all mothers are covered as maternity leave is the same length of time. If a parent stops working for more than six months (parental leave), MDA is for the same length of time as the career break.

childbirth and motherhood. This is a typical theoretical case of what is at stake regarding equality, i.e. should specific measures be – or not be – maintained (provisionally or definitively) for women so long as their situation is unequal, or should equal treatment be sought for all? Whatever is decided, a worsening of women's situation on retirement – a situation that is already deplorable – can be expected, at a time when the crisis is leading the French government to reduce deficits and pursue pension reforms (another increase in the number of contribution years from 41 to 42, and a plan is being studied to increase the legal retirement age from 60 to 67).

## **2 - Improve the adaptability of workers and enterprises**

### **2a. Sunday working in commerce**

Before the vote on 15 July 2009 by Parliament of the law on Sunday working (which has yet to be adopted by the Senate), legislation strictly controlled **rest on Sunday in France**. The Labour Code states that “weekly rest is given on Sundays”. There are, however, **180 exemptions** to this principle, including, on the one hand, permanent ones for establishments, whose functioning or opening is necessary for the public's needs (5 Sundays per annum and more with the Prefect's agreement) or for the requirements of production; and, on the other hand, via agreements in industrial activities that require continuous working. According to Insee, 3.4 million employees usually work on Sundays and 4 million do so occasionally. In all cases, Sunday working is voluntary with additional pay and time off in lieu.

#### *What the law will change:*

The law that was adopted on 15 July 2009 maintains five exempted Sundays that Mayors can request annually. In such cases, employees are paid at least **equal to double normal pay** and have time off in lieu. For the unemployed, refusal to work on Sundays is not a reason for being struck off the lists of jobseekers. The new law also maintains authorisation for retail food shops to open on Sundays until 1 p.m. However, there now exists two new categories of exemptions, which do not provide the same rights for employees:

1) “Collective permanent exemptions **without compulsory compensation** for employees” in **tourist and spa areas and towns**:

- Via a decision of the Prefect, following a proposal made by a Mayor (or the Prefect in Paris), all retail shops can have the right to give weekly rest-days on the basis of a rota for some or all of their staff.

- Unions and employers must embark on “negotiations with a view to signing an agreement” providing for compensation for employees, **without any obligation concerning the result**.

2) Collective or individual temporary (5 years) exemptions in **PUCE** (Périmètre d'usage de consommation exceptionnelle: Customary areas of exceptional consumption):

- In conurbations of more than a million inhabitants (and in a border zone for Lille), the Prefect of the region can authorise retail establishments exemptions from rest on Sunday in an area that is characterised by habits of Sunday consumption (PUCE).

- Fifteen or so commercial areas are concerned around Paris, Marseille (Plan de Campagne) and Lille, but not Lyon, which does not have “customs of exceptional consumption on Sundays”.

- The Prefect sets the boundaries of the PUCE, at the request of the local council.

- Authorisations are given in presence of a collective agreement (which sets out the compensations).

- In the absence of an agreement, authorisations are **given in presence of a unilateral decision by the employer, which is approved by a referendum of the staff** concerned.

- Each employee, who voluntarily works on Sunday (they must give their written agreement), benefits from **time off in lieu and receives pay which is at least equal to double normal pay**.

- Undertakings by employers to work on Sundays is reversible. They can change their minds each year on the anniversary of their original undertaking, but must give 3 months' notice.

- Employers cannot refuse to recruit someone who refuses to work on Sundays. Nor can such

refusal be used as a reason for dismissing employees .

*Commentary:* In tourist areas, pay for Sunday working is not doubled unless an agreement is signed by the social partners. This is the most critical point is that nothing indicates that such agreements will be favourable to employees, thus constituting unequal treatment depending on the area where one works. Moreover, in the second case - and in general - reference is made to volunteers, but surveys have shown that the “pressure” of unemployment greatly influences the notion of what is voluntary. In the context of the current crisis, this runs the risk of playing a huge role, at the expense of employees. It should be recalled that the majority of employees in the commerce sector are women. There is nothing to show that they will be available on Sundays (problems related to childcare and special family time, etc.). Only those who can be sure of having a bonus - given their low pay – will be “volunteers”. It can be expected that competition will develop between regular employees and students on “week-end fixed term contracts”, which cost companies less. The situation is worsen the fact that unions have few members in large-scale retailing.

### **3 - Increase investment in human capital through better education and skills**

No new measures or assessment.

### **4 - The general labour market situation and flexicurity**

#### **4.a CRP-CTP**

In 2008, we presented the new law on modernising the labour market (July 2008). It does, in fact, concern the new concept of French flexicurity, even though this term is not used. The aim is to offer flexibility to companies compensated for by new guarantees for employees... Is this really the case? Firstly, the length of the probationary period is increased (to 4 months for manual and clerical workers and to 8 months for managerial and professional staffs). This will enable companies to be more flexible after the abolition of the New Recruitment Contracts (CNE)<sup>3</sup> (that do not require giving reasons for terminating the contract). With respect to “rendering termination of employment contracts secure”, the employers' organisation (MEDEF)<sup>4</sup> obtained the creation of two new ways of terminating contracts by mutual agreement: “termination by negotiated agreement” (by simple agreement between the company and the employee concerned) and, for professional and managerial staffs, “termination after carrying out a defined assignment that is set out in the contract”, which is another name for the “mission contract” that the MEDEF has been demanding for years. Once these separations by mutual agreement have been authorised, no appeal to the courts is possible. Thus, “rendering career paths secure” is reduced to rendering unemployment secure... The unions wanted to limit their impact by demanding that “termination by negotiated agreement” should be described as a form of dismissal and only authorised by a member of the employment tribunal. The employers refused and preferred authorisation to occur if there was no reaction from the labour inspectorate within 15 days. (This is why the CGT refused to sign the agreement). As for “mission contracts”, the only “victory” of the unions was to have them defined as fixed-term contracts, rather than permanent ones, the former being paradoxically a little more favourable to employees (providing an insecurity bonus and a guaranteed length of contract...). There is no full assessment of this law, but it estimated that 72,000 contracts were terminated by negotiated agreement (namely 5% of permanent contracts that were terminated) in 2008. According to the CFDT (which signed the agreement on this), it is difficult to implement this measure. Firstly, the negotiated character of the termination is sometimes forced; employers can always strongly encourage an employee to “negotiate” terminating their contract although the employee does not want to leave the company. One may wonder if Labour Inspectorate checks will be able to avoid this kind of drift. **Given initial figures, it seems that tacit agreement from the authorities is rapidly becoming the rule, because of short notice and lack of staff in the services of the Inspectorate. With the crisis, this**

3 CNE: Contrat nouvelle embauche. It applied to companies with fewer than 20 employees and did not require reasons to be given for terminating the contract in the first two years.

4 MEDEF: Mouvement des entreprises de France (Movement of French Enterprises)

### **process runs the risk of speeding up.**

However, this vision of French-style flexicurity seem to be waning: CRP and CTP, which we have presented above, open new prospects that are of a more secure nature. CRP is experimental for the time being, but is based on the principle of “rendering occupational paths secure” by maintaining pay and social rights of those who are made redundant, and also providing personalised mentoring. This measure is partly in line with union proposals (for example, the CGT's “guaranteed rights throughout working life” (“sécurité sociale professionnelle”). It will serve as a shock absorber to the crisis and partly maintain the existence of the French social model. This measure seems positive for women if it is generally introduced, as it makes it possible to partially fill career gaps. It is well-known that at the time of major redundancies, especially in textiles, many women were discouraged and withdrew totally from the labour market. The measure should make it possible in future years to offer the possibility for these women to remain economically active.

#### **A.4.3 - Reflection Lisbon since 2005.**

Since 2005 – if one puts to one side the current crisis, whose impact is difficult to measure - it can be noted that some progress has been made regarding women's access to the labour market: women's employment rates have continued to increase and achieved the Lisbon target by exceeding 60%. Gaps in unemployment rates have declined significantly in women's favour: the gap has dropped from 4 percentage points to less than one this year. Part-time work, which increased greatly in the 1990s because of employment policy and also corporate policy – and not as result of employees' choices - is stable. Motherhood of course stills weighs negatively on women's employment, and not on men's.

As for childcare, France is in a good position regarding facilities for the under threes (about 40%), and above all for children over 3 (100% in nursery schools). It is certain that some of families' needs are not met and this situation leads to taking parental leave, which is low paid in France (almost 40% of eligible mothers take it, although more than half would have preferred to continue their occupational activity).

But these data should be qualified when studying policies regarding equality. Some of the results are due, in fact, to the labour market itself (creation of jobs in services, increase in men's unemployment and so forth). Policies on equality are themselves contradictory: none of the Commission's recommendations concerning France since 2005 are on equality and, indeed, various laws and measures have been developed since 2005: a law on equal pay and bargaining in companies, a draft law on quotas in economic and social management bodies and so forth. However, these measures are introduced without being subjected to any assessment and above all without being incorporated in employment policies in general. In other words, laws on equality are proposed independently of employment. A gender mainstreaming approach is not implemented in France, which would imply observing, before even launching a measure, their possible impact on women's employment. In our view, the most important example during the past 5 years concerns the development of personal service jobs (without any equality policy and approach aimed at creating high-quality jobs rather than insecure ones) and the second recent example is RSA. Both measures are based on good intentions (job creation and combating poverty), but turn out to be traps for women.

Finally, regarding work-life balance, we have already denounced for many years now the allowance that accompanies parental leave in France (3 years paid €560 per month) and which is exclusively for mothers (of two children). This measure is one of the most visible forms of discrimination of mothers in insecure employment. In spite of repeated criticism, it seems that this measure, which has been consolidated since 1997, will not be modified, even though there have been some public announcements in that direction.

**Summary GRID 1 – Employment Policies (pre-assessment)**

POLICY INITIATIVE by policy area  (short title of the policy initiative)	DESCRIPTION of the policy initiative	Crisis-Specific Measures (mark ✓)	Gender-Specific Policy (mark ✓)	STATUS of the policy initiative				GENDER MAINSTREAMING of the policy initiative			GENDER IMPACT ASSESSMENT of the policy initiative				COMMENTS  (on GM and GIA of the policy initiative)
				announced	enacted	implemented	evaluated	adequate	partly adequate	none	Negative	neutral	positive	n.a./doubts	
<b>1. Attract and retain more people in employment (GLs 18, 19, 20)</b>															
1a. RSA	Income that replaces RMI and API and is an incentive to return to work, above all with part-time contracts					✓				✓	✓				No decision-maker has studied the negative impact on women's employment (it promotes short part-time employment) and the difficulties of integrating lone mothers.
1b. Partial unemployment	Improved pay for partial unemployment - resulting from the crisis - with training	✓				✓				✓	✓				This measure would have a positive GIA if sectors where women predominate were taken into account.
1c. Employment of older people	Obligation (penalties) to recruit and keep older people in employment (apart from redundancy plans)					✓				✓	✓				Idem: a GM dimension should be added to this area.
1d Family advantages regarding pension contributions	Plan to challenge credited pension contributions that are reserved for mothers and not fathers (in the private sector)		✓	✓						✓	✓				Abolishing these family advantages without compensation runs the risk of increasing gender inequality regarding pensions, in the name of taking equal treatment into account!
<b>2. Improve the adaptability of workers and enterprises (GLs 21 and 22)</b>															
2a. Sunday working in the commerce sector	Exemption without compulsory compensation for opening shops on Sunday in					✓				✓	✓				The impact will be negative on women's employment in distribution for exemptions in tourist and spa areas, because employees

	certain areas														are not sure to have more pay for working on Sundays.
<b>3. Increase investment in human capital through better education and skills (GL 23 and 24)</b>	No new measures														
<b>4. The General Labour Market Situation and Flexicurity (GL 17)</b>															
4a.CRP-CTP	The Agreement on personalised redeployment (Convention de reclassement personnalisé, CRP) and the Occupational transition contract (Contrat de transition professionnelle, CTP) will make it possible to make occupational career paths securer.	✓				✓		✓					✓		If it is ensured that women benefit from this measure in line with their presence in the labour market, it will make it possible to fill in some of the gaps in their careers and will encourage them to stay in the labour market.
<b>5. Other Policies (e.g. transversal or crisis orientated with impact on employment)</b>															
5a Service jobs	Development of service jobs with help for families (20 hours are “offered”).	✓				✓				✓			✓		The development of service jobs (cleaners, personal services and so forth) has already been an integral part of French employment policy for many years. Its impact is contradictory in terms of equality: on the one hand, it creates sources of employment for women, which is significant given the crisis ; but on the other hand, as there is no GM approach, it creates jobs that are exclusively feminised with unfavourable status and working conditions.

**Grid 2: Identification of five highs (examples of policies favouring gender equality) and five lows (examples of policies not favouring gender equality) with policy area specified.**

<b>Up to five examples of policies likely to promote gender equality/ evidence of gender mainstreaming</b>	<b>Up to five examples of policies likely not to promote gender equality or of absence of gender mainstreaming</b>
1. Proposal of financial penalties for companies that do not have an equality plan. (see Gresy report's 40 proposal p.11)	1. RSA remains a part-time trap for least skilled women and lone parents. (measure: 1.a)
2. Proposal of quotas in economic and social decision-making bodies. (see Gresy report's 40 proposal p.11)	2. The plan for older people does not provide measures for women, though they need to stay in economic activity even longer. (measure: 1.c)
3. Proposal of modifying parental leave (shorter, shared and better paid). (see Gresy report's 40 proposal p.11)	3. Challenge to credited pension contributions (for bringing up children) without compensation which would increase pension gaps between men and women.(measure: 1.d)
4. Revision of imposed short part-time work (see Gresy report's 40 proposal p.11)	4.

## Part B

### B 1. Structure and themes of whole report and of employment chapter

The 2009 report - in the framework of the 2008-2010 national reform programme - is extensive (82 pages). Right from the beginning, in the introduction, emphasis is put on the French government's reaction to the economic crisis, even though the main structural lines of the Lisbon strategy remain relevant. Thus, the report is composed of 4 parts, of which the first is devoted to the “response to the financial crisis and the French recovery plan”. The second chapter, which is the biggest, is devoted to “sustainable corporate development” (30 pages); whereas the chapter on the labour market is only 17 pages and is called “opportunities for all”. Finally, a dozen pages are devoted to public finances.

A closer look shows that indeed the financial and economic crisis takes priority with a big section devoted to the plan to help companies. Amongst these measures there is a mobilisation plan for employment, which we referred to at length in part A of this report (emergency plan for youth employment; social investment fund; consolidating rights regarding partial economic activity; zero social contributions for very small companies; extension of the occupational transition contract, and so forth). Also some measures are envisaged for supporting those who have been made most vulnerable by the crisis, in the form of exceptional bonuses. There is thus synergy between strictly economic and financial objectives and the issue of employment. However, priority - in terms of the budget (above all, if the last section aimed at pursuing stabilisation of public finances is added) and the place given to each theme – is given to companies, the economy and finances, to the detriment of employment and employees. Thus, the first measure of the report is “to maintain the funding of companies and support investment”; employment only being a consequence of these policy choices and not a priority entry point.

Moreover, the section on the labour market is very reductionist: it essentially involves accompanying the unemployed, the poor, vulnerable groups (young people, older people and the disabled...) and (half a page) consolidating gender equality. In short, employment policies are now exclusively centred on mobilising the supply of work in such a way as to be adapted to the needs and constraints of the market (making employment financially more attractive; promoting a flexible labour market; developing overtime and working on Sundays, etc.). It should be noted that the measures presented in part A are referred to in the report, but that conversely, certain measures that we referred to in part A are not dealt with in the report, such as plans to change the principle of crediting pension contributions (majoration de durée d'assurance, MDA) when calculating mothers' retirement pensions (a family advantage reserved until now for mothers working in the private sector - this will be tackled in November 2009 during the adoption of the social security budget); likewise, the development of service jobs is hardly referred to in the report. The only measure that we had not referred to in part A concerns the diversity label (see point B.3. and the grid 3).

Finally, from report to report and from year to year, the place devoted to gender equality has become increasingly smaller, whereas inequalities persist (except for the mechanical impact of increased men's unemployment which reduces women's above-average unemployment). Half a page is indeed devoted to equality (pp. 61-62). The word “women” appears 20 times in the report and “equality” 33 times, but in the majority of cases, the latter in fact concerns equal opportunities in its broader meaning (fight against discrimination, diversity and so forth. As for the term “gender”<sup>5</sup>, it only appears once, negatively – we will come back to this, but a diversity label has been launched and concerns all forms of discrimination “*except for gender*”, which is already covered by a

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<sup>5</sup> Translator's note: we have used “gender equality” in the English version, as a translation of the French “equality between women and men” (égalité entre les femmes et les hommes); but here the text refers to the French term “genre”.



specific label, namely the “equality label”. However, nothing is said about the results of the equality label and its relationship with the new label.

**B2. The visibility of gender (including evidence of gender mainstreaming, gender specific policies, use of gender disaggregated statistics with any new policies announced summarised in Grid 3)**

The least that can be said is that gender is hardly visible in the report. The theme is tackled on two occasions: the title of one paragraph is “consolidating childcare measures in order to make women's economic activity rate more dynamic”. Moreover, within this same section, half a page with the title “ensuring occupational equality between women and men” is tackled in the section devoted to “promoting economic activity”, between older people (2 pages) and young people (1 page).

**Let us look in more detail at both of these points:**

**1. Forms of childcare (p58):** it is announced that “in order to promote women's return to employment, the State is consolidating the supply of childcare facilities. The creation of 200,000 additional places by 2012 has been announced”. However, the present government has established in an official report<sup>6</sup> that there was a need for about 400,000 childcare places for children under 3 years old (some alternative studies calculate that 550,000 additional places are needed)<sup>7</sup>. So there will not be enough.

The government had undertaken to introduce a “legal right to childcare”, which would make it possible for all parents of young children to go to court if they do not find a suitable childcare facility. However, there has been no more news about this planned law, which has been indefinitely postponed. Moreover, new measures, introduced in the 2009 social security budget law, can be criticised: firstly, childminders will be able to look after 4 children instead of 3 without any accompanying measures (in terms of training, monitoring and so forth). This constitutes part of the response to the lack of childcare places, but without any guarantees regarding quality. Likewise, “awakening groups” have been launched – with a view to 3 year olds going there rather than attending preschool; the staff will have little training (less than teachers). Women's and researchers' associations fear that in the long run the French preschool system, which is the envy of other countries, will be jeopardised in the name of the General revision of public policies (Révision générale des politiques publiques) (involving the non-replacement of half of staff with civil service status who retire; preschool teachers, who have the same training as primary school teachers, are targeted). Moreover, there is no question in the report of changing parental leave and its funding (CLCA), whereas Président Sarkozy had referred to this and we have proved many times already that it discriminates against those mothers who are most vulnerable.

Finally, in the rapport, mothers' economic activity and return to work are systematically associated with childcare: it is as if the problem of childcare only concerns mothers, not fathers. Even though, in actual fact, domestic and family chores remain reserved for mothers, a plan of action could precisely provide ways of changing this equation and involving fathers more in these tasks, in order to make real gender equality at work and outside work possible.

**2. Occupational equality:** whereas previous French reports were known for providing precise, and often gender disaggregated, statistical data, this report only has a few scattered data: the economic activity rate of men and women (74.6% and 65.5%); employment rates (69.4% and 60.3%); unemployment rates (6.9% and 7.9%) and the *hourly* pay gap (16%). There are no statistical tables

<sup>6</sup> Tabarot M.(2008), Rapport sur le développement de l'offre d'accueil de la petite enfance, Paris.

<sup>7</sup> Périer H. (2009), « Repenser la prise en charge de la petite enfance : comment et à quel coût ? », OFCE

and no detailed data in the appendix. However, as we say in part A, we know that data exist and that Mme Gresy's report draws up a recent version of the state of the art. But in one paragraph, it is not possible to go into detail. The only angle that is gone into in this paragraph concerns collective consultations. Whereas the 2006 law provided for introducing penalties by 2010 for companies that do not respect the law regarding negotiating equality, this report only refers to new consultations with a view to "adapting the current rules and penalties" - nothing very precise. Regarding pay, the report even refers to "progress in the area of collective bargaining with an increase in the number of agreements signed at sector and company levels. Moreover, controls of companies by the labour inspectorate's services have been reinforced in 2009" (p.62).

No quantitative data are provided to back up this assertion. However, according to Mme Gresy's report (which the present document uses), the situation is far from satisfactory: "negotiators do little negotiating (except in big companies); controllers do little controlling and judges do little judging". This is supported by data that have already been provided in part A and contradict what is said in the 2009 report, namely that 43% of sectors have not embarked on negotiations; 7.5% of companies have signed an occupational equality agreement; 41% of company controls have been carried out (out of 1,000 that were planned). Once again, we are far from expected results, but a meeting of the social partners has at last been planned for November 2009. It will perhaps make it possible to give real content to this approach, provided the partners are convinced of the need to do so: the Medef (composed of company representatives) is against it because of the introduction of penalties, the aim of the law being to reinforce this aspect, regardless of the Medef... We are seeing thus reversal and caution in this area, after so many years of laws and threats.

Finally, an important section of Mme Gresy's report concerns the introduction of quotas for the management of CAC 40 and public companies. But there is nothing about this in the report.

### **B 3. Gender Mainstream the NRP and highlight issues that should be prioritised with respect to gender**

In an information box, at the end of the chapter on employment, the report refers to the role of the European social fund in the French programme. A short paragraph mentions the implementation of the programme promoting equality: "**the French programme covering the period 2007-2013 considers itself to be exemplary regarding gender mainstreaming.** It is matter of both measuring and assessing how this theme is taken into account, as well as promoting actions that are implemented. France set itself the objective of both contributing to increasing women's employment rate and abolishing pay gaps (...). Special attention will be given to the assessment of equality between men and women" (p. 68).

From our point of view, this undertaking regarding GM has still not been respected (but it has been programmed for the period up to 2013...). Throughout the report, and especially in the chapter on employment (and one could also refer to help for starting up companies), there is never any question of mainstreaming equality. There is just one section and (a limited number of) specific measures, whereas in all measures promoting employment, a mainstreaming approach is possible and even desirable. The examples that have been presented in part A of this report are unfortunately confirmed: in the part devoted to "increasing the attractiveness of work", RSA (see part A for a detailed presentation), childcare for women's employment, the development of overtime and organisation of working time all coexist. But **gender is never mentioned regarding the introduction of RSA and issues of organising working time.**

These measures do, however, have a major gender impact. We have already shown that **RSA** runs

the risk of encouraging the development of short part-time jobs, mainly occupied by women. Likewise, even the attribution of RSA depends on individual income, but also takes family situation into account: all “secondary” income (mainly held by female partners) runs the risk of being penalised in this case, because the family-based system can encourage not working more in order to benefit fully from RSA. Finally, API (lone parent allowance) has been absorbed into RSA and thus presupposes that beneficiaries prove their desire to look for employment (and accept a “reasonable” job offer). Although this theme is taken up just afterwards in a general way, the issue of childcare provision for ex-API beneficiaries is an urgent and specific one, but not tackled at all. **Thus, in order for these measures to incorporate equality, there should have firstly been a diagnosis regarding the profile of future RSA beneficiaries: limiting the advantage given to short part-time employment (see below) in order to make it possible for all people to live on decent pay; and giving priority to childcare provision for lone mothers in order to enable them to return to occupational activity.**

Likewise, **organising working time**, such as is proposed, totally contradicts work-life balance. It is in fact envisaged to be able to be exempt from the legal framework by developing the use of overtime via company agreements, as well as rendering flexible the number of days to be worked by executives and those with no fixed working hours. These measures could not be applied to people with family responsibilities for whom school and family times impose a strict framework. However, as long as these responsibilities are not shared within couples, we know that the advantage of overtime will go rather to men, and what is more serious, companies will hesitate to recruit women who do not accept such flexible work schedules. In this section, on the contrary, **it could have been possible - in order to promote a GM approach – to propose that the rate for additional hours (for part-timers) be brought into line with the overtime rate (for full-timers). The difference between these rates (which are lower for additional hours) is contrary to the law, yet continues to be applied to the (indirect) detriment of women, who constitute the majority of part-timers.**

There was an announcement (in 2007), which has not been followed by concrete action, about the desire to have consultations with a view to **limiting imposed part-time employment**. There is absolutely no reference to this topic in the report, even though it is a major source of job insecurity and poverty, especially given the crisis. A desire to protect the most vulnerable people presupposes precisely tackling these forms of insecure employment, which do not benefit from any compensation, unlike partial economic activity (special measures have just consolidated the rights of those in partial economic activity, see part A). **But it would be possible to compare partial economic activity and imposed part-time employment:** in both cases, it is a matter of reduced economic activity imposed on employees by their employers; partial economic activity is however transitory, whereas imposed part-time can be permanent. The other major difference concerns the gendered nature of these forms of employment: partial economic activity is mainly occupied by men, whereas part-time employment is mainly occupied by women. This different treatment can thus be analysed, given the economic crisis, as indirect discrimination, based on a presupposition, namely that part-time employment (even when it is imposed) can be “tolerated” socially and born by women, whereas this is not the case regarding partial economic activity for men with long length of service. Basically, traditional models explain such stereotypes: women only need secondary income, whereas men are “bread-winners”. However, we know that this model is disappearing and women's pay is vital for most households, especially as families are themselves often split.

Moreover, in a section of the employment chapter called “ensuring improved sharing of the fruits of growth”, the issue of the battle against discrimination is tackled: a “**diversity label**” has been launched (currently, more than 20 companies obtained it in a few months and almost 400 are said to be interested in the approach; it should be recalled that at the beginning more than 2,000 companies

signed the “diversity charter”). It was created by decree on 19 December 2008 in order to give recognition to companies whose practices promoting equal opportunities are judged to be exemplary (...). **This label concerns the prevention of all forms of discrimination recognised in law**, especially regarding origins, age, disablement, sexual orientation, religion, trade union commitment, involvement in the mutual insurance movement, political opinions, and so forth... **except for gender**, which is already covered by a specific “equality label”.

Why was this choice made? The official answer is precisely to consider that an equality label already existed, which ran the risk of being “drowned” if gender was incorporated in diversity. Likewise, those in positions of responsibility rightly recalled that gender cannot be “diluted” in diversity. One can only agree with this point of view: women cannot be considered to be one of many “minorities”; there has been a long enough battle against the confusion of “categories” (disabled, older people, women and so forth, which have sometimes been put at the same level).

But, nevertheless can gender be excluded from the battle against discrimination? Indeed, from a general point of view – and beyond the specific French context (with the existence of an “equality label”) - it is not possible to **separate the issues and demands of gender equality from action against all the other forms of discrimination** and from the development of “diversity” policies. It should be recalled that gender equality constituted the first approach initiated at the level of European legislation and thus provides a reservoir of “good practices”, which the diversity label will be able to draw on. Moreover, it cannot be said that the existence of many directives and laws concerning equality means that real equality between women and men has been achieved, especially as multiple (double, triple...) discrimination concerns women in particular. **Gender equality, as a fundamental right, is transversal in relation to other forms of discrimination, as is emphasised in European law.**

The solution would have been **to make gender equality a precondition for an approach regarding diversity**, to suggest as a “warning” for the label, that companies should not only conform to all laws (which is the least they should do!), but also have embarked on a process regarding equality (collective bargaining, charter, agreement or label, etc.). It is to be hoped that in the future the labelling commission (joint commission responsible for awarding this label) will take this remark into consideration, otherwise they run the risk of being in contradiction with European law!

In conclusion, various points can be raised:

Firstly, our part A included most of the measures presented in the French report: measures to tackle the crisis (recovery plan and changes to partial economic activity); incentive measures promoting economic activity (RSA and organising working time); measures for occupational transition (contrat de transition professionnelle, CTP) - all of these are presented in grid 1 in part A.

However, we developed, in the first part, ongoing measures promoting equality that have not been presented in the report (the content of the Gresy report: financial penalties and introduction of quotas in the leadership of big groups; and the undertaking to fight against imposed part-time employment).

It is as if the priority was, above all, to tackle the economic and financial crisis, leaving to one side more structural measures. The only area, which is more favourably treated and is of a long-term nature, concerns **“rendering career paths secure”**. As indicated in part A, the development of the CTP, as well as “transferability of health and provident cover” (i.e. maintaining social cover for employees who are made

redundant) and also the possibility of transferring unused time off in lieu (kept in time-savings accounts) from one company to another – are all measures that contribute to changing original approaches to flexicurity by certainly providing companies with more flexibility, but at the same time a little more security for employees in a period when unemployment is on the increase. Rendering career paths secure – as a social rampart in the face of redundancy - can benefit women indirectly, especially those who still experience imposed or “voluntary” career breaks.

**GRID 3 – Employment Policies in the 2009 NRP** (new policies, announcements, policies not considered in Part A)

POLICY INITIATIVE by policy area  (short title of the policy initiative)	DESCRIPTION of the policy initiative (short description)	Crisis - Specific Measures (mark ✓)	Gender-Specific Policy (mark ✓)	STATUS of the policy initiative				GENDER MAINSTREAMING of the policy initiative			GENDER IMPACT ASSESSMENT of the policy initiative				COMMENTS (on GM and GIA of the policy initiative)
				announced	enacted	implemented	evaluated	adequate	partly adequate	none	negative	neutral	Positive	n.a./doubts	
<b>Diversity Label</b> Employment area : “ensuring improved sharing of the fruits of growth”	Reward companies for their involvement in the fight against all forms of discrimination, <b>except for gender discrimination</b>					✓				✓	✓				Because of the existence of the equality label (which has only concerned 44 companies since 2005), gender is separated here from other sources of discrimination, whereas multiple discrimination is ??? essentielle , so gender AND diversity should be inter-related.

*Na/doubts*: policies for which it is not possible to identify the GIA (information not available; mixed effects: positive and negative; etc.).

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