

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

FINAL REPORT

Country: France

Name of the Expert: Rachel SILVERA

Date: May 2011

National Expert Assessment of the Gender Perspective in the NRP for Employment commissioned by and presented to the EU Directorate General Employment and Social affairs, Unit G1 "Equality between women and men".

Table of contents

PART A

A.1. Executive summary.....	p3
A.2 Recent changes in the Economic Situation, key indicators on Employment, and Gender Equality	p4
A.3 The Main obstacles to the Achievement of Gender Equality Policy on the Labour Market.....	p6
A.4 Interesting Examples of Gender Equality Policy at National Level.....	p7
A.5. Interesting Examples of Employment Policies Supporting Gender Equality	p9

PART B

B.1 Structure, themes and gender mainstreaming of the whole NRP report.....	p13
B.2 The employment strategy and the adequacy of approach in the field of gender equality in employment.....	p14
<i>B.2.1 An overview of the national employment strategy from a gender perspective.....</i>	<i>p14</i>
<i>B.2.2 Gender mainstreaming and gender impact assessment of employment policies.....</i>	<i>p15</i>
B.3 Gender Mainstreaming and the 2011 NRP.....	p18

SUMMARY GRID.....	p20
--------------------------	------------

References.....	p23
------------------------	------------

List of acronyms used

AFEP (Association française des entreprises privées): French Association of Private Enterprises

API (Allocation parents isolés): Lone Parents Allowance

BEP (Brevet d'études professionnelles): Vocational School Certificate

CA (Conseil d'administration): Board of Directors

CAC (Compagnie des agents de change): Institute of Stockbrokers

CAC 40: the CAC index

CAP (Certificat d'aptitude professionnelle): Certificate of Vocational Aptitude

CDD (Contrat à durée déterminée): Fixed-term employment contract

CDI (Contrat à durée indéterminée): Permanent employment contract

CFA (Centre de formation d'apprentis): Apprentices Training Centres

COMEX (Comité exécutif): Executive Committee

CLCA (Complément de libre choix d'activité): Supplement for Freedom of Choice concerning Economic Activity

COE (Conseil d'orientation de l'emploi): Employment Policy Council

CNAF (Caisse nationale d'allocations familiales): National Family Allowance Fund

CNAV (Caisse nationale d'allocations vieillesse): National Old Age Insurance Fund

COR (Conseil d'orientation des retraites): Pensions Steering Committee

CSA (Contribution supplémentaire à l'apprentissage): Additional Apprenticeship Contribution

CTP (Contrat de transition professionnelle) : Occupational Transition Contracts

DARES (Direction de l'animation de la recherche, des études et des statistiques): Directorate for promoting Research, Studies and Statistics

DREES (Direction de la recherche, des études, de l'évaluation et des statistiques): Directorate for Research, Studies, Assessment and Statistics

HALDE (Haute autorité de lutte contre les discriminations et l'égalité): High Authority against discrimination and for equality

OFCE (Observatoire français de conjoncture économique): French Observatory of the Economic Situation

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

RMI (Revenu minimum d'insertion) : Minimum Integration Income

RSA (Revenu de solidarité active) : Active Solidarity Income

UMP (Union pour un mouvement populaire): Union for a Popular Movement

PART A

A.1 Executive Summary

Whereas unemployment rates, as defined by the ILO, had dropped in 2008-2009, they are going up again, especially amongst women: in our September 2010 report¹, we emphasised that, for the first time, there was no longer a gap between men and women's unemployment rate, but this gap reappeared at the end 2010 and is 0.8 percentage point. According to DARES, this is explained by a drop in the unemployment rate of young men, due to an increase in temporary agency employment (which concerns them more). There is also a big increase in unemployment amongst young women, thus confirming our hypotheses: the drop in women's employment was postponed and has now caught up with men; with job insecurity (development of short part-time employment) only temporarily concealing the reality of unemployment.

Moreover, the pay freeze in the civil service and the non-replacement of civil servants who retire (overall, 1 out of 2 are replaced) are situations that affect overall employment, especially women's employment, as it is well known that women predominate in public employment (almost 60% are women). Thus, there will be less employment in social provision, just when needs are increasing, especially for the dependent elderly. "So finally what does this crisis reveal? Men's employment is sensitive to the economic situation, whereas conversely women's employment is more stable. However, the latter is structurally marked by under-employment and low-quality forms of employment. And, for the near future, public policies regarding budgetary adjustments will significantly affect the quantity and quality of jobs that are mainly occupied by women" (Perivier, Milewski, 2011)²

Women's situation in the labour market runs the risk of worsening and, in our view, corrective measures are insufficient. Admittedly, the government has adopted a new law on quotas for the boards of big companies, which should have a positive impact on the glass ceiling. Also, penalties are envisaged for companies that have not embarked on real action regarding occupational equality. However, this seems to us not to tackle the problems: the penalties will not precisely concern pay gaps; it is also a matter of promoting parenthood, gender balance, the glass ceiling, all of which are indeed important objectives, but less precise. And, above all, inequalities suffered by women in insecure situations do not seem to be a priority.

Finally, although employment policies have an impact in terms of gender, in France, it is not a direct one: we have not identified any such measures, apart from a desire to relaunch apprenticeships, which will have an indirect positive impact for women. On the contrary, we have presented the negative consequences of one of the latest key measures in France, namely pension reform.

¹ R. Silvera, 2010, French Expert Assessment of the Gender Perspective in the National Reform Programme for Employment, EGGE.

² M. Cochard, H. Périvier, F. Milewski, « Hommes et femmes face à la crise », *Alternatives économiques*, Hors série, n°088, février.

A.2 Recent changes in the economic situation, key indicators on employment and gender equality)

Contrary to forecasts, employment has not really increased: in the end, unemployment increased by more than 80 000 in 2010 (2,725,000 category A job seekers, according to the Employment centre (Pôle emploi)) and even by 202,500 (i.e. 4.3 million for all job seekers in categories A, B and C (with reduced activity)). Likewise, the number of long-term unemployed increased – there are now more than 1.5 million.

However, in the last quarter of 2010, there was an “upturn in employment”: recruitment for more than a month increased by 2.8% (compared with only 0.4% in the second quarter of 2010). But it was mainly a matter of short-term contracts (CDD) (+4.1%), rather than permanent ones (CDI) (+0.1%)³. Moreover this upturn has not been confirmed: on the contrary, according to the OFCE, in 2010, employment did not drop as fast as economic activity and adjustments will still be felt at least until 2012. Budgetary austerity threatens recovery: the OFCE also points out that cuts in public expenditure will reduce growth and lead to a vicious circle: anticipation regarding future growth will be revised downwards, which will in turn weigh on public finances. Thus, GDP growth was only 0.3% for each of the third and fourth quarters of 2010, i.e. total growth of only +1.5% for the whole of 2010. But, according to the experts, the end of 2009 and the whole of 2010 are said to confirm the end of the crisis, because forecasts for growth in 2011 are also on the increase (+2%) - after a drop in 2009 (-2.6%).

Thus, whereas unemployment rates, as defined by the ILO, had dropped in 2008-2009, they are going up again, especially amongst women: in our September 2010 report⁴, we emphasised that, for the first time, there was no longer a gap between men and women’s unemployment rate, but this gap reappeared at the end 2010 and is 0.8 percentage point. According to DARES, this is explained by a drop in the unemployment rate of young men, due to an increase in temporary agency employment (which concerns them more). One also notes in the following table a big increase in unemployment amongst young women, thus confirming our hypotheses: the drop in women’s employment was postponed and has now caught up with men; with job insecurity (development of short part-time employment) only temporarily concealing the reality of unemployment.

³ Selon le baromètre économique de l’ACOSS de janvier 2011.

⁴ R. Silvera, 2010, French Expert Assessment of the Gender Perspective in the National Reform Programme for Employment, EGGE.

Table 1. ILO unemployment rates (Metropolitan France), 2010 (provisional data)

	ILO unemployment rates Third quarter 2010	Variation between third quarter 2009 and third quarter 2010
Total	9.3	+0.1
15-24 years	24.2	+0.5
25- 49 years	8.3	+0.1
50 years and +	6.4	+0.2
Men	8.9	+0.1
15-24 years	22.8	-1.2
25- 49 years	7.9	+0.3
50 years and +	6.2	0.0
Women	9.7	+0.2
15-24 years	24.2	+2.4
25- 49 years	8.3	-0.1
50 years and +	6.4	+0.5

Source: Enquête emploi, France

Another indicator of unemployment is the increase in the number of jobseekers (registered at Pôle emploi) in categories A, B and C (i.e. jobseekers with reduced activity), which had increased by 5.3% in Metropolitan France between December 2009 and 2010.

Thus, overall, compared with September 2010, the situation has deteriorated, above all to the detriment of young women and by the development (for everyone) of insecure contracts (temporary agency jobs for young men and short part-time employment and CDDs for young women).

Two objectives seem unavoidable for 2011, namely tackling **youth unemployment and long-term unemployment**. The attacks on subsidised contracts also explain the increase in unemployment.

Moreover, the pay freeze in the civil service and the non-replacement of civil servants who retire (overall, 1 out of 2 are replaced) are situations that affect overall employment, especially women's employment, as it is well known that women predominate in public employment (almost 60% are women). Thus, there will be less employment in social provision, just when needs are increasing, especially for the dependent elderly. "So finally what does this crisis reveal? Men's employment is sensitive to the economic situation, whereas conversely women's employment is more stable. However, the latter is structurally marked by under-employment and low-quality forms of employment. And, for the near future, public policies regarding budgetary adjustments will significantly affect the quantity and quality of jobs that are mainly occupied by women" (Perivier, Milewski, 2011)⁵

"The unemployment rate of young men, which was less than that of young women at the beginning of 2008 (17 % compared with nearly 19%), increased more quickly with the crisis, reaching more than 25 % in 2009, compared with just over 23% for young women. Conversely, the beginnings of economic upturn in 2010 benefited young men, but not young women: the unemployment rate of young men dropped by more than 2 percentage points between the 4th quarter of 2009 and the 2nd quarter of 2010, while that of young women did

⁵ M. Cochard, H. Périvier, F. Milewski, « Hommes et femmes face à la crise », *Alternatives économiques*, Hors série, n°088, février.

not cease to increase, reaching a very high level of nearly 26 % in the 3rd quarter of 2010”. (Conseil d’orientation de l’emploi, 2011)⁶

A.3 The main obstacles to the achievement of gender equality on the labour market

There are many main obstacles to the achievement of gender equality:

1. Regarding increasing employment rates: certain policies are contradictory and still encourage certain women – least qualified mothers – to leave the labour market, via paid parental leave, in the form of Supplement for Freedom of Choice concerning Economic Activity (Complément de libre choix d’activité, CLCA). This measure remains discriminatory, even if, for the first time, it is now used a little less on a full-time basis. According to a study by the DREES, 2011⁷, at the end of 2007, 280,000 parents (94% of whom are women) of children under 3 were on full-time parental leave. Amongst the 2.1 million mothers of children under 3, 42% do not work, of whom, 12% have taken parental leave, 12% are unemployed and 18% are economically inactive (only a third have never worked). Women on parental leave are less qualified than those who remain in employment, their working conditions are worse, especially with work schedules that are incompatible with traditional forms of childcare – this explains their “choice”.

2. Women’s job insecurity continues to increase: women are most concerned by imposed part-time employment (with irregular, atypical and staggered work schedules) and huge amplitudes with very long working days, but few paid hours of work. But there has been no policy decision regarding these situations with a view to limiting them and offering better protection for these women employees. The only recent decision is to plan a round table discussion on this issue with the social partners (announced by Roselyne Bachelot, who was recently appointed Minister of social cohesion and solidarity). However, this had already been announced in 2007, during the conference on equality, but has still not taken place.

3. Lack of gender balance of jobs still has an impact that is detrimental to women: job creation, especially in personal services, increases the concentration of women’s low-skilled and low-valued jobs. Moreover, the non-replacement of one out of every two jobs in civil and public services is more disadvantageous for women, as the public sector was always a important source of employment for them.

4. Deterioration of the quality of jobs where women predominate: because of public policies regarding budgetary restrictions, cuts will continue in social sectors, education and personal services – all of which are sectors where women predominate. We are witnessing a major paradox: these sectors meet growing needs resulting from demographic trends - increasing fertility and life expectancy mean that the care needs of young people and the dependent elderly will increase. In addition, there are problems related to declining standards of living for families and pensioners, who will not be able to pay for high quality services. Deteriorating working conditions in these sectors are inevitable, because the above factors will lead to intensified work.

⁶ COE, 2011, *Diagnostic sur l’emploi des jeunes*, février.

⁷ Direction de la recherche, des études, de l’évaluation et des statistiques (DREES), 2011, « Prendre un congé parental total : une décision qui dépend essentiellement du nombre d’enfants et de l’emploi occupé auparavant », *Etudes et Résultats*, n° 751, février,

5. Pay and pension inequalities and risk of poverty: as far as pay gaps are concerned, the situation is deadlocked. A new law aims at penalising companies, which have not drawn up a plan of action, but, in the meantime, pay gaps remain identical: about 25% overall. Half can be explained by structural variables (occupational segregation and part-time employment); the rest by company pay policies, which remain discriminatory. Moreover, women are not only victims of job insecurity, but also indirect victims of certain reforms, such as pension reforms – increasing the number of contribution years penalises more those who have broken careers and years of part-time employment, who are above all women.

6. Childcare provision remains insufficient: announcements regarding the creation of at least 200,000 crèche places have not been respected: only 20,000 are actually envisaged, and there has also been restructuring, leading to reduced quality of services (more children per childminder; attacks on pre-school provision for the under 3s).

A.4 Interesting examples of gender equality policy at national level

1- The law on quotas in CAs of companies listed on the stock exchange has been adopted:

This law was voted for by Parliament in January 2010 and adopted by the Senate on 28 October 2010. It concerns balanced representation of women and men on company boards of directors (conseil d'administration) and supervisory boards ([conseil de surveillance](#)), as well as occupational equality.

In practice, companies will have 3 years after the promulgation of the law to appoint 20% of women on their board of directors or supervisory board (depending on the company), and 6 years to appoint 40%. It should be recalled that the boards of CAC 40 companies had 10.5% of women members at the end of 2009, and were calculated to have 15.7% at the end of 2010 (source: Capitalcom). This leap forward – and some people speak of shock treatment – proves that some companies wanted to anticipate the adoption of this law. The Movement of French Enterprises (Mouvement des entreprises de France, Medef) and the French Association of Private Companies (Association française des entreprises privées, AFEP) had announced last April that they were incorporating the targets outlined in the law in their joint code of good governance.

The original draft law did not envisage financial penalties because – according to Marie-Jo Zimmermann's⁸ office – “companies would have been able to choose to pay instead of implementing the law”. The draft law that was voted for by MPs in fact provided for invalidating company boards' nominations *and* deliberations if the quotas are not respected. The senators – under pressure from the AFEP – in fact voted for invalidating only the nominations, except for the candidates of the under-represented gender (in other words, women). However, invalidating the board's deliberations was not adopted in the end. Instead, they preferred to withhold payment of board members' fees. Finally, even if the board's deliberations are not invalidated, the Company boards who does not respected the law will not be effective, without the totality of nominations. This obligation regarding gender balance should concern some 2,000 companies: 700 listed companies (CA, supervisory boards, but not the executive committees (Comité exécutif, COMEX) and 300 companies with more than 500 employees with turnover (or balance sheet) of 50 million Euros per annum. Public companies – whether they be industrial, commercial or administrative – are also concerned.

⁸ UMP MP who proposed the law

2- Penalties for companies that do not make progress regarding equality (especially concerning pay); and better recognition of maternity leave. The law that was adopted in March 2006 introduced penalties for companies that had **not abolished pay gaps by 31 December 2010**. However, no decree defining the sanctions was programmed in the run-up to this deadline. That is why, during the discussions (not negotiations) on pension reform in autumn 2010, equality came to the fore in the debates: many associations, trade unions and researchers mobilised in order to show how this reform had an impact on women's retirement pensions (see A5, example 2 presented as a "bad practice" regarding gender mainstreaming in employment policy). Although the government ignored these criticisms, it did incorporate two articles concerning women in the law on pensions: return to the penalties envisaged in the March 2006 law, and the issue of maternity leave and retirement:

- The penalties announced in the 2006 law on pay equality are referred to in the law on pensions that was adopted on 6 November 2010 (article 99), which provides for penalties for companies that have not adopted an equality agreement or a plan of action regarding occupational equality. Unfortunately, the implementation decrees regarding this point are in the process of being drawn up and will not be adopted until April 2011. According to this new legal text: "Employers of companies with at least fifty employees are subjected to a penalty if they are not covered by an agreement on occupational equality (...) or, in the absence of an agreement, by targets and measures in the form of a plan of action (...). Measures for monitoring the implementation of measures and targets are set by decree. The amount of the penalty that is envisaged in the first paragraph of this article is set at a *maximum of 1%* of remuneration and gains (...) attributed to employed or assimilated workers during the periods for which the company is not covered by the agreement or plan of action (...). The amount is set by the administrative authority, in conditions outlined by decree by the Supreme Administrative Court (Conseil d'Etat), in line with the observed efforts of the company regarding occupational gender equality, as well as the reasons for non respect of obligations". This article is for the time being well below what the March 2006 law had provided for: implementing an agreement or plan of action is not longer focussed on pay equality, but on all areas of occupational equality (recruitment, promotion, career, reconciling times and remuneration). However, indicators monitoring progress from one year to the next must be produced to measure the effectiveness of the measures that are taken. In other words, these agreements should not just repeat – as is the case currently - the principles of the law on equality and discrimination (regarding gender: we undertake to respect the law and not to discriminate...). The size of the penalty has not yet been fixed (it will figure in the implementation decree in April), but it will be a maximum of 1%, as a result of intervention by the Conseil d'Etat which considers that this penalty cannot be the same for everyone, but should be fixed in line with the extent of the efforts made by the company. One of the issues already pinpointed is who will monitor implementation of the law and fixing of penalties? Normally, the labour inspectorate should deal with this, but nothing is envisaged in budgetary terms regarding the resources attributed to the State in order to respect this new principle: on the contrary, these services are affected by the reduction in the number of public service staff.
- National insurance maternity benefit (attributed during a quarter of a year) will be taken into account when calculating pensions and thereby considered as pay: one

quarterly national insurance contribution⁹ more will thus be included in calculating the basic retirement pension of mothers. This principle seems favorable and constitutes fair compensation. Until now, during the year of giving birth, and thus of maternity leave, annual pay is reduced by 16 or even 18 weeks of maternity leave (only quarters for which national insurance contributions are paid are included in pension calculations). This can have a negative impact on pensions if the year when maternity leave is taken happens to be amongst one's 25 best years¹⁰. Article 98 of the law on pensions adopted on 9 November 2010 is thus meant to rectify this situation by incorporating the period in which NI maternity benefit is paid.

However, for technical reasons – and also financial ones – taking into account NI maternity benefit will only apply to children born in 2012 and onwards, **thus will help for pensions earliest about 2035**. This point was criticised especially by the trade unions (in the context of the board of directors of the National Old Age Insurance Fund (Caisse nationale d'assurance vieillesse, CNAV): in fact, although this measure was presented as compensation for women regarding pension reform, it will only apply in 25 years time. Those women, who are most affected by the measures of the reform (increase in the number of contribution years) and who have broken careers, will not benefit from this compensation. Whereas we know that those women, who retire after 2035, will have more continuous careers and less need of this measure, because they will have a greater chance of having 25 best years (in terms of pay: see note 10)) outside their periods of maternity leave (except if the number of years used for calculating the size of the pension is increased yet again). It is clearly a question of economising or – as the government argues – of tackling a technical problem: it would be impossible to reconstitute years during which NI maternity pay was attributed, because the paying agency, the National Family Allowance Fund (Caisse nationale d'allocations familiales CNAF) only keeps archives on the previous 5 years.

A.5 Interesting examples of employment policies supporting gender equality

1- Relaunching apprenticeships: new employment measures were announced in February 2011: 500 million Euros have been released to fund subsidised jobs. Companies with more than 250 employees will be encouraged by a bonus-malus system to develop apprenticeships; also, Employment Centres (Pôle emploi) must see all long-term unemployed to propose a job or training. The government had intended to slow down subsidised contracts (340,000 Single integration contracts (Contrats uniques d'insertion) in the non-market sector in 2011, compared with 400,000 in 2010 and only 50,000 in the market sector, compared with 120,000 in 2010). Beside these single integration contracts, 600,000 new contracts will be proposed to young people, with special effort regarding apprenticeships.

Several dozens of Apprentices Training Centres (Centres de formation d'apprentis, CFA) will be built; companies who take on 3% of apprentices amongst their staff will have their contributions reduced (bonus); the others will be penalised (malus). Such measures had been proposed at the beginning of the crisis (zero contributions and a bonus when recruiting an additional apprentice, and so forth), then abolished, and now the government has now gone back on itself.

⁹ Current National Insurance contribution rules require 164 quarterly contributions (i.e. 41 years) in order to have the right to a full pension at 62 years, which is the new retirement age (see below for further details)

¹⁰ Basic pensions in the private sector are calculated as a percentage (approximately 50%) of average pay (with an upper limit) during one's highest paid 25 years.

The target is **to reach 1 million apprentices**, without giving a deadline. In 2010, there were not more than 550,000 apprenticeship and professionalisation contracts. It should be noted that an additional contribution for apprenticeships already exists: since 2006, the apprenticeship tax was increased from 0.5% to 0.6% of the total wages bill of companies with more than 250 employees which do not have the quota of 3% of apprentices. This measure had been replaced in 2009 by the Additional Apprenticeship Contribution (Contribution supplémentaire à l'apprentissage, CSA). The CSA still applies and is fixed at 0.1% of the total wages bill. Concretely, this is a 20% increase of their apprenticeship tax. But this appears to hardly be known and implemented.

Developing apprenticeships, in line with the German model, is an interesting initiative. It is well known that this type of transition between studies and employment is the most effective and long-lasting one. Some important changes are occurring:

- Apprenticeship contracts are developing in the services, thus indirectly benefiting young women.

This is a notable change – almost one tenth of new apprentices are recruited in business services, transport, finance and property sectors. This is almost ten times as many as ten years ago. Thus, there is a major increase of apprenticeship contracts in sectors which used few previously (services to businesses and individuals, education, health and social services). In 2009, service sectors represented 56% of those starting apprenticeships (DARES)¹¹. Thus the proportion of young women is increasing: for a very long time they constituted 30% of apprentices, whereas now they constitute 32% of them. They make up the majority of those entering apprenticeships regarding personal services and more than two-fifths of those entering services to business and the commerce sector.

- Increase in the level of diplomas in apprenticeships: contracts were above all at the level of the Certificate of Vocational Aptitude (Certificat d'aptitude professionnelle, CAP); in 2005, 13% of apprentices prepared a diploma at the level of 2 years' study beyond the baccalaureate (64% for the Vocational School Certificate (Brevet d'études professionnelles, BEP), 20.2% for vocational baccalaureates). Apprentices prepare one of 1,400 different kinds of certificates and diplomas that can be attained via apprenticeships, ranging from the CAP to professional engineer, as well as all the qualifications registered in the National Directory of Occupational Certification (Répertoire national des certifications professionnelles). In order to encourage the development of apprenticeships in higher education, the State invites??? the Regions to be associated with the target of creating a CFA in each university, in order to reach the target of 100,000 apprentices in higher education by 2011. Young women in apprenticeships are generally older and have more qualifications than young men: 32% of young women prepare a higher education qualification or diploma compared with 21% of young men. 40% of young women are preparing qualifications at the level of CAP-BEP, compared with 53% of young men.

Thus, it is possible to surmise that the development of apprenticeships will be a source of more sustainable jobs for women, in particular.

2. The 6 November 2010 law on pensions has been adopted. This constitutes for us a “counter-example” regarding mainstreaming equality

¹¹ DARES Analyse, 2011, « L'apprentissage en 2009 : baisse des entrées, hausse de la part du tertiaire », février, n°010.

Whereas the government states that it is making a reform in the name of equity, it not only does not take into account gender inequality, but penalises women more than men. Women have more broken careers, with more interruptions when they give birth and take family-related leave, as well as more frequently having part-time employment. Two points in the reform affect women: the postponement of retirement age and continued increasing duration of contributions.

- The postponement from 65 to 67 years of the age entitling full pensions for all (i.e. the age at which the 5% reduction (*décote*) in pensions for each missing contribution year no longer applies) will affect women much more, because of their careers that are too short – 30% of them already wait until they are 65, in order not to have a reduced pension compared with 5% of men. The Pensions Steering Committee (Conseil d'orientation des retraites, COR) has already pinpointed that “the postponement of the date of retirement will be greater amongst women than men”.
- Likewise, the postponement of retirement age (from 60 to 62 years) will in fact increase the number of contribution years for many people. It affects women in particular, because a much bigger proportion of women than men will have to, either retire later (with the notorious difficulties for older people's employment), or be subjected to greater reductions in pension, because they are on average further away from the required number of contribution years. Already today, the *décote* reductions (for missing contributions; see above) affect women more than men, both absolutely and relatively, according to the CNAV, and the size of the reductions is much bigger for women.

These principles are going to reinforce the impact of previous reforms, which had already had negative consequences for women: taking into account the 25 highest paid years of economic activity (instead of 10); the abolition of certain family-related advantages in the public sector, and later in the private sector, (reduction of the credited contribution years per child for mothers, which gave an additional year in the public sector and two additional years per child in the private sector).

The absence of a gender mainstreaming approach explains this situation: the government does not explicitly aim at women in this reform, but introduces measures, which are in fact going to discriminate more those people who have broken careers, the majority of whom are women, especially mothers.

PART B

B.1 Structure, themes and gender mainstreaming of the whole NRP report

As in previous NRPs, the issue of gender is only tackled in the section devoted to this theme (reference to guideline 7). The report contains about 70 pages, of which two thirds are devoted to economic policies and the rest to employment.

The relationship between the economic chapter and that on employment is coherent: in the macroeconomic part, the pension reform is highlighted in order to show the will of the public authorities – from their point of view – to guarantee the viability of public finances, without “penalising employment” by increasing the number of contribution years, but by postponing the legal retirement age. Likewise, a significant part of the report is devoted to the development of higher education, digital delivery and the environment. Moreover, in line with the guidelines, the competitiveness of companies and modernisation of public administration are reinforced.

The chapter devoted to employment develops recent reforms regarding employment of older people and young people, occupational transitions, reducing labour costs, the educational system, combating poverty, and so forth. Of course, the reforms regarding gender equality are referred to, but in the part on employment hardly a page is devoted to occupational equality.

The term “occupational equality” appears 9 times in the report (3 of which are in the titles and summary of the section); the term “women” is used 30 times (of which 6 are in the titles and the summary) but it does not mean that the report proposes new recommendations on this issue; it is more a reminder of the general principle of equality between men and women. The term “gender” is used once, about the creation of an “Equality Charter in Universities”. This charter will develop training and studies on gender issues (“Formations et Recherches genre”). On the other hand, the term “gender mainstreaming” (even the term “integrated approach to equality” in French) is never used.

Apart from words themselves, a gender perspective is missing from the themes tackled in the report; an integrated approach to equality is totally abandoned, even if we will see that specific measures for reducing occupational inequality are presented.

The absence of gender mainstreaming in the reforms of the labour market – and also in the economic reforms - seems negative to us. There are in fact consequences in terms of gender in all these reforms, which are not taken into account, thus leading to not giving value to all the resources that women represent, and also leading to reinforcing certain kinds of inequality for them. For example, the pension reform is highlighted in the report (right from the beginning), without the impact on pension inequality between women and men being referred to; likewise, the development of entrepreneurship and the social economy is advocated in the report, without thinking of targeting women, in particular, for this kind of measure. However, they constitute essential potential for developing such actions, but come up against particular difficulties (access to funding, problems related to childcare, and so forth).

B.2 The employment strategy and the adequacy of approach in the field of gender equality in employment

B.2.1 An overview of the national employment strategy from a gender perspective (general commentary and overview of the employment chapter)

The chapter on employment is only 23 pages, and is about improving employment rates of all categories (including women); improving the educational and vocational training system; social inclusion and the fight against poverty. The main measures concern the employment of young people and older people; occupational gender equality; reducing labour costs; occupational transitions; the educational system; reducing poverty via Active Solidarity Income (Revenu de solidarité active, RSA), access to housing; planned reform of dependence.

Declared objectives concern improving the employment of both young and older people, integrating employment categories experiencing the most difficult situations; consolidating the educational system (combating early school leaving and improving access to higher education); combating poverty via RSA, improving housing and the effectiveness of the rights of those who are most vulnerable; and finally, a reform of dependence is announced.

From a general point of view, the measures regarding employment policies do not incorporate gender. Only the section specifically devoted to this question presents specific measures for improving women's employment and reducing inequalities that concern them. A gender perspective is only incorporated once, namely in the section devoted to occupational equality between women and men.

However, all employment measures have a gender dimension and directly concern women: employment of young people and that of older people, the development of RSA, as well as the educational system. If one wants to tackle gender inequalities structurally, it is necessary precisely to take into account all its dimensions – with the economic crisis, the employment of young women is more difficult and insecure (nothing is said about the fight against employment insecurity); older women come up against even more difficulties to remain in the labour market or return to it; RSA concerns a significant proportion of women (especially ex-beneficiaries of Lone Parents Allowance (Allocation parents isolés, API) and could have negative repercussions on the employment of those women who are most insecure (increasing short part-time employment). Likewise, improving the educational system should incorporate the aim of gender balance in the different courses (for both girls and boys).

A section is devoted to occupational equality and refers to specific measures that have been adopted recently: the law adopted on 23 march 2006 with the introduction of penalties envisaged in the law adopted in November 2010 (implementation decrees are in the process of being drawn up); the law adopted on 27 January 2011 on the obligation to have 20% - and later 40% - of women members on the boards of big companies; and finally reconciling family and working life is referred to by the announcement of increasing the number of childcare places for young children.

As for gendered statistical data, include into the report, only the gaps in the employment and unemployment rates are presented. There is a gender gap of 8 percentage points in employment rates and less than 1 percentage point in unemployment rates, always to the detriment of women. On the other hand, the statistical annex includes a lot of employment data which are almost gendered.

B.2.2 Gender mainstreaming and gender impact assessment of employment policies

Guideline 7: Increasing labour market participation of women and men, reducing structural unemployment and promoting job quality

France undertakes to reach the objective of a 75% employment rate in the framework of the Europe 2020 strategy. It is currently 69.5% (for the population of 20 to 64 year olds), i.e. another 5.5% need to be achieved, which does not seem impossible. In order to do this, the report envisages pursuing the integration of young people, because their employment rate is lower than the UE 27 average, namely 50.6% for 20-24 year olds in France, compared with 51.8% for EU27. The real issue still concerns older people (the gap with Europe is big at 38.9% in France, compared with 46% in UE27). It is nevertheless a question of women's employment in this guideline, because an objective of 70% female employment rate is mentioned but without information on the quality and the duration of this female new jobs...

- For older people, it is emphasised that France is still well behind: 58.4% of 55-59 year olds are in employment, but only 17% of 60-64 year olds are. The main measure concerns the pension reform (raising the legal retirement age from 60 to 62; and raising from 65 to 67, the age for automatically acquiring a full basic pension); and also an end to gradual processes of retirement is sought. These measures should enable older people to remain in employment longer and encourage companies to recruit older people (Contracts of professionalisation are envisaged for people over 45). 79 sector agreements have been signed promoting older people's employment. **Commentary:** Nothing is said about the impact of these measures regarding women, namely greater difficulties for them to obtain a full pension, given their broken careers; difficulties for older women to be recruited (two-fold discrimination).

- Gender equality:
 - o The 2006 law on equal pay is referred to; as is the announcement of penalties coming into force for companies with more than 50 employees, which have not implemented an equality plan or agreement by 1 January 2012. Such companies run the risk of a penalty of up to a maximum of 1% of their wages bill. **Commentary:** This announcement was expected in 2010, as these penalties had been planned for end of 2010.

 - o The 27 January 2011 law on gender balance on the boards of listed companies, companies with more than 500 employees and a turnover of more than €50 million, and also public companies is in the process of being implemented: 20% of women in the next 3 years, and 40% within the next 6 years. **Commentary:** This measure is really new, but is not without criticism (see our comments in part A of this report).

 - o Finally, regarding reconciling family and working life, there has been an announcement of 100,000 additional places in collective childcare and another 100,000 places with childminders by 2012. In the framework of the 'Euro Plus Pact', France proposes a new investment effort from the local authorities and the CNAF (the National Family Allowance Fund), with the State contribution: the government makes a public commitment on an increasing of 7.5% of their

resources during the period 2009 - 2012. **Commentary:** This is new – 200,000 additional places by 2012 would really be important, even though it seems difficult to achieve in such a short time. (Up until now, there had been announcements of the creation of about 20,000 additional places per annum, but the government’s programme speaks of 200,000). However, actual needs are calculated to be between 400 and 500, 000 additional places. Moreover, the envisaged development of 60,000 places in “nurseries” (“jardins d’éveil”) (for 2 to 3 year olds) would be to the detriment of maintaining the right to go to pre-primary school (maternelle) before 3 years. The staff of jardins d’éveil do not have the same level of qualifications as pre-primary school teachers. Likewise, additional care with childminders will be in less favourable conditions, as the authorised number of children per childminder has been increased (from 3 to 4).

Guideline 8: Developing a skilled workforce responding to labour market needs and promoting lifelong learning

France has developed a policy of French-style “flexicurity” with a will to render career paths secure. Occupational Transition Contracts (Contrat de transition professionnelle, CTP) are envisaged for employees who are made redundant, for a period of 12 months and remunerated at 80% of former gross pay. During this time, employees benefit from support (training and employment, and so forth). CTPs were experimented in 7 employment pools, and then 32 – 15,000 people were concerned in 2010 (1,900 in 2008). More than 75% of them had training and 48% were placed in employment by the end of the 12-month period. **Commentary:** This measure is very relevant, goes in the right direction and is unanimously acclaimed by the social partners. But there is no gendered assessment of it. All that is only known is that since the crisis, redundancies affect men most; it could have been relevant for a proportion of women to be concerned by this measure.

Guideline 9: Improving the quality and performance of education and training systems at all levels and increasing participation in tertiary or equivalent education

The problem that is identified regarding young people is the relationship between education and employment (135,000 young people still leave school without diplomas or reaching the level of the lower secondary education certificate (brevet). Consolidating apprenticeships is a key measure (we have referred to it in part A): it involves improving the status of apprenticeships and making it easier for companies via financial help and also via a bonus/malus system. For young people in difficult neighbourhoods, the system of Autonomy Contracts (Contrat d’autonomie) has been renewed in 2011 (15,000 such contracts are envisaged). Finally social consultations on young people are planned for 2011. **Nothing is said about the place of girls in these measures.**

- The fight against early school leaving is a European objective, on which France has made a lot of progress. The share of young people between the ages of 18 and 24 without training dropped from 13.3% in 2000 to 11.8% in 2008. It is mainly a question of identifying and supporting those who leave school early; and ensuring their integration via “Second Chance schools” (Ecoles de la deuxième chance) and of introducing experimental measures for helping pupils with difficulties succeed (such as boarding schools of excellence, which make it possible for pupils from disadvantaged families to have their education from collège (lower secondary school)

to “preparatory classes” (for the Grandes écoles). **Commentary:** These measures go in the right direction and combat structural problems related to the absence of real equal opportunities in France. Nothing is envisaged from a gender perspective. Although it is true that girls succeed better at school than boys, nevertheless promoting gender balance of courses in both directions (for girls and boys) should be part of the declared objectives. However, this is not the case.

- Consolidating apprenticeships in higher education is also an important objective, because it makes it possible to develop combined training/work experience courses (alternance) at the highest level. From 2001 to 2008, the numbers concerned increased by 82% (especially at the level of Master’s and Doctorate). Between now and 2015, overall numbers in apprenticeships should increase from 600,000 to 800,000 (i.e. 10% of young people), thanks to an agreement between the government and the Conférence des grandes écoles et des écoles d’ingénieurs. **Commentary:** We identified this measure as a good practice in part A of our report, and this is verified here. However, we observe once again that nothing is said about the fact that the proportion of girls in apprenticeships is increasing significantly.

Guideline 10: Promoting social inclusion and combating poverty

France created a programme for combating poverty, especially with the aim of reducing poverty by a third between 2007 and 2012. In order to assess this policy, indicators are monitored online (www.onpes.gouv.fr) and show that the proportion of poverty dropped by 11% between 2006 and 2008 (measured as being 60% of median income). Among the objectives is improving access to the labour market for those most remote from it. This was done by introducing RSA, which replaced Minimum Integration Income (Revenu minimum d’insertion, RMI) and Lone Parents Allowance (Allocation parents isolés, API) in 2009. RSA aims at encouraging return to employment by increasing income by making it possible to combine income from work with income from solidarity (benefits). 650,000 households benefited from it in 2010. Moreover, many people signed on as jobseekers (compared with former RMI and API beneficiaries). **Commentary:** Nothing is said about the place of women, whether married or not, regarding RSA, whereas we have shown that this measure could increase the employment insecurity of those women who are in the most insecure situations (encouraging short part-time employment, and so forth); that it is difficult for lone mothers to return to employment; and finally that for women in couples, there is a disincentive to return to employment, especially on a full-time basis, because rights to RSA depend on the income of households, not individuals.

Finally, the report finishes with an information box regarding the creation of a programme on dependence, which had been announced in the presidential programme in 2007. It involves giving the dependent elderly, of whom there are more and more, the means to choose between staying at home or entering an institution in high-quality conditions that are financially sustainable. It also involves helping family carers. It is thus a matter of finding a “relationship between individual and collective responsibility, and between private mutualisation and national solidarity”. **Commentary:** This approach is urgently needed and more than necessary. Unfortunately, although it concerns women of whom there are very many both amongst the dependent elderly and amongst carers, no reference at all is made to gender and dependence.

B.3 Gender Mainstreaming and the 2011 NRP

The 2011 NRP absolutely does not incorporate a gender mainstreaming approach. This has already been the case in France for a decade. This approach was present in employment action plans until around 2000, but since then no longer figures in NRPs. This obviously does not mean that France has given up policy in favour of gender equality, but it is not reflected in all economic decisions - even in those devoted to employment - and actions carried out in France are neither analysed nor promoted. On this point, we can quote the example of apprenticeship contracts: their development, which is desirable, is part of the positive measures adopted by France, and has a positive impact on girls, but at no point is this highlighted; nor is there a quantified objective regarding women in this measure – their participation is an indirect consequence, resulting from the bigger areas of apprenticeships.

The only one example that we find on the field of gender mainstreaming is the proposition of a new “Equality Charter into Universities” that we have already presented. This charter will propose a global gender policy in each University (including actions concerning women into Human Resources and the development of gender into training and researches). But we must recall that an Agreement on equality between girls and boys, and between women and men in the educational system still exist since 2000 without real effectiveness.

Again, the approach seems “specific” - measures are adopted regarding equality, outside the other economic and social decisions. This rationale corresponds with limiting policies concerning equality. It should be recalled that there is no longer a Ministry of equality, but a big Ministry of Solidarity (along with dependence, disablement, and so forth). The High Authority against discrimination and for equality (Haute autorité de lutte contre les discriminations et l'égalité, Halde) is going to “disappear” as an independent entity. This body identified precisely an approach devoted to gender equality in its legal actions and also in its research. It is going to be merged with other bodies into an entity headed by an “Ombudsman” (“Défenseur des droits”) involving the risk that its independence is challenged (important legal actions supporting women’s rights have been made by Halde); likewise, gender equality will be even more diluted than before (along with the defence of children’s rights and so forth).

The absence of gender mainstreaming has serious consequences for equality at two levels. **There is the weakening of the potential of measures** that do not incorporate equality. For example, the development of entrepreneurship should be accompanied by reflection about making it easier for women to start up companies. Likewise, the programme aiming at keeping older people in employment or in reintegrating them should analyse obstacles concerning older women. Moreover, there is a **risk of increasing discrimination against women** if certain measures do not incorporate gender: the pension reform (apart from the article concerning women) is going to lead to worsening the situation of women who are at the end of their economic activity (fewer pension rights and later retirement). Likewise, RSA runs the risk of increasing the employment insecurity of least qualified women.

The measures on equality are, however, interesting, even if some were already announced several years ago. The introduction of financial penalties for companies, which have not adopted any actions regarding occupational equality, has been long awaited and is now due to appear at the beginning of 2012. This will constitute real progress, if it is followed up by real monitoring. Likewise, the introduction of quotas for women on the boards of companies also represents real progress and constitutes a positive action measure, which did not meet with

unanimity. Men will be obliged to limit the number of their mandates on boards, in order to leave places for women. Finally the (unconfirmed) announcement of the creation of many childcare places for children under 3 is important, because it meets an essential need and would confirm the will of France to ensure working life / family life balance for all men and women.

However, we note that the following obstacles, identified in part A of this report, to achieving equality are still present: nothing is proposed to reform the funding of parental leave (Supplement for Freedom of Choice concerning Economic Activity: Complément de libre choix d'activité, CLCA), which keeps least qualified mothers out of the labour market. Nor is anything proposed for combating increased employment insecurity that many women experience (very low paid imposed short part-time atypical employment). Finally, the issue of equal pay, on which there was a law in 2006, has been diluted, because measures expected in companies do not specifically concern this issue, but more generally, occupational equality.

SUMMARY GRID (plus appendix in excel)

POLICY INITIATIVE by guideline (add short title of the policy initiative)	DESCRIPTION of the policy initiative (including short comment on relevance)	COMMENTS (on Gender Mainstreaming and Gender Impact Assessment of the policy initiative, including main reasons why expected impacts are positive/negative)
GL 7. Increasing labour market participation of women and men, reducing structural unemployment and promoting job quality		
7.1 Old people's jobs	Reinforcing access of older people to employment and maintaining them in employment - older people's employment rates are very low. Compulsory sector and company agreements for promoting their employment (financial penalties are envisaged).	There are neither Gender Mainstreaming nor Gender Impact Assessment of this measure. However, older women experience two-fold discrimination. Promoting, in particular, maintaining them in employment would require measures concerning their health, image and so forth. Without that, it was thought that GIA would be negative for older women, given that companies are not sensitive to this approach.
7.2 Penalties for companies regarding occupational equality	Penalties of up to 1% of companies' wages bills will be introduced (in April-May 2011) and applied in January 2012. Companies targeted are those that do not have plans or agreements on equality.	This measure obviously has a positive GIA, as it aims at occupational equality. It has been expected for a very long time and involves new constraints to force companies to respect the law on equality (which is not yet the case, as only 8% of companies have equality agreements). It is going in the right direction, even if the risk is that some companies sign "empty" agreements that have no real content. Monitoring of these texts should be reinforced and an assessment of the law should be made.
7.3 Quotas for women on boards of companies	The January 2011 law introduced the obligation to appoint 20% of women on company boards by 2014 and 40% by 2017, if not, appointments will be quashed and financial penalties imposed (directors fees blocked)	This measure is positive - it will have an impact on the top management of big companies (both private and public). It can affect GM regarding the place of women in decision-making circles.
7.4 Childcare places for young children	100,000 additional collective childcare places and 100,000 additional places with childminders are envisaged for 2012.	This measure promotes equality, because it aims at reconciling parents' family and working life. However, it runs the risk of jeopardising the quality of childcare (pre-primary school for young children of between 2

		and 3 and increasing the number of children looked after by childminders).
GL 8. Developing a skilled workforce responding to labour market needs and promoting lifelong learning		
8.1 Occupational transition contract (Contrat de transition professionnelle, CTP)	Ensuring a year of support for people who have been made redundant (training/employment) and maintenance of a high level of benefit.	There is neither GM nor GIA in this measure. Redundancies affect sectors where men predominate more and therefore this measure runs the risk of favouring the reintegration of men more than women. A will to favour women could have been envisaged in this measure; as this is not the case, GIA will be negative.
GL 9. Improving the quality and performance of education and training systems at all levels and increasing participation in tertiary or equivalent education		
9.1 Combating early school leaving	Identifying and supporting those who “give up” on school; ensuring their integration in Second Chance Schools (Ecoles de la deuxième chance) and creating experimental systems for the success of pupils experiencing difficulties.	There are neither GM nor GIA. The impact in gender terms will certainly not be negative, as fewer girls give up on school less than boys, but they have problems related to choosing courses and this issue is not tackled.
9.2 Reinforcing apprenticeships	The number of apprentices should increase from 600,000 to 800,000 (i.e. 10% of young people) by 2015, with 2 objectives: orienting contracts towards tertiary sectors and higher education diplomas.	This measure is very positive for girls – for a very long time they accounted for 30% of apprentices, and now 32%. Young women in apprenticeships are generally older than young men, and they also generally have more qualifications: 32% of them prepare a higher educational title or diploma, compared with 21% of young men. 40% prepare Certificate of Vocational Aptitude- Certificate of vocational education (Certificat d’aptitude professionnel- Brevet d’études professionnelles CAP-BEP) qualifications, compared with 53% of young men. But there is no commentary in the report from a gender perspective regarding this measure. The positive impact is not related to a GM approach, but to a structural impact of the orientation of the measure.
GL 10. Promoting social inclusion and combating poverty		
10.1 Active Solidarity	RSA aims at encouraging return to employment by	This measure, which exists since 2009, has not been

Income (Revenu de solidarité active, RSA)	increasing income by making it possible to combine income from work with income from solidarity (benefits). 650,000 households benefited from it in 2010.	analysed either in terms of GM or GIA. But the negative effects of this measure in gender terms are not negligible (increase in short part-time employment, difficulties regarding childcare for ex-API beneficiaries and so forth).
10.2 Reform regarding dependence	Giving the dependent elderly, of whom there are more and more, the means to choose between staying at home or entering an institution in high-quality conditions that are financially sustainable. Helping family carers more. Draft law pending.	This measure is still not very precise. There was no analysis in terms of GM when it was proposed. However, it would be necessary, given that it will affect a majority of women (both those who are dependent and carers). GIA could be positive (improving the end of life, making it easier for economically active adults (especially women) to support dependent relatives, as well as the quality of work of paid carers).
Other relevant Policies (e.g. transversal or crisis orientated with impact on employment)		
11. 1 Pension law	This reform, which was adopted in 2010, raises the legal retirement age from 60 to 62 and also raises the age for automatically acquiring a full basic pension from 65 to 67.	This measure affects women especially, because a much bigger proportion of them will have to either retire later (with the notorious difficulties of older people's employment), or be subjected to a bigger reduction/penalty (décote) of their pension, because, on average, they are even further than men away from the required duration. It can be noted that already today, the reductions concern more women than men, and that the size of the reductions is bigger for women. The absence of a GM approach explains this situation - the government does not explicitly aim at women in this reform, but introduces measures, which in fact will discriminate those with broken careers more, the majority of whom are women, especially mothers. GIA is in our view negative, even if measures regarding occupational equality are adopted in the same law – they do not remove the negative impact.

References

Baromètre économique de l'ACOSS de janvier 2011.

M. Cochard, H. Périvier, F. Milewski, « Hommes et femmes face à la crise », *Alternatives économiques*, Hors série, n°088, février.

COE, 2011, *Diagnostic sur l'emploi des jeunes*, février.

Complément statistique relatif à l'emploi du programme national de réforme en France 2011-2014.

DARES Analyses, 2011, « Conjoncture de l'emploi et du chômage au troisième trimestre 2010 », janvier, n°002.

DARES Analyse, 2011, « L'apprentissage en 2009 : baisse des entrées, hausse de la part du tertiaire », février, n°010.

DREES, 2011, « Prendre un congé parental total : une décision qui dépend essentiellement du nombre d'enfants et de l'emploi occupé auparavant », *Etudes et Résultats*, n° 751, février,

Programme National de Réforme de la France 2011-2014, Avril 2011.

R. Silvera, 2010, French Expert Assessment of the Gender Perspective in the National Reform Programme for Employment, EGGE.