

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

France

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LIST OF ABBREVIATIONS AND ACRONYMS

ANDRH	National association of human resources directors (<i>Association nationale des directeurs des ressources humaines</i>)
API	Single parent's allowance (<i>Allocation parent isolé</i>)
CFDT	The French Democratic Federation of Labour (<i>Confédération française démocratique du travail</i>)
CFE-CGC	French Confederation of Professional and Managerial Staff-General Confederation of Professional and Managerial Staff (<i>Confédération française de l'encadrement-Confédération générale des cadres</i>)
CFTC	French Christian Workers' Confederation (<i>Confédération française des travailleurs chrétiens</i>)
CGT	General Confederation of Labour (<i>Confédération générale du travail</i>)
CGT-FO	General Confederation of Labour – <i>Force Ouvrière</i> (<i>Confédération générale du travail- Force ouvrière</i>)
CIVIS	Integration into society contracts (<i>Contrats d'insertion dans la vie sociale</i>)
CNE	New Recruitment Contract (<i>Contrat nouvelle embauche</i>)
DIF	Individual right to training (<i>Droit individuel à la formation</i>)
HALDE	High Authority Against Discrimination and For Equality (<i>Haute Autorité contre les discriminations et pour l'égalité</i>)
INSEE	National Institute of Statistics and Economic Studies (<i>Institut national des statistiques et des études économiques</i>)
MEDEF	Movement of French Enterprises (Employers' Organisation) (<i>Mouvement des entreprises de France</i>)
PPE	Employment tax credit (<i>Prime pour l'emploi</i>)
PRE	Bonus for returning to employment (<i>Prime de retour à l'emploi</i>)
RGPP	General revision of public policies (<i>Révision générale des politiques publiques</i>)
RMI	Minimum Integration Income (<i>Revenu minimum d'insertion</i>)
RATP	Paris region urban transport (<i>Réseau</i>)
RSA	Active Solidarity Income (<i>Revenu solidaire d'activité</i>)

RSC	Comparative Situation Report (<i>Rapport de situation comparé</i>)
RTT	Reduction in working time (<i>Réduction du temps de travail</i>)
SMIC	National minimum pay (<i>Salairé minimum interprofessionnel de croissance</i>)
SNCF	National Railways Board (<i>Société nationale des chemins de fer</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 A

A.1. Executive summary

The French economy is marked by a growth rate that is still insufficient, a high unemployment rate, even if it is going down, and, above all, low employment rates for young and older people. However, we will show that significant progress has been observed regarding gender equality – at least, as far as unemployment and overall employment are concerned. Women's unemployment rate, which remains approximately one percentage point higher than that of men, has gone down, especially for those in the 25 – 54 age group. But the unemployment rate of young women remains very high. In terms of employment rates, the increase is significant even if the overall rate and that of men are lower than the European rates. **However, women's employment rate reached the Lisbon target (60%) for the first time and exceeded European levels.** Taking into account working time, and especially part-time working, reduces this result: the gap regarding full-time equivalents is 14.6% (but is 20.6% for the whole of the EU); women's full-time equivalent employment rate is not 60%, but 52.4%, because of more than a 30% part-time rate for women in employment.

The French situation regarding gender equality is paradoxical: on the one hand, as far as infrastructure is concerned, the new government (which was elected in May 2007) abolished the Ministry of equality and threatens regional women's rights structures; but, on the other hand, a new conference on equal pay took place and a new draft law on equal pay is said to be in the process of being drawn up...

Although some measures promoting equality in the labour market have been introduced, it is nevertheless true that major changes in employment policy since 2006 are also at work (especially since 2007 with the change of government). **But most of these measures that we are going to present are having a big – mainly negative - impact in gender terms, without it being mentioned anywhere.** Everything is happening as if gender mainstreaming policies did not exist – on the one hand, the reduction of inequalities, notably regarding pay, is advocated, but, on the other, there is an increase in flexible measures, including more flexible contracts, as well as greater controls of the unemployed... which indirectly reinforce inequalities for women in the most insecure situations, and especially those with family constraints...

A.2. Changes in employment and the context for gender equality

Macroeconomic context, employment and unemployment trends

The French economy is marked by a growth rate that is still insufficient (about 2%), a high unemployment rate (8.8% in 2006 and 7.9% in 2007 according to Eurostat (8.1% according to French data), even if it is going down, and, above all, low employment rates for young and older people. However, we will show that significant progress has been observed regarding gender equality – at least, as far as unemployment and overall employment are concerned.

The unemployment rate according to the ILO definition, which is close to European data, was 8.1% in the second quarter of 2007, and 7.9% according to Eurostat data. **Since 2006, the unemployment rate in France is regularly going down**, after it increased in 2004-5. **It is on average about 8.8%, i.e. 2.4 million people**. This is the first time in a decade that it is under 8%, according to these data. However, it is still above the European average (7.1%). Unemployment still affects those without qualifications more - the rate is 2.5 times lower for those with higher education diplomas. This gap is on the increase, because – contrary to the general trend – the unemployment rate of those without qualifications does not cease to increase. **Women's unemployment rate, which remains approximately one percentage point higher than that of men, has gone down, especially for those in the 25 – 54 age group**: their unemployment rate dropped from 8.9% in 2005 to 7.6% in 2006. **But the unemployment rate of young women remains very high, reaching 22.9% in 2006, although dropping to 19.6% in 2007**. Finally, we note that the proportion of long-term unemployed has increased, especially amongst men. This can be explained by the current situation in which return to employment concerns mainly those who have been unemployed for less than a year.

Table 1 Data on the unemployment rate

	2005	2006	2007
Total	8,8	8,8	7,9
15-24 years	20,2	21,3	18,7
25-54 years	7,8	7,6	6,9
55-64 years	5,2	5,7	5,1
Men	8,0	8,1	7,4
15-24 years	19,1	20,1	18,0
25-54 years	7,8	7,6	6,9
55-64 years	5,3	5,9	5,3
Women	9,8	9,6	8,5
15-24 years	21,5	22,9	19,6
25-54 years	8,9	8,5	7,6
55-64 years	5,2	5,6	4,9

Source: Eurostat

The economic activity rate is stable with an annual average of 55.9% of people over 15 (French source). This general trend remains composed of a drop in men's economic activity rate, because of demographic ageing and a continuing increase of women's economic activity rates. The effects of the baby-boom generation reaching pension age explains the drop amongst men; women's economic activity rate and 'economically active life expectancy' continue to increase.

Employment: according to the National Reform Programme Progress Report (2007), in 2006, 283,000 jobs were created throughout the French economy, following on from 177,000 in 2005 and 108,000 in 2004. The data for 2007 are dynamic: according to a recent study by Insee, the first half of 2007 beat records with +212,000 job creations. About 100,000 more jobs will be created in the

non-agricultural market sector by the end of the year. Services to individuals and companies will be the big winners with respectively +84,000 and +103,000 job creations. In spite of a drop in the number of subsidised contracts, the total number of job creations is due to rise to 340,000 in 2007. In terms of employment rates, the increase is significant even if the overall rate (64.6%) and that of men (69.3%) are lower than the European rates (respectively 65.4% (EU27) and 66.9% (EU15) for all and 72.5% (EU27) and 74.2% (EU15) for men). **However, women's employment rate reached the Lisbon target (60%) for the first time and exceeded European levels (58.3% EU27 and 59.7% EU 15).** As the following data show, French results are least good **amongst young and older people**: the employment rate of 15 – 24 year olds is 31.5% in France compared with 37.2% (EU27) and 40.8% (EU15) and the French employment rate of 55 – 64 year olds is 38.3% compared with 44.7% (EU27) and 46.6% (EU15).

Table 2 Data on employment rates

	2005	2006	2007
Total	63,9	63,8	64,6
15-24 years	30,7	30,2	31,5
25-54 years	80,7	81,2	82,1
55-64 years	38,7	38,1	38,3
Men	69,3	69,0	69,3
15-24 years	34,2	34,8	34,5
25-54 years	87,6	87,9	88,3
55-64 years	41,6	45,0	45,0
Women	58,5	58,8	60,0
15-24 years	27,1	26,6	28,5
25-54 years	74,0	74,7	76,2
55-64 years	36,0	35,9	36,2

Source: Eurostat

Regional variety and cohesion

French policies concerning regional development meet the Lisbon targets: knowledge-based economy, development of regions' accessibility in terms of transport and ICT... Contracts between the State and regions exist everywhere and are part of the objective concerning 'regional competitiveness and employment'. This objective is composed of three parts: anticipating economic change; prevention of long-term unemployment; and reinforcing social cohesion for people who are furthest removed from employment. By using ESF and Feder funding, various forms of action in the area of employment have been initiated (local initiatives for employing those amongst the unemployed who are facing most difficulties; inter-regional cooperation and so forth...).

Gender equality trends

As far as equality is concerned, progress has already been noted regarding employment and unemployment rates: the following table shows a drop in gaps. It can be observed that women's and men's employment rates are converging and that the French gap is significantly smaller than the European average (28.4% EU27). However, taking into account working time, and especially part-time working, reduces this result: the gap regarding full-time equivalents is 14.6% (but is 20.6% for the whole of the EU); **women's full-time equivalent employment rate is not 60%, but 52.4%, because of more than a 30% part-time rate for women in employment.**

The unemployment rate gap has gone down to 1 percentage point (it is 2.4 for the whole of Europe). Pay gaps are, according to Eurostat sources, about 11 or 12% in France (compared with 15-16% in

Europe), but this concerns the hourly rate (which neutralises the effect of working time in overall gaps, which are about 25% all together, according to French sources).

Table 3 Gender gap

	2005	2006	2007
Employment	10,8	10,2	9,3
Full time equivalent employment	15,6	15,4	14,6
Unemployment	1,8	1,7	1,1
Wage	-	12	12

Source: Eurostat

Part-time and under-employment

According to French data, part-time employment in France has grown slightly and accounts now for 30% of women's employment. Moreover, (officially measured) under-employment continued to increase slightly: 8.6% of women (i.e. almost a million) would like to work more.

Table 4 Data on part-time and under-employment

	2004	2005	2006
Part-time (% of total employment)			
Total	16,7	17,1	17,2
Men	5,4	5,7	5,8
Women	29,9	30,2	30,3
Under-employment (% of employment)			
Total	5,2	5,2	5,3
Men	2,3	2,5	2,4
Women	8,5	8,4	8,6

Source: enquête emploi Insee

A.3. Developments in gender equality policy infrastructure at national (regional) level

The French situation regarding gender equality is paradoxical: on the one hand, as far as infrastructure is concerned, the new government (which was elected in May 2007) abolished the Ministry of equality and threatens regional women's rights structures; but, on the other hand, a new conference on equal pay took place and a new draft law on equal pay is said to be in the process of being drawn up...

Infrastructure for gender mainstreaming

The institutions in charge of equality are in danger in France: the Ministry of equality has been abolished and replaced by a secretariat of state for 'solidarity', in which issues concerning older people, the disabled and women's rights are dealt with. This secretariat comes under the Ministry of labour, industrial relations and the family. In our view, this is regression as far as institutions are concerned: since the 1980s, distinction was made and priority given to gender equality in the form of a full-scale Ministry. Moreover, the distinction made between the field of the family and that of equality was important. For the time being, a central and decentralised administration with responsibility for applying equality policies still exists: the women's rights and equality service along with its decentralised levels (regional women's rights structures and *département*-level delegates).

There have been budgetary restrictions in all areas, and obviously this one: following the General Revision of public policies, there were such 'rumours' about abolishing the women's rights and equality service that an 'inter-union committee of this central service' launched a petition (which was signed by almost 6,000 people) against such a plan, which would challenge the autonomy of the regional structures and their gender mainstreaming role. Following on from this mobilisation and the intervention of members of parliament, the council on modernising public policies (which met in June 2008) modified its original proposals. Finally, at *département*-level, a directorate of social cohesion may be created (if it is justified by the situation of the *département*) and in this case, those responsible for equality in the *département* will be attached to it, thus removing their independence. After a change of opinion, the regional level has been 'saved' and remains attached to the general secretariat for regional affairs (at the level of the *Préfet*) and not, as was originally planned, 'drowned' in the regional directorate of youth, sport and social cohesion. Finally, there is still uncertainty regarding the future of the central level...

Equal opportunities policy frameworks, action plans etc.

Besides these decisions regarding institutional restructuring, there have been new statements on equality, as well as a press conference organised by the Minister of employment, an announcement about a new draft law and working groups...

- Let us firstly recall that a **law adopted on 23 March 2006 concerned equal pay** (see the 2006 report). This law contains 3 parts: abolition of pay gaps; work-life balance; access to occupational training and apprenticeships.

- **Abolition of pay gaps:** compulsory bargaining is envisaged in order to abolish pay gaps by December 2010. A diagnosis of the gaps should be made. There are penalties for those companies, which do not embark on "loyal and serious" negotiations: a sector-level agreement without measures for abolishing pay gaps cannot be extended; company pay agreements will only be registered if negotiations have been opened on this topic; finally, in three years, if necessary, a financial contribution will be introduced, based on the total wages bill for companies, which have not embarked on negotiations.

An assessment of the number of agreements signed in the context of the 2001 law shows that only about 2% of companies have signed such agreements. Their impact is small, even if there have never been so many agreements before on this topic (about 150 agreements have been listed). At sector level, out of 163 sectors, 109 have opened negotiations (i.e. 66%), but only 11 (6.7%) have signed an agreement.

Work-life balance: the bill consolidates the rights of women on maternity leave, notably concerning pay, holiday and protection against discrimination. It provides for an increase of at least 10% of the training allowance for employees who have extra childcare expenses, in order to be able to go on a course out of working hours and also provides for financial help to enable small companies to temporarily replace employees on maternity or adoption leave.

- **Improvement of young women's access to apprenticeships** and basic and continuing training: the partners involved in vocational training will be invited to take better account of the requirement of gender balance.

It should be noted that a fourth topic was envisaged in the law: ensuring better representativeness of women – on boards of public companies and also employee representation

bodies. **But the Constitutional Council considered that this measure introduces the notion of quotas, which is not in line with the French Constitution and therefore removed this point.** Unlike Spain or Finland, this decision can be considered to be a negative one and will not promote the place of women and equality in decision-making bodies. It is even a step backwards, as the 9 May 2001 law aimed notably at promoting women amongst the elected members of employment tribunals, which is thus called into question by this decision.

- Concerning this last point, a **constitutional change** has just modified this principle: on 21 July 2008, the French constitution was changed and now states: *'The law promotes equal access for women and men to electoral mandates and elected functions, as well as to occupational and social responsibilities'*. In other words, nothing now stops the introduction into the occupational field (company management and workplace elections, etc.) a quota, reserved seats and even parity, as is the case in the political field.

The conference of November 2007: two joint working groups (unions, employers, the State and experts, etc.) had been set up in order to ensure better implementation and development of tools promoting equality. These working groups presented their results at a conference on equality:

- An initial project concerned **the comparative situation report** (Rapport de situation comparé, RSC): only 30% of companies provide these compulsory gendered data. A proposal for a revised version of the RSC and a guide were drawn up, based on 3 aspects: comparison of women's and men's employment conditions in order to pinpoint any **pay gaps**; conditions regarding **career developments**; and finally information on the **general situation of women** (working time, gender balance of occupations, work-life balance and so forth). For each aspect, it is a matter of using indicators to report on the situation; understanding the situation on the basis of analysis of the data, and finally, drawing up a plan of action. For companies with between 50 and 300 employees, measures that simplify the 'single annual report', which partly concern equality, are proposed in relation to the same three aspects.
- The conference provided for **the creation of a financial penalty** for companies, which have not drawn up a plan for absorbing pay gaps by 31 December 2009 (negotiated on the basis of the RSC). However, until now, this point has not been followed up with concrete measures (a new decree should be proposed?).
- Another aspect should be the subject of an occupational conference on the use of imposed **part-time work** in sectors concerned by this, but until now, no date has been proposed.
- As far as **reconciling times** is concerned, the debate has been postponed until the implementation of a **legal right to childcare** (which was due to happen in 2010 and was then postponed until 2012; see the thematic report on forms of childcare). A report has just been made on this legal right¹. It indicates that about 350,000 additional places are needed in order to meet families' needs. But given the cost (1 to 4 billion Euros), the choice seems to be in the process of being directed towards reinforcing the role of childminders, rather than crèches, which are acclaimed (but much more expensive). The report recommends measures that are considered dangerous by the CGT, because they involve entrusting 4 children, instead of 3, to childminders, as well as creating new structures, called 'awakening gardens' for 2 to 3 year olds, with fewer staff than in crèches...

- Assessment of the **equality label**: it should be recalled that since 2004, an equality label that

1 M. Tabarot, "Rapport pour le développement de l'offre d'accueil de la petite enfance, mission pour le 1^{er} ministre.

is certified by an independent body offers recognition for companies' actions promoting occupational equality. In 2008, only 38 companies have this label, because of major procedural constraints (obligation to have an equality agreement in a social climate that is sometimes tense). According to the latest assessment carried out in 2008, 50 requests were examined, of which 41 were presented to the labelling commission (which is composed of representatives of the social partners, the certification body and the ministry). Given the small number of companies, which have the label, a more flexible procedure has been drawn up for companies with fewer than 50 employees.

A *Charter on parenthood* has been drawn up and was presented by the Ministry of Labour to big companies in March 2008. It has 3 objectives:

- changing companies' images of parenthood;
- creating a favourable environment for employees who are parents, especially for pregnant women;
- respecting the principle of non-discrimination in the careers of employees who are parents.

This charter has already been signed by 30 companies and will be followed by an observatory of parenthood in companies.

Although the principle of getting companies to undertake to develop measures that promote parenthood (for both parents) is a correct one, some criticisms have been made of the low degree of commitment required by the charter: some company agreements go further (developing workplace crèches, funding childcare, adapting work organisation and so forth).

A.4. Policy needs and challenges with respect to gender

Introduction

Although some measures promoting equality in the labour market have been introduced, as we have indicated, it is nevertheless true that major changes in employment policy since 2006 are also at work (especially since 2007 with the change of government). **But most of these measures that we are going to present are having a big – mainly negative - impact in gender terms, without it being mentioned anywhere.** Everything is happening as if gender mainstreaming policies did not exist – on the one hand, the reduction of inequalities, notably regarding pay, is advocated, but, on the other, there is an increase in flexible measures, including more flexible contracts, as well as greater controls of the unemployed... which indirectly reinforce inequalities for women in the most insecure situations, and especially those with family constraints...

A.4.1 - Attract and retain more people in employment, increase labour supply and modernise social protection systems

Different measures concerning this aspect: although, as we will see later, the government speaks of aiming at 'rendering career paths secure' by 'modernising the employment contract' (see A.4.4), it also demands compensations regarding the unemployed via stricter controls on them. Moreover, there is now a wide-ranging debate on generalising an experimental measure regarding 'active solidarity income' (revenu de solidarité active, RSA).

Law on 'rights and duties of jobseekers': towards a 'reasonable job offer' at the risk of penalties, January 2008

The principle:

Today, penalties can be legally imposed if one refuses the first job offer. But it never happens - ANPE staff are reluctant to stop allowances for people who are already in a difficult situation. Henceforth (since January 2008), the principle that a 'reasonable' job offer cannot be refused more than twice by an unemployed person - at the risk of penalties - is now in force. According to a document sent by Bercy (Ministry of finance) to the social partners, jobseekers must accept any paid job that is at the same level as their previous pay in the first three months of looking for employment. After 3 months of unemployment, they must accept a drop of a maximum of 5% in their pay, on condition that relevant laws and rule are respected (e.g. full-time employees cannot be paid less than the SMIC). The job must also be '*compatible with the jobseeker's qualifications*' and '*be in the geographical area defined for their search*'. After 6 months, jobseekers can be obliged to accept a drop in pay of 20%, and travelling time of up to two hours per day using public transport. Travelling distances between home and work cannot exceed 30 kilometres.

After a year, conditions regarding allowances will be even more restrictive: any job paid at the level of unemployment allowance (i.e., most often 57.4% of previous pay) will be considered acceptable. After a second refusal, jobseekers will be removed from the ANPE lists for two months, thus leading to the provisional suspension of their allowance.

In order to counterbalance such increased 'repression', the draft law indicates that the new body resulting from the ANPE-UNEDIC merger must propose accompanying measures. It must, therefore, define along with the jobseeker, a personalised plan and, if necessary, propose training. This is what the ANPE already does in the form of the Return-to-employment support agreement (Convention d'aide au retour à l'emploi), which was negotiated in 2000 by the social partners, without ever having been implemented... A study undertaken by the CFDT-ANPE in July 2008 shows that it is often '*mission impossible*' for the ANPE. The study examined in detail the work of 834 ANPE advisers and shows that often 'monthly personalised follow-up' remains virtual: in many offices, the advisers do not have enough time to see all jobseekers' whom they should be following. In theory, an adviser should see 11 unemployed people per half-day, but the 'schedules do not have enough space for them'. The interviews last 30 minutes when signing on, instead of the usual three quarters of an hour, then 20 minutes for the follow-up appointment after the 4th month of unemployment and then 10-15 minutes afterwards. In this region, the follow-up of more than 2,300 jobseekers was 'attributed to staff who had retired, had changed offices, left the ANPE or even died'.

Analysis of the measure and comments from a gender viewpoint

The unions and associations of the unemployed strongly reacted to these proposals. The CGT notes the changeover from the concept of a 'valid job offer' to an 'acceptable' offer and indicates that 'this will contribute to forcing the unemployed to accept job offers below their level of qualifications, along with lower pay and geographical constraints that are **incompatible with family life**'.

This measure has indirect effects on unemployed women: those for whom childcare is a problem and for whom travelling time runs the risk of becoming even longer, whereas childcare arrangements generally are not very flexible and cost a lot.

Active solidarity income: a measure of solidarity or inequality?

'Active solidarity income' (revenu de solidarité active, RSA), which has already been introduced experimentally in some regions, is an allowance that aims both at replacing existing minimum social benefits (such as the RMI and API (Single parent's allowance: allocation parent isolé)) and at substituting measures for encouraging return to employment (such as the Bonus for returning to employment (Prime de retour à l'emploi, PRE) and the Employment tax credit (Prime pour l'emploi, PPE)) whose effectiveness has been contested on several occasions.

The RSA is minimum income for people who do not work and additional income for those who work. It is thus a 'mixed' instrument, which puts an end to divisions between measures and gets rid of gaps in them.

A person, who has no income from work, will continue to receive the equivalent of the RMI. This is full-rate RSA, because there is no other income. People with low income from work – whether they had RMI before or not – will also benefit from RSA, as an addition to their income, which is on a sliding scale and gets smaller as their income from work increases. The amount that is given via RSA is calculated to represent up to 60% to 70% of additional income (i.e. up to a total of 1.04 times gross SMIC, which is currently €1,374).

For example: if a person earns €500 (part-time work paid at the level of the hourly SMIC), then RSA guarantees an income of about €800 (i.e. 70% of the €500 on top of the minimum safety net (€450)). If this person does not receive any other allowance (except for housing allowance), the amount of RSA provided will be €300 per month. If she receives other allowances (such as family allowances and so forth), the amount of RSA will be the difference between €300 and the amount of the allowances.

In order to be fair, the amount of RSA given, takes into account the family situation and all the income of the family.

RSA will incorporate the PPE², thus rectifying unfair effects. Today, half of poor workers do not receive it.

How much will this measure cost?

Today, about €5.5 billion are spent on RMI, 1 billion on API, 4.5 billion on PPE and 0.5 billion on different forms of assistance for returning to employment. This comes to a total expenditure of €11.5 billion.

€1,5 billion will thus be added to the country's efforts to help poor workers and those on minimum social benefits, which will go up from €115 billion to €13 billion. This is the general context of discussions on the effects of refocusing PPE so that the €13 billion will be useful expenditure.

But the introduction of RSA is taking a long time. According to government sources, it will not be generally introduced until 'the second half of 2009 – not in June or July next year, as was initially

² **PPE** (Employment tax credit): this incentive to return to employment is for those on low and very low pay at the level of the SMIC (both full- and part-time): the credit will increase from 538 to 802 Euros in 2007 (i.e., 66.8 Euros per month). The tax credit for part-timers on minimum pay will increase from 300 to 742 Euros (i.e., 61.8 Euros per month).

planned...

Analysis of the measure and comments from a gender view point

RSA will provide more marked support for those who work part-time, because it often concerns those doing imposed part-time work and poor workers. It thus implicitly aims at a majority of women accepting, or staying in, part-time work.

According to the authorities, **'it is not shocking to support part-time workers'**. Often the return to employment does not happen directly with a full-time job and there are part-time situations that last a long time. In personal services jobs, there are part-time workers who are in situations where they do not have more income than if they did not work'. However, this measure does not make it possible to reduce and combat imposed part-time work, on the contrary, it encourages its development!

A measure that masks a coercive, repressive policy which punishes poorest people.

RSA in fact aims at 'rewarding' only those who return to paid economic activity. The 'obligation' to look for a job' replaces 'the financial incentive to return to work'.

There is no measure for young people – for those under 25 (for are not entitled to RMI). No measure is envisaged for the millions of people who live below the poverty threshold, but who are not in a position to return to employment. **The great majority of these people are women.** RSA will redeploy PPE: **one takes from less poor people to give to the poorest people.** This measure will leave to one side those who are most fragile and removed from employment, such as the disabled, older people, lone mothers, whose income is way below the poverty threshold. Finally, with RSA, **very short part-time work and very low pay will be encouraged – both of which concern women most and will only nourish employee poverty.**

Pursuit of pension reforms and the employment plan for older people

Following on from reforms in 2003 and the 2006 plan for older people, new measures have been applied in 2008:

In spite of strong trade union protest, the number of contribution years has been increased from 40 to 41 years, as was planned by the 2003 reform. Another issue that has sparked off heated debate is the abolition of special schemes (SNCF (railways) and RATP (Paris urban transport), etc.).

A new plan for the employment of older people adds to the previous one (2005):

- Obliging companies with more than 300 employees to sign agreements on age management and the employment of older people by the end of 2009, **at the risk of being penalised by additional pension contributions in 2010.**
- Abolishing the obligation to retire because of an automatic age limit (65) in 2009.
- Avoiding the use of '*de facto* early retirement'. Redundancies and early ends to contracts for older workers are still frequent – the unemployment benefit system covers them until retirement age. These practices will be limited by harmonising the tax and social contributions systems when contracts are terminated (by employers or via an agreement).
- Making it easier to combine employment and pensions for pensioners who are 60 years old and have full contribution records and for all pensioners over 65.
- Gradually raising the age at which one is not required to seek employment for the unemployed over 57 until the dispensation is completely abolished.

Comments from a gender viewpoint

The various pension reforms especially affect women. This dimension was due to be taken into account, but is not yet the case. Longer contribution requirements for receiving a full pension make the end of women's careers even more difficult, as they have often been interrupted over the years. Although the obligation to negotiate about the employment of older people is a good thing, equality between employees should however be incorporated into these agreements. Moreover, all the proposed measures should take into account specific situations regarding arduous working conditions (in the broad meaning of the term, including service jobs), and also render the system more flexible for the most vulnerable workers.

A.4.2 - Improve the adaptability of workers and enterprises

the law on the renewal of social democracy and the reform of working time (July 2008) has also caused quite a stir.

The principle:

This law is based on an intersectoral agreement on **union representativeness** and was signed by both major trade union confederations (CGT and CFDT). Henceforth, unions must prove their representativeness by the votes they receive during workplace elections. They must obtain 10% of the votes in companies, in order to be able to sign agreements, and 8% at sector and intersectoral levels. In order for an agreement to be valid, it must be signed by unions that have obtained 30% of employees' votes and not be opposed by unions representing 50% of employees. This law makes it possible to make agreements more legitimate and prevent some companies from using the signature of one minority union to adopt measures. However, smaller representative unions (notably the CFTC, CFE-CGC and partly CGT-FO) have rejected this principle.

A topic, on which there was no bargaining and is 'imposed' in the new law, is that of working time. All the unions and even employer organisations are against it.

Working time: The 35-hour week remains the legal length of working time in France. However, at company level, employers and unions can now negotiate its duration and exceed overtime limits up to a limit of 405 hours per annum. This law also opens up the possibility for companies to increase the working time of the 40% or so of executives, who come under a 'system of a fixed number of days' (régime du forfait jours). This system means that overtime is not paid for the days that one is contractually present in the company. The executives' unions affiliated to the CGT, CGC and CFDT are very angry and denounce the new legal ceiling, which is increased from 218 to 235 days and applies if there is no company agreement (up to 282 days if there is an agreement). The new ceiling just maintains five weeks paid leave, all Saturdays and Sundays and 1 May. According to the unions, executives can be asked to work up to 235 days and not have public holidays, of which there are, on average, eight per annum.

This is even more of a problem as 90% of collective agreements say nothing about public holidays, which in fact depend on the customs of the company and the employer's goodwill.

The minister has recognised that the law made it immediately possible for employers to exceed the amount of overtime applicable in their company without any negotiations or agreement with the employee representatives. Overtime is in the hands of employers, and employees cannot refuse to do it - it is no longer necessary to have the labour inspectorate's authorisation.

Companies currently have to respect a quota of overtime, which varies according to the sector-level

agreement or, in its absence, is fixed by law (220 hours per annum). In order to exceed these limits, it was necessary to ask for the labour inspectorate's authorisation – this will no longer be necessary. The limits, which are imposed for public health reasons - notably not working more than 48 hours per week - will remain in force. The 405 hours of overtime that are authorised by the new law correspond to 43.6 hours per week on the basis of 47 weeks of work per annum – this much more than the 35-hour week....

Analysis of the measure and comments from a gender viewpoint

The government's objective of 'working more to earn more' has now been partly introduced. There are workers who would like to be able to work more in order to earn more – especially women who are employed on a part-time basis, for example in shops, where job insecurity is a real scourge. In this sector women constitute 80% of those working part-time. Conversely, the new measures regarding the system of a fixed number of days excludes some women executives, as family constraints essentially fall on them and the timing of childcare arrangements is not generally flexible (which is perhaps not desirable from children's point of view) as it is now in companies, which can open on public holidays and work for up to 13 hours per day. These women executives will have to seek positions and jobs, which are less 'competitive' and where there is less time pressure, but where career prospects are perhaps more limited.

A.4.3 - Increase investment in human capital through better education and skills

Individual Right to Training (DIF). Following a multi-sector agreement, which was signed by all the unions, a law on vocational training was adopted on 4 May 2004. It incorporates the principle of DIF, which aims at enabling every employee to build up a credit of training time of 20 hours per annum that can be accumulated over six years and up to a limit of 120 hours. The initiative for using this acquired right to training belongs to the employee, but the implementation of DIF requires the employer's agreement as to the content of the chosen training. The multi-sector agreement indicates that one of the objectives is to introduce gender “parity” regarding access to training. **But it should be noted that some of the training time envisaged is outside working hours, thus making access more difficult for mothers.** At the beginning, DIF was not transferable from one sector to another, thus greatly limiting its accessibility in cases of employee mobility – and especially for women who have more transversal skills and occupations, such as assistants and administrative staff. The recent law on modernising the employment contract (described below) should facilitate transferring this right. A survey on DIF was carried out in 2006. It shows that more than 45% of training carried out in the framework of DIF concerned manual and clerical workers, 33% concerned foremen and higher level technicians, 15% managerial staffs and 10% professional staffs (thus reversing the usual situation of managerial and professional staffs having much more training than others). Most of the requests for training were made in **big companies**. Industry (64%) and banks-finance-insurance (63%) received most requests. Another striking fact of the study is the balance observed between training during working hours and training outside working hours – 48% of those using DIF in the companies that were interviewed do so mainly during working hours and 44% outside working hours. In all, 78% of DIF training in the banks-finance-insurance sector take place during working hours, whereas industry accepts them mainly outside working hours. The most popular courses requested concern languages (36%) and mainly take place at lunchtime or in the evening. Computer and word processing courses are also popular (35% of requests), followed by those which are directly linked to a specific occupation (15%). **But, it should be noted that, according to the Ministry of Employment, only 3.6% of employees used DIF in 2006 (i.e. 14% of companies). Amongst them, more than half were men...** This could still change, as it is a recent measure (in 2005, only 6% of companies used DIF). Moreover, the share of women can increase as, in general, more of them benefit from specific forms of training (such as for validating

skills acquired on the job and for skills assessment) compared with all forms of training, which they request less, because of the structure of employment (more managerial and professional staffs than clerical workers go on courses).

A.4.4 - The general labour market situation and flexicurity

Following the various measures presented in the three previous sections, such as the adoption on 23 July of the law on renewing social democracy and reforming working time, all the ambivalence of the government's social policy can be felt – 'Sarkozyism seems flexible' both regarding content and methods, as a journalist at *Le Monde*, whom we quote here, emphasised.

The reform of union representativeness, which had been left to one side by all previous governments since the rules were fixed in 1950, has profoundly changed industrial relations. Unions now have a way of finding their lost legitimacy. The law on minimum service in passenger land transport satisfied the right-wing electorate without really jeopardising the right to strike. Modernisation of the labour market introduces 'flexicurity', which gives more importance to flexibility, especially regarding terminating employment contracts, but it results from an agreement between the employers and unions (except for the CGT).

There is ambivalence concerning the 35-hour week. The law on working time does not sign the death warrant of the 35-hour week, but it potentially deprives the Aubry laws of all substance. As for overtime, the ability to render time-off-in lieu optional and increase executives' fixed number of days up to 282 per annum (via an agreement), means that the dismantling of the 35-hour week continues.

M. Sarkozy's method is also very flexible. He knew how to develop new relations with the unions, but then lost the emerging confidence of the CGT and CFDT by only taking account of part of the agreement with employers. This rift runs the risk of greatly influencing work on future issues. The other limit of social Sarkozyism is financial. The President can flatter himself for having implemented his programme quickly, but the coffers are empty and he is obliged to do less than planned. This can be seen in relation to the Active Solidarity Income (Revenu de solidarité active, RSA), which could be postponed until 2010, in order not to be without money. Reforming also means funding reforms.

In France there are many debates at different levels that more or less directly concern flexicurity - university debates (symposiums, publications and so forth³); institutional and governmental debates (numerous official reports and proposed laws⁴, etc.); and also debates at the level of the social partners (union proposals for “guaranteed social protection and employment rights throughout working life” (CGT) and for “making career paths secure” (CFDT), as well as the signing of an agreement on this topic (signed by all representative unions, except for the CGT, which is the union with the greatest support, according to the results of workplace elections)). The specifically French feature of these debates is to focus on the employment contract, much more so than on the other

3 For example: Auer P., Gazier Bernard, 2006, *L'introuvable sécurité de l'emploi*, Flammarion, Paris. Castel Robert, 2003, *L'insécurité sociale. Qu'est-ce qu'être protégé ?*, Paris, Seuil, La république des idées. Fagnani Jeanne, Letablier Marie-Thérèse, 2005, “Social rights and care responsibility in the French welfare State”, in B. Pfau-Effinger and B. Geissler (eds), *Care and Social Integration in European Societies*. Bristol: The Policy Press. Gautié J., Gazier Bernard, 2003, « Equipping market for people: transitional labour markets as the central part of a new social model », SASE, Conference 2003, Aix-en-Provence. Gazier Bernard, 2003, *Tous « sublimes »*. Vers un nouveau plein-emploi, Paris,

4 One of the most recent ones: Cahuc Pierre, Kramarz Francis, 2004, *De la précarité à la mobilité : vers une sécurité sociale professionnelle*, Rapport aux Ministres de l'Economie et de l'Emploi, La documentation Française, novembre.

dimensions of flexicurity (for example, when the Danish model is advocated in France, reference is not made to the major differences between the French and Danish versions of the Welfare State). Moreover, the French industrial relations system is far from being similar to that of the Nordic countries or even of the Netherlands - with difficulties regarding the social dialogue, low levels of unionisation and strong unions divisions... And for many years already, certain labour advantages have been challenged, including a major reduction of the unemployment benefit system and controls of the unemployed; reforms of pension schemes; while unemployment remains high. These are all factors that are incomparable with the countries that are quoted as being a “model”. Therefore, for many people in France, flexicurity is synonymous with rendering employment contracts more flexible and termination of contracts without sufficient compensation for employees and the jobless.

This topic has never in fact been tackled from a gender point of view, although in France flexibility is accompanied by increasing part-time work (the great majority of which is done by women) and also by the development of parental allowances (which are only taken up by women!). The issues of returning to employment or changing to full-time work do not seem to be addressed, whereas they are in other debates. **Gender is a blind spot**⁵. No one wonders officially about the impact of these changes on the employment conditions of women. Is there not a risk of consolidating certain forms of discrimination, while elsewhere progress on gender equality is advocated? Most of the debates and undertakings in France concerning employment tend to ignore the gender dimension, but at the same time (within the same Ministry) advocate measures for promoting gender equality – separately from the general measures. Thus gender mainstreaming is not applied concretely.

The main angle of flexibility dealt with here is that of the **employment contract** – how can French constraints regarding termination of contracts be made more flexible, while at the same time maintaining a minimum amount of security for employees? This is the question that is generally posed. Other aspects of flexicurity are also referred to, but they lead to fewer reactions – activating the labour market via incentives for returning to employment, by introducing, for example, the possibility of combining minimum social benefits with pay during a given period of time and the implementation of the RSA; reform of social protection (pension reforms and revision of unemployment benefits, etc.); life-long training. Thus, we can pinpoint two topics, which have marked the period and are contradictory, namely “modernising the employment contract” and “Individual Right to Training” (DIF)⁶.

The new law on modernising the labour market (July 2008). This law (which is based on the agreement reached in January 2008) 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)⁷ (that do not require giving reasons for terminating the contract). With respect to “rendering termination of employment contracts secure”, the employers' organisation (MEDEF)⁸ obtained the creation of two new ways of terminating contracts by mutual agreement: “termination by negotiated agreement” (by simple agreement between the company and

5 As far as we know, the exception is the work of Gender and Labour Market specialists, who have participated in a controversy in the edition of the journal, « Travail, genre et Société », which is due to be published in April 2008.

6 DIF: Droit individuel de formation. Individual right to training

7 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.

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

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...). The future will tell whether these new forms of termination will be widely used or not. The more positive terms used in the agreement - such as “permanent contracts are the normal and general kind of employment contract”, “responsible use of fixed-term contracts and temporary agency work” and “forward-looking employment and skills management” (human resources planning) – do not limit the real risks of the agreement. The unions, which signed the agreement, are pleased about the concessions won regarding the **“portability” of individual rights** when changing employer. But this progress is limited to partly maintaining top-up health insurance cover for six months after the termination of the contract and the possibility of transferring unused rights to **Individual Right to Training**, to a new employer with the latter's agreement. The agreement just states that it is necessary to provide compensation for employees, whose contracts have been terminated by mutual agreement, and “provide better benefits for shorter periods”. However, there is no indication – on the contrary – that the security of income of the jobless will be improved after the next UNEDIC⁹ (unemployment insurance system) negotiations. In all, although flexicurity may – in the abstract - seem seductive for some people, it means flexibility for employees and security for companies.

9 UNEDIC: Union nationale interprofessionnelle pour l'emploi dans l'industrie et le commerce (National Union for Employment in Industry and Commerce)

A 4.5 - Summary grids

Summary Grid 1 – Gender Specific Policies

POLICY INITIATIVE	PRIORITY		STATUS of the policy initiative				ADEQUACY of the policy initiative			EXPECTED IMPACT			
	High	Low	1	2	3	4	ade-quate	partly ade-quate	not ade-quate	Full	signi-ificant	partial	none
23 March 2006 law on equal pay	X				X	X	X					X	
Nov. 2007 conference: reduction of pay gaps	X		X					X			X		
Equality label		X			X	X		X				X	
Charter on parenthood		X	X					X					X

Legend. *Priority*: assess the priority of a given policy initiative with respect to: areas significant for gender equality, country specific recommendations and points to watch.

Status of policy initiative: 1 announced; 2 enacted; 3 implemented; 4 evaluated.

Summary Grid 2 – Employment Policies

POLICY INITIATIVE (by policy area)	STATUS of the policy initiative				GENDER MAINSTREAMING of the policy initiative			GENDER IMPACT ASSESSMENT		
	1	2	3	4	ade-quate	partly ade-quate	none	negative	Neutral	positive
1. Attract and retain more people in employment (GLs 18, 19, 20)										
Law on the rights and duties of the unemployed		X					X	X		
RSA (Active solidarity income)	X						X	X		
2. Improve the adaptability of workers and enterprises (GLs 21 and 22)										
Law on the renewal of social democracy and reform of working time		X					X	X		
3. Increase investment in human capital through better education and skills (GL 23 and 24)										
Individual rights to training (DIF)			X	X		X			X	
4. The General Labour Market Situation and Flexicurity (GL 17)										
Law on the modernisation of the labour market		X					X	X		

Legend. *Status of policy initiative*: 1 announced; 2 enacted; 3 implemented; 4 evaluated.

PART B - Short Response

1. INTRODUCTION

The French NRP is about 70 pages long. It is made up of 3 main themes: sustainable growth, reforms of the labour market and 'sustainability of public finances'. It presents more than 100 measures that have been adopted or are envisaged. In the introduction to the chapter on the labour market, the issue of gender equality is posed (on p.1). Throughout the report, the word 'women' appears 11 times; 'equality' (sometimes attached to equal opportunities or equal treatment in general) appears 22 times; but **the terms 'gender mainstreaming' (or 'integrated approach to equality' in French) are never used**. The issue of equality is only dealt with in one paragraph (pp. 44-45) devoted to 'promoting activity'.

2. THE ADEQUACY OF THE APPROACH

The section on 'ensuring occupational equality between men and women' is thus only half a page (whereas 3 pages are devoted to older people, who constitute a recurrent problem in France). Besides this formal dimension, the section on equality brings no new measure, which had not already been mentioned elsewhere (in the context of the 23 March 2006 law and in announcements that were made at the time of the conference on equal pay in November 2007).

- a. We should first of all observe that the only issue (which is certainly the most important, but not the only one) **concerns unequal pay**: it is a matter – as announced previously - of mobilising actors in companies (company and sector-level social partners) in order to reduce the pay gap, with the help of new tools (a new version of the 'comparative situation report'). Nothing is said about the difficulty women have in accessing employment (the above-average unemployment of women is just mentioned in the report's preamble). There is nothing on women's access to training and careers, nor on their difficulties regarding pensions; nor on under-employment (even though it is recalled elsewhere that women are the first victims of it). Even worse, nothing is said about a point that should be tackled this year, namely imposed part-time work, which affects a great majority of women who are in very insecure situations and on the edge of poverty. Each time that job insecurity and poverty are referred to, it is in neutral terms with no gender distinction being made.
- Moreover, the responsibility for dealing with the issue of unequal pay is put solely on companies. We of course know that most of the gaps occur in companies, however gaps also exist upstream (in the educational system and social perceptions), as well as alongside the labour market (effects of maternity leave and family constraints, and thus also the problem of 'reconciling times'), (i.e. the structural dimension of unequal pay).
- The only concrete measure, which was already announced a long time ago and should be implemented in January 2010, would be 'to reflect on implementing a financial penalty aimed at (...) companies that have not submitted a plan for reducing pay gaps...'. This point does seem to us to go in the right direction, but two criticisms can be made: firstly, many companies are likely to submit the report, and even negotiate an agreement, where it will be stated that 'there is no pay gap, in cases of equal average seniority and grades'. This is already the case in many agreements on equality: how can employees and trade unions be given the resources necessary to check on company figures, which are often not very transparent (basic

pay, without counting bonuses; little information on careers, etc.). The second criticism concerns the use of funds that are collected in this way: it is envisaged to give them to companies that want to embark on an equality approach: however, those that want to do so often have the necessary resources (they are usually big companies). Would it not be better to support SMEs and even very small companies that do nothing, because of a lack of resources and actors (absence of social dialogue)?

- However, a new measure has been announced: prefects (préfets) and département labour directorates – along with labour inspectorates – are going to launch a campaign for monitoring the implementation of the 23 March 2006 law (compulsory bargaining and production of a comparative situation report).

b. In terms of **gender mainstreaming**, throughout the French report - and especially in the chapter on employment - this transversal approach has been totally abandoned. Mention is just made a few times that women are most affected by unemployment, under-employment (in the introduction to the chapter on employment); and also that occupational equality is one of the bargaining topics (whereas the previous agreement covered the period, 2004-2007, and therefore this should have already happened a year ago). Only one paragraph (in the third part on 'ensuring the sustainability of public finances') concerns 'ensuring that each family has appropriate childcare'. Although the government had announced that by 2010 there would be a 'legal right to childcare for all children', here mention is made of 'promoting the supply of childcare', without specifying the number of places envisaged, nor the time-scale of this programme... Everywhere else, the gender perspective is not incorporated, although the proposed measures have a major impact in terms of gender. This is the case of 'modernisation of the employment contract'; of “flexicurity à la française”; of reasonable job offers; of de-taxing overtime; and of the introduction of RSA (Revenu de solidarité active: Active Solidarity Income). (All of these measures are presented in part A of this report). They have consequences that can be discriminatory for women (poverty and part-time traps; difficulties in returning to employment because of a lack of childcare facilities; less access to overtime...).

3. PRIORITY AREA

One of the essential problems that low-skilled women come up against is the **growing risk of insecurity especially via the development of imposed part-time jobs** in certain sectors: personal services, cleaning and distribution. From the point of view of gender and origins (because the great majority of them are foreigners or have immigrant origins), it is necessary to ensure that these women do not remain in such highly insecure situations, which mean that they increasingly become poor workers (living below the poverty threshold). The RSA does not have a declared 'gender', but it could concern women in particular, who – in order to earn a little more - run the risk of being stuck with 'little bits of jobs', because the RSA could be a “windfall effect” for companies.

PART B.

B.1. Overview of NRP

i) Structure and themes of whole report and of employment chapter

The French 2008-2010 NRP is 64 pages long (plus an appendix) and composed of three parts, of which the first, “sustainable growth, innovation and corporate development” accounts for a half. The part devoted to employment is called “opportunities for everyone” and is shorter than in the previous programme (15 pages). Finally, the last part concerns “sustainability of public finances” and deals with social protection (notably the pension system, prolonged economic activity and so forth). In other words, the adopted NRP no longer follows the usual guidelines, even though detailed analysis makes it possible to identify many measures concerning each aspect of the Lisbon strategy.

This NRP speeds up measures that were envisaged and carried out in the previous one. Almost 100 measures are announced - huge reforms promoting growth AND employment – with a will to strictly control public expenditure and rationalise institutions – are proposed. However, there is also mention of principles of “good governance” via “the involvement and support of all actors of change” (p. 10), with a will to display close collaboration between the State, trade unions and employers' organisations. It is, however, recalled that envisaged measures are subjected to the effects of the financial crisis (that occurred in October when the final report was being written up) and their impact on the real economy.

- The chapter devoted to sustainable growth, which is by far the longest, focuses on companies by facilitating their growth, especially as far as SMEs are concerned, by a more favourable regulatory and financial environment via the “4 August 2008 law on modernising the economy”. The key words are growth, competition and innovation. Sustainable development is also a confirmed priority in the report.
- The title of the second chapter, which is devoted to employment, is “opportunities for everyone”. Reforms of the labour market are pursued and the report asserts that structural unemployment is falling (when the report was written). But it recognises problems of duality (development of poverty, insecurity, long-term unemployment and persistently high numbers of people on minimum pay on the one hand – and an improved employment situation, on the other). It is a matter of “improving the functioning of the labour market, promoting economic activity and guaranteeing the sharing of the fruits of growth” (p.35).
- Finally, the last chapter on sustainability of finances aims at equilibrium in 2012, thus respecting the stability pact, “subject to the exceptional conditions we are experiencing” (p.53). It involves halving the rate of increase of public expenditure by an effort of all ministries and departments. A general revision of public policies (révision générale des politiques publiques, RGPP) is under way, involving in particular the reduction of the number of civil servants (23 000 jobs cut by not replacing departures). It is also a matter of reducing social security expenditure, especially in the area of health, even if measures for dependent older people are envisaged and it is announced (as envisaged since 2007) to “ensure that each family has suitable childcare” (but there is no longer reference to a “legal right to care”, nor are there any figures). Pension reforms will be pursued with longer economic activity requirements for all schemes (i.e. both for those with civil service status and those who are covered by private labour law). And also, in the long term, abolition of the exemption from looking for employment for those who are 58 – in order to promote the employment of older people...

ii) Relationship between employment chapter and economic chapters

The report insists on synergies between economic growth and employment via controlling expenditure. All the reforms regarding employment are linked to the context of current rationalisation and reforms. “The reforms are complementary: structural developments, which are stimulated by the reforms on the goods market, such as the creation or development of new companies, can only take place in a market that promotes mobility and guarantees securer career paths” (p.35).

But our analysis is more qualified: employment appears as a result of economic choices of rationalisation, and not as a priority that would presuppose additional expenditure with the aim of attaining, notably, equality. Employment measures, which we will detail later, follow a free-market rationale: it is, above all, a matter of promoting the economic activity of categories of people who are excluded from the labour market by changing financial incentives and a stricter obligation to to accept a job... these measures mainly concern the supply of work, not the demand of companies, though certainly with some compensation (such as “secure career paths”). The chapters on public finances and company competitiveness predominate over the employment objective, which will at best be the result of a (hypothetical) upturn in growth. Moreover, in chapter 3, the measures aim at reducing the number of civil servants and stricter reforms regarding pensions, thus penalising the labour market and in particular women. Here we note contradictions and tensions between these objectives: on the one hand (and given in more detail), there is a move towards rationalisation and restrictions of certain social advantages, and on the other, the report advocates (in a very limited way) equality, the fight against unemployment and inequalities, especially exclusion and insecurity, but without implicating the main actor of these processes, namely companies.

This is also the case as far as the method that is used is concerned. The report introduces measures that have been criticised by trade unions and certain groups (notably teachers: reduction of the number of public employees, lengthening of duration of economic activity, challenges to the 35-hour week and so forth), while at the same time calling for renewed and reinforced social dialogue (new principle of trade union representativeness that is supported by the two biggest unions, CGT and CFDT).

iii) Visibility of gender including evidence of gender mainstreaming, gender specific policies, use of gender disaggregated statistics

Since two NRPs, the trend in France is towards reducing attention to gender equality. For example, there are no longer gender disaggregated statistics (although they exist: see part A). It is particularly paradoxical as there have been some positive results (increase in women's employment and decrease in the unemployment gaps, etc.). The fact that the NRP does not report on this is revealing of the place that is now given to this theme in France's positioning in relation to the European strategy for growth and employment. Only pay gaps are treated (in half a page). This “silence” is fairly contradictory with the real situation, because the government has done various things and made announcements concerning equality, which do not appear in the NRP: since the 2007 conference, the report on the comparative situation of men and women has been modified (this is mentioned in one sentence in the NRP); according to personal information, there will be a conference with social partners on imposed part-time work; penalties for companies regarding pay gaps will effectively be adopted at the beginning of 2010; there will be an effort concerning childcare (postponed until 2010 or perhaps even 2012); an article of the Constitution has been changed regarding the possibility of promoting the under-represented gender in economic and social areas (company management, workplace elections and so forth). However, policy on equality is also contradictory because measures restricting bodies responsible for equality are envisaged in the

context of the RGPP (abolition of the ministry of parity).

Finally, as we said in the previous report, a gender mainstreaming approach is totally absent.

B.2. Adequacy of policy approach to meet challenges of gender equality and Lisbon project

i) Setting of national targets (employment, older workers, gender pay gap, childcare, etc.)

The objectives set by the Lisbon strategy regarding employment and Barcelona regarding childcare are not taken up again in the French NRP.

- Only the target concerning the **employment of older people** is mentioned, but as a bad result: “the quantitative target of the Lisbon strategy is to reach a 50% employment rate for 55 to 64 year-olds by 2010. The employment rate of older people in France (38.3% in 2007) remains below that of the European average (44.7% for EU-27) and of the target” (p.42). Measures for the employment of older people are recalled and reinforced (employment plan for older people with reinforced accompaniment of older job seekers, as well as the restriction of the use of early retirement by companies, etc.).
- **But, paradoxically, although France has achieved, for the first time, the Lisbon target of a 60% employment rate for women, this is not recalled in the NRP.** It is as if this progress in women's employment rate is not the result of an objective of French employment policy, but happened “by chance”. There are in fact few measures aimed directly at promoting women's employment, apart from the economy's needs regarding services (cleaning, commerce and personal services). But these sectors are highly feminised and do not offer sufficiently good quality employment (insecurity, short part-time jobs, atypical work schedules, very low pay, difficult working conditions, but little recognition and visibility of the arduous working conditions and so forth).
- Likewise, the levels of **childcare provision**, which are part of the Barcelona targets (33% for children under 3 and 90% for those over 3), are not mentioned.
- Special attention is paid only to **pay gaps** (although there are not European quantified targets). Firstly, the gaps (18.9% on average and 23.1% for executives) are assessed above European indicators that are usually used, as they are based on average monthly pay (including part-time). Some measures are taken up from the 23 March 2006 law and added to. On this point, concrete measures seem adequate because they strengthen monitoring of the implementation of the law (which is a real problem in France) via reinforcement of the role of the labour inspectorate. Penalties are recalled and envisaged by the end of 2009 for companies that “will not have submitted a plan for eliminating gender pay gaps” (p.45). This should encourage companies to provided quantitative information regarding this area and tackle unequal pay. But various criticisms have already been made about the target of eliminating (not only reducing) pay gaps: if companies provide such data, there is nothing to guarantee that real gaps will be taken into account (basic pay, without taking into account bonuses and careers...). We have already shown that many agreements that have been signed on this topic made the following observation: besides seniority, there is no (or very small) pay gap by average grade. Moreover, company size plays an important role in this area: it can be assumed that big companies will tackle this topic and there will be discussions between the social partners, but how can this dimension be taken into account in SMEs where there are many women, but little union presence? A simplified document for

companies with between 50 and 300 employees has been drawn up. It will be incorporated in the single document that these companies provide, thus running the risk of “drowning” the issue of equality. The attribution of specific resources for SMEs (using penalties collected) would perhaps have made it easier to take into account the issue of small companies. But in fact these funds will be “given to companies which wish to embark on an approach that promotes occupational equality and gender balance of jobs” (p.45). Does this not run the risk of financing companies that are already “game” and sufficiently sound financially to take the reduction of gaps on board?

ii) Overall assessment of adequacy of the approach given the employment and gender equality challenges

The various employment measures do not meet the objective of gender equality. Even if we do not identify an open and direct deliberate intention to discriminate or render women's situation insecure, certain measures could have indirect negative effects in the end. We will list the measures proposed in the NRP (most of which have already been presented in part A of this report).

- *Improving the functioning of the labour market.* This initial aspect is composed of institutional measures (such as the merger of the ANPE and UNEDIC in an “employment pole”), which do not have direct impact on women's employment, on the contrary (this merger could make it easier to accompany women jobseekers). However, the introduction of the principle of a “**reasonable job offer**”¹⁰ is confirmed. “The 1 August 2008 law on the rights and duties of jobseekers obliges jobseekers to increase the geographic area of their search and also limit the level of pay they ask for, in order to increase their chances of finding a job quickly” (p.38). We have already explained the principle, which is now confirmed here: after looking for a job for 3 months, jobseekers must accept a job paid 5% less; after 6 months, 20% less pay and up to two hours of transport per day; after 1 year, pay equivalent to unemployment benefits should be “acceptable”. After two refusals, benefit will be suspended. This measure is presented with advantages for jobseekers: more personalised accompaniment, the right to refuse 2 jobs instead of one as is currently the case. But it can be interpreted as increased checking on jobseekers and a will to make them accept employment that is below their skills (especially as the rule concerning refusal of a job had never been implemented). Moreover, **women jobseekers could be most affected by this measure**: the distance implies adequate transport facilities and local childcare that are compatible with their work schedules (whereas most are not flexible). Likewise, if unemployed women refuse a job, it is perhaps because of problems concerning childcare. Nothing is said about the gender of jobseekers and their family constraints. Although a few years ago, unemployed women who were on training could benefit from help with childcare, there is no longer anything about this.

“**Ensuring workers' mobility and rendering career paths secure**”. We have already presented “*flexicurity à la française*”: following an intersectoral agreement in January 2008 (which was not signed by the CGT, the biggest French trade union), the 12 July 2008 law on “modernising the employment contract” opened up new possibilities for flexibility regarding terminating employment contracts (called “termination by negotiated agreement” (*rupture conventionnelle*)). The advantage is to shorten notice on termination and only wait a fortnight for the opinion of the *département* director of labour. The amount of compensation is set by mutual agreement. Moreover, a new mission contract has been created for executives in the form of a fixed-term contract (of between 18

10 Previously France spoke of “valid job offers” (*offres valables d'emplois*).

and 36 months) (see part A for details). These elements promote flexibility for companies, which are compensated for by new tools regarding “rendering career paths secure for employees”: bargaining on forward planning of jobs and skills; increased access to life-long training and validating skills acquired on the job (*Validation des acquis de l'expérience*, VAE); and “transferability” of certain rights in cases of redundancy: guaranteed individual rights to training (*Droit individuel à la formation*, DIF) (20 hours per annum) and maintenance of top-up health insurance cover for 3 months. We have already shown that these measures are completely gender blind. This flexibility in terminating contracts mainly concerns the jobs of executives and professional engineers, where women are under-represented. However, it can be considered that maintaining rights to training and developing life-long training and VAE are advantages that could especially benefit women.

Consolidating life-long vocational training. This involves reforming vocational training by improved involvement of all actors (including regional ones); increasing the number of people registered for continuing training (from 333,000 currently to 400,000 in 2010); increasing the proportion of jobseekers in training (especially younger and older people). This important section should indirectly concern women, but nothing is said about this dimension.

- *Promoting economic activity.* There are many aims (and ones that are even contradictory from a gender perspective): it is a matter of increasing the attractiveness of work (the TEPA law); promoting older people's employment (2 pages); promoting young people's employment; **ensuring occupational gender equality (half a page)**; improving working conditions; attracting foreign workers.

Equality is treated (only once in the report) alongside older people, young people and foreigners... There is a return to a “category-based” - not a transversal - vision of equality, because there is no reference to “double discrimination” in this chapter (older women, young women or foreign women).

The **TEPA law** (work, employment and purchasing power) provides – as we described in part A – for increasing overtime with financial incentives and thus an implicit challenge to reduction in working time (*réduction du temps de travail*, RTT). We have already shown that women are largely in favour of reducing working time and that those who want to “work more to earn more” were part-timers and would not benefit from the TEPA law. Increased overtime for full-timers is, however, incompatible with the constraints of family life that fall mainly to women. These dimensions are absolutely not at all referred to in the NRP.

The **plan for older people** is reinforced (accompaniment of older jobseekers; restrictions on early retirement; incentives to prolong economic activity; abolition of the exemption from looking for employment...). There is never reference to the difficulties met by older women, even though they do not have enough contribution years because of career breaks... and special accompaniment ought to be introduced... The same goes for **young people**, because the above-average unemployment of young women remains high (no quantitative data are provided). Also measures regarding subsidised jobs, such as CIVIS (Integration into society contracts, *Contrats d'insertion dans la vie sociale*), should accompany up to 800,000 young people by 2010, but nothing is said about the proportion of young women, even though the NAPs around the year 2000 gave gender disaggregated statistics and also presented a target for women.

Ensuring occupational equality: we have already presented the 3 relevant aspects of pay gaps, but can regret that other measures - such as access to employment; gender balance of training and

public facilities; work-life balance; pensions; imposed part-time work – are not dealt with.

- *Ensuring better distribution of the fruits of growth*: the principle of “**renewing pay bargaining**” is one of the issues tackled in this section. It is a matter of consolidating sector-level bargaining on low pay (which is sometimes below national minimum pay (SMIC)). These measures go in the right direction because now $\frac{3}{4}$ of agreements on minimum pay are in line with the SMIC. It should be noted that they concern women in 80% of cases and they hardly have any career perspectives. But nothing is said about taking into account equal pay issues during these negotiations. And yet, measures that were provided for a long time ago (in the 2001 law) are coming into force: during the procedure for extending agreements, the Ministry of Labour can formulate observations if the agreements have shortcomings regarding this issue and/or if there are no real concrete measures. **Refusal to extend or imposing a return to bargaining have been envisaged for unsatisfactory agreements.** Bargaining should take place on the basis of information contained in the comparative situation report, which we have already mentioned.

The first point of this section concerns “**the battle against poverty and exclusion**”, in which we find the **Active Solidarity Income** (*Revenu solidaire d'activité*, RSA) that was presented in part A. The objective is to make work more attractive than economic inactivity by additional income that is maintained and guaranteed on return to work (and replaces other existing minimum benefits (in particular, Minimum Integration Income (*Revenu minimum d'insertion*, RMI)). It is mentioned in the NRP that in test zones the RSA has made it possible to increase return to employment by 30%. But nothing is said about the kind of employment that has been found (part-time, conditions of employment and so forth). We have already highlighted the potential risks of the development of “insecurity traps” if there is no accompaniment regarding the types of employment, their duration, methods of integration and jobseeking. In other words, it is not possible to reduce the huge issue of “working poor” (i.e. people who work but remain below the poverty threshold) simply to the issue of financial incentives. Certainly, earning more is vital for these people, but it is not the only reason for their difficulties regarding integration, especially for mothers, who are sometimes lone parents.

Finally, there is a section on “**the fight against discrimination**”, which goes in the right direction. This NRP takes into account all forms of discrimination and this is the role of the High Authority Against Discrimination and For Equality (*Haute Autorité contre les discriminations et pour l'égalité*, HALDE). After the launching of a diversity charter (in 2006) on the initiative of companies (almost 2,000 signatures), a diversity label has just been created. This label will be awarded to companies on the basis of various criteria by a mixed commission (State, social partners and national association of human resources directors (ANDRH)). We have followed this process and regret just one point: as there is already an equality label in France (signed by only 44 companies and not referred to in the NRP), this new diversity label which almost 400 companies are already interested in “excludes gender” amongst the forms of discrimination. No link between the 2 labels is proposed, whereas we know that gender is transversal and that diversity policy is supposed to incorporate all forms of discrimination... A precondition for obtaining the diversity label could have been respect for legislation regarding gender equality by the existence of a process promoting equality (bargaining, agreement, charter, label and so forth).

iii) Checklist on gender equality and gender mainstreaming

Grid 3 – Gender equality and gender mainstreaming in 2008 NRP

	In NRP	In empl. chapter	Comments (including comparison to past cycle. 2005-2007)
References to gender (frequent, some, infrequent, no reference)	no	some	It was already the case in the previous report. There are fewer and fewer references to equality.
Use of gender disaggregated statistics (good, limited, very limited, none)	none	Very limited	This is surprising because such data exist and are now published each year in France (« chiffres clés de l'égalité ») and (« regards sur la parité »)...).
Evidence of gender mainstreaming of policies (good, limited, very limited, none)	none	Very limited	We already drew attention to the absence of a gender mainstreaming approach in the previous report; measures concerning the various aspects of employment have repercussions for women's employment.
Evidence of gender auditing/evaluation of policies (good, limited, very limited, none)	none	none	We also emphasised that many measures on equality (not present in this report) should be assessed, but are not.
Setting of national targets for women's employment (yes/no - give rate plus year- if applicable)	no	no	There is no information regarding respect for Lisbon and Barcelona quantitative targets regarding equality. And yet, France has good statistical results on gender: achievement of the target of 60% employment rate for women and reduction of the unemployment gender gap.
Give details of any other gender specific targets set			
Childcare targets (yes/no - give details if applicable)	no	Just one reference at the end of the report "ensuring that each family has suitable childcare"	Although the announcement of the creation of 350,000 necessary places had been made and mentioned in a big way in the previous NRP, there is no reference to it in the new NRP.
Policies to close gender gaps (yes/no - specify whether for employment, unemployment and/or pay)	no	Yes only on pay	
Evidence of involvement of equality bodies or NGOs dealing with gender issues in NRP- (yes/no/not specified – if yes give brief details)	no	no	There is regression on this point: the Ministry for parity has been abolished (there is a Secretary of State in charge of equality and disablement...), the decentralised women's rights services are under threat... On the other hand, the HALDE is playing a more important role, but does not only deal with equality (but all forms of discrimination, above all those related to people's origins).
Reference to CSR of PTW (yes/no/not relevant)	Not relevant	Not relevant	
Reference to European Pact for Gender Equality (yes/no)	no	no	

Grid 4 – Summary of Gender mainstreaming of policy measures and expected Gender Impact Assessment

	NRP coverage of policy initiatives			DESCRIPTION of policy initiative (including comment on gender mainstreaming in the NRP)	MAIN STRE AMIN G (yes/no)	COMMENT (expert evaluation of the impact of the policy initiative on gender)	GIA (positive, neutral, negative)
	1	2	3				
POLICY AREA							
1. Attract and retain more people in employment (GLs 18, 19, 20)							
Law on rights and duties of jobseekers		X		Obligation to accept a “reasonable offer of employment” (end of benefits after refusing 2 jobs, including with a drop in pay and up to 2 hours of transport per day). No comments on gender mainstreaming in the NRP.	no	This measure can disadvantage the situation of women jobseekers especially mothers (constraints of schedules, drop in pay and so forth).	negative
Active solidarity income (RSA)		X		Supplement to income (replaces RMI) depending on pay received on return to employment, in order to make work more attractive than economic inactivity. No analysis in gender terms.	no	This measure makes it possible for the unemployed to take up an economic activity, but can lead to very short part-time jobs and an “insecurity trap”, of which women above all would be victims, if measures of accompaniment towards employment are not proposed.	negative
Promoting gender equality		X		Simplification of the comparative situation report and making it really compulsory (monitoring by labour directorates); announcement of financial penalties in the absence of a plan for eliminating pay gaps (for January 2010).	yes	These measures should have an impact on reducing pay gaps and, above all, on mobilising companies (fear of penalties). But SMEs will not necessarily be more helped than before, if the funds that are made available are not attributed to them.	positive
2. Improve the adaptability of workers and enterprises (GLs 21 and 22)							
The TEPA law		X		In this law, a section concerns liberalising overtime (and implicitly challenging reduction in working time). Nothing is said about the gender impact of this measure.	no	Women in short part-time jobs will not benefit from this measure, while those who could possibly do overtime (full-time women executives...) have strong constraints regarding schedules, which are not taken into account here.	negative
Reinforcing the obligation to negotiate on pay inequalities at sector- and company-levels.			X	Amongst the measures concerning gender equality is the will to involve the social partners more in bargaining.	yes	This measure exists since the 2001 law, but has little impact; reinforcement of monitoring is positive.	positive

3. Increase investment in human capital through better education and skills (GL 23 and 24)						
Rendering career paths secure (in the framework of the law on modernising the employment contract)		X	Negotiations on forward planning of jobs and skills and consolidating VAE (validating skills acquired on the job) and DIF (individual right to training).	no	It will be possible to observe positive effects, but this is not incorporated in the approach.	positive
Reinforcing access to life-long training			X Increasing the number of people in continuing training.	no	Idem. It will be possible to observe positive effects regarding equality, but this is not incorporated in the approach (no women in the “targeted” public; it is rather targeted at older people and youth)	neutral
4. The General Labour Market Situation and Flexicurity (GL 17)						
The law on modernising the employment contract		X	New possibilities for making termination of contracts more flexible, compensated for by “transferability” of certain rights in cases of redundancy.	no	No assessment of the public concerned by these new “contracts” - a priori they concern rather men (professional engineers); however, compensation in terms of “rendering career paths secure” could be more favourable to women.	neutral

Legend. NRP coverage of policy initiative: 1 Not in NRP, but discussed by expert in Part A; 2 In NRP and discussed in Part A; 3 In NRP but not discussed in Part A.

B. 3. Example of policies

Up to five examples of policies likely to promote gender equality/ evidence of gender mainstreaming	Up to five examples of policies likely not to promote gender equality or of absence of gender mainstreaming
1.comparative situation report Men/Women	1. reasonable job offer
2.reduction of pay gaps	2. TEPA (overtime)
3. development of validating skills acquired on the job and also training, “rendering career paths secure”	3. RSA
4. developing childcare facilities	4. flexicurity (rendering the employment contract more flexible)
5.	5.

B. 4. General summary

The 2008 NRP develops no gender mainstreaming approach, as was the case of the two previous NRPs. There are measures promoting equality, but they are limited to pay inequalities and do not concern other forms of inequality (employment, unemployment, training, fight against segregation...). Even the issue of childcare, which was quantified in the previous NRP, is hardly referred to and only from the angle of families, not equality. And yet, in France, other measures regarding equality exist, but are not referred to here. On the other hand, many employment policy measures could reinforce inequalities in the labour market, because they do not incorporate the gender perspective. The typical case is that of RSA, a measure that seems socially equitable and ought to make it possible for many excluded people to return to the labour market, but which runs the risk of reinforcing “insecurity traps”. Because of a total absence of gender mainstreaming, we are in a contradictory situation between the implementation of measures promoting equality, on the one hand, and the development of measures that are seen as being neutral, but in fact have an indirect discriminatory impact on women, on the other.

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