

2.5.3. A possibility exists that discharges of waste water will cause peak pollution to occur at a time of the day (e.g. in the morning) which does not coincide with the maximum density of bathers.

2.5.4. The extent of the bathing area is not prescribed in Article 1. Moreover, the location of sampling points with respect to the point of discharge should not be overlooked.

3. Comments on the annexes

3.1. The Committee trusts that it will be possible to adapt standards to suit specific circumstances, although this should not lead to laxity in applying the Directive.

3.2. For one thing, it might be worth instructing the responsible authorities in the Member States to ensure that pollutants, other than those listed in the annexes, are not present in excessive quantities in bathing waters. This would particularly apply to cases where there is reason for suspecting the presence of such pollutants (e.g. because of the presence of industry). In addition, a special study should be made of the upsetting of natural balances by factors such as particularly hot summers.

3.3. The Committee trusts that the Commission will expand the annexes, so as to include inspection to ascertain the presence or absence of cyanophyceae (myxophyceae or blue algae). Such inspection should particularly be carried out in eutrophic waters. The temperature regime in eutrophic waters is favourable to the multiplication of such micro-organisms, whose long- and short-term toxicity (action on proteins) is well known.

3.4. On a more general note, the Committee finds that the increase in the discharging of hot water into seas and waterways by industry is causing water temperatures to rise. This is liable to alter the micro-biological characteristics of the water thus affected, and the Committee trusts that particular attention will be paid to this problem.

3.5. Similarly, a systematic search should be carried out for a relatively common amoeba which causes certain forms of meningitis for which there is at present no known cure.

3.6. Apart from the floating materials listed in the annexes, other solid matter, such as fragments of glass and metal, can constitute a hazard.

Done at Brussels, 24 September 1975.

The Chairman
of the Economic and Social Committee
Henri CANONGE

Opinion on the communication of the Commission to the Council concerning equality of treatment of men and women as regards access to employment, vocational training, promotion and working conditions

The text referred to the Committee was published in the *Official Journal of the European Communities* No C 124 of 4 June 1975, page 2.

A. LEGAL BASIS FOR THE OPINION

On 28 February 1975, the Council referred the abovementioned proposal to the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee prepared its Opinion on the above matter at its 133rd plenary session, held in Brussels on 24 and 25 September 1975.

The full text of the Opinion is as follows:

THE ECONOMIC AND SOCIAL COMMITTEE,

Having regard to the Treaty establishing the European Economic Community and, in particular, Article 198 thereof;

Having regard to the request on 27 February 1975 by the Council of the European Communities for an Opinion on the Communication of the Commission to the Council concerning equality of treatment of men and women as regards access to employment, vocational training, promotion and working conditions, and on the proposal for a Directive which is attached to the communication;

Having regard to the decision taken by its Bureau on 25 February 1975 in anticipation of the request, instructing its Section for Social Questions to draw up an Opinion on the matter;

Having regard to the oral report made by the Rapporteur, Mrs Weber;

Having regard to the Opinion issued at the meeting of its Section for Social Questions on 10 July 1975 (97th meeting);

Having regard to the discussion at its 133rd plenary session, held on 24 and 25 September 1975;

Whereas the right to work is a human right which men and women should enjoy in equal measure and under the same conditions;

Whereas Member States' law contains provisions which discriminate against women by restricting their access to careers and training and their opportunities for promotion, and there is also still inequality in pay and conditions;

Whereas equality of treatment and opportunity for men and women with regard to employment, education and training, promotion and working conditions has not yet become a reality;

Whereas problems of unequal treatment are not a new issue in the Community, but represent one of its perennial tasks,

HAS ADOPTED THE FOLLOWING OPINION

with 2 votes against and 8 abstentions:

I. GENERAL COMMENTS

1. The Commission's memorandum is a further step in the direction indicated by the Council resolution of 21 January 1974; in this resolution the Council decided to 'undertake action for the purpose of achieving equality between men and women as regards access to employment and vocational training and advancement, and as regards working conditions, including pay' and to 'ensure that the family responsibilities of all concerned may be reconciled with their job aspirations'.

2. Accordingly, the memorandum deals with problems relating to the preparation of women for occupations and the pursuit of occupations by women. It outlines new measures which must be taken in order to achieve equality of treatment and opportunity for men and women in respect of employment, education and training, promotion and working conditions.

3. The memorandum sets out guidelines for the action to be taken by the Member States. These constitute the general framework for the initial series of Community measures proposed in Chapter VII, and in particular for the proposal for a Directive which is annexed to the memorandum.

4. The guidelines for action and the proposed Community measures are based on a concise analysis of the problems women encounter in the employment sector, and in connection with vocational guidance, training and retraining, working conditions, child-care facilities and social security. In line with the brief given to it by the Council, the Commission confines itself in its memorandum to those aspects that are particularly important to women going out to work.

5. The Committee sees problems of unequal treatment, not as a new issue in the Community, but as one of the Community's perennial tasks.

6. The Committee deplores the fact that its work has been made difficult by the lateness of the request

for an Opinion, the mass of imprecise and unclear statements in the memorandum and the — in many places — poor or incomplete translation.

7. The Committee finds that no attention whatever is given in the Commission memorandum to the problems of self-employed women, e.g. women in the commercial and crafts sectors, women owners of businesses, women helping their husbands to run a farm, women doctors, etc.

8. A memorandum on equality of treatment between men and women workers should begin with the recognition that the right to work is a human right which men and women should enjoy in equal measure and under the same conditions. The right to work is mentioned by the Commission at the end of the first chapter.

In this connection, the Committee would refer to the European Social Charter, which also enshrines the right to work.

The disproportionately high rate of female unemployment in the Member States should have prompted the Commission to lay more emphasis on women's right to work than on the obstacles to implementing the principle of equality in periods of unemployment.

9. The Committee fails to understand why the Commission did not retain the text which was submitted to the social partners for discussion on 26 November 1974 and which did not meet with any appreciable objections on their part.

10. The Committee appreciates that undue recourse to Article 235 of the Treaty of Rome should be avoided. Nevertheless, it wonders whether it is really possible and necessary to exclude family policy if a serious attempt is to be made to achieve equality of treatment between men and women at work.

The Committee believes that efforts to eliminate discrimination in employment will only achieve lasting success when the traditional allocation of family responsibilities and ideas about the respective roles of men and women change. That presupposes, however, changes in the existing legislation and practices, and, above all, the provision of such services by society as will help to bring about changes in social relationships and thereby also in the mentality of men and women.

11. The Committee would stress that the right to work in no way means a duty to work. This is

especially so in the case of mothers. However, married women, mothers and women with family responsibilities who want to work or to resume work after an interruption must be given all the social assistance they need. Here, the Committee would underline the Commission's views on the required social services, vocational guidance measures, vocational education, basic and advanced vocational training, etc.

12. The Committee agrees with the Commission's conclusion that the general education and vocational training of women has to be brought up to the standard of men's both in quality and quantity. The Committee believes that all occupations and the training required for them should be open to women, in spite of any doubt which may exist as to whether all occupations should be regarded as actual career possibilities for women. Any limitations of this right — even on the grounds of future family responsibilities — amounts to penalizing women right from the start of their careers, for the services they render to society.

13. The restrictions on women's access to jobs and promotion are not only due to deficiencies in vocational training; basically they stem from the abovementioned conceptions of the role of women and are reflected, among other things, in a segregated labour market in which vacancies are often differentiated along sex lines, rather than according to qualifications. The Commission's objectives should, therefore, include the achievement of a labour market which does not discriminate against women. In this connection, it is important that job advertisements and selection procedures should be worded so as to exclude sexually based discrimination.

14. The Committee would suggest that instances of serious discrimination in connection with the employment of women should be publicized, besides achievements in combating it, as suggested by the Commission. For, although the principle of equality is universally recognized, inequalities are to be found far too often.

15. Vocational training must become a means of eliminating stereotyped ideas about men's and women's jobs. Firms training girls and women for jobs not traditionally done by women could, for example, be given special subsidies towards training costs if the occupations in question offer optimum job security and prospects for promotion. Further training establishments and vocational guidance

centres for women wishing to resume some form of employment must be promoted.

16. The Committee notes with interest that the European Social Fund is to be called upon to assist in providing women with better opportunities for employment, vocational training and promotion. However, since the conditions governing aid from the ESF clearly do not cover these needs, the Committee considers that the relevant Articles of the ESF Decision (particularly Articles 4 and 5) should be amended accordingly.

17. Moreover the Committee feels that an examination should be made of how nursery schools, day nurseries, etc., could be wholly or partially financed by the ESF. This is necessary and justifiable because nursery facilities open up the possibility of working for mothers who would prefer to carry on their occupations, and make going out to work easier for mothers who have to work in any case because of pressing economic circumstances.

18. The European Vocational Training Centre, the establishment of which was the subject of an Opinion which the Committee adopted on 17 July 1974, can help towards informing the general public about the educational neglect of the female half of Europe's population. European-wide comparisons and studies must be made, going into the multifarious aspects of vocational guidance, training and retraining. The factors involved in the educational discrimination against the female sex should be analyzed, for girls who want to take up male-dominated occupations often meet with a lack of understanding on the part of vocational guidance services and find little help.

19. The Committee would draw attention, as the Commission has done, to the fact that questions of men's and women's working conditions should also be studied in the 'European Foundation for the Improvement of Living and Working Conditions'. A good many of the difficulties facing the working woman could be considerably eased by measures applicable to all workers. One example would be the further gradual reduction of daily and weekly working hours. Flexible working hours, in jobs where they are feasible organizationally, could also

benefit parents going out to work, especially as hours of work could then be geared to school hours. The Foundation should examine these matters.

20. The Foundation might also make an objective study of the material and social working conditions and the physical demands in predominantly female jobs. The question should also be examined of how to arrive at a fair evaluation of the special performance of women as regards speed, meticulousness and dexterity, taking account of the extra stress caused by the repetitiveness and sedentary nature of the jobs, for it is this type of job which is commonly performed by women.

21. The Committee deplors, among other omissions, the lack of any mention in the memorandum of the taxation systems in force in the various Member States. These systems vary from one Member State to another, but they are often discriminatory against working women. In certain countries, these tax systems were designed to discourage women from going out to work. If a fair system is to be arrived at, the taxation of working women cannot be judged in isolation; it must be seen in its full socio-economic context. The Committee feels that this very important and complex problem should be studied at the earliest opportunity.

22. The memorandum contains only some of the points and suggestions made above, and they do not all appear in the Commission's proposed guidelines for action. The Committee would like to see all the suggestions incorporated in the proposed guidelines for action. This would make the guidelines more concrete, for at present they are too general. That is their crucial failing. The Committee regrets that the Commission stopped short at these guidelines, which are purely general and therefore have little binding force, especially as it has tackled specific problems elsewhere in the document and talks of 'measures to be taken' ('zu ergreifende Maßnahmen') instead of 'guidelines for action' in the German version of Chapter IV.

The memorandum does nothing but raise hopes which are to be fulfilled by the Member States. It does not even fix priorities.

II. SPECIFIC COMMENTS ON THE INDIVIDUAL CHAPTERS OF THE MEMORANDUM

In the light of these general comments, the following remarks are to be made on individual chapters of the memorandum:

CHAPTER I

Point 3. The Committee concurs with the Commission's statement that family responsibilities must be reconciled with professional responsibilities if equality of treatment is to be achieved between men and women workers.

Compatibility between job and family is not the only condition for equality of treatment, but it is a particularly important one. This is why the Committee regrets that the relevant aspects of family policy are not dealt with in sufficient detail in the memorandum.

Point 6. In the Committee's view, the allegation of higher absenteeism among women, frequently mentioned by the Commission, needs to be closely examined. Maternity leave must not be counted when calculating absenteeism, because it must be seen as the responsibility of society as a whole and not imputed just to women. Cases where a higher rate of women's absenteeism than men's nevertheless exists cannot be generalized. It is well-known that boring, monotonous and unsatisfying jobs tend to produce higher absenteeism. As a greater proportion of women than men are employed in such jobs, the absenteeism rate of women is correspondingly higher. The Committee considers that an investigation should be made into the connection between absenteeism and position in the job hierarchy for men and women.

In the Federal Republic of Germany, too, surveys have shown that there is a much stronger correlation between absenteeism and job level than between absenteeism and the sex of the employee. Perhaps faster results could be achieved if existing studies in the individual Member States on absenteeism among men and women were combined and evaluated. The findings of the Commission conference on humanization of the working environment could also be of use here.

Point 9. In the Committee's view the conception of the family has not changed. Rather our conceptions of men's and women's respective roles within the family are beginning to change, and this must have far-reaching implications for family policy.

Point 13 (a). The Committee does not accept the generalization that provisions affording women special protection are no longer justified. It agrees that such provisions must be examined to make sure that they are still necessary in the light of modern technology and medical knowledge. The Committee believes, however, that heavy physical work is far from having been universally abolished. The question of night work, which is also mentioned in this chapter, will be discussed in detail in the section on Chapter IV of the memorandum, where questions of labour protection are also dealt with.

Point 13 (b). The Committee feels strongly that parenthood is a 'social function' which must be accepted as such by society, with all its implications.

This means, for example, that the cost of maternity benefits and of releasing fathers or mothers from work when their children are ill must be borne by society and not by employers.

Point 14. The Committee would refer back to its comments on Point 6, regarding the alleged tendency of women to absenteeism. It also refers to its comments on Point 13 (b), as it feels that the psychological attitude of employers towards working women could be improved if they did not have to bear extra costs for maternity. In addition, the Committee requests an amendment to the fourth sentence of this point, namely the replacement of the phrase 'whether her wage is the main or a supplementary source of family income' by 'whether or not her wage is the sole source of family income'.

The Committee proposes that in the last sentence of Point 14, the words 'among employers, trade unions and educators, as well as in the public services' be deleted.

Point 18. In the Committee's view, the wording of the last sentence of Point 18 is too vague. Up to now, women's right to equality of treatment in access to jobs and at work has been, not 'has seemed . . . to be', a mere formality.

Point 20 (b). For the sake of clarity, the German version of the first sentence of Point 20 (b) should be amended to read: 'Es ist erforderlich, Aktionen zu fördern, die das zwischen Männern und Frauen allzu häufig bestehende Mißverhältnis bei Ausbildungs-, Beschäftigungs- und Aufstiegschancen sowie bei deren Arbeitsbedingungen beheben.'

Point 20 (c). This should call for publication not only of examples of 'effective action to eliminate discrimination' but also of cases of discrimination which have still to be eliminated.

CHAPTER II

Point 1. The passage 'whilst a woman ... living conditions force them to work' should be deleted.

Point 2. The word 'however' in the third sentence should be replaced by 'in addition'. This would help to make it clear that the relatively high rate of female unemployment is even higher than is shown in statistics.

Point 3. If this paragraph is not to discriminate against women, the third sentence must make it clear that women's difficulties in satisfying employment requirements are due to inadequate vocational training and not to any lack of general aptitude.

Point 4. It is proposed that the entire paragraph be redrafted, taking into account the following comments.

Owing to the family duties which are traditionally assigned to them, the occupational mobility of women is limited everywhere and not just in areas where no jobs suitable for women are offered.

After correctly emphasizing the manual dexterity of women, Point 4 goes on to repeat the assertion regarding the lower qualifications of female workers, again without mentioning lack of training. The last sentence, too, is open to misinterpretation, since it talks about women's qualifications without specifying what they are.

Point 6. It is vital to state in this paragraph that one of the problems facing women who want to return to work is the fact that employers are often unwilling to recruit women who have temporarily withdrawn from the labour market.

Point 7. The Committee considers that employers should make it clear when they advertize a post that they are seeking a suitable person for that post regardless of sex. By omitting references to sex in their list of requirements, employers could help to change traditional attitudes about the range of jobs open to women which have clearly survived even in employment services.

A statement to this effect should definitely be inserted in point 7.

Point 11 (c). The Committee attaches importance to effective public supervision of the regulations governing temporary employment, but it considers that the question of temporary employment has little to do with helping women choose a career and aiding their return to work. The Committee therefore proposes deletion of the second half of the passage in brackets.

In addition, point 11 definitely ought to mention that, as a general rule, the practice of separate job advertisements for men and women (segregated labour markets) should cease.

CHAPTER III

Vocational guidance, training and retraining

Point 1. The last sentence does not make it sufficiently clear that the 'feared' labour market difficulties genuinely arise when girls opt for an unconventional (for women) training. The sentence should be worded more carefully, so as not to give the impression that the girls themselves are basically to blame if they fail to take advantage of training possibilities.

Point 2. The Committee considers that segregation does not begin at school but in infancy. Segregation is, however, continued and reinforced at school.

Point 2 again refers — and exclusively in connection with schooling — to the 'genuinely restricted range of qualifications' of girls. It is not to be assumed that the Commission considers girls to be fundamentally less capable than boys, but the wording should be carefully reconsidered and changed to preclude such misinterpretations.

Point 3. Here again, when stating that girls and women tend to make less use than their male counterparts of opportunities for further education and training, reference should have been made to the numerous social and cultural factors responsible for this failure to take sufficient advantage of opportunities.

Point 8. It is not enough to merely point to the need for vocational guidance. It should be stated that the vocational guidance must be skilled. This is especially relevant in view of the points made by the Commission in Chapter II (7) (cf. also the Committee's comments thereon).

Point 10 (f). It should be stated that the grants must be of the same size.

This paragraph should also mention the grants towards training costs which have already been referred to. These grants are both necessary and justifiable in the case of future-orientated occupations which afford optimum job security and prospects of promotion.

CHAPTER IV

Working conditions

Point 2. The Committee would be grateful if the Commission would define 'flexible working hours'. The term 'flexible working hours' and the terms corresponding to it in other languages mean different things in different countries of the Community. In the Federal Republic of Germany, for example, a distinction is drawn between 'flexible Arbeitszeit' and 'gleitende Arbeitszeit'. 'Gleitende Arbeitszeit' requires the employee to be at work during a core time each day and only gives him freedom to choose his working hours before and after the core time. In 'flexible Arbeitszeit', on the other hand, there is no such limitation and working hours are left entirely to the employee to decide, according to the circumstances of his work. Any form of flexible working hours can give working parents better opportunities to fulfil their family responsibilities.

Point 4. The Committee also agrees with the Commission that part-time work should be open to men as well as women.

Point 5. The Commission refers to students as an example of those to whom part-time work should be

made available. This leads us to ask whether the Commission really means what it says in Point 4. As a general rule, students do not need part-time work in order to be able to perform household and family duties.

The Committee does not see how shift work can 'benefit' an increasing number of men. Shift work is very common in trade and industry, and it does not involve any special advantages for those who do it — indeed, if anything, the contrary is true.

Point 6. The Committee suggests that the clause beginning 'in view of ...' in the third sentence be changed to: 'in view of the tendency of some women to underrate the few chances of promotion available to them'.

This would avoid giving the impression that women have abundant opportunities for promotion, which they fail to recognize.

Point 7. The first sentence should read: 'The improvement of working conditions is a matter for discussion and negotiation between employees and their unions on the one hand and plant management or employers' associations on the other. The same applies to the public service.'

In the second sentence of Chapter IV, point 7 of the Commission memorandum, the phrase 'in those undertakings which employ significant numbers of women' should be deleted.

Point 8. The Committee reiterates that provisions protecting working women must be reviewed. But it cannot agree that all protective provisions for female workers should be abolished without prior scrutiny — any more than should those for young people or other categories of workers — especially since, as has already been pointed out, some jobs still involve considerable physical exertion.

The Committee doubts whether equality between the sexes means that in most Member States women, like men, are expected to take night shifts when the circumstances of the industry demand this. The Committee calls for an investigation into the effect of night and heavy work on workers' health, and of whether or not there is a need to bring in legislation stipulating that work of this type carried out under difficult conditions may only be done by workers who are in perfect health, and only where the working environment does not contain additional dangers.

Point 9. The last phrase of the first sentence should end '... as soon as they have made arrangements to have their children looked after'. The Committee has no objection to the French version of this sentence.

As regards the last sentence, it is not enough for employers merely to *recognize the importance* of ensuring equal promotion prospects for men and women. They must apply this principle in practice.

Point 10 (a). This paragraph should also urge a review of existing provisions to protect women. In addition, separate subparagraphs should be devoted to compliance with safety regulations at work and to provisions for the protection of working mothers, which are also mentioned in the paragraph.

Point 10 (b). When calling for introduction of more flexible working hours it must be pointed out that this must take account of the opportunities of the work organization.

Point 10 (c). More extensive provision of educational leave should be replaced by 'the introduction of educational leave where no provision for it yet exists and authorization of such leave on a wider scale'.

Point 10 (d). Add 'as well as managements and employers' associations'.

Point 10 (e). It should be stated in this paragraph that society, not the employer should provide compensation for loss of earnings during maternity leave and other periods during pregnancy when work is forbidden, because maternity is a 'social function'.

Point 10 (f). This paragraph should be further subdivided. Provision of promotion opportunities is one thing, the special problems of part-time work are another.

CHAPTER V

Child-care facilities and support for workers with family responsibilities

Point 2. The Committee considers that the opening sentences should read as follows: 'Given the

current allocation of roles within the family, the working mother is faced with difficult dilemmas if she cannot look after her young children herself. She does not as a rule have any freedom of choice between job and family obligations in such cases.'

The third sentence of this paragraph is unclear in that a woman who does not start work again on expiry of her maternity leave does not 'risk' losing her income but actually does lose it.

The next sentence should read: 'If she wants to go out to work or has to do so and therefore tries to make arrangements for her child to be looked after elsewhere, she will discover that the demand for places in publicly approved day nurseries ...'

Point 4. The last sentence in the German and English texts is an extremely bad translation. What is presumably meant is that parents should receive financial support so that they can jointly decide whether one of them will stay at home to look after the child or whether they will send it to a day nursery. If this is the correct interpretation, the Committee would agree.

Point 5. This paragraph is also very obscurely worded — at least in the German and English versions. It is not clear for what age group there is better provision of child care and educational facilities. Also, the paragraph fails to mention the fact that there are considerable regional as well as national variations in the provision of nursery schools and classes in the Community and that the situation is particularly bad in rural areas.

Point 6. The Committee cannot accept as generally valid the assertion that the 'phenomenon of the "latch-key" child' leads to much unhappiness. The studies which are carried out appear to produce widely differing findings from one country to another and should not lead to hasty conclusions against working mothers generally. It should be noted, however, that here again the unsatisfactory translation of the Commission documents is apparent. The relevant passage in the French version, which talks of the existence of unsolved problems in connection with 'latch-key' children, is acceptable to the Committee.

Point 7. Since a growing number of women are becoming involved in the economic life of the country because of the needs of society, and more especially for economic reasons, as well as through their own inclinations, society's task of helping parents to care for and bring up their families, in the

interests of education and socialization of children, is expanding and taking on increasing importance.

The statement that at times of economic difficulty Member States tend to cut public investments for the care of children should add that investments for help services and for the nursing of dependants in need of care are also not given the attention they deserve at such times.

Point 8. This paragraph has been numbered as paragraph 7 by mistake in the German text.

Point 9 (c). This sentence is wrongly numbered as Point 8 in the German version.

Here it must be stated anew that the cost of such leave should be borne by the community at large.

Point 9 (d). In order to avoid the impression that these facilities and arrangements are to be provided exclusively as part of regional development plans, the word 'auch' ('also') should be added to the first line of 9 (d) in the German text.

CHAPTER VI

Social security

The Committee points out that it is considering the 'social security systems' exclusively from the point of view of the relevant statutory provisions.

The Committee thinks that it is totally inadequate to state that steps must be taken to preserve acquired pension rights in future when a woman interrupts her work to bring up her children. In the Committee's view, the time spent bringing up children must give rise to the same increase in pension entitlement as would result if the mother were to go out to work and pay insurance contributions during this period. In taking this view, it is aware of the difficult financial problems involved.

Point 2. 'Years of service' should be replaced by 'years insured'. In some countries, certain members of the working population are not automatically insured (e.g. self-employed persons). On the other hand, social security legislation makes provision, subject to certain conditions being fulfilled, for persons to be credited with 'insurance years'

although they did not actually work during the period in question.

In addition, the second half of the third sentence should be amended to read: '... who commit a substantial period of their lives *exclusively* to the raising of a family'. This precludes any presumption that working women do not devote themselves to their families.

Point 3. In the view of the Committee, a progressive lowering of the retirement age is necessary, leading to alignment of the retirement ages for men and women. The possibilities women have in various Member States of drawing their retirement pensions earlier than men must not result in any compulsion for women to retire from work prematurely.

Point 5. The Committee in principle agrees with the Commission on the justification of extending to widowers the current arrangements in Member States concerning widows' pensions. However, it feels that barely soluble financial difficulties would arise, and also wonders what arrangements would be made for single people. Single people cannot pass on any pension rights, although the amount of their contributions is determined exclusively by their income in the same way as their married counterparts. The Committee would therefore suggest that it be examined whether, and how, it would be possible to introduce an independent old-age pension on a partnership basis.

The question arises as to whether future social security legislation should not distinguish more than it does at present between married women with family responsibilities and married women without family responsibilities.

However much we must support the right of mothers to benefits from society as a whole as compensation for their contribution to the community, the question is whether society can be called upon to assist wives who do or did not have children or relatives in need of care to look after, but only their husband. In the Committee's view these women, too, have a right to appropriate social security; in such cases the husband must ensure, through contributions, that his wife obtains that security.

Point 6. In line with its previous remarks about sickness benefits, the Committee endorses the policy of non-discrimination against women who have dependents. It feels, however, that sickness benefits

must be geared to actual incomes. When the Commission refers to discrimination in this respect, it should not confine itself to general remarks but should speak of the 'unjustifiably low incomes' of women which place them at a disadvantage not only during their working life but also after it.

Point 7. Where the concept of 'head of the family' still exists, it must be amended or better still abolished. This is another important aspect of family law. If fathers and mothers are legally obliged to support their children, the relevant social security law must allow for the fact that this is a joint responsibility.

Furthermore, the Committee understands that the amount and duration of unemployment benefit is also by no means always linked to the concept of 'head of the family'.

Point 10. Here, it is obvious that the Commission does not realize quite how many women are self-employed, and the Commission nowhere deals with the problems of such women. Contrary to the Commission's claim, the self-employed female population does not solely consist of women 'who pursue an activity which is classified as self-employment, such as piecework done at home' (the latter have special problems) but of those women already referred to in Point 7 of the general comments, that is to say, women with their own businesses and women helping to run a business, in particular the wives of farmers, craftsmen and the like.

These and all other self-employed women urgently need to be provided with social security in keeping with their particular occupations. Unfortunately, the Commission does not discuss this matter.

Point 11. There is not even a minimum of concrete proposals here. Above all, measures should be proposed which provide appropriate remuneration for the work done by women for their families and in their occupations.

CHAPTER VII

Action to be undertaken at Community level

The Committee approves of many of the Community level measures suggested by the Commission and hopes that they will soon be adopted.

The Committee is pleased that the Commission has had reports on the situation of working women in individual countries drawn up, and looks forward to their early translation into all the official languages so that conclusions can be drawn and acted upon.

Point 1. The Committee notes with interest that it is proposed to use the European Social Fund for innovatory and demonstrative projects in the field of women's employment. The Committee welcomes this proposal.

Points 3 and 4. The Committee reiterates its view, set out under point 15 of the general comments, that changes should be made to the relevant Articles of the European Social Fund Decision (particularly Articles 4 and 5), since the conditions for receiving aid from the Fund clearly do not tally with the purposes pursued by the communication.

Point 7. The Committee agrees that programmes for improved child-care facilities should be supported by the Social Fund. The Committee expects the Fund to finance or part-finance such facilities.

Conclusions

The Committee wonders why a number of worthwhile ideas of the Commission are not mentioned in the conclusions. Even if we must assume that all the wishes expressed cannot be fulfilled in 1975, a fairly detailed summary and description of the necessary measures would have been useful. A start must, however, be made this year on harmonizing the existing legislation to protect working mothers.

III. COMMENTS ON THE DIRECTIVE

1. The Committee finds that the Directive is only one step on the road towards solution of the problems outlined in the memorandum. It hopes that further concrete steps in line with the memorandum will be taken as soon as possible and that family policy measures will have a prominent place in such action. New Directives based on the Commission's proposals and the suggestions put forward by the Committee should be produced at the earliest

possible date, in order that the goal of the memorandum may quickly be reached, in the interests of the women of the Community.

2. To the Committee's regret, the same ideology which is apparent in the memorandum also seems to underline the explanatory memorandum to the Directive. When the Commission speaks, for example, of a married woman 'primarily' having family responsibilities, this calls into question women's equal freedom of choice, the very goal of the Directive.

The reference to 'comparable' general education and 'comparable' educational and vocational guidance also lends support to the assumption that the Commission is not aiming to achieve equality of treatment.

3. The Committee notes that it was not possible to deal with women's difficulties as regards access to employment, vocational training and promotion in concrete fashion in the Directive. Discrimination exists not only at the legal level, but also in general practices as a result of in-built prejudices. Since individual measures could not be dealt with in concrete fashion in the Directive, the Committee hopes that when the Directive is adopted, lists will be given to show what is meant by elimination of discrimination and what positive steps can be taken to improve women's opportunities in respect of employment, vocational training and promotion. The Committee would make the following suggestions in which many of the Commission's proposals are incorporated:

- recognition of the right to work,
- non-discriminatory labour market,
- prevention of discrimination in job advertisements differentiated according to sex,
- special grants towards cost of training women for occupations which offer optimum job security and promotion opportunities,
- provision by employers of promotion opportunities for women,
- recruitment of women who have temporarily withdrawn from the labour market,
- greater involvement of women in trade-union leadership and employers' associations, company

management and at administrative level in central and local government,

- social security: equal rights in all areas of social insurance; to achieve such equality it is necessary, *inter alia*, that the time spent bringing up children should be counted as contribution periods for statutory retirement pensions, independent pension rights,
- change in the definition of 'head of the family',
- harmonization of the laws to protect working mothers,
- statutory maternity/paternity leave,
- family planning: bound up with the question of maternity is need for men and women to have unrestricted access to free family planning information and services and the statutory right freely and independently to decide the size of their families and the intervals between births,
- use of the Social Fund to finance or part-finance child-care facilities,
- conditions making workers better able to fulfil their family responsibilities:
 - (a) part-time work for men and women
 - (b) adoption of flexible and variable working hours wherever the work organization allows
 - (c) as a matter of priority, shortening of the working day and the working week as part of a planned reduction in working hours,
- studies under the auspices of the European Foundations on the problems of working women,
- more stringent application of the existing Directives on elimination of separate wage scales for men and women, and calculation on the same basis for men and women of allowances, bonuses, etc. payable in addition to wages.

4. The above examples also reflect the view of the Committee that, in addition to eliminating discrimination in laws and due to prejudices in society, it is necessary to promote and harmonize laws which further equality of treatment between men and women at work.

IV. SPECIFIC COMMENTS ON INDIVIDUAL ARTICLES OF THE DIRECTIVE

The Committee approves the proposal for a Directive subject to the observations it has made on the memorandum and the Directive and the comments below on individual Articles of the Directive.

The second paragraph on page 6 of the draft Directive should read: 'Whereas social security benefits are *still all too often* determined on the basis of criteria which vary according to the sex of the worker.'

Article 1 (new)

'This Directive is issued in accordance with the Declaration of Human Rights, which lays down the right to work, the European Social Charter, in which this right is also enshrined, and the constitutions of most EEC countries which also recognize the right to work.'

Article 3 (previously Article 2)

Paragraph (c) should read:

'review of laws, regulations and agreements which were drawn up with a view to the protection of workers, in order to eliminate protective measures that can no longer be justified.'

Article 4 (previously Article 3)

This Article ought to mention that syllabuses must be the same for both sexes, as access to all spheres of general education and vocational training is not enough if different subject matter is taught.

Article 8 (previously Article 7)

This Article should state that the burden of proof must lie with the employer if he takes action against a female employee and she considers that this action is consequent upon a complaint, etc. made by her.

Done at Brussels, 25 September 1975.

The Chairman
of the Economic and Social Committee
Henri CANONGE

Opinion on the proposal for a Council Regulation amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 and relating to the standardization of the system of paying family benefits to workers, the members of whose families reside in a Member State other than the country of employment

The text referred to the Committee was published in the *Official Journal of the European Communities* No C 96 of 29 April 1975, page 4.

A. LEGAL BASIS FOR THE OPINION

On 21 April 1975, the Council referred the abovementioned proposal to the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community.