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## PROS AND CONS OF EUROPEAN SOCIAL REGULATION — THE CASE OF WORKING TIME AND GENDER

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### RESUMO

Segundo a interpretação corrente, o principal instrumento jurídico de direito comunitário — a directiva — deveria estar limitado à definição de *standards* mínimos, de maneira a permitir aos Estados Membros a tomada de medidas integrando as especificidades nacionais, regionais e sectoriais. No entanto, coloca-se a seguinte questão: Apesar de tudo, será que os Estados Membros têm prevenidoos efeitos negativos das regulações relativas ao tempo de trabalho sobre os géneros?

O novo instrumento processual introduzido no Tratado Comunidade Europeia concretiza a possibilidade para os parceiros sociais aos níveis europeu e nacional de jogar um papel decisivo na implementação, não só das directivas, como também dos princípios fundamentais do direito comunitário — tal é o caso da igualdade de oportunidades e de tratamento entre os homens e as mulheres. Aqui se coloca uma questão conexa com a precedente: Será que os parceiros sociais tomaram em conta os efeitos negativos das regulações que dizem respeito ao tempo de trabalho sobre os géneros?

O ponto de partida deste artigo é uma resposta *prima facie* negativa a ambas as questões acima formuladas. O objectivo desta contribuição é precisamente o de avaliar as respectivas forças e fraquezas de: por um lado, as intervenções governamentais relacionadas com a directiva de 1993 sobre o tempo de trabalho, e, por outro, da negociação colectiva como nova ferramenta da regulação social europeia.

### ABSTRACT

According to the *opinio juris* the main European Community regulatory measure — Directive — should be strictly limited to minimum standards to give room to the Member states to take into account national, regional and sectorial specificities. Yet, have Member states governments taken into account these specificities by preventing the negative effects of working time regulations on gender?

A new procedural element introduced in the European Community Treaty is the possibility for the social partners at european and national level to play a decisive role in the implementation of, not only Directives, but also fundamental principles of Community law — such as that of equal opportunities and equal treatment

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between men and women. Again: Have social partners taken into account the negative effects of working time regulations on gender?

The *prima facie* negative answer to both questions is the starting point of this article aiming at assessing the respective strengths of weaknesses of the national governments responses to the 1993 Directive on working time and of collective bargaining as a new tool of european social regulation.

### Maastricht and Amsterdam

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The Social Protocol and the Agreement attached to the Maastricht Treaty are now part of the European Community (EC) Treaty (Articles 136 to 140 of the new version of the Treaty). They have created an option between three types of collective agreements:

1. National collective agreement: a national collective agreement implementing a Directive at national level.
2. European collective agreement: a collective agreement negotiated at the European level and applied at the national level.
3. 'Collective agreement-decision': a collective agreement negotiated at the European level and implemented through a Council decision.

So far, the third solution has been used, with the adoption of the Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time<sup>1</sup>. Although it does not explicitly refer to sex equality, this directive is analysed as affecting specifically the respective situation of men and women on the labour market.

As such, at the european level, the heterogeneity of culture and industrial relations traditions has not proved to be a major obstacle to any sustained understanding around the bargaining table.

Despite this relatively consensus among social partners, the european collective agreement raises several problems, particularly because of the *clash between the concept of equality at European level and at national level*: As several authors already underlined (Bercusson 1994 and 1995; Casqueira Cardoso 1995) the national level shall not automatically support the advanced equal rights approach promoted at the european level, where the european negotiating level may assume that it would follow this path. This is so because, as remarked Majone, the European legislation has often

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<sup>1</sup> Official Journal of the European Communities, N° L 307/18 of 13/12/1993.

gone beyond the level of protection provided by the majority of the member states to their citizens (Majone 1995: 3).

Moreover, despite the diversity of working time regulations in European Union (EU) Member states, the overall picture is one where the question of flexibility and atypical work dominate. The quantitative aspects of atypical jobs are very different from one country to another (for example: a feminisation of 40 % in the United Kingdom, against 10 % in Italy). The qualitative aspects of atypical work also vary from one country to another — both legal and/or negotiated; old, like part-time or new, like telework. The question of working time and atypical work are however intrinsically linked, and related to the question of the relative deficit of collective representation and collective bargaining — especially in small undertakings — and gender inequality (Dickens 1992: 5). In this context, it becomes increasingly clear that the *national* implementation of the European collective agreements — especially with regard to working time — is unlikely to be satisfy the principle of equal opportunities without the support of national governments — support that the very treaty explicitly excludes.

In this article, the question of working time is taken as a paradigmatic example of the tension between collective bargaining and governmental intervention, and the need to articulate them. This articulation shall depend upon the respective strengths and weaknesses of the Directive, on the one hand, and collective bargaining, on the other, as working time regulatory instruments. Are these instruments able to promote effectively gender equality. If not, are they, at least, capable of avoiding a persisting — or even increasing — indirect gender discrimination<sup>2</sup>?

### **Strengths and the Weaknesses of Directives**

#### *The National Reactions — Overview*

Among the Member states of the European Union, and as far as national situations and the Spanish law in the field of working time are concerned, it is clear that most of the recent reforms have been aimed not only towards the establishment of a more flexible set of rules, but they have also been used as an opportunity to implement the Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working

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<sup>2</sup> The concept of indirect discrimination is based on the statistical and sociological effects of an apparently neutral norm. Within the Community legal order, it has been developed by the Court of Justice of the European Communities in the cases *Jenkins* (ECJ Case 96/80 *Jenkins v. Kingsgate*) and *Bilka* (ECJ Case 170/84 *Bilka-Kaufhaus GmbH v. Karin Weber von Harz*). Cf. Philippe Martin, "Droit social et discriminations sexuelles: à propos des discriminations générées par la loi", *Droit Social*, n° 6, Juin (1996), pp. 562-568.

time in the Spanish legal system. In fact, the Directive has served as an excuse for reducing the rights of some groups of part-time workers, those whose working hours are below a certain limit fixed by the law. These marginal workers do not get complete protection from the public social security system, and are not entitled to certain benefits.

This phenomenon reflects national trends towards a greater flexibility of working time which is, in some cases, creating a discriminatory division of working activities between male and female workers, where women — although they work less, and mostly in part-time jobs — carry a heavier burden than men in terms of adaptation to timetables. This situation is regulated on the basis of the normative use of collective bargaining, often derogatory and decentralised, as is also the case in France. But in several Member states, and in particular in Italy, voices are being raised to call for respect of women's interests at the same time as a greater flexibility of working time is becoming more and more popular: individualisation of working time, growth of shared work, etc. This is seen as necessitating a higher level of coordination between working times and life times in general. With the view of achieving this aim, the working time Directive seems to be limited: first, the aim of the Directive is not a reduction of 'normal' working time to 35 hours. Second, the need for flexibility more favourable to the employee's interests is not taken into account.

Moreover, in some countries, the problem asked does not regard legal norms but rather social questions. In Portugal, for example, the Directive has not been followed by any major change in terms of legislation, as most of the provisions enacted by the Directive were already present in Portuguese statutory labour law and collective agreements. Yet, these provisions are unable to remove the obstacles to unequal treatment in work, which originate from unequal treatment in the family. For example, the 1984 Act affirms the equality of both parents to the protection of maternity and paternity leave. Although this latter provision provided a certain number of rights for working parents, its formulation in neutral terms had the consequence of reproducing existing inequalities within the family and of reinforcing female absenteeism in employment. Materially unequal treatment, thus, was the result. In Greece too, due to the lack of the childcare infrastructures, many women have to engage in underground activities, where overtime is not remunerated, where there is no right to strike nor to be collectively represented. For these, the Directive has not brought about any notable improvements and may also contribute to a worsening in the provisions on working time.

In the European legal context, Britain stands as an exception. It is actually the one country where there is no general legislation regulating working time, guaranteeing holidays or controlling the implementation of new work arrangements. Within the last decade, a variety of new patterns of working

time have been introduced to provide greater flexibility, supplementing the traditional forms such as overtime, shiftwork, part-time work and homework. The British *laissez-faire* policy leads to the question: would the regulation of working time stifle innovation and changes in patterns of work to the detriment of women who benefit most from them? Also in Ireland exists a tradition of 'voluntarism', involving the assumption that labour relations should be regulated by voluntary agreements between social partners, rather than by legislation. There, the adoption of the Directive has led to a need to consider again the regulation of working time, and the idea that the law will have to play a greater role than previously. However, in practice, the implementation of legislation may bring enforcement problems, as there is political pressure against the change of the traditional assumption that working time should not be too closely regulated by law.

Elsewhere, other problems are posed. In Denmark, for instance, the implementation of the Directive by the social partners during the spring of 1995 has raised two main questions: first, its implementation through collective bargaining will not cover all of the labour market. As for the implementation by legislation, it may cover a broader scope but will in practice be less efficient. Second, the Directive is based on ideas about regulation of time and rhythms of time that do not correspond to the needs for practical flexibility experienced in many parts of the post-industrial labour market today. The Directive does not match the new approach to regulation of time and especially the new Nordic ethic which is more concerned with reproduction and fecundity than with production - a move away from the industrial concepts of work and time (Jalmert 1995). Indeed, it may be argued that the community regulation has accelerated the backlash of the welfare legislation (Simonen 1994).

This backlash is rather clear in the Netherlands, in particular. In effect, the new Dutch Working Hours Law — compatible with the Directive — accentuates the possibilities for employers to increase the working day (10-11 hours maximum), to require from his employees night work, and to oblige them to work during the weekends.

To sum up, it seems clear that the Directive of 1993 has not led to an egalitarian dynamic susceptible to being mobilised in the Member States. On the contrary, it appears that the Directive has crystallised a partition between a general labour law and a labour law concerning atypical work.

An in-depth analysis reveals that most criticism directed at the Directive comes from two different and apparently incompatible fronts: for those representing Southern-European countries, the Directive lacks regulation, whereas for those from Northern-Europe, regulation in the field of working time is, in itself, questionable.

In response to this last criticism, it may be useful to point at the fact that the Directive is only one consequence of the deregulation, the destandardization and the flexibilization in effect in the EU Member states, and not an attempt to stop it or, even less, one of the causes of this deregulation. It is, then, the outcome of tendencies that started much earlier in the Member states, and by which flexibility cannot be analysed as "good" or "bad" flexibility, but as opposing "optionality". As underlined several experiences, such as the German "Zeitpioniere" one (Ballmer-Cao 1995: 4), flexibility is an economic term, implying the instrumentalization of people for economic reasons, whereas optionality means the fact of giving a broader space of choice to Human Beings. This optionality presupposes a high amount of regulation, as can be illustrated by the example of discrimination law between men and women: it is necessary to create legal equal opportunities in order to let women have the option to work.

Furthermore, it can be argued that the absence of regulation leads to a complete failure of social cohesion, as may be observed in Britain where there is an imbalance between the interests of the workers and those of companies. However, if it is clear that regulation is needed, it ought to have a logical basis. In the Netherlands, for instance, the question of part time work has been solved in an interesting way, by opening up this kind of job to men, by diffusing it in the social culture. This case could be used as a model, by making part time a reversible, opened and non discriminatory form of work. But, first of all, it is indispensable to have more research on the acceptability, to the various categories of workers, of the different patterns of working time (Hakim, 1993: 97).

However, the importance of Common Law and of customary practices in changing patterns of working time should not be underestimated in a country like the United Kingdom, for example. In this country, the government regularly carries out opinion surveys, including the labour force survey and also separate interview surveys, to find out people's attitudes and opinions on different patterns of working times. These surveys clearly demonstrate that the great majority of people who do temporary, casual, short-term, fixed-term or part time work prefer these arrangements to a full time activity. One exception to this is the new development of weekend working which seems to be accepted by only fifty per cent of the population concerned. A factor that might contribute to explaining this higher acceptability of the British population to non traditional patterns of work is the greater secularisation of British society — where part-time is popular — as compared to European continental — except Denmark and the Netherlands maybe — countries (Hakim 1997: 37).

Knowing that, *what are the risks which the Directive may have produced?*

The main risk is certainly the fact that the Directive opened the door to a social backlash in the sense that it can put into question the social 'acquis'. This backlash could take two forms:

- on the one hand, the Directive might induce a kind of flexibility of working time that could endanger the working time conditions of both women and men and would not be compatible with another type of flexibilisation which would have been more favourable to workers.

In Italy, for example, the government recently removed a disposition on the organisation of working time in the public administration. This provision was favourable to women, due to the rhythms of work that it allowed (possibility to retire after 15 years of service; a working week of 6 days but with the possibility to leave work after 2 pm) and to men, because they accomplished most of the extra hours and received for this extra payments.

- on the other hand, the Directive does not provide any safeguard against the possibility of being used — and it has been effectively used as such in Spain — as an excuse for the removal of legal provisions preventing flexibilisation in the sense of an endangering of working activities. In Germany, the 1938 law on working time has recently been removed and replaced by a legislation less favourable to workers.

More generally, it can be said that the Directive is following a movement, in post modern societies, towards idealising the strong and leaving the weak behind. The weak are the old workers, the disabled workers, and people with family responsibilities who cannot focus solely on remunerated work. For these, the Directive puts the ceilings on working times so high that those workers will not benefit from protection. In terms of protection of these populations, what has been performed by the Directive is a symbolic act. The persisting model is clearly that of the urban white educated male worker.

*What solutions can then be found aiming to correct the imperfections of the Directive?*

It has been suggested that the solution might lie in a completely different approach to the question, as it is often the case that the solution for social problems lies at the point where those problems manifest themselves. In our case, the unemployment crisis, the destructuring of the labour market, and the absence of gender perspective in this context must all be seen as problems.

Certainly, it might be argued that the criticism made of the directive is caused by the fact that too much has been read into it; it was only intended

to regulate certain aspects of working time and not all working time. After all, the very equilibrium of community sources of law indicates that the national governments have to do their job at the national level in order to complete the Directive and regulate the specific questions asked by the "excesses" of flexibilisation. In fact, the experience shows the Directive has not changed the attitude of national governments towards gender inequality with regard to working time.

#### The National Reactions — Some Examples

**234** I shall look further at four cases of national normative reactions or responses among the Member states of the European Union, namely in France, Greece, Italy and Portugal.

##### *The French Situation*

The Directive on working time has not generated much change in French law, as labour law standards were already quite high compared to those in other Member states.

New trends of working time are regulated in France by the quinquennial law. These trends indicate an attempt to deal with the unemployment crisis through the reduction of working time and an increase in the flexibility of work practices. The consequence of these trends is, however, the creation of discriminatory shares of working activities between male and female workers. Women — although they work less, since most are in part-time jobs — carry a heavier burden than men in terms of adaptation to timetables.

This situation is regulated on the basis of the normative use of collective bargaining, often derogatory and decentralised. Working time reference periods are not anymore, as they were for a long time, the week, but instead 'the cycle', 'the year', or even 'years'.

The quinquennial law accentuated this tendency towards less rigid working time regulation, allowing room for more flexible working time arrangements by employers. It also allowed the annualisation of working time, the utilisation of temporary work and the opening of new working time spaces (Sunday work, night work, etc.). Furthermore it created a new approach linking working time, as such, and time out of work in two ways: first, by considering the latter as remuneration for the former (increasing use of compensatory rest); second, by abolishing the link between work and the company (e.g. training schemes).

On the other hand, it is supposed to increase the possibility for the unemployed to find a job by liberating working space for them in three ways:

first, by a collective reduction of working time; second, by the creation of new forms of fractional unemployment, by both the payment of long-term unemployment allowance and a drastic reduction of working time; third, the transformation of part time work into an alternative to unemployment and collective dismissal.

### *The Greek Question*

Like the French context, the Greek main feature of working time regulation is at present the search for more working flexibility. The use of part-time labour is then seen by employers as a source of double profit, both in terms of wages and of productivity. As regards women's occupation and gender equality, legal provisions are of doubtful efficiency to prevent indirect discriminations: in many family businesses women are not paid for the work done. Work '*à la pièce*' is the one activity where unequal gender division is highest: due to the lack of the childcare infrastructures, many women have to engage in this kind of activity, where overtime is not remunerated, where there is no right to strike nor to be collectively represented.

The Directive might improve slightly the current national dispositions on night work, especially concerning health at work. Yet, on the whole, the Directive has not brought about any notable improvements and may also contribute to a worsening in the provisions on working time.

These examples demonstrate how limited has been so far the impact of a Directive on the national policies of the governments of the Member states — including Portugal. Has it been the same with regard to social partners? They, too, are now part of the community law process and therefore should be seen — at least theoretically — as responsible for the good implementation of community fundamental principles at national level. Have they included gender equality on their agenda, when it comes to the issue of working time regulations? The answer to this question is essential in order to assess the strengths and weaknesses of collective bargaining as an EU law instrument.

### *The Italian Example*

In Italian law, approaches to the regulation of working time have changed according to political aims. Originally, protecting the worker's health was the priority. This inspired constitutional provisions and statutory regulation of maximum weekly working time, overtime, weekly rest periods and breaks. A prominent role was given to collective bargaining in the implementation of these dispositions.

A second period is characterised by features of a different kind: the aim is not only to protect the workers' health but also — if not mainly — to fight

against unemployment and to provide for equal job opportunities. Legal regulation was then orientated towards the reduction of working time and the development of a greater flexibility of work throughout the development of part-time work. These objectives have not been consensually accepted among the work force. Rather, rotation work and night work have been the subjects of bitter attack.

A third stage is probably emerging now, illustrated by the call for respect of women's interests while greater flexibility of working time is becoming more and more popular: this period is characterised by individualisation of working time, growth of shared work, etc. This may mean the need for a higher level of coordination between working times and life times in general. Given the view of achieving this aim, the working time Directive seems to be limited: first, the aim of the Directive is not a reduction of 'normal' working time to 35 hours. Second, the need for flexibility which is more favourable to the employee's interests is not taken into account.

Moreover, the imperative of health and safety is subject to several possible derogations. Thus, even if the Directive provides for a reform of legal sources, its substantial constraint does not go very far, as regards the Italian legal situation.

#### *The Portuguese Model?*

In Portugal, a low wage level has the effect of generalising overtime, both in the interest of workers (income) and employers (adjustable work force). Legal provisions on this point are ignored.

The adoption of the Directive on working time has not been followed by any major change in terms of legislation, as most of the provisions set out by the Directive were already present in Portuguese statutory labour law and collective agreements (Monteiro Fernandes 1995).

As far as the gender approach is concerned, Portuguese law has only recently been emancipated from a paternalistic approach of women's protection in the field of employment, in the name of their alleged greater vulnerability to normal conditions of work. For example, the prohibition of night work was removed as contrary to the constitutional principles of equality and equal opportunity in job access. A 1979 act formulated the principle of non discrimination, while another of 1984 affirms the equal entitlement of both parents to maternity and paternity leave. Although this latter provision provided a certain number of rights for working parents, its formulation in neutral terms had the consequence of reproducing existing inequalities within the family and of reinforcing female absenteeism in employment. Thus it actually created or re-inforced material inequalities of treatment.

This has been accentuated by recent regulation implementing two new forms of measures in favour of the protection of parenthood: part-time work and the continuous working day, both predominantly chosen by women. A recent project has emphasised the "benefits" of part-time in Portugal, seen as a modernisation of the industrial practices (Janeiro 1998).

### **Strengths and the Weaknesses of Collective Bargaining**

What are the strengths and the weaknesses of collective bargaining within the EU, particularly regarding the gender perspective in regulating on working time?

The *weaknesses of collective bargaining* flow from the fact that it reproduce prejudices and preconceptions such as the idea that women = dependants. In many instances, the word 'women' is meant to have a relational, generic, meaning, a meaning defined in relation to men. Furthermore, collective bargaining, particularly in small businesses where, paradoxically, most jobs are now being created, has some difficulty in including men into considerations on gender, even where such consideration exists. This phenomenon might be explained, though only in part, by the lack of union membership in small enterprises. But this is not the only reason. The problem is probably a social one and its causes must be found in the general male attitude towards women. As an example, it is now proved that sexual harassment is not only performed by superiors but also by colleagues. Furthermore, past experiences have showed that any attempt to integrate women into technical professions with a low female representation rate — such as has been the case in the German steel sector — has failed, due to the lack of comprehension on the side of male colleagues.

Moreover, one of the main weaknesses of European regulation lies in the relationship of implementation between the Directive and collective bargaining.

The classical role of Directives is to uniformize the conditions of competition, providing for minimum standards of protection. This is not what the Directive on Working Time does. Not only does the Directive neglect to offer a minimum of protection in certain areas — such as night work, the notion of night work being defined in the most restrictive way possible — but it also allows for derogation to these standards. Actually, derogations are made possible either through statutory intervention or collective bargaining. As far as collective bargaining is concerned, the Directive gives the impression that there is a hierarchy between the various levels of collective agreements. Of course, this is not the case, in conformity with the principle of the autonomy of the bargaining parties. The remark that the Directive only referred to the various levels of collective bargaining not in order to establish a hierarchy between them, but rather to take into account the national diversity of

collective bargaining and articulations between the bargaining levels is questionable.

One current major problem of collective bargaining also occurs in the way collective representation works. The question is: 'When social partners negotiate, do they make an attempt to represent equally women, men, seasonal workers, home workers, self-employed workers and workers working in small businesses?' This question is worth being asked, knowing that in Southern European countries the majority of enterprises are small ones.

**238** Linked to this problem is the ability — or inability — of Trade Unions to negotiate, especially in small businesses. Paradoxically, the European Union insisted (in the White Paper on the European Social Policy, in 1994<sup>3</sup>) on the relevance of small businesses as one of the key elements in the resolution of the economic and social crisis. In fact, the violence of social conflicts and the impossibility of social dialogue is best illustrated in these small enterprises, as is the emphasis put on flexible forms of working time. So is it possible to create social dialogue where social partners are not in a condition to bargain?

The *strengths of collective bargaining* might come from the fact that, as opposed to legislation and statutory instruments, collective bargaining is an extremely flexible and comprehensive source of law. It adapts much faster to social reality. As such, it could be a useful instrument in order to rethink existing traditional categories of social times. But in this sense, the whole process of negotiation must be reviewed. It must become a more open process, going beyond the traditional two-sided bargaining between the employees, on the one hand, and the employers, on the other. The best bargaining level at which to achieve this might be the inter-sectorial level, a level which would be adapted to put into effect some elements of the national and European sectorial negotiations.

Additionally, it is arguable that collective bargaining is a better instrument to deal with a repartition between 'public administration' matters and other questions regarding daily life. In doing so, we should always be aware of the fact that there is no such thing as an objective process of collective bargaining; that collective bargaining is subject to the structural problem of the domination of women by men. The promotion of the idea of proceduralisation and the announced renewal of tripartite concertation at national level — under the pressure of the Maastricht "criteria" (Streeck 1998: 2) — may hide the persistence of gender inequalities among the very

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<sup>3</sup> COM (94) 333 of 27/07.1994.

negotiators. After all, even in countries where the tripartite model already existed for several years — such as Portugal — the minorisation of women in trade unions has basically remained unchanged (Braithwaite and Byrne 1995: 37).

Another question raised by collective bargaining concerns the situation of non-standard employees, in particular part-time workers. The European Commission has made efforts to ensure that part-time work is made attractive and that part-time workers are properly treated. It can be argued that the growing importance of this form of employment comes from the fact that it meets the requirements for a modernised manpower management policy (adaptability), and the aspiration of the individual family needs of a number of workers but, especially women.

It seems here necessary to define a number of basic rules, which, having regard on the one hand to firms needs for flexibility and on the other the aspirations of a number of workers, would:

(i) prevent the spread and the increasing prevalence of insecurity and segmentation of the labour market, notably by ensuring that workers concerned by such forms of work enjoy a treatment comparable to that enjoyed by employees working full time for an indefinite duration.

(ii) eliminate competition distortions that could be caused by the different social cost, notably as regards the rules concerning these forms of employment and social security, seniority dismissal, etc.

#### *An Optimistic Conclusion?*

The point of view of trade unions is that a new conception of work shall link in harmony working time and life time. For this, workers should be offered the freedom to choose part-time. Part-time should also be encouraged as a new form of organisation of work and leisure - as it is in the Netherlands.

The various forms of leave available during working life, should also be developed, such as parental leave — as it is the case in Portugal (Alta-Commissária para as questões da promoção da igualdade e da Família: 1998) — and telework. In doing so, social partners should take care to preserve social cohesion and social protection.

Public participation enterprises and large firms sharing a "welfare" model, because they are performing a mission of *public economic interest*, might be a model of the future citizen's sensitive enterprise. They might provide answers to the fundamental questions of what conception of labour time should be invented to allow us to live to the full our free time, and what services should enterprises offer to citizens in all places, in the respect of

cultural and regional differences at European level, in order to contribute to the reduction of economic and social disparities, and gender inequalities. In this sense, these firms might play a pedagogic role. However, the point remains to be seen whether trade unions shall be ready to accept the challenges of diversity and "actual" paritarian democracy. The under representation of women in trade unions — never completely acknowledged because of the lack of transparency — and the insufficient treatment of gender questions in collective agreements is here the most significant problem. It is only expected that training and education for trade unionists will have a positive effect on the dominant habits of collective bargaining. Is this a hollow hope?

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