

# **FORMS AND WAYS WHICH WOMEN COMBIN YOUR RESPONSIBILITIES FOR HOME CARE AND PRODUCTIVE EMPLOYMENT IN WORK IN ROMANIA, MEMBER STATE OF THE U. E.**

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**Abstract:** *The large number of women who have entered the labour market in the last decades has contributed significantly to changing the perception of women's identity and its role. The role of women is no longer limited to domestic and reproductive activities; they also work closely with a paid activity, with work becoming a very important element in strengthening gender identity. However, compared to men, women employed work less hours, in sectors with lower salaries and occupy lower positions, which leads to considerable wage and pay differences between women and men. Creating a solid social protection system for atypical workers is even more necessary given that increasing women's participation in the workforce and employment rate are essential to achieving the main objective of the Europe 2020 strategy in all EU Member States. Europeans, including Romania.*

**Keyword:** *women; labour market; gender equality; social protection; European Union*

The increase of employment by women has increased with the development of the tertiary sectors of the economy, respectively the development of the industrial sector and the service sector, associated with the drastic reduction of the male population in the post-war period, which opened up new opportunities. work for women.

If in the industrial society men were considered the main. Financially responsible to the family, a situation identified by some authors as the model *mate breadwinner/female care giver* - the model in which the women take care of the activities of caring for the house, and the life is earned by the man. This model is based on the differences between the public sphere and the private sphere, in which individuals are assigned according to gender. However, this approach has changed in the contemporary era, which corresponds to a new gender contract associated with *the duality model of family support* - in which the family is supported by the earnings of both partners, and the woman's place is not only at home, but also at work<sup>1</sup>.

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<sup>1</sup> N. le Feuvre, M. Andriocci, *Employment opportunities for women in Europe*, în Women's Studies: Employment Opportunities, Personal Impacts & Social Consequences, 2005, p. 16.

differences between women and men. These differences are due to some extent to the deeply rooted traditional gender roles, but also to the economic incentives<sup>2</sup>.

Increasing women's participation in the labour force and the employment rate of women are essential to achieving the main objective of the Europe Strategy. 2020<sup>3</sup> which provides that 75% of the population aged between 20 and 64 will have a job by 2020.

Romania is among the last places in the European Union in the number of women integrated in the labour market, as well as below the European average regarding the percentage that occupies management positions. Countries with a lower percentage of employed women are Spain (55.7% women from the total female population, 66.5% men from the total male population), and Croatia (54% women from the total female population, 63.8% men from the total male population). The countries with the smallest gaps are Denmark (76.9% men vs. 71.5% women), Germany (78.9% men vs. 71.5% women) and Sweden (78.3% men versus 75.4% women).<sup>4</sup>

Despite all the social changes, the responsibilities towards the family assigned to women in industrial society have not diminished, but have become "an additional obligation", while generating the premises of unequal competition between women and men in the labour market. The role of women is no longer limited to domestic and reproductive activities; they also work closely with a paid activity, with work becoming a very important element in strengthening gender identity. This fact gives women equal positions and autonomy in the contemporary society<sup>5</sup>.

Regardless of their status, women are the ones who carry the burden of reconciliation between work and family, they are the ones who take care of responsibilities towards family and children. The role attributed to them in contemporary society - that of creating a balance between work and family - is perhaps one of the major factors that direct women to such employment opportunities, which will allow them to reconcile the domestic activity carried out in their own household with the paid activity.

In the European Union, equality between women and men is one of the fundamental values, with a history that begins in 1957, when the principle of equal payment was incorporated in the Treaty of Rome. Significant progress has been made in recent decades, by changing legislation or by integrating and promoting women. However, in all Member States, female employment rates are lower than men's employment rates, with large variations across the European Union.

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<sup>2</sup> Report: *Women in the labour market*, <https://ec.europa.eu/>. assessed on 20 august 2019

<sup>3</sup> Europe 2020 strategy, <https://eur-lex.europa.eu/legal-content/RO/TXT>, assessed on 20 august 2019

<sup>4</sup> EUROSTAT: *Romania, in the top of the countries with the fewest women integrated in the labour market*, <https://adevarul.ro> › news ›, accessed on September 3 2019

<sup>5</sup> Miroiu M., (2004), *The Road to Autonomy: Feminist Political Theories*, Polirom Publishing House, Iași, p. 45.

The majority presence of women among workers with an atypical contract (for example, with a part-time contract) has much deeper causes, which cannot be fully assumed by labor law, but target systemic gender imbalances in the organization of family life., childcare and distribution of household tasks<sup>6</sup>.

The instrument through which this reconciliation is best achieved and which encourages the participation of women in the labour market is part-time work, an aspect supported by the number of women, at the level of the European Union, engaged in such a working relationship, which is almost four times the size of men<sup>7</sup>.

Part-time work has the advantage that it allows women in employment to combine wage activity with respect for family tasks. According to European law (Directive 97/81 of 15 December 1975), the employee whose part-time working hours, calculated weekly or on average for one year, is less than the duration of the work performed by the full-time employee<sup>8</sup>.

The strong gender influence associated with the new forms of work has been identified as one of the effects of the European flexicurity principle, whose active policy has been to promote employment by creating a number of flexible, temporary and part-time jobs. This policy has resulted in an even greater number of female labor force, as most of these jobs have been taken over, in principle, by women.<sup>9</sup>

Along with part-time work, another way of reconciling professional and private life in the case of women is distance work or telemarketing. Regulation of telemunature in Romania by Law no. 81/2018 has responded to obvious practical needs since the unprecedented development of information and communication technology has allowed the employed activity to be carried out in a different job than the one organized by the employer, using modern and efficient techniques.<sup>10</sup> The benefits of this new legal way of providing work are indisputable for employees who are women. The main advantage is the saving of time, but also of money, since they do not have to move (daily) to and from the workplace organized by the employer. At the same time, they can better perform their tasks and supervise children more effectively, can better and directly contribute to their education.<sup>11</sup>

Of course, working at home is a much easier way for women, who, in order to fulfill their job duties, establish their own work program, in the context in which the employee with work at home enjoys, in application of the principle of non-discrimination, of all the rights recognized by the law and by the collective labour contracts applicable to the employees whose job is at the employer's headquarters.

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<sup>6</sup> Dimitriu R.(2016), *Labour law. Anxieties of the present*, Rentrop & Straton publishing house, Bucharest, p. 93

<sup>7</sup> Miroiu M., *op. cit.*,p. 58

<sup>8</sup> Top D., (2018) *Treated by labour law*, Mustang, Bucharest, p. 289

<sup>9</sup> Novitz T., Syrpis P., *The place of domestic work in Europe. An analysis of current policy in the light of the Council Decision Authorising Member States to ratify ILO Convention nr. 189*, p. 108, European Labour Law Journal, vli. 6 (2), Ed. Intersentia, 2015, pp. 104-127

<sup>10</sup> Top D., *Regulatory of the teleworking activities in Romania*, Revue Européenne du droit social nr. 3 (40) 2018, pp. 26-33

<sup>11</sup> Ticlea A, *Telemunca - modern and flexible way of carrying out the employee's activity*, Law no. 11/2018., pp. 193-194

Since most women have most of the care responsibilities, they tend to reduce their working time. One third (31.4%) of women in the European Union worked part-time in 2016, a much higher percentage than men (8.2%).

Insufficient availability of flexible working formulas - such as distance work and flexible working - and reduced working hours (part-time work) may cause caregivers, especially women, to move out of work. labour market. According to Eurofound, over half of inactive mothers would prefer to work part-time<sup>12</sup>.

The Romanian Labour Code gives the employer the possibility, through the provisions of art. 118, to establish *individualized work programs*, which require a flexible way of organizing the working time, with the agreement of the employee concerned, if this possibility is stipulated in the internal regulations or in the applicable collective labour contracts.

In this situation, the daily working time is divided into two segments<sup>13</sup>: a fixed period in which the staff is simultaneously at the work place and a variable, mobile period, in which the employee chooses his arrival and departure times, respecting the daily working time. In case the employer establishes for a certain category of employees or for some employees only an individualized work program, if the data subjects accept, it is the employer who will establish the structure of this program, in agreement with the respective employees<sup>14</sup>. The individualized work program can work, it is specified in art. 118 paragraph 4, only in compliance with the provisions regarding the normal duration or the maximum legal duration of working time. in practice, it also extends to the establishment of individualized work programs called zero time, based on the prior agreement of the employer, in which the employee establishes his / her daily / weekly work duration, provided that he / she achieves in time the objective established for him / her. by the employer”<sup>15</sup>.

Women may also face certain economic contrasts of participation in the labor force. These contrasts of work can be especially great for the second person contributing to the family income. According to available data, the increase of the relative marginal effective tax rate of the second person contributing to the family income has a significant negative impact on the participation of women in the labour force.<sup>16</sup>

In many Member States reforms are underway to significantly expand childcare. Some Member States of the European Union have launched reforms to encourage a more equal distribution of rights for family leave between men and women. In 2016, Luxembourg adopted a reform of the child-raising leave system

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<sup>12</sup> Eurofound, *The Gender Employment Gap: Challenges and Solutions*, Eurofound, 2016.

<sup>13</sup> Ștefănescu I.T., (2017) *Theoretical and practical treatise on labor law*, Legal universe publishing house, Bucharest p. 624

<sup>14</sup> Isac M., *Working time*, Romanian Labour Law Magazine, no.1/2006, p. 49.

<sup>15</sup> Top D., *Treaty*, op.cit., p. 479

<sup>16</sup> Christiansen, L., Lin, H., Pereira, J., Topalova, P. și R. Turk, *Individual Choice or Policies? Drivers of Female Employment in Europe*, IMF working document, WP/16/49, Washington D.C., 2016.

in order to make it more flexible and better paid. In 2017, the Czech Republic and Cyprus introduced new rights to paternity leave, and Portugal extended the leave period. In 2016/2017, Belgium, the Czech Republic and Italy introduced measures to facilitate a more flexible work organization.

Other EU Member States have introduced specific measures to encourage women to return to the labor market while the child is still very young. For example, in 2017 Bulgaria adopted a measure whereby mothers who have children under the age of 1 and return to the labour market receive an allowance for childcare. Similarly, in Romania these benefits increased in 2017 (the incentive is granted until the child turns 3 years old, if the parents start working at least 60 days before the child reaches the age of 2 years)<sup>17</sup>

Granting paid leave for family reasons tends to stimulate women's participation in the workforce because: it helps women reconcile work and family life; it allows them to enjoy free time when they have a small child to care for; it strengthens their connection with the labour market<sup>18</sup>. Also, a balanced use of leave rights between women and men after the birth of children has positive effects on the division of household and care responsibilities and on the participation of women in the labour market.

Adequate leave to care for other dependents may also have a positive impact on the employment rate of women.

Thus, Directive 2019/1158 of the European Parliament and of the Council on the balance between professional and private life of parents and carers and repealing Directive 2010/18 / EU<sup>19</sup> regulates several types of leave:

- in the case of the child's birth - 10 days from the day of birth (paternity leave for men);
- within the period from 1 to 8 years of the child - each parent working in the labor field has an individual right to a 4-month leave (child-raising leave);
- in the case of a relative / person who lives in the worker's household and who needs care - 5 working days per year (caregiver's leave), which represents a new type of leave.

The Directive regulates the right of every worker to be absent from the workplace in cases of force majeure (family emergency, in case of illness or accident), with the presentation of the supporting documents, this right may be limited by the national law of the states. Also, the national law is to establish a suitable remuneration or allowance for the persons exercising their right to leave. Last but not least, the Directive protects workers from abusive redundancies when the above leave is requested. All these provisions will have to be implemented by the year 2022 in the national legislation of the Member States.

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<sup>17</sup> Top D (2017) *Social security law*, Zven publishing house, Târgoviște, p. 265

<sup>18</sup> OCDE, *Closing the Gender Gap*, OCDE, 2012.

<sup>19</sup> Official Journal of the European Union, series L 188 of July 12 2019

The pay gap between women and men remains high in Europe (16.3% in 2015 in the EU), in Romania the percentage is 8%<sup>20</sup>. According to Eurostat<sup>21</sup>, the smallest differences between salaries, by gender, are in Romania, Italy and Luxembourg. and the biggest differences, in Estonia, the Czech Republic and Germany.

The high pay gap between women and men subsequently contributes to high pension disparities for women in several Member States due to lower contributions to the pension system. This is especially true in Romania, Cyprus, Germany, the Netherlands and Austria. This situation contributes to the increase of the risks of poverty or social exclusion to which women are exposed to old age.<sup>22</sup>

Worldwide<sup>23</sup>, in the United States, the difference is 4.9% for men, in Canada, men have a salary of 4% higher than for women, and in Singapore, the difference is 5.2% for men,

In Australia, the difference is 3.1%.

The rules of the International Labour Organization aim to ensure equal pay<sup>24</sup>, in this sense the Convention no. 100/1951 on equal pay for male labor and female labour, for work of equal value.

According to the World Economic Forum, in 2018, on average, worldwide, the gender gap was eliminated by only 68%. No country in the world has managed to ensure equal opportunities for women against men (in areas such as: health, education, politics, economics), 70 years in Asia and only 165 years in North America and only a few countries have eliminated inequalities by more than 80%. In the first three places of the ranking of countries where the chances of women are closer men's are: Iceland (85.8% equal opportunities), Norway (83.5%) and Sweden (82,2%)<sup>25</sup>.

The factors behind the pay gap between women and men are multiple: women work more often than part-time, in their professional careers they face the so-called "glass ceiling" phenomenon<sup>26</sup>, they work in sectors where their remuneration is lower or they are often forced to assume primary responsibility for the care of their families. One of the ways in which solutions to these problems can be found is to improve the balance between the professional and private lives of families.

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<sup>20</sup> Mihalcea E., *Women on the labour market, between reports and reality* <https://revistacariere.ro/>, assessed on the date of august 20, 2019

<sup>21</sup> Romania is the EU country with the smallest wage differences between women and men. The reason is simple and sad, [www. https://stirileprotv.ro](https://stirileprotv.ro) ·Social News, accessed on August 31, 2019

<sup>22</sup> Boll, C., Leppin, J., Rossen, A., Wolf, A. (2016), Magnitude and impact factors of the gender pay gap in EU countries, report prepared for the European Commission [http://ec.europa.eu/justice/genderequality/files/gender\\_pay\\_gap/2016\\_factors\\_gpg\\_en.pdf](http://ec.europa.eu/justice/genderequality/files/gender_pay_gap/2016_factors_gpg_en.pdf). accessed on august 20, 2019

<sup>23</sup> *Study on wage differences between men and women* <https://www.glassdoor.com>, accessed on 31 august 2019

<sup>24</sup> Voiculescu N. Berna B.M. (2019), *Treaty of international and European social law*, Legal Universe Publishing House, Bucharest, p. 84

<sup>25</sup> *WEF study on equal opportunities between women and men.*, <https://www.weforum.org>, accessed on 31 august 2019

<sup>26</sup> Difference between men and women, in Romania - the lowest in the EU., <https://www.europafm.ro>, accessed on August 31st 2019

The role of women is no longer limited to domestic and reproductive activities; they also work closely with a paid activity, with work becoming a very important element in strengthening gender identity. This fact gives women equal positions and autonomy in the contemporary society. The role attributed to them in contemporary society - that of creating a balance between work and family - is perhaps one of the major factors that direct women to such employment opportunities, which will allow them to reconcile the domestic activity carried out in their own household with the paid activity. Thus, in the literature, there has been a predominance of the gender factor in most non-standard contractual arrangements, in the sense that there is a discrepancy between women and men in terms of employment relationships, with men being over-represented in standard employment contracts, while women dominate almost all atypical contractual arrangements.

As the sphere of atypical jobs is usually generating precariousness, a greater importance must be given to the impact of these precarious forms of work on women and the level of protection granted to women by labor and social protection legislation<sup>27</sup>. Creating a solid social protection system for atypical workers seems even more necessary. Indeed, the lack of social protection for atypical workers undermines the principle of gender equality in the labor market, a principle that, in recent years, especially in relation to part-time work, has enjoyed both legal recognition (Council Directive no. 91 / 383 / EEC on the health and safety of atypical workers, Council Directive 97/81 on part-time work and Council Directive 99/70 regarding fixed-term work - both implement and promote the principle of equal treatment), as well as case law. The judgments issued by the Court of Justice of the European Union favor and support the objectives of the Directives of the Council of Europe on equal treatment for women and men in the social security system.

Many Member States have undertaken reforms to improve policies to balance work and private life and to increase women's participation in the workforce. However, efforts are still needed to raise public awareness of anti-discrimination legislation, promote transparency of remuneration and better ensure compliance with equal pay provisions.

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<sup>27</sup> Marica M E., *op. cit.*, p. 48

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