



# Gender Equality and Public Policies

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## INTRODUCTION

As Gender Equality Strategy 2020–2025 pointed out “The promotion of equality between women and men is a task for the Union, in all its activities, required by the Treaties. Gender equality is a core value of the EU, a fundamental right and key principle of the European Pillar of Social Rights. It is a reflection of who we are. It is also an essential condition for an innovative, competitive and thriving European economy. In business, politics and society as a whole, we can only reach our full potential if we use all of our talent and diversity. Gender equality brings more jobs and higher productivity—a potential which needs to be realized as we embrace the green and digital transitions and face up to our demographic challenges”.

In this perspective, this chapter will focus on gender equality in the labour market and structural inequalities in the distribution of care

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responsibilities within the family and tries to verify the reasons for these differences and the possible legislative solutions.

The structure of this chapter is as follows: the first section starts by showing the gender inequalities in employment in European countries, and then, focusing on three countries characterized by different levels of gender gap into employment provides an overview on inequalities in other key indicators of the labour market and in the determinants that have been associated to the observed differences providing descriptive statistics. The second section analyses the main factors affecting the different levels of female employment in the literature while the third section analyses the role of work-life balance policies to the achievement of gender equality. The final section provides some concluding remarks.

## GENDER INEQUALITIES IN PAID AND UNPAID WORK

Main labour market indicators confirm a rather heterogeneous presence of female labour supply across European countries with different outcomes in terms of observable gender inequalities in paid labour.

On average in EU 27 employment rates for men aged from 20 to 64 is 80% and for women 69% with a 10.6 percentage points of gap at women's disadvantage (Table 5.1). A gap computed by the difference between the employment rates of men and women of working age (20–64 years) that ranges from 0.8 percentage points in Lithuania to 21 percentage points in Greece. In this context Italy stands at the last place in terms of female employment rate (55%) and shows a gender gap of about 20 percentage points. Southern European countries are characterized by lower female employment rates than on average, however, though Spain and Italy are both Southern European countries, one can notice an almost 10 points higher female employment rate in Spain (64%) and a lower gender gap in employment at the disadvantage of women than in Italy. According to the European Institute for Gender Equality (EIGE) (2022), Italy is also the EU country with the lowest achievement in terms of gender equality in the work dimension with a mark of 63.2 out of 100 against 73.6 for Spain and 83 out of 100 for Sweden and 71.7 for EU 27. Gender inequalities in the employment likelihood have also been exacerbated by the impact of pandemics (Addabbo, 2021; Queisser, 2021; Profeta, 2021; Nivakoski & Mascherini, 2021).

The observed differences in employment rates are even wider if one considers the impact of children on employment rates (Tables 5.2a, 5.2b).

**Table 5.1** Employment rates by gender age group 20–64. Year 2022

	<i>M</i>	<i>F</i>	<i>M-F</i>
Belgium	75.7	68.1	7.6
Bulgaria	79.5	71.8	7.7
Czechia	88.6	73.7	14.9
Denmark	82.8	77.4	5.4
Germany	84.9	77.1	7.8
Estonia	83.3	80.4	2.9
Ireland	83.9	72.6	11.3
Greece	76.9	55.9	21.0
<b>Spain</b>	<b>75.0</b>	<b>64.1</b>	<b>10.9</b>
France	77.0	71.2	5.8
Croatia	74.5	65.0	9.5
<b>Italy</b>	<b>74.7</b>	<b>55.0</b>	<b>19.7</b>
Cyprus	84.2	72.1	12.1
Latvia	78.6	75.5	3.1
Lithuania	79.4	78.6	0.8
Luxembourg	78.0	71.5	6.5
Hungary	85.1	75.3	9.8
Malta	87.2	74.1	13.1
Netherlands	86.9	79.0	7.9
Austria	81.2	73.4	7.8
Poland	83.1	70.2	12.9
Portugal	80.4	74.8	5.6
Romania	77.7	59.1	18.6
Slovenia	81.2	74.3	6.9
Slovakia	80.7	72.6	8.1
Finland	79.0	77.8	1.2
Sweden	85.0	79.2	5.8
Iceland	87.3	82.1	5.2
<b>Norway</b>	<b>83.7</b>	<b>78.0</b>	<b>5.7</b>
EU 27	80.0	69.4	10.6

Source: our elaborations on Eurostat Employment and activity by sex and age—annual data (lfsi\_emp\_a) from Labour Force Survey data

The gender gap at the advantage of men in terms of employment rates increases with the presence of children in all countries but with a higher impact in the two Southern European countries analysed in this essay. The largest gap in employment rates can be observed in Italy when in the presence of more than 2 children in the family (44 percentage points of differences in the employment rates of fathers and mothers) or if the youngest child is younger than six (34 percentage points) (Table 5.2c).

**Table 5.2a** Employment rates 25–54 years old by gender and presence of children—year 2021

	<i>Total</i>		<i>Without children</i>		<i>With one child</i>		<i>With 2 children</i>		<i>With more than 2 children</i>	
	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>
EU 27	85.1	74.6	81	77.1	89.8	74.9	91.4	73.8	86.7	58.4
Spain	80.7	70.1	75.9	70.7	85.5	69.6	89.7	72	81.2	57.6
Italy	80.2	60.1	74.7	62.6	87	60.6	89	56.7	85.4	41.1
Norway	85.8	81.1	80.7	78.1	91	80.4	93.6	88.7	91.7	81.9

**Table 5.2b** Employment rates 25–54 years old by gender and age of the youngest child year 2021

<i>Age of the youngest child</i>	<6		<i>Six to eleven</i>		<i>12 or over</i>	
	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>
EU 27	89.9	66.9	90.5	74.9	89.9	77.8
Spain	84.8	67.5	89	71.5	87.1	69.5
Italy	87.9	53.6	88.6	59.9	86.2	60.5
Norway	92.7	80.1	91.4	88.9	92.4	84.9

**Table 5.2c** Gap in employment rates 25–54 years old M-W year 2021

	<i>Total</i>	<i>Without 1 child</i>	<i>2 children</i>	<i>&gt;= 3 children</i>	<i>&lt; 6</i>	<i>Six to 11</i>	<i>12 over</i>
EU 27	10.5	3.9	14.9	17.6	28.3	23	15.6
Spain	10.6	5.2	15.9	17.7	23.6	17.3	17.6
Italy	20.1	12.1	26.4	32.3	44.3	34.3	28.7
Norway	4.7	2.6	10.6	4.9	9.8	12.6	2.5

Source: our elaboration from Eurostat metadata LFST\_HHEREDCH

Turning to the type of work contract, one can see how the countries analysed differ in terms of the presence of part-time work contract by gender (Table 5.3a). Part-time work, as on average in EU 27 countries, is more spread amongst women (Table 5.3a) with a higher percentage of women working part-time on total employment in Norway (32.6%) and Italy (31.4%). However, involuntary part-time work is much more spread

**Table 5.3a** Percentage of part-time employment on total employment by gender age 20–64—year 2021

	<i>PT</i>	
	<i>M</i>	<i>W</i>
EU 27	7.6	28.2
Spain	6	22
Italy	8.3	31.4
Norway	13	32.6

Source: Eurostat metadata LFSA\_EPPGA

**Table 5.3b** Involuntary part-time on total part-time employment by gender age 20–64—year 2021

	<i>Involuntary % of PT</i>	
	<i>M</i>	<i>W</i>
EU 27	31.7	21.6
Spain	59.8	52.1
Italy	78.1	57.3
Norway	16.7	17.6

Source: Eurostat metadata LFSA\_EPPGAI

in Italy and Spain rather than on average in EU 27 and in Norway (Table 5.3b). The highest presence of involuntary part-time work is amongst men in Italy (78% of them work part-time involuntary) and in Spain (almost 60% of men work involuntary part-time) followed by women in Italy (57% of women working part-time work part-time involuntary) (Table 5.3b).

Part-time work for adults living as a couple is more widespread for women living as couples with children (Table 5.3c).

Turning to the main reasons given for working part-time consistently with the high presence of involuntary part-time work, the main reason is no full-time job in Spain and Italy, followed by family reasons for women (20% of women working part-time in Spain and 30% of women working part-time in Italy) and by education or training or for other reasons for men (Table 5.3d).

**Table 5.3c** Percentage of part-time employment on total employment amongst adult couples aged 18–64 by gender and presence of children—year 2021

	<i>With children</i>		<i>Without children</i>	
	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>
EU 27	5.1	34.3	7.7	27.5
Spain	3.5	23.3	6.2	18.1
Italy	5.8	37.1	7.3	26.6
Norway	5.1	23.5	10.0	27.9

Source: Eurostat metadata LFST\_HHPTEY

**Table 5.3d** Main reason working part-time on total part-time employment by gender age 20–64—year 2021

<i>Main reason</i>	<i>No full-time job</i>		<i>Family reasons</i>		<i>Education or training</i>		<i>Own illness or dis.</i>		<i>Other reasons</i>	
	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>	<i>M</i>	<i>W</i>
EU 27	31.7	21.6	8	33.5	17.1	6.9	8.4	4.9	34.7	33.2
Spain	59.8	52.1	3.5	20.1	11.4	6.1	2.3	1.3	23.1	20.5
Italy	78.1	57.3	3.1	30.4	3.5	1.8	2.4	1.7	12.8	8.8
Norway	16.7	17.6		10.9	28.7	21.5	16.3	19.9	36.1	30.1

Source: Eurostat metadata LFSA\_EPGAR

A measure that considers jointly the average hourly earnings, the monthly average of the number of hours paid and the employment rate, is the gender overall earnings gap. Eurostat (2023) shows that in 2018, the gender overall earnings gap was 36.2% on average in EU countries, 27.6 in Norway, 33 in Spain, and 43 in Italy (see Eurostat, 2023, Table 1).

Eurofound (2022) based on EWCTS survey confirms gender segregation of sectors, occupations and workplaces and highlights the persistence in gender inequalities in the distribution of paid and unpaid work: on average men spend about 6 hours more than women per week in paid work, whereas women spend 13 hours more than men in unpaid work a week and 7 hours of total (paid and unpaid work) per week in 2021. A factor that is positively related to work-life balance is the flexibility measured with a positive reply to being able to take time off very easily. Flexibility appears to be less spread for women (29% of women could do so) than for

men (37% of men can enjoy flexibility at work). Eurofound (2022) also finds evidence across EU countries of higher occurrence of work-life conflicts for women than for men.

Behind the observed inequalities in the labour market there is a different allocation of time by gender and a different role in social reproduction (Table 5.4a). Time use surveys referred to the latest available year show gender inequalities in the time allocation. As shown in Table 5.4b, in fact, summing up paid and unpaid work (that includes routine housework; shopping; care for household members; childcare; adult care; care for non-household members; volunteering; travel related to household activities; other unpaid activities) total working time is 1 hour and almost 20 minutes higher for women in Italy (Table 5.4b) and 1 hour and 14 minutes in Spain, whereas the total working time is higher for men in Norway. Women spend on average almost three hours more than men daily in unpaid work in Italy against one hour more in Norway. The much higher gap in unpaid work reveals a much more unequal distribution of work in Southern Countries like Spain and Italy and leaves women in these countries less time for other activities. A gap that has even increased during pandemics when, due to confinement, closures of childcare services and schools have occurred. Farré et al. (Farré et al., 2022a, 2022b) did find in Spain a rather small effect of the lockdown in the gendered distribution of tasks within Spanish households where gender norms rather than differences in bargaining power or in time availability seem still to dominate the observed inequalities in time allocation by gender.

According to OECD data on the enrolment rates of young children by type of programme and by age group referred to year 2020, the enrolment rate of children under 3 years in International Standard Classification of Education (ISCED) 0 level is 5.2% in Italy against 41% in Spain and 58.3%

**Table 5.4a** Minutes per day by gender in work activities age group 15–64. Latest year available

	<i>Men</i>			<i>Women</i>		
	<i>Paid</i>	<i>Unpaid</i>	<i>Total</i>	<i>Paid</i>	<i>Unpaid</i>	<i>Total</i>
Italy	221	131	352	133	306	439
Norway	277	168	446	200	227	427
Spain	236	146	382	167	289	456

Source: Our elaborations from [Oecd Time Use Database](#)

**Table 5.4b** Gender gap in minutes per day in work activities age group 15–64. Latest year available. M-W

	<i>Paid</i>	<i>Unpaid</i>	<i>Total</i>
Italy	88	-176	-88
Norway	77	-59	18
Spain	69	-143	-74

Source: Our elaborations from [Oecd Time Use Database](#)

**Table 5.5** Percentage of children (under 3 years old) cared for by formal arrangements other than by the family—year 2021

Italy	26%
Norway	65%
Spain	57%

Source: Eurostat based on EU-SILC data

TEPSR\_SP210 [https://ec.europa.eu/eurostat/databrowser/product/view/ILC\\_CAINDFORMAL](https://ec.europa.eu/eurostat/databrowser/product/view/ILC_CAINDFORMAL)

in Norway (OECD, 2022). By using European Union Statistics on Income and Living Conditions (EU-SILC) (statistics on income, social inclusion and living conditions) the percentage of children (under 3 years old) cared for by formal arrangements other than by the family shows 40 percentage points difference amongst Italy and Norway (Table 5.5).

According to Italian National Institute of Statistics (ISTAT) (2022) estimate, the coverage rate in year 2020/2021 is 29% with a high regional heterogeneity from regions in the Centre-North of the country with a coverage rate above 40% as Umbria (44%) and Emilia Romagna (40.7%) to regions in the South of Italy with a coverage rate below 12% (as for Campania and Calabria).

A universal legal entitlement to early childhood education and care (ECEC) is at age three in Spain, one in Norway while there is no universal legal entitlement to ECEC in Italy (European Education and Culture Executive Agency, Eurydice, Parveva et al., 2022).

Turning to the take-up of parental, paternity and maternity leaves in the three countries analysed a positive impact of earmarked and more generous parental leaves on fathers' take-up of parental leaves can be detected in Norway (Bungum & Kvande, 2022). The 2019 reform introduced by the gender equality law replaced the term paternity leave with birth and childcare leave and benefit for the parent other than the biological mother,



introducing sixteen weeks for all employed fathers (including self-employed) and of them six compulsory following births with a 100% coverage (Meil et al., 2022) a much longer duration than the ten days of the paternity leaves (i.e., paid 100% of father's wage, more than the 80% granted to mothers as maternity leave) introduced in Italy (Addabbo et al., 2022).

The ratio of fathers taking the leave over eligible fathers produce a take-up rate of 89% for Spain (Meil et al., 2022), on the other hand, even if compulsory, the majority of fathers do not take advantage of paternity leave (Addabbo et al., 2022), one should actually notice that, differently from the prohibition to work during the maternity leave, paternity leave in Italy is a potestative right that can be waived.

On average, according to data from the European Working Conditions Telephone Survey (EWCTS) 2021, 85% of people who are working consider that their working hours fit well or very well with their family or social commitments outside work in Norway without differences by gender, this percentage is lower in Spain and in Italy with a higher degree of satisfaction for women than for men (Table 5.6a). The percentage of workers that experience the highest degree of balance between working hours and other family or social commitments outside work is the lowest in Italy with respect to Norway and Spain (Table 5.6b). A higher work-life balance on average for women has been detected also before pandemics by using European Working Conditions 2015 survey, though women with higher care responsibility show a lower fit than women without caring responsibilities (Eurofound, 2017).

During pandemics a general deterioration of work-life balance has been experienced especially for women (Eurofound, 2020).

**Table 5.6a** In general, how do your working hours fit in with your family or social commitments outside work?

	<i>M</i>	<i>W</i>
Italy	75%	78%
Spain	78%	80%
Norway	85%	85%

Source: Our elaborations from European Working Conditions Telephone Survey (EWCTS) 2021

**Table 5.6b** In general, how do your working hours fit in with your family or social commitments outside work?

	<i>Italy</i>		<i>Spain</i>		<i>Norway</i>	
	<i>Man</i>	<i>Woman</i>	<i>Man</i>	<i>Woman</i>	<i>Man</i>	<i>Woman</i>
Very well	23.8	21.22	35.22	38.54	41.7	41.15
Well	51.54	57.07	43.21	40.97	42.87	43.42
Not very well	18.58	15.67	11.86	13.66	11.38	12.51
Not at all well	6.08	6.04	9.71	6.83	4.05	2.92
Total	100	100	100	100	100	100

Source: Our elaborations from European Working Conditions Telephone Survey (EWCTS) 2021

## FEMALE LABOUR SUPPLY DETERMINANTS IN ITALY, NORWAY AND SPAIN

What are the factors affecting the different levels of female employment in the three countries analysed in the previous section?

A first factor affecting labour supply is the *model of taxation* and the existence and amount of *in-work benefits*. Consistently with the expected impact of taxation on female labour supply according to the family labour supply model, Colonna and Marcassa (2015) found a negative impact on second-earner's (usually women due to the wage gap at their disadvantage) labour supply in the presence of the high tax rate and tax credits and transfers that can be found in Italy. On the other hand, by applying the French tax system with a taxation not at the individual level but to the family income as a whole, plus cash-benefits provided to families would have a negative impact on female labour supply in Italy reducing the tax rate of income of family with more than three children as found by Brunori et al. (2020). The introduction of *in-work benefits* in Spain has been estimated to have a positive effect on female labour force participation rate especially for low-income households by Oliver and Spadaro (2017).

Unpaid work and its unequal distribution between partners in the family shown in the previous section affect both female labour supply probability (by increasing more the fixed costs for women in entering the labour market than for men) and the gender gap in wages. The *unbalanced gender allocation of time* with a higher share of unpaid work for women has been found to have a negative impact on women's wages and a positive

one on their partner's wages thus contributing to the increase in the wage gap at their disadvantage (Matteazzi & Scherer, 2021).

The more unequal the unpaid work distribution between partners, the higher the exposure for the partner performing most of care work to the risk of being out of the labour market or to work less hours.

The three countries are characterized by different parental, paternity and maternity leaves design and duration and by a different presence of childcare services (Koslowski et al., 2022).

By using the Italian component of EUROMOD (the multi-country European wide tax-benefit model) Figari and Narazani (2020) show that in a context like Italy with limited access to public childcare, a higher investment in childcare increases female labour supply with a higher impact on mothers with a lower income level than mothers with higher household income and a higher impact for women living in the South of Italy (characterized by lower female labour supply and low presence of childcare facilities). Moreover, during pandemics, the difficulties connected with schools and childcare services temporary closures generated more difficulties in balancing paid work and family life for families with children, with an increased burden especially for women (Del Boca et al., 2020).

As shown in Sect. 1, childcare services are much more extended in Scandinavian countries and the reform that has expanded childcare services for 1–2 years old in Norway has been found to have a positive impact on the probability of mothers' employment with a long-term effect for mothers with more than one child on both of their employment probability and their hours of work (Kunze & Xingfei, 2019).

Turning to parental, maternity and paternity leaves, their impact on female labour supply has been widely analysed in the literature (see Lassen et al., 2022 for a survey of the literature). Earmarked paternity leaves have been found to be effective in increasing fathers' leave-taking (Kvande & Brandth, 2019) and their involvement in childcare, though the evidence of their impact on female labour supply has been found to be mixed (Lassen et al., 2022) and heterogeneous across EU countries with a positive impact of paternity leaves on mothers' labour supply and hours of work in some of them (Bacheron, 2022). With reference to the Spain reform on the introduction and length of paternity leaves on fathers' leave uptake, Jurado-Guerrero and Muñoz-Comet (2021) find a positive impact of the extension of the duration of paternity leaves on fathers' uptake with a reduction in the social gaps in the uptake. An indirect positive impact of the introduction of paternity leaves and fathers' eligibility can be also

related to the change that their introduction produces on their children's gender norms showing more egalitarian attitudes towards gender roles also in terms of a more equal allocation of time within the couple as found by Farré et al. (2022a, 2022b).

The different institutional factors at work in Italy and Spain have been found to affect the impact of the economic crisis on female labour supply in the two countries showing the prevalence of the added-worker effect for women in Spain, and of the discouraged worker effect for women in Italy (Addabbo et al., 2015).

### INEQUALITY AT WORK AND UNEQUAL DISTRIBUTION OF CARE WORK AT HOME

The European Commission in a Communication made before the outbreak of the pandemic about the initiative to support work-life balance for working parents and carers stated that “Taking action (in the field of equality between men and women) is not only a question of fairness, gender equality and optimal allocation of skills but also a question of countries' fiscal sustainability. It is both a social and an economic imperative”.

Inequality between men and women related to access and to working conditions in the labour market and in the distribution of care responsibilities within the family, of course depends on a widespread cultural attitude but it is also the result of both lack of adequate measures as well as application of inadequate legislative solutions (Alessi, 2018; Militello, 2020).

The problem of (in)equality is made up of several issues, all connected to each other and related, on one hand, to the old question of women's work, mostly underrepresented (except in the poor and precarious sectors of the labour market) and underpaid; and, on the other hand, to the overrepresentation of women in unpaid care work.

So, the inequality cannot be considered as a whole, but it must be faced from different perspectives, starting with the evaluation of what has not worked so far.

From a legal standpoint, the analysis must concern the existing measures and those that should be adopted, in relation to the objectives pursued.

Since the field of investigation is very broad, the following reflections will be developed on the analysis of the instruments used to guarantee the

right to conciliation. In fact, as an International Labour Organization (ILO) report from 5 years ago stated, “motherhood carries a wage penalty resulting from the interruption of the career trajectory and the tendency to regard mothers as being less ambitious and available for work than men” (Report ILO, 2018).

Starting from this point of view, the recent 1158/2019/EU directive adopted by the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers has pointed out the importance of contribution of work-life balance policies to the achievement of gender equality “by promoting the participation of women in the labour market, the equal sharing of caring responsibilities between men and women, and the closing of gender gaps in earnings and pay” (cons. no. 6).

Through this directive, the European legislator has expressly recognized the importance of work-life balance as an essential instrument to achieve gender equality (Busby, 2018), highlighting that “work-life balance remains a considerable challenge for many parents and workers with caring responsibilities, in particular because of the increasing prevalence of extended working hours and changing schedules, which has a negative impact on women’s employment” (cons. no. 10).

As already mentioned, the actual situation—structural discrimination in the labour market and unequal distribution of care responsibilities—is largely due to a strong and widespread resistance to a structural and cultural change and further re-enforced by the application of an apparatus of legislative rules that are still standing on the idea that the leave and the parenting remain mainly a mothers’ issue, as the main part of the burden of work-life balance. This means that this cultural vision has always influenced the national legislators in their choices, as will be seen later.

In the case of caring responsibilities, the problem relates to stereotyped roles within the family and the impact of what would be a personal choice—irrespective of the mandatory nature of the leave—on paid work. Because the point is that there should not be an impact; fathers and mothers should be able to choose how to care for their children, without worrying about how this will affect their work. Currently, this is not the case.

For this reason, the legislative action should follow two different paths: it should concern, on one hand, the regulation of parental leave, that in most legal systems is mandatory only for mothers with fathers in a subordinate position even where the regulation is advanced as it is in Norway; and on the other, the work and working hours organization which is still

built mainly to meet employer's interests and does not take into account the workers' personal needs.

The only way to equality would be by putting the fathers on an equal footing with mothers with respect to not only care responsibilities but also work, eliminating the differences for the employers in choosing a man or a woman for an employment or a promotion.

At the basis of the different problems affecting gender inequality there is a structural discrimination of women both within labour market and family life, ossified on both traditional patterns of work organization built mainly on male breadwinner model, and on the other in a stereotyped conception of gender roles (Ales, 2008). The two aspects are inextricably connected. So, the real point is the sexual division of work: paid for men and paid and unpaid for women.

Most of the solutions adopted by the legislators to solve these issues fail to get to the heart of the problem, that is the fact that women's condition is not comparable to any other minority group condition, because women are not a minority. As Marzia Barbera observed, "Being a woman does not constitute the category of an interest group among others, but a way of being of the human person" (Barbera, 1999, p. 115).

Being a woman should not be an obstacle neither at work nor in the family. Yet, it is.

Starting from this, because gender equality is a social and an economic imperative, as the Commission said, and discrimination is a violation of human dignity and it depends on structural mechanisms, the role of law is to modify them, as long as being a woman will no longer be an obstacle. Until this happens, with regards to caring responsibilities, for how much time the choice about who cares—whether father or mother—will not be indifferent for employers, this choice should not be free for parents.

Not by chance, the above-mentioned directive identified paternal leave and flexible working schedules as the principal tools for achieving work-life balance.

On one hand, European legislator has indicated to the Member States the need to adopt "the necessary measures to ensure that fathers or, where and insofar as recognized by national law, equivalent second parents, have the right to paternity leave of 10 working days that is to be taken on the occasion of the birth of the worker's child. (...) " (art. 4). Furthermore, workers should be provided with a right to an adequate allowance while on leave, to increase incentives to men in particular to take periods of leave.

On the other hand, the directive has pointed out the need to take “measures to ensure that workers with children up to a specified age (...) and carers, have the right to request flexible working arrangements for caring purposes (...)” (art. 9, co. 1).

Finally, Member States shall take the necessary measures to prohibit less favourable treatment on the ground that they have applied for, or have taken, leave or that they have exercised the rights to flexible working arrangements. This provision is essential to strengthen the protection against discrimination on specific grounds of parenthood and caring responsibilities, because considering a discrimination against a worker with care responsibilities an indirect form of discrimination grounded on gender is itself a form of discrimination.

### *Work-life Balance Instruments in Italy, Spain and Norway*

With reference to work-life balance, the national legal systems differ from each other both with regard to the specific instruments adopted and to the approach chosen for the division of care responsibilities.

Since it is not possible to consider all European legal systems, the brief analysis will focus on three countries analyzed in the first part of the paper, two of which are part of the European Union and one is not: Italy, Spain and Norway.

One thing common to all legal systems considered is that the question is not so much the lack of tools rather than the fact that the existing tools have always been used in the wrong direction. The main goal normally pursued has always been to ensure women can be mothers and workers at the same time; instead of trying to spread the culture of equal sharing of care responsibilities. Because of this, even the most advanced systems, such as the Norwegian one, show their weakness with respect to the issue of gender equality.

### *Italy*

In Italy there is a very advanced legislation, but mainly on maternity protection, providing mandatory maternity leave for 5 months, paternity leave (only in specific situations, i.e., when mother cannot take care of the child) and parental leave for both parents, paid only at 30% of wage. Recently, the legislator introduced a 10 days paternity leave, not

mandatory as maternity one, with the decree n. 105/2022 implementing the directive 1158/2019.

Although the Italian legislation provides the protection and support of both mothers and fathers, in fact it presents an asymmetrical architecture, clearly unbalanced in favour of mothers. The origin of this approach lies in the art. 37 of the Constitution and in reference to that “essential family function” performed by the mother which must be ensured through the provision of adequate working conditions and which, in fact, has contributed to the crystallization of a precise division of roles within of both the family, with an unequal distribution in care responsibilities, and the labour market (Ales, 2016). So, the problem is not the lack of protective instruments at all but the idea that the mother primarily has to take care of the child; because of this, the Italian legal system does not have tools that strengthen the role of the father and guarantee equal distribution of care responsibilities. This regulation has serious repercussions on the labour market (Alessi et al., 2023).

### *Spain*

With regards to the instruments, the situation is different in Spain where recently the legislator adopted new rules on parental protection (legislative decree n. 6/2019). From 1 January 2021, new fathers (or equivalent second parent) will be entitled to 16 weeks of paternity leave, a period of time equivalent to maternity leave and non-transferable. Until now, men in Spain were entitled to 12 weeks of birth or adoption leave.

Now, both parents will have to share the first 6 weeks of leave together, which coincide with the first month and half of the child’s life (even adopted). The following 10 weeks are voluntary; parents can decide whether to use them full-time or share them with each other (Romero, 2022).

In three years, Spain has become one of the states with the most progressive legislation in the EU. For the sociologist Constanza Tobìo, this measure marks the end of a process in terms of permits; “it conveys the message that parents have the right and the obligation to care, under the exact same conditions and on the same terms as women” (Tobìo, 2020).

There are still not enough data to verify how this reform affects effective gender equality at work and at home, since this depends both on the fathers’ effective use of the new birth leave (*permiso por nacimiento y cuidado de menor*); and then on the ability and willingness of the father to



share care responsibilities with the mother. So, due to the lack of data, it is not yet possible to study the uptake of the 16 weeks of leave, but it is possible, for example, to observe the increase in fathers' take-up rates of leave from 4 to 5 weeks. During the economic crisis and in the first three years of recovery, the rates of use of the two weeks of leave ranged from 66% to 71% of employed fathers; extending to four weeks in 2017 and five weeks in 2018, an 80% utilization is estimated. This is a significant use and, when compared to that of mothers, the gender gap is almost nullified.

### *Norway*

Finally, Norway has been a pioneer in parenting protection, with the introduction of four weeks paternity leave as early as 1993 that became of about three months after more or less twenty years (Kvande & Brandth, 2017). As stated in a recent paper (Hack, 2023), today the leave scheme is based on three key concepts: first, the child's need for contact with one of the parents throughout the first year of life, then the health of both mother and child, and finally gender equality. The parental leave scheme provides 15 weeks reserved for the father, 18 weeks for the mother, and others 16 weeks that can be distributed between the parents as they decide. Finally, both parents are entitled to one year of unpaid leave after the end of the parental benefit period.

Despite the fact that to be entitled to paid parental leave, mother and father need to have been professional active before using the leave, an important aspect of the regulation is that the father's quota can be used even if the mother is at home with the child. This underlines the importance attributed to the role of the father in the care of the child, which is a fundamental step to achieve sharing of responsibilities. But, at the same time, the withdrawal of paternity leave beyond the father quota is conditioned to the mother's activity and it is provided only for fathers, not for mothers. It was a point much discussed to the point that so as to have required the intervention of the National Insurance Court in 2015 and it was also criticized by European Free Trade Association's (EFTA's) Surveillance Authority in an infringement case in July 2018.

In a recent proposal, the Norwegian legislator introduced a period of 8 weeks for the father—which coincides with the minimum period required by the directive 1158/2019—not conditioned by the activity of the mother.

Given this legislative framework, of course, the fathers' condition has changed, also creating a gendered change in society. But it was not enough to ensure gender equality in the labour market (Bjørnholt, 2011). Despite Norway being considered one of the most egalitarian countries in the world, ranking second after Iceland in 2018 by the Global Gender Gap Report (World Economic Forum, 2018), there are still some critical issues: for example, the job sectors in which women are present often have lower wages; many women work on part-time contracts, even if over time the percentage has decreased (Forseth, 2019).

### *Family Friendly Working Time*

As briefly described, the three countries considered have different leave regulations which necessarily affect the division within the family and also on the labour market. But this is only a part of the issue, because, in addition to the regulation of maternity, paternity and parental leaves, the other very important step to achieve work-life balance is the provision of a flexible working time.

As mentioned above, the directive pointed out the importance of the role of working time on work-life balance; for this reason, “in order to encourage workers who are parents, and carers to remain in the work force, such workers should be able to adapt their working schedules to their personal needs and preferences. To that end and with a focus on workers' needs, they have the right to request flexible working arrangements for the purpose of adjusting their working patterns, including, where possible, through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for the purposes of providing care” (cons. no. 34).

Working time is also considered a fundamental dimension of decent work; in this direction, to be decent, working time should be *family friendly*; promote gender equality; and facilitate worker choice and influence over their hours of work. The ILO report points out that the amount of working hours is one of the most important factors in determining whether one's work is compatible with family responsibilities and that both “inflexible” working hours and limited childcare tend to reinforce the traditional “male breadwinner—female homemaker” division of labour within households and create difficulties in combining paid work and family duties (Messenger, 2004).

Normally, the flexibility of working time translates into its reduction, in particular in the form of part-time work (Alessi, 2012). But, as the directive pointed out “while working part-time has been shown to be useful in allowing some women to remain in the labour market after having children or caring for relatives with care or support need, long periods of reduced working hours can lead to lower social security contributions and thus reduced or non-existing pension entitlements” (cons. no. 35). In fact, part-time jobs are often of lesser quality than comparable full-time jobs in terms of wages, career opportunities and part-time work is gender-segregated in nearly all of the countries in which it exists.

For this reason, the best working time measures to balance family and professional life are flexible working schedules, with the provision of the right for the workers to adapt working time when they need to handle their family responsibilities (ILO’s Workers with Family Responsibilities Convention 1981, n. 156).

The point is that flexible working time measures have not to be only family friendly, but have to be family friendly and promote gender equality. Because in the first case, if they were only family friendly, they would have the effect of further segregating women, as happened with part-time work.

In this direction, there are many types of flexible working time arrangements that can contribute to reconcile work and family life: for example, a periodic planning of work and working hours modifiable by employees on personal needs; the provision of flexi-time programmes or concentrated hours; the schedule of meetings shared with workers; the provision of a system for managing worker requests; but, above all, the right to adapt and modify work and working time to personal care needs unless it is impossible for the employer and in exceptional cases (Militello, 2020).

In other words, working hours should be adapted to worker’s needs, on the basis of the principle that the organization must be modelled on human beings and not vice versa. This would help ensure that care work did not weigh on paid work; today this is not the case as the burden of care work penalizes women almost exclusively.

## CONCLUDING REMARKS

The descriptive statistics analysed in this essay confirm the existence of gender inequality in the access to paid work as shown by lower women’s employment rates than men, a gap that appears even wider taking into

account the presence of children in the household and the youngest child's age. A comparative analysis amongst countries characterized by differences in the presence of childcare services and in the system of parental leaves (Norway, Spain and Italy) confirms how those differences reflect themselves in the observed inequalities in employment by gender across these countries.

Departing from descriptive analysis, the impact of different public policies on employment inequalities by gender has been confirmed by the literature as shown in the second section of this chapter. A further analysis of the system of public policies that can affect a different presence of women and men in paid labour carried out in this section, let us conclude that in order to reduce the observed inequalities in the participation to paid work a set of policies can be suggested.

Social infrastructure should be maintained and improved especially in countries where still the coverage of ECEC is lower addressing also regional inequalities in their provision mirrored in differences in women's labour supply.

Incentives for increasing fathers' take-up of parental leaves leading to a more equitable allocation of unpaid work in the couple should also be introduced. To monitor the impact of different parental leaves systems, better data should be collected and made available on the take-up of different types of leaves, their length and the way they are used by parents.

Work-life balance within firms should be enhanced and targeted to both parents to avoid reproducing traditional gender norms in the allocation of time conducive to persistent gender inequalities in the labour market.

As recently pointed out by the mentioned directive, work-life balance, in addition to being considered an objective in itself, has become the instrument for pursuing gender equality; to this end, it is very significant that the object of the directive relating to the balance between professional activity and family life concerns the provision of measures aimed at achieving not just balance, but equality between men and women as regards opportunities on the labour market and treatment at work, *by facilitating work-life balance*.

This change of meaning has enriched the notion of conciliation with the meaning of sharing, of co-presence and equal representation in the labour market and in the family, with the result of suggesting the progressive and definitive overcoming of the boundaries determined by the division of gender through the adoption of measures addressed no longer

only to the mother, but to the working parent, and conveyed by the obligation of equal treatment and by the prohibition of discrimination.

A chance of the leaves regulation is fundamental, as Norwegian experience shows, but is not enough. The other step is a working time reform that gives workers—men and women—more control over their time. An important role in this area could be played by collective bargaining. But the organization of work and working time falls within the employers' powers, difficult to change.

A collective effort of the legislator, employers and collective actors will be needed; however, the change seems to have begun; we just have to see where it will lead.

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