

# Beyond the ‘worlds of compliance’: a sociological and discursive approach to the Europeanisation of gender equality policies

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## **Women and employment: Does France go it alone?**

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### **I. Introduction**

Since the beginning of the 1970s, transnationalisation of gender equality issues via international bodies such as the United Nation (UN), the European Commission (EC) and the European Union (EU) means that it is no longer possible to analyse gender equality policies exclusively at the national level. However, the precise impact of the transnational level is not immediately clear, insofar as it obviously implies more than a straightforward transposition of directives and ready-built models from the transnational to the national level of decision-making. In a critique of the so-called ‘convergence theories’, recent analyses of the Europeanization process have emphasized the different ways in which different cultures, each more or less resistant to the EU policy framework, share beliefs and norms (Radaelli, 2004). This article will contribute to a reflection on the impact of the EU in the construction of gender equality policies and in the development of new paradigms or frames. The analysis of employment policies constitutes the main focus of this paper.

Various studies already show the complexity of the Europeanization processes, but the French case remains characterized by its below average performance in terms of compliance with EU policy framework and norms. Identified as an example of the “transposition neglect” in the classification by Falkner and Treib (2007), French inertia in transposing EU directives is a recurring component of the existing comparative literature on the Europeanization process (Junter, 2004, Laufer and Silvera, 2004, Mazur, 2004). According to Liebert, France has alternated between a ‘stubborn refusal’ to adopt EU paradigms on the one hand, and a minimal level of transposition on the other hand. In both cases, existing national reference frame have been left largely unchallenged and unchanged (Liebert 2003). Nevertheless, the gender equality objectives of the EU have undoubtedly produced a growing awareness of the importance of equality between men and women in France, particularly as far as the labour market is concerned (Le Feuvre & Andriocci, 2002). Gender equality policies at EU level have historically had a labour market focus, notably through the creation of a legal framework to promote equality at work. For instance, Article 141 of the 1957 treaty of Rome adopted the “principle of equal pay for male and female workers for equal work of equal value”. It is thus particularly interesting to see how one of the founding members of the EU has been affected by European-level policy initiatives in this field.

The analytical approach to ‘non-employment’ adopted in the Quing project leads us to analyze employment and employment-related policies in order to understand how these policies construct and legitimate the presence (and the absence) of certain categories of

citizens on the labour market (Lombardo, Sanguiliani & Longo, 2007). In line with this perspective, this paper will analyse the impact of the EU in the (de)construction of categories of 'non-employed' citizens in France, from a gender perspective. It is now accepted at the EU level that non-employment is a source of women's economic dependency, particularly on a spouse or a partner and that this contributes to gender inequalities. In the context of globalization, this paper attempts to analyse the role of supra-national bodies in regulating the daily lives of citizens, and more precisely in shaping the evolution of gender relations in the field of employment. However, our interest in the Europeanization process leads us to extend our focus to a broader gender equality and/or anti-discrimination policy framework. Although such areas are not explicitly connected to employment issues, they constitute a clear indicator of the evolution of French paradigms on gender equality, which also have clear consequences for women's employment patterns. Hence, beyond the issue of political transfer, this paper seeks to apprehend the EU influence or change the perception and the legitimating process of non-employment for certain categories of citizens. How are incorporated EU policy paradigms within the French national context? And how does the EU contribute to the construction of a new paradigm adopted in the logic of French domestic discourses and policies? In other words, if feminist ideal of gender equality has to be now translated into structural change (Fraser, 2009), in what extent could the EU contribute to make thrive this new social mainstream? Hence, another attempt is to make out the social ideal promoted in a specific national setting and by different social actors, and to apprehend its connotation in matters of gender norms. In other words, this paper would like to shed light on the different vision of gender equality invoked by French policies in comparison with the EU ones, whether they are drawn on notions of sameness (or inclusion), differences (or) and transformation (Walby, 2005: 321-322).

With this perspective in mind, the first part of the paper defines the institutional aspects of the Europeanization and the corresponding evolution of the French legislative framework. Specific attention will be given to the ways in which the Europeanization of gender equality came into conflict with the specific characteristic of the French context, particularly as far as positive action is concerned. This section will draw on the main policies adopted by the EU since the end of the 1970s particularly those measures aimed at influencing women's employment patterns, i.e. equal treatment, positive discrimination and gender mainstreaming. Secondly, we will assess the impact of the EU at the local level, through a representative case study. Far from attempting to give a detailed overview of the Europeanization process at the regional level in France, (see the Spanish contribution to this call for paper), the aim here is to consider the integration (or not) of the emerging EU policy paradigms in a given national context.

Finally we analyze how the new EU anti-discrimination paradigm, introduced by the end of the 1990s, has been incorporated in the French context. By analysing the ways in which gender has been incorporated (or not) into policy measure aimed at reducing all forms of discrimination in the labour market, special attention will be paid to the problem of multiple discrimination and intersectional inequalities. We would like to stress the relationship between French gender equality policies with other complex inequalities and their potential intersectionality. Thus, in addition to measuring the effects of those policies on gender categories, we also explore the extent to which they construct categories at the intersection of gender and other social markers, in particular those associated with class and ethnicity.

## **Methodology**

The Europeanization process of gender equality on the labour market is studied here through empirical material used in the QUING research project, in particular the *Critical Frame Analysis* approach<sup>1</sup>. The aim of this approach is to seize the “diversity within the concept of gender equality through an in-depth analysis of the different dimensions of a policy discourse” (Verloo & Lombardo, 2007:31). Considering the different interpretations of ‘gender equality’ in policy-making, the *Critical Frame Analysis* adopted in this paper enables us to study both the various actors involved in the policy process and to deconstruct the way of identifying a gender equality issue. Each issue has been treated through the analysis of policy documents, but also parliamentary debates, official reports and civil society documents. This analysis is thus based on a diversified set of data, which contributes to the construction of categories of non employed people. We focus on four topics carried out in the Quing project: tax-benefit, reconciliation of work and family life, care work and the gender pay gap regulation. We also consider the results of the studies carried out by the European team of the project so as to compare the frames developed in the French setting and in the EU context in relation to employment and employment-related policies (de Vega, Rolandsen Agustín & Lombardo, 2008).

## **II. Framing women’s employment in France: what is at stake for the EU?**

### ***II.1. Understanding the regulation of gender equality on the labour market in France***

At the institutional level, equal treatment for men and women has long been recognized in French Law, notably in the preamble of the French Constitution of the fourth republic of 27 October 1946. In 1957, the entry of France to the EC and the signature of the Treaty of Rome reinforced the principle of gender equality and more specifically gender equality marketing employment. The adoption of numerous measures that have attempted to fight against inequalities between men and women at work, most of the time under the pressure from the EU, shows the preoccupation of the successive French governments to achieve effective gender equality (Le Feuvre & Andriocci, 2002). However, any assessment of the gendered construction of non-employment in France needs to consider not only employment measures that are explicitly designed to promote equality between men and women, but also the whole body of public policies (QUING, 2007). More precisely, it is now recognised that the existing social and care provisions in a given country are essential to understanding the incentives or disincentives that women received from the state for entering and leaving the labour market.

French gender equality policy in the field of employment is historically closely tied to other policies in relation to the family. Although they have not been implemented with the explicit aim of producing gender equality, French family policies have historically enabled women to enter the labour market, often more easily than in other European

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<sup>1</sup> Built on social movement theory, the *Critical Frame Analysis* is a methodology that was remodeled with elements of gender and political theory. This methodology was previously developed and used in the European MAGEEQ research project (Verloo, 2007). This approach allows to study and question policy frames relating to gender equality in different policy and civil society documents.

countries. A paid maternity leave is introduced in 1909.<sup>2</sup> Moreover, since the 1970s, the extensive provision of childcare services has been supported by successive French governments (Jenson & Sineau, 1998). The French conception of state involvement in private life allows for a high level of public intervention around this issue, in particular through the development of childcare provision, tax relief on child care costs, collective and individual childcare allowances and so on (Le Feuvre & Le Marchand, 2007). Progressively, the successive governments aimed at making it possible for French mothers to “choose” between employment and non-employment at strategic periods in their lifetime. This “policy mix” has been highly effective in producing high rates of full-time employment for women, together with one of the highest birth rates in the EU (Fagnani, 2007). In such a context, the norm of employment for women, including for mothers of very young children, is deeply embedded in contemporary French practices as well as in political discourses, where the norm of *full-time employment for women* is highly pervasive (Jarty, 2009).

At first sight, French women’s employment pattern could be described as relatively satisfying in relation to EU objectives. The objective of the Lisbon Treaty to reach a 60% female women rate by 2010 was already achieved in 1995, by which time 61,6% of French women were marketing employment (INSEE 2008). In 2006, almost 65% of French women aged between 15 and 64 years old are in employment, usually on a full-time basis. In the meantime, more than 98% of children aged from 3 to 6 are in nursery schools, which also exceeds the objectives of the Barcelona Treaty to provide childcare to at least 90% of children between 3 years old and the mandatory school age, by 2010. The impact of the directive on maternity leave formally adopted by the EU in 1996 and providing 14 weeks of paid maternity leave was also very limited since France already provided 16 weeks of paid maternity leave at that time.

However, a more detailed analysis of French women’s employment pattern reveals the persistence of gender inequalities. As it is the case in other ‘old’ European countries (Liebert, 2008), although the employment status of French women was probably better than in many other EU countries few years ago, this is not the case anymore. Interestingly enough, important differences exist according to the number of children women have: while 80% of mothers of 2 children are in employment, this is the case for only 58% of mothers with 3 children in 2002 (Clément et Nicolas, 2003). Furthermore, the analysis of women’s employment conditions according to their socio-economic background also reveals a profound gap between women’s experiences at work (see below). Regarding the second objective of the Barcelona Treaty, France will only just meet the target of 33% of children aged under 3 years of age in collective child-care facilities by 2010. Today, the figures stand at: 8% in collective childcare services, 20% looked after by a qualified child-minder, 2% by a baby sitter, 2% at school and 1% in other childcare solutions (Ananian & Robert-Bobée, 2009). Thus, 63% of children aged below 3 years do not have access to childcare provisions, and 67% of these are currently looked after by their mothers.

When regarding the selected French policies in the area of non-employment, our analysis shows the absence of transformative frames in comparison to the EU case.

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<sup>2</sup> French maternity leave is adopted in 1909. However, it was only in 1970 that this leave became fully paid by the social security system for all workers (1928 for civil servants).

With the exception of the 11 day paternity leave measure adopted in 2002<sup>3</sup>, none of the French policy measures explicitly question the sexual division of labour and the unequal sharing of parental and domestic responsibilities. In other words, the issue of reconciliation of work and family life remains seen from mainly one side, which is the possibility for women, and women alone, to combine their professional life with their care responsibilities (Junter-Loiseau, 1999). Hence, the full-time employment for women norm is not necessarily associated with a transformative vision of gender equality in the French case. The meaning of gender equality is all the more confusing, given that France is characterized by the co-existence of competing models regarding women's employment patterns, a feminist model and a "family-centred" one (Commaille, 2001). Thus, the principle of freedom for women to choose between working or not when they have children not only fails to challenge the foundations of existing gender relations, it also produces very different working experiences for women, according to their socio-economic (or class) background.

## ***II.2. From the resistances to positive actions to the difficulties of introducing an effective gender mainstreaming***

*The difficult implementation of positive actions: Lack of compatibility or lack of will?*

Since the late 1980s and particularly the early 1990s, the EU gender equality political strategy shifted from one of "equal opportunity" to other political instruments such as positive action measures. The aim was to overcome structural discrimination and to enable women to catch up with men, especially in respect of working life. However, the introduction of positive actions and quota came into conflict with the dominant French conception of equality, deeply embedded in the tradition of republican universalism (Crompton & Le Feuvre, 2000). As a consequence, only a few measures have been adopted in favour of specific groups of women in France.

The so-called "parity laws" are the most accomplished example of positive discrimination. Ensuring a 50% representation of women in elected political office, they were introduced "after the publication of EU data that showed that the proportion of women in France holding political office was the second lowest in Europe" (Martin, 1999, Lépinard & Béréni, 2004). They also follow the 96/694/CE recommendation, where the European Commission officially advocated the adoption of positive discrimination in order to promote a balanced participation between men and women in decision-making bodies. However, the strong opposition of a number of parliamentary members as well as some leading French feminists (Badinter, 1998), shows the difficulties experienced in making the claim to equal representation compatible with national culture on citizenship (Lépinard, 2006).

In spite of the discourses around the 'French specificity', it is worth emphasizing that the adoption of this law remains in keeping with the europeanization process that has affected all European democracies (Lépinard and Béréni, 2004). Through the promotion of positive action, EU has led its member states to question the barriers to the political, social and economic participation of those social groups that have historically been excluded. The implementation of quotas has inevitably produced a specific rhetoric to

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<sup>3</sup> The father leave is implemented by the Articles 55 and 56 of the 2001-1246 Finance Law for the year 2002 adopted the 21 December 2001.

undermine political and discursive obstacles in each national context, including in France. Hence, commitment to a republican doctrine mostly appears as an argument by the parity opponents to resist the implementation of sex-quota. According to Eleonore Lépinard and Laure Béréni, France is characterised by its reluctance to feminize some male-dominated areas. The relative inefficiency of the parity law confirms the lack of will of French political parties to promote women among its representatives (Lépinard and Béréni, 2004).

The experience of positive action measures in employment is quite limited. From the adoption of the Roudy law in 1983 onwards, temporary specific actions (or temporary positive actions) were recognised as a means of correcting existing gender inequalities. A legislative framework made it possible for French private companies to receive public funding<sup>4</sup> for the implementation of gender equality contracts. With the aim of prioritizing women's access to all the posts within companies and enabling women with few qualifications to increase their skills, the 'gender equality contracts' enabled companies to finance training activities for women. However, those plans remain essentially voluntary and once again, the lack of motivation and the absence of legal sanctions or obligations of results within the legislation explain the rather limited impacts in terms of limiting existing gender equalities at work (Jarty and Rigaudière, 2008a, Metso & Le Feuvre, 2009).

The last and more significant example of positive action measures implemented in France dates from 2003. For the first time, the constitutional council admitted different dispositions for men and women, through the law 2003-775 concerning pension reform. This law allows a new evaluation of the state recognition of the unpaid care work of women who have spent time out of the labour market for raising their children.

### *The roller-coaster of the gender mainstreaming implementation*

Since the UN International Women's Conference in Beijing in 1995, the *gender mainstreaming* phase of the EU policy has significantly gained in influence. In 1997, the Treaty of Amsterdam reinforced the EU objectives in terms of gender equality in employment and extended it beyond the issues of pay promoted by the 1957 Treaty of Rome. This treaty represented a major step forward, towards the introduction of a new policy paradigm with respect to gender equality. By compelling a general obligation to combat gender based inequalities, it launched the principle of *gender mainstreaming* as a reaffirmation of the adoption and maintenance of positive action provisions. These international and European transition had a direct impact on French gender equality legislation. On 8 March 1999, France adopted the principle of gender mainstreaming in all domains. In addition, the 5<sup>th</sup> Action Program on gender equality from 2001 to 2006 was specifically focused on gender mainstreaming. From this period onwards, French legislations have progressively moved from the idea of protecting women as wives and mothers on the labour market to that of promoting gender equality in all spheres of society. The end of the 1990s marked a significant upsurge in the number of measures adopted and reports commanded in various areas of French politics (Le Feuvre & Andriocci, 2002). In 1997, under the pressure of the EU both for economic development and gender equality, the new socialist government established political instruments that

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<sup>4</sup> These funding are distributed by the State's Women's Rights Office (*Service des droits des femmes et à l'égalité*) or by the Direction of Work, Employment and Professional Training (*Direction du travail, employ et formation professionnelle*).

could be used in an egalitarian perspective. Regarding employment and employment-related policies, *equal pay* and *reconciliation* are probably the major areas in which the EU has had an impact on French gender equality policy. Most of them are inclusive measures in order to increase and improve women's labour market participation, for example through equal treatment and special programme, and do not challenge the 'gender order'. Instead, they are focused on women in order to help them to catch up with men average wage and to combine the demand of a (full-time) job and a family. On 6 March 2000, a memorandum on the linguistic feminization of trade names, job titles and ranks was adopted to promote equal treatment between men and women on the labour market. The same year, on 21 December, the Prime Minister, Lionel Jospin, asked Catherine Genisson, a Socialist Party MP, to elaborate an assessment of existing inequalities and the effectiveness of current legal provisions. In line with EU recommendations, Genisson insisted on the need to mobilize social partners (trade unions, employer's organizations, women's associations, etc.) in order to guarantee the effectiveness of any public initiative in the field (Genisson, 1999). The main purpose of the new law was to reinforce the measures that were provided for by the 1983 Roudy Act on equality in employment and to transpose directives 76/207/CEE and 92/85/CEE into French law. However, French legislation and measures in favour of gender equality are still perceived as inefficient because of the lack of any real implementation of existing laws. The effects of the 2001 law are widely recognised as insufficient and the gender pay gap remains at an average of 15%<sup>5</sup> (Service droits des femmes et de l'égalité, 2008). A 2004 report by the Senate<sup>6</sup> on the implementation and impact of the Génisson Law outlines the marginal number of companies applying the law and, when they do it, it is in a moderate and limited way (Gautier, 2004).

In 2002, the new right-wing government chose to return to a more protective position, which particularly affects women's employment patterns. The reform of the French Parental Leave System in 2003<sup>7</sup> reinforced the principle of 'free choice' (for women) to continue working or not after the birth of their children by consolidating the controversial 1994 paid parental leave scheme (Afsa, 1996). By extending the parental child-care allowance to parents of one child and increasing the partial financial compensation for parents who reduce their working hours (part-time APE) by 15%, the government continued to discourage mothers of young children to remain in employment. As Sylvia Walby argues, child care regulation remains a domain where differences between men and women are often valued (Walby, 2005). And this looks particularly obvious in the French case, where this so prized *free-choice* frame seeks to consolidate the gender division of labour and the perception of women's wage as merely supplemental. Similarly, the study of recent laws and parliamentary debates adopted in the domain of care work illustrate the weight of the *family well-being* frame and the persistent traditional norm of family in France. In general, then, *care crisis* remain a gender-blind issue and is recurrently apprehended as a problem for the well-being of children and family. Accordingly, the preoccupation around the quality of child rearing tends to legitimate the adoption of measures, not all of which promoting gender equality.

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<sup>5</sup> In France, the average gender pay gap is 18,9% in the private sector and 13,5% in the public sector.

<sup>6</sup> This study is based on the analysis of a 2000 Human Resources managers interviews by phone.

<sup>7</sup> Article 60 of the Law N°2003-1199 of the 18 December 2003 on social security funding, published in the Official Gazette, 2004, Paris, December 19<sup>th</sup>, pp. 21659-21663.

It is only once again under pressure from the EU that President Jacques Chirac expressed his aim to fight against the gender pay gap (Chirac, 2005). When he was re-elected in 2002, he fixed the objective of implementing equal pay for men and women in France by December 31<sup>st</sup> 2010. Thus, Nicole Ameline was nominated as Ministry of parity and equality on the labour market. The first bill was introduced in 2005 and fixed a programme for companies to achieve gender equality. In addition to the specific objective of reducing the gender pay gap, the 2006 law<sup>8</sup> also includes other aspects of the professional experiences of men and women. For instance, the objective of reconciliation between work and family life is seen as a main objective to reduce the number of women working on a part-time basis. For the first time, the legislation established a clear objective and a calendar for the planned actions with the explicit aim of eradicating the current gender pay gap. Whereas this law once again lacks an obligation of results and a list of clearly defined sanctions in the case of non-compliance, the 2008 law<sup>9</sup> reaffirmed this ambition and fixed a delay of 2 years for companies that have not reach equal pay, otherwise they will be financially penalized. But because they will be inevitably confronted with the contradictory frames promoted by the French family system described above, such initiative will probably once again fail to obtain effective results.

### **II. 3. Thinking beyond the national gender equality policies: The impact of the EU at the local level**

#### *The development of gender equality policies at the local level*

In the new context of decentralization, it no longer goes without saying that the state is the sole legitimate actor for struggle in gender equality matters. And the modest results regarding the introduction of gender mainstreaming at the national level in France lead us to pay attention to the regionalization process of EU gender equality policies. Albeit French public policies are still characterized by their hard level of centralisation, various studies show the interest to analyze the implementation of gender mainstreaming in local policies, in particular in employment policies (Mazey, 2000, Letablier and Perrier, 2008).

The analysis of the regional policy of the European Union reveals interesting efforts for promoting gender equality. The creation of 'The European Charter for the Equality of Women and Men in local life' by the Council of European Municipalities and Regions (CEMR) in 2006 also reinforces the local level dynamic. Thus, several French Regional Council (*Conseil Regional*), Departments (*Conseil Général*) and cities have signed this charter, which represent a formal public commitment to the implementation of gender equality action plans and programmes (Metso and Le Feuvre, 2009). In 2009, 55 local and regional authorities in France are involved in implementing the objectives of the Charter, such as the city of Paris and the city of Rennes, which has gone even further by obtaining the Gender Equality Label. Such a distinction was for the first time attributed to a public administration (Metso and le Feuvre, 2009). However, the lack of support of

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<sup>8</sup> Law n° 2006-340 of 23 March 2006 related to equal pay between men and women, published in Official Journal, 2006, N°71, Paris, March 24<sup>th</sup>

<sup>9</sup> Law n° 2008-496 of 27 May 2008 concerning several dispositions for the adaptation to the Community Right in the area of the fight against discriminations, published in the Official Journal, 2008, N°0123, Paris, May 28<sup>th</sup>

the European Commission to follow the implemented activities seems to compromise the future of this charter.

In their analysis of the implementation of the third objective of the European Social Fund (ESF), Marie-Thérèse Letablier and Guénaëlle Périer (2008) outline the lack of knowledge in terms of gender equality from the ESF actors. Thus, equality between men and women does not immediately appear as a prior issue for the actors responsible for the implementation of employment policies at the local level. Additionally, the relative absence of juridical rules for implementing gender equality projects have made the introduction of gender mainstreaming in the local employment policies more difficult. In such a context, the participation of some female members of the Service of Women's Rights and Equality (SDFE) –whether they are at the national, regional or local level- and of a NGO specialised in gender equality, Racine, have contributed to diffuse effective ways of integrating the principle of gender equality and gender mainstreaming into operational programmes. Those mediating actors have then played a successful role in transmitting their knowledge and in sensitizing the actors responsible for the implementation of gender equality at the local level to gender issues. According to Letablier and Périer, it is however important to emphasize that the low financial funds attributed to gender equality as well as the lack of support by the hierarchies are significant barriers to the effectiveness of such projects. Moreover, the social emergency that characterizes the situation of the public recipients often leads to enfeeble the pertinence of gender issues. Furthermore, following Muller and Surel's insights (1998), the gender approach in France remains far from the 'cognitive framework' mobilized by the actors responsible for the implementation of employment policies. Last but not least, it is important to note that the impact of gender training in promoting a new and transformative vision of gender equality in employment appears all the more limited that there are no coordination to initiate changes in other areas of social life. For instance, it is difficult to improve women's opportunities to find a job when public services are not able to provide childcare provisions for working parents.

#### *Europeanizing gender equality at the local level: thinking the 'virtual city of equality'?*

An interesting example of the europeanisation of gender equality practices and norms at the national level, concerns the development of local time-management policies like those that have been established by the Development Partnership (DP) "*Rennes Egalité des Temps*". Following the main directives of the Lisbon Treaty, the city of Rennes launched a reflection on the main obstacles to gender equality on the labour market. Focused on work/life balance, this issue is not only perceived as a problem for both parents, but also a legitimate concern of public authorities, companies, social partners and NGOs (Junter, 1998a, 1998b). With the aim of facilitating the articulation of "time-management" for men and women, those local projects are materialized by the extension of opening hours of local authorities, stores and other services providers such as childcare facilities, schools and public transport systems. Such innovative initiatives are based on a research project that stressed the fact that the irregular and atypical working times of a large proportion of citizens did not correspond with the opening hours of the different service providers or public transport schedules. Furthermore, it appeared that women, who in most cases have to bear the burden of care and other family tasks, were suffering more than men from the time pressures caused by this lack of harmonization.

Thanks to the support of an EQUAL programme, these local time-management policies created and improved physical infrastructures, the so-called Time Bureaux. The first one was set up in 2002 in the city of Rennes. They initiate and reinforce more flexible work organization opportunities for employees and employers, provide tailor-made solutions to needs, for flexible care and other family support services. A broad definition of “work-life balance” is adopted. The aim is also to facilitate the participation of women in cultural activities provided by the city<sup>10</sup>. These measures also activate changes in attitudes to enable a fairer sharing of unpaid work at home between men and women. Thus, one of the explicit aims of the time-management policies is to make the use of time more equal between men and women and to challenge traditional gender roles and attitudes. The organisation of lectures and meetings as well as the creation of a partnership with the Rennes TV station that produced five documentaries portraying people who are tackling the “balance question” of their different time and responsibilities. The showing of these movies was followed by public discussions in various part of the city.

In order to ensure gender mainstreaming, a commission was also established, which included local politicians and decision-makers, representatives of local associations, public authorities, hospitals, social partner organizations and major companies such as the post office, the French Railway System, and the car factory Peugeot-Citroën. The objective is to extend the time policies and practices adopted by the different local actors. The cooperation with other European partner projects in Italy and Spain also enables the good practices that improve the articulation of citizen’s life times to be shared internationally.

Using the terminology described by Jacquot and Woll (Jacquot & Woll), such a use of European Commission funding (EQUAL) partly corresponds to a ‘strategic use’ of the EU. But moreover, the analysis of the time-management policies in the city of Rennes also reveals a more ‘cognitive’ dimension of EU funding. Interestingly enough, in her study on the Europeanization of gender equality policies in Spain, Emanuela Lombardo (2004) sheds light on the fact that time-management policies also contribute to the diffusion of EU ideas on gender equality, in particular a transformative vision of gender equality that is most of the time absent of national conception of gender equality policy. Breaking with the traditional logic of policy design as a top down process, this phenomenon highlight how local actors can counterpose “feminist values of empowerment from bellow” and fill the absence of the State in a specific domain (Fraser, 2009). However, it is worth notice that such actions mainly depends on the potential commitment of a group of persons, with feminist ideals, in a given city.

### **III. Apprehending the new shifts: from gender equality toward diversity?**

#### ***III.1. What does diversity mean in the French context?***

##### *The specific place of ethnic/racial discrimination in France*

Since 1997, the development of a new paradigm at the EU level based on an Anti-discrimination measures deeply influenced and interacted with gender equality policies.

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<sup>10</sup> The implementation of the “Happy Hours” at the Rennes Theatre, performances that takes place between 06:00 and 08:00 PM, so that people can go to the theatre straight after work and parents can leave their children in the theatre’s nursery.

The adoption of the June 2000 EU antidiscrimination Directives based on Article 13 of the Amsterdam Treaty shows the increase of this issue, probably at the detriment of gender equality, at least within the French context. Interestingly, the conflictual conceptions of *equality* and *discrimination* in the French and European legislative measures have not slowed this trend (Guedde & Guiraudon, 2004, Lanquetin 2009). Whilst *equality* is deeply embedded in French law since the 1789 French declaration of the rights of Man and Citizens, according to which “Men are born and remain free and equal by law”, the vision of discrimination remains very abstract. Thus, the management of immigrant integration in France was well-established, often in contradiction with the anti-discrimination perspective. The strong opposition to gathering racial data shows one of the particularities and difficulties in transposing EU anti-discrimination policy in France. However, the high unemployment rate of young people of North-African origin remains a salient issue in France and some events such as the *crises des banlieues* (suburbs crisis) of autumn 2005 have accentuated this concern. This social discontent, perceived as a failure of the French integration model, partly contributes to the legitimatization of the anti-discrimination approach (Laufer, 2009).

Hence, in France, alongside the development of gender equality in employment policies, debates around ‘diversity’ in society and in the labour market have progressively come to light and have even become a policy priority. This new focus on discrimination is first characterized by the adoption in 2001 of the Anti Discrimination<sup>11</sup> law that mainly focuses on discrimination in employment. Written by the French Socialist Party to transpose the 2000 EU directives (2000/43/CE and 2000/78/CE), this text is a first step towards the development of an anti-discrimination policy where gender becomes just one discriminating social marker amongst others (i.e. race, religion or belief, sexual orientation, age and handicap, etc...). At the same time, the French political right wing has advocated the creation of an independent body that would examine discrimination cases along the lines of the *British Commission for Racial Equality*, the *Dutch Equal Treatment Commission* and the *Belgium commission for equal opportunities and the fight against racial discrimination*. This proposition led four years later to the implementation of the HALDE (*High Authority Fighting against Discrimination and Promoting Equality*) without major conflicts and reluctance, neither on the part of parliamentary members nor the civil society. This public authority seeks to coordinate government actions in different fields of discrimination (gender, age, ethnic origin, handicap and sexual orientation) and is the main incarnation of this policy turn where gender equality is mixed with other forms of discrimination.

#### *Introducing diversity in employment: the Diversity Agreement and the Diversity Label*

Following EU recommendations, various actors are involved in the fight against discrimination that takes place under the name of “diversity” and new tools are being developed. The signature of the second Inter-professional National Agreement (ANI) in 2005 and its following specific agreement on ‘Diversity at work’, as well as the creation of the Diversity Label (*Label Diversité*) in 2008 reflect the willingness of the recent governments to develop the ‘diversity’ in private companies that agree with these objectives. Such measures on Diversity follow the example of the first national

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<sup>11</sup> [2001-1066 law of 16 November 2001](#) concerning the fight against discriminations

interprofessional agreement<sup>12</sup> (ANI) focusing on gender equality at work and the Equality Label<sup>13</sup> (*Label Egalité*) and contribute to the co-existence of Equality and Diversity problematic, not without creating some fear on the potential problems for their dual implementation. Indeed, various studies point out the risk of the dilution of gender equality issue with the development of an EU anti-discrimination policy (Lanquetin, 2009, Silvera, 2009, Metso & Le Feuvre, 2009), the implementation of which seems to have been quite smooth in the French context.

Although the ANI reflects the EU recommendations to tackle both *equality* and *anti-discrimination*, the inclusion of gender-based discrimination in such AD policies is not very clear. The concrete objective seems to be merely focused on the access to employment of immigrant people or French people born of immigrant parents (Lanquetin, 2009). Despite this fact Diversity ANI clearly focuses on ethnic diversity, a recent analysis of the place of gender in the Diversity agreements by H el ene Garner-Moyer (Garner-Moyer, 2009) gives less worrying results. Indeed, her study on seven leading French companies that have signed the diversity accords reveals that the concrete translation of the diversity agreements does not follow the strict bi-categorization endorsed by politics. Thus, the gender dimension was present in all the agreements studied and even remained the most detailed and tangible approach with concrete measures, tools and actions. As Milka Metso and Nicky Le Feuvre suggest, this is probably due to the fact that gender equality is a theme that ‘has been used more and for longer than the diversity approach in France and, thus, it is better understood by French companies’ (2009: 50). They also insist on the provision of a legal framework in terms of gender equality that progressively offers ‘clear, quantitative indicators for measuring the gender equality and its development (2009: 50), which contrasts with the lack of tools, clear definitions and quantitative data on ethnic diversity to provide a solid diversity approach in relation to ethnicity.

The observation is a bit more mitigated concerning the “diversity label”, which seems to remain characterized by the prominence of the racial issue. Thus, the absence of gender in the list of mentioned criterion in the application forms contributes to separate gender equality and anti-discrimination objectives. Rachel Silvera (2009) underlines the problem of the coexistence of two Labels, which risks to relegate the Equality Label to the second background, since the criteria to fulfil the Diversity label are easier to reach. For instance, whereas 46 firms have obtained the Equality label, more than 4000 have declared their interest in the Diversity Label (Metso and Le Feuvre, 2009). This is all the more problematic that the implementation of gender equality policies in French enterprises remains shy and uncertain to date: only 4% of the companies have signed the Equality Agreement.

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<sup>12</sup> Signed in 2004 by all the trade unions and employers organization, the *Accord national interprofessionnel relatif   la mixit  et   l’ galit  professionnelle entre les hommes et les femmes*, it confirmed the commitment of the social partners to gender equality at work. It also allows for the recognition that gender equality issue concerns all the economic actors and might necessitate the use of “specific temporary positive actions”.

<sup>13</sup> Adopted in 2004, the Equality label is a political initiative of the former Ministry of Social Cohesion and Parity and is a first sign of public recognition granted to companies that have an “exemplary” record of commitment to gender equality. Granting for a period of 3 years, the Equality Label aimed at setting an example and a new image for firms and public or semi-public institutions. It requires concrete actions in 3 areas: actions carried out in the company towards gender equality at work; management of human resource; parenthood in professional life. 46 French companies have been awarded the Equality Label.

Far from dealing with the intersectional dimension of inequalities that face specific groups of women according to their race or ethnic origin but also to their class, age or sexual orientation, French approach to anti-discrimination seems to put a major focus to race-based discrimination. One can add that the treatment of the multiple discriminations that face women when entering the labour market is almost absent of the new French anti-discrimination policy. The analysis of the 2007 European Year of Equality for All (AYEA) in France once again reveals the marginal place of gender discrimination on the national scene, a trend that particularly contrasts with the attention paid to discrimination against young males born of immigrant parents (Le Feuvre, 2009). While 20% of the projects funded under the EYEA targeted racial discrimination, 13 % targeted sex discrimination<sup>14</sup>. Thus, only 6 of the 45 selected projects were specifically focused on sex discrimination. Interestingly enough, 5 of them concerned discrimination in employment<sup>15</sup> and more specifically aimed at promoting women's access to male-dominated occupations. Furthermore, the 'intersection of race / ethnicity with gender' was very few present 'from the activities funded under the EYEA. According to Nicky Le Feuvre (2009: 67), 'racial discrimination is essentially seen as a problem for young males from underprivileged urban areas, whereas their female counterparts are seen as models of 'successful integration'. The same observation has been made by Helène Garner-Moyer (2009) in her analysis of the Diversity agreement, where the different agreements studied do not considered the intersectional dimension of the different diversity components. There was no reflection neither anticipation of the several types of discrimination that one individual can simultaneously suffer.

### ***III.2. Multiple discriminations and intersectionality: A new challenge***

#### *Addressing multiple inequalities in the EU*

This progressive introduction of a new EU paradigm, based on the relation between the multiple discriminations one individual can face, thus represents a new issue for the EU members, including as far as the non-employment issue is concerned. At the theoretical level, 'the relation of gender mainstreaming with other complex inequalities' is probably one of the main emerging challenges in the analysis of gender equality policies (Walby, 2005, in Verloo, 2009: 36). In practice, the debate outlines deep contradictions between European women's lives: On the one hand, female middle classes workers 'determined to crack the glass ceiling' or benefiting from part-time job that they have chosen to adopt; On the other hand, part-timers, migrant, care-workers or sex workers, 'seeking not only income and material security, but also dignity, self-betterment and liberation from traditional authority' (Fraser, 2009: 110).

The studied difficulties in addressing multiple inequalities within the French companies seem to contrast with the EU anti-discrimination programs, where the preoccupation for the persisting inequalities between men and women is constantly present since the adoption of the 2000 Directives. Both the 2000/43/CE and the 2000/78/CE, as well as the decision of the 20 December 2000, which established a program concerning the

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<sup>14</sup> The other categories represented in the selected projects were handicap (9%), age (9%), sexual orientation (2%).

<sup>15</sup> Overall, discrimination in employment was one of the most invoked area in the selected projects (31%), after education (32%). 9% were in relation to housing, 4% in relation to access to goods and services and 24% in more than one area.

strategy for reaching gender equality between men and women, outline the persistence of structural inequalities based on gender and the *de facto* double and even multiple discriminations that women face. They also remind us of the need to continue and reinforce EU gender equality policy as well as to adopt new ways to improve the efficiency of existing measures. Without considering the ‘high degree of interconnectedness of the inequalities that are considered as a problem’ (Verloo, 2009:37), the publication in 2004 of the Green Paper on ‘Equality and non-discrimination in an enlarged European Union’ by the European Commission (2004) also represents a major step in the recognition of the situations of multiple discrimination at the EU level.

Those references, which can be considered as incentives to consider the additional character of discriminations that affect women (Lanquetin, 2009), seems to be difficultly included within the new French paradigm of diversity. Similarly, the 2007 European Year of Equal Opportunities for All, whose explicit aim was to diffuse a message in favour of the fight against all forms of ongoing discrimination and to promote the benefits of diversity, pointed out the need to consider the structural aspect of gender inequalities (European Commission, 2004). Albeit the difficulties of the EU to address structural intersectionality and its subsequent specific inequality problems, this event was a great opportunities to reflect on the multiplicity and complexity of persisting inequalities identified at the EU level<sup>16</sup> (Verloo, 2009).

#### *Addressing multiple inequalities in France: Difficulties and resistances*

From now, Intersectional discriminations are not the subject of political answers to gender equality in the labour market. The results of our study conducted in the framework of the QUING project show the low presence of frames that include other social markers in legal documents. In contrast, the problematic is increasingly raised in civil society documents. Hence, some policies contribute to legitimizing the exclusion of a specific group of women from the labour market. The reinforcement of the French Parental Leave system in 2003<sup>17</sup> is a very salient example of the lack of consideration for the multiple discriminations that women face (Jarty and Rigaudière, 2008b). Indeed, by consolidating the principle of “free choice of activity” (for women), the government also contributes to accentuating the gap between different groups of women, notably as far as their continuous presence on the labour market is concerned. As the table 1 clearly shows, it is now admitted that less qualified women are more likely to take-up the parental leave provision than more qualified women (Bonnet and Labbé, 1999, Salles, 2004). The more women are qualified and have good job conditions, the more they will stay on the labour market after having children by using collective or individualized childcare services. Various studies have already highlighted the better exploitation of the relative advantages of the French national model by women from privileged social backgrounds, who can easily access welfare services such as domestic “outsourcing” without being excluded from the labour market (Le Feuvre & Le Marchand, 2006). On the contrary, less qualified women are more likely to “choose” to receive the poor parental leave allowance, in spite of the difficulties they will face when

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<sup>16</sup> The 2000 Charter of Fundamental Rights recognises discriminations based on ground of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

<sup>17</sup> Article 60 of the Law N°2003-1199 of the 18 December 2003 on social security funding, published in the Official Gazette, 2004, Paris, December 19<sup>th</sup>, pp. 21659-21663.

re-entering the labour market after these three years of (badly paid) parental break. Thus, the French parental leave system contributes to the division of two distinct categories of women workers in France: Firstly, those women who manage to maintain a continuous employment pattern, as opposed to those who experience different forms of marginalization, including periods of unemployment, non-employment or under-employment (Laufer, 2003). One can even say that the priority given to resolving the economic crisis supplants the work/life balance issue (Stratigaki, 2004), but also the objective of elimination of discrimination against women in the labour market. Thus, Cedric Afsa has already stressed the relation between the objectives to reduce the high levels of unemployment amongst the least well-qualified sectors of the female labour force (Afsa, 1996).

Table 1: Women’s trajectories before the birth of their second child born after 1994 (date of the first Parental leave reform)

Trajectories during the three years after the birth	Women under 31		Women over 31		All categories
	‘low qualified’	‘qualified’	‘low qualified’	‘qualified’	
- Activity during 3 year	47	48	47	78	57
- Activity at the end but inactivity one time	8	22	12	6	10
- Inactivity at the end of the 3 years	45	30	41	16	33

Source: Enquête emploi, INSEE, 1993-1998, In Bonnet and Labbé, 1999

Meanwhile, it is also noticeable that the absence of statistical data on ethnic minorities makes them invisible categories (Zaidman, 2003), which does not enable decision-makers to assess to concrete effects of measures that could indirectly contribute to improving their working conditions. The hot debates that have followed the proposition of legalizing statistical data based on racial / ethnic characteristics by the responsible for the Commission for Diversity and Equal Opportunities<sup>18</sup>, Mr. Yasig Sabeg, once again reflect the persistence of an old and abstract republican ideal that contrasts with the creation of effective tools for measuring inequalities. Hence, to this day, the collection of statistical data based on an individuals’ membership of a (majority or minority) ethnic groups remains forbidden by law.

As a consequence, it is difficult to give a rigorous analysis of the 2005 Act<sup>19</sup> reforming the status of qualified child-minders, which is potentially favourable to the working conditions of a job where the proportion of migrant women is undoubtedly as higher as in other domestic works. The interest by some researchers such as Liane Mozère to study foreign maternal assistant seems to confirm this idea (Mozère, 1999, 2000). The 2005 law institutionalizes and recognizes the job of maternal assistant, which is characterized by high levels of job insecurity and very low pay. Even if this law does

<sup>18</sup> Very recently created (on December 19<sup>th</sup> 2008), the Commission for Diversity and Equal Opportunities is the latest public body in charge of the issue of ethnic/racial discrimination. This service is attached directly to the Prime Minister’s Office. Its missions, under the responsibility of Yazid Sabeg, a French businessman nominated by the President Sarkozy, consist of “coordination and promotion of diversity and equal opportunities” (Metso and Le Feuvre, 2009).

<sup>19</sup> Law N°2005-706 of the 27 June 2005 on maternal and family assistant, published in the Official Journal, 2005, N°149, Paris, June 28<sup>th</sup>.

not bring an end to the risk of seeing the creation a new (and discriminatory) form of domestic service, where families/women of privileged socio-economic backgrounds exploit poorly qualified (often migrant) women, this law partly contributes to improving the objective working conditions of a highly feminised sector of the labour market (over 99% of all qualified child-minders in France are women).

Since they are focused on racial or ethnic discrimination, it is unlikely that the recent measures aimed at fighting against discrimination will have had a concrete impact to reducing the inequalities between women from different socio-economic and cultural backgrounds in France. It is however probably by working in this way that France could resolve one of the most important problem at stake for women' employment.

## **Conclusions**

In this paper we have explored the Europeanization process of gender equality policies in the area of non-employment since 1995. We have showed that, in spite of the relatively high, full-time employment rates of French women, non-employment in France remains a gendered issue, where the EU plays an important but complex role. Thus, the French gender equality and anti-discrimination legislations as well as their implementation process have directly benefited from EU recommendations and directives.

The analysis of the Europeanization process in French gender equality policies has raised the difficulties for France of transposing EU strategies and policy instruments. The French conception of equality, deeply embedded in the tradition of republican universalism, appears to be somewhat incompatible with the Positive Action principles promoted by the EU throughout the 1980s and the 1990s. Nonetheless, our analysis underline that the so-called French specificity resides more probably in the resistance of French political actors to include the gender issue than in an 'abstract republicanism'. Indeed, gender inequalities are often perceived as a practice that has been successfully eliminated in the past, through an arsenal of laws increasing women's rights (Crompton and Le Feuvre 2000, Mazur, 2004, Le Feuvre, 2009), or as the simple problem of women gaining access to male-dominated spheres of society. The introduction of gender mainstreaming in the EU agenda has been favourable to the development of a more effective gender equality policies. Hence, from 2000 onwards, an increasing number of measures aimed at facilitating the working status of women on the labour market have been adopted in France. However, we have stressed that the lack of political will to adopt effective measures (for instance, to combat the gender pay gap) and the absence of transformative policies to challenge the gendered division of labour, conduce to mitigated effects in terms of women's employment experiences. In a parallel manner, the persistence of the very French family policy, following the ongoing demographic preoccupation, particularly contrasts with a transformative vision of equality between women and men.

The weight of the '*(full-time) employment for women*' frame identified in this analysis of French equality policies merely shows the aim of integrating women in the paid economy without challenging norms in other spheres. The (relatively) low degree of political initiative in favour of flexible forms of employment (in comparison with other European countries) does not have been followed by policy about sharing family responsibilities. This paper has also explored the use of EU funds at the local level. We

have shown that the implementation of time-management policies in the city of Rennes has contributed to changing the dominant vision of gender equality in French public policies. First, care responsibilities began to be seen as something that has to be shared between men and women and the traditional gender stereotypes are slowly challenged by local initiatives based on EU funds, and, subsequently on EU norms. Secondly, the issue of work/life balance has progressively been introduced into private companies, which are also involved in facilitating the combination of the multiple time constraints of their employees. This example shows the dynamic aspect of the Europeanization processes, whose paradigms can be introduced and integrated at different levels of society and by different actors.

Lastly, this paper has examined the introduction of a new paradigm at EU level based on anti-discrimination. We have observed a discursive shift whereby the concept of 'diversity' tends to replace the concept of 'discrimination' and 'equality' (Metso & Le Feuvre, 2009). We have shown how the concept of 'diversity' has been surprisingly easily introduced in France, in a context of a crisis of the traditional French universalism model. However, French AD policies do not seem to question the multiple discriminations that women face. The different anti-discrimination measures are mainly disconnected from gender inequalities. Indeed, we have highlighted that non-employment is strongly related to categories of class and race/ethnicity together with gender and it seems necessary to take this intersectional reality into account in the treatment of discriminations on the labour market. Certainly, this way of framing non-employment is one of the most important challenges for the Europeanization process in France.

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