



## ORIGINAL PAPER

# Gender equality in the European Union. From strategic engagement to achievements

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### Abstract:

Gender equality has always been regarded as one of the main objectives of the European Union, enshrined as a fundamental principle in the Treaties (Articles 2 and 3 (3) TEU, Article 8 TFEU). Equal pay for men and women is included in art. 157 TFEU and transposed into a laborious European legislation. The first part of this paper will focus on presenting how, over time, legislation and changes to the Treaties have contributed to strengthening this principle and its implementation throughout the European Union. The second part of the article consists of an analysis of the achievements of the Member States in the matter of gender equality, based on statistical data regarding the pay gap between women and men, education, employment, or equality in decision-making positions. The conclusions of our research reveal the fact that, although the factors responsible for inequality between women and men are multiple, being conditioned by economic, social, cultural and historical factors, including the policies of the Member States, the progress of the European Union is remarkable, representing a positive model in this matter.

**Keywords:** *Gender equality; European Union; policy; wage difference.*

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### 1. The context

“The gender issue” is a core subject at European and national level and several strategies are targeting gender equality. A rather recent theme for the public arena, gender equality didn’t capture attention until the last years, as the distinction between what men and women do or can do was clearly established and consolidated due to biological differences. For centuries, women were assigned domestic roles, child upbringing, housekeeping and provided care for the old or in need family members. Man, the breadwinner, generally had his own responsibilities, outside the house. From a sociological perspective this segregation was seen as two separated spheres (Goode, 1960) that sustained family functioning as the two different sets of roles were performed by husbands and wives.

This functionalist model diminishes its applicability nowadays, in western cultures, as the boundaries from the above-described spheres become blurrier, due to technological, economic and social changes. Women are part of the workforce, different institutions are now responsible for some of the roles that were previously assigned to family members, different equipment ease the work both at home and in factories, and public opinions regarding the roles of men and women also changed.

Following this social trend, the issue of gender equality became a mainstream topic in modern societies, thus it became mandatory for the legal frame to be adjusted to these requirements. In the context of European integration, the need to ensure equal treatment for men and women was reflected in common normative provisions, as well as, according to the subsidiarity principle, in national legislation. “As explained through the lenses of the European integration theory, subsidiarity is regarded as a tool, meant to highlight the fact that the European Communities and the European Union should only act, apart from their exclusive competencies, only when the common solutions that are to be adopted at the common, supranational level, are more effective than if they were to be undertaken by each Member State or region.” (Porumbescu, 2019: 182).

In the following sections, we will present the relevant European legislation and strategic engagements regarding gender equality in the European Union, followed by data analysis on several key indicators in the field.

### 2. European Legal Provisions

Within the European Union, the idea of gender equality is a common value, contributing to the creation of a space of social equity and respect for the fundamental rights and freedom of people. Thus, this principle is enlisted in the Treaty on the Functioning of the European Union, Article 3 “It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child” (TFUE) and Article 8 “In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women” (TFEU). Furthermore, the Agreement on Social Policy attached to the Treaty of Maastricht (TEU) states that “the Community shall support and complement the activities of the Member States in the following fields: (...) equality between men and women with regard to labor market opportunities and treatment at work” (TUE, 1992: 197).

Among the first attempts to address gender discrimination was the adoption of *Directive 79/7/CEE of the Council of December 19<sup>th</sup> 1978, on the progressive implementation of the principle of equal treatment for men and women in matters of social security*. The Directive was meant to be applied to the people involved in the

work field, who are in the position of having to interrupt their activity due to “illness, accident or involuntary unemployment and persons seeking employment — and to retired or invalidated workers and self-employed persons”.

But the idea of equal rights between men and women is not specific only to the democratic regimes and the traditional EU Member States, but, as some authors explain, “the value of gender equality may be the only value that was shared by political actors on both sides of the Iron Curtain during the Cold War. This value, that equal pay should be given to men and women for equal work, was one of the founding principles of the ‘statist feminist’ communist states in Eastern Europe guaranteed by the Stalinist constitutions.” (Peto and Manners, 2006: 163-164). In this context, having it enlisted among the fundamental values of European integration appears as a natural consequence, and provides an explanation for the tendency to set a rather high standard in the matter when it comes to common legislation. Furthermore, “women’s labour market participation in the west and the collapse of communism in the east have undermined the systems and assumptions of western male breadwinner and dual worker models of central and eastern Europe” (Pascall and Lewis, 2004: 373) thus opening the path for the emergence of new gender related debate.

Later on, the year of the Treaty of Maastricht also brought along the *Council Directive 92/85/EEC of 19 October 1992*, meant to introduce measures aimed at encouraging the adoption of several improvements regarding the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, thus creating a secure work environment for recent mothers, and, consequently, enabling them to return to their jobs while also attending the needs of their babies. In 2004, the Council adopted *Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services*. The aim of this document is to ensure equality of treatment between men and women, as a fundamental principle of the European Union and refers to Articles 21 and 23 of the Charter of Fundamental Rights of the European Union, which prohibit any discrimination on grounds of sex and require equality between men and women to be ensured in all areas. In addition to defining several types of discrimination, this legal document also creates efficient tools meant to help the Member States and the European union to reach the purpose of laying down a “framework for combating discrimination based on sex in access to and supply of goods and services, with a view to putting into effect in the Member States the principle of equal treatment between men and women”.

In 2006, *Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation* repealed other previous provisions in the matter of sexual discrimination. This directive defines direct and indirect discrimination, harassment and sexual harassment. The directive also encourages employers to take preventive measures to combat sexual harassment, strengthens sanctions for discrimination and ensures the establishment in the Member States of bodies responsible for promoting equal treatment between men and women. The European Parliament sought a revision of this directive as regards the provisions on equal pay and adopted an implementation report based on several studies commissioned by the European Parliamentary Research Service (EPRS). In order to accomplish its purpose, the Directive refers to the implementation of the principle of equal treatment regarding access to employment, including promotion, and to vocational training; working conditions, including pay, and occupational social security schemes.

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Furthermore, it designs procedures meant to ensure that such implementation is made more effective.

*Directive 2010/41/EU of the European Parliament and of the Council* regards the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, and repeals Council Directive 86/613/EEC. This Directive creates the legal context for better application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, or contributing to the pursuit of such an activity, and is meant to protect “self-employed workers, namely all persons pursuing a gainful activity for their own account, under the conditions laid down by national law”. It also refers to “the spouses of self-employed workers or, when and in so far as recognised by national law, the life partners of self-employed workers, not being employees or business partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks”.

In 2011, the European Parliament and the Council issued *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*. This Directive establishes rules for the harmonization of sanctions for human beingstrafficking in the Member States, as well as victim support measures, and requires Member States to consider the use of the services provided by a victim (of trafficking) a criminal act and punish it accordingly. The Directive also creates the Office of European Coordinator for Combating Trafficking in Human Beings, and, in order to evaluate the results of its activity, “the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics”.

Apart from the normative provisions concerning the issue of gender discrimination approached in these Directives, the common European institutions also issued a series of strategic engagements and political documents meant to state a clear commitment to reaching the goal of creating a space where all citizens benefit from real equality of rights and treatment. Such are the European Pact for Gender Equality (2011-2020) and the Strategic Engagement for Gender Equality (2016-2019), which also design procedures and instruments aimed at achieving the common objectives on EU and Member State level. Furthermore, each year the European Commission issues a "Report on Equality between women and men", analyzing the progress made in the field of gender equality across the European Union. For the 2020-2025 period, the Gender Equality Strategy was designed, and its main provisions are to be presented in the following section.

### **3. A Union of Equality: Gender Equality Strategy 2020-2025**

The European Union is often regarded as a standard in matters related to the promotion of gender equality, as it has designed a very effective institutional and normative system and applied it across the 27 Member States. Thus, “at the turn of the twenty-first century, EU gender equality policy was considered by all observers as being “exceptional” or “singular” when compared to other European policies involving social regulation” (Jacquot, 2020).

Despite critics claiming that after a period of significant achievements regarding equality between women and men, the European gender policy is currently facing the risk of becoming less relevant, in March, 2020, the European Commission issued a Communication to the European Parliament, the Council, the European Economic and

Social Committee and the Committee of The Regions regarding a Union of Equality: Gender Equality Strategy 2020-2025.

The strategy is based upon the principle that “in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women” (European Commission, 2020: 2). The key objectives of the Strategy are to eradicate gender-based violence and combat gender stereotypes, reduce gender disparities in the labor market and the gender pay and pension gap, and achieve gender balance in decision-making and political representation. The novelty is that the Strategy will be implemented using intersectional character - the combination of gender elements with other personal characteristics or identities and how these intersections contribute to unique experiences of discrimination - as a cross-cutting principle.

Following the adoption of the proposal, the European Parliament's Committee on Women's Rights and Gender Equality, in a draft report on the EU's Gender Equality Strategy, emphasized that gender inequality and structural discrimination have been exacerbated by the current pandemic. Furthermore, EU economic, social and employment objectives can only be met if full gender equality is achieved, and, therefore, gender equality must be considered a universal goal of strategic importance. To sum up, as the Commission's strategy has been designed with the possibility of continuous change, the European Parliament will constantly monitor it and propose further actions and measures (European Parliament, 2021).

The Strategy addresses the key domains in which gender equality is meant to be achieved, and designs effective measures to reach this goal. It also calls on the Member States to “support civil society and public services in preventing and combating gender-based violence and gender stereotyping, including with the help of EU funding available under the “citizens, equality, rights and values” programme” (European Commission, 2020: 7).

In order to put in practice the initiatives introduced by this Strategy, the European Commission calls on all EU institutions, Member States and EU agencies, in partnership with civil society and women’s organizations, social partners and the private sector, to work together and incorporate the provisions regarding equal treatment for women and men in all their policies and actions.

#### **4. Data Analysis**

Slightly outnumbering men, women represent 51% of the European population, 229 million inhabitants of the Union being female. While Latvia has the greatest share of women among the member states, with 54%, Malta is situated at the opposite pole, here men being more numerous, as female citizens represent 48% of the total population of the country (Eurostat, 2018).

Beyond these basic demographic data, the two genders are compared regarding different criteria, such as education, employment, management status or pay, and Eurostat provides valuable data. Information concerns each member state, following the above-mentioned aspects and a general view of the European union is also presented, through a series of gender statistics updated yearly or at every two years. Such data foster both comparisons between countries and longitudinal analysis.

Frequently, when studying such gender issues, “gap” emerges as a core descriptor (Pogan, 2019). A sustainable development, as targeted by United Nations and transposed at the European Union level, mentions, among the Sustainable Development Goals, “gender equality” (Eurostat 2021, p.1). According to the document issued by the

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EU, gender equality is operationalized as “ending all forms of discrimination, violence and any harmful practices against women and girls in the public and private spheres. It also calls for the full participation of women and equal opportunities for leadership at all levels of political and economic decision-making” (Eurostat 2021, p.1).

In the following lines we will bring to front each of the above-mentioned domains – education, housework and childcare, employment, pay/earnings – and try to analyse the differences concerning men and women, at an aggregate, European level and also at country level, as different patterns among the Member states persist.

Education is a core domain, capturing analysts’ attention, as is both a valuable indicator for a country’s sustainable development and also a variable impacting future growth at personal and societal level. When speaking about women’s education, associations with greater inclusion in the work force rates are obvious, better work opportunities, reduced risks of exclusion or poverty.

Life courses of men and women are defined by different educational trajectories, patterns changing according to the education level. When analyzing primary and lower secondary education, data show that approximately 22% of both men and women aged 25 to 64 attained this level of education, on average, at European level (Eurostat 2019). In Romania the share of women outnumbers the one of men (23,9% versus 20,3%) (Ibidem). Figure 1 offers more details for each member state regarding primary and lower secondary education.

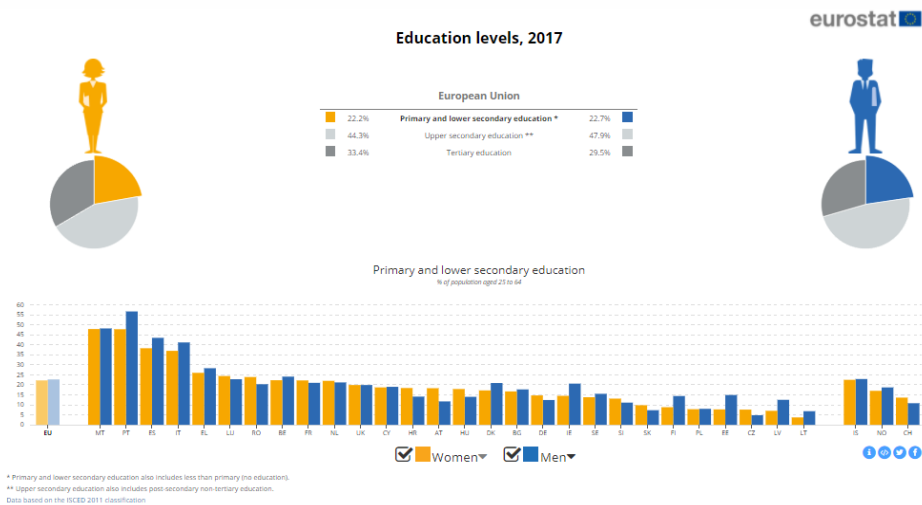


Figure 1. Education levels - Primary and lower secondary education for EU countries ([https://ec.europa.eu/eurostat/cache/infographs/womenmen\\_2018/bloc-2a.html?lang=en](https://ec.europa.eu/eurostat/cache/infographs/womenmen_2018/bloc-2a.html?lang=en))

In terms of upper secondary education, for the same age category, the balance is greatly in favour of men, for almost all European countries, with a difference of 3.6 percent on average (47,9% of men and 44,3% of women) (Eurostat 2019). Germany and Switzerland are defined by a greater share of women with upper secondary education. Here 59,6% respectively 48,5% of women and 56% respectively 42% of men attained at most this level of education. For other countries, as Portugal, Spain, Italy or Malta differences are inexistent or insignificant.

When shifting our attention to tertiary education, the picture changes for the entire European Union, excepting for Germany and Austria. The share of women that

attained tertiary education exceeds the one of men at European level (33,4% versus 29,5%). Finland, Ireland and Estonia lead the ranking, with differences of about 20 percent, while Romania is situated far below the EU average. Here, only 18,7% of women and 16,4% of men aged 25 to 64 have attained tertiary education. The gender gap is among the smallest regarding tertiary education in Romania, compared to the other European countries. The next figure (number 3) suggestively presents data distribution and analysing it in relation with Figure 1 reveals different patterns regarding the proportion of men and women attaining primary or tertiary education and different hierarchies when studying the countries.

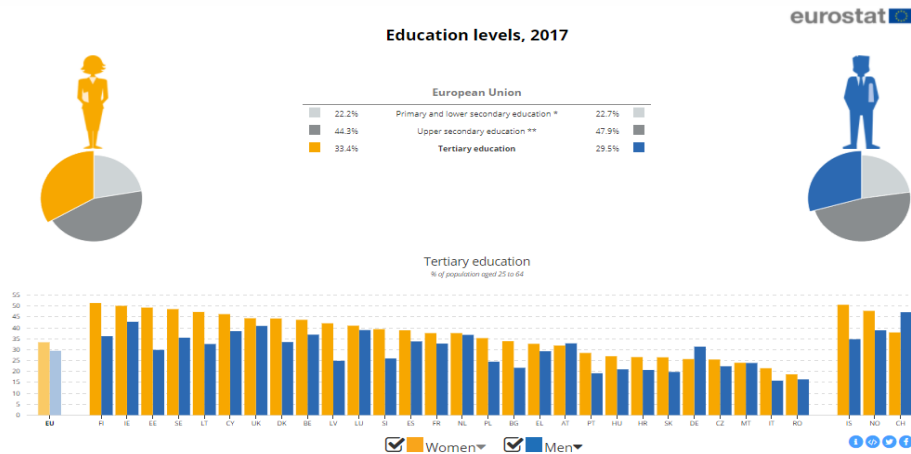


Figure 2. Education levels - Tertiary education for EU countries ([https://ec.europa.eu/eurostat/cache/infographs/womenmen\\_2018/bloc-2a.html?lang=en](https://ec.europa.eu/eurostat/cache/infographs/womenmen_2018/bloc-2a.html?lang=en))

Another domain frequently examined when studying gender issues regards family roles, as housework and childcare. The most recent Eurostat data show us that on average, at European level, 9 out of 10 women with children under 18 take care of them on a daily basis, while almost 7 out of 10 men aged 25 to 49 have the same responsibilities. For some countries the differences increase, as is the case of Greece and Malta, where 95% of women do childcare and slightly more than half of the men (53% and 56%). Romania follows on the third position in terms of gender gap, with 89% of women and 55% of men doing childcare activities.

While for childcare Romanian adults' roles are characterized by larger differences than the European average, data show that housework and cooking activities could be described as more egalitarian, if compared to other Member States (75% and 41%). Nevertheless, the difference between the share of women and men is the same in Romania (34 percentual points) for both types of activities (Eurostat 2018).

In other countries, like Sweden and Slovenia, the differences between the two sexes regarding childcare are smaller. In Sweden 96% of women and 90% of men are involved in this type of activities on a daily basis and in Slovenia the share of women is around 88 percent while for men is about 82%. Sweden is also leading the ranking in terms of egalitarian share of housework and cooking activities, with 74% of women and 56% of men having such duties. Concerning this category of responsibilities, a much larger share of women than men do domestic duties at European level. Thus, the proportion of men that do housework or cooking represent less than half of the

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proportion of women, with 34 percent versus 79%. Again, in the case of Greece are noticed the largest imparities, as here 85% of women employ this type of activities and only 16% of men.

Family roles are undoubtedly linked to the professional ones, as domestic responsibilities, lack of facilities for child or elderly care are mentioned among the causes restricting women from working (Olah and Fraczak, 2013) or are associated with part-time working arrangements (idem). Moreover, national legislation of the Member States may foster, or on contrary, discourage women presence in the workforce through numerous mechanisms and policies aiming greater inclusion rates for women, facilities for those with families, children or other dependent persons to take care of. Measures may also target men's involvement in family roles, as is the case of paternal leave for children upbringing. In Romania, for example, since 2012, fathers must spend at least one month on parental leave for children aged under 2 (Government Decision 57/2012).

The International Labour Organization considers that employment rates for women represent an indicator regarding societies' attitudes towards women in the labour force, family structures in general (International Labour Organisation 2015, p. 17). At European level, the percent of men working outnumbers the one of women, for all countries, with varying patterns depending on the number of children and between Member States (Eurostat, 2018). Females are also more often working part-time than men (Ibidem).

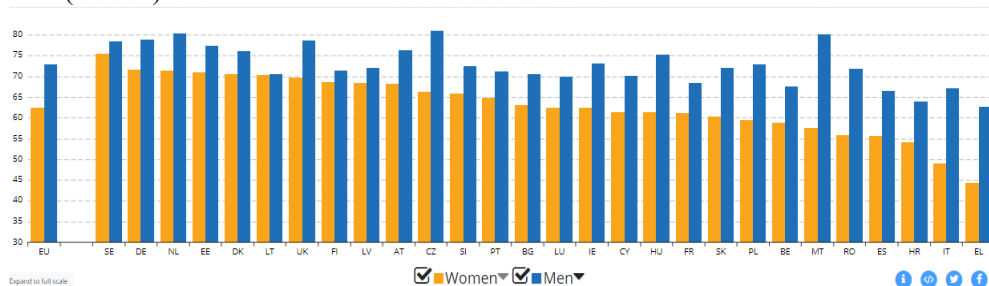


Figure 3. Employment rate for working age population 15-64, 2017 ([https://ec.europa.eu/eurostat/cache/infographs/womenmen\\_2018/bloc-2b.html?lang=en](https://ec.europa.eu/eurostat/cache/infographs/womenmen_2018/bloc-2b.html?lang=en))

Figure 3 allows for a clearer view regarding employment rate in general, without considering the number of children. As it shows, the European average is situated at 73% for men and 62% for women. For countries as Sweden, Germany, Netherlands or Estonia employment rates for both sexes are greater than the European average and the differences between men and women presence in the workforce are smaller. Lithuania could be seen as the most egalitarian from this perspective, with about 70% employment rate for both sexes. Romania is situated under the European average, as here data show that 71,8% of men and 55,8% of women are part of the work force. As noticeable, the difference between the share of females and the one of males is greater than in other Member States and the European average of about 11 percental points.

When shifting our attention to part-time working arrangements, data for the European Union show that 31,7% of women and 8,8 percent of men work part time, on average. Netherlands leads the ranking for both sexes, although with a considerable gap between men and women. More than a quarter of employed men benefit from part time schedules, while over three quarters of women (75,8%) are engaged in part-time



working arrangements. In Austria, Germany and Belgium more than 4 out of 10 women work less than 8 hours a day. For Romania Eurostat data display a more balanced distribution between the two sexes, with 6.9% of women and 6,7% of men in employment working part time.

Part time working arrangement represent an adjustment considered to reconcile family and professional roles. The analysis of the share of this type of contracts could be enriched if we add the discussion of employment rate seen in relation with the number of children. The same data provider, Eurostat, displays increasing employment rates for men with more children, from 74% for those without children, to 86% for those with one child, 90% for those with two children and men with three or more children have an employment rate of 85%. For women the pattern is not similar to the one for men. Thus, employment rates for women vary from 66%for those without children, to 71% for those with one child, 72%in the case of mothers of two children and decreases considerably for the mothers of three or more, reaching 57%.

Leadership is also addressedwhen assessing gender issues at an aggregate level. “Glass ceiling” and other metaphoric phrases are met when trying to understand women presence in decision position, as leaders or managers (Macarie,2011). In all Member States men occupy more frequently than women management positions. Approximately a third of European managers are women, with shares above averagein Latvia (46%), Poland (41%), Slovenia (41%) and Hungary(39%), as seen in Figure 4 (Eurostat 2018).

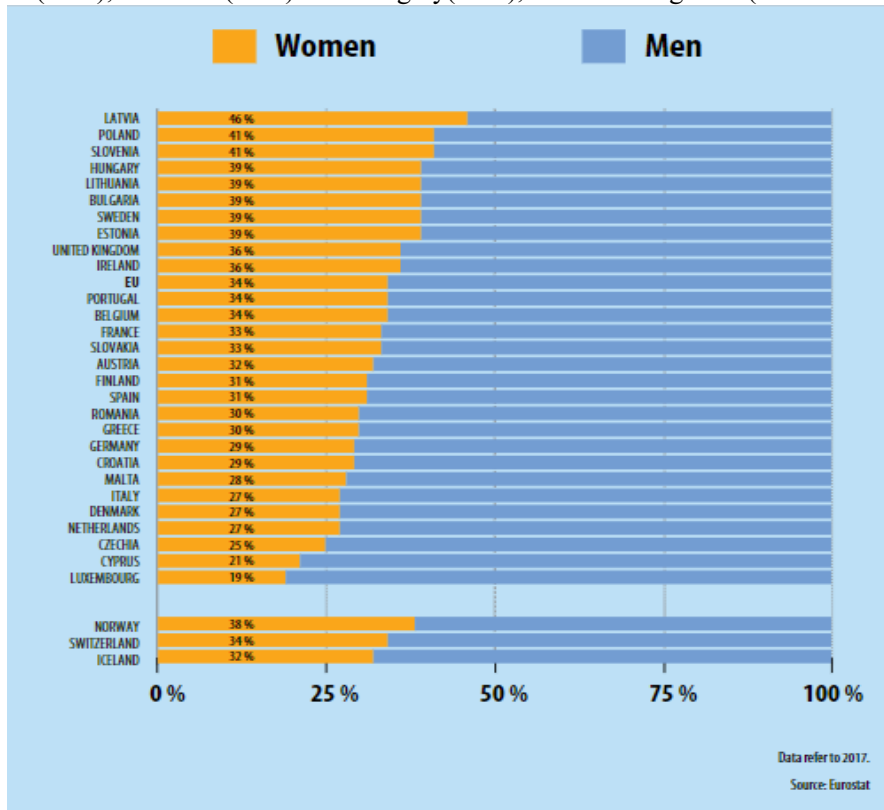


Figure 4. Distribution of men and women managers 2017([https://ec.europa.eu/eurostat/cache/infographs/womenmen\\_2018/bloc-2c.html?lang=en](https://ec.europa.eu/eurostat/cache/infographs/womenmen_2018/bloc-2c.html?lang=en))

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Regarding earnings, management was the sector with the greatest pay gap between women and men, with a 25 percent difference. In terms of pay gap, a longitudinal perspective brings an optimistic view, as Eurostat data show us that this gap decreased constantly for the last years, from 15.7 to 14.1 (Eurostat 2021). These data refer to the European average and is reported to the gross hourly earnings, as seen in the next figure.

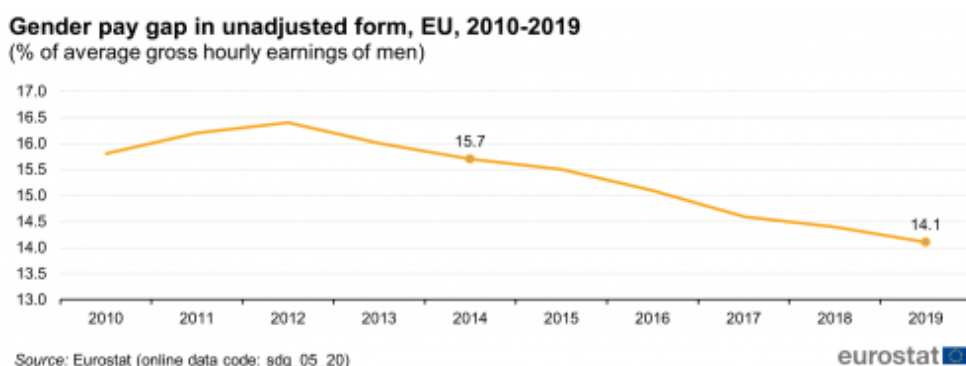


Figure 5. Gender pay gap – evolution between 2010-2019  
(<https://ec.europa.eu/eurostat/statisticsexplained/>)

### 6. Conclusions

The European Union may be regarded as a space of social justice, where human rights and fundamental freedoms, as well as non-discrimination policies, are fostered and enforced. As previously explained, the organisation along with the Member States, have designed a functional legal frame in the matters of gender equality, but, as the data shows, there are still aspects in which further steps need to be performed in order to prevent gender discrimination. As Pascall and Lewis assert, “while EU gender policy has been admired as the most innovative aspect of its social policy, gender equality is far from achieved: women's incomes across Europe are well below men's; policies for supporting unpaid care work have developed modestly compared with labour market activation policies” (Pascall and Lewis, 2004: 373).

Thus, we can state that, despite the normative accomplishments of the past decades, and the numerous policies in the matter, gender based non-equal treatment still persists across the European Union, being reflected in the inappropriate use of women's talents and skills, and, overall, delay in creating a space of social justice and equality *de facto*. Being given the challenges imposed by the on-going pandemic, the steps in the direction of equality of treatment and protection for men and women are seriously threatened, as several studies reveal the fact that the periods of financial recession or political crisis also have an impact on the measures aimed at reducing gender inequality (Leschke and Jepsen, 2011).

In this context, according to the Gender Equality Strategy 2020-2025, both the European institutions and the Member States should encourage further involvement of the social partners in the public and private sector and other agencies, both at communitarian and national level, in designing, enforcing and evaluating the gender equality programs that are currently being developed. Such a common approach and

joint efforts of all the involved stakeholders and actors in addressing gender discrimination have the potential to strengthen the position of the European Union as a global leader in the field of human rights protection and ensuring equal and equitable treatment for all its citizens.

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