

Work/family reconciliation, equal opportunities, and social policies: the interpretation of policy trajectories at the EU level and the meaning of gender equality¹

Jane Lewis

Work/family reconciliation, equal opportunities and social policies have all been historically linked at the EU level. In the 1957 Treaty of Rome, the commitment to equal opportunities in the form of equal pay for men and women constituted one of the European community's main commitments to social policy. This was a measure that lay outside the established contours of social policy development in twentieth century western European welfare states, which built their systems of social protection around the relationship between the male worker and the labour market – the work/welfare relationship (Lewis, 1992; Supiot, 1999). However, in fact, the commitment to equal pay at the European level was closely linked to the central preoccupation with the work/welfare relationship, in that the main concern was to create an 'equal playing field' to ensure fair competition (Szyszczak, 2000). Thus gender equality, which has been an important goal at the EU level, has been historically linked as much to the pursuit of market-making as to social justice.

During the 1970s and 1980s, the concept of equal opportunities was developed, both as a concept and in relation to the policy fields covered (e.g. Meehan, 1992). At the same time, the attempt to develop and harmonise the 'social dimension' of EU policy during the 1980s failed (Streeck, 1996). Social policy remained by and large the prerogative of member states, while economic policy and competition law were developed at EU level to facilitate market integration. By the 1990s, dramatic labour market and family change had resulted in a series of demographic, economic and fiscal challenges to the welfare state systems built up by member states (see especially Pierson, 2001). It is possible to trace growing EU concern to push member

states to address these challenges, particularly the problem of unemployment and labour market participation rates, and the perceived need to ‘modernise’ social protection systems. The growing willingness to address family care issues insofar as they impinged on labour market participation, especially of women, was as much a part of these considerations as the equal opportunities agenda (Lewis, 2001; 2002).²

By the end of the 1990s substantial changes marked the three related fields of work/family reconciliation, equal opportunities and social policy. The effort to achieve equal opportunities became marked by the new commitment to ‘mainstream’ the consideration of gender equality across all policy fields (see especially Rees, 1998), while the concept of equality was dramatically broadened in the Treaty of Amsterdam to include ‘discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation’ (Article 13). The Treaty also gave ‘employment’ a separate Title and equal status for the first time with ‘economic and monetary policy’ and with ‘social policy’. This opened the way for commitment to work/family reconciliation to be much more firmly integrated into employment policies with the elaboration of the European Employment Strategy shortly after the signing of the Treaty. Employment and other key dimensions of social policy became subject to the Open Method of Coordination, which replaced the ‘harder’ Directives with ‘softer’ pressures on member states to reform by setting common objectives and then monitoring the progress of member states towards them by means of peer review.

How are these parallel developments to be interpreted? The literature on each of these policy fields is remarkably divided: is there a new-found commitment to developing social policy at the EU level, or should it be seen primarily in terms of a wider redrawing of the boundary between social and economic policy, with soft governance via the OMC effectively making social policy more firmly the

handmaiden of economic policies (De la Porte and Pochet, 2003; and Zeitlin, 2005 review the debate)? Do ‘mainstreaming’ and the expanded concept of equality represent a strengthening or a dilution of the commitment to gender equality (Walby, 2004 reviews the debate on mainstreaming; see Fredman, 2001 on equality and anti-discrimination)? Does the growth of attention to work/family reconciliation policies represent, as Hantrais (2000) has suggested, a real shift towards policies to tackle socially constructed inequalities and in particular to promote a more equal sharing of paid and unpaid work between men and women, or provide an indication of the extent to which equal opportunities policies are harnessed to an economic agenda (Rossilli, 2000; Stratigaki, 2004)? As Mazey commented in an article published in 1998 - the point at which major changes were taking place in equal opportunities and work/family reconciliation policies - the changed economic and political climate left ‘[gender] equality policies at a critical juncture’ (p.148).

It is very difficult to come to firm conclusions about policy trajectories in any of these fields. Usually, writers focus on one particular set of policies, on the actions of a particular European institution, often the Commission or the Court of Justice, or on particular groups of policymakers in an attempt to determine the mainsprings of policymaking and to interpret the nature of the ambitions behind the resulting policy. Given the extent to which equal opportunities policies, work/family reconciliation and social policy have been ‘nested’ together, it makes sense to explore the changes in these policy fields in relation to one another. It matters as much or more for gender equality as to how work/family reconciliation and equal opportunities policies articulate with, or are injected into, wider social and/or economic policy, as to whether there is ‘more or less’ policy action in these fields. Consideration of such broad policy logics must necessarily be broad-brush, but, just as Titmuss (1974)

argued in relation to the different dimensions of social policy, it is important to keep track of the ‘big picture’ in EU policy development, because what we see depends how widely and through which lenses we look. The large literature on the OMC provides an illustration of this point. Authors come to very different conclusions as to its potential efficacy in developing social policy, depending in large measure on how widely the analytical net is cast: the more ‘internalist’ the approach, focusing narrowly on the form of the OMC, the more optimistic the conclusions (e.g. Sabel and Zeitlin, 2003), but when the OMC is put alongside other developments in economic policy and competition law, the conclusions as to the trajectory of EU level social policy tend to be more pessimistic (e.g. Streeck, 1996; Scharpf, 2002).

Interpretations of policy trajectories depend in the first instance on an analysis of the way in which policies have been framed and represented, and this is the focus of this paper. Thus far, for example, different studies have linked work/family reconciliation policies both to the development of equal opportunities and to wider shifts in social and economic policy. A more robust understanding of policy trajectories in relation to gender equality can be achieved by considering the extent to which these policy fields are moving in similar or different directions, how they relate to each other, the ways in which they are interlinked, and whether there is a ‘fit’ between them and an identifiable ‘policy logic’ (Hobson and Lewis, 1997; Mazur, 2002, p.119). This will also provide a firmer understanding of changes in the way in which the goal of gender equality has been conceptualised.

Policy Frames and Fit

The way in which policies are framed or represented becomes particularly important at the European level, because of the complexity of policymaking and the extent to which particular concepts and ideas may carry different meanings in

different languages and national contexts (Barbier, 2004; Dyson, 2000). The focus of this paper is on identifying the shifts in the way in which policies have been framed and represented over time in policy documents, rather than on determining how a particular policy frame was constructed. But it must be remembered that behind what are sometimes rather different representations of policy goals lie the different policy goals of various actors. For example, work/family reconciliation policies have been promoted as a means of addressing a whole variety of problems from low fertility rates, to improving competitiveness and growth, and achieving gender equality. However, there is a tendency in the literature on any particular policy field to depict developments as coherent and linear, for example towards ever greater subordination to employment policies in the case of work/family reconciliation policies (Stratigaki, 2004), or the expansion of the meaning of equal opportunities to include work/family issues (Hantrais, 2000).³ In fact, it is possible for different representations of, say, equal opportunities and work/family reconciliation policies to be articulated in different policy documents at any particular point in time, albeit that there is also identifiable shift in the dominant policy frame.

Feminist analysts have consistently argued that the way in which policies are represented is underpinned by normative assumptions regarding the gender order and gender differences (e.g. Lewis, 1992; Mazey, 2000; Bacchi, 2004). Equal opportunities and the issue of gender equality became normative at the EU level (Elgstrom, 2000). Nevertheless, as Pollack and Hafner-Burton (2000, p.440) have shown, particular policies, such as childcare, had more chance of success if they were 'strategically framed' to 'fit with the dominant frame' (see also Mazey, 2000; and Dyson, 2000 has also stressed the importance of ideational 'fit'). There must therefore be a danger that in the process of achieving a good fit with the dominant policy

preoccupation, the gender equality goal is subsumed, or, as Stratigaki (2004) has argued in respect of work/family reconciliation policies, 'coopted'. This makes a comparison of the nature of the changes in a number of policy fields necessary to arrive at a firmer understanding of their trajectories and the implications for the meaning of gender equality.

Social Policy Trajectory

There are deep divisions in the literature between, on the one hand, those who see social policy taking on an independent life at the EU level at the turn of the century and those who see change primarily as a redrawing of the boundary between economic and social policy. For the first group, the re-framing of the central work/welfare relationship and the open method of coordination provide a promising approach to sensitive and difficult policy issues (e.g. Daly, 2004; Trubek and Mosher, 2003; Rhodes and Meny, 1998; Atkinson, 2002; Begg and Berghman, 2003). For the second, the new form of 'soft' governance represents merely a new form of regulatory response to the quickened pace of market integration, which means not only the continued subordination of social to economic policy (e.g. Hodson and Maher, 2001; Palier, 2003; Leibfried, *fc.* 2005; Goetschy, 1999; Chalmers and Lodge, 2003), but also the instrumental use of social policy to promote economic goals, particularly in regard to labour markets (Carmel, 2003).⁴

Social policy has, like work/family reconciliation policies, achieved a higher profile at EU level, but it is difficult to find evidence to support its independent existence. It remains very difficult even to identify EU level social policy (Shaw, 2000), but the Commission has identified certain core values, particularly social solidarity (Szyszczak, 2001), and there is constant reference in EU level documents to the 'European social model', often in contra-distinction to the US (e.g. Commission,

2004a). When during the 1990s unemployment rose to high levels and productivity also failed to keep pace with the US, first the Commission and then the Council urged reform of the European social model.

Following the publication of the Commission's White Paper on competitiveness and growth in 1993, the 1994 White Paper on European social policy affirmed the importance of shared social values 'held together by the conviction that economic and social progress must go hand in hand. Competitiveness and solidarity have both to be taken into account in building a successful Europe...' (Commission, 1994, p. 9). Social policy was defined as the 'underpinning' and employment identified as the 'key' to social and economic integration. The message regarding the relationship between social and economic policy was fundamentally the same in the major social policy document issued in 2000, when social policy was defined as 'a productive factor' (Commission, 2000a, p.5) and the links between the triangle of social, economic and employment policy were drawn more tightly, albeit with social policy given a nominally equal place in the triangle. Indeed, social policy was given a new role. While in the past its task had been 'minimising negative social consequences', in the future its focus would be on 'modernising the European social model and investing in people' (p.6) (see also Lister, 2004 on the idea of the social investment state). In its 2005 Communication on the social agenda, the Commission described social policy simply as an essential pillar of the re-launched Lisbon Agenda, with its emphasis on securing growth and jobs (Commission, 2005a). However, the means of promoting a re-oriented and reformed social policy would be soft, rather than hard, governance in the form of the OMC. While it is therefore possible to interpret this approach to social policy since the late 1990s as something

‘new’ in respect of content and method, the larger ambition – to reform social policy in order to make it a more effective complement to economic policy – was not new.

The Commission’s 1999 document on modernising social protection pointed out that the Council’s Broad Economic Policy Guidelines for 1999 had called on member states to review the cost and labour market implications of pension and health systems, to make tax and benefit systems favourable to labour market activation, and to reduce the overall tax burden (Commission, 1999). Only expenditure that could be classified as ‘social investment’ could be justified in a framework that stressed the importance of price stability and tight budget controls. Thus the close relationship between social and economic policy was both restated and redrawn, with the development of the European Employment Strategy seen as the crucial link between them. Employment policy became the major preoccupation of social policy (in order to secure the viability of the work/welfare relationship) and economic policy (in order to promote competition and growth). The conclusions of the Lisbon European Council, issued in March 2000, just prior to the publication of the 2000 Social Policy Agenda, elaborated a new vision of the ‘European social model’ engaged in building ‘an active welfare state’, ‘investing in people and combating social exclusion’ (Council, 2000a, p.2). As the High Level Group reviewing the Lisbon Strategy put it, the aim has been to ‘embed’ Europe’s commitment to social cohesion ‘in the core of the growth and jobs generation process’ (High Level Group, 2004, p.16). Thus, Julia O’Connor (2005) has observed that EU level social policy has become ‘employment anchored’.

The trend in all western welfare states has been towards a re-working of the relationship between social provision and employment, with the emergence of what Goodin (2001:39) has called ‘a new constellation of work-and-welfare variables’.

Policymakers have sought to shift the emphasis such that claimants on the welfare system are 'encouraged' into work and the work is made 'to pay' (Loedemel and Trickey 2000). Gilbert (2002) has characterised these trends in terms of a series of shifts from social support to social inclusion via employment, from attention to measures of decommodification to ways of securing commodification, and from unconditional benefits to benefits that are heavily conditional on work or training. Indeed, in many respects it can be argued that EU institutions have been pushing at an open door in respect of reform to achieve 'active' rather than 'passive' welfare reform (Wincott, 2003). While the Commission recognised and valued the existence of a 'European social model', however ill-defined, it also argued that to survive the model had to change, and to do more to promote employment in particular if the 'economic value of social policy' was to be realised (Streeck, 2001, p. 30). Thus the OMC applied to employment, in the form of the European Employment Strategy agreed at the Luxembourg Council in 1997, has, unsurprisingly, proved the most strongly developed (de la Porte and Pochet, 2003).

What is particularly striking about the re-working of the work/welfare relationship is the way in which it has been couched in gender neutral language. It is now assumed that women as well as men will be 'citizen workers' (Lewis, 2002; Lewis and Giullari, 2005) in an 'adult worker model family'. Indeed, over the last decade the Commission has increasingly stressed the importance of the effective use of women's skills in a competitive, knowledge-based economy (Commission, 2000b), and has received academic backing for its position; women being seen as an untapped labour reserve. Reports to both the Portuguese Presidency in 2000 (Ferrera et al., 2000) and to the Belgian Presidency in 2001 (by Esping Andersen et al., 2001) favoured higher female labour market participation as a means of increasing both

competitiveness and the tax base of the continental European social insurance welfare states. The Lisbon council set a target of 60 per cent for female labour market participation in Member States by 2010 (Council, 2000a), and the following year the Stockholm European Council set an interim target of 57 per cent by 2005 (Council, 2001). The hours of women's work remain unspecified, and in many Western European countries a modified male breadwinner model – that is, a one-and-a-half-earner model – has become the norm and has been endorsed at the EU level (e.g. in the form of the Directive on Part-time Work (Council, 1998a,b; see also Sciarra et al., 2004). In relation to social policy, gender equality was defined more in terms of levels of labour market participation than anything else. Indeed, the gender pay gap – the original focus of EU level equal opportunities legislation – has persisted.

Equal Opportunities Trajectory

Much feminist writing on equal opportunities at the European level has commented on the narrowness of the way in which gender equality was conceptualised, the extent to which it was justified by market considerations and the continuing reluctance, especially on the part of the European Court of Justice, to consider unequal gender divisions in the family as well as the labour market (e.g. Meehan, 1992; Hoskyns, 1996; Scheiwe, 1994; Ostner and Lewis, 1995). Most accounts of equal opportunities policies since the inclusion of Article 119 in the Treaty of Rome focus on the changes in the meaning attributed to gender equality, particularly in relation to the four Action Programmes on equal opportunities for women and men that ran between 1982 and 2000 (Hoskyns, 2000 provides a good account). The initial definition of gender equality in terms of the *same* treatment of men and women in the workplace was not tested until the mid-1970s, and it was not until the late 1980s that equality was understood also to depend on account being

taken of *difference* in the positions of men and women. This allowed for positive action to be taken to benefit women, and, mainly in the arena of work/family reconciliation policies in the early and mid-1990s, it permitted the idea that the achievement of equal opportunities necessarily involved changes in the behaviour of men. The reworking of Article 119 in the Treaty of Amsterdam (Article 141) permitted positive discrimination after a decision in the ECJ suggested that such measures conflicted with the formal principle of equality as equal treatment (Case C-450/93 Kalanke v Land Bremen (1995) ECR I-3051). In addition, a firm and general commitment to gender equality was embedded in Article 2 of the Treaty.

The definition of gender equality shifted again with the idea of ‘mainstreaming’ that followed the Beijing Women’s Conference in 1995, and the accession of Sweden and Finland to the Community in 1996. Mainstreaming carries the idea that policies in pursuit of gender equality will no longer be confined to an equal opportunities ‘ghetto’, but will rather be integrated across all fields of policymaking. Rees (1998) has argued that mainstreaming has the potential to address disadvantage (the aim of same treatment policies) without denying difference. In this view, mainstreaming could prove to be ‘transformative’ and change the gender hierarchy. It is intended to ensure that the standard against which equality is measured is itself subjected to a gender assessment (Walby, 2001). However, as Woodward (2003) has pointed out, it is difficult to insert gender into what feminists have often referred to as the ‘malestream’. There is a profound tension between gender equality and the mainstream, which many have argued is dominated by ‘sound money, sound finance’ paradigm of the neo-liberal project (Hall, 1986; Dyson, 2000; also Majone, 1996), and which means, in an area such as work/family reconciliation, that ‘the

business case' likely becomes the dominant frame into which arguments for gender quality must 'fit' (Dex, 2003).

There is also an issue as to the content of mainstreaming: to what extent it relies on equal treatment, on positive action on behalf of women, and/or measures to promote change in the behaviour and position of both men and women. Booth and Bennett (2002) have referred to these three dimensions as the 'three legged equality stool' and have argued that all three are necessary. The Commission's Communication on mainstreaming defined the principle in terms of taking systematic account of the differences between the conditions, situations and needs of women and men in all Community policies and actions. This global, horizontal approach requires the mobilisation of all policies (Commission, 1996a). Later elaborations stressed the importance of the systematic consideration of gender differences 'at the point of planning, implementing and evaluation' (Commission, 1996b, chapter 1), and an explicit recognition that positive action and mainstreaming should 'be applied together' (ibid.).

But this definition focused attention more on the 'mechanics' of mainstreaming and on how gender should be considered in the course of the policy process, than on the approach to securing gender equality and the different ways of securing it. Indeed, it is relatively easy to reduce mainstreaming to a 'tick box' approach (Shaw, 2002), with little regard to the meaning of gender equality and the policy outcomes. The Framework Strategy on Gender Equality for the period 2001-5 stressed the value of the integrated approach made possible by mainstreaming, attaching most importance to the tools for achieving it in the form of clear assessment criteria, benchmarking, monitoring and evaluation (Commission, 2000b, 2.1). Rees (1998) also warned of the danger of focusing too much on the 'tools' of

mainstreaming and on the technical process – defined in terms of gender impact studies, the gender-proofing of documents and gender monitoring – as policy goals in and of themselves. However, this interpretation of mainstreaming fitted well with the new forms of regulation adopted more widely in respect of social policies under the Open Method of Coordination (see above, p.). There is evidence that the understanding of mainstreaming remained confused, as the 1998 Interim Report on the fourth Action Programme on equal opportunities hinted when it stated that the ‘concept needs development’ (Commission, 1998, p.16). Some assessments of the policy outcomes from mainstreaming, for example across all the different dimensions of the European Employment Strategy, have not been encouraging (Webster, 2001; O’Connor, 2005, although see Pollack and Hafner Burton, 2000 for a more positive view based on a wider range of policy areas). Mainstreaming as one element in policy process stands in danger first, of being ‘ticked off’ as having been ‘considered’; second, of being used instrumentally to serve the dominant policy frame (i.e., the process of cooption) and of therefore losing purchase on specific gender equality issues to do with the valuing of difference and redistribution between men and women; and third of losing any possibility of becoming a policy priority, because it treats gender equality as a ‘horizontal principle’; Maria Stratigaki (2005, p.180) has gone so far as to describe it as ‘rhetoric devoid of substance’.

In parallel with mainstreaming gender equality, the concept of equality has been expanded to include diverse forms of inequality on the basis of race, ethnicity, age, sexual orientation, disability, religion and belief and embodied in ‘hard’ EU law via two Council directives (Council, 2000b; 2000c), the first requiring member states to implement the principle of equal treatment more stringently in respect of race and ethnicity than had ever been the case for sex (that is, outside the labour market). Only

in December 2004 were women offered the same protection (Council, 2004). The precise nature of the links in the policymaking processes behind these two dimensions of change in the approach to equality policies is beyond the scope of this paper, as are the extensive discussions as to whether the same tools can be used to address very different types of inequalities (e.g. Woodward, 2003). But, it is important to outline the possible differences in the way in which this development of anti-discrimination policies can be interpreted. The expanded definition of equality has been entrenched in the form of Treaty objectives. However, a rights-based, anti-discrimination approach necessarily involves an individualist approach in the EU context (Fredman, 2001), which raises the question as to how far civil rights are being seen as linked to social rights and social citizenship entitlements, and how far they may be thought to stand in place of them. There is also the issue as to how far these anti-discrimination rights are seen as a means of promoting diverse equalities in all spheres of life, and how far they are intended primarily to serve the dominant policy frame of access to the market and employability.

Phillips (1993) and Caruso (2003) have stressed the difficulty of using an individual rights model to address the complexities of group injustice (see also Lewis and Giullari, 2005; and Mabbett, 2005 in respect of disabled people). It is also possible to speculate on wider linkages between an expanded notion of rights-based anti-discrimination law and the foregrounding of economic policy and market-making. If the expansion of hard, anti-discrimination law is put alongside the emphasis on increasing labour market participation, the picture has the potential to look much more like the American model, which rests in large part on the primacy accorded the market, backed up by anti-discrimination measures that permit access to the market.⁵ While this comparison remains highly speculative, market integration has

certainly shaped the recent approach to employment-focused equality (see also Bacchi, 2004), and the new anti-discrimination measures can also be seen to be closely allied to the employment agenda (see also Ostner, 2000; Kilpatrick and Freedland, 2004). A similar trend may be observed in the case of the recent shift in work/family reconciliation policy.

Work and Family Reconciliation Trajectory

The notion of 'reconciliation', has usually been couched in gender neutral language and has often been taken to mean the 'harmonization' of paid and unpaid work for women, rather than 'harmonization' in the sense of equal sharing between men and women at the household level. Nevertheless, most of the key documents on work/family reconciliation issued during the early and mid-1990s made explicit reference somewhere, if only in passing, to the desirability of men and women 'sharing employment and family responsibilities', a phrase defined by the Employment and Social Affairs Directorate in 1996 as reconciliation 'so as to promote gender equality' (Commission, 1996c, Annex III, Glossary). In 1992, a Council Recommendation was issued on childcare (Council, 1992), recommending that member states develop and/or encourage initiatives to 'enable women and men to reconcile their occupational, family and upbringing responsibilities arising from the care of children'. The Recommendation also defined childcare broadly and proposed that measures were needed in four areas: childcare services, leave for employed parents, family-friendly policies at the workplace, and measures to promote the increased participation by men in the care and upbringing of children. Even the 1994 White Paper on Social Policy, which endorsed the stress placed on the need for higher 'adult' labour market participation by the document on Growth, Competitiveness and Employment (Commission, 1993), referred also to the need for 'greater solidarity

between men and women' at the same time as it prioritised the role of social policies in promoting women's employment (Commission, 1994, p.43).

In 1996 a Directive on Parental Leave (Council,1996) was adopted, which laid down minimum individual rights to three months parental leave for men and women; member states were left to determine the conditions of access, whether the leave should be compensated and whether it should be full- or part-time. The leave was non-transferable – fathers could not transfer it to mothers – in order to promote gender equality. However, the fact that no minimum remuneration requirements were specified (a victory for the employer's side) made it much less likely that men would take it (as proved to be the case, Moss and Deven, 1999; Bruning and Plantenga, 1999) and that it would in practice be reconciliation for women. Furthermore, depending on the detail of implementation in individual member states, particularly in respect of length of leave and level of compensation, it was likely to be more equivocal in its effect on female labour market participation.

Since the late 1990s, there has been a significant change in the way in which work/family reconciliation policies have been framed. As the then Social Affairs Commissioner, Pádraig Flynn, commented in his foreword to the Employment and Social Affairs Directorate's 1998 report on reconciliation, the issue 'is an integral part of the European Employment Strategy process' (Commission, 1998). From 1998, work/family reconciliation has been more firmly integrated into the Guidelines accompanying the European Employment Strategy (EES), with the result that first, the goal of promoting gender equality by changing the behaviour of men has increasingly slipped out of the picture, and second, the policy focus has narrowed substantially to the provision of childcare services, which are more likely to promote female labour market participation than measures that provide time to care.

Interestingly the European Parliament's Women's Committee expressed the view that without a legally binding ('hard') instrument, member states with a poor record on the provision of childcare services would do nothing (Randall, 2000). This has not proved to be the case, with, for example, both Germany and the UK creating about 600,000 childcare places since 1996/7 (Evers et al., forthcoming, 2005). The desire to increase women's labour market participation (especially of lone mothers in the UK), as well as, to a somewhat lesser extent, to improve early learning, has proved a powerful spur to laggard member states, but one that does not necessarily have much to do with the promotion of gender equality *per se* (Stratigaki, 2004). However, the policy trajectory has not been absolutely clear cut. The Council of Ministers for Employment and Social Policy's Resolution on the balanced participation of men and women in family and working life (Council, 2000d) again stressed the importance of 'equal sharing', particularly in terms of 'time off work to look after children or other dependants', although the fact that the Advisory Committee on Equal Opportunities for Women and Men held it up as a model on more than one occasion,⁶ serves to underline its somewhat anomalous position.

Arguments for the need to reform 'work organisation' by increasing flexibility, in which the provision of childcare was recognised to play a part, were made without any reference to equal opportunities (e.g. Commission, 1997a; Webster, 2001). This is significant because work/family reconciliation became increasingly tied to the new desire to prioritise flexibility and security, and an important component of the commitment to 'social quality' at work (Commission, 2001)⁷. By increasing 'quality in work' it was hoped to increase productivity, and by increasing the attractiveness of work, to raise the employment rate of women (ibid, p.8). In 2003, work/family reconciliation was included under the 'quality and productivity'

objective in the EES Guidelines (Council, 2003), the equal opportunities pillar, under which it had appeared from 1998 (Council, 1998b), having been abolished as gender equality became a 'horizontal principle' to be mainstreamed across all policy fields. There is therefore a danger that gender equality in the sense of 'equal sharing' between men and women will be given reduced priority (Rubery et al., 2003), although interestingly it has retained a prominent place in the Commission's 2005 report on equality between women and men (Commission, 2005b), which again illustrates that changes in the framing of this issue are far from linear.

During the late 1990s, the Commission argued that 'the new gender balance in working life is at odds with traditional family policies' and reform was viewed as part of the modernisation of social protection (Commission, 1997b). Esping Andersen, who co-authored an influential policy document for the Belgian presidency in 2001 (see above, p.9) went further in his indictment of the 'familialism' of the old welfare settlement, arguing that policies based on assumptions regarding the traditional roles of men and women in families are now the 'Achilles' heel' of welfare states, running counter to both family formation and labour supply and, with their low levels of female employment, reducing the tax base necessary to sustain the continental European social welfare system (Esping Andersen, 1999, p.70). The setting of targets for women's employment by the Lisbon Council (see above, p. 9) was followed by the Barcelona Council setting targets for the provision of childcare services to reach 90 per cent of children between three and school age and 33 per cent of under three's, leaving it entirely unclear as to whether parental leave provision 'counted' towards meeting the target.

This decision was notable first, for the explicit narrowing of the rationale for childcare to women's employment levels and of the policy focus to childcare services.

Second, it specified the means by which member states should reach the Lisbon target for female employment, which represented a substantial restriction of the understanding of childcare (to formal, institutional provision) compared to the 1992 Recommendation. Jill Rubery (the chair of the Commission's Gender and Employment Expert Group) concluded that the areas of greatest impact on the EES in respect of gender equality were those that were most consistent with the main aims and objectives of the Strategy, particularly childcare (Rubery, 2002). At the end of 1990s and beginning of the 2000s, employment became the dominant (economic and social) policy frame and Rubery's conclusion echoes the importance that other commentators on EU level policy have attached to 'fit' (see above, pp. 4-5). The priority accorded childcare services, which provide unequivocal incentives to women's employment, rather than leave, which, if it is long (more than twelve months) and poorly compensated, acts to encourage female labour market exit, is significant in this regard.

Work/family reconciliation policies have long been a part of the EU's mainstream concern about economic policy and access to labour markets. But in the early and mid-1990s they were clearly nested within equal opportunities policies as well as employment policies. Ostner (2000) argued that the 1992 Recommendation on childcare was mainly about employment, but this was much less so than was the case with the 2002 Barcelona targets. One of the main issues regarding the mainstreaming of equality concerned the tension between gender equality and the (male) mainstream, and the danger of weakening the commitment to gender equality. This seems to have been substantially realised in respect of the EES Guidelines, which dropped their specific equal opportunities pillar in 2003. A similar issue arises in respect of work/family reconciliation as it is increasingly absorbed into employment policy. The

Swedish Presidency documents of 2001 represented this problem in terms of the long-established Swedish approach: that women and men should be treated the same (as citizen workers), but that women should be compensated until such time as equality in the labour market was actually achieved (EU, 2001a,b). However, the more instrumental treatment of work/family reconciliation as part of the dominant employment agenda has proved threatening to the goal of gender equality. Women's labour market participation rates have indeed risen. As a result, the Report from the Commission to the Spring European Council in 2004 focused much more strongly on securing a rise in employment for older workers (Commission, 2004a), while the High Level Group on the Future of Social Policy in an enlarged European Union continued to promote reconciliation, but mainly as a means of allowing couples 'to have the number of children they desire' (Commission, 2004c), a point reiterated forcibly in the Commission's Green Paper on the need to address demographic change (Commission, 2005c). It is not clear that hitching reconciliation to the challenge of falling fertility will do any more for the pursuit of gender equality than the strong link to employment has done.

Conclusion

Policy trajectories in these three fields are difficult to interpret in relation to gender equality first, because in any one field the trajectory is not linear, for example, there has been no neat shift from same treatment to positive action to mainstreaming in equal opportunities policies, and no unequivocally clear move away from work/family reconciliation as a means of promoting gender equality by 'equal sharing', and towards reconciliation for women. Second, much depends on the lens through which the policy is analysed. For example, if the lens is equal opportunities, then the promotion of work/family reconciliation measures may well appear as

evidence of an expanded idea of equality, going beyond the labour market to address the crucial issues of the domestic division of labour, whereas attention to the broader changes in social policy suggests a much closer link to the promotion of an adult worker model family, which has in turn been tied to the promotion of competition and growth. Indeed, the interpretation of the trajectory of each of the three policy fields discussed in this paper is contested in the literature.

The end of the 1990s saw identifiable and striking shifts in the way in which all three policy fields were framed and represented in policy documents. Assessing these changes, together with the shifts in the way the fields relate to one another, makes it possible to build an argument regarding a policy logic in relation to gender equality. But policy development at the EU level is rapid and hugely complicated, and consideration of a different set of policy areas may produce different conclusions.

Social policy, like equal opportunities policy, has historically been tied to the overarching goal of market-making. The effort to modernise social policy using the OMC can be interpreted as giving new and independent life to social policy - making up the social deficit at the EU level - or as a further effort to make social policy better serve economic policy. When modern social programmes, organised around the principle of social insurance, largely replaced older, deterrent poor law systems at the end of the nineteenth and beginning of the twentieth centuries, the relationship between work and welfare was rewritten. It is not fanciful to see it being rewritten again at the end of the twentieth century, with the insistence on social policy as a 'productive factor' and on the promotion of employment on the part of all able-bodied adults, female and male, as a necessary prerequisite for the economic agenda of competition and growth and an important justification for all forms of expenditure on social policies. Employment has been at the core of recent thinking about social

policy and has recently been explicitly joined to competitiveness and growth, which together have been firmly acknowledged as the key policy goal (Commission, 2005d). Furthermore the shift in work/family reconciliation policies towards a more exclusive focus on childcare services to enable higher female labour participation rates links strongly to the promotion of an adult citizen worker model family, while the expanded notion of equality found in the new anti-discrimination measures also betokens the priority given to accessing the labour market. This point is given additional force by Article I-15 in the proposed EU Constitution, which presents social policy as part of economic and employment policy, breaking with the forty year practice of treating employment as part of social policy (see especially para.3, <http://europa.eu.int/constitution>).

Since 1997, gender equality has been more firmly embedded in the EU than ever before. However, the wider policy context also signals a more instrumental approach to it. In addition, when the changes in equality policies, work/family reconciliation and social policies are taken together, it is possible to argue that the commitment to equality as same treatment according to the male mainstream model remains predominant. The shift in equal opportunities policies in respect of gender from positive action to mainstreaming, while far from complete, signals - via the emphasis placed on the tools that it employs - a preoccupation with making sure that gender is considered in the implementation of the dominant policy priorities. At the same time, work/family reconciliation policies moved away from their clear association with equal opportunities policies in the early and mid-1990s, to a much more unequivocal, instrumental link to employment policies. Thus in large measure what we have is evidence of gender equality defined primarily in terms of labour market participation,

with diminishing attention to promoting the equal sharing of unpaid care work between men and women and to changing the behaviour of men.

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² It may also be that it is easier to make some headway in addressing the ‘new social risks’ (Bonoli, 2004) arising from the erosion of the traditional male breadwinner family model, with its primary male earner and primary female carer (Lewis, 2001), than it is to reform the older, core programmes of welfare states, which were set up to pool the risks of unemployment, sickness and poverty in old age. It is almost certainly easier to treat the problem of accommodating new patterns of work and family life as a relatively non-ideological issue, susceptible, it is hoped, to technocratic solution.

³ Palier (2005) has been particularly effective in showing this to be an illusory exercise.

⁴ However, Obinger et al. (2005, p.23, ital in original) suggest that over a long period of time there is nothing to prevent a ‘*selective hardening* of soft forms of government’.

⁵ Developments in EU competition law and the implications for public services support this view (Leibfried, fc; Commission 2004b). Much obviously hangs on the successful operation of the OMCs.

⁶ Eqop 52-2000, DG EMPLO/D/5, 17/10/00, Opinion of the Advisory Committee on Equal Opportunities for Women and Men on The Social Agenda; DG EMPLO/D/5, October 20003, Opinion of the Advisory Committee on Equal Opportunities for Women and Men on the Recasting of Gender Equality Directives.

⁷ Quality was adopted as the guiding thread of the Social Policy Agenda by the Nice European council of December 2000 (Council, 2000e).

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