Colloquium on Global Diversity: Creating a Level Playing Field for Women

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Although a number of companies had already implemented to a certain extent remote work systems before, it is only from 2012 that teleworking has been actually regulated:

- Limited: only one article in the workers statute
- No particular rights for remote workers with regard to the use of new technologies
- No specific provisions about gender equality in the context of teleworking

In 2019, the Royal Decree 6/2019 of Urgent Measures for guaranteeing equality between men and women introduces the right to work-life balance for parents and carers. It enables the use of flexible working arrangements including, among others, teleworking.


- It seeks to ensure gender equality with respect to labour market opportunities and treatment at work throughout the EU by facilitating the work-life balance for workers who are parents or carers.
- It sets out minimum requirements for family-related leaves (paternity, parental and carers’ leave) and flexible working arrangements.
- It seeks to increase women’s participation in the labour market and to achieve a better sharing of caring responsibilities between men and women.
- It creates incentives for men to have an equal share of caring responsibilities by creating paid paternity and parental leave (the lack of such specific incentives for men was one of the reasons for the low take-up of leave by fathers).
Data shows that:

- 92.3% of care leaves are assumed by women
- 95.2% of part-time work is done by women
- 98% of maternity benefits are enjoyed by women
- 85% of the reductions in working hours for childcare are met by women
- 84.5% of women perform housework daily, while only 41.9% of men do
Remote working before Covid-19

![Bar chart showing remote working by gender from 2006 to 2019.]

- Hombres (Men)
- Mujeres (Women)

Years: 2006 to 2019

- 2019: 8.9% Men, 5.3% Women
- 2018: 7.6% Men, 5.1% Women
- 2017: 8.0% Men, 5.1% Women
- 2016: 7.1% Men, 4.9% Women
- 2015: 6.4% Men, 4.6% Women
- 2014: 5.8% Men, 4.3% Women
- 2013: 5.2% Men, 3.9% Women
- 2012: 4.8% Men, 3.5% Women
- 2011: 4.4% Men, 3.1% Women
- 2010: 4.0% Men, 2.7% Women
- 2009: 3.6% Men, 2.4% Women
- 2008: 3.2% Men, 2.0% Women
- 2007: 2.8% Men, 1.8% Women
- 2006: 2.4% Men, 1.5% Women
Remote working in the context of Covid 19
Remote working in the context of Covid 19

- The trends have changed:
  - We move from 1% more of men in remote work than women, to 4% more of women than men in remote work at the start of the pandemic.
  - This difference has slightly decreased by now, but women still outnumber men.
  - The changes are more important in the age group of women and men between 25 and 55 years, when care responsibilities are particularly pressing. These differences range from 80% to 100% more women who have started to telework than men.
Specific risks

» Extended workdays: difficults to separate professional and personal tasks
» Difficulties to engage in training activities or processes for promotion
» Psychosocial risks: associated with a greater sense of isolation
» Gender violence: teleworking reinforces the isolation of women who suffer gender violence, separating them from people and resources to lean on.

THEREFORE:
Although it is clear that teleworking can benefit companies and employees, if poorly regulated it can become a new form of discrimination: abuses in the duration of the workday, absence of boundaries between work and personal and family life, etc.
Good regulation

- Two main elements:
  - Clear rules that guarantee equality between on-site and remote workers
  - Participation of social agents in the regulation of teleworking through collective bargaining

- Gender perspective:
  - Legislation and collective bargaining must take into account the particular risks faced by women in the field of teleworking
  - Public authorities must go beyond the law and implement policies that promote the co-responsibility between men and women
Spanish legislation

- Law 10/2021, of 9 of july, on remote work:
  - Remote work is strictly voluntary
  - Guarantees the same rights for on-site and remote workers and forbids any discrimination in pay, training or working conditions
  - Sets out a specific prohibition of sex discrimination
  - Includes a specific mandate to take into account the specificities of remote working when applying protocols against sexual harrasement and gender violence
  - Provides for the possibility to adopt measures favouring work-life balance, including if you are teleworking on a regular basis
  - Guarantees the right to flexible working schedule, registration of working hours
  - Right to the prevention of occupational hazards
  - Right to privacy and digital disconnection
  - Collective agreements, within this framework, can further specify the content and conditions for teleworking in a sector or company
In addition to the rights guaranteed by the remote work legislation: Royal Decree 90/2020, of 13 October, on equality planning and the register of equality plans:

- When drawing up the diagnosis prior to the adoption of an equality plan, one of the factors to take into consideration are data on teleworking in the context of remote working.
- The equality plan has to include specific measures to guarantee gender equality in the context of remote working.

Labour market reform has introduced a new administrative offence: hiding information about vacancies or professional career opportunities from people who work remotely.
Beyond legislation

- Shared responsibility or Co-responsibility Plan of the Spanish government, implemented in coordination with the governments of the Spanish regions.

- Aims to establish a comprehensive public care system through:
  - Creation of professional care services to facilitate conciliation of families with children under 16 years of age.
  - Creation of quality employment in the care area
  - Certification of informal experience and support to caregivers
  - Mapping care systems

- Support for companies in the implementation of equality plans

- Awareness raising measures on shared responsibility targeting men
https://www.youtube.com/watch?v=fruLSYN2WaQ