



SPAIN'S EXPERIENCE IN IMPLEMENTING LEGISLATION

# REFLECTIONS ON THE NEED TO SET UP AN EQUALITY OBSERVATORY

FOCUS GROUP EQUAL OPPORTUNITIES



# INDEX

- 1. European Commission's Work on Equality**
- 2. Inequality, a shared conclusion**
  - 2.1. The Compromise of the European Commission
- 3. Problems on the road to Equality**
- 4. The EU Blue Economy Report**
- 5. Joint Maritime Strategies developed by Sea Basins**
- 6. EMFAF Call for Proposals on Women in the Blue Economy (EMFAF-2022-PIA-WBE)**
  - 6.1. The lack of women at the sea
  - 6.2. Criteria the proposals need to follow
- 7. Diversity of interpretations in regulations**
- 8. The implementation of laws and its consequences**
  - 8.1. Spanish legislation of reference on equality
  - 8.2. The reality of Spain in equality policies
- 9. Final Thoughts**
- 10. Recommendations**

# 1. EUROPEAN COMMISSION'S WORK ON EQUALITY

## THE EU HAS MADE SIGNIFICANT PROGRESS IN GENDER EQUALITY OVER THE LAST DECADES.

- Integrating the gender perspective into all the policies (gender mainstreaming)
- Taking measures for the advancement of women
- Implementing equal treatment legislations

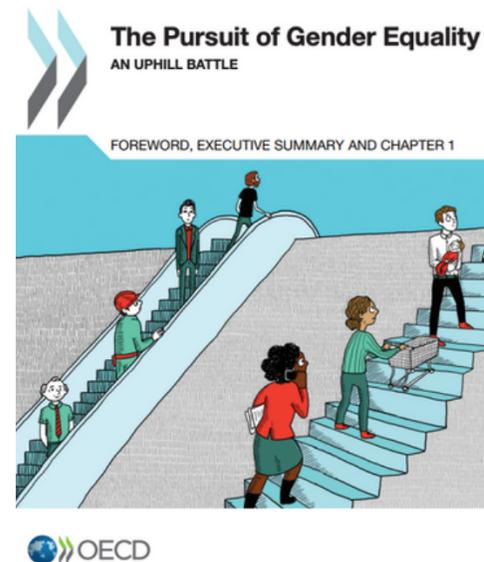
## HOWEVER, GENDER GAPS REMAIN IN THE LABOUR MARKET.

- Women are still over-represented in lower paid sectors.
- They are also under-represented in decision-making positions.

## 2. INEQUALITY, A SHARED CONCLUSION

### OECD 2017 REPORT – THE PURSUIT OF GENDER EQUALITY: AN UPHILL BATTLE

- Young women in OECD countries generally obtain more years of schooling than young men, but women are less likely than men to engage in paid work.
- Motherhood typically has marked negative effects on gender pay gaps and career advancement.
- Women are also less likely to be entrepreneurs and are underrepresented in private and public leadership positions.



### UNCTAD

- From 2010–2019, on average, 68% of firms across the world did not have any women in ownership, while only 16% were owned by women.
- Women's underrepresentation in business could bring lower economic growth and fewer decent employment.
  - ➔ Losses of income from women's inactivity can reach up to 30% of GDP in countries with high gender inequalities.



# 2.1 THE COMPROMISE OF THE EUROPEAN UNION

## GENDER EQUALITY STRATEGY 2020-2025

### OBJECTIVES:

- Ending gender-based violence.
- Challenging gender stereotypes.
- Closing gender gaps in the labour market.
- Achieving equal participation across different sectors of the economy.
- Addressing the gender pay and pension gaps.
- Closing the gender care gap.
- Achieving gender balance in decision-making and in politics.

## GENDER EQUALITY STRATEGY 2020-2025



# 3. PROBLEMS ON THE ROAD TO EQUALITY

## GAPS IN AVAILABLE DATA FOR SOME BLUE ECONOMY SECTORS

Data on **Sex distribution** is very limited in many of them.

## DIFFERENCES IN THE LAWS OF THE MEMBER STATES

Despite the fact that gender equality policies have been implemented in all of them, the **way of approaching the subject** is different in each of them.

## NOT TAKING INTO ACCOUNT THE SOCIOECONOMIC REALITY

The penalizing approach does not eradicate the cultural problem and will cause **problems in the productive units.**

# 4. THE EU BLUE ECONOMY REPORT

It serves as a reference for States to develop medium and long-term roadmaps.

→ The Spanish Maritime Cluster (CME) worked in collaboration with Regional Maritime Clusters to elaborate the Spanish Maritime Sector Agenda.

Data on the established Blue Economy sectors (2019):

Sectors	GVA contribution to the EU Blue Economy in %	€ (in billions)
Marine Living Resources	11%	19,3
Marine non-living resources	2,5%	4,7
Offshore wind renewable energy	1%	1,9
Port activities	15%	27,9
Shipbuilding & Repair	9%	15,6
Maritime transport	19%	34,3
Coastal tourism	44%	80

Source of data: The EU Blue Economy Report 2022



# 5. JOINT MARITIME STRATEGIES DEVELOPED BY SEA BASINS

Northern Waters		
Atlantic	North Sea	Baltic Sea
Strategy	Sea basin	Strategy
ES	BE	DE
FR	DE	DK
IE	NL	EE
PT	DK	FI
	SE	LT
	FR	LV
		PL
		SE

Source of data: The EU Blue Economy Report 2022

Mediterranean			
Mediterranean	West MED	East MED	Adriatic-Ionian
Sea basin	Strategy	Sea (sub)-basin	Strategy
CY	ES	CY	EL
EL	FR	EL	HR
ES	IT		IT
FR	MT		SI
HR	PT		
IT			
MT			
SI			

Source of data: The EU Blue Economy Report 2022

Black Sea
Sea basin
BG
RO

Source of data: The EU Blue Economy Report 2022

Main sectors of the Atlantic Ocean and the Mediterranean Sea in terms of GVA (2019 data):

ATLANTIC OCEAN		MEDITERRANEAN SEA	
SECTORS	SECTORS' GVA	SECTORS	SECTORS' GVA
Coastal tourism	20,4 billion €	Coastal tourism	41 billion €
Maritime living resources	6,5 billion €	Maritime transport	8 billion €
Port activities	3,5 billion €	Port activities	7,5 billion €

Source of data: The EU Blue Economy Report 2022

# 6. EMFAF CALL FOR PROPOSALS ON WOMEN IN THE BLUE ECONOMY (EMFAF-2022-PIA-WBE)

The measures adopted so far have been effective. Nonetheless, it is concerning that...

- They aren't spread across all sectors, industries and activities of the maritime economy.
- Neither there are sufficient to ensure a gender-equal sustainable blue economy across the EU.

## OBJECTIVES:

- to increase the participation and representation of women in the different sectors of the sustainable blue economy.
- to promote and advance gender equality in the sustainable blue economy.
- to promote women's leadership, entrepreneurship and participation in governance structures and decision-making mechanisms of public and/or private organizations of the sustainable blue economy.

The actions funded under this call pretend to help embrace a deep and structural change to **facilitate and promote the inclusion of women in the wider maritime economy.**



# 6.1 THE LACK OF WOMEN AT THE SEA

**THE CALL NOTES THAT THE AVAILABLE DATA ANALYZED SHOW THERE IS A CLEAR GENDER BIAS IN THE BLUE SECTORS:**

- Only 3.7% of those employed in the EU fishing fleet are women.
- 76% of the persons employed in the aquaculture sector are male.
- Women only represent about 25.2% of the sea sectors in Portugal.
- Women only represent about 21% of the blue economy sectors in France.

## 6.2 CRITERIA THE PROPOSALS NEED TO FOLLOW

### **PROPOSALS THAT DON'T FOCUS ONLY ON A SINGLE SEA BASIN.**

- They should ensure a global geographical scope and should involve partners across different sea basins.

### **PROPOSALS THAT FOCUS ON MORE THAN ONE SECTOR.**

- They should focus on at least three sectors of the sustainable blue economy.

### ***WE SHOULD CONSIDER THAT...***

- WE NEED A COMMON VISION to guarantee the coherence and cohesión of all actions.

### ***HOWEVER,***

- Starting from different socioeconomic realities, we end up discriminating against women when trying to implement the same measures for the entire geography of the European Union.

# 7. DIVERSITY OF INTERPRETATIONS IN REGULATIONS

## LAWS ON EQUAL PAY

Croatia	Cyprus	France	Italy	Malta	Spain
Periodically addressed by the Ombudsperson for Gender Equality in her annual reports	Law on equal pay between men and women for equal work or work of equal value (2002)	Law for Freedom to Choose a Professional Future (2018)	Currently suspended: the bill on salary transparency (2015) and the bill on exclusion from public contracts of employers who infringe pay equality legislation (2016)	Employment and Industrial Relations Act (2002)	Royal Decree-Law 902/2020, of 13 October, on equal pay for women and men (2020).  Royal Decree-Law 901/2020, of 13 October, regulating equality plans and their registration and amending Royal Decree 713/2010, of 28 May, on the registration and filing of collective bargaining agreements and labour agreements (2020).

# 7. DIVERSITY OF INTERPRETATIONS IN REGULATIONS

## LAWS ON GENDER EQUALITY

Croatia	France	Greece	Malta	Slovenia	Spain
Gender Equality Act (2003)	Law for real equality between women and men (2014)	National Plan 2016-2020 (February 2017) Law 4604 (2019)	Equality for Men and Women Act (Chapter 456 of the Laws of Malta, 2003 amended in 2007, 2009, 2012, 2014 and 2015)	National programme for Equal Opportunities for Women and Men (2015–2020)	Organic Act 3/2007, of 22 March, for effective equality between women and men.

## LAWS AGAINST DISCRIMINATION

Croatia	Cyprus	France	Greece	Slovenia	Spain
Antidiscrimination Act (2012)	Law on combating racial and other forms of discrimination (2004)	Law on equality and citizenship (2017)	National Plan 2016-2020 (February 2017)	Protection Against Discrimination Act (2016)	Law 15/2022, of July 12, comprehensive for equal treatment and non-discrimination.

# 7. DIVERSITY OF INTERPRETATIONS IN REGULATIONS

## LAWS FOR EQUALITY IN EMPLOYMENT

Cyprus	France	Greece	Italy	Malta	Slovenia	Spain
Law on equal treatment between men and women in employment and vocational training (2002)	<p>Law for Freedom to Choose a Professional Future (2018)</p> <p>Inter-ministerial Plan for gender equality at work 2016-2020</p>	National Plan 2016-2020 (February 2017)	Decree on equal treatment for men and women as regards access to employment, vocational training, promotion and working conditions (2005)	Employment and Industrial Relations Act (2002)	<p>Employment Relationship Act (2013)</p> <p>National programme for Equal Opportunities for Women and Men (2015–2020)</p>	Royal Decree-Law 6/2019, 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation.

# 7. DIVERSITY OF INTERPRETATIONS IN REGULATIONS

## LAWS ON EQUAL OPPORTUNITIES

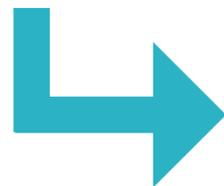
France	Greece	Italy	Slovenia	Spain
Law for Freedom to Choose a Professional Future (2018)	National Plan 2016-2020 (February 2017)	Equal Opportunities Code (2006)  Decree on the Commission for Equal Opportunities between Men and Women (2007)	Equal Opportunities for Women and Men Act (2007)  National programme for Equal Opportunities for Women and Men (2015–2020)	Royal Decree-Law 6/2019 dated 1 March on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation.

## 8. THE IMPLEMENTATION OF LAWS AND ITS CONSEQUENCES

***WHEN EQUALITY POLICIES GO FROM BEING GOOD PRACTICE RECOMMENDATIONS TO BEING LAWS:***

- The pressure exerted in defense of gender equality entails greater control over the productive unit.
- The implementation of the legislative regulations on equality entails sanctions for non-compliance.

***IT'S NOT A PROBLEM OF WOMEN AND MEN.***



**It's a social and a business problem**

# 8.1 SPANISH LEGISLATION OF REFERENCE ON EQUALITY

**THE SPANISH CONSTITUTION OF 1978, IN THE ARTICLE 14, PROCLAIMS THE RIGHT TO EQUALITY AND NON-DISCRIMINATION ON THE GROUNDS OF SEX.**

**01.** Organic Act 3/2007, of 22 March, for effective equality between women and men.

**02.** Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation.

**03.** Royal Decree-Law 901/2020, of 13 October, regulating equality plans and their registration

**04.** Royal Decree-Law 902/2020, of 13 October, on equal pay for women and men

# 8.2 THE REALITY OF SPAIN IN EQUALITY POLICIES

## AFTER THE LAST AMENDMENT OF THE LAW, IT IS MANDATORY FOR ALL COMPANIES TO...

- Adopt measures to prevent gender gaps.
- Have a sexual and gender-based harassment protocol.
- Produce and keep a Remuneration Register.
  - Salary register broken down by gender.

## COMPANIES > 50 EMPLOYEES, MUST ALSO...

- Register an Equality Plan.
  - To plan policies in order to achieve equal opportunities.
- Register a Remuneration Audit.
  - To verify whether the remuneration of a company's entire workforce comply with the principle of equal pay between women and men.
  - If there is a gap of 25% or more, a justification report of the pay gap must be prepared explaining it is not on the grounds of sex.

# LAW 10/2021, OF 9 JULY, ON REMOTE WORKING

## THIS LAW INCLUDED CHANGES IN THE LISOS LAW

### [Law on Infringements and Sanctions in the Social Order](#)

- The amendment has led to an increase of sanctions due to infringements in terms of Labour, Social Security and Occupational Risks Prevention.
- Specifically, with effect from October 1, 2021, an increase of 20% of all sanctions related to labour infringements was approved.

## DISCRIMINATION AGAINST AN EMPLOYEE ON GROUNDS OF SEX, GENDER OR RACIAL OR ETHNIC ORIGIN IS CONSIDERED A VERY SERIOUS INFRINGEMENT.

- Maritime sectors will experience more difficulties due to their strong male representation and they will need to work in order to eliminate gender stereotypes and implement regulations on gender equality and equal opportunity.

# LABOUR AND SOCIAL SECURITY INSPECTORATE ACTS

WHEN THE PRINCIPLE OF EQUAL TREATMENT AND NON-DISCRIMINATION ON THE GROUNDS OF SEX IS **BREACHED OR VIOLATED**.

- Discrimination in access to employment.
- Discrimination in employment.
- Pay discriminación on the grounds of gender.
- Equality Planes and measures.
- Sexual harassment and harassment based on sex.
- Conciliation between work and family life.
- Discrimination in collective bargaining.
- Occupational risks prevention.

SANCTIONS

VERY SERIOUS INFRINGEMENTS

MINOR INFRINGEMENT

SERIOUS INFRINFREMENTS

Only some are:

# IN TERMS OF LABOUR AND EMPLOYMENT AND IN TERMS OF SOCIAL SECURITY, IT IS CONSIDERED

## VERY SERIOUS INFRINGEMENT

- Employment discrimination based on sex.
- Sexual harassment.
- Discriminatory harassment based on sex.
- Non-implementation by the company of the equality plan.

FROM 7,501€  
TO 225,018€

# IN TERMS OF OCCUPATIONAL RISKS PREVENTION, IT IS CONSIDERED

## VERY SERIOUS INFRINGEMENT

- Failing to observe the specific regulations regarding the protection of the safety and health of workers during pregnancy and lactation.
- Not stopping or suspending immediately, at the request of the Labor and Social Security Inspectorate, the work that is being carried out without observing the regulations on occupational risk prevention.
- Assigning workers to jobs incompatible with their personal characteristics when this results in a serious and imminent risk to health and safety.

FROM **49,181€**  
TO **983,736€**

In addition:

An infringement on Occupational  
Risks Prevention

+

an infringement in terms of Labour  
and Employment

=

Loss of grants and subsidies  
previously granted

# IN TERMS OF EQUALITY, THE MODIFICATION OF THE LAW HAS MEANT:

## IN 2021:

- 7,849 actions
- 319 infringements
- 2,308 requirements

## IN 2022:

- 11,358 actions
- 1,226 infringements
- 4,992 requirements

INCREASE IN  
ACTIONS

30,90%

INCREASE IN  
INFRINGEMENTS

26,21%

INCREASE IN  
REQUERIMENTS

48,13%

## 9. FINAL THOUGHTS

**1.THERE IS A CLEAR DISPARITY IN REGULATIONS AND DATA THAT SHOULD BE REVIEWED.**

**2.THE PROBLEM OF GENDER GAP –AND WITHIN THIS PROBLEM, THE SEX GAP– CAN'T BE ADDRESSED WITH A FRAGMENTED APPROACH. IT MUST BE ADDRESSED BY ALIGNING THE REALITIES OF ALL SECTORS.**

**3.GENDER GAPS AREN'T A PROBLEM OF WOMEN AND MEN. THEY ARE A BUSINESS PROBLEM.**

# 10. RECOMMENDATIONS

## 1. WE NEED TO CREATE A MORE GLOBAL OBSERVATORY.

- Aligned with the European Union Blue Economy reports.
- The resulting actions and policies on Equal Opportunities should be driven by sectors and sea basins.
  - MEDAC could be the first source of information
  - They should visualize all the different realities of the fishing sector's productive units.

## 2. WE MUST ADOPT POSITIVE VALUES AND MEASURES THAT PROMOTE A REAL CHANGE AT A SOCIOECONOMIC LEVEL.



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