

**Department
of Economics and Finance**

Course of Microeconomics

Gender Inequalities In the Workplace

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ABSTRACT

Have you ever discussed your salary with your colleagues over the coffee break? In most cases, the answer is no because this answer is first of all taboo but above all unequal. For decades now under-represented groups in terms of gender, most often women, have been fighting for their rights and equal treatment in society. While today women represent almost half of the workforce worldwide and constitute the vast majority of higher education graduates, women continue to face many obstacles such as discrimination, stereotypes or even segregation. All of these obstacles are interrelated and have been trying to be dismantled for many years.

The workplace is and always has been a critical arena for shaping social gender inequalities. These inequalities are among the most pressing issues for the international community to resolve. All these disadvantages that women face have been studied in depth by many academics but also by many government agencies which have provided a lot of theories that have shed light on the dysfunctions of society and therefore the need to continue to fight for professional equality. These disadvantages are far from homogeneous in workplaces across countries around the world, which is why each government must adapt its response. Actors in the world of work, as well as the global environment, can therefore weaken this so-called "gender-specific" organization and more particularly companies and their employees who have strived to eradicate these gender gaps, such as the most common for example the pay gap.

It seems that this painting is blackened even if gleams of white begin to appear. Indeed, over the past half-century, economic development and the resulting social changes have resulted in a steadily narrowing difference between the economic and social indicators of the lives of women and men in most parts of the

world. And in some cases, especially in developed countries, traditional gender gaps have even reversed in recent years.

It would take more than a hundred years to achieve gender equality in the labour market based on the current state of affairs. This more than enormous number pushes companies, associations, NGOs and governments to act. In the face of the current economic crisis, which is that of the Covid-19 pandemic, efforts will have to be doubled to avoid losing dozens of more years to achieve gender equality in the labour market.

I. INTRODUCTION

What is gender inequality? Where is it from? What is the history of the labour market and the genders it constitutes? Where do women find themselves today in this rigid labour market? What has been the impact of the COVID-19 pandemic on the role of women in the world of work? And finally, what can be done to reduce these inequalities? Many questions will therefore be addressed in this analysis.

To begin with, in Part II we defined what gender inequality is, we then reviewed the theories that explain or attempt to explain where these inequalities originated, moving from theories at the individual level to structural and organizational explanations. And then we analyzed the various barriers that continue to exist and that prevent women from equal participation to that of men in the workplace.

Then in Part III, we analyze the place of women in this world of work, a place that has been hard to acquire and which is still so much during this COVID-19 pandemic. In this section, we first provided a brief historical overview of the role of gender in the division of labour as well as the various factors that have changed the labour force. In addition, we have looked into the future to determine what more professional gender equality could entail. Then, we talked about the emancipation of women by focusing on the place of women on the boards of listed companies. We also spoke about the subservience of women in the Arab region. At the end of this part three, we have made a focus on the current pandemic which has worsened inequalities.

Finally, in Part IV, we have dissected the various means that would make it possible to reduce inequalities in the various organizations. We have divided this topic into three main parts. The first deals with the roles of governments in reducing the gender gap in the labour market. Second, we looked at labour market regulation and public policy. And finally, in third, we study the different structures that promote or attempt to promote equality.

And finally, we closed this analysis with a conclusion.

II. WHAT IS GENDER INEQUALITY IN THE LABOUR MARKET AND WHERE DO THEY COME FROM?

A. *WHAT IS GENDER INEQUALITY?*

To begin this analysis, it is essential to define what gender inequality is but also to know where it comes from. So that's what we'll see in Part One. But before that here is a descriptive part.

Gender is not just an individual's sex, although the two are often seen as synonymous. These two notions must be distinguished in that they have their roots in different fields. Indeed, sex is a concept that refers to biological characteristics, i.e., being born male or female. Gender has many definitions, but from a social science point of view, it is defined as the socio-cultural construction of male and female roles. Gender is the result of relationships, identities and relationships within society and differs with changing times, environment and cultural differences. Gender is therefore not a fixed datum but a social construction that is made from sex. Why is it necessary to differentiate the two in this analysis? This differentiation between sex and gender is important because it indicates the importance of the social construction that men and women face throughout their lives.

Inequality, on the other hand, is simply the character of what is not equal. By combining these two terms we arrive at the following definition for gender inequality: Gender inequality occurs when men and women are treated differently and are not equal because of their sex. It is usually women who are seen as unequal compared to their male counterparts in the labour market, but the same is true for some men who also face forms of injustice. We need to keep an open view on gender inequalities, potentially also the opposite. But then what are these inequalities in the labour market, a theoretical market where labour supply and demand meet, which result from this kind of gender discrimination?

For most women and men, the market is not a gender-neutral place because society is not gender-neutral. Unfortunately, there are many gender inequalities in the labour market. Here is a non-exhaustive list: pay inequality, unfavourable recruitment strategy, differences in opportunities, sexual harassment, sexism, etc. We will not go into them in detail, but we will nonetheless look at three major inequalities: salary, hiring and leadership.

Let's start with arguably the hottest topic in terms of gender inequalities in the labour market. Do women earn less than their male counterparts who hold the same jobs?

Gender pay inequalities between men and women are defined by a pay gap between men and women. According to a 2019 study in the United States, women earn 80.3% of what men earn. ¹ More precisely, while

women would earn an average of \$ 806 per week, men would earn \$ 1004. It is important to note that this statistical study was based on men and women who come from all industries. ² But that's not all, this same analysis also identified wage gaps among university graduates with a graduate degree. This study showed that the top 10% of men earning the highest wages earn \$ 4,350 per week on average compared to just \$ 2,882 for their female counterparts. ³ This example refers to the case of the United States of America, but they are not the only ones, in the European Union in 2019, there was a difference between the salaries of men and women of 14.1 percentage points. ⁴ And these figures are much more disproportionate in less developed or developing countries such as Pakistan with almost 33% of the gender pay gap. ⁵ And these differences are present in all countries of the world without exception.

Let's continue with hiring with a question: Do hiring managers hire more men than women?

In 2017, an online study was carried out with 100 participants who were workers looking for work and another 800 participants were employers looking to hire workers. This study showed that women had a 40% chance of being hired by a male hiring manager, and a 50% chance by a female hiring manager. ⁶ We notice that male employers tend to favour male employees when hiring. A more recent study on the professional social network LinkedIn found that recruiters clicked on average 13% less on a female profile. Recruiters looking for profiles would contact more men than women. ⁷ And finally, a somewhat more dated study found that women are on average 30% less called to a job interview than men; both having the same characteristics. ⁸

Let's conclude this part on leadership gaps. When it comes to representing high-level positions, men are far ahead. Take the Fortune 500 as an example, the Fortune 500 is a ranking of the top 500 US companies ranked by revenue.

¹ BLS - Bureau of Labor Statistics, *Annual Report: Highlights of women's Earnings*, 2019

² *id.*

³ *id.*

⁴ ILO (International Labor Organization); *How big is the gender pay gap in your country*, Global Wage Report 2018/2019

⁵ The World Economic Forum, *Global Gender Gap Report 2020*

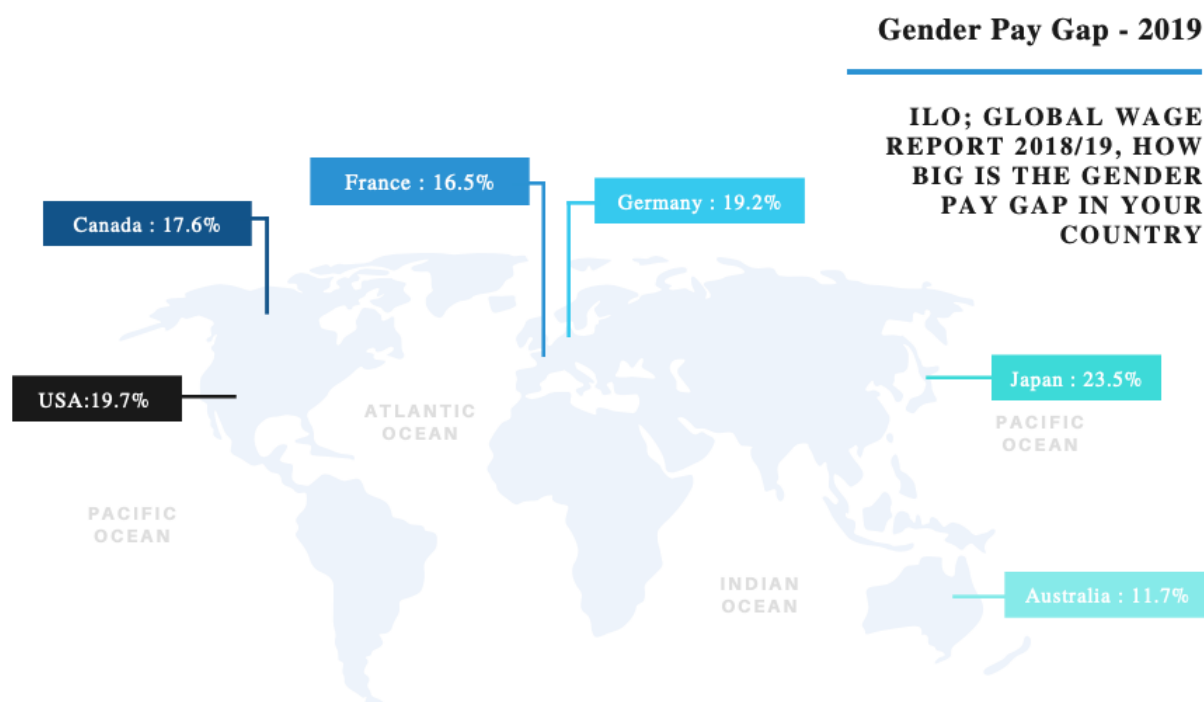
⁶ Harvard Business School, *Why Employers Favor Men*, Sep 2017

⁷ LinkedIn, *Gender Insights Report*, May 2019

⁸ Pascale Petit, Emmanuel Duguet, Yannick L'Horty, Loïc du Parquet et Florent Sari; *Discrimination à l'embauche : les effets du genre et de l'origine se cumulent-ils systématiquement ?*; 2015

A study from 2020 showed that only 4.8% of CEOs in Fortune 500 companies are women and only 22% of women are on boards.⁹ Even if these rates are still low, in some countries there are still improvements. For example, in 2021 in the United Kingdom, the representation of women on Boards in FTSE 350 (350 largest companies which have their primary listing on the London Stock Exchange) is 34.3% or 12% more than in 2015.¹⁰

But why are some individuals considered “inferior” in the labour market? This is the question we will answer in the next part.



B. THEORIES FOR EXPLAINING GENDER INEQUALITY AT WORK: FROM INDIVIDUAL TO ORGANIZATIONAL EFFECTS

Now let's move on to the theory part, sorry for you readers, it is very descriptive but very useful. In this part, we will talk about the theories that explain gender inequalities at work, individual effects but also organizational effects.

⁹ Pew Research Center; *Data on Women Leaders*; 2020

¹⁰ The Hampton-Alexander review 2021

i. DEMAND- SIDE EXPLANATIONS

As you probably know in the labour market there are two main “branches”: supply and demand. The labour supply is made up of employees and people looking for work, while the demand for labour is made up of the needs of businesses (one of the factors of production). In this part, we will look at the demand.

Explanations of gender inequalities in terms of demand focus on several theories involving prejudice and discrimination of employers. Employer discrimination can be divided into two categories: taste-based discrimination ¹¹ and statistical discrimination ¹².

Taste-based discrimination is motivated by stereotypes and is represented by favouritism for one group and prejudice against another group. For example, if a board is made up exclusively of men, there is a good chance that it will remain a board of men. Because men like to associate more with other men but also because perceptions or cultural norms are biased against women. This discrimination based on taste or preference, therefore, leads to the neglect of equally or even more qualified women in favour of men. Likewise, research has shown that taste-based discrimination is often rooted by male leaders in cultural and social conventions that associate leadership with masculinity. ¹³

Statistical discrimination, on the other hand, is rooted in beliefs about differences between the sexes, their abilities and their skills. It would therefore be linked to sexist stereotypes or biased perceptions of the ability of women to function effectively at the highest levels of the hierarchy. These stereotypes are reinforced by the lack of women in higher positions, and this is where quotas come in, which we will discuss later in this analysis. This concept is linked to discrimination based on error, ie the systematic under-representation of women. ¹⁴ Another theory that may explain a low demand for women in certain industries is closely linked to taste-based discrimination: the theory of social identity. ¹⁵ You remember the example of the Board being exclusively men and therefore would not favour women, and this theory explains why men tend to be appointed to managerial positions in companies.

¹¹ Gary Becker, *The Economics of Discrimination*, 1957

¹² Phelps, *The Statistical Theory of Racism and Sexism*, Feb 1972

¹³ Pande et Ford, *Gender Quotas and Female Leadership*, World Development – Gender equality and development, report 2012

¹⁴ Wolfers, *Bargaining in the Shadow of the Law: Divorce Laws and Family Distress*, 2006

¹⁵ Tajfel, *Social identity theory*, 1972

This theory implies similarity and identification between members which would therefore create divisions between groups and give rise to groups internal and external to the group. This would create an obstacle for individuals outside the group to join these networks.¹⁶

A gender diverse team would be less likely to fall into a “Groupthink”.¹⁷ That is to say the “tendency for a group to make bad or poorly thought-out decisions because its members aligned themselves with one other, insulating themselves from outside opinion and reinforcing viewpoints they already share.”¹⁸ Less of “Groupthink” would then allow a diversity of personal experiences, skills, values but also convictions. This would then create an environment of psychological safety and social cohesion, helping to ensure an equal share of voice for all group members. Men and women would behave differently in gender-balanced groups compared to single-sex or gender-dominated groups, and this exchange dynamic would help to elicit broader perspectives and collaborative behaviours.¹⁹

Don't get me wrong I'm not saying that all men have the best positions and women never get too high positions, it's just that for women it's much more complicated to get there. You must have heard of the Glass Ceiling (we'll get to that a bit later) but have you ever heard of the Glass Cliff²⁰. The “glass cliff” means that women tend to be appointed to positions of power when an organization is in trouble, necessarily precarious situations that put them at greater risk of failure.²¹ A study has also shown that women are more likely than men to become CEOs of low-performing companies and that therefore the company's performance decreases during their mandate, so they are more likely to be replaced. by men.²²

ii. SUPPLY-SIDE EXPLANATIONS

¹⁶ Terjesen et al., *Women Directors on Corporate Boards: A Review and Research Agenda*, 2009

¹⁷ Bourke J., 2016, *Which two heads are better than one? How diverse teams create breakthrough and make smarter decisions*, Sydney, New South Wales: Australian Institute of Company Directors, pp.50-51.

¹⁸ Irving Janis 1972

¹⁹ *supra* note 17

²⁰ Ryan & Haslam, *The glass cliff: Exploring the dynamics surrounding the appointment of women to precarious leadership positions*, 2007

²¹ Haslam, Ryan, Kulich, Trojanowski, & Atkins, *Investing with Prejudice: the Relationship Between Women's Presence on Company Boards and Objective and Subjective Measures of Company Performance*, 2010

²² Cook et Glass, *Women and Top Leadership Positions: Towards an Institutional Analysis*, 2014

Other possible reasons for the under-representation of women on boards of directors related to supply, i.e., the lack of opportunities for women in the labour market. As we said earlier, recruiting is a problem. This is because the system for selecting board members often calls on the networks of board members and company management, who in most cases are predominantly men.²³ This then results in an under-representation of women within the upper echelons of the hierarchy.²⁴

Regarding barriers on the supply side, there would also be gender differences in values and attitudes. For example, the motivation of men and women would not be the same to access certain positions such as managerial positions because they would be less power-hungry than men.²⁵ Also, women would be more risk-averse than men in decision-making.²⁶ All these differences in terms of values and attitudes would be based on theories of social construction and socialization with individuals.²⁷ Another barrier on the supply-side would-be identification with gender role expectations. For example, research has shown that women identify with expected cultural gender roles, thereby creating barriers for themselves to certain jobs. Some women would then not even try to occupy senior management positions because they conflict with their self-image.²⁸ Again, these behaviours are often linked to gender auto-schemas that are internalized during childhood by gender socialization processes.²⁹ Another type of research emphasizes the sociologically inspired prism of work-family conflict due to gender differences in family responsibility. Indeed, career breaks due to maternity limit the professional advancement of women, an employer can then decide to choose a man.³⁰

²³ Siri Terjesen, Ruth Sealy and Val Singh, *Women Directors on Corporate Boards: A Review and Research Agenda*, 2010

²⁴ According to a 2015 Catalyst report, women make up 45% of the workforce in S&P 500 companies but hold only 25% of executive and senior management positions and only 4% of CEO positions.

²⁵ Schuh, Hernandez-Bark, Van Quaquebeke, Hossiep, Friege et Van Dick, *Gender Differences in Leadership Role Occupancy: The Mediating Role of Power Motivation*, 2014

²⁶ Baixauli-Soler, Belda-Ruiz et Sanchez-Marin, *An executive hierarchy analysis of stock options: Does gender matter?*, 2015

²⁷ Weyer, *Twenty years later: Explaining the persistence of the glass ceiling for women leaders*, 2007

²⁸ Eddleston, Veiga et Powell, *Explaining Sex Differences in Managerial Career Satisfier Preferences: The Role of Gender Self-Schema*, 2006

²⁹ Greenwald, *The totalitarian ego: Fabrication and revision of personal history*, 1980

³⁰ Bertrand, Goldin and Katz, *Dynamics of the Gender Gap for Young Professionals in the Financial and Corporate Sectors*, 2010

Other research has shown that women in the liberal professions avoid the "mommy-track" ³¹ delay their motherhood. ³² Besides, at a high career level, more time, flexibility and energy are required, which is why it is generally women who give in to work-family conflict and find a position more favourable to the family and therefore at lower career levels. ³³

iii. DEVELOPMENTS IN ORGANIZATIONAL THEORY

When we are going to talk about barriers to equal participation in the next part, we are going to talk about segregation. Segregation is more than linked to this part of gendered organizations. So, think of this part as a kind of introduction to the part about segregation.

For this “introduction” we will draw on the research of a woman who is considered to be one of the leading analysts on gender and class within the second wave of feminism. ³⁴ The second wave of feminism began in the 1960s. The activists of this wave no longer seek the conquest of equal rights, some of which were acquired at that time, such as the right to vote, the right to education or the right to work. These activists seek to acquire this time the liberation of women: liberation from male domination, freeing themselves from the concept of patriarchy. This social cause is therefore rooted in a movement for gender equality and the fight against discrimination. ³⁵

To explain gender inequality at work, many sociologists rely on Joan Acker's theory of gender organizations. ³⁶ Although this theory is not new, it is still relevant today because it has served as a basis for many sociologists to explain gender inequality in the labour market that we now today.

³¹ The “mother path” designates a career for women which can allow a better balance between professional and private life, for example thanks to reduced or flexible hours, but often to the detriment of professional advancement.

³² Miller, *Falling back into gender?: Men's narratives and practices around first-time fatherhood*, 2011

³³ Halrynjo et Lyng, *Gender Balance in Executive Management: Top-Managers' Understanding of Barriers and Solutions from the Demand-Supply Perspective*, 2017

³⁴ Joan Elise Robinson Acker

³⁵ Lisa M. Fairfax, *Some Reflections on the Diversity of Corporate Boards: Women, People of Color, and the Unique Issues Associated with Women of Color*, 79 St. JOHN'S L. REV. 1105, 1109, 2005

³⁶ Acker Joan. Hierarchies, jobs, bodies: A theory of gendered organizations. *Gender & Society*. 1990; 4:139–58.

In this theory, the sociologist argues that gender inequality is tenacious because it is embedded in the structure of work organizations. This means that employers prefer to hire people with as few distractions as possible outside of work and can devote themselves fully to the business, to the organization.

This means that many women are excluded as they often have to take on greater responsibilities within their families, such as taking maternity leave. Acker identified five processes that would create gender reproduction in organizations: division of labour, cultural symbols, workplace interactions, individual identities, and organizational logic.³⁷ And we will be interested in this last process.

In her analysis, the sociologist explains that within the organization workers comply with policies and principles which they consider to be "natural" or normal practices, while these are often based on stereotypes. This organizational logic would then be the key to reproducing gender inequality in the labour market. There would be some integration of this organizational logic because managers would often draw inspiration from gender stereotypes when they undertake these tasks, favouring the qualities associated with men and masculinity which then reify in organizational hierarchies.³⁸ Another study also showed that jobs dominated by women took on a gendered character and would affect the characteristics of jobs in terms of authority, for example, or remuneration.³⁹

But beware, the study of Acker as I said above is not new, in the meantime, the process of "transformation of work" has affected the work structure of the whole world through informatization or globalization for example. The organizational logic has therefore also changed. And this structural change over the years has still allowed companies to be made up of more and more teams of workers with diverse skills.

C. BARRIERS TO EQUAL PARTICIPATION

There are several types of barriers that prevent complete equality between men and women in the labour market, there are organizational and structural barriers, individual barriers but also cultural barriers but we have not made a list of them. We're just going to focus on some aspects of these barriers. "It is easier to break an atom than a prejudice " Albert Einstein

³⁷ *id.*

³⁸ *id.*

³⁹ Tomaskovic-Devey, *Gender and Racial Inequality at Work: The Sources and Consequences of Job Segregation*, 1993

Albert Einstein defines here very well the subject that I am going to present, it is true that despite a significant evolution within the labour market, stereotypes are still largely anchored in society. You've probably heard little macho jokes thrown at women in your life, you know the famous "women's place in the kitchen", and this "joke" is what we call a stereotype. In social psychology a stereotype is a frozen caricatural representation, a received idea or a ready-made opinion accepted and conveyed concerning a human group. And stereotypes relating to men and women in the labour market concern the exercise of certain professions or certain behaviours that are perceived as typical of sex and therefore natural for people in this group. Stereotypes are part of our cultural heritage; they are transmitted through our culture throughout an individual's life. These prejudices most often concern - in terms of gender - women, women of migrant origin and homosexual men. All of this may seem unlikely to us as European, yet the general situation in the world is very real and present.

***"It is easier to
break an atom than
a prejudice " Albert
Einstein***

i. STEREOTYPES AND PREJUDICES ANCHORED IN SOCIETY

For example, according to employers, women are not as talented and skilled as men but also less trustworthy because they might leave because of maternity. In 2012, a study found that a woman in her 30s married with several children was 37% less likely to be interviewed.⁴⁰ A recent study of 600 workers showed that a third of women consider their skills unrecognized and 67% of them feel they need to make more efforts to achieve the same recognition as a man.⁴¹

No need to make a list as you will understand, the image of women is directly synonymous with mother and maternity, and women always assume a disproportionate share of household chores.⁴²

⁴⁰ Moss-Racusin et al., *Science faculty's subtle gender biases favor male students*, 2012

⁴¹ Naël Shiab, Keatext, 2018

⁴² Ignacio Giménez-Nadal is a lecturer in the Economic Analysis Department at the University of Zaragoza (Spain), where he obtained his PhD in Economics in 2010, 2015

Now let's turn to stereotypes of women from an ethnic minority background. Although increasing attention is being paid to migrant women in academic and political circles, this has not been accompanied by a full understanding and recognition of gender issues. These stereotypes are often based on "supposed" origins and these women are often placed in positions with no future or no real professional interests.⁴³

According to a recent study, compared to highly qualified migrant men, migrant women work below their level of qualification and are even more often unemployed. Another study shows that highly skilled migrant women who have children are more likely to be excluded from the labour market than those without children.

⁴⁴ I was also lucky enough to be able to interview a woman of Argentinian origin who arrived in France 30 years ago. She's been an accountant for about 20 years now but has never received any promotions or anything else compared to some of those male counterparts who arrived much later with similar skills. Besides, her leaders believe that her Latin origins do not make her trustworthy or qualified enough. We can then say that these women get double the penalty.

All of these stereotypes then formed what is called the glass ceiling. The concept of the glass ceiling was first popularized in a 1986 Wall Street Journal article, which discussed corporate hierarchy and how invisible barriers seemed to keep women from moving forward in their business career beyond a certain level. The glass ceiling is a metaphor that refers to an invisible barrier that prevents women and minorities from being promoted to managerial positions within a company, in recent years the analysis of the glass ceiling has become expanded to also include issues that prevent minorities from progressing. The gap in equal access to certain jobs varies from one country to another, for example, if we stay in the USA, a study showed that at the end of 2020 women represented 55.9% of the working population. This is a spectacular advance, however, this study also showed that 88% of company CEOs were identified as white males.⁴⁵

He's young and full of potential, she lacks experience. He is determined, she is angry. He takes precautions, she is incapable of taking a risk. He is authoritarian, she is uncompromising. The same behaviors are not perceived the same way depending on whether they are observed in a man or a woman. These so-called invisible stereotypes are said to be one of the barriers that prevent women from progressing at the same rate as men in their careers and which means that there are fewer of them in management positions.

⁴³ Bridget Anderson is Professor of Migration and Citizenship at the University of Oxford, and Research Director of the Centre on Migration, Policy and Society (COMPAS)

⁴⁴ Gerber et Wanner, *Are Highly Skilled Immigrant Women Professionally Integrated ?*, 2019

⁴⁵ U.S. Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, Accessed Feb.16, 2021.

ii. DISCRIMINATION MANAGEMENT

Gender inequalities exist within certain organizational structures, processes and practices. The management of a company, that is to say, its leadership, its structure, its strategy or even its climate sometimes even unconsciously creates discriminating management. Many examples will be given in this part to enhance and promote understanding of this discriminating management.

It all starts with leadership in the company. Leadership is a process in which a person like the CEO influences a group to achieve organizational goals. These leaders will therefore communicate the properties of the organization to the members of the company, their roles are therefore essential because they will affect the rest of the organizational structure.

The leaders will define the policy, the strategies but also the culture of the company. As we have already stated previously in the majority of cases it is the men who occupy the leadership positions. This can be problematic in terms of messages to deliver to the rest of the organization and create a form of institutional inequality.

The second factors of managerial discrimination would be the organizational structure. The structure of an organization is quite simply the way it is organized its composition in terms of hierarchy or departments, ... etc. One of the discriminations in the organizational structure is said to be the separation of genders in certain job categories.⁴⁶ In these “separate networks” women would have less visibility.⁴⁷

Take the example of the hospital world, which today is overwhelmingly female with around 90% of nursing assistants and nurses.⁴⁸ Or in the army, which is overwhelmingly male. All these separate networks, these different departments within an organization are closely linked to gender discrimination in practice and professions.

There would be a devaluation of the departments dominated by women, that is to say, that the overrepresentation of women in certain jobs would lead to a lower status of these jobs and therefore wages would also drop.⁴⁹

⁴⁶ Perry et al., *Explaining Gender-Based Selection Decisions: A Synthesis of Contextual and Cognitive Approaches*, 1994

⁴⁷ Linehan et Scullion, *The Development of Female Global Managers: The Role of Mentoring and Networking*, 2008

⁴⁸ Hospital Saint Antoine: Paris, October 2017

⁴⁹ ILO *Women at Work*, 2016

Women are less present in the best paid professional positions, which would create a pay gap among male and female managers of nearly 18%.⁵⁰ and has 435 restaurants in the United States and 23 other countries: United Kingdom, Canada, Asia, Mexico ... etc. Next are the strategies that can lead to discrimination in the organization's politics. Again, let's take an example, that of Hooters.

Hooters is an American fast-food chain created in the 1980s. To give you a rough idea, Hooters means owl, bird, but also titties in American slang. The clientele aimed at the restaurant is essentially male and heterosexual. The service in this restaurant is provided only by young women whose work uniforms boil down to a low-cut t-shirt and mini shorts bearing the image of the chain.

Restaurants with plasma-screen televisions that show combat sports all day long. Not to mention the sticker in the kitchen "No Fat Chicks". This brand has faced numerous lawsuits as well from its employees who allegedly suffered harassment and sexual touching. But also, numerous lawsuits for discrimination based on appearance in hiring policy or in brand marketing.⁵¹ Despite all this, the brand has not changed anything, according to its website.

But Hooters is not the only example, other establishments are trying to attract customers by requiring their employees to wear a revealing uniform or not at all as in the example of Hollister, an American sportswear brand. The employees of this brand had denounced abusive managerial practices the young men had to wait in front of the store only wearing swimsuits to attract customers. The hiring techniques were also discriminating because they only focused on the physical.⁵² The sexist policies and practices applied to men and women stem from a specific organizational strategy that falls under discriminatory management.

Now let's talk briefly about the business climate. When employees perceive a less favourable climate of diversity, then they perceive greater discrimination at work.⁵³

⁵⁰ Insee 2018 - *Gender pay gap: above all the effect of working time and employment* - The National Institute for Statistics and Economic Studies is responsible for production, analysis and publication official statistics in France: annual and quarterly national accounts, assessment of national demography, unemployment rate

⁵¹ The Guardian, *It's more like a strip club than a restaurant*, 2010

⁵² Fashion Law, *How Abercrombie Ended up Being Sued by 250,000 Employees*, 2018

⁵³ Triana et García, *Valuing diversity: a group-value approach to understanding the importance of organizational efforts to support diversity*, 2009

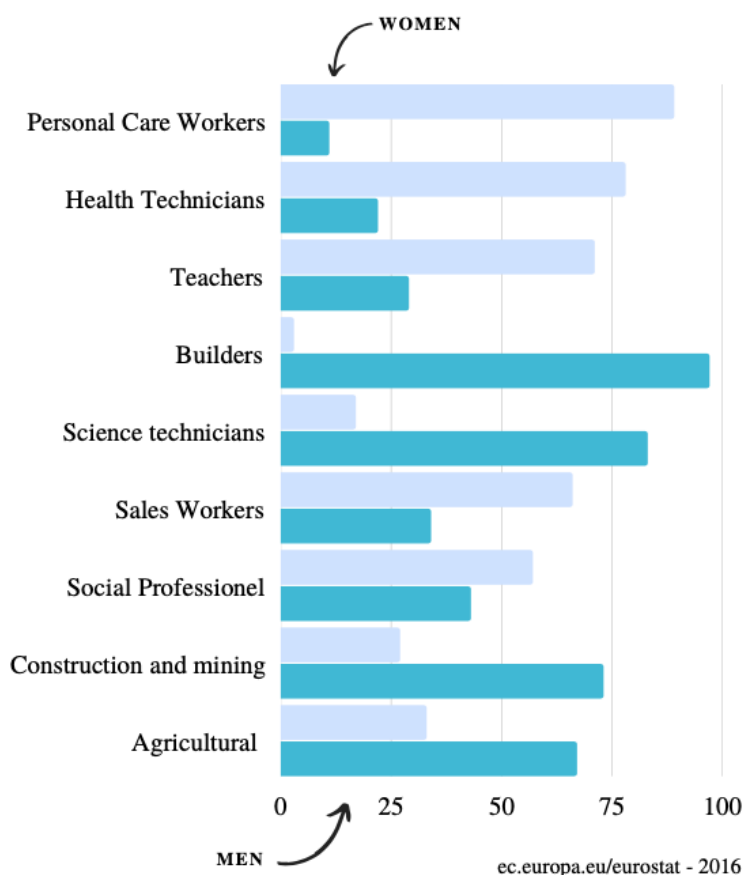
This is the case, for example, in certain industries such as sports or cinema where the proportion of men is higher. As we have seen with the Harvey Weinstein case ⁵⁴, a climate of sexual harassment sometimes arises from certain organizations. In this case, women are more likely to quit their jobs which contributes to the under-representation of women in fields already dominated by men. ⁵⁵

Thus, the management of an organization, the decision-making, the strategies, the structure all this influence enormously gender inequality within a company and even in society.

iii. THE WEIGHT OF PROFESSIONAL SECTORS

After having beaten around the bush in some previous parts, we are finally going to talk about gender segregation in the labour market. We will see that segregation is both a consequence and also a source of inequalities. Above all, we must distinguish two types of segregation: horizontal segregation and vertical segregation.

SHARE OF MEN AND WOMEN IN THE 20TH MOST COMMON OCCUPATIONS IN THE EU (%) 2016



⁵⁴ The Harvey Weinstein case is the public revelation of harassment and sexual assault committed by Harvey Weinstein, an influential figure in the American film industry.

⁵⁵ Kath et al., 2009

Horizontal gender segregation is the under-representation of women or the over-representation of men in certain professional sectors. For example, nurses or caregivers as we stated previously are mostly women, as are secretaries for example. While firefighters, engineers or even computer scientists are mostly men. This segregation is therefore based on gender and "locks" some people into particular jobs which limits their opportunities considering that a certain job is more appropriate for a certain group. This horizontal segregation is said to be the result of discrimination in hiring, organizational practices or even socialization.⁵⁶

Vertical segregation is always linked to gender but refers to the distribution of women and men in the hierarchical structure of the organization. As we have said over and over again, men are more numerous in hierarchically superior positions and therefore have more opportunities to control their subordinates, financial resources but also better remuneration. When horizontal and vertical segregation is combined, they have a particularly negative effect on equality of opportunity.

A study carried out between 1997 and 2017 on the global average segregation in all sectors shows that the latter increased from 15% to 20.5%. The same study found that globally the sectors with a high concentration of women were education and health. While the men concentrated in the sector of transport, construction and communication.⁵⁷ In addition to segregation by sector, there is also segregation by occupational category. In 2017, this segregation in developed countries was 30%, i.e., twice as high as in emerging countries.

But why such segregation? Where is it from?

It all starts with education and socialization. Socialization is a term that was introduced at the end of the 19th century by the famous sociologist Émile Durkheim. Socialization, according to him, is the act of living in society, that is to say, the processes by which individuals acquire and internalize values and standards which will subsequently build their social identity. In matters of sex and gender, girls and boys are subject to different socialization processes: "differential socialization". From their birth girls and boys are automatically categorized, the girl is "gentle, obedient and disciplined" while the boy is "rowdy and dispirited" and will be all their life conditioned in these gender stereotypes. These stereotypes are so frozen in the collective imagination that they are often conveyed unconsciously, this is called "implicit social cognition".⁵⁸

⁵⁶ Piasna et Plagnol, *Job quality and women's labour market participation*, 2015

⁵⁷ ILO - *Worldwide Employment and Social Issues - Trends For Women*, 2017

⁵⁸ Mosconi, *Effects and limits of mixed education*, 2004, p. 166

We said above that men were more concentrated in the construction jobs and if you browse the Christmas toy catalogues you will understand why.

We tend to offer a little girl a doll or a miniature kitchen while the boys receive tractors, cars or Lego. It's all very subconscious in a child's head yet it has a bigger impact on society. In the school field, these different stereotypes unconsciously lead girls and boys to develop preferences for a certain discipline rather than for another. Disciplines requiring qualities socially perceived as feminine (creativity, gentleness) are preferred by girls and they are more skilled at it.⁵⁹ According to research on education, boys choose science, mathematics or engineering fields much more, where girls are underrepresented.⁶⁰ After their studies, only 43% of women graduating from scientific fields have a career in these fields, against 71% for men with the same diplomas.⁶¹ In 2015, 58% of university degrees were obtained by women and more than 70% were degrees in the field of health sciences and education.⁶²

In the same year another study found that girls studied longer than boys and did better in school.⁶³ This then raises a paradox because despite a better level of education, the careers orientation remains gendered and the professional integration of women is still today, less good than that of men. And this educational segregation then turns into professional segregation and results in wage inequalities.

Occupational segregation by gender is a source of economic inefficiency and rigidity in the labour market as it reduces mobility between predominantly male and female activities.

III. THE EVOLUTION OF THE PLACE OF WOMEN IN THE WORLD OF WORK: TOWARDS A PARADIGM SHIFT?

A. OVERVIEW OF WOMEN IN THE LABOUR MARKET

i. BRIEF HISTORY OF THE GENDERED MODERN DIVISION OF LABOR

This small historical passage which tells the evolution of women through the decades and even the centuries is not the same for all the countries which are why we will speak in general.

⁵⁹ Kessel, 2005

⁶⁰ OECD; *Trends Shaping Education: Gender Equality*, 2015 <http://www.oecd.org/edu/ceri/Spotlight7-GenderEquality.pdf>

⁶¹ *id.*

⁶² *id.*

⁶³ World Economic Forum on Gender Equality, 2015

After making spectacular strides towards gender equality during the 20th century, the progress of women in the workplace is still showing signs of weakness. Although women have moved into occupations that were previously closed to them, many jobs remain as segregated today as they were in the 1950s. The pay gap between women and men, although smaller than years ago, is still important; women continue to be under-represented in certain industries and occupations; and too many women find it difficult to combine work and family aspirations. Let us now analyze the historical perspective of women in the labour market. We will start this analysis from the beginning of the 20th century. At the beginning of the 20th century in some countries, most women did not work outside the home as in the USA for example.⁶⁴ The fact that the man is the sole wage earner in the family, therefore, reinforced his traditional position as the head of the family.

In other countries, agriculture was one of the main human occupations and physical labour was not limited to men, women performed many very hard tasks physically (and still in some countries) such as grinding grain, transporting wood or take care of the animals.⁶⁵ Moreover, at that time they were not paid, and it was the man, that is to say, the father or the husband, who kept all the "profits". For example, in France, it was not until 1907 that women obtained free disposal of their wages. While in the US only 20% of women were "paid workers".⁶⁶ Then comes the industrial revolution which tipped a predominantly agrarian and artisanal society towards a commercial and industrial society. Before the revolution the home and the hearth were the main "centre of production" for women, industrialization has changed this place of production leading women to the factory. At the time most women did not have significant education and therefore worked as pieceworkers in factories. In fact, in the USA in the 1920s, less than 2% of young people between the ages of 18 and 24 were enrolled in higher education and only two-thirds of them were women.⁶⁷ But for a long time, in Europe for example, women could not work without the consent of their husbands. Until 1919 in Great Britain thanks to the Sex Disqualification (Removal) Act of the same year, and in Spain until 1975, without forgetting that certain professions are quite simply prohibited for them.

⁶⁴ Brookings, *The history of women's work and wages and how it has created success for us all*, May 2020 - The Brookings Institution is an American think tank headquartered in Washington; it is one of the oldest think tanks, specializing in research and training in the fields of social sciences, mainly in economics, urban policies, governance, foreign affairs, world economy and development

⁶⁵ *History of the organization of work - Women in the workforce* The Encyclopædia Britannica is an English-language generalist encyclopedia published by Encyclopædia Britannica, Inc., a private company based in Chicago

⁶⁶ *supra* note 64

⁶⁷ *id.*

A BRIEF HISTORY OF WOMEN INTEGRATION

KEY DATES THAT ENABLED THE INTEGRATION OF WOMEN INTO THE WORK PLACE



It was during the world wars that women were encouraged to take manufacturing jobs to replace men who had gone to military service. It was not until the 1930s that real change was felt through social and economic development. For example, the growth of public education has increased the demand for more teachers, the growth of industrial and commercial enterprises has required more office workers and salespeople, but also an increase in the graduation rate. Between the 1930s and the mid-1970s, new technologies contributed to an increased demand for office workers and thus to the increased participation of women in the economy. While men had previously performed teaching and bureaucratic duties, employers found that they could hire women for these occupations and guess what: at lower wages. In the USA in 1970, 50% of single women and 40% of married women were in the workforce.⁶⁸ But marital barriers forced women out of the workforce, barriers that gradually lifted during the post-World War II period.

It was in the 1970s that a radical change in the working life of women took place. For example, certain laws were passed and allowed this change.

⁶⁸ *id.*

Protections in the workplace were reinforced thanks to the adoption of the Pregnancy Discrimination Act in 1978 in the USA but also the recognition of sexual harassment in the workplace or France in 1972, the principle of equal remuneration between women and men is enshrined in law. In the 1970s the segregation of women in certain occupations began to diminish as new opportunities presented themselves in occupations that previously were only available to men. Many tasks that required intense physical effort were now only possible for men to be performed by women simply by pressing buttons thanks to the new technologies of the time.⁶⁹

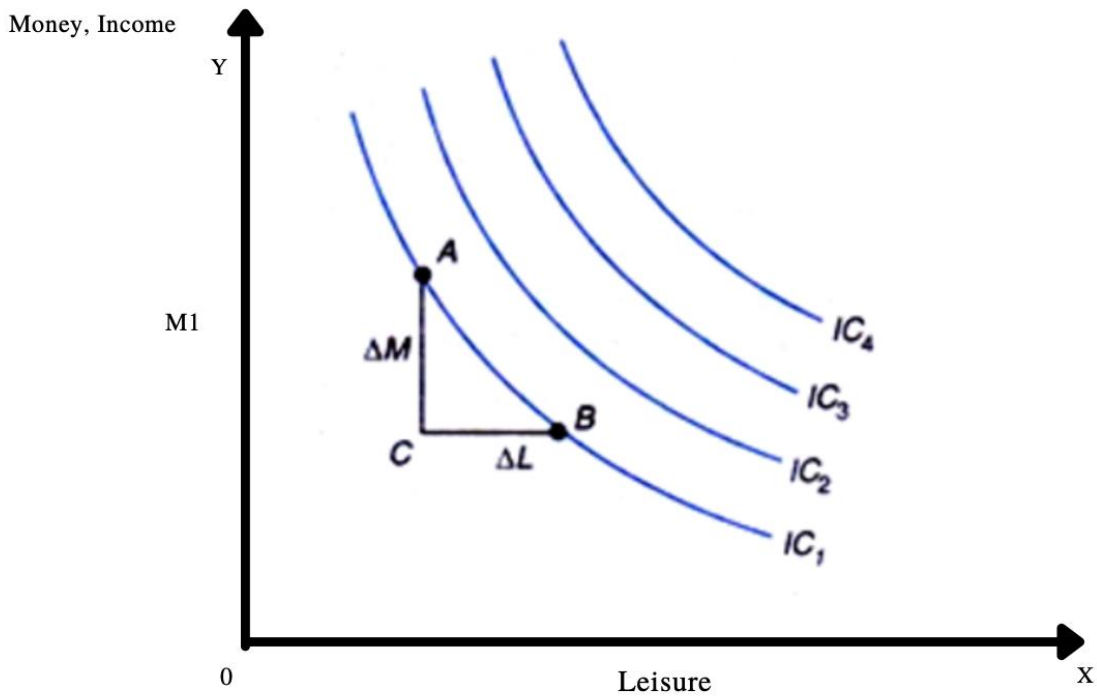
Unfortunately, however, the change was only minimal, and segregation has persisted to this day, partly responsible for the wage differentials that still exist. Even in the most industrialized countries of the time, technological progress did not allow the liberation of certain traditional roles, cultural conception or social practices inherited from the past.

ii. MAJOR FACTORS AFFECTING LABOR FORCE CHANGE

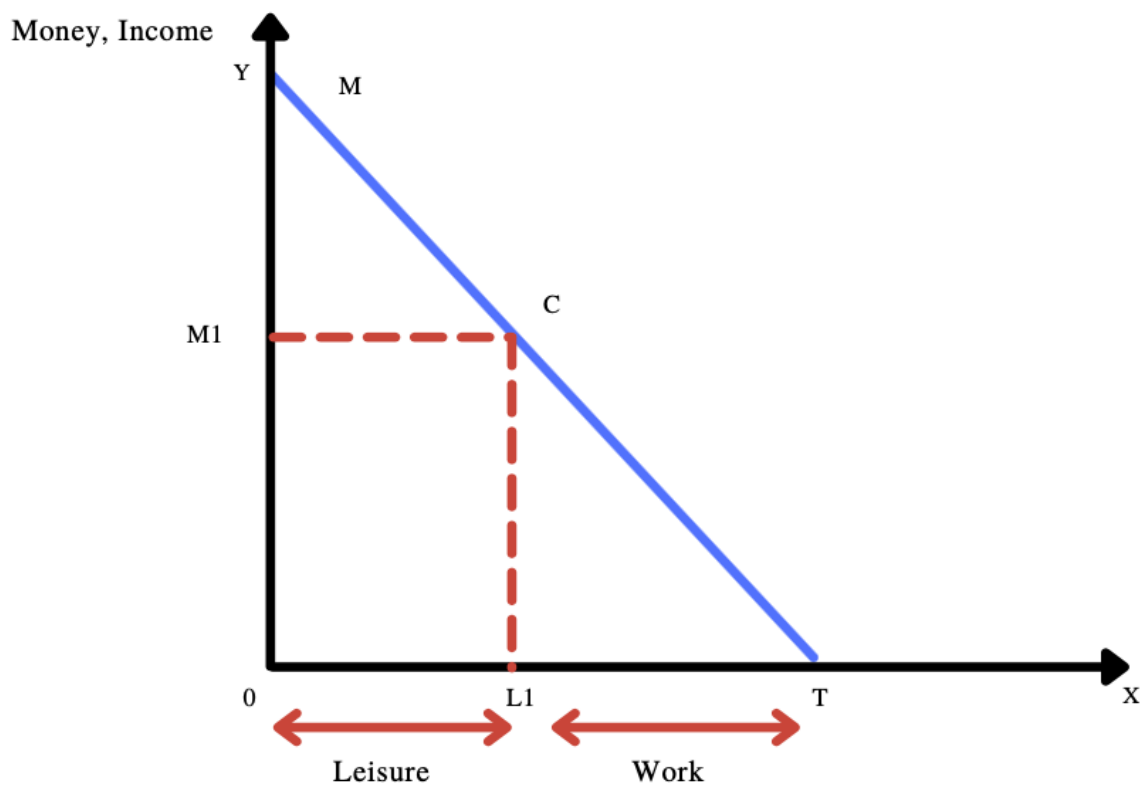
The historical chronological facts which we have just briefly recounted may allow us to understand at a minimum what factors have had and still have an impact on labour force change today. There are many factors and we are going to break down just a few.

As you can imagine, the female labour force participation (FLFP) will already depend primarily on its decision to be an active participant or not in the labour market. Many economists have therefore tried to explain their theories of the tendency of women to choose whether or not to participate in the labour market. These main theories appeared in the 1960s. Let us start with the “Work-Leisure Choice” theory of Mincer, an economist considered to be one of the founding fathers of the labour economy.

⁶⁹ supra note 65



Trade-Off Curves: Indifference Curves between Income and Leisure



Income-Leisure Constraint

In this theory dating from 1962, appears the microeconomic notion of the Labor-Leisure Choice Model, this model assumes that households and labour providers are rational and seek to maximize their utility between devoting time to work and devoting time to leisure. There is then a compromise but also an opportunity cost, that is to say, the cost associated with choosing one alternative over another. For example, in this example consuming more leisure time will lead to less income. Then comes the supply which is also based on the amount of income the market is willing to pay women. The decision will then be based on this income and the value that this woman gives to leisure, here considered as a normal good, that is to say, a good for which the demand increases when the income increases.⁷⁰

A few years later in the 1980s, other economists added the notion of substitution and income effect to this relationship.⁷¹ As the decision is based on remuneration, the higher it is, the less attractive leisure becomes, unlike work which becomes so. Then 2 effects appear. The encouragement to participate or work more in the labour market by increasing wages is what is called the substitution effect because time spent on leisure becomes more expensive. But on the other hand, as income increases, the consumption of normal goods also increases, and since leisure is a normal good then individuals would consume a greater amount of time of it. This will then reduce their working time and this is called the income effect.⁷²

Next is Becker and Mincer's Household Production Theory. This theory is, quite simply, as its name suggests, the study of household production, consumption and the distribution of working time. This theory argues that households and therefore families are consumers and producers of goods and the latter attempt to efficiently allocate time, income, and the goods and services they produce and use. Researchers added that different models could be used to analyze household theory. The first model is that work is considered in terms of the market but also domestic production and therefore the choice is made only between leisure and work. The second model determines that work is a choice between three alternatives: market work, housework, and leisure. And finally, the latest model lets it be known that time spent at home is not reserved only for leisure, but for domestic production activities. This same research indicates that through their production households use their unpaid capital for their consumption.⁷³

Last but not least: Becker's theory of human capital. For him, human capital is a kind of investment in terms of productivity materialized in individuals such as knowledge, skills or even habits. These individuals would then develop this capital to improve their career prospects and therefore generate income.

⁷⁰ Mincer, 1962 “Work- Leisure Choice Theory”

⁷¹ Psacharopoulos et Tzannatos, *Female Labor Force Participation : An International Perspective*, 1989

⁷² Heckman, *The Economics of Human Development and Social Mobility*, 2014

⁷³ Ehrenberg and Smith, *Modern Labor Economics: Theory and Public Policy*, 2012

This capital would be acquired through education and training which, according to this theory, is the key to participation in the labour market. Also according to this theory, this "investment" in human capital would increase the productivity of the individual, would improve the chances of this one acquiring a better salary and a better income.⁷⁴

Based on the pioneering theories of Mincer and Becker, various studies have been carried out to analyze and determine what factors influence the ability of women to participate in the labour market.

One factor among many that would influence women's participation in the labour force is the level of economic development. According to a study, women's participation in the labour market increases with economic development, but this relationship is not so easy to explain and would differ from country to country.⁷⁵ According to this same study, the poorest countries would have high participation of women in the labour market, high participation which would decrease in the early stages of economic growth and would increase again, which would give rise to a U-shaped model. For example, this female participation rate would have tended to decline during the early stages of industrialization, but later as the economy grew it would have started to increase.⁷⁶ According to various studies, it would then have been concluded that a high development rate encouraged the participation of women in the labour market because it would increase the supply and therefore the employment possibilities for them. Moreover, during these periods of economic transformation, women would tend to take advantage of these opportunities by increasing their level of education: a point to which we will return right now.⁷⁷ Education is seen as the catalyst, the engine of growth and development around the world.⁷⁸ This education is considered to be the incentive for better employment and would therefore influence the decision of individuals to enter the labour market or not, thereby influencing supply and demand. According to several studies, the level of education is one of the most effective determinants in terms of the participation rate in the labour force, whether in developed or developing economies.⁷⁹

⁷⁴ Becker's human capital theory

⁷⁵ Sinha, *Dynamics of Female Participation in Economic Activity in Developing Economy*, 1967

⁷⁶ *id.*

⁷⁷ Sara Hassan Hosney, *Factors influencing female labor force participation in Egypt and Germany: A comparative study*, 2016 <https://www.econstor.eu/bitstream/10419/130586/1/856920835.pdf>

⁷⁸ Taubman et Wales, *The Socioeconomic Impact of Schooling in a Developing Country*, 1975

⁷⁹ *supra* note 77

Encouraging the education of women would then be a central long-term development strategy for countries and policymakers.⁸⁰ We were talking about this U-shaped curve just now, and this curve will perfectly represent the correlation between economic growth and the increase in women's access to education. The upward slope of this U could be explained by the level of literacy of women.⁸¹ The theory of human capital then turns out to be influential and indeed constitutes a key investment in numerous studies on the sources of economic development but also the distribution of income in the world. Moreover, these studies on the sources of economic growth claim that education also plays a role in increasing output per worker.⁸²

Finally, this education and therefore these offers on the labour market for women would constitute an opportunity cost. Because, according to a study, education would decrease the fertility rate of women, which would reduce the size of the family and encourage women to participate in the labour market. The opportunity cost would then be to participate in the labour market or increase the number of children or simply have a child.⁸³ In addition to the factors mentioned above, there are demographic factors, we will quickly cite them but we will not analyze them one by one.

According to research regardless of the country studied, factors such as age, religion or fertility affect the participation of women in the labour market.⁸⁴ But there are also family responsibilities, nutrition, access to water, health, pregnancy and physical factors.⁸⁵ But also many socio-economic and cultural factors such as urbanization or marital status. Or the level of education of close relatives, the spouse's participation in economic activities, the number of children, the age of the children and the husband's salary influence the wife's decision whether or not to participate in market work.⁸⁶

The economic and sociological factors are therefore numerous and would influence the decision of women's participation in the labour force differently depending on the many factors that we have just mentioned.

iii. ECONOMIC BENEFITS OF GENDER EQUALITY

⁸⁰ Mammen et Paxson, *Women's Work and Economic Development*, 2000

⁸¹ Tsani et al., *Female labour force participation and economic growth in the South Mediterranean countries*, 2012

⁸² OCDE 1989: The increase in production per worker

⁸³ Mujahid, *Impact of Capital Structure on Firms Financial Performance and Shareholders Wealth: Textile Sector of Pakistan*, 2014

⁸⁴ *supra* note 71

⁸⁵ Uwakwe, *Factors Affecting Women's Participation In The Labour Force In Nigeria*, 2004

⁸⁶ Faridi, Chaudhry et Anwar, *The Socio-Economic and Demographic Determinants of Women Work Participation in Pakistan: Evidence from Bahawalpur District*, 2009

The idea that gender equality in the labour market contributes to the economy in a more than positive way and allows for a considerable reduction in economic costs is increasingly accepted and has given rise to much research.

A 2017 study found that while women participate in the economy in the same way as men; they would add up to 28 trillion dollars or 26% of the annual global GDP in 2025. The GDP or gross domestic product is an economic indicator that allows measuring the production of wealth in a country by measuring the value of all goods and services produced in a country over a year. This increase would represent the size of the economies of the US and China in 2017 or the combined GDP of Germany, the United Kingdom and Japan (before Covid-19).⁸⁷

Interest in the topic also led Australia to lead the investigation. Equality is good for the economy, according to a 2021 Australian state survey of Victoria. According to their research, Australia's GDP would increase by 11% if the gender employment gap were closed and the Australian economy would gain \$ 8 billion if women moved from higher education to the workforce at the same time. pace than men. But also Victorian companies with at least 30% women in management positions are 15% more profitable.⁸⁸

One of the most comprehensive studies proving that gender equality is necessary and more than beneficial for the world economy has been carried out in Europe by The European Institute for Gender Equality (EIGE). This study is based on the socio-economic impacts of improvements in gender equality on the macroeconomic performance of the EU.⁸⁹

The main results of this economic and labour market study for the European Union 28 estimate that the GDP per capita will increase by 6% to 10% by 2050 if all gender measures are adopted simultaneously. The overall employment rate will increase by 4% and that of women will increase by 5% by 2050.

⁸⁷ McKinsey, *The Power of Parity: Advancing Gender Equality in Canada*, June 2017

<https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Women%20matter/The%20power%20of%20parity%20Advancing%20womens%20equality%20in%20Canada/MGI-The-power-of-parity-Advancing-womens-equality-in-Canada-Full-report-FR.ashx>

⁸⁸ The benefits of gender equality - *Everyone benefits from gender equality*- 31 March 2021

Vic.gov.au <https://www.vic.gov.au/benefits-gender-equality>

⁸⁹ European Institute for Gender Equality, *Economic Benefits of Gender Equality in the European Union, Report on the empirical application of the model*, 2017 <https://eige.europa.eu/publications/economic-benefits-gender-equality-european-union-report-empirical-application-model>

Let's focus on GDP per capita; a significant increase in the activity of women would lead to an increase in the supply of labour and therefore an increase in production capacity. GDP per capita would then increase by 1 to 2% in 2030 and from 3% to 6% in 2050, which represents up to 540 billion euros of increase in EU GDP in 2030 and 2,840 billion euros by 2050. In addition, it is expected that the workforce will be more educated and therefore more productive which will then increase productivity and therefore lead to an increase in GDP.⁹⁰ This study also looks at improving pay equality, the effects of which would be very small on GDP, ie an increase of 0 to 0.2% of GDP per capita over the period 2030-2050. But why so low?

Well, this is explained by the opposite macroeconomic impacts. Indeed, an increase in wages for women would lead to an increase in income and therefore expenditure, but these wage increases would also increase the costs borne by businesses. But in the long term, to restore their margins, companies will then increase their prices, which in turn will reduce income and therefore decrease production and GDP.⁹¹

A 2016 study showed that a convergence of the level of training in all EU Member States over 20 years would lead to an increase of more than 2% of the EU's GDP by 2050 compared to a scenario where each EU Member State retains its level and methods of instruction.

It's time to tackle segregation, what will become of it in a few years? According to the European Institute for Gender Equality, increasing the share of women in the labour market will come at the expense of men, so there would be a displacement effect.⁹² This displacement effect would then be quite significant at the start, the more it decreases over time. By 2050 it would be between 20% and 40% which means that for a man displaced from a job there would be 2 or 4 more women in employment. If the level of training in the member countries is at an acceptable level then women would become more productive thanks to higher skills and therefore an increase in production. As a result, the demand for labour increases, which will generate an additional 1.8 million women who will have jobs.⁹³ We could then have segregation that is reversed but only the future will tell. Regarding men, their employment rates remain largely unchanged.

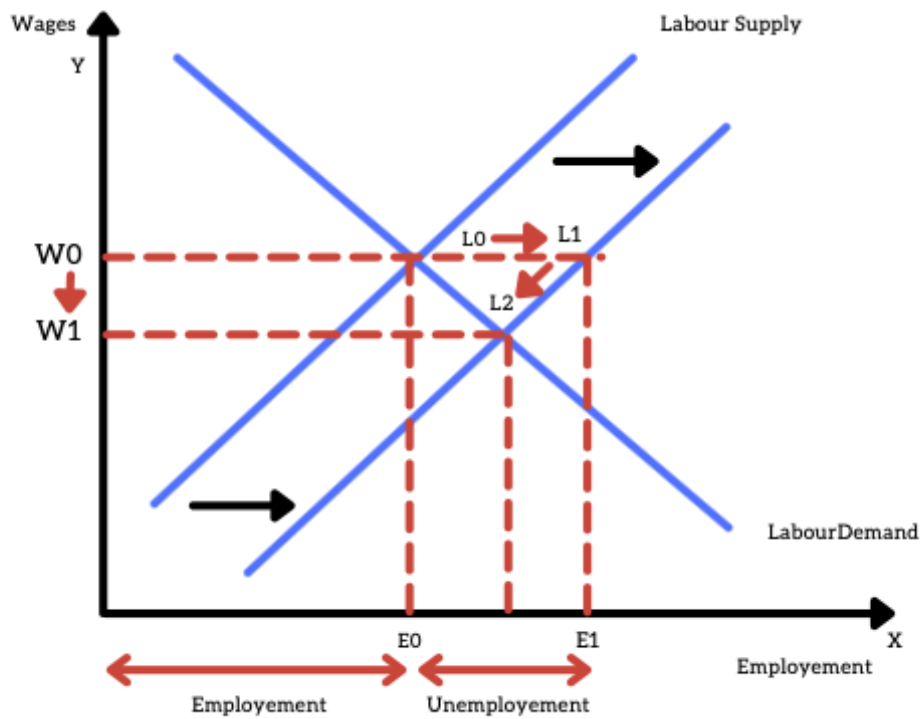
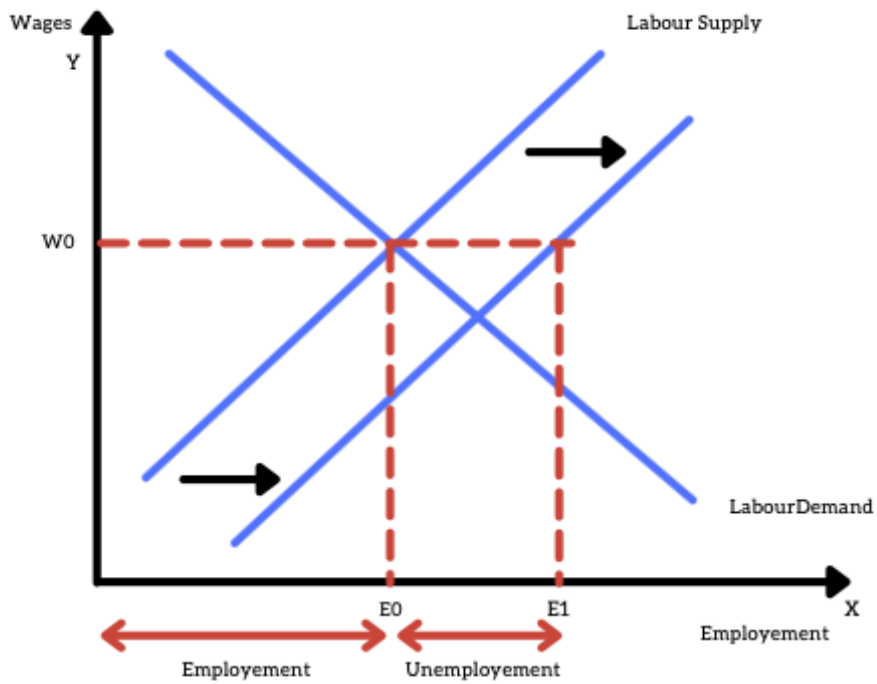
These are all just assumptions, these studies pre-date Covid, the world and the economy have changed dramatically and only time will allow us to confirm whether or not these theories are true. But as we are going to see in a short time, women have still managed to take their marks and have improved the performance of companies in their way.

⁹⁰ *id.*

⁹¹ *id.*

⁹² DG EAC (Education and Culture)

⁹³ *supra* note 89



Impact of an increase in labor supply

B. WOMEN'S EMANCIPATION AND DEVELOPMENT

i. WOMEN AND BOARD PERFORMANCE

In recent years, diversity on boards of directors has become a key issue of corporate governance and poses a question for companies: can gender diversity among board members lead to a performance improvement?

This gender diversity within boards has aroused considerable interest from academics, governments and supranational organizations.⁹⁴ Gender diversity would then translate into more effective governance, with major implications for improving efficiency. But all these results remain ambiguous because a series of confounding factors make it difficult to establish strong, direct and causal relationships between these two factors (the increase in the proportion of women on the board and performance) at present.

Despite the considerable progress that organizations have made over the past 20 years to increase the representation of women at the board level, the International Labor Organization (ILO) finds that more than 50% of companies surveyed in 2019 have a low representation of women on their boards of directors, i.e., less than 30% and more than 13% of the companies questioned only have men on their board.

For a company to be successful its board must be efficient, makes good decisions and promotes innovation. We will then prove that gender parity on boards of directors increases strategic human and social capital, which will translate into more diverse ideas. These more diverse ideas will in turn allow better quality decisions, greater creativity and therefore greater innovation. This will give the company a competitive advantage and better performance.⁹⁵ These multifaceted perspectives would then allow better decisions, identify opportunities as well as innovative solutions.⁹⁶

One study found that women on boards were more likely to fill skills or expertise gaps than their male counterparts. This study adds that women on a board increased the heterogeneity of expertise and experience and therefore allowed the board to make more informed decisions.⁹⁷

⁹⁴ Shahab et al. : *Nudging toward diversity in the boardroom: A systematic literature review of board diversity of financial institutions* , 2020

⁹⁵ Bourke J. *Which two heads are better than one? How diverse teams create breakthrough and make smarter decisions*, Sydney, New South Wales: Australian Institute of Company Directors, pp.50-51, 2016

⁹⁶ Faculty of Law of Colombia 2016, *The Impact of Board Diversity on Company Performance*, February 2020.

⁹⁷ 136 Daehyun Kim & Laura T. Starks, “*Gender Diversity on Corporate Boards: Do Women Contribute Unique Skills?*”, *American Economic Review: Papers & Proceedings* 106,no. 5:267–271., 2016

Be careful not to misunderstand the thinking of this research: above all, it does not say that the skills provided by women stem from the fact of being a woman in itself but stem from the difference in gender experience: human capital differentials between men and women. For example, one study found that women were more likely than men to offer experience in sustainability and politics - two areas that are integral to how well the board works.⁹⁸

The conclusion of these different studies shows that gender diversity and therefore of thoughts within a board increased two things. The first is the heterogeneity of expertise and the second that women brought to the Board unique skills necessary for the optimal functioning of the Board. Now about information: the same study found that women directors initially improve the board's information endowment and, consequently, the outcomes of decisions and therefore the quality of board advice.⁹⁹ A second study revealed that parity between genders can positively change a group dynamic to be more open and conducive to information sharing.¹⁰⁰

And finally, still in terms of decision-making, a gender diverse board would make it possible to reduce the uncertainty during the decision-making process. strategic decision making.¹⁰¹ We can therefore conclude that, according to some research, the relations within the board itself between its members improve decision making. Women on Board also improved the innovation. To report on a company's performance in terms of innovation, we will analyze the following tools: patents, citations and research and development (R&D) spending.

For this, we used searches based on the 2006 edition of the NBER patent database which covers more than 3 million patents and more than 23 million citations between 1976 and 2006.¹⁰¹ Before presenting the results of this analysis, it is important to define certain terms such as patent or citation. A patent is an industrial property title that grants its holder (inventor) a right of ownership for a specified period in exchange for full disclosure of the invention. A patent citation is a reference that is contained in the search report and is used to assess the patentability of an invention and to judge the legitimacy of that patent. The citation-based measure is constructed by the total number of citations received by the patents applied for in a year.¹⁰²

⁹⁸ *id*

⁹⁹ *id*

¹⁰⁰ *supra* note 95

¹⁰¹ Post C. and K. Byron, 2015, '*Women on Boards and Firm Financial Performance: A Meta-Analysis*', Academy of Management Journal 58, no. 5: 1546–1571

¹⁰² National Bureau of Economic Research

This study found that a company that had at least one woman on the Board had about twice as many patents and one and a half times as many citations as a company that had no women on its Board. And that a 10% increase in women on a Board was associated with 6% more patents and 7% more citations. Companies with a higher proportion of women on the board generate more patents and citations.¹⁰³

The same study also found that companies with a higher proportion of female directors spent more resources on innovation activities. They were led to this conclusion by results that suggested that the presence of women on boards was positively correlated with R&D spending. Besides, according to various measures, R&D spending in companies with women managers is more productive in generating innovation.¹⁰⁴

It can be inferred that companies with a higher representation of female directors invest more in innovation and obtain more patents and citations for given R&D expenses, which suggests that female representation on boards of directors is increasing innovation.

ii. WOMEN AND CORPORATION PERFORMANCE

The women present in a Board of Directors would increase the performance of the company through its skills in this area. In this part, we will study some of them to understand how these women impact this financial performance in a positive way.

First of all, many studies have shown that women on a board improve earnings management (ME) i.e., accumulated abnormal returns, average return, provisions, the accuracy of returns. forecasts, etc. To do this, women would improve the quality of corporate profits and reduce discretionary provisions.¹⁰⁵ Because these would be more precise in terms of profit forecasts¹⁰⁶ but also because they would better respect accounting conservatism and therefore the charges to be paid.¹⁰⁷ Then, the presence of women who, as we have seen previously more information during the decision-making process, which in turn enables a more innovative decision.¹⁰⁸

¹⁰³ Female Board Representation, *Corporate Innovation and Firm Performance*, Aug 2018: Jie Chen; Woon Sau Leung; Kevin P. Evans

¹⁰⁴ *id.*

¹⁰⁵ *id.*

¹⁰⁶ Kim, Jeong, Kang et Lee, *Female directors on the board and investment efficiency: evidence from Korea*, 2017

¹⁰⁷ Gul et al., *Does board gender diversity improve the informativeness of stock prices?* 2013

¹⁰⁸ Panzer et Müller; *Earnings quality and gender diversity on German supervisory boards: an empirical analysis*, 2015

A second study showed that boards of directors of various genders have higher marketing innovation.¹⁰⁹ Women would then allow better R&D and innovation.

These abilities to surpass marketing skills and therefore sales improve the profitability of the company, the women on a Board then also act on the management of products positively.¹¹⁰

But that's not all, gender diverse boards, according to a study on the effect of WOCBs on mergers and acquisitions, are positively associated with takeover bids, the size of bid premiums and the level of acquisition.¹¹¹ Also, women on boards are positively associated with stock market liquidity according to a 2017 study.¹¹² And a final point to conclude this non-exhaustive list: accounting performance. Most studies have found a positive relationship between a gender diverse board and accounting performance.¹¹³ As you can see this list, of course incomplete, presents some points which show that the gender-diverse board of directors increase the financial performance of a company. The problem is that, due to the difficulty of analysing real performance achieved by certain factors such as gender diverse boards, each thesis has an anti-thesis. Each study found a positive correlation and opposed another that found a negative correlation. The idea in the next part is not to quote that list again and counter it. Rather, it will be about explaining why the correlation is sometimes negative.

According to a lot of research, whether empirical or theoretical, diversity in the Board of directors increases the value of the company as well as its performance and we will see how.

Take the Fortune 500 as an example, the Fortune 500 is a ranking of the top 500 US companies ranked by revenue.

¹⁰⁹Torchia et al., *Women Directors on Corporate Boards: From Tokenism to Critical Mass*, 2018

¹¹⁰Galia et Zenou; *Board composition and forms of innovation: does diversity make a difference?* 2012

¹¹¹Arzubiaga, Iturralde, Maseda, & Kotlar, *Entrepreneurial orientation and firm performance in family SMEs: the moderating effects of family, women, and strategic involvement in the board of directors*, 2017

¹¹²Levi, Li et Zhang; *Mergers and Acquisitions: The Role of Board Gender Diversity*, 2014 Ahmed & Ali; *Boardroom gender diversity and stock liquidity: Evidence from Australia*, 2017

¹¹³Reguera-Alvarado et al., *Does Board Gender Diversity Influence Financial Performance? Evidence from Spain*, 2017

A study showed that among these companies the one that had the most women on their Board benefited from a higher return on investments and higher returns on sales.¹¹⁴ More precisely, a return on investment 2% higher than companies whose Boards were made up exclusively of men.¹¹⁵ There is a term for these Boards made up of three or more women, it is "strong female leadership".

Let's talk about numbers now. According to a study, companies with "strong female leadership" would have benefited from a better rate of return than companies without women on the Board. Between 2011 and 2016 in American companies the difference is striking. The Boards made up of women and men would have had an ROE of 10% against an ROE of 1% for Boards without women and an increase in Earnings Per Share (EPS) of 37% against a decrease of 8% respectively.¹¹⁶

More surprisingly now the diversity of the Board would improve the quality of the audit. As we have seen previously, women would improve the Board's surveillance and monitoring function, thus, to protect their reputation but also to maintain the confidence of different parties such as shareholders or stockholders while improving accounting information. This is the reason why quality auditors would therefore be chosen.¹¹⁷ A report also showed the results of an analysis of 21,980 publicly traded companies in ninety-one countries. These results have shown that having more women leaders in management positions in the company is correlated with increased profitability of around 6%.¹¹⁸ This percentage is significant, and it shows that gender diversity in board matters.

Because companies participate not only in financial markets but also in society as a whole it is essential to study the impact that diversity within boards can have on non-financial performance. Gender parity on the board of directors would improve the social performance of organizations: this is what we will try to prove by looking at corporate social responsibility (CSR) as well as the reputation of the company.¹¹⁹

¹¹⁴ CATALYST, *Why Diversity Matters*, 2013

¹¹⁵ *id.*

¹¹⁶ MSCI, 2016

¹¹⁷ Marcus Noland, Tyler Moran, & Barbara Kotschwar, *Is Gender Diversity Profitable? Evidence from a Global Survey*, PETERSON INSTITUTE FOR INTERNATIONAL ECONOMICS, (Feb. 2016), <https://piie.com/publications/wp/wp16-3.pdf> [<https://perma.cc/ZAQ7-HFVE>].

¹¹⁸ *Toward Gender Parity: Women On Boards Initiative* Oct 2016

¹¹⁹ Haque, *The effects of board characteristics and sustainable compensation policy on carbon performance of UK firms*, 2017

First of all, we must define what this acronym means. CSR stands for corporate social responsibility and refers to the consideration of various issues by companies such as environmental, economic, social or ethical issues in their activities. Most studies have shown a positive relationship between the presence of women on the board and CSR. For example, this research has shown that female managers have a greater interest in the environment than men. For example, they participate more in reducing carbon emissions ¹²⁰, by managing water resources more efficiently, which translates into less or even no environmental offences for the company. ¹²¹ But that's not all, women directors would make more donations ¹²², commit less corporate fraud ¹²³ and less aggressive tax evasion activities. ¹²⁴ As we have seen previously the women present in the boards provide more information on risk ¹²⁵, on security markets ¹²⁶, corporate governance ¹²⁷ and the environment. ¹²⁸ All these studies have shown that the number of women on a board has a positive correlation with the strength ratings for CSR.

These strength ratings for CRS then constitute a sort of measure of the reputation of companies. A positive corporate reputation will effectively influence the functioning of an organization in many areas, whether financial or not. Some studies have shown that CRS is a differentiator between companies and that it motivates investors or customers to invest or consume more. ¹²⁹

¹²⁰Tauringana, Radicic, Kirkpatrick & Konadu, *Corporate boards and environment offence conviction: evidence from the United Kingdom*, 2017

¹²¹Jia & Zhang, *Critical Mass of Women on BODs, Multiple Identities, and Corporate Philanthropic Disaster Response: Evidence from Privately Owned Chinese Firms*, 2013 ⁵⁰ Wahid, *The Effects and the Mechanisms of Board Gender Diversity: Evidence from Financial Manipulation*, 2018

¹²²Francis, Hasan, Qiang & Meng, *Are Female CFOs Less Tax Aggressive? Evidence from Tax Aggressiveness*, 2014

¹²³Saggar & Singh, *Corporate Governance and Risk Reporting: Indian Evidence*, 2017

¹²⁴Gul Srinidhi & NG, *Does board gender diversity improve the informativeness of stock prices?* 2011

¹²⁵Corporate governance Ntim, *Gender diversity, corporate governance and financial risk disclosure in the UK*, 2016

¹²⁶Hollindale, Kent, Routledge & Chapple, *Women on boards and greenhouse gas emission disclosures*, 2019

¹²⁷Bear S, Rahman N and Post C, 2010, *The impact of board diversity and gender composition on corporate social responsibility and firm reputation*, Journal of Business Ethics

¹²⁸*id.*

¹²⁹Gatewood R. D., M. A. Gowan and U. J. Lautenschlager, 1993, 'Corporate Image, Recruitment Image and Initial Job Choice', Academy of Management Journal 36, 414–427.

As you noticed we have a chain here: a good rating for CRS lead to a good or better reputation of the company, but the chain does not stop there because the reputation will lead to improving the attraction and retention of staff by improving employee satisfaction.¹³⁰ Employee retention is simply the ability of a business to retain employees. If the retention rate is high, it means that the company retains its staff for the long term.

A high retention rate will reduce the time and resources required to train new staff and increase employee loyalty which is also necessary to run a business. Also, the time, resources, and money saved thanks to this retention will allow the training of a new employee in the best conditions. Improving social performance then allows CRS to improve each link in the chain.

The impact of board gender diversity on an organization's non-financial performance is then more than important because it is essential for the management of a company and its proper functioning. Besides, by improving their non-economic but social or environmental performance the company will create economic returns to the company. The link between financial and non-financial performance is more than obvious and necessary and the diversity of genders within the Board will allow this link to be strengthened.

iii. SITUATION IN THE ARAB WORLD

According to ILO statistics, the Arab region has the lowest female economic participation rate in the world at just 26% against a global average of 56%. And over the years these figures have remained stubbornly resistant to many changes in the region such as the level of education of women or new labour laws.¹³¹

The participation of women in the labour market is limited by many patriarchal norms which value men as heads of household and women as housewives. The role of women and for most Arab countries linked to its reproductive role. All of these stereotypes then severely limit their ability to work outside the home. In fact, in many countries in the region, family law still penalizes women who leave home to work without their husbands' consent. In addition, the labour law in some of the countries of the Arab world prohibits women from jobs that do not correspond to "their nature". In Saudi Arabia, for example, a 1985 royal decree "banned women from working in all fields except teaching and nursing as long as they were given to women." It also prohibits them from working in the presence of men.¹³²

¹³⁰ *id.*

¹³¹ *Gender Equality in the Arab States*, International Labor Organization

¹³² Lina Abirafeh- Director, Institute for Women's Studies in the Arab World, Lebanese American University, *What's holding Arab women back from achieving equality?*, March 8, 2017 7.54am GMT, <https://theconversation.com/whats-holding-arab-women-back-from-achieving-equality-74221>

In some of the countries of the Arab world, there is also the problem of security and instability which for many years has become the norm. The multiple civil wars and conflicts in the region such as in Syria, Iraq or Palestine have destroyed access to education or access to various services because they have displaced entire communities.¹³³ Many women have taken refuge in countries like Lebanon and Jordan, and therefore find themselves in unknown communities subject to even more legal restrictions on their ability to work. But in some countries, as in the majority of the Gulf countries, governments believe that women do not need to work, in these countries, migrant workers play an important role in the labour market. The problem is that migrant workers constitute a significant part of the domestic workforce but in more than precarious conditions with little protection. There are more than 17 million people in the Arab region who have been forced from their homes due to violent conflict: 10 million people displaced in Sudan, Iraq, Somalia, Lebanon, Syria and Yemen as well as the 7 million Palestinian refugees.¹³⁴

To study and compare the different developments in the Arab region we will use gender development indices. But before making any comparisons, it is important to group the countries of the Arab region according to their levels of development for a better understanding. The countries which constitute a very high human development in the region are Saudi Arabia, Bahrain, Qatar, United Arab Emirates and Kuwait. Next come the countries with high human development: Tunisia, Algeria, Jordan, Libya, Oman and Lebanon. Then the third category as average human development: Syria, Iraq, Morocco and Egypt. And finally the last category with low human development: Comoros, Sudan, Mauritania, Yemen and Djibouti.¹³⁵

The first index we're going to use is the Gender Inequality Index (GII). The Gender Inequality Index (IGG) is an index that was created by the United Nations and is intended to assess gender differences in the distribution of different progress, to estimate the loss of human development related to pay gaps between women and men. But also to estimate the countries in which women are more or less disadvantaged. This is composed of 5 indicators: the rate of participation in the labour force between women and men, maternal mortality rate, adolescent birth rate and the ratio of the population with at least some secondary education between women and men and the share of seats held in parliament. The value of this index is between 0 and 1, the closer the value is to 1, the more unequal the country is between women and men.

¹³³ *id.*

¹³⁴ *supra* note 131

¹³⁵ Heba El Laithy, *Gender Inequality in Arab Countries: Opportunities and Challenges*, 2016

https://www.ide.go.jp/library/Japanese/Publish/Download/Report/2015/pdf/C11_ch2.pdf

Among Arab countries in 2014, the gender inequality index varied between 0.215 and 0.73, ie 22% and 73%. The highest gender inequality index: 0.73 is in Yemen, meaning that the gap between men and women in Yemen is the largest in all dimensions of human development.

Libya, on the other hand, has the lowest gender inequality. In 2013, the Arab States reached 0.546 in terms of IGI which is the second-highest region after Sub-Saharan Africa. ¹³⁶

The second index used: the Gender Gap Index (GGGI) designed a few years ago by the World Economic Forum. This index assesses countries on how the country's resources and opportunities are distributed between women and men. This is made up of 4 sub-indices: Political Empowerment, Health and Survival, Educational Attainment, and Economic Participation and Opportunity. As for the previous index, it is between 0 (inequality) and 1 (equality). Not all countries in the region are included in the Global Gender Gap report due to the unavailability of data. All 15 Arab countries for which data could be collected are among the 30 worst performing countries in terms of gender equality. And again, Yemen comes last in the rankings as the world's worst country for gender inequality. The entire Arab region ranks last on the Economic Participation and Opportunities sub-index with just over 40% of the gender gaps closed. ¹³⁷

Now let's talk about the visibility of women and their roles in government or simply regional decision-making. Even though national parliamentary representation in political leadership has increased over the years, it is still only 14%. But the differences between countries are widening for example in 2013 in Egypt only 2.7% of women occupied parliamentary seats against 26.7% in the Tunisian parliament. Out of the 18 Arab countries, the representation of women in parliament is less than 10% in 7 countries. Since 1980 women in the Arab States have increased their participation in the population by about 10%. ¹³⁸ According to the World Economic Forum, in 2017, only 9% of the gender policy gap was closed in the region. In Lebanon, in the same year, women held only 3% of ministerial posts and only 5% of seats in municipal councils. ¹³⁹

Progress is therefore mixed in the region because we have on the one hand in some countries progress in terms of labour law. For example, some Arab States guarantee the right to maternity leave, prohibit the dismissal or termination of the employment contract of working women during their maternity leave or pregnancy, but also a reduction in working time to breastfeed them. ¹⁴⁰

¹³⁶ *id.*

¹³⁷ *id.*

¹³⁸ *id.*

¹³⁹ *id.*

¹⁴⁰ *supar note 132*

But stereotypes and customs persist, in the Arab region about a third of the population believes that a university education is more important for a man than for a woman, and more than two-thirds think that when the jobs are done few men should have more right to a job than a man. And three-quarters of them think men make better leaders by far than women.¹⁴¹ If evolution continues at the current rate, equality between men and women in this region would occur in 356 years ...

C. HOW HAS COVID-19 WORSENERD INEQUALITIES BETWEEN MEN AND WOMEN IN THE LABOUR MARKET?

The COVID-19 pandemic has brought about dramatic and rapid changes across the world. Pandemic which I remind you in case the television news has not told you more than a million times today is an infectious disease called Coronavirus disease 2019 caused by the SARS-CoV-2 coronavirus. The epidemic that would have appeared in Wuhan in November 2019 in China before spreading around the world and therefore becoming a pandemic. Given the scale of this crisis, it is not surprising that new research is emerging on the effects of COVID-19 at all levels of society. Researchers seek to understand its impacts and attempt to respond to them. There has already been a great deal of research published on the role the pandemic has played and may continue to play in increasing inequalities. In this part, we will study the effects that COVID-19 has had on gender inequalities in the labour market.

But then why are women more vulnerable to the economic effects of COVID-19? There are several reasons for this that we will cite in this part, but the main argument for this question would be the job segregation that we looked at in Part 1.

i. WOMEN ARE OVER-REPRESENTED AMONG FRONTLINE WORKERS

As COVID-19 continues to affect and infect the entire world we can already see the economic fallout and the regressive effects of this pandemic on gender equality. Most people's lives and work have been negatively affected by this pandemic, but women have reportedly been hit even more unevenly. According to a study carried out since the start of the pandemic, women's jobs are 1.8 times more vulnerable to this crisis than men's jobs.

In addition, women represent 39% of global employment but also represent 54% of all job losses.

¹⁴¹ *id.*

More precisely, a loss rate for women of 5.7% against a loss rate for men of 3.1%. This means that female employment is declining faster than average.¹⁴²

Take the example of the United States, where women would represent 46% of workers before COVID-19 today they represent 54% of job losses, these numbers are striking. The same goes for India, where women represent 20% of the workforce before COVID-19, also represent 17% of job losses.¹⁴³ These figures are explained by what is called gender implications, i.e. women and men tend to cluster in different occupations whether in emerging or developed economies. This same study shows that so-called female jobs are 19% more at risk than so-called male jobs. Quite simply because women are over-represented in the sectors which have been affected by this crisis. During previous recessions, the sectors most affected had been predominantly male sectors such as manufacturing or construction while this pandemic had a more than negative impact on services mainly such as restaurants, accommodation, travel which are sectors more dominated by women.¹⁴⁴

For example, about the overall share of women in employment, i.e. 39%, women hold 54% of jobs worldwide in the hotel and restaurant industry, one of the most affected. Other examples: they are said to be 43% in retail and wholesale trade, 46% in services such as public administration. Attention men have also been affected by this pandemic, we are not saying the opposite, indeed, the manufacturing sector for example in which men represent a large majority have also been seriously affected. Other sectors on the other hand where women are disproportionately represented such as education or health suffered a relatively small impact, but a much higher risk on the other hand of being in contact with the virus.¹⁴⁵

The problem is that the effects this crisis has had on the labour market may have a lingering effect,¹⁴⁶ previous research has shown during other recessions that job losses lead to persistent income losses.¹⁴⁷

¹⁴² Article - McKinsey Global Institute COVID-19 and gender equality: *Countering the regressive effects* - July 15, 2020 <https://www.mckinsey.com/featured-insights/future-of-work/covid-19-and-gender-equality-countering-the-regressive-effects>

¹⁴³ *id.*

¹⁴⁴ Lidia Farré Yarine Fawaz Libertad González Jennifer Graves, *How the COVID-19 Lockdown Affected Gender Inequality in Paid and Unpaid Work in Spain* – IZA Institute of Labor Economics – July 2020 - <http://ftp.iza.org/dp13434.pdf>

¹⁴⁵ *supra* note 106

¹⁴⁶ Alon et coll., *The impact of Covid-19 on gender equality*, 2020

¹⁴⁷ Davis et von Watcher, *Recessions and the Cost of Job Loss*, 2011

Another study carried out in 2020 collected a lot of data in the UK, Germany or the USA and showed that workers with a profession that cannot be exercised at home were much more likely to lose their jobs and to experience significant drops in income, which would be the case for the least educated individuals and therefore women in many countries.¹⁴⁸

Research-based in the USA, a country where the pandemic that has left millions of people unemployed, shows that even when men and women both had jobs that could be done by telecommuting i.e. from home and well gender disparities persisted with which woman was most affected.¹⁴⁹ Unemployment has also hit women more, for example still in the USA, for women without children unemployment fell from 2% in February 2020 to 13.6% in April 2020. By way of comparison, men without children saw unemployment drop from 2.2% to 9.5%. And among women with one or more children aged 1 to 12, unemployment rose from 3% to 13% between February and April 2020, an increase of 10%. While men with one or more children of the same age, unemployment rose from 3% to 9% between February and April, an increase of 6%. And finally, about 250,000 more mothers than fathers with children have completely left the labour market and have not looked for new jobs.¹⁵⁰

A recent United Nations report shows that the pandemic will push up to 96 million people into extreme poverty by the end of 2021, including 47 million women. The pandemic, therefore, reveals the precariousness and economic security of women in the labour market.

In many developing countries or marginalized countries, women earn less and occupy less secure jobs than men, with this crisis women are then even more vulnerable to dismissal and therefore loss of livelihood. In addition, the measures generated to stem this epidemic, such as barrier gestures or even lockdowns, considerably reduce companies' room for manoeuvre.¹⁵¹

¹⁴⁸Adams-Prassl et coll., *Inequality in the impact of the coronavirus shock: Evidence from real time surveys*, (2020)

¹⁴⁹ Sciences News - *How COVID-19 worsened gender inequality in the U.S. workforce*- SEPTEMBER 9, 2020

<https://www.sciencenews.org/article/covid19-worsened-gender-inequality-us-workforce> -

¹⁵⁰ *id.*

¹⁵¹ UN Women - *COVID-19 and its economic toll on women: The story behind the numbers* - September 16, 2020- <https://www.unwomen.org/en/news/stories/2020/9/feature-covid-19-economic-impacts-on-women>

The impact on the labour market has therefore been significant during this pandemic which is still far from being in the retro and the short-term outlook is for the moment still too dark. But certain sectors such as the public sector can offer women some protection because in this sector job losses have been very low or even negligible. But there are still exceptions, for example in Mexico, Turkey or Great Britain the decline in participation in the labour market during the first months of the pandemic was just as important for women as it was for men.¹⁵²

Taking action as quickly as possible to restore balance could improve the social and economic outcomes of millions of women around the world and help spur economic growth.

As we said before the composition of the different industries explains this vulnerability of women in the labour market during the pandemic but there are also other factors to take into consideration. Such as the burden of unpaid care, the demand for which has only increased during this pandemic, or the fact that women are on the front lines of this disease. This is what we'll analyze in a moment.

ii. INFORMAL ECONOMIES: INEQUALITIES AT HOME

In this part, we will see that women are the ones who are the most exposed to what is called the informal economy such as domestic care which before COVID-19 already constituted a fragility and an inequality between the genders and who, with this pandemic, has become synonymous with extreme precariousness.

The informal economy can be defined as an economic activity carried out by a so-called informal or unstructured sector, which does not mean that these activities are non-market or illegal. This notion refers to all the economic activities of workers and enterprises which are not legally covered by formal provisions.

This burden of unpaid care, which has only grown in demand during this epidemic, is a bigger problem. And women are on the front line when it comes to this problem, as they do an average of 75% of the unpaid care work in the world, such as babysitting, cooking, cleaning and caring for the elderly. In South Asia, North Africa or the Middle East, this unpaid care work can reach up to 80 to 90%.

¹⁵² Women at Work in G20 countries: Progress and policy action since 2019- *Paper prepared for the G20 Employment Working Group Saudi Arabia's G20 Presidency 2020* - 2020 - ILO + OECD-
https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_756334.pdf

These high rates would also be negatively correlated with the participation rates of women in the labour market. COVID-19 has only increased the fact that women devote themselves to family responsibilities, which is why for example in India 30% of women are said to have given up their labour work.¹⁵³

Migrant women mainly involved in domestic care are more likely to be exposed to the disease and have more than minimal protection, so they suffer disproportionate income losses.¹⁵⁴ It is estimated that around the world 58% of women are employees of the informal sector and would have lost during the first months of the crisis up to 60% of their income. Knowing that workers in the informal sectors before the pandemic were already subjected to low wages, a lack of social protection and poor working conditions. For domestic workers, 80% of whom are women, the situation is terrible since 72% of them have lost their jobs without any social protections such as the right to unemployment. This unpaid work, this invisible economy, however, had effects on the formal economy and the lives of women.

For example, in Latin America the value of unpaid labour represented between 15.2% of GDP in Ecuador and 25.3% of GDP in Costa Rica.¹⁵⁵ This is why in Latin America domestic workers have created their support networks. The international association of domestic workers and trade unions would then play a key role and would have succeeded in raising funds at the local level and from political authorities.¹⁵⁶

Not to mention that the COVID-19 pandemic has led many countries around the world to resort to lockdowns with school closures or even curfews which has also had an impact on women in the labour market. Because the lockdown did not make it possible to somehow outsource childcare through formal channels such as school or a babysitter but did not allow outsourcing through informal channels such as grandparents for example.¹⁵⁷ Before the pandemic, women around the world spent an average of 4.1 hours per day doing unpaid work compared to 1.7 for men, so women performed three times as much unpaid care work.¹⁵⁸ These figures only worsened for women who bore the burden and responsibility of caring for family members whether ill or elderly.

¹⁵³ UNDP - United Nations Development Programme – *The Economic impacts of Covid-19 and gender inequality recommendations for policymakers* - 2020

¹⁵⁴supra note 14

¹⁵⁵ ECLAC, *Repository of information on time use in Latin America and the Caribbean*, 2019
https://oig.cepal.org/sites/default/files/2019-10_repositorio_uso_del_tiempo_eng.pdf

¹⁵⁶ supra note 115

¹⁵⁷supra note 108

¹⁵⁸ supra note 115

Although studies found that men increased their participation in household chores slightly, women remained the ones doing most of the housework during the lockdown. These gaps would then have increased gender inequalities in work, whether paid or unpaid and would have reduced women's career advancement opportunities.¹⁵⁹ Another study showed that mothers and therefore working women with very young children, aged 0 to 5, would find it very difficult to find a balance between family and work demands. In this study, it is shown that whatever the job of the spouse, they are more concerned with home education and children, while fathers would take on household chores and childcare depending on their partner's professional situation.
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But another study also shows that this pandemic and these lockdowns would have positive persistent effects on the redistribution of tasks within the household and could therefore in the long term have an effect on reducing gender gaps.¹⁶¹

But this inequality does not only affect women but also girls. These, because of COVID-19, have to do more household chores but also schools have for some countries closed during the lockdowns. This pandemic would then lead millions of girls to drop out of school before completing their studies, especially girls living in poverty, in isolated or rural places or even girls with disabilities. Already before the pandemic in many poor and developing countries girls were part of a poor-quality education system and had little knowledge of reading or math. Knowledge far from being necessary for these to be able to achieve a productive and fulfilling life in the labour market. The epidemic would then lead millions of them to drop out of school and not return even after the pandemic has ended.¹⁶²

Additionally, there is evidence for some G20 economies - The Group of Twenty is a group made up of the 20 richest countries - that these burdens that women faced during the pandemic have also had negative effects on their mental health to a greater extent than men. During this pandemic, individuals, men and women, had to and still must stay at home as much as possible. As a result of this time spent at home, stressors related to social isolation and/or financial strains intensified, which had a large impact on domestic violence. This poor mental health in some women could then have more than harmful long-term consequences on their chances of returning to work, for example.¹⁶³

¹⁵⁹ Sevilla et Smith, *Baby Steps: The Gender Division of Childcare During the Covid-19 Pandemic*, 2020

¹⁶⁰ Biroli et coll, *Family life in lockdown*, 2020

¹⁶¹ supra note 146

¹⁶² UNICEF, Plan International, UN Women, *A new era for girls: taking stock of 25 years of progress*, 2020: <https://www.unicef.org/media/65586/file/A-new-era-for-girls-2020.pdf>

¹⁶³ supra note 152

iii. REINFORCED INEQUALITIES

Inequalities have therefore been and are still accentuated by this pandemic. It is not new beliefs, but stereotypical societal and cultural mentalities embedded in society that has determined how women have suffered and are suffering the economic consequences of this crisis.

As we have seen previously, the stereotype of the housewife is reflected in household decision-making since it is the mother and therefore the woman who has had to increase her hours of household chores and care of the child. This crisis then revealed within the organization and even within the family the gender gaps in the labour market that were still too important. For example, to the question of who can keep his job in the event of a crisis, the answer is more than mainly in favour of men. The question was asked by the global survey on global values, and more than half of the people questioned in many countries of South Asia or North Africa and the Middle East are convinced that men have more right to a job than women when jobs are scarce. In developed countries, only one in six respondents said the same thing.¹⁶⁴

As we have shown in a previous section, reducing the gender gap would have a significant economic impact. In fact, in 2020, the World Economic Forum's Global Gender Gap Report shows that reducing gender inequalities would boost competitiveness and growth.¹⁶⁵

But then what if no one takes action? Researchers asked themselves the question and defined three scenarios: “do nothing”, “wait to act” and “act now” to measure the impact that gender inequalities on the labour market caused by the pandemic could have on economic performance after COVID-19.

Let's start with the “do nothing” disaster scenario. Left unchecked women would suffer a disproportionate share of job losses due to COVID-19 in the future, which would reduce their labour force participation rate from 0.63 to 0.60, before and after COVID -19 respectively. This drop-in turnout if left unchecked would persist even after the pandemic leaving global GDP down a million dollars below what it would have been if the coronavirus had affected both genders alike. Whereas the "act now" scenario would maximize the participation of women they can bring to the global economy by increasing the participation rate to 0.71.

¹⁶⁴ supra note 142

¹⁶⁵ *Global Gender Gap Report 2020* – World Economic Forum -
http://www3.weforum.org/docs/WEF_GGGR_2020.pdf

Political decisions in favour of parity in the labour market would dramatically improve gender equality by 2030 and this would lead to an increase of \$13 trillion in global GDP in the same year - more than an 11% increase compared to the “do nothing” scenario. The wait-to-act scenario, imagine waiting until 2024 when the pandemic is hopefully over, could also benefit GDP in 2030 but by \$ 5.4 trillion less than if we act now.

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But in terms of inequality that's not all. Women as we have already mentioned are much more likely to lose their jobs and this is what happened during this pandemic. This global job and income losses for women have engendered and continue to engender a rise in poverty, this gender poverty gap means that more women will be pushed to the extreme. poverty than men. This would be particularly the case in individuals between 25 and 34 years old, that is to say at the height of their productive period but also of their family formation. By comparison, one would expect there to be 118 women aged 25 to 34 in extreme poverty compared to only 100 men of the same age. By 2030 this ratio could reach 121 poor women for every 100 poor men. ¹⁶⁷

In Europe and Central Asia, since the start of the pandemic, 25% of self-employed women have already lost their jobs against 21% for men. A trend which, if left unchecked, will continue with rising unemployment. The International Labor Organization has projected that 140 million full-time jobs could be lost due to COVID-19 and that women's jobs are 19% more at risk than men. ¹⁶⁸

In addition, women in many countries hold less wealth than men, which does not help them cushion temporary income losses. And even more difficult for single parents, most of whom are women, with a single income especially when public income support is low in some economies. But it is also more difficult for a woman to find a job after a layoff knowing that women tend to have more care and household responsibilities than men.

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COVID-19 has turned the world upside down, but in different ways for men and women. The already unequal situation of women in the world has worsened with this pandemic where women already had lower incomes than men before the crisis, for example. Or the time dedicated to household chores which have been doubled with this pandemic. This crisis reflects the level of insecurity of women in the labour market compared to their male counterparts. We can then speak of a misogynist pandemic.

¹⁶⁶ *COVID-19 has worsened gender inequality. These charts show what we can do about it* - World Economic Forum - Sept 2020 <https://www.weforum.org/agenda/2020/09/covid-19-gender-inequality-jobs-economy/> -

¹⁶⁷ supra note 151

¹⁶⁸ *id.*

¹⁶⁹ supra note 152

IV. HOW TO REDUCE GENDER DISCRIMINATION IN ORGANIZATIONS?

In this last part, we will see the different solutions that will reduce or even eliminate these gender equality gaps in the labour market. At the very beginning of this analysis, we cited three main inequalities in the labour market, namely the leadership gap, the pay gap or the hiring gap. To all these gaps we will discuss the appropriate solution, for example, quotas to improve the representation of women in higher hierarchical positions and therefore reduce the leadership gap. But also, equal pay to reduce the paid gap or even create an inclusive labour market to reduce the hiring gap.

A. THE ROLE OF GOUVERNMENTS

i. QUOTAS AND DISCLOSURE

In response to a civil society movement and a growing awareness of women's rights, many quotas have been put in place. In this part, we are going to talk about political quotas and company quotas. Over the past thirty years, more than half of the countries in the world have implemented political or corporate quotas. These quotas have led to a dramatic increase in the number of women leaders or within leading groups.

Let's start with political quotas and go back a little. In 1990, the United Nations Economic and Social Council had set a target of 30% female representation in decision-making bodies by 1995. It was in 1995 that the quotas reached a milestone, that year the Conference. United Nations in Beijing on Women calls on governments to "ensure equal representation of women at all levels of decision-making at the national and international levels given this global environment, political quotas have started to emerge as a viable and institutional option "and this in countries around the world. 30 There are three main types of political quotas. First, there are voluntary party quotas which mean that a party must commit to nominating a certain number of women, a percentage of female candidates for electoral lists. Then we have the candidate quotas which state that a certain number of candidate positions should be reserved for women. And finally, the reserved seats are seats for which only the candidates can compete. Although over the years the percentages of women in political decision-making have increased, it is not yet homogeneous in the four corners of the globe. This heterogeneity is due to the variation of political systems and histories between regions or to the limitation of these quota systems within certain regions. ¹⁷⁰

¹⁷⁰ Action for Equality, Development and Peace, *Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women*, 15 September 1995

<http://www1.umn.edu/humanrts/instate/e5dplw.htm>

The Nordic European countries were the first to introduce this kind of political quota. In 1975, when the Norwegian Socialist Party took over as head of government, the latter introduced a minimum target of 40% for the representation of both genders on electoral lists. An example that Denmark and Sweden followed shortly after. But there it is not the quotas that allowed a high female representation. But quotas only strengthened it quotas were only introduced in these Nordic countries once the representation of women had reached 25%. ¹⁷¹

Now let's go on a world tour. In many Western European countries as well as Canada and Australia, voluntary party quotas have been set up In some regions such as Eastern Europe, it has been more difficult to get them to be established and accepted, except some like Hungary or the Czech Republic. ¹⁷²

The United States is also an exception because, as we will see a little later, they do not apply any quotas. In Latin America, it is mainly the quotas of legislated candidates that have increased over the years. This type of quota was first adopted in Argentina in 1991 before spreading to ten other Latin American countries. This process of acceptance in this region was facilitated by the consolidation of democracy in the 1980s. ¹⁷³

Africa too has adopted a wide variety of quota systems. Uganda was the first African country to introduce reserved seats in 1986. Then in South Africa, the African National Congress introduced voluntary party quotas during post-apartheid democratic elections in 1994. It was also at the time the precursor of quotas on the African continent but since then some countries have followed suit like Somalia, Sudan or Eritrea. ¹⁷⁴

We note then that quotas have often been introduced in post-conflict contexts or under the influence of governmental and regional powers. Speaking of government power, you should know that even dictatorships have resorted to the establishment of quotas. This allowed them to increase female representation and therefore improve the image of government around the world. Going back to post-conflict periods, such as after the genocide in Rwanda, there was an impetus for the introduction of gender quotas in politics. ¹⁷⁵

¹⁷¹ *supra* note 13

¹⁷² Ballington, J. & Binda, F., Eds “The Implementation of Quotas: European Experiences,” *International Institute for Democracy and Electoral Assistance*, 2005

¹⁷³ *id.*

¹⁷⁴ Ballington, J., Ed, *The Implementation of Quotas: Latin American Experiences*. International Institute for Democracy and Electoral Assistance; 2003

¹⁷⁵ Myakayaka-Manzini, M. Political Party Quotas in South Africa. *International Institute for Democracy and Electoral Assistance: The Implementation of Quotas: African Experiences*, 2004

Focus on Asia now. In South Asia, political quotas are also used, and it is reserved seats that constitute the predominant tool even if voluntary and legislated quotas have also been adopted as in India, Bangladesh or Pakistan.¹⁷⁶ Unsurprisingly, quotas are not very present in the Middle East, as we said previously, the cultural aspects of this region mean that the participation of women in public life is very low.¹⁷⁷ Some exceptions exist in the Middle East such as Jordan or even in Israel with voluntary quotas.¹⁷⁸

Political quotas have been widely applied around the world whether at the local or national level, in lower and upper Houses of Parliaments. And these quotas have proved their worth and continue to take more and more places just like women in decision-making.¹⁷⁹

Now let's talk about quotas within companies and more specifically within Boards of Directors.

In order to improve the balance between men and women in the Board, governments have introduced new legislation in recent years. Among them: quotas which are a percentage, a predefined proportion of a minimum or a regulatory limit to meet a criterion. In this case, it is about having a minimum or more women on the Board. The introduction of these quotas began in 2003 when Norway introduced a quota for at least 40% of a board to be made up of women.¹⁸⁰ As a result, many countries followed: many EU countries but also Israel and Kenya and implemented their own quotas. And in 2020 the European Commission announced that by 2024 a perfect balance between the genders, i.e., 50% of women and men, would be achieved or at least attempt to be achieved.¹⁸¹

In this part, we will analyse the different quotas and their implementation according to the governments, but also study the limits of this controversial instrument. The key difference between actions taken by governments is the method of enforcement, some states have chosen hardness and others progressiveness.

To begin this analysis, let's take the example of Europe. In 2014, the European Commission set a target for all listed EU companies to have a Board composed of at least 40% women. Within the European Union countries have themselves put in place laws, ordinances and other policies to promote gender diversity in the Board.

¹⁷⁶ International Institute for Democracy and Electoral Assistance, *The Implementation of Quotas: Asian Experiences*, 2002.

¹⁷⁷ *id.*

¹⁷⁸ International IDEA Reports, *The Arab Quota Report: Selected Case Studies Quota Report Series*. International Institute for Democracy and Electoral Assistance, 2007

¹⁷⁹ *supra* note 172

¹⁸⁰ *Gender Parity on Boards Around the World* - Harvard Law School – Corporate Governance - April 2021

¹⁸¹ *id*

The methods were very different, for example in Norway, the Norwegian Company Act foresaw the complete dissolution of the Board if this 40% was not reached. In Italy, the Italian Golfo Mosca Act foresees monetary penalties if the target is not achieved. In several EU countries such as France, Germany and Belgium there is also the "open seat" sanction which means that in the case of vacant Board positions only the under-represented gender can be filled.¹⁸²

The harshness of the sanctions has encouraged companies to diversify their Boards, in the EU between 2010 and 2019 the number of women on the Board almost tripled to over 28%.¹⁸³ In Italy the application of the Golfo-Mosca law would have enabled the number of women on Boards in listed companies to increase and would have gone from nearly 6% in 2010 to 36% in 2019. Thanks to the Copé law -Zimmermann France is the European champion in terms of diversity since the number of women in Boards in listed companies is only increasing and would have gone from 10% in 2008 to 45.1% in 2019.¹⁸⁴ But the EU is not the only one to use harshness to promote gender diversity within Boards.

In 2013 India also adopted gender quotas, the Companies Act made it compulsory to have at least one woman on the Board, this law applies to all stock exchange companies. According to a study of the 500 NYFTY companies, more than 60% of them, or 303 companies, had no women on the Board. Following the 2013 Companies Act and the penalties it imposed, the change was more than successful. In 2017, more than 82% of the 303 companies that had no women on the Board have appointed a single woman to their Board and the remaining 15% appointed two or more women to their Board.¹⁸⁵

All these results clearly show that a hard enforcement method enables rapid and effective change in companies since hard law quotas have made it possible to rapidly and significantly increase the representation of women on corporate boards. But what about soft law quotas?

Let's start this analysis like the previous one by looking at the EU. In several countries such as the Netherlands, Austria or Spain quotas are not backed by sanctions. In the Netherlands or in the United Kingdom we have a regulatory approach in terms of quota called "comply or explain". That is to say that governments, instead of implement binding laws like in Norway or Italy for example, establish guidelines that companies can respect and if they do not respect them, they must publicly explain why. In Spain it is still a different approach, there it is preferable but not obligatory to submit to the quota rule.

¹⁸² *Gender Quotas on Corporate Boards: Similarities and Differences in Quota Scenarios*, Jan.2020. EMR

¹⁸³ OECD Stat 2019

¹⁸⁴ *id.*

¹⁸⁵ *What Happened When India Mandated Gender Diversity on Boards*, Feb 2021, Harvard Business Review

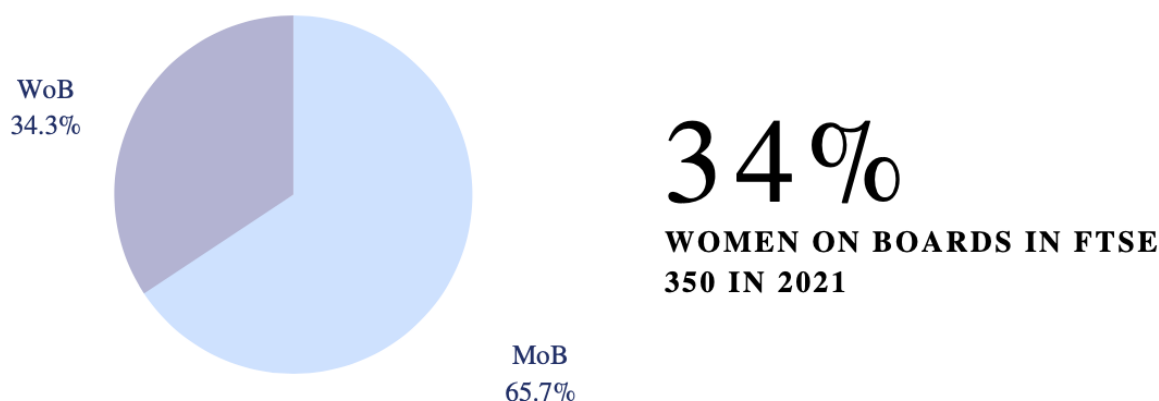
If for example you submit to it and you seek to contract with the Spanish government, you will be treated preferentially.¹⁸⁶

Let us now analyse the effects of these soft law quotas on these different countries. Countries that pursue “comply or explain” have fairly similar results. In January 2021 in the United Kingdom, the representation of women on Boards in FTSE 350 (350 largest companies which have their primary listing on the London Stock Exchange) is 34.3% or 12% more than in 2015.¹⁸⁷ And the representation of women in the FTSE 100 companies was 32.4% in 2019. Knowing that the objective which had been set by the British government was 25% of women in the FTSE 100 Boards.⁷⁹ We then notice the objective has been reached and this without sanctions and/or special penalty. As for the Netherlands, the share of women present on the Board of the largest listed companies was 36.6%.¹⁸⁸

We can then conclude that soft enforcement also makes it possible to achieve certain objectives even if these objectives are far from equalling those whose methods of enforcement are hard.

What about Spain? With this method of positive incentive, the results are not glorious, either a share of women on the boards of the largest listed companies was 29.3% in January 2021.

The countries that have recorded the highest proportion of women on the boards of the highest listed companies are unsurprisingly the countries that have adopted strict quotas. While the countries with lower proportions in terms of gender diversity on the Board are the countries that have adopted softer policies or no policies at all. So, the more the regulations are soft, the lower the participation rate of women on the Boards.



¹⁸⁶ Huber et Simpkins, 2019

¹⁸⁷ ISS governance - *Proxy Voting Guidelines*

¹⁸⁸ <https://www.issgovernance.com/file/policy/active/emea/Europe-Voting-Guidelines.pdf>

Some countries such as the United States, of which we will take the example in this section, have implemented minimal or even no regulation in terms of gender diversity within Boards. This flexible regulatory approach which consists of the disclosure by companies of the policies put in place for gender diversity ¹⁸⁶ contrasts sharply with the mandatory and strict quotas put in place by many European countries, as we have seen in the previous section.

In the United States, quotas as a solution to disparities have not been authorized since the 1970s. In 1978 in *Regents of University of California, Davis Medical School v. Baake*, the Supreme Court rejected quotas in affirmative action policies because it found that strict quotas violated the equal protection clause. ¹⁸⁷

But as we have seen the Big Three have themselves taken steps to promote greater diversity on the boards. ¹⁸⁸ But they are not the only Institutional Shareholder Services Inc. (ISS) to help focus on diversity as well as New York City pension funds that have launched their initiative focused on diversity disclosure. to the board. ¹⁸⁹ But what about the role of the law?

It should be noted that before 2009, boards of directors in the United States were not required to disclose appointment procedures related to diversity. ¹⁹⁰ In response to numerous comments that the Securities and Exchange Commission (SEC) had received regarding the need to disclose diversity on boards ¹⁹¹, this adopted item 407 (c). This item 407 (c) requires “disclosure of whether, and if so, how, a nominating committee takes diversity into account in identifying candidates for director positions.” ¹⁹²

¹⁸⁶ Huber et Simpkins, 2019

¹⁸⁷ *Beyond the Numbers: Substantive Gender Diversity in Boardrooms* – 2018 – University of Wisconsin – Law School

¹⁸⁸ <https://www.issgovernance.com/file/policy/active/emea/Europe-Voting-Guidelines.pdf>

¹⁸⁹ *Board Diversity and Shareholder Voting* - Working Paper N° 716/2020 December 2020- Ian D. Gow
David F. Larcker Edward M. Watts

¹⁹⁰ Alexander, Chen, Seppi et Spatt, 2010

¹⁹¹ Véronique Magnier & Darren Rosenblum, *Quotas and the Transatlantic Divergence of Corporate Governance*, 34 NW. J. INT’L L. & BUS. 249 (2014).

¹⁹² 438 U.S. 265 (1978).

But requires also that “if the committee (or the board) has a policy regarding the consideration of diversity in the identification of candidates for director positions, disclosure would be required of how this policy is implemented, as well as how the nominating committee (or the board) assesses the effectiveness of its policy ”. ¹⁹³ So, let's see if this is effective by looking at the number of women on the boards of directors of the Fortune 500. In 2018, less than a quarter, or precisely 22.5% of board directors were women. ¹⁹⁴ Why has this regulation not had a significant effect on gender diversity on the board? The regulation may not precisely define the term diversity and therefore left companies to define what diversity means to them and therefore define their policies and disclosures. ¹⁹⁵

A US state then attempted to put in place a bill to promote and increase the number of women on the Board: SB 826. California administrative law requires that public companies (defined as companies listed on major US stock exchanges) whose main executive offices are located in California, regardless of their place of incorporation, including a minimum number of women on their boards of directors.

By the end of 2019, these public companies should have at least one woman on their board. On December 31, 2021, this minimum will increase to two women if the company has five directors, and to three women directors if the company has six or more directors. This bill authorizes the secretary of state to impose fines for violations of the bill. ¹⁹⁶ But some studies have shown that this bill is doomed. For example, if all California chartered companies subject to SB 826 sanctions reincorporate outside of California, then SB 826 will have no effect on the number of women on the Board of Directors. ¹⁹⁷

¹⁹³ *The Big Three and Board Gender Diversity: The Effectiveness of Shareholder Voice*: 18 Feb 2021 : Harvard Law School

¹⁹⁴ Abe M. Friedman, Erica K. Lukoski, Bob McCormick & Eric Sumberg, *NYC Pension Funds Boardroom Accountability Project Version 2.0*, HARV. L. SCH. F. CORP. GOVERNANCE & FIN. REG. (Sept. 19, 2017), <https://corpgov.law.harvard.edu/2017/09/19/nyc-pension-funds-boardroom-accountability-project-version-2-0> [<https://perma.cc/6X9K-KAPQ>].

¹⁹⁵ Deborah L. Rhode & Amanda K. Packel, *Diversity on Corporate Boards: How Much Difference Does Difference Make?*, 39 DEL. J. CORP. L. 377, 402 (2014); *see also* DHIR, *supra* note 20, at 38–46.

¹⁹⁶ Proxy Disclosure Enhancements, Exchange Act Release No. 33-9089, 74 Fed. Reg. 68334, 68343 (Dec. 23, 2009) (to be codified at 17 C.F.R. §§ 229, 239, 249, 274).

¹⁹⁷ *id*

If we refer to the previous part concerning shareholder activism, we notice that (at least in the USA) it can be much more effective than certain Gender diversity disclosure such as SB 826. Because this activism will not be subject to constraints constitutional requirements imposed by Internal Affairs doctrine ¹⁹⁸ or will not be delayed or subject to litigation under the Constitutions of the United States and California.¹⁹⁹ Shareholder action would then be faster and more effective.

ii. QUOTAS: PROS AND CONS

These quotas are then effective. In this part, we will therefore discuss why quotas are effective and have many supporters, but also the limits of this system which can be ineffective and even to the detriment of equality between men and women in the labour market.

Let's start with the equity benefits. Quotas improve the descriptive representation of women in leadership positions. Descriptive representation means that a representative, here a woman, on the Board, for example, looks like those who are under-represented, here women. Quotas have made it possible to reduce discrimination by reserving certain managerial positions for women and making this representation more equitable. Aside from descriptive representation, quotas also improve substantive representation. Substantial representation means that representatives act in the best interests of those represented. That is, simply a lack of female leadership translates into an under-representation of women's interests in politics. ²⁰⁰

In addition to equity, quotas allow a certain efficiency by improving the distribution of talent in the labour market. First of all, quotas reduce taste discrimination (a term we have already discussed) because in the long term these will change norms and attitudes towards gender inequality. But also reduce the statistical discrimination which we also spoke about previously and this by increasing in some ways the information and therefore correcting the beliefs about the work of women in the labour market. These quotas will have positive externalities on potential women leaders. This is called the Role Model Effect. This role model can help women advance in their professional lives by comparing themselves to successful women leaders and breaking down stereotypical gender beliefs.

¹⁹⁸ *id*

¹⁹⁹ *supra* note 187

²⁰⁰ *supra* note 13

This will subsequently improve aspirations and increase the entry of women into many fields considered to be masculine. It is a vicious circle: a woman becomes the CEO (Role Model) of a large company, other women say to themselves that it is possible for her to achieve it (aspirations) and then comes the last step of this circle: investments. Women tend to underinvest in their human capital, believing that leadership opportunities are not available. Quotas then offer career advancement opportunities to women, so they will be more encouraged to invest in education and therefore their careers. ²⁰¹

As you know there are always pros and cons, people for and people against, a yes and a no.

Let us then see the arguments which oppose the advantages presented above. Let's start with the equity counterargument. According to the anti-quota, quotas would create a kind of Crowd-Out. That is, quotas by encouraging women, by reserving them places on Boards, for example, can crowd out other marginalized groups. And this ousting would further limit the voice of these minorities in the labour market. And sometimes even men are negatively affected which is a shame if you ask me. ²⁰²

Even if the quotas have proven to be effective in considerably increasing the place of women on the Boards, this has its limits. Quotas would even harm the performance of the company. Some women herself are against these quotas, some of them have worked hard to get to where they are now and feel that some women were hired just because they were women. ²⁰³

We would then have quotas that bypass competitive processes and rule out the merit principle. ²⁰⁴ This is the case, for example, in India. As stated previously in India the law states that all listed companies must have at least one woman on the board. The percentage of women in Indian companies then increased, but these women were often family members of the men in the company or even women with no training or experience. ²⁰⁵

These behaviors can be explained by two closely related things: the pressure on companies and tokenism. Tokenism is the practice of making symbolic or even forced efforts to include a minority group to escape sanctions, monetary penalties or even accusations of discrimination. In our case, the minority is the woman whose priority for a job is given because of her gender and not because of her merit.

²⁰¹ *id.*

²⁰² *id.*

²⁰³ *id.*

²⁰⁴ *id.*

²⁰⁵ Auckland University of Technology - *Diversity quotas will only lead to token appointments, doing more harm than good*, 2020, Feb

This practice would then undermine the idea of substantive equality in corporate boards. Besides, according to a study carried out in Norway, mandatory quotas and therefore the increased representation on the Board of Directors would not have any effect on reducing the gender pay gap.²⁰⁶

And finally, according to some, the quota law would abolish the democratic right of shareholders to present candidates (in France) but above all would be a limitation in electing them and would, according to them, call into question the principles of the owner's freedom of choice.²⁰⁷

To summarize, the anti-quotas would be against the latter because they would worsen the distribution, that is to say, that the latter would assign positions to women leaders when they are less efficient. And that quotas then encouraged the promotion of inexperienced women. In addition, if the pro-quotas, quotas encourage women to invest, it is the opposite for the anti-quotas who believe that the incentive for women to invest will decrease if she considers that the advancement of her career has. was facilitated by a gender quota. But also, women in government for example who are selected through quotas would be even more stereotypical than they already were, which would aggravate attitudes.

But then what can be done to allow real diversity and equality within the Board?

iii. LAW: WOMEN'S HUMAN RIGHTS

As we have seen so far in this analysis, there is a lot of work to be done on gender inequalities in the labour market. Governments but also the international community also have their roles to play. In this part, we will see how they go about reducing all these gender gaps.

Let's start with women's rights. In this sub-section, we will only take the example of certain countries of the European Union and the International Community as a whole because as you can well imagine, women's rights are not the same all over the world, on the contrary. And we will see that the law which is a rule, usually made by a government, that is used to order how a society behaves, is the main tool.

Let us start from France, even if the declaration of the French Man and Citizen states "Men are born and remain free and equal in rights" this does not turn out to be true at all. But France has still put in place certain laws to reduce these gender gaps in the labour market.

²⁰⁶ *Electoral Gender Quota Systems and Their Implementation in Europe* – Stockholm University

Women's human rights

²⁰⁷ *Board Diversity and Shareholder Voting* - Working Paper N° 716/2020 December 2020- Ian D. Gow

David F. Larcker Edward M. Watts

In July 1983, for example, the Roudy law amended the labour code. This law prohibits any mention or consideration relating to sex in the professional field and even provides for the use of positive action to achieve real gender equality. A few years later, in May 2001, the Génisson law reinforces the Roudy law and obliges collective bargaining on professional equality.²⁰⁸

France, part of the European Union, transposes the European directive with some of these laws. Moreover, in 2014 the European Parliament adopted the law for real equality between women and men.²⁰⁹

Before the United Kingdom left the European Union, they too had to submit to its laws and regulations. For example, British workplaces were subject to article 141 of the European Community treaty which states "Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied. " But the British also have their laws such as the Equal Pay Act of 1970, the Sex Discrimination Act of 1975 or the Employment Rights Act of 1996.²¹⁰

I am aware that this part is particularly short, but it would take a long time to detail the laws in each country that have been put in place for women. Moreover, throughout this analysis, the role of the law appears. All that must be remembered is that these laws are not only recommendations but obligations, these obligations to submit to the law on pain of restrictions or fines will make it possible to reduce the inequality of men and women. women in the world of work.

B. LABOR MARKET REGULATION AND PUBLIC POLICY

i. EQUAL PAY

Let us now address the subject of the gender pay gap. We have already previously cited numbers and countries, numbers which were more than substantial. In this part, we will discuss the actions that can be taken and put in place to reduce this gap.

²⁰⁸ Haut Conseil à l'égalité entre les femmes et les hommes – République Française - <https://www.haut-conseil-egalite.gouv.fr/stereotypes-et-roles-sociaux/reperes-juridiques-13/?debut=55>

²⁰⁹La loi pour l'égalité réelle entre les femmes et les hommes, Mai 2017, Gouvernement Français, <https://www.gouvernement.fr/action/la-loi-pour-l-egalite-reelle-entre-les-femmes-et-les-hommes>

²¹⁰ Gender inequality at work - *Complete equality between male and female employees is an aspiration for many companies* – Brighthr- <https://www.brighthr.com/articles/equality-and-discrimination/gender-equality/>

First, there is what is called international voluntary actions which will make it possible to campaign for the rights of women workers, including campaigning for remuneration. One of the best-known NGOs is called “Women Working Worldwide” (WWW) and is based in the UK. ²¹¹ This NGO brings solidarity and support to a network of organizations of women workers in product-producing areas in southern countries. WWW has joined forces with other organizations and together they have succeeded in forcing global companies to take some responsibility for employment conditions throughout their supply chains. WWW then played a key role in setting up several campaigns that improved the working conditions of women workers and thus allowed an increase in the wages of women in many companies. This new form of internationalism at work provided much-needed support to raise their voices, for women who did not have it. ²¹²

“Collaborative strategies help to awaken companies to the gender dimensions of their operations and the benefits reaped (commercial and social) from improving the lives of women workers. Adversarial approaches keep companies on their toes in relation to workers with little voice whose plight often remains ‘hidden’ within their value chains “ ²¹³ Then come a little lower down the scale: national and local measures. These voluntary actions for equality at smaller scales can be divided into two subgroups. On the one hand, there are the actions that are initiated by the employer himself either because of his awareness in favour of gender equality or if he feels a kind of indirect pressure such as the reputation of his company that will push him to fight against pay inequalities between women and men.

On the other hand, you have a different kind of pressure like the one exerted by community groups or women's organizations fighting for gender equality. ²¹⁴ The small downside of these voluntary actions is that as their names indicate they are *voluntary* and therefore they can be modified but also abandoned in the event of a change of team, direction or strategy within a company. These voluntary actions, these initiatives would then be very vulnerable to changes in the economic climate as in the event of recession ²⁰³ such as the current COVID-19.

²¹¹ Gender Equality in the Workplace - *How to make progress with a Certification Programme for Gender Equality Management Systems* – UNDP (United Nations Development Programme)– 2012

²¹² *Women Working Worldwide: Transnational networks, corporate social responsibility and action research*, 2007; Jane Wills , Angela Hale

https://www.researchgate.net/publication/229795737_Women_Working_Worldwide_Transnational_networks_corporate_social_responsibility_and_action_research

²¹³ Barrientos, S. and Evers, B. (2014) Gendered Production Networks, in Rai, S. and Waylen, G. (eds) *New Frontiers in Feminist Political Economy*, Abingdon: Routledge, 43-62.

²¹⁴ International Labour Organization; *Closing the gender pay gap: A review of the issues, policy mechanisms and international Evidence* ; Jill RubeRy and aRistea KouKiadaKi; 2016

The voluntary actions of employers have proven to be necessary and very imploring to reduce or close these genders pay gaps. For example, companies can offer the possibility of a continuous career through more generous paternity or maternity leave arrangements or by offering more flexible work and childcare options. But another downside, these actions are not universal and unfortunately do not benefit all women because factors come into play within the world of work such as the sector, specific profession, hierarchical position, experience, seniority etc. These initiatives would then have more impact on terms of work-life balance, that is to say, a favourable impact on the family, but the still minimal impact for pay issues. Despite the little impact on pay, the study ruled that non-legislative gender equality initiatives in companies still have benefits. For example, implementing gender equality represents a significant change in the organizational structures of a company and motivates other companies to do so. Or these initiatives allow companies to evaluate and improve their practices.²¹⁵

Now let's talk about the implementation of equal pay, for this we will look at the role of the State, employers and associations again, as well as unions or pressure groups and individuals themselves. Let's start with the State, which has one of the most active roles. The State has several functions in terms of enforcing equality and therefore the rights of individuals.

The State itself can be both active in law enforcement, its inspection or simply setting up networks through which other actors can act to ensure equal pay. For example, the State can create positive incentives for the gender pay gap such as prizes or rewards or negative by denouncing, for example. The State shapes social norms regarding gender equality and wage discrimination by establishing labour standards or sanctions for non-compliance. The State can also require companies to disclose information about pay or set up equal pay audits.²¹⁶

Let's look at the legal application of equal pay legislation. This has often taken the form of a claim for equal pay in labour disputes courts.²⁰⁶ But anti-discrimination legislation has proven to be ineffective for several reasons.²¹⁷

²¹⁵ Dickens, L. (2010) *Legal Regulation and HR Practice*, Presentation to Symposium on Equality and Diversity Issues in the Workplace organised by Oxford Brookes University. Worcester College, Oxford, 17th June 2010.

²¹⁶ Heckl. E., Enichlmair, C. and Pecher, I. (2010) *Study on non-legislative initiatives for companies to promote gender equality at the workplace* Austrian Institute for SME Research for the European Commission / DG Employment, Social Affairs and Equal Opportunities.

²¹⁷ supra note 213

The first reason is the complexity of the procedure, for example, the deadlines for this type of equal pay request are on average very long. The second reason concerns legal costs. In 2014 in the United Kingdom labour court fees were introduced and a study carried out the same year showed that as a result of its legal costs the number of equal pay claims had dropped considerably, to around 80%. ²¹⁸ And finally the third reason would be the proofs to be provided which in some systems can be complicated. But not all of the state can also implement proactive pay equity programs or the use of class actions. But these mechanisms have sometimes proved problematic and have even caused externalities that would have led to a backlash against pay equity. ²¹⁹

The state budget is a very important factor, for example in the United Kingdom the Equality Commission saw its budget cut by more than 70% from 70 million pounds in 2010 to 18 million in 2014. Technical support, legal advice, institutional support whether from a trade union or other body was crucial then but also depended on state funding sources. ²²⁰ And finally the last measure that the State can put in place to reduce these gaps: the minimum wage. The system also shows signs of strength and weakness. The bottom line, however, is that the measures taken by the State to protect those who attempt to assert their rights are very important.

Previously we talked about the role of individual employers let's see what they can do collectively. Collectively, especially through employers' associations, they can influence compliance with legal regulations and adopt them. Employers' associations can also encourage law enforcement by awarding companies labels or awards. ²²¹

Trade unions have a very important role in enforcing legal standards in the labour market sector. It is easier for unions to take sectoral initiatives when these are enshrined in sectoral collective agreements, as equal pay law limits exist if the action involves more than one employer.

²¹⁸ Foubert, P., Burri, S. and Numhauser-Hennning, A. (2010) *The Gender Pay Gap in Europe from a Legal Perspective* (including 33 Country Reports), European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Luxembourg: Publications Office of the European Union.

²¹⁹ Fredman, S. (2013b) *The Right to Equal Pay for Work of Equal Value*, Background Paper for the Working Group on Discrimination against Women in Law and Practice (The Working Group): Economic and Social Life, New York: United Nations.

²²⁰ Deakin, S. (2013) *Addressing Labour Market Segmentation: The Role of Labour Law*, Working Paper No. 52, Governance and Tripartite Department, Geneva: International Labour Office.

²²¹ Fudge, J. (2015) *Equal Pay and Pay Equity in Canada*, University of Stellenbosch presentation (copy with the authors).

Unions unlike NGOs will promote law enforcement for their members. On the other hand, the unions undertake to denounce employers' organizations and engage in what is called secondary industrial action to ensure that companies comply with standards. However, this type of action is not allowed in some countries such as the United Kingdom or the USA.²²²

The most vulnerable workers are often unaware of the rights they have and therefore are denied their rights without bothering to assert them. This is why in terms of employment three conditions are important to assert your rights in the job market. First, they must be aware of their rights then they must have access to the enforcement of these rights and finally, workers need protection against victimization.

The application of the right to equal pay will depend, as we have said, on the measures taken by the State but also on the support of unions, NGOs and even companies. Sometimes all these conditions are met, but for example for migrant women or workers under precarious contracts, there are many fears.²²³

At the current rate of things, the wage gap between men and women would close in about 60 years if not more. Fortunately, many actors try to do their best to reduce these gaps, but that is not enough, maybe just awareness of equality between men and women will be enough to make a difference. All I know is that it won't be any too soon that this gap will be closed.

ii. WAGE BARGAINING

The rights to equal pay between the genders have started the dialogue on equality but also on measures to reduce this pay gap. Individual rights are not enough to bring about major changes. This is why, to change wage structures, collective action in the workplace must take place. In this section, we will therefore explore the role of collective bargaining and its effects on gender equality.²²⁴

²²² supra note 214

²²³ supra note 214

²²⁴ International Labour Organization; *Closing the gender pay gap: A review of the issues, policy mechanisms and international Evidence* ; Jill RubeRy and aRistea KouKiadaKi; 2016

http://www.oit.org/wcmssp5/groups/public/---dgreports/---gender/documents/publication/wcms_540889.pdf

The term “equality bargaining” first appeared in the late 1980s ²²⁵ and this concept includes three important elements: collective bargaining which is of benefit to women or which is likely to facilitate gender equality, equality awareness on the part of negotiators, attack on gender disadvantage in negotiating change. ²²⁶

But today we will just focus on collective bargaining. Collective bargaining is a process of negotiation between employees and employers, this negotiation between these two groups aims to reach agreements in terms of working conditions, wages, workers' rights, etc. We have already talked about equal pay in the previous part, which is why we are not going to dwell on it once again, but it is still important to know that collective bargaining around this issue has a significant impact. Collective bargaining acts on gender pay equity through minimum wages, working hours and payment practices. You should also know that this equity is easier to achieve when bargaining is inclusive, that is to say when working hours are shorter or when the minimum wage is higher. But this form of bargaining is still underdeveloped. But in this part, we will instead look at what can be done with this bargaining for equality. ²²⁷

We are now going to list different types of bargaining that have enabled and will enable gender equality at different scales, whether at the company level or the national level. Let's start with the first initiative which aims to increase the wages of the lowest-paid women. The predominantly female sectors are the least remunerated so how do you change that by going through bargaining?

Within the European Union, the European Trade Union Confederation (ETUC) has a major role. For example, in Finland, Iceland or Sweden collective agreements (agreement between unions of employees and employers) have made it possible to set up additional payments to low-paid women or to sectors that are predominantly female. ²²⁸ These specific payments would go beyond the lowest wage agreements, so this initiative would increase low wages but also close the gap in sectors dominated by women or men.

Another initiative has tried to be put in place: the reassessment of women's work. It is a radical strategy that is supposed to re-evaluate the work of women through wage classification systems. These wage classifications have remained very limited and mainly present in the public sector.

²²⁵ Linda Dickens, 1998

²²⁶ *Gender Equality Bargaining: Developing theory and practice*, 2014, Sue Williamson
https://www.researchgate.net/publication/268210353_Gender_Equality_Bargaining_Developing_theory_and_practice/link/59810f49aca2728abee2680d/download

²²⁷ supra note 13

²²⁸ ETUC (European Trade Union Confederation) (2014) *Bargaining Equality*, Brussels: ETUC.

And many sectors and countries opposed it. Studies have shown that this initiative has failed to address gender pay inequalities and has had more than a limited impact.²²⁹

Arrangements have been made for the work-life balance. For years, bargaining relating to parental leave, work flexibility, childcare and other work-life balance policies have been taken. Although these negotiated agreements have allowed significant improvements in the labour market, they would have resulted in more exclusive than inclusive rights, that is to say, that the woman in matters of care remains the one who will put aside her job more easily. In this case, collective bargaining would not suffice, collective regulations would have to be put in place.²³⁰

Next comes the idea of salary audits. These audits can sometimes be prescribed by law and are in most cases initiated by collective bargaining at several levels: company, sectoral, national. These audits are also sometimes set up by the initiative of the companies themselves. The payroll audit is an operation performed by a payroll professional for a company. This audit meets several objectives such as verifying payroll regulations if they are respected or setting rules to respect good long-term payroll management.

A study was done several years ago in Sweden and Quebec. This analysis reveals that the compulsory verification of equal pay by unions differs according to their numbers. For example, among the companies questioned, in Canada, unions were very little involved, which then implied a high level of non-compliance with the requirement. Whereas in Sweden the high rate of unionization has reduced the risk of non-compliance.

²³¹

An initiative can be pursued within the framework of salary audits, this is the gender bias in payment systems. Which aims to take action to reduce gender bias in payment systems. Some unions are in favour of the individualization of pay that is associated with performance pay systems while others are against it. These systems are complicated to put in place because employers sometimes agree to negotiate on basic pay and not on total pay, while some employers wish to retain control overpay by individualizing pay.²³²

²²⁹ *supra* note 226

²³⁰ *id.*

²³¹ Chicha, M.T. (2006) *A Comparative Analysis of Promoting Pay Equity: Models and Impacts*, Declaration Working Paper No. 49, Geneva: International Labour Organization.

²³² *supra* note 226

And finally collective bargaining can quite simply help women's careers through the use of measures that affect training, the institutional environment, recruitment, etc. But these practices would be more common in the public sector than in the private sector.²³³

But of course, the essential condition for all of this to work is that women must be present and represented in the negotiating teams, which is not always the case.

Bargaining will increase the motivation and commitment of workers and therefore increase productivity and innovation. But on the other hand, bargaining can be excessive which can be synonymous with low growth and low productivity.²³⁴ For example, if wage bargaining is too decentralized, the unions will block innovative companies because they will demand ever higher wages, which represents a significant cost for the company. Workers, by appropriating a higher share of the company's rents, will slow down productivity and therefore innovation.²³⁵

Another type of system that would allow for better gender equality in the labour market would be transparency. Transparency in a company is quite simply the fact that each employee, each collaborator, whatever their level in the hierarchy, can have access to all the strategic information concerning the company. In the case of remuneration, the aim would then be to put an end to the taboo of the question of remuneration by putting in place an open and transparent policy that would help to justify wage differences and thus create a healthier and more equal environment.

iii. TRANSPARENCY

In the next part of this analysis, we will talk about inclusive labour markets and you will see that measures that aim to create inclusive gender-equal labour markets are not effective enough if there is not more transparency. It is therefore important to come back to the latter. There are several types of mechanisms that could contribute to transparency. There is the most frequently used, namely the remuneration audit of which we have already spoken, which will make it possible to define the pay gaps between men and women.

²³³ Rubery, J. (2013) "Public sector adjustment and the threat to gender equality", in D. Vaughan-Whitehead (ed), *The public sector shock. The impact of policy retrenchment in Europe*, Geneva, Switzerland: International Labour Office, pp. 23-43.

²³⁴ <https://www.ilo.org/public/english/employment/download/elm/elm07-4.pdf>

Why labour market regulation may pay off: Worker motivation, co-ordination and productivity growth-
International Labour Organization 2007- Servaas Storm

²³⁵ Flanagan 1999

This tool is very effective because it will reveal the equality problems in companies that will harm their management and will push management to take measures to reduce these gaps.²³⁶

Another measure is to publish salary structures that will define the maximum and minimum remuneration levels per position as well as information on additional remuneration such as bonuses. This tool is also essential because without information on the structure of the company it is more than difficult to enforce control on the practices and the fixing of the wages in this company. But the problem in many countries there has been a decline in collective bargaining for lack of cost as we have seen previously in the UK which considerably reduces access to information. And finally last measure: the collection and publication of individual payroll data which can be in several forms such as a tax return, in Sweden for example all these tax returns are public. Unfortunately, many companies or countries are unlikely to use all of these mechanisms. But a framework exists which would allow a more transparent labour market: the legal framework.²³⁷

Today in many legal systems compensation information, especially in the private sector, is considered confidential because the law allows data protection and privacy. Most of the time, this information remains confidential, and the employer and employees are not obliged to reveal this information.

However, "shining a light on an organization's pay systems can reveal gender bias and empower employees, employers, unions, and other equality-seeking organizations to take appropriate action".²³⁸

This is why transparency is essential. An agency that created the Workplace Gender Equality Act in 2012 is an Australian government agency tasked with promoting and improving gender equality in Australian workplaces. According to that agency, Workplace Gender Equality Agency, the pay gap is almost non-existent when payment has been set transparently, without transparency, the agency found that more than 20% of pay information was withheld.²³⁹

²³⁶ International Labour Organization; *Closing the gender pay gap: A review of the issues, policy mechanisms and international Evidence* ; Jill RubeRy and aRistea KouKiadaKi; 2016

http://www.oit.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_540889.pdf

²³⁷ *id.*

²³⁸ Clauwaert, S. (2014) *The country-specific recommendations (CSRs) in the Social Field: An Overview and Comparison, Update including the CSRs 2014-2015*, Brussels: European Trade Union Institute.

²³⁹ Brown, M. (2014). *To close the gender pay gap we need to end pay secrecy*. Available at: <http://theconversation.com/to-close-the-gender-pay-gap-we-need-to-end-pay-secrecy-31626>.

Transparency would then help to avoid pay disparity. A study found that in trade union and public sectors, sectors where transparency is the norm, data has been collected suggesting that in these sectors gender disparities are significantly lower. The same study indicates that pay transparency would improve the efficiency of labour markets because it corrects the decisions of employers and employees as well as the supply imbalance between the latter two, as women are less inclined to negotiate wages.²⁴⁰ It is still important to note that transparency alone is not enough to eliminate prejudices against women, transparency is just one link in the chain that would lead to gender equality in the labour market.

Still, in terms of legal systems, we will discuss international mechanisms. During many international conventions, the question of remuneration has gradually come to the centre of the debates. Measures for several years have already been taken in many countries. At the regional level, for example, the European Committee of Economic and Social Rights of the Council of Europe has set member states the obligation to take measures to reduce the gender pay gap but also the obligation to publish relevant data.²⁴¹

After the European Union enacted these obligations, the slow progress was felt, which is why in 2016 the European Commission adopted a much wider range of pay transparency measures. For example, there has been the right of employees to request information on gender pay levels, they may even have access to information regarding bonuses. Then there was the obligation for employers to report regularly the remuneration set according to the position or grade and gender. And finally, there was the obligation for large companies to set up salary audits and make them available to social partners and workers' representatives as soon as the latter requested them.²⁴²

At the national level also there have been developments in terms of pay transparency, these developments can be distinguished in three main ways. The first development is the legal nature of the measures. For example, many countries have introduced legislative requirements for employers to lead gender equality plans. For example, a 2014 Danish law on equal pay required companies with fewer than 10 employees to compile pay statistics by gender.²⁴³

²⁴⁰ Estlund, C. (2014) *Extending the Case for Workplace Transparency to Information about Pay*, *UC Irvine Law Review*, 4: 781-800.

²⁴¹ Conclusions XVII-2, Czech Republic, 113-114.

²⁴² *supra* note 236

²⁴³ *id.*

But the obligations to provide information on remuneration vary by country and legal mechanism. For example, in Belgium companies with more than 50 employees must compare their salary structures for women and men every two years. And if this analysis reveals that men earn more than women then the company must put in place an action plan to reduce this gap.²⁴⁴ While in the USA, for example, the adoption of the Paycheck Fairness Act, a labour law that would add procedural protections to the Equal Pay Act and the Fair Labor Standards Act to reduce the pay gap between men and women in the US, has twice been blocked by Republicans to protect employers. While not all states have adopted it, some, such as California, have chosen to adopt the Fair Pay Act which allowed workers to ask for information on the salaries of their colleagues, all this while protecting them from reprisals. the employer.²⁴⁵

And finally the evolution in which other actors such as employee representatives and the state are involved in the equality process. For example, in some countries, when employers submit reports, they may be reviewed by an oversight body and may even sometimes be published and may be subject to consultation by workers' representatives.²⁴⁶

But transparency in social policy involves several problems. For example, the complexity and even sometimes the ambiguity of the rules, employees do not know whether they can claim rights or to question the denial of these rights or benefits. Some employees are not even aware of their rights sometimes. The problem arises from this ignorance of rights and a low adoption rate, which will then create a very strong gender dimension in some countries.²⁴⁷

C. STRUCTURES PROMOTING EQUALITY

i. INCLUSIVE LABOUR MARKET

Now let's talk about promoting equality, this time from a more structural perspective. Let's roll up our sleeves because in this first subsection there are several things to see about a more inclusive labour market.

²⁴⁴ European Commission 2013

²⁴⁵ *supra* note 236

²⁴⁶ Rudolf, B.(2010) Germany, in Foubert, P., Burri, S. and Numhauser-Hennning, A. (2010) *The Gender Pay Gap in Europe from a Legal Perspective* (including 33 Country Reports), European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Luxembourg: Publications Office of the European Union.

²⁴⁷ Finn, D. and Goodship, J. (2014) *Take-up of Benefits and Poverty: An Evidence and Policy Review*, York: Centre for Economic and Social Inclusion, London and Joseph Rowntree Foundation.

As we have seen in the previous sections, among the legal mechanisms for a more inclusive labour market there is the wage. Indeed, minimum wage policies, for example, have long been recognized as a way to lift workers out of poverty and would protect women's incomes by reducing the gender pay gap.

At the international level, this minimum wage is supposed to be fixed according to the needs of the workers according to the economic situation. At the regional level, the Council's European Committee of Social Rights (ECSR) had moreover determined that a so-called fair salary was at least 60% of the average net salary. Still, in terms of wages, certain laws, such as in Germany, had made provisions for temporary workers.²⁴⁸

We have been talking about salary for almost three parts already, now it is time to tackle some other essential points. So let's start with inclusive coverage. This coverage is a system that protects workers, individuals through mechanisms that will allow these workers to protect themselves from social risks, such as reduced resources, for example. To increase the level of inclusiveness of some workers, an international convention (ILO No. 183) on maternity protection has been put in place. According to one of the articles of this convention, it applies to “applies to all employed women, including those in atypical forms of dependent work” In a way, the ILO Convention protects workers with family responsibilities, moreover, this convention applies to all categories of workers and all branches of economic activity.²⁴⁹

The ILO then tackles the fact that women disproportionately do non-standard jobs compared to men. While these atypical jobs allow them to stay in the labour market while managing other responsibilities such as family responsibilities, these also generate negative externalities. These negative externalities concern their salary, their prospects for promotion, their career development, etc.²⁵⁰ But what does “atypical” work mean? Atypical work is fixed-term work, part-time work, temporary work or even homework. But it is not just the ILO that is tackling this problem.

²⁴⁸ International Labour Organization; *Closing the gender pay gap: A review of the issues, policy mechanisms and international Evidence* ; Jill RubeRy and aRistea KouKiadaKi; 2016

http://www.oit.org/wcm5/groups/public/---dgreports/---gender/documents/publication/wcms_540889.pdf

²⁴⁹ Countouris, N. (2007) *The Changing Law of the Employment Relationship: Comparative Analyses in the European Context*, Aldershot: Ashgate.

²⁵⁰ Ashiagbor, D. (2006) *Promoting Precariousness? The Response of EU Employment Policies to Precarious Work*, in Fudge, J. and Owens, R., (eds.), *Precarious Work, Women, and the New Economy: The Challenge to Legal Norms*, Oxford: Hart Publishing.

Let us take the example of the European Union at the regional level. In the EU there is a long list of legislation in the area of non-standard forms of employment (NSFE). It is since the increasing use of forms of labour in the 1980s and 1990s in Europe that a legal framework has been put in place.²⁵¹ In addition to maternity protection, the international ILO convention guarantees decent work for domestic workers. These domestic workers are often women and the recommendations of the ILO have and continue to provide them with better working conditions. The ILO demands from all its member countries that employment conditions are fair, decent, benefit from minimum wage coverage, but also that domestic workers benefit from effective protection against harassment, abuse, etc. benefit from a healthy and safe environment and also from social protection.

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But unfortunately, these domestic workers are not protected all over the world. For example, and unsurprisingly, hardly any country in the Middle East, Asia and the Pacific has included domestic workers in the minimum wage system. In this region between 88% and 99% of employers do not pay minimum wages to these domestic workers. While in the rest of the world it is the opposite, other parts of the world include domestic workers between 83% and 95% in the legal minimum wage. In addition to being excluded from minimum wage legislation, these workers are often excluded from coverage and therefore risk working longer hours.²⁵³ About 36% of domestic workers are not entitled to maternity protection and 30% are excluded from any national labour laws.²⁵⁴

The situation is even worse for migrant domestic workers who are marginalized and particularly lack legal support in countries of origin but also in host countries. In addition, domestic workers who work in sometimes extremely precarious conditions lack trade union representation. Voluntary actions have also been put in place for a more inclusive labour market, as we will see its actions can include campaigns for justice or equity in supply chains around the world or campaigns to limit operating conditions.

International measures have been put in place to exert pressure across borders through numerous codes of conduct in particular. Codes of conduct to which companies may or may not agree to meet labour standards and throughout the supply chain to raise minimum standards. Moreover, it is NGOs that have established these codes of conduct, such as the ETI Ethical Trading Initiative.

²⁵¹ Barnard, C. (2012) *EU Employment Law*, Oxford: Oxford University Press.

²⁵² *supra* note 249

²⁵³ *id.*

²⁵⁴ UN Women 2015

The ETI Code of Conduct is based on ILO conventions and is considered a global benchmark widely used for conducting social audits and developing supply chain action plans. But the ETI is not the only one, there was also the Clean Clothes Campaign. The Clean Clothes Campaign is one of the largest alliances of labour unions in the garment industry that focuses on improving working conditions in the garment industries, an industry again over-represented by women. But again, this type of measure is voluntary and often companies, especially the larger ones see them as a brake on their production, so it is unlikely that the voluntary action of companies is sufficient to make a difference in terms of standards at the companies. national and international levels.²⁵⁵

At the local and national level now. As we saw in the bargaining section above, campaigns by unions or community action groups are a major source of pressure on labour codes in more and more countries. Some local actions targeting remuneration or salary coverage have made it possible to put pressure on local politicians, as in the example of Justice for Janitors which is an organization launched in the 90s which fights for the rights of janitors in the USA and Canada in response to low wages and minimal health coverage.²⁵⁶ In addition to politicians, these measures attract the media and raise awareness of specific issues. Even in developing countries trade unions are increasingly present, which will allow new forms of organization at work and more inclusive protection. But this optimistic view has been turned upside down by the COVID-19 pandemic.

A study showed that when access to care depended on employment status there was a higher proportion of mothers working full time in the US even though there was a lack of childcare subsidies. Comprehensive health care benefits would then allow women to be more present in the labour market in full-time jobs, which is why the issue of social and health coverage is very important to consider.²⁵⁷

The problem is that there are many working arrangements and many social protection schemes, so not all combinations can be adopted. There are therefore many practices to improve gender equality in the labour market indirectly. First, we need to improve unpaid care in terms of social protection in the employment status. Secondly to improve the social protection of NSFEs, thirdly to take into account all the units of an individual and his work to establish adequate social protection. And fourthly, to assist with the expenses of the children as a kind of board, for the consumption of the latter but also their caretakers.²⁵⁸

²⁵⁵ supra note 249

²⁵⁶ Luce S. (2014) 'Living wages, minimum wages and low-wage workers' in *What Works for Workers? Public Policies and Innovative Strategies for Low-Wage Workers* edited by S. Luce, J. Luff, J. McCartin and R. Milkman New York: Russell Sage Foundation pp215-244.

²⁵⁷ Muzio, D. and Tomlinson, J. (2012) 'Researching Gender, Inclusion and Diversity in Contemporary Professions and Professional Organizations', *Gender, Work and Organization*. 19, 5, 455-465.

²⁵⁸ supra note 248

As this analysis progresses, I feel that the list of everything that needs to be done to achieve full equality in the labour market is only getting longer. It then seems difficult to achieve it ...

ii. EFFECTS OF BUREAUCRATIC REFORMS

Now let's talk about the role and effects of bureaucratic personnel reforms on diversity. First, we will talk about initiatives that have committed managers to promote diversity, such as special recruitment or training programs. And in a second step, we will analyze the monitoring carried out by managers but also by diversity managers.

Scholars of labour market organization since Weber, a famous 20th-century economist and sociologist, have argued that formal systems in the bureaucracy can prevent discrimination. We will therefore base ourselves on many theories to confirm this hypothesis. But before that, we need to define what bureaucracy is according to Max Weber. According to him, bureaucracy is a form of work organization, a public administration whose action is framed by law. Still according to him, this bureaucracy is made up of civil servants who are agents, who are recruited by examinations, work in a specialized sector and must obey a strict hierarchy.

It was in the 1960s that special recruitment and training programs were popularized. These programs required the management of companies to take positive action to achieve a degree of equality of opportunity between genders.²⁵⁹

Recruitment, whether monthly or annually, in some companies is part of the bureaucratic personnel toolbox and has been for many years. And this recruiting system has changed a lot over the years. Today some companies like General Mills have set up formal recruitment programs for women but also for minorities. Or Mark Zuckerberg, CEO of Facebook one of the "Big Five", visits the Stanford campus and its computer classes every year to encourage women to apply.²⁶⁰

The second essential tool in the bureaucratic toolbox is training. Again, many companies around the world have added training programs and women, as well as minorities, participate regularly. These programs would even engage managers and managers in diversity efforts and encourage them to appoint women, women who would later become instructors of training modules in turn. These programs would then increase support for diversity and greater gender equality as it will allow women to be visible throughout the bureaucratic chain, i.e., during recruitment, nomination and training.²⁶¹

²⁵⁹ Gordon 2000

²⁶⁰ *Rage against the Iron Cage: The Varied Effects of Bureaucratic Personnel Reforms on Diversity* Frank Dobbin, Daniel Schrage, and Alexandra Kalev, 2015

²⁶¹ *id.*

Now let's move on to the part on control and managerial discretion. At this level, many tools exist, such as performance evaluations or job tests, but are far from effective.

Job tests are, as their names suggest, a defined recruitment test that uses specific assessment techniques and aims to measure the ability of candidates for a specific position. These tests have been popularized for both internal and external candidates and ensure that managers select employees according to their abilities and skills and not according to their gender. These job tests have become a weapon against discrimination, but a weapon that still has its limits.²⁶²

One of its limitations, for example, is the fact that hiring managers are not sufficiently controlled and use these job tests selectively.

As for performance evaluations, these also have negative effects. These assessments include several things, in a broader sense they assess sales and production scores but in a more limited scope, they assess the effectiveness of workers, leadership but also teamwork. Problem: managers would rebel against these performance ratings. In many companies, compensation is linked to objectives and performance, and it has been proven that managers interpret these scores more than subjectively to pay more to their friends, the famous "boy's club".²⁶³ This can be an unconscious bias you would tell me, and you are right but unfortunately, many studies have proven the contrary; managers would deliberately bypass these rating systems and favour particular groups.²⁶⁴

These limits are the reason for the increased surveillance that we can see in more and more companies. Indeed, companies are hiring more and more equality consultants who will advise them full-time on the practices to adopt to promote more gender equality. All this by following the law and the recommendations of governments.²⁶⁵ Numerous studies have shown a phenomenon that results from this monitoring and which is positive. According to these researchers, a theory of responsibility has emerged, this theory suggests that when individuals know that they will be asked to account for each of their decisions, they remove the bias.²⁶⁶

²⁶² Stryker, Docka-Filipek et Wald, *Employment Discrimination Law and Industrial Psychology: Social Science as Social Authority and the Co-Production of Law and Science*, 2012

²⁶³ Shwed et Kalev, *Are referrals more productive or more likeable? Social networks and the evaluation of merit*, 2014

²⁶⁴ Roscigno, *Age Discrimination, Social Closure and Employment*, 2007

²⁶⁵ supra note 260

²⁶⁶ Tetlock et Lerner, *Accounting for The Effects of Accountability*, 1999

This would have arisen out of fear of evaluation or that decisions would be reviewed. This would reduce prejudices when hiring, for example. ²⁶⁷ These managers of gender diversity and equal opportunities have therefore gained ground and would have improved diversity within companies by activating certain accountability.

According to them, their main task is simply to question the decisions of the management of the company and therefore of the hierarchy. ²⁶⁸

iii. WORK ENVIRONNEMENT

In this last subsection, we will then summarize but also add many practices that companies can undertake to improve gender equality in the labour market. As for what we have already mentioned, there is of course the implementation of fair compensation practices that should also be complemented with certain transparency and fairness.

Companies can also work for a more gender-inclusive work environment by creating a permanent environment. Through mentoring and sponsorship schemes or training programs. ²⁶⁹ But also by highlighting those who are successful and therefore creating opportunities for women to be recognized and rewarded in the workplace. ²⁷⁰ There are also networking opportunities that allow women to gain confidence and knowledge to stimulate their career development. Market research has found a positive link between satisfaction with workplace flexibility and the intention to remain among women leaders, ²⁷¹ therefore, promoting flexible working arrangements is imperative for the company. Such as, for example, accelerated programs to re-engage women who have temporarily suspended their careers in the event of maternity. All of these things have already been more or less covered, now let's see what companies can do to promote equality.

²⁶⁷ Kruglanski et Freund, *The freezing and unfreezing of lay-inferences: Effects on impressional primacy, ethnic stereotyping, and numerical anchoring*, 1983

²⁶⁸ Hirsh et Kmec, *Human Resource Structures: Reducing Discrimination or Raising Rights Awareness*, 2009

²⁶⁹ Cindy White, *How to Promote Gender Equality in the Workplace*, CHRON. (Mar. 17, 2016, updated Aug. 8, 2018), <http://work.chron.com/promote-gender-equality-workplace-10258.html> [https://perma.cc/S3FZ-R7BK].

²⁷⁰ Xuan Minh Hoang, *4 Ways to Promote Gender Equality in the Workplace*, UNDER COVER RECRUITER: EMPLOYER (2015), <https://theundercoverrecruiter.com/gender-equality-workplace/> [https://perma.cc/7X48-2JYV].

²⁷¹ *supra* note 269

Companies need to write better job descriptions by removing gender biases from them. According to a study, men apply for a job if they are qualified at 60%, while women apply for a job when they are 100% qualified. But how to do it? It would suffice to write performance descriptions that focused on what the person hired would be responsible for accomplishing rather than writing down a whole list of qualifications. Recruiters should also avoid gendered language in these advertisements.²⁷²

Another idea would be to proactively seek out a diverse pipeline between genders. That is, create a sort of search line for qualified candidates in under-represented groups. Even if it requires thought, additional steps and time, it will allow diverse talents to all ranks of the hierarchy.

As we have said several times, training is essential from all points of view, which is why companies should give their teams access to training on unconscious prejudices or prejudices themselves. Because these prejudices are present in all of us, they constitute an obstacle to diversity and gender equality and overcoming this obstacle would be a game-changer.²⁷³

Companies also need to establish a diverse interviewing group to make underrepresented groups feel more comfortable and less alienated. One more important thing that companies should put in place is what is called exit interviews. These interviews would then allow companies to understand why individuals sometimes choose to leave, which would then be useful in improving the hiring and retention of employees. For example, if a company learns that women are less satisfied with their pay than men's and therefore decide to leave, the company will know how to improve and adapt the compensation strategy.²⁷⁴

Some companies have even committed to obtaining EDGE (Economic Dividends for Gender Equality) certification to accelerate the progression of women to positions of responsibility. This certification helps companies to implement solutions aimed at improving the representation of women on boards by evaluating the policies and practices of the company and by identifying the gaps of the same company in terms of equal pay, recruitment, training, etc.

²⁷² *How to Improve Gender Diversity in the Workplace*, Lever, May 2018 (Lever is a software company based in the United States of California, which provides an applicant tracking system for hiring. It was founded in 2012)

²⁷³ *id.*

²⁷⁴ *id.*

Some multinationals are committed to obtaining this certification to reach a greater proportion of women on their boards.²⁷⁵

V. CONCLUSION

Achieving gender equality in the workplace continues to pose a challenge for institutions and society as a whole. Now that we have covered a lot of points about gender inequalities in the labour market. We can conclude that even if there is still some way to go, all the public or private actors in society, which we have stated, will be those who will be able to free society from this burden. The education of a large number of children from an early age would allow for a less gendered society and thus allow the removal of barriers to the equal participation of men and women in the labour market.

In addition, we have seen together with the different developments of women in the labour market, in particular the place of women in the Boards of companies listed on the stock exchange. Overall, data relating to the representation of women on the board of directors and the performance of companies has strengthened in recent years. Numerous studies have shown that women contribute to boards and therefore to companies in many ways, which allows companies to benefit from increased profitability and better financial metrics. We are now sure that women are an asset in the world of work. Unfortunately, this asset is not perceived in the same way across different countries of the world. This is the case in the Arab world for example, where there is still a lot to do, starting with a change of mentality.

Another negative point is the current Covid-19 pandemic, which has set back gender equality by several years, by putting women in a stereotypical box: that of the housewife in the service of children. This is why to improve this situation there are many things to do, whether on a larger scale and therefore the role of governments and the international community as a whole with laws or quotas. Or on a smaller scale, i.e. at the level of companies that can put simpler things in places such as equal pay or transparency. For all these agents, it would be a question of establishing an inclusive labour market as well as a gender-neutral working environment.

The road is long but the goal is worth it.

²⁷⁵ The Global Business Certification for Gender Equality, (2015). *Software giant SAP SE joins SheWorks and Commits to Obtaining EDGE Certification*. <http://www.edge-cert.org/software-giant-sap-se-joins-sheworks-and-commits-to-obtaining-edge-certification/> [Accessed 8 Apr. 2015].