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**The Gender Pay Gap and the Glass Ceiling
Phenomena: A Comparative Analysis of the
Legislations of Iceland, Italy and the Russian
Federation.**

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“Abbiate sempre un sogno più
grande di voi e una
determinazione ancor più
grande a farlo realizzare”.
-Annamaria Fanucchi

TABLE OF CONTENTS

INTRODUCTION	7
CHAPTER ONE: THE CONCEPT OF GENDER PAY GAP AND GLASS CEILING WITHIN DIFFERENT CONTEXTS	9
1.1. Different Types of Gender Gap	10
1.1.1. Definition of Gender Pay Gap	12
1.1.2. Influences on the Existence of the Gender Pay Gap	14
1.2. Gender-based Occupational Segregation	16
1.2.1. Definition of Glass Ceiling	17
1.2.2. Why Is It Important to Break the Glass Ceiling?	19
1.3. The Socioeconomic Context	22
1.3.1. Working Time	22
1.3.2. The Public Sector VS the Private Sector	24
1.3.3. Underrepresentation of Women in the Highest-Paid Jobs	25
1.3.4. Maternity, Paternity and Parental Leave	26
1.3.5. Collective Pay Agreement	29
1.4. The Sociocultural Context	30
1.4.1. Stereotypes and Gender Roles	30
1.4.2. Education	32
1.4.3. Is there a Linguistic Problem?	34
CHAPTER TWO: THE ROLE OF DIFFERENT INSTITUTIONS	37
1.1. Legal Actions Taken by the Most Important Institutions	37
1.1.1. The Fundamental Role of the United Nations Organization (UN)	38
1.1.2. The International Labour Organization (ILO)	41
1.1.3. The Role of the European Union (EU)	43
1.2. The United Nations Organization (UN)	49
1.2.1. Universal Declaration of Human Rights and the Role of the Office of the United Nations High Commissioner for Human Rights (OHCHR)	50
1.2.2. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	52
1.2.3. UN Women	54
1.2.4. United Nations Commission on the Status of Women	56
1.2.5. Organization for Economic Co-operation and Development (OECD) and United Nations for Educational, Scientific and Cultural Organization (UNESCO)	57
1.2.6. The Beijing Declaration	58

1.2.7.	Equal Pay International Coalition (EPIC)	60
1.3.	Actions Taken by the ILO Regarding the Issue of Gender Equality	61
1.3.1.	The Equal Remuneration Convention and Recommendation (No. 100)	62
1.3.2.	The Discrimination (Employment and Occupation) Convention and Recommendation (No. 111)	64
1.3.3.	ILO Declaration on Fundamental Principles and Rights at Work	66
1.4.	Legal Actions Implemented by the European Union	67
1.4.1.	The Treaty of Lisbon	69
1.4.2.	The Charter of Fundamental Rights of the European Union	70
1.4.3.	Soft Law	72
1.5.	Actions Taken by Third Parties	76
1.5.1.	The World Economic Forum (WEF)	76
1.5.2.	The Role of other NGOs	78
 CHAPTER THREE: A COMPARATIVE ANALYSIS OF THE NATIONAL ACTIONS IMPLEMENTED BY THREE DIFFERENT COUNTRIES: ICELAND, ITALY AND THE RUSSIAN FEDERATION		 81
1.1.	The Iceland Situation	82
1.1.1.	Why Did Iceland almost Manage to Fill the Gap?	83
1.1.2.	Act on Equal Status and Equal Rights of Women and Men No. 10/2008	85
1.2.	The Italian Situation	90
1.2.1.	The Constitution of the Italian Republic	91
1.2.2.	The Code of Equal Opportunities between Men and Women (Legislative Decree No. 198/2006)	95
1.2.3.	The Golfo-Mosca Law (Law no. 120/2011)	97
1.3.	The Situation in a non-EU Country: the Russian Federation	99
1.3.1.	The Constitution of the Russian Federation	103
1.3.2.	The Labour Code of the Russian Federation	107
 CONCLUSIONS		 109
RIASSUNTO		113
BIBLIOGRAPHY		119

Introduction

Equality between men and women is a fundamental principle of every legal system, recognised in state Constitutions, in national legislations but also in the provisions of several organisations. In recent decades, there has been a progressive, albeit slow, presence of women in various spheres, such as family, social and labour. The changing role of females in the economy and society has had repercussions in individual choices, regarding education, work and career, but also in business decisions-making, leading legislation to protect women more in this area. Despite this continuous improvement, the role of women in leadership positions and the economic gaps between men and women appear persistent and tough to remove.

This thesis sets out to analyse the two phenomena that amplify gender inequality, particularly the gender pay gap - the difference in pay between women and men, and the metaphor of the glass ceiling, which is represented by all those barriers that prevent women from accessing top positions and participating in decision-making processes.

The first chapter of this dissertation offers a general overview of both phenomena, explaining the concept, the influences in the socio-economic and socio-cultural context, and the problems women face in various spheres, from education, to family, to the employment sector. In addition, the cultural context, which is a key factor in the analysis of gender culture, will also be explored. It indeed plays a fundamental role in women's and men's choices in the division of domestic work and, consequently, in the choice of the type of work and employment contract.

The second chapter deals with the study of binding and non-binding measures promoted by the most important international, national and regional institutions, such as the United Nations, the International Labour Organization, and the European Union but also by third parties and NGOs, such as the World Economic Forum. Initially, the focus will concentrate on the structure of these organisations, to determine how they can contribute to overcoming the gender pay gap and breaking the glass ceiling. The attention will then shift to the individual organisation and the measures it has implemented to promote the role of women in achieving full equality.

The third, and final, chapter concentrates on the national legislations of the three countries covered in this dissertation in order to examine how both phenomena can be handled according to the measures provided for in the different Constitutions and laws, and in the different cultural contexts.

The first part of the chapter is dedicated to Iceland, the nation that for years has occupied the first position in the gender pay gap survey provided by the World Economic Forum. Through the analysis of its Constitution and legislations, an attempt was made to investigate why the Icelandic government has managed to close almost completely the gender gap.

The second part concerns Italian national laws. Here, will be reviewed several articles relating to gender discrimination within our Constitution, the Equal Opportunities Code and the 'Golfo-Mosca law', a legal instrument that introduced a regulatory requirement for positions for the under-represented gender on the management and supervisory boards of listed and controlled companies.

Finally, the third and last chapter will analyse the issue of gender inequality in a non-European country: the Russian Federation. It will be first examined the historical background of this nation, to understand the cultural thoughts of the Russian people, and then the study will move on to the articles of the Constitution of the Russian Federation, amended in 2020 by President Vladimir Vladimirovič Putin, and the Labour Code with the latest adjustments introduced in 2007.

As it will be demonstrated, the obstacles to women's entry into the labour market and career advancement are often numerous and insurmountable. Achieving gender equality requires making full use of the talents and skills of both men and women, so as to build an equal society that can provide everyone, girls and boys, men and women, with the same opportunities. Indeed,

“Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace¹”.

¹ *Report of the Fourth World Conference on Women (Beijing, 4-15 September 1995)*. (1995). Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI). United Nations. [Online]. Available at <https://www.un.org/womenwatch/osagi/fpexcerpts.htm#:~:text=Beijing%20Declaration&text=Women's%20empowerment%20and%20their%20full,of%20equality%2C%20development%20and%20peace>. [Accessed on 30 May 2022].

Chapter 1

The Concepts of *Gender Pay Gap* and *Glass Ceiling* within Different Contexts

The main aim of this chapter is to provide a general overview of the worldwide phenomena of the *Gender Pay Gap* and *Glass Ceiling* in the socioeconomic and sociocultural contexts. Firstly, this section will focus on the concept, the different types, and the influences on the existence of the gender pay gap. Secondly, the chapter will illustrate the metaphor of the glass ceiling, explaining its meaning and focusing on how women feel this condition. Subsequently, different aspects that women have to face in the socioeconomic context will be taken into consideration, in particular: the working time, the difference between the private and the public sector, the underrepresentation of women in senior organizational roles, the maternity, paternity and parental leave and the collective bargaining agreements. Finally, the last part of this first chapter will tackle as clearly as possible the sociocultural context, emphasizing the role of stereotypes and gender bias, and the linguistic and educational issues.

Globally, women do not have the same possibilities as men to enter the labour market. Moreover, they meet with difficulties to get promotions or to hold important and high-paid positions. Trying to close the gender pay gap and to overcome the phenomenon of the glass ceiling will help to eliminate gender inequalities, can reduce the level of poverty, increase women's earnings but, most of all, will give the same possibilities to all world's talents, girls and boys, women and men, to have and create a better future for everyone. As the Vice-President of the European Commission, responsible for Justice, Fundamental Rights and Citizenship from 2010 to 2014 Viviane Reding remembered:

“Getting more women into the labour market and in top jobs makes good sense for our economies and our businesses. In times of demographic change, tapping the full potential of women in the workforce will pay off more than ever. Women mean business²”.

² Di Sarcina, F. *Cultura di genere e politiche di pari opportunità. Il gender mainstreaming alla prova tra UE e Mediterraneo*. Pag. 9. (2014). Bologna: il Mulino.

1.1 Different Types of Gender Gap

Sixteen years ago, in 2006, the World Economic Forum, an international organization for public – private cooperation established in 1971, introduced for the first time the Global Gender Gap Index to benchmark progress towards gender parity³. This index compares today 156 countries' gender gaps, taking into consideration four dimensions: economic participation and opportunities, educational attainment, health and survival, and political empowerment.

The Economic Participation and Opportunity subindex is divided into three concepts: the participation gap, which sheds light on the difference between men and women in the labour force participation rate; the remuneration gap, and the advancement gap. Only 58.3% of this gap has been closed and it remains the second-largest gap of this index. Globally, 80% of men aged 15-64 is involved in the labour force versus 52.6% of women of the same age. This means that 30% of the total global labour force participation gender gap has yet to be closed. In the last year's report, the best performers were Lao PDR (91.5%) and Iceland (84.6%). The World Economic Forum estimates that it will take 267.6 years to close this gap at this current pace.

The Educational Attainment refers to the gap between girls' and boys' access in primary-, secondary- and tertiary level education and it represents the smallest global gender gap. Countries have globally achieved 99.5% of gender parity. Russian Federation is once again one of the top countries that have totally achieved full parity on this subindex.

The third index, Health and Survival, concentrates on the health of both sexes through two indicators: the sex ratio at birth and the life expectancy. It is the most uniform progress across the 156 countries, and it remains unchanged from 2020's report with 96%.

The last subindex, and the widest one, is the Political Empowerment. It measures the gap at the highest level of political decision-making, considering the ratio between women and men in ministerial and parliamentary positions. Only 26.1% of parliamentary seats are held by women, a progress compared to the 25% of 2020, and only 22.6% of the 3,400 ministers worldwide is represented by the

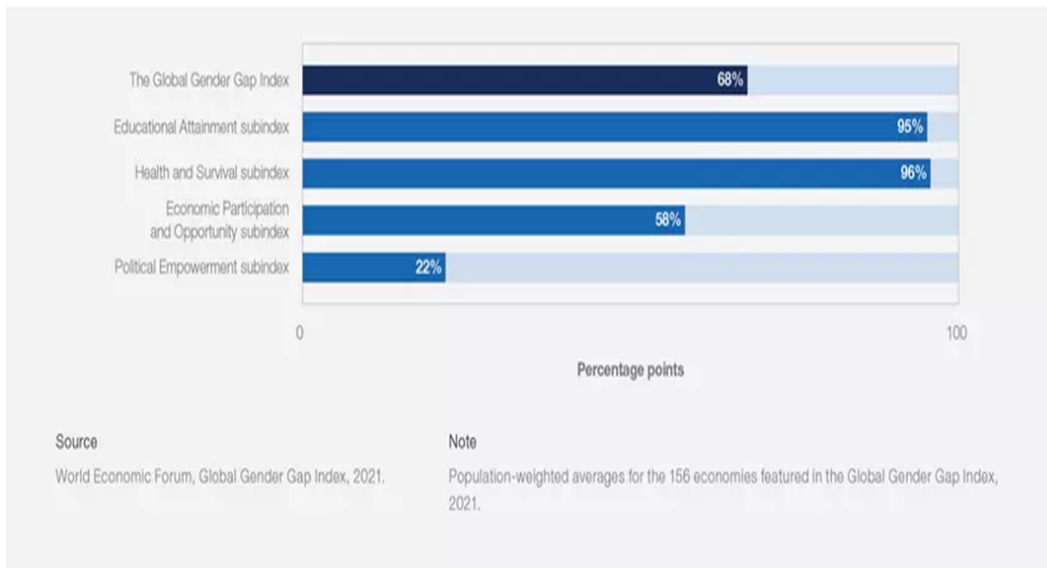
³ *Global Gender Gap Report Insight Report*, p. 8. (March 2021). World Economic Forum. [Online]. Available at http://www3.weforum.org/docs/WEF_GGGR_2021.pdf [Accessed on 8th June 2021]. Henceforth all the information of this subchapter is taken from this report.

female sex, in contrast with 21% of the 3,343 ministers registered last year. Moreover, two of the 156 countries covered by this year's report, Vanuatu and Papua New Guinea, have never had a woman in parliament, whereas nine countries (Armenia, Azerbaijan, Brunei Darussalam, Papua New Guinea, Saudi Arabia, Thailand, Viet Nam and Yemen) have never experienced female ministers. Furthermore, in 81 countries out of 156 covered by this report there has never been a woman in charge, including also emerging and advanced economies such as Italy, Spain, Japan, and the Russian Federation. On the other hand, it is fundamental to also stress the positive trend of some countries, as for example Estonia, where both the offices of the Prime Minister and the President are covered by women: Kaja Kallas and Kersti Kaljulaid; Germany, with the most lasting consecutive term head of State Angela Merkel, who covered this role for 15 years; and Swiss, which holds the record with five female head of states and government. Unfortunately, the Political Empowerment index also registers the worst regression among the gender gaps compared to 2020 (22% in 2021 versus 25% in the report of 2020).

In conclusion, the score of last year's Global Gender Gap is 67.7%, which means that the remaining gap to close stands at 32.3%. It registered a negative trend in comparison with the 2020's report. The World Economic Forum estimates that, at this current pace, it will take 135.6 years to bridge the gender gap worldwide⁴.

⁴ D'Ascenzio, M. *Gender Gap, l'Italia scende al 63° posto ma resta tra i peggiori in Europa*. (March 2021). Il sole 24 ore. [Online]. Available at <https://www.ilsole24ore.com/art/gender-gap-l-italia-sale-63-posto-ma-resta-i-peggiori-europa-ADyXOCUB> [Accessed 2nd May 2021].

FIGURE 1.2 The state of gender gaps, by subindex
Percentage of the gender gap closed to date, 2021



5

1.1.1 Definition of Gender Pay Gap

As the International Labour Organization (ILO) Director-General Guy Ryder wrote in the preface of the ILO’s Global Wage Report 2018/2019:

“The gender pay gap represents one of today’s greatest manifestations of social injustice⁶”.

The gender pay gap is a broader measure of gender inequality and it represents the difference in pay between women and men wage employees at a specific point in time⁷, based on the average difference in gross hourly earnings⁸. This means that the gender wage gap is said to be 25% if the women’s pay is 75% of men. It is also known as “unadjusted” gender pay gap as it does not take into consideration several

⁵ *Global Gender Gap Report 2021*. (March 2021). International Labour Organization (ILO). [Online]. Available at <https://www.weforum.org/reports/global-gender-gap-report-2021/in-full/gggr2-benchmarking-gender-gaps-findings-from-the-global-gender-gap-index-2021> [Accessed on 15 July 2021].

⁶ *Global Wage Report 2018/19: What lies behind gender pay gaps*. Pag. 6. (2018). International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf [Accessed 5 April 2021].

⁷ *Ibidem*, pag. 21.

⁸ *Tackling the gender pay gap in the European Union*. Pag. 4. (2013). European Union. [Online]. Available at https://www.dag.mef.gov.it/dipartimento/comitato_commissioni/cug/documenti/CommEU_tackling-the-gender-pay-gap_dic2013.pdf [Accessed on 17th April 2021].

factors, such as the difference in education, the labour market experience or the type of job⁹. This huge difference in women's and men's pay must be placed in a context of other inequalities that exist between the two sexes, such as working time, under-representation of women in the highest-income economies, maternity, paternity and parental leave, restricted access to paid employment, unequal division of tasks in the household...

It is now also important to highlight that the pay gap differs from equal pay. On one hand, as written before, the gender pay gap is an indicator of the difference in the average earnings of women and men across an organisation, a business sector, an entire industry, or the economy. On the other, equal pay refers to a legal requirement that male and female staff members, who are engaged in equal or similar work or work of equal value, must receive. Moreover, equal pay is one of the founding principles of the EU enshrined in the Treaty on the Functioning of the European Union (TFUE), Article 157 (ex-Article 141 of the Treaty establishing the European Community – TEC)¹⁰. Furthermore, since 1996 the Equal Pay Day has been celebrated. This celebration started by the National Committee on Pay Equity (NCPE) with the goal of raising awareness about the gender wage gap and the working condition of women. In 2020, the International Equal Pay Day was celebrated in the EU in November 10. According to the National Committee on Pay Equity:

“This date symbolizes how far into the year women must work to earn what men earned in the previous year¹¹”.

In other words, it emphasizes the negative trends that women earn two months of salary less than their male colleagues.

⁹ *Gender statistics*. (2021). Eurostat Statistic Explained. [Online]. Available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_statistics#Labour_market [Accessed on 15 July 2021].

¹⁰ *EUR-Lex Access to the European Legislation*. (June 2016). Official Journal of the European Union C 202/117. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016E157&from=IT> [Accessed on 28th June 2021].

¹¹ Cianciolo, B. *Women still earn less than men. 6 leaders explain what's needed to close the gap*. (March 2022). CNN Business. [Online]. Available at <https://edition.cnn.com/interactive/2022/03/business/perspectives/closing-the-gender-pay-gap/> [Accessed on 27 May 2022].

1.1.2 Influences on the Existence of the Gender Pay Gap

The reasons for the existence of the gender pay gap are several and different, and they are consequences not only of direct discrimination but also of various inequalities that women face in employment.

In the labour market, workers may meet with positive direct discrimination when the goal of the difference in treatment is to favour a group or a professional category with the purpose of overcoming the imbalance or the discrimination of it¹². An example of positive direct discrimination can be represented by the so called “*quote rosa*” in Italy: quotas are generally considered an instrument towards gender equality as they aim at rebalancing the presence of men and women in decision-making bodies by introducing a certain number of female representatives¹³.

On the other hand, the reverse direct discrimination is defined in Article 25, paragraph 1 of the Italian “*Codice delle pari opportunità tra uomo e donna*”¹⁴ as:

“Any procedure, act, pact or behaviour [...] that produces a prejudicial effect by discriminating against female workers or workers on the basis of their sex and the less favourable treatment than that of another female or male worker in a similar situation¹⁵”.

The Italian Code stresses on the difference between direct and indirect discrimination and it describes the latter as:

“Any procedure, act, pact or behaviour that could seem neutral and that can put workers of a specific sex in an unpleasant and disadvantage situation than the workers of the other sex, except for essential requirements for carrying out the working activity, provided that the aim is legitimate, and the means used are appropriate and necessary¹⁶”.

Essentially, when the employer acts in a way that may have a negative and statistically relevant impact on workers than on employees of different age, sex,

¹² Salvatore, V. *I principi di uguaglianza e di non discriminazione. Una prospettiva di diritto comparato*. Pag. 63. (January 2021). Parlamento europeo. [Online]. Available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/679060/EPRS_STU\(2021\)679060_IT.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/679060/EPRS_STU(2021)679060_IT.pdf) [Accessed on 27 June 2021].

¹³ *Quote rosa*. Enciclopedia Treccani. [Online]. Available at <https://www.treccani.it/enciclopedia/quote-rosa/> [Accessed on 26 June 2021].

¹⁴ “*Code of Equal Opportunities between Men and Women*”, personal translation.

¹⁵ *Codice delle pari opportunità*. (2021). Redazione Altalex. [Online]. Available at <https://www.altalex.com/documents/news/2012/09/18/codice-delle-pari-opportunita-tra-uomo-e-donna-libro-iii#libro3> [Accessed on 26 June 2021].

¹⁶ Del Punta, R. (2019). *Diritto del lavoro*. Pag. 616. Milano: Giuffrè Francis Lefebvre.

culture, religion, type of contract (for example on part-time workers, if the majority of them are women), then these behaviours are considered discriminatory. Both these types of discrimination are prohibited under EU legislations, but are, unfortunately, still present.

One another reason of inequality is the distribution of hours of unpaid work in the household: more women than men often accept part-time bargaining to combine family responsibilities and housework with paid jobs. All these commissions weigh on women shoulders and have a negative impact on their labour market participation. It seems clear that women feel obliged to be content with part-time, home-based, or low-paid jobs. The Declaration on Equality of Opportunity and Treatment for Women Workers (1975) acknowledges that the status of women worldwide “can be approached and solved only within the same general framework of economic and social development as those of men¹⁷”. This can occur only by modifying men’s role in society and family, giving them the chance to spend more time at home and on other family’s activities.

Gender roles and traditions represent one of the most important influences on gender inequalities. There is evidence on the fact that in our society still exist “feminine” works, such as nurses, teachers, caregiver, shop assistants, and “masculine” careers, such as engineers, doctors, professors, mechanics... Related to this, a large number of women usually choose humanistic faculties at university, whereas men prefer the STEM fields (science, technology, economics and mathematics), which will give them more opportunities to find a more rewarding job. Due to this, it seems obvious that women, even in the top positions, earn less than their male counterparts because they are involved in less-paid jobs.

Another aspect that must be taken into consideration is related to childcare policies. Childbirth often leads women to leave work or to switch from a full-time job to a part-time one¹⁸, increasing the inequality between women and men. Women are the ones who change their life in order to be present both in the labour context and in the family, whereas men’s work situation remains largely

¹⁷*Official Bulletin, 58 (A)*. Pag. 3. (1975). International Labour Organization (ILO). [Online]. Available at [https://www.ilo.org/public/libdoc/ilo/P/09604/09604\(1975-58-series-A\)96-100.pdf#page=2](https://www.ilo.org/public/libdoc/ilo/P/09604/09604(1975-58-series-A)96-100.pdf#page=2) [Accessed on 4 July 2021].

¹⁸ Cameron, G. *New research highlights the impact of part time work on the gender pay gap*. CORAM Family and Childcare. [Online]. Available at <https://www.familyandchildcaretrust.org/new-research-highlights-impact-part-time-work-gender-pay-gap> [Accessed on 4th December 2021].

unchanged. Moreover, parents have to face with the insistence, inadequacy or the elevate cost of family services¹⁹, which might avoid the trade-off of women's careers and children. One solution could be investing more public resources in the construction of kindergartens, also in the workplaces, so that women can have the possibility to maintain their jobs and be mothers at the same time, without having to choose between career and family.

In conclusion, the factors that most influence the gender pay gap can be divided into three categories:

1. Personal characteristic, such as sex, age, education level, work experiences, number of children.
2. Characteristics related to the work environment: type of employment contract, full-time or part-time job, sector, company size...
3. Institutional factors, such as school and vocational training, collective bargaining of wages, parental leave policies, assistance to children and the elderly, current legislation, force participation rate employment, employment and unemployment rates.

1.2 Gender-based Occupational Segregation

The inequality in treatment between women and men in the labour context is defined as “gender-based occupational segregation²⁰”. This phrase sheds light on the difference between the two sexes, distinction that can be translated into a real discrimination, especially against the feminine world.

Researchers identify two types of gender-based occupational segregation: horizontal and vertical²¹. The first one refers to the concentration of women in restricted sectors and professions that are characterized by lower salaries, lower

¹⁹ Tortuga. *Asili nido e mercato del lavoro femminile. (Ri)partire da qui.* (July 2020). Welforum.it. [Online]. Available at <https://welforum.it/asili-nido-e-partecipazione-femminile-al-mercato-del-lavoro/> [Accessed on 5 December 2021].

²⁰ Das, S., Kotikula, A. *Gender-based employment segregation: understanding causes and policy interventions.* (2018). World Bank, Washington, DC. License: Creative Commons Attribution CC BY 3.0 IGO. [Online]. Available at <https://documents1.worldbank.org/curated/en/483621554129720460/pdf/Gender-Based-Employment-Segregation-Understanding-Causes-and-Policy-Interventions.pdf> [Accessed on 6 December 2021].

²¹ *Gender issues in safety and health at work — a review.* (2003). European Agency for Safety and Health at Work. [Online]. Available at <https://osha.europa.eu/it/themes/dangerous-substances/practical-tools-dangerous-substances/gender-issues-safety-and-health> [Accessed on 17 December 2021].

qualifications, and limited career prospects²², and the European Agency for Safety and Health at Work (EU-OSHA) also states that:

“...horizontal segregation is where the workforce of a specific industry or sector is mostly made up of one particular gender²³”;

the second one, better known with the expression “*glass ceiling*” indicates the concentration of women, or minorities, in the lower hierarchical positions, pointing out the difficulties in career advancement and in reaching the top level of power in organizations²⁴.

1.2.1 Definition of Glass Ceiling

“*Glass ceiling*” is a metaphor that describes the cultural – and not personal - barriers that women experience as they advance through organizational hierarchies²⁵. The glass ceiling trope could also be explained as the set of social, cultural, and psychological barriers, that prevent women from accessing top positions and being part of decision-making process²⁶, or, as the U.S. Department of Labour (1991) suggests, as

“[...] those artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into management-level positions²⁷”.

The term “glass ceiling” was coined by Marilyn Loden in 1978²⁸ in New York, during the Women’s Exposition, and then firstly used in the book “The Working

²² *Segregazione*. Enciclopedia Treccani. [Online]. Available at https://www.treccani.it/enciclopedia/segregazione_%28Dizionario-di-Economia-e-Finanza%29/ [Accessed on 26 June 2021].

²³ *Segregation*. (February 2017). European Foundation for the Improvement of Living and Working Conditions – Eurofound. EurWORK. [Online]. Available at <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/segregation> [Accessed on 17 December 2021].

²⁴ Di Sarcina, F. [Edited by Civitelli, S.]. (2014). *Cultura di genere e politiche di pari opportunità. Il gender mainstreaming alla prova tra UE e Mediterraneo*. Pag. 63. Bologna: il Mulino.

²⁵ Kulik, C. T. and Rae, B. *The Glass Ceiling in Organizations*. (October 2019). Oxford Research Encyclopedias. [Online]. Available at <https://oxfordre.com/business/view/10.1093/acrefore/9780190224851.001.0001/acrefore-9780190224851-e-41> [Accessed on 6 July 2021].

²⁶ Di Sarcina, F. (2014). *Cultura di genere e politiche di pari opportunità. Il gender mainstreaming alla prova tra UE e Mediterraneo*. Pag. 85. Bologna: il Mulino.

²⁷ Johnson Lewis, J. *The Glass Ceiling and Women’s History. An invisible Barriers to Success*. Pag. 2. (August 2019). ThoughtCo. [Online]. Available at <https://www.thoughtco.com/glass-ceiling-for-women-definition-3530823> [Accessed on 23 March 2021].

²⁸ *100 Women: “Why I invented the glass ceiling phrase”*. (December 2017). BBC. [Online]. Available at <https://www.bbc.com/news/world-42026266> [Accessed on 28 May 2021].

Woman Report” (1984) written by Gay Bryant, and in an article of the “Wall Street Journal” two years later²⁹, becoming part of the common language and vocabulary. There are occasional references to this metaphor in publications. The public speech of Hillary Clinton, the 67th U.S. Secretary of States, during the United States presidential election in 2016 against her opponent Donald Trump, is maybe one of the most famous and reported. In her after-election results speech, Hillary Clinton spoke for every woman and for every man, reflecting on the importance to break and get over these barriers that hamper women to have the same rights and opportunities than men with these words:

“[...] Now, I – I know – I know we have still not shattered that highest and hardest glass ceiling, but someday someone will and hopefully sooner than we might think right now. And to all the little girls who are watching this, never doubt that you are valuable and powerful and deserving of every chance and opportunity in the world to pursue and achieve your own dreams [...]”³⁰.

Moreover, the “glass” part of the metaphor suggests that these cultural and social barriers are usually invisible, so that people are not aware of their existence. In other words, it does not represent an explicit practice of discrimination. On the other side, it also suggests that this wall can be splintered or, better, broken, giving more opportunities for women – and especially women who follow - to participate in the decision-making process.

The reasons of the existence of this phenomenon are several but, as for the gender pay gap, there is evidence on the importance of three factors: educational segregation, stereotypes and gender roles, and lack of flexibility in organizations. The first cause, educational segregation, is maybe the most influencing. Education is the centre of fight against discrimination, and especially discrimination against women. In order to create a real gender equality, it is needed to strengthen gender relations and interchangeability between male and female roles through education. Educational segregation is strongly connected with stereotypes and gender roles. One of the main problems our world has to knock down is the low presence of women in the context of STEM studies. The majority of students enrolled in these

²⁹ Kulik, C. T. and Rae, B. *The Glass Ceiling in Organizations*. Pag. 2. (October 2019). Oxford Research Encyclopedias. [Online]. Available at

<https://oxfordre.com/business/view/10.1093/acrefore/9780190224851.001.0001/acrefore-9780190224851-e-41> [Accessed on 6 July 2021].

³⁰ *Hillary Clinton’s concession speech – full transcript*. (November 2016). The Guardian. [Online]. Available at <https://www.theguardian.com/us-news/2016/nov/09/hillary-clinton-concession-speech-full-transcript> [Accessed on 25 May 2021].

university faculties are men. In Italy, in the 2011-2012 period, only 31% of women were enrolled in technological faculties, and engineering reached its lowest point (20.4%)³¹. Furthermore, the choice of the scholar career influences women's access to the labour market and salaries. Indeed, the highest-paid jobs are those related to these subjects. This occurs because social influences, education and medias have imposed gender roles and stereotypes, influencing the course of life of every human being. One example is related to children's books that usually present imagines of women at home and men at work; or textbooks, where men are the protagonists of amazing adventures, whereas women are always in the background, often described as loving, patient, and attentive mums who care for children and wait for their husbands at home. Moreover, the lack of female models does not encourage girls to change the situation, so that they often feel as "strange", "inadequate" and "different" in a predominant male context, preferring to give up.

The last reason on the existence of the glass ceiling is the lack of support system and organizational flexibility that can help women to reconcile work with family commitments. On one hand, employers require workers' attendance in the working place; on the other, women need support to carry out the career without neglecting the family. Due to this absence, women feel obliged to give up, opt out and opt down their careers, creating a sense of personal dissatisfaction and an even bigger gender gap.

1.2.2 Why Is It Important to Break the Glass Ceiling?

Women make up half of the world's population, and half of the labour force. They face barriers throughout the workplace for all their life, receiving fewer opportunities than their male peers. Moreover, women have to work harder than men to show their full potential to reach the same roles as their male colleagues, and they are under-represented in senior roles, as for example in the academic context. In the Italian universities, women rectors are only 6 out of 84, but this is not the worst data: in Italy 12,303 are male professors, in comparison with a lower number of female ones, only 2,952³². Women are aware of the barriers that prevent

³¹ Di Sarcina, F. [Edited by Civitelli, S.]. (2014). *Cultura di genere e politiche di pari opportunità. Il gender mainstreaming alla prova tra UE e Mediterraneo*. Pag. 64. Bologna: il Mulino.

³² Ubbiali, G. *La faticosa carriera accademica delle donne in Italia*. (March 2021). Il sole 24 ore. [Online]. Available at <https://www.ilsole24ore.com/art/la-faticosa-carriera-accademica-donne-italia-AD1ESXOB> [Accessed on 15 July 2021].

them to high-ranking positions, and for this simple reason they do not even try to reach leadership roles. At the beginning, women have the same ambition as men, but before long they scale back their goals, shying away to apply to senior and highest-paid occupations³³.

The first important problem women have to face, as said before in this chapter, is prejudice. Chief executives tend to give promotions to men just because they focus on their job, whereas women are considered more mums and housewives than workers. It is common to think that women have less time to invest in their working career than men only because they have the desire to spend some time with their families, or because they take care of elderly or children. As a result, only 41 women – it means 8% - are CEOs in the world's 500 largest companies³⁴. It is interesting to note that only seven of them take part to the first 100 firms in the list. On the other hand, it is also useful to stress the positive trend of this year, as in 2017 there were only 32 female CEOs³⁵.

Another problem that women face is men's behaviour in the promotion of gender equality. Gender (in)equality concerns not only the female world, but also the male one. First, some men think that gender equality is a "women's issue", so that they do not consider it as a social dilemma. Furthermore, someone is convinced that gender inequality is related only to some individuals and not to the society as a whole, whereas others argue that it represents an issue only related to the working context, not understanding that certain behaviours born in the family and in the social frameworks increase this gap. Finally, someone is convinced that gender equality refers to a situation in which women can benefit at the expense of men³⁶. This vision is called the "zero-sum game", where women can obtain everything, diminishing at the same time the validity of men's work.

³³ Brands, R., Fernandez-Mateo, I. *Women Are Less Likely to Apply for Executive Roles If They've Been Rejected Before*. (February 2017). Harvard Business Review. [Online]. Available at <https://hbr.org/2017/02/women-are-less-likely-to-apply-for-executive-roles-if-theyve-been-rejected-before> [Accessed on 17 December 2021].

³⁴ Hinchliffe, E. *The female CEOs on this year's Fortune 500 just broke three all-time records*. (June 2021). Fortune 500. [Online]. Available at <https://fortune.com/2021/06/02/female-ceos-fortune-500-2021-women-ceo-list-roz-brewer-walgreens-karen-lynch-cvs-thasunda-brown-duckett-tiaa/> [Accessed on 24 June 2021].

³⁵ Zarya, V. *The Share of Female CEOs in the Fortune 500 Dropped by 25% in 2018*. (May 2018). Fortune 500. [Online]. Available at <https://fortune.com/2018/05/21/women-fortune-500-2018/> [Accessed on 17 December 2021].

³⁶ Ryder, G. *Iniziativa donne e lavoro: la spinta per l'uguaglianza*. (2018). International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/publication/wcms_745169.pdf [Accessed on 26 June 2021].

At this point it is important to consider that masculine privileges are the result of the patriarchy - a society controlled by men in which they use their power to their own advantage³⁷. This system has always favoured men, who have never been aware of this inequality just because they have always enjoyed privileges, not realizing that in the long run they were increasing the gap between the two sexes. In these societies without boys' and men's consent to realize women's importance and contribution, true gender equality and empowerment for women result impossible. The main problem remains that also in advanced societies boys' and men's roles are fundamental, and without their help the gender gap will always exist and will never be filled.

One of the most important goals that can be reached breaking the glass ceiling is that women, who hold an office or leadership positions, may create new working opportunities for other women and girls and may be able to promote a positive working environment for the whole organization.

Moreover, improvements in gender equality would lead to an additional 10.5 million jobs in 2050³⁸, which would benefit both women and men. New jobs occupied by women are particularly important as they can help to reduce poverty, from which women are generally affected because of lower employment and salary prospects. The empowerment of women and the achieving of gender equality would also boost economies and lead to higher levels of innovation, according to UN Women³⁹. For example, India has one of the lowest economic female participation rates in the world. The World Economic Forum estimated 27% grow if women were equally represented in the economy of the State⁴⁰.

In conclusion, gender equality is not only a fundamental human right, but it should also be a prerogative of every human being, girl or boy, woman or man. Deprive organizations of women's talents and energies penalizes everyone and this

³⁷ *Patriarchy*. Cambridge Dictionary. [Online]. Available at

<https://dictionary.cambridge.org/it/dizionario/inglese/patriarchy> [Accessed on 21 July 2021].

³⁸ *Economics and Financial Affairs. Economics Benefits on Gender Equality in the European Union*. European Institute for Gender Equality (EIGE). [Online]. Available at <https://eige.europa.eu/gender-mainstreaming/policy-areas/economic-and-financial-affairs/economic-benefits-gender-equality> [Accessed on 31 June 2021].

³⁹ McCarthy, J. *6 Reasons Gender Equality Is Crucial to Achieving the UN's Global Goals*. (March 2020). Global Citizen. [Online]. Available at <https://www.globalcitizen.org/en/content/women-sustainable-development-goals/?template=next> [Accessed on 27 June 2021].

⁴⁰ Ibidem.

can be avoided. It is necessary to start considering women not as “fragile subjects”, but as fundamental resources for our cultural, social and economic development.

1.3 The Socioeconomic Context

It seems now necessary to focus on precise contexts – the socioeconomic and sociocultural ones - when referring to gender pay gap and glass ceiling. In particular, this section will take into consideration the social and economic factors.

According to the Collins dictionary, the socioeconomic context refers to

“socioeconomic circumstances or developments that involve a combination of social and economic factors⁴¹”.

In this subchapter, five topics will be considered: the working time, the difference between the public sector and the private one, the underrepresentation of women in the highest-paid jobs, the maternity – paternity – and parental leave and the collective pay agreement.

1.3.1. Working Time

Gender inequality in the workplace represents a topical issue. The standard employment contract was, and still is, a full-time agreement signed by the employer and the employee, which states that the worker undertakes to work eight hours per day. Over the years, it has become clear that this type of pay agreement has disregarded women’s needs and has incremented the displacement of them to the labour market.

Part-time work was introduced and encouraged by governments as a form of flexible arrangement to increase gender equality between women and men in terms of career advancements and opportunities, and to promote the access of women to the marketplace. This type of contract is now widely used in a great number of countries. In Italy, the part-time employment contract was firstly introduced in 1984 by the law no. 863. It is similar to the full-time contract, but the main difference being the agreed working hours. Indeed, full-time requires 8 working hours per day and 40 hours per week, whereas part-time workers work less hours per week. Initially, the part-time was considered an important employment opportunity for those penalized worker categories in terms of job placement, as for

⁴¹ *Socio-economic*. Collins Dictionary [Online]. Available at <https://www.collinsdictionary.com/it/dizionario/inglese/socio-economic> [Accessed on 27 July 2021].

example women. On one hand, the goal was to protect the interest of the worker in the programmability of the working time; on the other it was to ensure a sufficient remuneration⁴². The reduction of working hours is commonly known as the horizontal part-time - when employees work for a shorter time per each day than the normal 8 hours; the vertical part-time - when the workers pursue their activity providing the alternation of full-time days and non-working days; or the mixed mode part-time - when a conjunction between these two types is present⁴³. Furthermore, it is possible to consider other diversifications of this type of contract: the substantial part-time, in which 21-34 hours per week are expected; the short part-time (20 hours per week); and the marginal part-time, with a contract of less than 15 hours per week⁴⁴.

Deciding to work part-time has benefits for children, parents and elderly: in this way women can maintain their career and professional identity - building their economic security - combining childcare, families and house responsibilities. If, on one hand, the part-time employment contract gives the chance to better balance work and life, and work and families duties, on the other these workers receive fewer opportunities to grow in their careers.

The reasons why people choose to conclude part-time employment contracts are several: the majority accept it to have the possibility to look after children and incapacitated adults (21.2%); some to combine education or training (10%); and others for an involuntary choice, it means that they were not able to find a full-time permanent job⁴⁵.

More women than men will continue to conclude part-time contracts because services sector – such as health, social work, education, hotels, restaurants... sectors where women are over-represented - is generally characterized by this type

⁴² Del Punta, R. (2019). *Diritto del lavoro*. Pag. 739. Milano: Giuffrè Francis Lefebvre.

⁴³ Proia, G. (2016). *Manuale di diritto del lavoro*. Pag. 149. Padova: Wolters Kluwer Italia CEDAM.

⁴⁴ *Non-standard employment around the world. Understanding challenges, shaping prospects*. Pag. 103. (2016). International Labour Office (ILO). Geneva – Switzerland. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf [Accessed on 25 July 2021].

⁴⁵ *Non-standard employment around the world. Understanding challenges, shaping prospects*. Pag. 101. (2016). International Labour Office (ILO). Geneva – Switzerland. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf [Accessed on 25 July 2021].

of employment contract⁴⁶.

To conclude, it is necessary to stress that part-time contracts can have strong repercussions on workers: it is true that they can represent a compromise for women for their responsibilities; but, at the same time, they prevent them to get access to credit and housing, to be independent, to get promotion at work, to experience career goal progress and professional development, to hold an office or to reach managerial positions.

1.3.2 The Public Sector VS the Private Sector

The general definition of public sector is “a portion of the economy composed of all levels of government and government-controlled enterprises⁴⁷”, in other words businesses and industries owned by the government, whose main goal is to serve the citizens, offering them services.

On the other, the private sector refers to “the part of the economy that is run by individuals and companies for profit and is not state controlled⁴⁸”. In free economies, the private sector makes up a big portion of the national economy, therefore it employs more workers than the public.

One persistent problem, mainly in the EU countries, is represented by the concentration of women and men in different sectors of the labour market. More women than men are employed in the public sector, such as in education, health and social work (30% of women compared to 8% of men), while significantly more men work in science, technology, engineering and mathematics fields (better known as STEM - 7% of female workers in comparison to 33% of men)⁴⁹, which consist in higher-paid jobs.

⁴⁶ *Non-standard employment around the world. Understanding challenges, shaping prospects*. Pag. 146. (2016). International Labour Office (ILO). Geneva – Switzerland. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf [Accessed on 25 July 2021].

⁴⁷ Wegrich, K. *Public sector – economics*. Britannica Encyclopaedia. [Online]. Available at <https://www.britannica.com/topic/public-sector> [Accessed on 26 July 2021].

⁴⁸ Brock, T. *Private Sector*. (December 2020). Investopedia. Available at <https://www.investopedia.com/terms/p/private-sector.asp> [Accessed on 27 July 2021].

⁴⁹ *Gender Equality Index. Work in European Union for the 2019 edition*. European Institute for Gender Equality (EIGE). [Online]. Available at <https://eige.europa.eu/gender-equality-index/2019/domain/work> [Accessed on 29 July 2021].

The main reason why women prefer the public sector rather than the private is because the first one also entails non-pecuniary labour market conditions⁵⁰ – as for example shorter hours of work and flexibility – which would facilitate conciliation of paid work with care and house responsibilities. Furthermore, in the public sector women get a wage premium of 30% over those in the private one⁵¹. But, if women are segregated into certain occupations and sectors, and those occupations are not growing, over-represented or sometimes less paid, this phenomenon will have a severe impact on labour market outcomes and will worsen the gender wage gap.

1.3.3 Underrepresentation of Women in the Highest-Paid Jobs

This subchapter is strongly related with the phenomenon of the glass ceiling. The underrepresentation of women in highest-paid jobs can be related to different reasons, as for example the choice of studies, the gender stereotypes, the domestic and care responsibilities... Regarding the studies, it is important to stress that women are seriously underrepresented in the STEM field, which guarantees high-paid jobs. The gender gap is smaller, on the other, when we refer to jobs related to human resources, marketing and health care, which are careers with lower average earnings, where women exceed men.

The female labour force does not end up on the path to leadership also due to gender bias. Indeed, women are expected to be assertive, collaborative, nursing, focused on the team rather than on themselves. They are not supposed to be aggressive or competitive, as these adjectives are strongly related to the male figure. This is also due to the patriarchal society, in which women are seen as wives and mothers, whereas men are the ones in charge of the financial resources for the family. Unfortunately, gender stereotypes in our society are severely strong, even nowadays, and girls are educated differently than their male counterpart: they are often guided to clean the house, to cook, to iron, to take care of their brothers or

⁵⁰ Anghel, B., de la Rica, S., Dolando, J.J. *The Effect of Public Sector Employment on Women's Labour Market Outcomes*. (June 2011). IZA Discussion Paper No. 5825. [Online]. Available at <http://ftp.iza.org/dp5825.pdf> [Accessed on 25 July 2021].

⁵¹ Mukhtarova, T., Baig, F. A., Hasnain, Z. *Five facts on gender equity in the public sector*. (2021 September). World Bank. [Online]. Available at <https://blogs.worldbank.org/governance/five-facts-gender-equity-public-sector> [Accessed on 17 December 2021].

cousins, whereas boys are prepared for their career, giving more importance to pursue objectives in sports or education.

Furthermore, women show to accept financial penalties for workplace flexibility, home-based work and part-time contracts due to the unpaid work at home or to look after children. On the other, men are less willing to give up their careers for family responsibilities and to support and share with women family tasks. Moreover, it is sometimes true that men are afraid from success women, because they are convinced that in this way, they will lose their dominant role in work but, most of all, in the family context.

A solution to fill this gender gap, could be promoting policies such as longer parental leave, remote working options, and flexible hours. Unfortunately, if flexibility is financially penalized, and as long as parents cannot take advantage of structures in the workplace to ensure that men choose flexible working arrangements as often as women do, these solutions could only perpetuate the glass-ceiling problem⁵².

1.3.4 Maternity, Paternity and Parental Leave

Several human rights treaties consider maternity leave as a fundamental labour right⁵³. The Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Labour Organization (ILO) itself state that motherhood is entitled to special care, protection and assistance before and after childbirth, including paid leave or leave with adequate social security benefits⁵⁴. The ILO's main goal is:

⁵² Jacobs, R. *What's holding women back from top-paying jobs?*. (2018). Chicago Booth Review. [Online]. Available at <https://news.uchicago.edu/story/whats-holding-women-back-top-paying-jobs> [Accessed on 29 July 2021].

⁵³ Addati, L., Cassirer, N., Gilchrist, K. *Maternity and paternity at work: law and practice across the world*. (2014). International Labour Office (ILO) – Geneva. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf [Accessed on 6 December 2021].

⁵⁴ Addati, L., Cassirer, N., Gilchrist, K. *Maternity and paternity at work: law and practice across the world*. (2014). International Labour Office (ILO) – Geneva. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf [Accessed on 6 December 2021].

“[...] to prevent unequal treatment at work due to their reproductive role and to promote equal opportunities and treatment in employment and occupation, without prejudice to health or economic security⁵⁵”.

In absence of job protection and income security, women workers may think to interrupt or reduce their paid work and career with a huge income loss and a considerable labour market participation. Moreover, the duration of maternity leave depends on national legislations and can influence the mother’s decision to drop out. Indeed, if the leave is too short, women may feel insecure to come back work and be away from home for at least 8 hours; on the other, a very long leave period may damage mother’s advancement in paid works, resulting in wage penalties.

In 2000 the ILO adopted the Maternity Protection Convention (No. 183), which establishes a maternity leave period of at least 14 weeks⁵⁶, and a large number of countries, especially in Eastern Europe, Central Asia and Developed countries decided to enact it. Furthermore, the Convention points out the amount of cash benefit mothers can receive during the maternity leave, which should be at least two-thirds (80%) of their previous daily earnings⁵⁷ and that

“[...] the level of benefits should ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living⁵⁸”.

In addition to the maternity leave, legislations have promoted a period for new fathers to stay home with their babies: the so-called paternity leave. It consists in a “compulsory paid leave which can be taken separately and can be claimed within five months of the child’s birth, granted at the same time as the maternity

⁵⁵ Addati, L., Cassirer, N., Gilchrist, K. *Maternity and paternity at work: law and practice across the world*. (2014). International Labour Office (ILO) – Geneva. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf [Accessed on 6 December 2021].

⁵⁶ *Maternity Protection Convention (No. 183). Article 4*. (2000). International Labour Organization – Geneva: ILO. [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C183,/Document [Accessed on 6 December 2021].

⁵⁷ *Indennità per congedo di maternità/paternità per lavoratrici e lavoratori dipendenti e per iscritti alla Gestione Separata*. (July 2019). INPS. [Online]. Available at <https://www.inps.it/prestazioni-servizi/indennita-per-congedo-di-maternitapaternita-per-lavoratrici-e-lavoratori-dipendenti-e-per-iscritti-alla-gestione-separata> [Accessed on 6 December 2021].

⁵⁸ *Maternity Protection Convention (No. 183). Article 6(2)*. (2000). International Labour Organization – Geneva: ILO. [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C183,/Document [Accessed on 6 December 2021].

paid leave⁵⁹”. The difference stays in the length of the period: if for the maternity the legislation establishes at least 3 months and a half, the paternity leave varies from country to country, from 90 days in Iceland to only one day in Tunisia⁶⁰. Moreover, it is interesting to stress that this leave is not provided everywhere: for example, the United States, Turkey and Iran do not allow men to stay home⁶¹.

In order to promote equality and share family responsibilities after childbirth, countries have adopted another policy: the parental leave. The ILO defined it as a

“[...] leave granted to fathers and mothers during a period after the termination of maternity leave to enable parents in employment to look after their newborn child for a certain time, whilst giving them some degree of security in respect of employment, social security and remuneration⁶²”.

While the aim of the maternity leave is to protect the mother and the child, parental leave gives the possibility to both parents to take care of the infant. Provision on parental leave can be found in both the Recommendation No. 191 and Recommendation No. 165, but it is not included in any ILO’s Convention⁶³. The important step of the parental leave is that fathers finally play a fundamental role and are involved in family responsibilities, whereas in the maternity leave only the mothers’ need to reconcile house, child and work is considered. By promoting this type of leave, governments try to facilitate a more equal share of household and responsibilities but, most of all, they try to support mothers’ return to work, reducing the inequalities in the labour market and the gender pay gap. Moreover, the parental leave can have positive effects on work-life balance of families and help women to become economically independent, also for their future and for their pensions, and more self-confident. The length of this leave depends on national

⁵⁹ Italy – Maternity and paternity leave allowance. European Commission. [Online]. Available at <https://ec.europa.eu/social/main.jsp?catId=1116&langId=en&intPageId=4618> [Accessed on 8 December 2021].

⁶⁰ Seager, J. (2020). [First edition 2018]. *L’atlante delle donne*. Pag. 131. Add editore – Torino.

⁶¹ Addati, L., Cassirer, N., Gilchrist, K. *Maternity and paternity at work: law and practice across the world*. Pag. 66. (2014). International Labour Office. – Geneva: ILO. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf [Accessed on 8 December 2021].

⁶² Drew, Ms. E. *Parental Leave in Council of Europe member States*. (2005). Council of Europe. Strasbourg. [Online]. Available at <https://rm.coe.int/1680591662> [Accessed on 9 December 2021].

⁶³ Addati, L., Cassirer, N., Gilchrist, K. *Maternity and paternity at work. Law and practice across the world*. (2014). International Labour Office. – Geneva: ILO. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf [Accessed on 9 December 2021].

legislations⁶⁴: for example, Switzerland and Costa Rica do not provide parental leave, whereas Poland and Germany are the countries with the longest leave period among the ones taken into consideration. Furthermore, it can be paid or unpaid depending on national provisions.

1.3.5 Collective Bargaining Agreements

The Charter of Fundamental Rights of the European Union, Article 28, states:

“Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action⁶⁵”.

Moreover, collective bargaining agreements are considered as fundamental rights in the 1998 ILO Declaration on Fundamental Principles and Rights at Work⁶⁶. In this context, collective agreements are accords concluded between single employers, or their organization, and organization of workers (as for example trade unions)⁶⁷. Agreements are usually divided into two parts: the first one includes the discipline and the methods that regulates the relations of trade unions in the agreements; the latter is the normative part, which stipulates the directive of the employment relationship, taking into consideration working conditions, including wage level, or at least a minimum wage level of salary, working time, cash benefits, contract types, bonuses⁶⁸... Collective agreements have commonly efficacy *erga omnes*: this means that they are applied to whom is subscribed to the trade unions that signed the agreements and the employers – or associations that represent them –, but nowadays it is widely used to refer to

⁶⁴ *Employment: Length of maternity leave, parental leave, and paid father-specific leave*. Organization for Economic Co-Operation and Development (OECD). [Online]. Available at <https://stats.oecd.org/index.aspx?queryid=54760> [Accessed on 9 December 2021].

⁶⁵ *Charter of Fundamental Rights of the European Union, article 28*. (2000). [Online]. Available at https://www.europarl.europa.eu/charter/pdf/text_en.pdf [Accessed on 10 December 2021].

⁶⁶ *Collective bargaining and labour relations*. International Labour Organization. [Online]. Available at <https://www.ilo.org/global/topics/collective-bargaining-labour-relations/lang--en/index.htm> [Accessed on 15 December 2021].

⁶⁷ *European Collective Agreements*. (January 2013). Eurofound. [Online]. Available at <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/european-collective-agreements> [Accessed on 10 December 2021].

⁶⁸ Personal notes taken during a lesson of labour law, University of Padua, 2016.

national collective bargaining agreements to conclude a contract and to stipulate terms and conditions even if the worker is not a member of any union⁶⁹.

Collective agreements are the key means of determining equal working conditions between women and men, but often particular women's interests are overlooked or, worse, treated the same as those of men. This so called "general-neutral" approach reinforces this discrimination⁷⁰. It is important that unions take steps to strengthen women's participation in trade union activities in order to improve the status of women workers and to encourage them to enter the labour market. Moreover, unions have the key role to ensure that women's interests are represented both in the union but, especially, in the workplace. In this way, women will have the same rights of their male counterparts at work, so they will receive equal pay for equal work, but, at the same time, their interests and needs, which are different from men's ones, will be protected and accepted.

Furthermore, trade unions usually campaign for higher minimum wages, regardless of gender, and take actions to implement a gender-sensitive system⁷¹. This will help to reduce gender pay inequality, but it is not sufficient to eliminate discrimination, which is still deeply rooted in our society.

1.4 The Sociocultural Context

The last part of this first chapter will focus on how the sociocultural context influences the presence of the gender pay gap and the phenomenon of glass ceiling in our societies. In order to better understand the context, the Collins Dictionary defines the sociocultural context as a milieu "relating to both social and cultural issues⁷²". Here, three problematic aspects will be discussed: the existence of stereotypes and gender roles, the linguistic theme and the educational sphere.

⁶⁹ Proia G. (2016). *Manuale di diritto del lavoro*. CEDAM – Vicenza.

⁷⁰ *Gender Equality Bargaining: An Overview*. International Labour Office – Geneva: ILO. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_113700.pdf [Accessed on 15 December 2021].

⁷¹ Rubery, J., Johnson, M. *Closing the Gender Pay Gap: What Role for Trade Unions?*. Pag. 19. (2019). International Labour Office – Geneva. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_684156.pdf [Accessed on 16 December 2021].

⁷² *Definition of "sociocultural"*. Collins English Dictionary. [Online]. Available at <https://www.collinsdictionary.com/dictionary/english/sociocultural> [Accessed on 16 December 2021].

1.4.1 Stereotypes and Gender Roles

Gender roles and stereotypes are among the most important causes of discrimination against women and a factor of violating rights, such as the right to work⁷³. The Convention on the Elimination of All Forms of Discrimination Against Women contains obligations regarding the prohibition of gender stereotyping, and Article 5 states:

“States Parties shall take all appropriate measures... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women⁷⁴”.

Stereotypes and gender roles refer to the attribution to women or men of some particular and specific characteristics, and they have been deeply rooted in our societies. Indeed, it is unfortunately commonly recognised that women are seen as kind, careful, loving and sensitive wives and mothers, whereas men are always described as brave, strong and independent. Moreover, since childhood, girls are taught to take care of elderly and of their little brothers, sisters, or cousins, to tidy up and to do the housework; on the other hand, boys have more time to play or to study, in order to have a great career because one day they will have to provide for the economic needs of their family. This means that girls learn to be patient, compassionate, empathetic; boys, conversely, become more goal-oriented and competitive. In this way, already in their infancy, children learn that they are different and that they will have distinct paths: girls think they are predisposed towards caring or nurturing roles, whereas boys will accept works that enable self-assertion and domination over others.

Furthermore, patriarchal society has only increased the course of these choices and has always indirectly favoured men over women. Indeed, in the past, men had an absolute earning power over women, who could not participate in the labour market. Men were the breadwinners of the family, and women usually

⁷³ *Gender stereotyping*. United Nation Human Rights, Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/en/issues/women/wrgs/pages/genderstereotypes.aspx> [Accessed on 16 December 2021].

⁷⁴ *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979*. (1979). United Nation Human Rights. [Online]. Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> [Accessed on 16 December 2021].

played the role of lovely characters at home, waiting for their husband with a cold meal and a tidy and clean house. In the years, women have begun to enter the marketplace, and the role of man as a breadwinner has decreased, but not expired. There is still the stereotype of men as the one concentrated in the career and in the work, whereas women are more likely to be involved in the family context. This patriarchal vision can negatively bias expectations and decisions that impact opportunities and work outcomes for both sexes, usually promoting men at the expense of their female counterpart.

1.4.2 Education

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁷⁵ stipulated in 1979 is the only legally binding treaty at international level focusing on women's rights. Article 10 of the third part of the CEDAW concentrates itself on the issue of education and ensures that

“States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: the same conditions for career and vocational guidance, for access to studies [...]; access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education [...]; the same opportunities for access to programmes of continuing education [...]⁷⁶”.

Education is a human right and the goal number four of the UN Agenda 2030 for Sustainable Development, which aims at:

“ensur[ing] inclusive and equitable quality education and promote lifelong learning opportunities for all⁷⁷”.

This sheds light on the fact that gender equality is strongly related to education. Indeed, the UN Agenda 2030 also stated that:

⁷⁵ *Women and girls. Right to Education*. [Online]. Available at <https://www.right-to-education.org/girlswomen> [Accessed on 28 December 2021].

⁷⁶ *Convention on the Elimination of All Forms of Discrimination against Women*. (1979). United Nations. [Online]. Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> [Accessed on 28 December 2021].

⁷⁷ *Leading SDG 4 - Education 2030*. UNESCO. [Online]. Available at <https://en.unesco.org/themes/education2030-sdg4> [Accessed on 17 December 2021].

“girls and boys, women and men not only gain access to and complete education cycles, but are empowered equally in and through education⁷⁸”.

Education should not be limited by the gender, nonetheless 129 million girls are out of school, including 32 million of primary school age, 30 million of lower-secondary school age and 67 million of upper-secondary school age⁷⁹ around the world.

Moreover, children’s self-confidence may be influenced by parental expectations: parents are more likely to expect that their sons, rather than their daughters, will study STEM subjects, even if girls have the same results in school’s tests⁸⁰. This has the effect of excluding girls, or even boys, from certain studies: boys are more likely to choose STEM faculties at university, whereas girls are considered more inclined towards arts and humanities, which will lead them to a less lucrative career⁸¹.

School environment plays a key role in the education of young boys and girls, especially in low- and middle-income countries⁸². One of the most significant barriers is the lack of female teachers, which has a strong relation with gender stereotypes and the role of women in the society. The presence of women educators can have a positive impact on girls’ education: they finally find a female role model that break down the harmful gender stereotypes, and they can obtain a more inclusive society and a more girl-friendly learning.

Finally, promoting education for both boys and girls will reduce the chance of marrying at too young, will increase their health, the possibility to find an employment⁸³ and be financially independent and, especially, will create an even

⁷⁸ *Education and gender equality*. UNESCO. [Online]. Available at <https://en.unesco.org/themes/education-and-gender-equality> [Accessed on 17 December 2021].

⁷⁹ *Girls' education. Gender equality in education benefits every child*. UNICEF. [Online]. Available at <https://www.unicef.org/education/girls-education> [Accessed on 17 December 2021].

⁸⁰ Schieder, J., Gould, E. (July 2016). “*Women’s work” and the gender pay gap. How discrimination, societal norms, and other forces affect women’s occupational choices—and their pay*. [Online]. Available at <https://www.epi.org/publication/womens-work-and-the-gender-pay-gap-how-discrimination-societal-norms-and-other-forces-affect-womens-occupational-choices-and-their-pay/#epi-toc-4> [Accessed on 20 December 2021].

⁸¹ *Women and girls*. Right to Education. [Online]. Available at <https://www.right-to-education.org/girlswomen> [Accessed on 28 December 2021].

⁸² Ibidem.

⁸³ *SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*. UN Women. [Online]. Available at <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-4-quality-education> [Accessed n 3 January 2022].

more equal society, which will ensure women equal access to work, equal pay for equal value, and a full participation in the social and political life.

1.4.3 Is There a Linguistic Problem?

The use of language reflects and influences the perceptions of gender roles. Masculine pronouns, such as the use of “he” or “his”, in everyday communication evoke mental images of men rather than women, even when referring to a group of people, and not necessary to a male individual. In the years, there has been a common use of a more inclusive “his or her”, but also this pronoun has not been considered as the perfect solution. Indeed, the female has a marginal role, always in a secondary position to men. This comes out because, in the past, men were considered more important than their female counterparts⁸⁴. And it mainly occurs for work-related terms. In the English language, typical examples are all the words ending with -man: chairman, businessman, policeman..., whereas in Italian can be noted that exist job-related expressions that are automatically linked with men, such as *avvocato, presidente, chirurgo, ingegnere...* These professions have been carried out mostly by men, and that is the reason why is still used the male words⁸⁵. Moreover, in English is more explicit, some professions are preceded by the adjective “female” or “lady”, such as lady lawyer, female professor or female physician..., in order to highlight that there is a reference to a woman worker. Without this clarification, in a collective mental imaginary, the listener will automatically associate the job to a man. On the contrary, there is no need to highlight the gender when talking about a man.

Another reasons that can enlarge this linguistic problem is the fact that in lot of languages which have grammatical genders, such as Italian or German, the masculine form is used as generic. In these idioms, the masculine is accepted when referring to a general group of people, or to persons whose gender is unknown or irrelevant.

⁸⁴ Kesebir, S. *The Role of Language in the Gender Gap*. (November 2017). INSEAD KNOWLEDGE. [Online]. Available at <https://knowledge.insead.edu/leadership-organisations/the-role-of-language-in-the-gender-gap-7661> [Accessed on 4 January 2022].

⁸⁵ Coletti, V. *Nomi di mestiere e questioni di genere*. (February 2021). Accademia della Crusca. [Online]. Available at <https://accademiadellacrusca.it/it/contenuti/nomi-di-mestiere-e-questioni-di-genere/9160> [Accessed on 4 January 2022].

Furthermore, it has been recently showed that women are less willing to apply for a work when the job announcement uses masculine nouns or adjectives⁸⁶. Women feel inadequate for that career position, even if they are competent, and their belongingness and identification with the work context is reduced.

In conclusion, a more gender-inclusive form and language will result in more gender-balanced mental representation of the society and of the social roles. Women and men will have the choice to apply for any jobs without feeling inadequate because it is considered a male or a female sector, they will be equal, and the mental imagines of a predominant female or male job will be less perceived. In this context, the gender stereotypes and the phenomenon of the glass ceiling will be reduced.

⁸⁶ Menegatti, M., Rubini, M. *Gender Bias and Sexism in Language*. (September 2017). Oxford Research Eyclopedia. [Online]. Available at <https://oxfordre.com/view/10.1093/acrefore/9780190228613.001.0001/acrefore-9780190228613-e-470#acrefore-9780190228613-e-470-div1-3> [Accessed on 6 January 2022].

Chapter 2

The Role of Different Institutions

Institutions at different levels, regional, national and international, play a significant role in the elimination of the gender pay gap and in the overcoming of the phenomenon of the glass ceiling.

In this second section, the actions implemented by the most important organizations, such as the United Nations Organization (UN), the International Labour Organization (ILO) and the European Union (EU) will be firstly analysed. Then, in the conclusion, the role and the measures taken by third parties, such as the World Economic Forum (WEF) and other NGOs will be considered.

First of all, an overview of the organizations considered in this dissertation will be given: their history, their structure, and their works will be explained as clearly as possible, in order to better understand their role and their impact on the society.

Secondly, concrete actions, conventions and entities dealing with these issues will be examined. In particular, the Universal Declaration of Human Rights and the Role of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Women, the Equal Remuneration Convention and Recommendation, and the Treaty of Lisbon are some of the projects that will be explored in this second part.

It is significant to highlight that not only the UN, the ILO and the EU have made progress and have dedicated themselves to the overcoming of gender inequality, to the breaking of the glass ceiling and to the implementation of the living condition of women worldwide, but also other realities can make the difference. Indeed, the chapter will conclude with a study and a reflection on the actions put into practice by third parties, specifically NGOs.

2.1 Legal Actions Taken by the Most Important Institutions

The most important organizations analysed in this dissertation have been taking actions to overcome the gender pay gap, the general problem of gender inequalities and the phenomenon of the glass ceiling.

Before concentrating in the concrete actions, a briefly overview of these organizations should be made in order to understand how they work and to

recognize the impact and the importance that their activities carry on our community.

2.1.1 The Fundamental Role of the United Nations Organization (UN)

The United Nations is an international and intergovernmental organization founded on 26 June 1945⁸⁷ after the Second World War in San Francisco, USA. Its Charter, the United Nations Charter, was ratified on 24 October 1945 by 51 States⁸⁸, including China, France, the Soviet Union, the United Kingdom and the United States – the victorious nations at the end of the war. Today, the organization counts 193 member states.

The United Nations was not the first international organization with the aim of maintaining peace and developing international cooperation in the economic and social fields. Its predecessor, the League of Nations, entered into force in 1920 after years of negotiations among the states. This organization was mainly founded from the will of the U.S. President W. Wilson after the First World War. The United States, that were the promoter of this initiative, never joined it. Indeed, the four permanent states were France, Great Britain, Italy and Japan. However, the U.S. always cooperated with the League of Nations as a member state⁸⁹.

In 1939, with the outbreak of World War II, the League came to an end. Many states abandoned it and its unfilled assurance of peace and global security, and they returned to their traditional system of defensive alliances and power blocs⁹⁰ in order to ensure national protection.

The coming of the war demonstrated, once again, the need for an organization able to mediate economic and political disputes among countries. The League of Nations was not capable to prevent the Second World War, but states agreed on the importance of collaboration. For this reason, in 1945 they elaborated and adopted a new Charter, and on 20 April 1946 the League of Nations ceased to exist by

⁸⁷ *Model United Nations*. United Nations. [Online]. Available at <https://www.un.org/en/model-United-nations/history-United-nations> [Accessed on 17 January 2022].

⁸⁸ *Storia*. (October 2019). Nazioni Unite. Centro Regionale di Informazione delle Nazioni Unite. [Online]. Available at <https://unric.org/it/storia-2/> [Accessed on 17 January 2022].

⁸⁹ *The League of Nations, 1920*. Office of the Historian. [Online]. Available at <https://history.state.gov/milestones/1914-1920/league> [Accessed on 22 January 2022].

⁹⁰ *League of Nations*. UN Geneva. [Online]. Available at <https://www.ungeneva.org/en/history/league-of-nations#:~:text=It%20began%20with%20four%20permanent,Council%20was%20changed%20several%20times.> [Accessed on 22 January 2022].

unanimous vote⁹¹, transferring its properties and assets to the United Nations Organization.

The new organization, which now counts nearly 200 member states, includes six organs: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the UN Secretariat and the International Court of Justice⁹².

The General Assembly is composed of representatives from all the member states, and it constitutes the main policy-making and representative organ of the UN. One of the main functions of the Assembly is to make recommendations, which are not legally binding, to promote international cooperation, the development of international law, the protection of human rights and international collaboration on economic, social, cultural, educational and health issues⁹³ through multilateral discussions.

On the other hand, decisions made by the Security Council are binding for all member states. Its primary responsibility is to maintain peace and global security. It is composed by 15 Council members – the five permanent ones (China, France, the Russian Federation, the United Kingdom and the United States) and ten temporary states, which are elected by the General Assembly for two-year term⁹⁴. The difference between the permanent and the temporary members is that the first ones have the power to exercise the right of veto: if just one of the five permanent members put the veto on a decision, this can not be taken.

The Economic and Social Council (ECOSOC) coordinates the economic, environmental and social work of the Organization and focuses on promoting social progress and better standards of living. It counts 54 members elected for a three-

⁹¹ *League of Nations*. UN Geneva. [Online]. Available at <https://www.ungeneva.org/en/history/league-of-nations#:~:text=It%20began%20with%20four%20permanent,Council%20was%20changed%20several%20times>. [Accessed on 22 January 2022].

⁹² *Organizzazione delle Nazioni Unite (ONU)*. Camera dei deputati. [Online]. Available at https://www.camera.it/leg18/399?europa_estero=504 [Accessed on 23 January 2022].

⁹³ *Role of the General Assembly*. United Nations Peacekeeping. [Online]. Available at <https://peacekeeping.un.org/en/role-of-general-assembly> [Accessed on 22 January 2022].

⁹⁴ *Security Council*. UN Nations. Model United Nations. [Online]. Available at <https://www.un.org/en/model-united-nations/security-council> [Accessed on 22 January 2022].

year term by the General Assembly and has five regional commissions in charge to promote economic development and cooperation⁹⁵.

The Trusteeship Council was established in 1945 by the UN Charter, chapter XIII⁹⁶, to provide international oversight to 11 Trust Territories and to prepare them for self-government and independence, which were achieved in 1994. On 1 November of the same year, the Trusteeship Council suspended this function⁹⁷.

The Secretariat carries out the daily administrative work of the Organization, and it is chaired by the Secretary-General, who nowadays is Antonio Guterres. The functions of the Secretary are determined in the Charter, chapter XV, and is considered “the chief administrative officer of the Organization⁹⁸”. The Secretary’s main responsibilities include research, translations, media relations, operational control on peacekeeping missions, increasing gender parity and mediating among states to prevent armed conflicts⁹⁹.

Finally, the International Court of Justice is the main judicial organ of the UN, according to the Charter, art. 92¹⁰⁰. It replaced the Permanent Court of International Justice, provided by the League of Nations, in 1946. The role of the Court is to settle, in accordance with international law, legal disputes submitted to it by states. Indeed, only nations are parties before the Court¹⁰¹, not individuals, legal entities, multinational enterprises, NGOs and international intergovernmental organizations. Moreover, it also has advisory powers, through which it adopts advisory opinions on legal questions by United Nations organs and specialized agencies¹⁰², according to art. 96 of the UN Charter¹⁰³. Fifteen judges compose the

⁹⁵ *Economic and Social Council*. UN Nations. Model United Nations. [Online]. Available at <https://www.un.org/en/model-united-nations/economic-and-social-council> [Accessed on 22 January 2022].

⁹⁶ *Structure of the United Nations*. United Nations. [Online]. Available at <https://www.un.org/en/> [Accessed on 23 January 2022].

⁹⁷ *Organi delle Nazioni Unite*. Rapporti Internazionali. Ministero della salute. [Online]. Available at <https://www.salute.gov.it/portale/rapportiInternazionali/dettaglioContenutiRapportiInternazionali.jsp?lingua=italiano&id=1792&area=rapporti&menu=unite> [Accessed on 22 January 2022].

⁹⁸ *United Nations Charter, Chapter XV: The Secretariat (Articles 97-101)*. United Nations. [Online]. Available at <https://www.un.org/en/about-us/un-charter/chapter-15> [Accessed on 23 January 2022].

⁹⁹ *The Role of the UN Secretary-General*. (October 2021). CFR.org Editors. [Online]. Available at <https://www.cfr.org/backgrounder/role-un-secretary-general> [Accessed on 23 January 2022].

¹⁰⁰ Carreau, D., Marrella, F. (2018). *Diritto internazionale*. Pag. 725. Giuffrè Editore: Milano.

¹⁰¹ *Statute of the International Court of Justice, art. 34*. International Court of Justice. [Online]. Available at https://www.icj-cij.org/en/statute#CHAPTER_II [Accessed on 23 January 2022].

¹⁰² *The Court*. International Court of Justice. [Online]. Available at <https://www.icj-cij.org/en/court> [Accessed on 23 January 2022].

¹⁰³ Carreau, D., Marrella, F. (2018). *Diritto internazionale*. Pag. 740. Giuffrè Editore: Milano.

Court: they are elected both by the General Assembly and the Security Council for a nine-year term¹⁰⁴.

The pillars of the Organization are described in the Preamble of the UN Charter:

“We the peoples of the United Nations determined to save succeeding generations from the scourge of war, [...], and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom [...]¹⁰⁵”.

In addition to peacekeeping, economic and social cooperation and the quest for global security, the Organisation is also actively engaged in the protection and promotion of human rights, as gender equality. The connection between these pillars is clear: the recognition of equal rights is the foundation of freedom, peace and justice. For years, the UN has been trying to achieve full equality of rights and opportunities between men and women through projects, conventions and specialized agencies on the issue, as the UN Women, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Commission on the Status of Women and the Beijing Platform for Action with the 1995 UN Fourth World Conference on Women. But, if rights are violated, peace, security, economic, social and cultural growth are gravely threatened.

2.1.2 The International Labour Organization (ILO)

The International Labour Organization (ILO) was founded in 1919, after the First World War, to reflect the belief of the importance of social justice¹⁰⁶. Its aim is focused on the recognition of the principle of non-discrimination on the basis of employment and on the promotion of decent work conditions by the Treaty of Versailles. Part XIII of the Treaty, entitled “Labour” and composed of 40 articles, became the Constitution of the Organization. Its Preamble lists the goals to be pursued and includes the “recognition of the principle of equal remuneration for

¹⁰⁴ *The Court*. International Court of Justice. [Online]. Available at <https://www.icj-cij.org/en/court> [Accessed on 23 January 2022].

¹⁰⁵ *United Nations Charter: Preamble*. United Nations. [Online]. Available at <https://www.un.org/en/about-us/un-charter/preamble> [Accessed on 23 January 2022].

¹⁰⁶ *History of the ILO*. International Labour Organization. [Online]. Available at <https://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm> [Accessed on 25 January 2022].

work of equal value¹⁰⁷”. This underlines the importance of the gender inequality issue, which is still surviving even after a century of work by the ILO.

In 1946 with the entry into force of the United Nation, the ILO became its first specialized agency focused on the promotion of social dialogue, on the extension of social protection, on the creation of new job positions and on the guarantee of rights at work¹⁰⁸.

To encourage decent employment opportunities, the ILO was able to organise a unique tripartite structure of dialogue and cooperation within governments, employers’ and workers’ representatives¹⁰⁹ of the 187 member states through three main organs: the International Labour Conference, the Governing body and the International Labour Office¹¹⁰.

The International Labour Conference is considered the international parliament of labour, where member states are represented by a group of governments, employers’ and workers’ delegates, who have the same rights and can vote freely. The government representatives are often ministers responsible for labour affairs in their countries. The Conference provides the forum for international discussions of social and work issues¹¹¹, and adopts the international labour standards in the form of recommendations and conventions¹¹², employing both non-binding and binding instruments.

The Governing body is the executive body of the institution. It takes decisions on the measures necessary to implement ILO’s policy, adopts the draft Programme

¹⁰⁷ *ILO Constitution*. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::No:62:P62_LIST_eNtrle_ID:2453907:No [Accessed on 24 January 2022].

¹⁰⁸ *International Labour Organization. The UN Agency for the World of Work*. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/--dcomm/documents/publication/wcms_374809.pdf [Accessed on 25 January 2022].

¹⁰⁹ *How the ILO works*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/lang--en/index.htm> [Accessed on 25 January 2022].

¹¹⁰ *Origine e mandato*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/rome/ilo-cosa-fa/lang--it/index.htm> [Accessed on 25 January 2022].

¹¹¹ *How the ILO works*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/lang--en/index.htm> [Accessed on 25 January 2022].

¹¹² *About the ILC*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/ilc/AbouttheILC/lang--en/index.htm> [Accessed on 25 January 2022].

and Budget and elects the Director-General¹¹³ of the Organization. Fifty-six titular members - 10 of them are permanently held by States of chief industrial importance, such as Italy and the Russian Federation¹¹⁴, and sixty-six deputy members, elected by the Conference every three years, compose this second organ.

Finally, the International Labour Office represents the permanent secretariat, the head office and the centre for research and documentation of the Organization¹¹⁵. It is the fundamental point for ILO's activities, and it is under the leadership of the current Director-General Guy Ryder.

Member states, which ratified the ILO Convention, have to regularly present reports on the measures taken to implement it¹¹⁶. Indeed, articles 19, 22 and 23 of the Convention state that nations are required to send both periodic and annual statements with a detailed description of all the steps taken to give effect to any instruments of the organization. Moreover, nations have to point out the obstacles that prevent the realisation of the goals¹¹⁷.

The International Labour Organization supervises the application of its conventions (legally binding for the states) and recommendations – non-binding proposals - through two mechanisms: the regular system of supervision, based on the examination of member states' periodic reports; and the special procedures, for representations and complaints¹¹⁸. The procedure for representations is governed by articles 24 and 25 of Part XIII of the Treaty of Versailles and can be made by national and international employers' and workers' union¹¹⁹. On the other hand,

¹¹³ *L'ILO: cos'è e cosa fa*. (2005). International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/publication/wcms_152359.pdf [Accessed on 25 January 2022].

¹¹⁴ *About the Governing Body*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/gb/about-governing-body/lang--en/index.htm> [Accessed on 25 January 2022].

¹¹⁵ *L'ILO: cos'è e cosa fa*. (2005). International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/publication/wcms_152359.pdf [Accessed on 25 January 2022].

¹¹⁶ *Committee of Experts on the Application of Conventions and Recommendations*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang--en/index.htm> [Accessed on 26 January 2022].

¹¹⁷ *Applying and promoting International Labour Standards*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm> [Accessed on 25 January 2022].

¹¹⁸ *Ibidem*.

¹¹⁹ *Representations*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/representations/lang--en/index.htm> [Accessed on 26 January 2022].

complaints are regulated under articles 26 to 34. The International Labour Conference delegate, the Governing Body or a member state can present a complaint against another member state for not complying with the ratified Convention¹²⁰.

Gender inequality is one of the main issues that ILO has always endeavoured to solve. It is present as a target to be pursued in the Preamble of the Convention and it represents the goal number 5 in the 2030 Development Agenda. In the 2.3 subchapter the ILO Convention and the projects of the organization dealing with this problem will be examined.

2.1.3 The Role of the European Union (EU)

The European Union is an international organisation with a regional character for economic and political integration, involving 27 member states nowadays¹²¹.

Since the end of World War II, political leaders of different countries sought to establish cooperation in pursuit of peace and economic growth¹²². In 1950 the French foreign minister Robert Schuman proposed to create an alliance for a common market for coal and steel. Six countries – France, West Germany, Italy, Belgium, the Netherlands and Luxembourg – negotiated on the basis of this initiative. The Treaty for the European Coal and Steel Community (ECSC) was ratified in 1952, and signed for 50 years, until 2002, when it ceased to exist.

Given the success of the organization, countries decided to expand their cooperation to other economic sectors, signing two agreements: the European Economic Community (EEC) and the European Atomic Energy Community (EAEC)¹²³, created to coordinate a peaceful use of energy among the member states. Both these bodies were established with the Treaty of Rome in 1957 and entered into force in January 1958.

¹²⁰ *Complaints*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang--en/index.htm> [Accessed on 26 January 2022].

¹²¹ *European Union. What it is and what it does*. (January 2020). European Union, European Commission. [Online]. Available at <https://op.europa.eu/webpub/com/eu-what-it-is/en/> [Accessed on 27 January 2022].

¹²² MacBride, J. *How does the European Union work?*. (April 2020). Council on Foreign Relations. [Online]. Available at <https://www.cfr.org/backgrounder/how-does-european-union-work#:~:text=The%20modern%20European%20Union%2C%20founded,and%20manage%20a%20common%20budget.> [Accessed on 27 January 2022].

¹²³ *History of the European Union 1945-59*. European Union. [Online]. Available at https://european-union.europa.eu/principles-countries-history/history-eu/1945-59_en [Accessed on 27 January 2022].

The European Union arose with the process initiated in the 1950s with the establishment of the three bodies: the ECSC, the EEC and the EAEC¹²⁴, and with the entry into force of the Treaty of Maastricht (or Treaty on European Union) in November 1993¹²⁵. Since then, a huge single market has been created and has continued to develop through the cooperation and the solidarity among all the 27 members. The Treaty also provided for the introduction of a central bank (European Central Bank – ECB), of a unique currency – the Euro, which was introduced in 1999 and first appeared in 2002, of an implementation of common foreign and security policies, and a collaboration on different issues, as for example environment, social policy and human rights¹²⁶.

Several institutions are involved in making decision at EU level. The most significant are the European Parliament, the European Council, the Council of the European Union, the European Commission, the European Central Bank, the Court of Justice of the European Union (CJEU) and the European Court of Auditors.

The European Parliament is an important political and decision-making forum. It is the only directly elected body of the EU by voters in all member states and has the legislative power, as stated in art. 14 of the Treaty on the European Union. The Parliament may approve or reject the legislative proposal and can give only advisory opinions on certain issues, as for example on taxation¹²⁷. One of the main aims of the EU Parliament is the protection and the defence of human rights and the promotion of equality between women and men thanks to the sign of the Charter of Fundamental Rights of the European Union (2000). The Parliament is currently led by a woman, Roberta Metsola, elected on 18 January 2022 after the death of the Italian President David Sassoli.

The European Council only acquired the status of an EU institution with the entry into force of the Lisbon Treaty¹²⁸, and it now defines the priorities, the agenda

¹²⁴ *Unione Europea*. Enciclopedia Treccani. [Online]. Available at <https://www.treccani.it/enciclopedia/unione-europea/> [Accessed on 27 January 2022].

¹²⁵ *Treaty of Maastricht on European Union*. EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0026> [Accessed on 27 January 2022].

¹²⁶ Köhler, H., Davis, D. *Maastricht Treaty*. Encyclopaedia Britannica. [Online]. Available at <https://www.britannica.com/event/Maastricht-Treaty> [Accessed on 27 January 2022].

¹²⁷ *Legislative powers*. European Parliament. [Online]. Available at <https://www.europarl.europa.eu/about-parliament/en/powers-and-procedures/legislative-powers> [Accessed on 27 January 2022].

¹²⁸ Martinelli, F. (June 2020). *Manuale di diritto dell'Unione Europea. Aspetti istituzionali e politiche dell'Unione*. Pag. 67. [XXVII ed.]. Napoli: SIMONE.

and the political direction of the EU. It consists of heads of state or government of the member states, the European Council President – Charles Michel - and the President of the European Commission, Ursula von der Leyen, as enshrined in art. 15¹²⁹ of the TEU. In contrast to the Parliament, the EU Council does not exercise the legislative power, so it can not adopt or negotiate laws. The Council usually decides by consensus. However, in some specific cases, it can vote through three modalities: unanimity, qualified majority or simple majority¹³⁰.

The Council of the European Union is the second body capable of exercising the legislative power. Moreover, it carries out policy-making and correlative functions, and it is represented by the representatives of each member state at ministerial level¹³¹. The Council is responsible for coordinating various policies (economic and fiscal, educational, cultural, youth, sport and environment¹³²) of the 27 member states. Furthermore, it plays a key role in the negotiation and in the conclusion of foreign policies and broad trade agreements¹³³.

The European Commission is the EU primary bodies. This institution is entrusted with the task of promoting the general interest of the EU on the basis of art. 17 TEU¹³⁴. The 27 commissioners, who compose the Commission, take decisions on the political and strategical direction of the Union¹³⁵. The EU Commission has the monopoly on the law-making process through its legislative power. These laws are then adopted by the Parliament and the Council. For this reason, the Commission represents the main interlocutor of the European

¹²⁹ *Consolidated version of the Treaty on European Union*. Official Journal of the European Union. [Online]. Available at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF [Accessed on 27 January 2022].

¹³⁰ *How the European Council works*. European Council – Council of the European Union. [Online]. Available at <https://www.consilium.europa.eu/en/european-council/how-the-european-council-works/> [Accessed on 27 January 2022].

¹³¹ *Consolidated version of the Treaty on European Union, art. 16*. Official Journal of the European Union. [Online]. Available at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF [Accessed on 27 January 2022].

¹³² *The Council of the European Union. What does the Council of the EU do?* European Council – Council of the European Union. [Online]. Available at <https://www.consilium.europa.eu/en/council-eu/> [Accessed on 27 January 2022].

¹³³ *The role of the Council in international agreements*. European Council – Council of the European Union. [Online]. Available at <https://www.consilium.europa.eu/en/council-eu/international-agreements/> [Accessed on 27 January 2022].

¹³⁴ Martinelli, F. (June 2020). *Manuale di diritto dell'Unione Europea. Aspetti istituzionali e politiche dell'Unione*. Pag. 76. [XXVII ed.]. Napoli: SIMONE.

¹³⁵ *Organisational structure*. European Commission. [Online]. Available at https://ec.europa.eu/info/about-european-commission/organisational-structure_en [Accessed on 27 January 2022].

Parliament. It also promotes the EU interests, and it issues implementing acts (executive power)¹³⁶. Furthermore, the negotiation of international agreements, also with non-member countries, as cited in articles 207 and 218 of the Treaty, is another main task of the EU body¹³⁷. The Commission works under the guidance of the President Ursula von der Leyen, who decides the agenda of the body. One of the most important goals of the European Commission is to achieve gender equality at all levels of management¹³⁸.

The European Central Bank (ECB) is the principal bank institution of the 19 European countries which have adopted the euro as their common currency¹³⁹ from January 1999. The Bank possesses legal personality and is independent in the exercise of its powers and in the management of its finances in accordance with article 282 TFEU¹⁴⁰. The ECB and the national central banks of all EU member states constitute the European System of Central Banks (ESCB) and conducts the Union's monetary policy. Some of the main objectives of the ECB are determined by price stability, safeguarding of the value of the currency in the euro area¹⁴¹, the definition and implementation of the Union's monetary policy. It also holds and manages the official foreign reserves of the Member States and promotes the regular operation of payment systems¹⁴². Moreover, the national central banks, with the supervision of the ECB, have the right to print euro banknotes¹⁴³. The European Central Bank is focused on promoting gender equality in the workplace¹⁴⁴. Indeed,

¹³⁶ Mussa, G. *The European Commission*. (October 2021). European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/25/la-commissione-europea> [Accessed on 27 January 2022].

¹³⁷ Ibidem.

¹³⁸ *Equality of treatment*. European Commission. [Online]. Available at https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/equality-treatment_en [Accessed on 27 January 2022].

¹³⁹ Bondarenko, P. *European Central Bank*. Encyclopaedia Britannica. [Online]. Available at <https://www.britannica.com/topic/European-Central-Bank> [Accessed on 28 January 2022].

¹⁴⁰ Martinelli, F. (June 2020). *Manuale di diritto dell'Unione Europea. Aspetti istituzionali e politiche dell'Unione*. Pag.98. [XXVII ed.]. SIMONE: Napoli.

¹⁴¹ *ECB mission*. European Central Bank - Eurosystem. [Online]. Available at <https://www.ecb.europa.eu/ecb/orga/escb/ecb-mission/html/index.en.html> [Accessed on 28 January 2022].

¹⁴² Rakić, D. *The European Central Bank (ECB)*. (October 2021). European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/13/the-european-central-bank-ecb-> [Accessed on 28 January 2022].

¹⁴³ *Banknotes*. European Central Bank - Eurosystem. [Online]. Available at <https://www.ecb.europa.eu/ecb/tasks/euro/html/index.en.html> [Accessed on 28 January 2022].

¹⁴⁴ *Diversity and inclusion*. European Central Bank – Eurosystem. [Online]. Available at <https://www.ecb.europa.eu/careers/why-we-value-diversity/html/index.en.html> [Accessed on 28 January 2022].

in 2020, the ECB launched a new programme to increase the share of female staff members. This project covers until 2026 and its aim is to improve the presence of women from 46% to 51% and to cover at least half of the new and open positions with women at all grades¹⁴⁵.

The Court of Justice of the European Union (CJEU) represents the judicial authority of the EU, and with the cooperation of the courts of all the European member states, it ensures the application and the interpretation of the EU laws¹⁴⁶. The CJEU consists of two courts: the Court of Justice and the General Court, which was established in 1988 and is made up of two judges per member states¹⁴⁷. On the other, the Court is composed by 27 Judges and by a variable number of Advocates General¹⁴⁸, which are elected for a six-year term, whereas the President and the Vice-President are appointed for a three-year term¹⁴⁹. The Court may sit as a full court, for exceptional important cases, in a Grand Chamber of 15 Judges, for complex cases, or in Chambers of three or five Judges¹⁵⁰. Through its case-laws, the Court can play a key role on the equal treatment between women and men, as happened in 1976 in the judgment “*Defrenne vs Société anonyme belge de navigation aérienne Sabena*” regarding the principle of equal pay for equal work¹⁵¹.

Finally, the European Court of Auditors is the EU’s external auditor. Its main objective is the improvement of the financial management and the contribution to public accountability¹⁵². The Members, which are 27, one for each member states,

¹⁴⁵ *ECB announces new measures to increase share of female staff members*. (May 2020). European Central Bank – Eurosystem. [Online]. Available at <https://www.ecb.europa.eu/press/pr/date/2020/html/ecb.pr200514~94dbb7c109.en.html> [Accessed on 2 April 2022].

¹⁴⁶ *The institution – General Presentation*. Court of Justice of the European Union. [Online]. Available at https://curia.europa.eu/jcms/jcms/Jo2_6999/en/ [Accessed on 28 January 2022].

¹⁴⁷ *General Court*. Court of Justice of the European Union. [Online]. Available at https://curia.europa.eu/jcms/jcms/Jo2_7033/en/ [Accessed on 28 January 2022].

¹⁴⁸ Maciejewski, M., Bux, U. *The Court of Justice of the European Union*. (October 2021). European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/26/the-court-of-justice-of-the-european-union> [Accessed on 28 January 2022].

¹⁴⁹ *Court of Justice – Presentation*. Court of Justice of the European Union. [Online]. Available at https://curia.europa.eu/jcms/jcms/Jo2_7024/en/ [Accessed on 28 January 2022].

¹⁵⁰ *Ibidem*.

¹⁵¹ *Document 61975CJ0043*. EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61975CJ0043> [Accessed on 28 January 2022].

¹⁵² *History*. European Court of Auditors. [Online]. Available at <https://www.eca.europa.eu/en/Pages/History.aspx> [Accessed on 28 January 2022].

prepare and adopt reports and opinions regarding the annual management and performance¹⁵³ on the EU budget.

2.2 The United Nations Organization (UN)

Women and girls present half of the population of the world and, therefore, half of its potential. Closing the gap would mean giving the same possibilities to all human being to a more gender inclusive and gender equal society, where all people would enjoy the same human rights. Moreover, empowering women would also mean achieving equal opportunities to position of leadership and decision-making, and in access to employment. Furthermore, the empowerment of women helps expand economic growth and promote social development. The United Nations has always been committed to this issue, and the Secretary-General of the Organization, Antonio Guterres, last year during a forum in Mexico affirmed:

“The realization of the equal rights of half our population is the unfinished human rights struggle of this century¹⁵⁴”.

In this subchapter, different entities, platforms, and conventions promoted by the UN will be analysed, specifically: the Universal Declaration of Human Rights, the Role of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Women, the United Nations Commission on the Status of Women, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Organization for Economic Co-operation and Development (OECD), the Beijing Declaration and the Equal Pay International Coalition (EPIC).

2.2.1 The Universal Declaration of Human Rights and the Role of the Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Universal Declaration of Human Rights (UDHR) is the result of the atrocities occurred during the Second World War. World leaders decided to

¹⁵³ Franke, M. *The Court of Auditors*. (September 2021). European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/14/the-court-of-auditors> [Accessed on 28 January 2022].

¹⁵⁴ *Secretary-General Describes Equality as Unfinished Human Rights Struggle of Twenty-First Century, in Remarks to Generation Equality Forum*. (March 2021). United Nations. [Online]. Available at <https://www.un.org/press/en/2021/sgsm20656.doc.htm> [Accessed on 28 January 2022].

guarantee human rights to every human being everywhere, entrusting the protection of these rights to international law and no longer to the domestic law of individual states. In Paris, on 10 December 1948, with the resolution number 217A approved by the General Assembly of the United Nations¹⁵⁵, the Declaration was adopted by 58 countries.

The UDHR represents the universal recognition of human rights, and it highlights that those rights and freedoms are inalienable, inherent and equally applicable to everyone in the world, without any distinction. In its Preamble is clear that one of the key objectives of the UN member states was to create an equal society, where people are treated in the same way. Indeed, it is cited:

“[...] in the dignity and worth of the human person and in the equal rights of men and women [...]”¹⁵⁶.

The Universal Declaration of Human Rights is a non-binding act, but a fundamental one in that it emphasises the importance of the subject at international level, and because it has become the basis for all other binding legal instruments over time, as the European Convention on Human Rights, the Convention on the Elimination of All Form of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights¹⁵⁷. Both Covenants entered into force in 1976, and for both was set up a committee, which issues non-binding acts, but whose task is to verify the proper implementation of the covenants.

In 1993, via resolution 48/141, the UN General Assembly established the Office of the High Commissioner for Human Rights (OHCHR)¹⁵⁸, a special agency dedicated to the promotion, the protection and the full realization of all human rights and freedom. The High Commissioner main tasks are to carry out the duties of the General Assembly; to counsel the Secretary-General regarding the United Nations human rights policies; to support all the projects, activities, organs and

¹⁵⁵ Personal notes taken during the course “Immigration and Human Rights” at Ca’ Foscari University in the academic year 2020/2021.

¹⁵⁶ *Universal Declaration of Human Rights*. United Nations. [Online]. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on 31 January 2022].

¹⁵⁷ Personal notes taken during the course “Immigration and Human Rights” at Ca’ Foscari University in the academic year 2020/2021.

¹⁵⁸ *Who we are: an overview*. United Nations Human Rights. Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx> [Accessed on 30 January 2022].

bodies of the human rights programme; and to represent the Secretary-General at meetings of human rights bodies and at other human rights-related events¹⁵⁹. Currently, the role of the High Commissioner for Human Rights is held by a woman, Michelle Bachelet.

In the years, the UN system has created bodies to monitor state parties' compliance with their obligations. In particular, the Commission on Human Rights, the Human Rights Council and the Committee on the Elimination of Discrimination against Women (CEDAW), just to mention a few.

The Human Rights Council is an inter-governmental body¹⁶⁰ without binding powers, which replaced the Commission on Human Rights in March 2006 by resolution 60/251. It represents the principal forum to discuss human rights issues and it is made up of 47 representatives of the UN Member States, who serve for a period of three years¹⁶¹. Moreover, it established new procedures for monitoring respect for human rights, as the universal periodic review, the compliance procedure and the special procedure. The first one consists of a periodic revision made every four or five years of the individual states' conformity with the normative regime; the compliance procedure was established in 2007 by resolution 5/1, and allows individuals, group of people and NGOs to present complaints for gross human rights violations by a UN member state¹⁶²; and the special procedure, which serves to address country-specific situations or thematic issues in all parts of the globe¹⁶³.

The Universal Declaration of Human Rights and the Office of the High Commissioner for Human Rights attempt to fight gender stereotypes that violate, or can violate, human rights and fundamental freedoms. International human rights law prohibits discrimination also on the basis of sex and includes guarantees for

¹⁵⁹ *High Commissioner*. United Nations Human Rights – Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/en/about-us/high-commissioner> [Accessed on 3 April 2022].

¹⁶⁰ *Welcome to the Human Rights Council*. United Nations – Human Rights Council. [Online]. Available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> [Accessed on 31 January 2022].

¹⁶¹ Personal notes taken during the course “Immigration and Human Rights” at Ca’ Foscari University in the academic year 2020/2021.

¹⁶² Pustorino, P. (2019). *Lezioni di tutela internazionale di diritti umani*. Pag. 77. Cacucci Editore: Bari.

¹⁶³ *Special Procedures of the Human Rights Council. About Special Procedures*. United Nations Human Rights – Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx> [Accessed on 31 January 2022].

everyone, women and men, to be entitled equally to their civil, political, economic, social and cultural rights¹⁶⁴.

2.2.2 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Over the years, there has been a growing awareness that to achieve a more equitable society and to be able to implement the goals defined in the United Nations Charter, was necessary to also focus on the protection and on the promotion of rights for girls and women. A consciousness of discrimination against women has risen, and an increasing number of organisations have committed themselves to the struggle against this situation¹⁶⁵. Consideration was given to drafting a binding treaty on the elimination of discrimination against women.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted on 18 December 1979, by the United Nations General Assembly¹⁶⁶. Only after the ratification of the twentieth country, the Convention entered into force as an international and legally binding treaty on 3 September 1981. It consists of a preamble and 30 articles, in which the meaning of equality and the way in which it can be achieved are specified. The fields taking into consideration by the Convention are several: from discrimination to the public and political life, nationality, employment, education, health...

The preamble emphasises the importance of achieving gender equality affirming that countries are:

“[...] aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women [...]”¹⁶⁷.

¹⁶⁴ *Combating discrimination against women*. United Nations Human Rights - Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/EN/ABOUTUS/Pages/DiscriminationAgainstWomen.aspx> [Accessed on 31 January 2022].

¹⁶⁵ *Short History of CEDAW Convention*. UN Women. United Nations Department of Public Information. [Online]. Available at <https://www.un.org/womenwatch/daw/cedaw/history.htm> [Accessed on 1 February 2022].

¹⁶⁶ *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979*. United Nations Human Rights - Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> [Accessed on 1 February 2022].

¹⁶⁷ *Full text of the Convention in English*. UN Women. [Online]. Available at <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> [Accessed on 1 February 2022].

This leads to the realisation that both men's and women's roles need a radical change if gender equality is to be achieved. And this change must take place within society as much as within family. Women should not be seen only as mothers and wives, but they should enjoy the same rights as men, including in the workplace. They should have the possibility to freely decide which work to carry out, with the same possibilities, remuneration, treatment, and with appropriate measures in case of maternity, as established in art. 11 of the Convention, which cites that:

“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: the right to work as an inalienable right [...], the right to the same employment opportunities [...]; the right to free choice of profession and employment, the right to promotion, [...], the right to equal remuneration, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; [...], to prohibit dismissal on the grounds of pregnancy or of maternity leave [...], to provide special protection to women during pregnancy [...]¹⁶⁸”.

The Convention is committed to realise equality between both sexes, ensuring women's equal access to, and equal opportunities in, political and public life, as in all the other areas¹⁶⁹. States that ratified or acceded to the Convention are legally obliged to implement its provisions by taking measures to stop discriminating half of the world's population. To achieve this, countries have to incorporate the principle of equality in their legal system adopting appropriate laws that prohibit violence and discrimination.

The implementation of the principles of the CEDAW is monitored by the Committee on the Elimination of Discrimination against Women, whose mandate is defined from art. 17 to 30 of the Convention. The Committee represents an expert

¹⁶⁸ *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979*. United Nations Human Rights – Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> [Accessed on 1 February 2022].

¹⁶⁹ *Overview of the Convention*. UN Women. [Online]. Available at <https://www.un.org/womenwatch/daw/cedaw/#:~:text=CEDAW%2039th%20Session&text=The%20Convention%20provides%20the%20basis,as%20education%2C%20health%20and%20employment.> [Accessed on 1 February 2022].

body established in 1982¹⁷⁰, and it is composed of 23 experts on women's rights¹⁷¹. States that ratified the CEDAW must present regular reports on the measures taken to achieve female's rights and fundamental freedoms within the national territory. The experts annually review and comment the reports send by the countries and make recommendations to the state parties that should dedicate more attention¹⁷² to the issue.

Finally, the Convention on the Elimination of Discrimination against Women give voice to women that have not the possibilities to speak out, for women and girls who are marginalised, and for those who have no rights and freedoms. The CEDAW established not only an international bill of rights for women¹⁷³, but it also represents an agenda for action by countries to guarantee the enjoyment of women's rights, that are human rights.

2.2.3 UN Women

In recent years, the UN has realised that an acceleration of the promotion of women's rights was necessary to achieve the targets of gender equality and women's empowerment established in the UN Charter. In 2010, by the resolution A/RES/64/289¹⁷⁴ the UN General Assembly created the United Nations Entity for Gender Equality and the Empowerment of Women, also known as UN Women. The creation of this entity merged from the work of four bodies of the UN system: the Division for the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of

¹⁷⁰ *Committee on the Elimination of Discrimination against Women*. UN Women. [Online]. Available at <https://www.un.org/womenwatch/daw/cedaw/committee.htm> [Accessed on 1 February 2022].

¹⁷¹ *Committee on the Elimination of Discrimination against Women – Introduction*. United Nations Human Rights – Office of the High Commissioner. [Online]. Available at <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Introduction.aspx> [Accessed on 1 February 2022].

¹⁷² *Committee on the Elimination of Discrimination against Women*. UN Women. [Online]. Available at <https://www.un.org/womenwatch/daw/cedaw/committee.htm> [Accessed on 1 February 2022].

¹⁷³ *Overview of the Convention*. UN Women. [Online]. Available at <https://www.un.org/womenwatch/daw/cedaw/#:~:text=The%20Convention%20on%20the%20Elimination,bill%20of%20rights%20for%20women.&text=to%20ensure%20elimination%20of%20all,by%20persons%2C%20organizations%20or%20enterprises>. [Accessed on 1 February 2022].

¹⁷⁴ *Governance*. UN Women. [Online]. Available at <https://www.unwomen.org/en/about-us/governance> [Accessed on 2 February 2022].

the Special Adviser on Gender Issues and Advancement of Women (OSAGI), and the United Nations Development Fund for Women (UNIFEM)¹⁷⁵.

UN women is committed to achieving gender equality and women's empowerment, working with member states' governments and civil societies to design laws, programmes, services and policies to guarantee girls' and women's rights and to enforce the presence of them in all spheres of life¹⁷⁶. Training for gender equality represents a long-term process that requires a strong political will of all parties¹⁷⁷.

One of the objectives of UN Women is to emphasise women's leadership, economic empowerment and political participation. Through the resolution on women's political participation (A/RES/66/130)¹⁷⁸ adopted in 2011 by the UN General Assembly, the body takes measures to encourage governments to adjust or reform electoral system in order not to discourage women to participate in the political life; to remove all barriers that can discriminate their abilities and capacities or can keep them away from accessing and participating in decision-making process; but, most of all, to

“[...] promote awareness and recognition of the importance of women's participation in the political process at community, local, national and international levels¹⁷⁹”.

For these reasons, UN Women is working to ensure that national parliaments increase the number of women as leaders and representatives, to create a more equal society that can finally meets the needs of all its participants, through the adjustment of national legislatures¹⁸⁰.

Moreover, UN Women provides regular reports on the status of women to the General Assembly and to the Commission on the Status of Women, ensuring

¹⁷⁵ *About UN Women – Historical perspective*. UN Women. [Online]. Available at <https://www.unwomen.org/en/about-us/about-un-women> [Accessed on 2 February 2022].

¹⁷⁶ *Ibidem*.

¹⁷⁷ *Training for gender equality and women's empowerment*. UN Women. [Online]. Available at <https://www.unwomen.org/en/how-we-work/capacity-development-and-training> [Accessed on 2 February 2022].

¹⁷⁸ *Global norms and standards: Leadership and political participation*. UN Women. [Online]. Available at <https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/global-norms-and-standards> [Accessed on 2 February 2022].

¹⁷⁹ *Ibidem*.

¹⁸⁰ *Parliaments and local governance*. UN Women. [Online]. Available at <https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/parliaments-and-local-governance> [Accessed on 2 February 2022].

the equal representation of women in the agendas of all UN entities¹⁸¹ and conducts research and data collection to monitor gender status globally.

In conclusion, UN Women supports international political negotiations to adopt agreed standards for gender equality, helps UN Member States to implement those standards, and assists other UN bodies in their efforts to reach gender equality.

2.2.4 United Nations Commission on the Status of Women

The Commission on the Status of Women (CSW) was established by the ECOSOC resolution 11(II) in 1947 and it is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and women's empowerment¹⁸². The Commission consists of one representative from each of the 45 Member States elected by the Economic and Social Council, who are elected for a four-years term¹⁸³.

The main goal of the CSW is to accelerate the implementation and the capacity-building measures for mainstreaming gender equality into policies and programmes, and to realize gender equality and the empowerment of women as soon as possible. In its first years, the Commission successfully advocated for a more inclusive language towards women¹⁸⁴. Moreover, it contributed to the drafting of several Conventions of the different UN entities, such as the International Labour Organization's 1951 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and the Convention on the Elimination of All Forms of Discrimination against Women¹⁸⁵.

Any person, group of people, organization and NGO may submit communications to the Commission on the Status of Women. The complaints should contain information related to violations of women's rights and freedoms in any country of the globe. Furthermore, these communications should identify the

¹⁸¹ *Gender parity in the United Nations*. UN Women. [Online]. Available at <https://www.unwomen.org/en/how-we-work/gender-parity-in-the-united-nations> [Accessed on 2 February 2022].

¹⁸² *Commission on the Status of Women*. UN Women. [Online]. Available at <https://www.unwomen.org/en/csw> [Accessed on 2 February 2022].

¹⁸³ *Member States*. UN Women. [Online]. Available at <https://www.unwomen.org/en/csw/member-states> [Accessed on 2 February 2022].

¹⁸⁴ *A brief history of the Commission on the Status of Women*. UN Women. [Online]. Available at <https://www.unwomen.org/en/csw/brief-history> [Accessed on 2 February 2022].

¹⁸⁵ *Ibidem*.

victim or victims, indicate where the violations took place, provide data, detailed circumstances and, whenever possible, copies of documentations¹⁸⁶. During the meetings, these complaints will be discussed by the working group. The special feature of the CSW is that NGOs working on women's empowerment and gender equality can also participate in the debate and have the possibility to make interventions with a time limit of a maximum three minutes during the conferences¹⁸⁷.

2.2.5 Organization for Economic Co-operation and Development (OECD) and United Nations for Educational, Scientific and Cultural Organization (UNESCO)

The Organization for Economic Cooperation and Development (OECD) is an international institution created in 1960. It entered into force only on 30 September 1961¹⁸⁸, and its principal aims are the creation of a better future for every human being and the implementation of policies that encourage wealth, equality, opportunity and welfare¹⁸⁹.

Once again, achieving gender equality is one of the main aims of a UN entity, and it is enshrined in its statement:

“The OECD will accelerate its development of policy options to help close the gaps in well-being, within and between countries, between genders and between generations. The OECD will ensure that all its analysis, research and policy advice integrates a gender equality perspective¹⁹⁰”.

The OECD Gender Initiative considers those barriers that currently exist in the field of education, employment and entrepreneurship, monitoring progress made by OECD and non-OECD countries' governments¹⁹¹.

¹⁸⁶ *A brief history of the Commission on the Status of Women*. UN Women. [Online]. Available at <https://www.unwomen.org/en/csw/brief-history> [Accessed on 2 February 2022].

¹⁸⁷ *Opportunities for NGOs to address the Commission*. UN Women. [Online]. Available at <https://www.unwomen.org/en/csw/ngo-participation/written-and-oral-statements> [Accessed on 2 February 2022].

¹⁸⁸ *A brief history*. OECD. [Online]. Available at <https://www.oecd.org/60-years/> [Accessed on 3 February 2022].

¹⁸⁹ *Who we are*. OECD. [Online]. Available at <https://www.oecd.org/about/> [Accessed on 3 February 2022].

¹⁹⁰ *Trust in Global Co-operation The vision for the OECD for the next decade*. OECD. [Online]. Available at https://read.oecd-ilibrary.org/view/?ref=1110_1110970-giac5g3aj&title=MCM-oct-2021-Trust-in-global-co-operation-Mathias-Cormann [Accessed on 3 February 2022].

¹⁹¹ *Gender Equality*. OECD. [Online]. Available at <https://www.oecd.org/gender/> [Accessed on 3 February 2022].

Today, 38 member states enjoy the Organization. They are represented by ambassadors at the OECD Council – the institution’s decision-making body- and by the European Commission, and their work is to encourage better performances at national, regional and local levels¹⁹².

On the other hand, the UNESCO is the United Nations Educational, Scientific and Cultural Organization. Its goal is to build peace through international cooperation in education, sciences and culture¹⁹³. The Organization firmly believes that all form of gender-based discriminations are to all intents and purposes violation of human rights and an obstacle to ensuring that everyone enjoys the same rights and opportunities.

One of the global priorities of this institution is to tackle gender inequality, which can hinder a sustainable future for everyone. To ensure this future, UNESCO is committed to making a positive contribution to women’s empowerment throughout culture, communication, educational system - promoting equality *in* the access to education, *within* education and *through* education¹⁹⁴, and science – natural, human and social – increasing inclusion and supporting capabilities and motivation of women in the field.

2.2.6 The Beijing Declaration

During the 1975 International Women’s Year held in Mexico City, took place the first World Conference on Women. The aim was to remind the international community that violence and discriminations against women were a real and persistent problem¹⁹⁵ in the society. The Conference was strongly requested by the United Nations General Assembly to focus international attention on the issue, and to open a dialogue among parties on gender equality by defining the World Plan of Action for the Implementation of the objectives, which set the

¹⁹² *Our global reach*. OECD. [Online]. Available at <https://www.oecd.org/about/members-and-partners/> [Accessed on 3 February].

¹⁹³ *UNESCO in brief – Mission and Mandate*. UNESCO. [Online]. Available at <https://www.unesco.org/en/introducing-unesco> [Accessed on 3 February 2022].

¹⁹⁴ *What UNESCO does for Gender Equality*. UNESCO. [Online]. Available at <https://en.unesco.org/genderequality/actions> [Accessed on 3 February].

¹⁹⁵ *The Four Global Womens' Conferences 1975 - 1995: Historical Perspective*. (May 2000). UN Women. United Nations Department of Public Information. [Online]. Available at <https://www.un.org/womenwatch/daw/followup/session/presskit/hist.htm#:~:text=The%20first%20world%20conference%20on,in%20much%20of%20the%20world.> [Accessed on 3 February].

guidelines for women's empowerment¹⁹⁶ for governments and communities. The Forum played a fundamental role since it provided access for the voices of women to the Organization's policy-making process through a sharing of interests and opinions of the participants.

In 1980 and in 1985 states gathered for a second and a third women's conference, respectively in Copenhagen and Nairobi. They aimed to focus on several and important issues, such as employment, health, education, child custody and nationality, promoting gender equality at national level and their participation in peace process¹⁹⁷.

The most significant turning point was marked by the fourth Conference on Women held in Beijing in September 1995. There, 189 countries unanimously adopted the Beijing Declaration and the Platform for Action, an agenda for women's empowerment, which is now considered "the key global policy document on gender equality¹⁹⁸". The agenda set objectives and actions for the advancement of women and the achievement of gender equality in more than ten areas, as education, environment, work, conflict, health¹⁹⁹... This Conference underlines the importance of a society reevaluation: only adopting a new perspective on women' and men's roles in the community and in its institutions, women can reach a full empowerment and a full participation in all areas. Indeed, the UN Division for Women, in its review of the Beijing Conferences, stated:

"The fundamental transformation that took place in Beijing was the recognition of the need to shift the focus from women to the concept of gender, recognizing that the entire structure of society, and all relations between men and women within it, had to be re-evaluated. Only by such a fundamental restructuring of society and its institutions could women be fully empowered to take their rightful place as equal partners with men in all aspects of life. This change represented a strong reaffirmation that women's rights were human rights and that gender equality was an issue of universal concern, benefiting all²⁰⁰".

¹⁹⁶ *Conferences | Women and gender equality*. UN Women. [Online]. Available at <https://www.un.org/en/conferences/women> [Accessed on 3 February 2022].

¹⁹⁷ *Ibidem*.

¹⁹⁸ *World Conferences on Women*. UN Women. [Online]. Available at <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women> [Accessed on 4 February].

¹⁹⁹ *12 critical areas*. UN Women. [Online]. Available at <https://www.unwomen.org/en/news/in-focus/csw59/feature-stories> [Accessed on 4 February].

²⁰⁰ *Fourth World Conference on Women, 4-15 September 1995, Beijing, China*. United Nations. [Online]. Available at <https://www.un.org/en/conferences/women/beijing199> [Accessed on 4 February 2022].

The UN General Assembly organized a special session named "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" in New York in June 2000 to review the progress made since the adoption of the Beijing Platform of Action. During the Conference, governments and civil society had the opportunity to share their policies and practices, and to discuss about obstacles encountered in the implementation of the 1995 Beijing Plan. Having recognized that the goals of the Platform for Action have not been fully achieved and implemented, the special session reconfirmed its commitment to ensure gender equality. Moreover, it was found that women faced barriers to full equality - equal pay for equal work, or work of equal value, was not fully realized - and advancement - gender discrimination in hiring, promotion, and sexual harassment in the workplace persisted. Furthermore, the participation of women at the highest levels of national and international decision-making has not significantly changed since the Fourth World Conference on Women in 1995²⁰¹.

In 2005, 2010, 2015 and in 2020 member states committed their efforts in the achievement of gender equality, and to take further action to ensure the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action²⁰².

2.2.7 Equal Pay International Coalition (EPIC)

The Equal Pay International Coalition is led by the ILO, UN Women, and the OECD and represents the only multi-stakeholder partnership working to reduce the gender pay gap at the global, regional and national levels²⁰³. The aim of the coalition is to accelerate progress towards gender pay equity, providing support to governments, employers' and workers' organizations, and other stakeholders.

In the first chapter, we tried to explain as clearly as possible how discriminations against women are still present, both at the stage of access to

²⁰¹ *Beijing Declaration and Platform for Action. Beijing+5 Political Declaration and Outcome.* (1995). [Republished in 2014]. UN Women - United Nations. [Online]. Available at https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Fin_al_WEB.pdf [Accessed on 4 February 2022].

²⁰² *Political Declaration on the Occasion of the Twentieth Anniversary of the Fourth World Conference on Women.* (March 2015). UN Women - Commission on the Status of Women. [Online]. Available at <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/59/Declaration-EN.pdf> [Accessed on 4 February 2022].

²⁰³ *Equal Pay International Coalition.* EPIC. [Online]. Available at <https://www.equalpayinternationalcoalition.org/> [Accessed on 4 February].

employment and once employed. Women are more likely than men to work in low-quality and low-paid jobs, which led them to a lower pension coverage and lower pension benefits and, therefore, a to a greater vulnerability to poverty. Unfortunately, these negative aspects are all related also to maternity and parental leave, that force them to take time off work to care for children, and to accept part-time and temporary employment, bargaining related to insecurity. To overcome the gender pay gap, it results essentially to discuss about pay inequalities and stereotypes. As long as female and male jobs exist in our cultures and societies, there will always be gender inequality, which will also be reflected in the economic sphere of the worker. The coalition's commitment is to ensure equal pay for equal work for everyone. This basically means that women and men have the right to receive equal remuneration for work of equal value, so an equal pay for an identical job²⁰⁴. Furthermore, equal pay for equal work is related to the fact that women and men, with different jobs, should get the same remuneration if skills, qualifications, capacities, working conditions are the same.

2.3 Action Taken by the ILO Regarding the Issue of Gender Equality

Promotion of pay equity is a fundamental way to fight against discrimination at work, which represents a violation of a basic human right. The General Director of the Organization, Guy Ryder, on the occasion of International Women Day in 2015 affirmed:

“Promoting decent jobs for women is imperative [...]. The future of work must also deal with the future of women at work. It is a matter of rights [...]”²⁰⁵.

The International Labour Organization has always worked to overcome gender inequalities in the workplace, and it has always been committed to guarantee equal pay for equal work or for work of equal value, given that women still earn between

²⁰⁴ *Equal Pay for Work of Equal Value*. EPIC. [Online]. Available at

<https://www.equalpayinternationalcoalition.org/equal-pay/> [Accessed on 4 February 2022].

²⁰⁵ “*The future of work must also deal with the future of women at work*”. (March 2015). ILO.

[Online]. Available at https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/statements-and-speeches/WCMS_348734/lang--en/index.htm [Accessed on 5 February 2022].

20 and 25% less than their male colleagues²⁰⁶. The goals of the Organization in this fields are several, but each of them essentially to promote the well-being of families, to increases enterprise competitiveness and advances national development, to prevent poverty, to guarantee decent work conditions, social justice and economic success to everyone.

In this section, some ILO's conventions and projects will be considered, as the Equal Remuneration Convention, the Discrimination (Employment and Occupation) Convention and the Gender, Equality, Diversity and Inclusion Branch (GEDI).

2.3.1 The Equal Remuneration Convention and Recommendation

The ILO's Equal Remuneration Convention (No. 100) is a fundamental document, that was adopted in June 1951, but entered into force only on 23 May 1953. To date, 171 countries have deposited their instrument of ratification²⁰⁷. Through this agreement, the organization and its states parties ensure the application to all workers, women and men, of the principle of equal remuneration for work of equal value.

Art. 1 of the Convention describes the meaning of the term "remuneration" as "...the ordinary, basic or minimum wage or salary and any additional emoluments...", but most of all the significance of "equal remuneration", which refers to:

“[...] rates of remuneration established without discrimination based on sex²⁰⁸”.

According to art. 2, each member state shall promote and ensure equal remuneration to all workers by means of domestic regulations or laws, collective

²⁰⁶ *International Labour Standards on Equality of opportunity and treatment*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/equality-of-opportunity-and-treatment/lang--en/index.htm> [Accessed on 5 February 2022].

²⁰⁷ *Convention 100 and International Women's Day*. International Labour Organization (ILO). [Online]. Available at [https://www.ilo.org/century/WCMS_206169/lang--en/index.htm#:~:text=The%20Equal%20Remuneration%20Convention%20\(No,for%20work%20of%20equal%20value.&text=100%20entered%20into%20force%20on,by%20171%20countries%20to%20date](https://www.ilo.org/century/WCMS_206169/lang--en/index.htm#:~:text=The%20Equal%20Remuneration%20Convention%20(No,for%20work%20of%20equal%20value.&text=100%20entered%20into%20force%20on,by%20171%20countries%20to%20date). [Accessed on 5 February 2022].

²⁰⁸ *C100 - Equal Remuneration Convention, 1951 (No. 100), art. 1*. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100 [Accessed on 5 February 2022].

agreements, a mechanism for wage determination or a combination of these²⁰⁹. Moreover, the Convention accepts different rates between female and male workers but, at the same time, it stresses out the fact that these differences are only valid if they are due to objective evaluation²¹⁰.

Finally, the Convention is legally binding upon those member states that have ratified it, and it come into force one year after the registration of the ratification²¹¹.

The Equal Remuneration Recommendation (No. 90) states that parties have to report to the International Labour Office all the measures taken to implement equal pay for both sexes²¹². The implementation should take place as rapidly as possible and in agreement with the employers' and workers' organisations. The report must be presented every three years, and it will be reviewed and evaluated by the ILO's Committee of Experts²¹³.

Moreover, art. 6 suggests measures to facilitate the application of the principle of equal remuneration for men and women workers for work of equal value by

“[...] taking appropriate measures to encourage women to use facilities for vocational guidance or employment counselling, for vocational training and for placement; providing welfare and social services which meet the needs of women workers, [...] and financing such services from general public funds or from social security or industrial welfare funds financed by payments made in respect of workers without regard to sex [...]”²¹⁴”

But, most of all, the art. underlines the importance of

²⁰⁹ C100 - *Equal Remuneration Convention, 1951 (No. 100)*. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100 [Accessed on 5 February 2022].

²¹⁰ C100 - *Equal Remuneration Convention, 1951 (No. 100)*. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100 [Accessed on 5 February 2022].

²¹¹ Ibidem, art. 6.

²¹² R090 - *Equal Remuneration Recommendation, 1951 (No. 90)*. NORMLEX. ILO. [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312428:NO [Accessed on 6 February 2022].

²¹³ *Equal Remuneration Convention, 1951 (No. 100)*. GSP hub. [Online]. Available at [https://gspub.eu/conventions/Equal%20Remuneration%20Convention,%201951%20\(No.%20100\)#~:text=The%20Equal%20Remuneration%20Convention%20\(No,performed%20by%20men%20or%20women.](https://gspub.eu/conventions/Equal%20Remuneration%20Convention,%201951%20(No.%20100)#~:text=The%20Equal%20Remuneration%20Convention%20(No,performed%20by%20men%20or%20women.) [Accessed on 7 February 2022].

²¹⁴ R090 - *Equal Remuneration Recommendation, 1951 (No. 90)*. NORMLEX. ILO. [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312428:NO [Accessed on 6 February 2022].

“[...] promoting equality of men and women workers as regards access to occupations and posts without prejudice to the provisions of international regulations and of national laws and regulations concerning the protection of the health and welfare of women²¹⁵”.

In conclusion, both the Convention and the Recommendation stress out that the promotion of equal pay is a fundamental step in the achievement of gender equality and to overcome inequalities and discriminations that still exist in employment.

2.3.2 The Discrimination (Employment and Occupation) Convention and Recommendation (No. 111)

In 1954, the Economic and Social Council (ECOSOC) of the United Nations entrusted the International Labour Organisation to undertake a study on discrimination in the field of labour²¹⁶. Considering that the Declaration of Philadelphia states that all human beings, irrespective of race, religion or sex, have the right to pursue economic security and equal opportunity in conditions of freedom and dignity, and that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights²¹⁷, in 1958 the ILO adopted the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation.

Art. 1 of the Convention, paragraph 1(a), defines the term discrimination as

“[...] any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation [...]”²¹⁸

²¹⁵ *R090 - Equal Remuneration Recommendation, 1951 (No. 90)*. NORMLEX. ILO. [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312428:NO [Accessed on 6 February 2022].

²¹⁶ *Equality in Employment and Occupation: General Survey of the Reports on the Discrimination (Employment and Occupation) Convention (No. III) and Recommendation (No. III), 1958*. (1988). International Labour Office: Geneva. [Online]. Available at [https://www.ilo.org/public/libdoc/ilo/P/09661/09661\(1988-75-4B\).pdf](https://www.ilo.org/public/libdoc/ilo/P/09661/09661(1988-75-4B).pdf) [Accessed on 7 February 2022].

²¹⁷ *C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Preamble*. NORMLEX. International Labour Organization. [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C111:NO [Accessed on 7 February 2022].

²¹⁸ *ibidem*, art. 1.

On the other hand, paragraph 2 also clarifies that differences can be accepted whenever the job meets very specific requirements:

“Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination²¹⁹”.

Given the meaning of “discrimination”, and emphasising that it can exist in specific situations, articles 2 and 3 recall the positive obligations of member states, which are required to declare national methods to prevent bias in employment and occupation and pursue internal policies to promote equality of treatment and opportunities²²⁰.

The Recommendation (No. 111) explains in a more concrete way the field of implementation of the principle of equal opportunity and treatment. It states that all persons should obtain the same access to vocational guidance and placement services, training and employment of their own choice, job security, remuneration for work of equal value, and working conditions²²¹.

Furthermore, art. 3 affirms that each state parties should guarantee the principle in those employment, activities, training and placement services under the direction of a national authority, of a state, provincial or local government departments or agencies, industries and undertakings operated under public ownership or control²²².

The promotion of the principle of equal opportunities and treatment and of non-discrimination is not directed towards a stable overall situation that can be achieved once and for all, but it rather necessitates an ongoing process so that policy can be adjusted to changes in society in order to remove forms of

²¹⁹ *C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), art. 2.* NORMLEX. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C111:NO [Accessed on 7 February 2022].

²²⁰ Ibidem.

²²¹ *R111 - Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111).* NORMLEX. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312449:NO [Accessed on 8 February 2022].

²²² Ibidem.

distinctions, exclusions and preferences²²³.

2.3.3 ILO Declaration on Fundamental Principles and Rights at Work

The ILO Declaration on Fundamental Principles and Rights at Work was adopted in 1998²²⁴. It commits state parties to respect and promote four specific principles set by article 2: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation²²⁵.

The Declaration establishes a follow-up procedure, which provides support to countries to achieve the realization of the main objectives through three ways: the annual review reports sent by those states that have not yet ratified one or more ILO Conventions regarding the aim of the Declaration, the global reports – a global objective view of the development of rights and principles expressed in the statement - and the technical cooperation projects, which put into practise the Declaration's principles²²⁶.

The main goal of the Declaration is to assure that social progress proceeds simultaneously with the economic one, as the economic growth represents a prerequisite for social progress, but it does not guarantee that advancement²²⁷.

In 2013 the Department for the Promotion of the Declaration on Fundamental Principles and Rights at Work and the International Programme on the Elimination of Child Labour (IPEC) established the ILO's Fundamental Principles and Rights

²²³ *Equality in Employment and Occupation: General Survey of the Reports on the Discrimination (Employment and Occupation) Convention (No. III) and Recommendation (No. III), 1958.* (1988). International Labour Office: Geneva. [Online]. Available at [https://www.ilo.org/public/libdoc/ilo/P/09661/09661\(1988-75-4B\).pdf](https://www.ilo.org/public/libdoc/ilo/P/09661/09661(1988-75-4B).pdf) [Accessed on 8 February 2022].

²²⁴ *ILO Declaration on Fundamental Principles and Rights at Work.* International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/declaration/lang--en/index.htm> [Accessed on 8 February 2022].

²²⁵ *The text of the Declaration and its follow-up.* International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm> [Accessed on 10 February 2022].

²²⁶ *Ibidem.*

²²⁷ *ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-up.* (June 18, 1998). [Annex revised 15 June 2010]. International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_467653.pdf [Accessed on 10 February 2022].

at Work Branch (FUNDAMENTALS)²²⁸. FUNDAMENTALS supports Member States in the implementation of their obligations to respect, promote and realise the core principles and rights at work by supporting the reinforcement of legislations and institutions, including employers' and workers' organisations and the commitment of national rights holders and companies²²⁹. These rights and principles represent the starting point for the creation of an equitable and just society, where workers can obtain better conditions, better jobs and social protection. Moreover, ending discrimination, one of the main objectives of the Declaration, will release the potential of millions of women, but also men and young people, who are currently being excluded or undervalued, and that can contribute to a more homogeneous and just society.

2.4 Legal Actions Implemented by the European Union

“We must focus on equality and creating chances for all, whether for women or men [...]. In business, politics and society as a whole, we can only reach our full potential if we use all of our talent and diversity [...]. This will be the founding principle of a new European Gender Strategy [...]”²³⁰.

Ursula von der Leyen, President of the European Commission since 2019, has always been adamant on achieving gender equality and on the importance of breaking the glass ceiling. Indeed, in her political guidelines, she also stated that:

“To break the glass ceiling, we need to set quotas for gender balance on company boards. We should not be shy about being proud of where we are or ambitious about where we want to go”²³¹.

Gender equality has always played a fundamental role in the European Union, also being one of the founding principles of the Organization, and over the years

²²⁸ *Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023*. Pag. 4. (February 2019). International Labour Organization (ILO) - Governance and Tripartism Department. [Online]. https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_648801.pdf [Accessed on 10 February 2022].

²²⁹ *Fundamental Principles and Rights at Work Branch (FUNDAMENTALS)*. International Labour Organization (ILO). [Online]. Available at <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/governance/fprw/lang--en/index.htm> [Accessed on 10 February 2022].

²³⁰ Leyen, U. von der. *A Union that strives for more: my agenda for Europe: political guidelines for the next European Commission 2019-2024*. (2019). European Commission, Directorate-General for Communication, Publications Office. [Online]. Available at <https://data.europa.eu/doi/10.2775/753401> [Accessed on 11 February 2022].

²³¹ *Ibidem*.

the European institutions have intensively worked to reach the result through its Treaties, laws and strategies.

2.4.1 The Treaty of Lisbon

The Treaty of Lisbon is the result of the unsuccessful outcome of two referenda on the Constitutional Treaty in May and June 2005²³² and it represents a review of the two main EU treaties: the Treaty on European Union (TEU or the Maastricht Treaty - 1992) and the Treaty on the Functioning of the EU - TFEU, along with several protocols and declarations²³³. The text of the Treaty was approved at a meeting of Heads of State and Government in the Portuguese capital city on 18-19 October 2007, adopted by the European Parliament in 2008 and entered into force on 1 December 2009, after being ratified by all 27 EU member states²³⁴.

The Treaty is composed by six titles: common provisions (I part); provisions on democratic principles (II title); provisions on institutions (III chapter); provisions on enhanced cooperation (IV section); general provisions on the EU's external action and specific provisions on the common foreign and security policy (V); and final provisions (VI title)²³⁵. Moreover, for the first time, the Treaty clarifies the powers of the Union, identifying three categories of competence: the exclusive competence, where the Union alone can legislate and the member states only implement; the shared competence, where the member states can regulate and adopt legally binding measures if the Union has not already done so; and the supporting competence, where the EU takes measures to support or supplement the directives of member states²³⁶. Furthermore, the Treaty gives the EU legal

²³² Pavy, E. *The Treaty of Lisbon*. (October 2021). Fact Sheets on the European Union - European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon> [Accessed on 22 February 2022].

²³³ *Treaty of Lisbon*. Assembleia da Republica. [Online]. Available at <https://www.parlamento.pt/sites/EN/ForeignAffairs/Paginas/TreatyofLisbon-2.aspx> [Accessed on 22 February 2022].

²³⁴ *Treaty of Lisbon*. About Parliament - European Parliament. [Online]. Available at <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon> [Accessed on 22 February 2022].

²³⁵ Martinelli, F. (June 2020). *Manuale di diritto dell'Unione Europea. Aspetti istituzionali e politiche dell'Unione*. Pag. 21. [XXVII ed.]. Napoli: SIMONE.

²³⁶ Pavy, E. *The Treaty of Lisbon*. (October 2021). Fact Sheets on the European Union - European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon> [Accessed on 22 February 2022].

personality, giving the Union the ability to sign international treaties in the areas of its competence and to join an international organisation²³⁷.

Gender equality has always been one of the main objectives of the EU since its creation. Originally, the Treaty establishing the European Economic Community (EEC – 1957) contained art. 119 on the issue, which set out:

“Chaque État membre veille [...] à l'application du principe de l'égalité des rémunérations entre travailleurs masculins et travailleurs féminins pour un même travail. [...]. L'égalité de rémunération, sans discrimination fondée sur le sexe, implique: (a) que la rémunération d'un même travail payé à la tâche soit établie sur la base de la même unité de mesure; (b) que la rémunération d'un même travail payé à l'heure soit la même pour un même type de travail²³⁸”.

The principle of equal pay for equal work or work for equal value for men and women appeared in this first treaty – the Treaty of Rome, underlining the importance of the matter and the will of the States to go further. Unfortunately, at the beginning, it was only considered as a “simple declaration of intent²³⁹”, rather than a principle to be pursued. The shift took place from the 1970s onwards, thanks to the *Defrenne* judgments (1971, 1976 and 1978), when gender equality and the concept of equal pay for equal work or work of equal value gained importance in the political agenda²⁴⁰. But it is only with the Treaty of Amsterdam in 1997 that it became essential to pursue gender equality. Art. 2 and art. 3(3) of the Amsterdam Treaty consider equality between gender as a fundamental step for all the European member states, but the most important art. on the issue is number 141 EC – art. 119 of the Treaty of Maastricht (consolidated version) or art. 157 of the Treaty on the Functioning of the European Union (TFEU), which states the principle of equal

²³⁷ Pavy, E. *The Treaty of Lisbon*. (October 2021). Fact Sheets on the European Union - European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon> [Accessed on 22 February 2022].

²³⁸ “Each Member State shall ensure [...] that the principle of equal pay for male and female workers for equal work is applied. [...]. Equal pay, without discrimination on grounds of sex, means: (a) that pay for the same work paid for by reference to the task is established on the basis of the same unit of measurement; (b) that pay for the same work paid for by the hour is the same for the same type of work”. My translation.

TRAITÉ instituant la Communauté Économique Européenne et documents annexes. [Online]. Available at <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:11957E/TXT&from=EN> [Accessed on 1 March 2022].

²³⁹ Ghailani, D. *Gender equality, from the Treaty of Rome to the quota debate: between myth and reality*. (2013). Social developments in the European Union 2013. [Online]. Available at <https://www.etui.org/sites/default/files/14%20Social%20develop%20in%20EU%202013%20EN%20Web%20version%20Ghailani.pdf> [Accessed on 3 March 2022].

²⁴⁰ *Ibidem*.

pay, explaining the meaning of it and underlying that the calculation of pay, which is “the ordinary basic or minimum wage or salary²⁴¹” should be made on the basis of the same job and not on the sex of the worker. Furthermore, the article allows positive actions to ensure the principle of equal pay and gender equality in employment, occupation and professional careers. In 2009, the Treaty of Lisbon confirmed the principle of equal pay and the importance to pursue gender equality among the essential tasks of the EU²⁴² throughout articles 2, 3(3) of the Treaty on EU and articles 8, 10, 19, 153 and 157 of the Treaty on the Functioning of the European Union²⁴³. Moreover, thanks to the entry into force of the Lisbon Treaty the freedoms, rights and principles enunciated in the Charter of Fundamental Rights of the European Union became finally legally binding.

2.4.2 The Charter of Fundamental Rights of the European Union

In 1999 the attention was focused on the people of the European Union, but their rights and freedoms had to be codified, since the protection of universal values of human dignity, freedom, equality and solidarity²⁴⁴ was, and still is, one of the founding principles of the Union.

The Charter was proclaimed in Nice in 2000, but it remained a mere declaration until the adoption of the Treaty of Lisbon on 1st December 2009. Indeed, one of the main objectives of the Treaty is to ensure greater democracy and better protection of fundamental rights and freedoms to the extent that the Charter of Fundamental Rights has acquired a legally binding character through Article

²⁴¹ *Treaty establishing the European Community (Nice consolidated version) - Part Three: Community policies - Title XI: Social policy, education, vocational training and youth - Chapter 1: Social Provisions - Article 141 - Article 119 - EC Treaty (Maastricht consolidated version) - Article 119 - EEC Treaty.* (2002). Official Journal C 325, 24/12/2002 P. 0096 – 0096. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12002E141&from=NL> [Accessed on 5 March 2022].

²⁴² *Questions and Answers: What is the EU doing for women's rights and gender equality?* (March 2015). European Commission. [Online]. Available at https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_4563 [Accessed on 7 March 2022].

²⁴³ *Glossary of summaries. Equality between women and men.* EUR-Lex. [Online]. Available at https://eur-lex.europa.eu/summary/glossary/equal_treatment.html [Accessed on 7 March 2022].

²⁴⁴ *Charter of Fundamental Rights of the European Union.* (December 2000). Official Journal of the European Communities (2000/C 364/01). [Online]. Available at https://www.europarl.europa.eu/charter/pdf/text_en.pdf [Accessed on 7 March 2022].

6(1) TEU²⁴⁵:

“The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties [...]”²⁴⁶”.

The Charter of Fundamental Rights is divided into a preamble and seven titles, of which six are connected to specific rights - dignity, freedoms, equality, solidarity, citizens’ rights and justice - while the last one clarifies the scope and the principle of the interpretation of the Charter²⁴⁷. The first three chapters are related to civil and political rights and affirm the right to human dignity and the prohibition to torture and slavery (first title), list the main freedoms of people (second part) and consolidate the principle of equality and non-discrimination between men and women (“equality” chapter). The others three ensure protection for workers (title IV), list the rights of Union’s citizens, as the right to vote and the freedom of movement and of residence (Citizens’ rights), and define the rights connected to the judicial context – as the right to a fair trial and of defence (last part).

The Preamble of the Charter underlines that the scope of the document is the “reaffirmation” of the rights that have already been guaranteed by other Treaties or Conventions. Moreover, it mentions the principle of subsidiarity, which means that it leaves the present powers of the European Union and its Member States unchanged²⁴⁸.

The third title deals with the theme of equality. It considers different aspects in which people can face discrimination, such as for their cultural, linguistic and religious diversity, because of their age – art. 24 is dedicated to the rights of children whereas art. 25 to the elderly, for their disabilities (art. 26), or for the sex,

²⁴⁵ Pavy, E. *The Treaty of Lisbon*. (October 2021). Fact Sheets on the European Union - European Parliament. [Online]. Available at <https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon> [Accessed on 22 February 2022].

²⁴⁶ *Treaty of Lisbon. Amending the Treaty on European union and the Treaty Establishing the European Community (2007/C 306/01)*. (December 2017). Official Journal of the European Union. Volume 50. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2007:306:FULL&from=EN> [Accessed on 22 February 2022].

²⁴⁷ Sy, S. *The Charter of Fundamental Rights*. (June 2017). [Online]. Available at [https://www.europarl.europa.eu/RegData/etudes/fiches_techniques/2013/010106/04A_FT\(2013\)010106_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/fiches_techniques/2013/010106/04A_FT(2013)010106_EN.pdf) [Accessed on 8 March 2022].

²⁴⁸ *Charter of Fundamental Rights of the European Union*. Preamble. (December 2000). Official Journal of the European Communities (2000/C 364/01). [Online]. Available at https://www.europarl.europa.eu/charter/pdf/text_en.pdf [Accessed on 12 March 2022].

as mentioned in art. 23. This last article entitled “equality between women and men” states:

“Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex²⁴⁹”.

The first paragraph aims to promote equal treatment between men and women as regards access to employment, vocational training and promotion, and working conditions, based on article 3 of the Treaty on European Union and on articles 8 and 157 of the TFEU²⁵⁰. On the other, the second paragraph reproduces article 157(4) of the Treaty on the Functioning of the European Union, which provides that

“The principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers²⁵¹”.

The Charter is applicable to all member states of the European Union and, since 2010, the European Commission has published annual reports on the application of the Charter and the progress made by the countries of the EU area²⁵².

2.4.3 Soft Law

The term “soft law” is used to refer to resolutions, agreements, principles, recommendations and declarations that are not legally binding but can function as

²⁴⁹ *Charter of Fundamental Rights of the European Union*. Art. 23. (December 2000). Official Journal of the European Communities (2000/C 364/01). [Online]. Available at https://www.europarl.europa.eu/charter/pdf/text_en.pdf [Accessed on 8 March 2022].

²⁵⁰ Gazzetta ufficiale dell'Unione Europea C 303/17. *EU Charter of Fundamental Rights*. (14 December 2007). European Union Agency for Fundamental Rights. [Online]. Available at <https://fra.europa.eu/en/eu-charter/article/23-equality-between-women-and-men> [Accessed on 9 March 2022].

²⁵¹ *Consolidated version of the Treaty on the Functioning of the European Union*. Art. 157. (March 2020). EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:02016E/TXT-20200301> [Accessed on 9 March 2022].

²⁵² *Annual reports on the application of the Charter*. European Commission. [Online]. Available at https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights/application-charter/annual-reports-application-charter_en [Accessed on 12 March 2022].

gap-filler²⁵³. In the area of European Communities, soft law measures are the main instruments adopted by the Treaty on the EU²⁵⁴, also in the field of human rights, as equality between women and men in employment, in non-discrimination, and in closing the gender gap. All these actions put pressure on states, which feel obliged to develop legislation and policies at national level to reach gender equality in order to comply with the international agreed opinions.

The Council Recommendation of 13 December 1984 (84/635/EEC) represents a way to eliminate bias on women in employment, to encourage the participation of women in the working sphere and to promote positive actions in the private and public sector²⁵⁵. These steps are better explained in point no. 4, that includes the encouragement of women in the underrepresented work and in decision-making bodies, stating: “...*encouraging women candidates and the recruitment and promotion of women in sectors and professions and at levels where they are underrepresented, particularly as regards positions of responsibility...*”, a better organization of work and working life, citing “...*adapting working conditions; adjusting the organization of work and working time...*”, the promotion of equality (“...*informing and increasing the awareness of both the general public and the working world of the need to promote equality of opportunity for working women...*”) and the respect of the female sex in the working place – “...*respect for the dignity of women at the workplace*”²⁵⁶.

Regarding the participation of women and men in the decision-making process, it is worth recalling the Council Recommendation of 2 December 1996 (96/694/EC), which encourages the introduction of measures for a balanced participation of both sexes in all employment levels, the proposal of women as candidates to assignments, the launch and promotion of public campaign to alert

²⁵³ *TERM: Hard law/Soft law*. ECCHR – European Centre for Constitutional and Human Rights. [Online]. Available at <https://www.ecchr.eu/en/glossary/hard-law-soft-law/> [Accessed on 12 March 2022].

²⁵⁴ Thürer, D. *Soft law*. (March 2009). Oxford Public International Law. [Online]. Available at <https://docenti.unimc.it/paolo.palchetti/teaching/2017/17311/files/soft-law-1> [Accessed on 12 March 2022].

²⁵⁵ Official Journal of the European Communities. No. L. 331/34. (December 1984). *84/635/EEC: Council recommendation of 13 December 1984 on the promotion of positive action for women*. EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31984H0635> [Accessed on 16 March 2022].

²⁵⁶ Official Journal of the European Communities. No. L. 331/34. (December 1984). *84/635/EEC: Council recommendation of 13 December 1984 on the promotion of positive action for women*. Art. 4. EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31984H0635> [Accessed on 16 March 2022].

public opinion providing also female imagines in high level jobs and the raising of awareness of the importance of gender equality²⁵⁷.

Other important measures of soft law in the field of gender equality between men and women are represented by the OECD Recommendations and by the strategies and their communications.

The 2013 OECD Recommendation focuses in closing the gap in education, employment and entrepreneurship. It recommends member states to raise awareness about gender stereotypes and gender-stereotypical attitudes towards academic performance and choice of studies, to promote family-friendly policies providing incentives to fathers to take parental leave and have more time to stay in the family context, to increase the representation of women in decision-making positions and, most of all, to

“[...] eliminate the discriminatory gender wage gap by: strengthening the legal framework and its enforcement for combating all forms of discrimination in pay, recruitment, training and promotion; promoting pay transparency; ensuring that the principle of equal pay for equal work or for work of equal value is respected in collective bargaining and/or labour law and practice; tackling stereotypes, segregation and indirect discrimination in the labour market, notably against part-time workers; promoting the reconciliation of work and family life [...]”²⁵⁸.

In its second point, the Recommendation encourages the states to elaborate and promote actions to achieve gender parity, to produce gender-sensitive data and to ensure that the information collected is used to monitor progress made by the nations on the field.

Other actions are represented by strategies. Many of them were adopted after the Declaration of Beijing to mark its importance, and their aim is to increase the visibility and the impact of gender equality, to support the implementation within

²⁵⁷ Official Journal of the European Communities. No. L 319/11. 96/694/EC: Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process. (December 1996). EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31996H0694> [Accessed on 16 March 2022].

²⁵⁸ 2013 OECD Recommendation of the Council on Gender Equality in Education, Employment and Entrepreneurship. (2017). OECD Publishing, Paris. [Online]. Available at <https://www.oecd-ilibrary.org/docserver/9789264279391-en.pdf?expires=1647452292&id=id&accname=guest&checksum=C5DA8C9488855D6C4DA0EFCA33B6D81E> [Accessed on 16 March 2022].

the states and the European Union and to provide the basis for cooperation among nations, institutions and stakeholders²⁵⁹.

The “Strategy for equality between women and men 2010-2015” provides five key areas and points where gender equality has to be reached, such as equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and an end to gender-based violence; and, at least, gender equality in external actions²⁶⁰. For each area, the Council proposed actions and measures to achieve progress and to remove inequalities. In the last communication from the Commission to the EU Parliament in March 2020, it is written that states were able to close the gap in education, but “...gender gaps in employment, pay, care, power and pensions persist²⁶¹”.

Moreover, a European Parliament’s research compared countries that have adopted binding measures, as for example binding quotas, with countries that have introduced only soft actions, and confirmed that also soft measures work in increasing gender balance²⁶². Related to this, the Gender Equality Strategy 2018-2023, promoted by the Council of Europe, aims to improve the role of women in the society in all its aspects, trying to prevent and combat gender stereotypes, sexism and violence, ensuring equal access to justice and a balanced participation of women in politics and public decision-making, protecting their rights and achieving gender mainstreaming through policies and actions²⁶³.

²⁵⁹ /* COM/2010/0491 final */ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Strategy for equality between women and men 2010-2015.* (September 2010). EUR-Lex. [Online]. Available at <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0491:FIN:en:HTML> [Accessed on 18 March 2022].

²⁶⁰ *Ibidem*.

²⁶¹ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.* COM (2020) 152 final. (March 2020). European Commission: Brussels. [Online]. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0152&from=EN> [Accessed on 18 March 2022].

²⁶² Shreeves, R., Prpic, M. *Beijing Platform for Action: 25-year review and future priorities.* (February 2020). EPRS | European Parliamentary Research Service. [Online]. Available at http://www.epgencms.europarl.europa.eu/cmsdata/upload/061d729c-5ca4-4621-850f-9d2791488f63/EPRS_Briefing_Beijing_Platformfor_Action.pdf [Accessed on 20 March 2022].

²⁶³ *Council of Europe: Gender Equality Strategy 2018-2023.* (June 2018). Council of Europe. [Online]. Available at [https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1#:~:text=STRATEGIC%20OBJECTIVES,-35.&text=1\)%20Prevent%20and%20combat%20gender,political%20and%20public%20decision%20making.](https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1#:~:text=STRATEGIC%20OBJECTIVES,-35.&text=1)%20Prevent%20and%20combat%20gender,political%20and%20public%20decision%20making.) [Accessed on 25 March 2022].

2.5. Actions taken by Third Parties

Gender equality is far from being a reality, and international and national organisations have been working to overcome this problem. The achieving of equality between women and men is essential for every human being to create a more equal society. Furthermore, the strengthening of mechanisms for gender equality will determine the progress on the field. For these reasons and for the importance that the issue has having in our society, also third parties have contributed and have been interested in closing this gap. It is important to stress out that third parties can have the possibility to request the observer status for meetings and public sessions to follow discussion on matters of human rights to establish close relationship and cooperation with the organizations. The status allows parties to guarantee their presence also during negotiations and can help to reach an agreement on the field. Moreover, in order to express their view and opinion, they can make oral interventions, submit written statements – in English or French - related to the discussed issue and organize events on the topic²⁶⁴. In this subchapter the measures taken by the World Economic Forum first and other different NGOs then will be analysed.

2.5.1 The World Economic Forum

The World Economic Forum is a non-profit international organization for public-private cooperation established in 1971 in Geneva, Switzerland²⁶⁵. Its aim is to provide a platform for leaders from all worldwide stakeholder groups – business, government and civil society – to meet and exchange views, to achieve mutual understanding, to come to common agreement and to push action forward for an effective change²⁶⁶.

Initially, the organization founded by Professor Klaus Schwab focused on the way European companies could compete with US management practices. Moreover, the institution has always directly worked with the private sector to encourage inter-sectorial collaboration on gender equality, supporting companies

²⁶⁴ Personal notes taken during the course “Science of International Politics” at Ca’ Foscari University in the academic year 2019/2020.

²⁶⁵ *Our Mission: The World Economic Forum*. World Economic Forum. [Online]. Available at <https://www.weforum.org/about/world-economic-forum/> [Accessed on 28 March 2022].

²⁶⁶ *Our Mission: Why does our work matter?*. World Economic Forum. [Online]. Available at <https://www.weforum.org/about/why-does-our-work-matter> [Accessed on 28 March 2022].

and industries to implement effective practices to decrease gender gaps and monitoring their impact. However, the events of the 1970s – as the collapse of the Bretton Woods fixed exchange rate mechanism and the Arab-Israeli War – introduced the economic and social issues to the Forum’s agenda²⁶⁷.

Today, one of the world’s most significant problem that the organization deals with is the persistent gender gap and the differences in the access to resources and opportunities that women face. The Forum has produced cutting-edge data on the field, and since 2006 has published annual reports on countries’ progress in closing the gap between women and men in the four sub-indexes, which represent the priority areas to reform: economic participation and opportunities, educational attainment, health and survival, and political empowerment²⁶⁸. Understanding the area where the gap is wider can help policy makers to engage more in that sphere and recognizing it as an important strategic issue can lead to a greater impact on the growth of nations. Indeed, this gap not only undermines the quality of life of half of the world's population, but also creates a considerable risk to the long-term growth and well-being of countries: the ones that do not optimise their full potential of human resources can undermine their competitive power²⁶⁹.

Over the years, the Forum has carried out several initiatives – such as annual reports, task forces, toolkits and programmes - on the topic to integrate more women into the economy²⁷⁰. An example is the Women Leaders Programme, which goal is to promote the female leadership, the discussion and targeted action on the status of women worldwide and in all sectors involving business leaders, policymakers and representatives of civil society organisations, and their active participation and contribution to the global dialogue²⁷¹. In addition to the annual global gender gap indexes, the World Economic Forum has published since 1979

²⁶⁷ *History*. World Economic Forum. [Online]. Available at <https://www.weforum.org/about/history> [Accessed on 28 March 2022].

²⁶⁸ For further information, refer to chapter 1, pag. 2.

²⁶⁹ Hausmann, R., Tyson, L.D., Zahidi, S. *The Global Gender Gap Report 2006*. (2006). The World Economic Forum. [Online]. Available at https://www3.weforum.org/docs/WEF_GenderGap_Report_2006.pdf [Accessed on 30 March 2022].

²⁷⁰ *Global Agenda Closing the Economic Gender Gap: Learning from the Gender Parity Task Forces*. (2016). World Economic Forum. [Online]. Available at https://www3.weforum.org/docs/WEF_2016_Closing_the_Economic_Gender_Gap.pdf [Accessed on 29 March 2022].

²⁷¹ *Women Leaders Programme*. (2006). World Economic Forum. [Online]. Available at http://web.worldbank.org/archive/website00818/WEB/OTHER/WOMEN_LE.HTM [Accessed on 30 March 2022].

the Global Competitiveness Reports, which serve as neutral and objective tool for an effective collaboration to achieve greater future prosperity. Furthermore, the reports provide a focused point for the debate on long-term competitiveness policies and contributes to keeping stakeholders accountable²⁷².

2.5.2 The Role of other NGOs

The World Economic Forum does not represent the only NGO focusing on the issue. Over the years, several organizations have worked on providing a tangible solution for overcoming gender inequality, some of them are well-known as Amnesty International, others less so, such as the International Alliance of Women, Equality now and the Women's Environment and Development Organization (WEDO).

Amnesty International is one of the most renowned NGOs which fights for human rights and focuses on the respect of international laws. It was established in 1961 by the British lawyer Peter Benenson and has been through several transformations due to world and society's changes²⁷³. One of the most important battles carried out by this movement is undoubtedly the struggle against discrimination, including gender discrimination. Amnesty tries to support women in their empowerment and in their demand on gender equality all over the world, from the areas where women can freely express themselves to sites where discriminatory laws are still practised today²⁷⁴. Moreover, the organization advocates the empowerment of women and calls for new policies and legislations that ensure women's rights and put an end to discriminatory laws against females.

International Alliance of Women (IAW) is an organisation that includes 41 member organisations dedicated to the advancement of women's human rights, equality and women's empowerment. It was founded in 1902 in Geneva and took this name only in 1946. Since the following year, the IAW has had general consultative status with the United Nations Economic and Social Council²⁷⁵. The

²⁷² *The Global Competitiveness Index as a public policy tool*. World Economic Forum. [Online]. Available at <https://reports.weforum.org/global-competitiveness-index-2016-2017/box-2-the-global-competitiveness-index-as-a-public-policy-tool/> [Accessed on 30 March 2022].

²⁷³ *Who we are*. Amnesty International. [Online]. Available at <https://www.amnesty.org/en/who-we-are/> [Accessed on 30 March 2022].

²⁷⁴ *Discrimination*. Amnesty International. [Online]. Available at <https://www.amnesty.org/en/what-we-do/discrimination/> [Accessed on 30 March 2022].

²⁷⁵ *What is IAW*. International Alliance of Women. [Online]. Available at <https://www.womenalliance.org/what-is-iaw/> [Accessed on 30 March 2022].

organization affirms that gender inequality is deeply rooted, and for this reason, since the economic recession, it has called for

“[...] the integration of a strong gender equality perspective in all recovery programmes; equal participation of women in decision making at the highest levels (preferably through the adoption of quotas) in the formulation and implementation of all policies [...]; the elaboration and implementation of macro-economic policies that respect human rights and gender equality²⁷⁶”.

Another NGO dedicated to the achievement of gender equality is Equality Now. The movement was created in 1992 with the aim of implementing discriminatory laws to close gender inequalities²⁷⁷. These laws treat women as second-class citizens, make them feel marginalized, and prevent them to be economically independent, also with restriction to employment access.

The last non-governmental institution mentioned is Women’s Environment and Development Organization (WEDO). It was established in 1991²⁷⁸ and its main objective consists in the promotion and protection of human rights and gender equality. It also calls for action for a world that strives for environmental integrity. The association focuses on achieving gender equality as women can contribute positively in the economic, social and environmental progress.

In conclusion, it is important to note that the role of NGOs is not to enforce binding obligations, but simply to put pressure on governments that do not respect human rights and raise voice for change.

²⁷⁶ *Women and the Economy*. International Alliance of Women. [Online]. Available at <https://www.womenalliance.org/gender-and-the-economic-crisis/> [Accessed on 30 March 2022].

²⁷⁷ *The History*. Equality Now. [Online]. Available at <https://www.equalitynow.org/the-history/> [Accessed on 30 March 2022].

²⁷⁸ *OUR Story*. Women’s Environmental and Development Organization (WEDO). [Online]. Available at <https://wedo.org/about-us/> [Accessed on 30 March 2022].

Chapter 3

A Comparative Analysis of the National Actions Implemented by Three Different Countries: Iceland, Italy and the Russian Federation.

The first chapter of this dissertation focused on the general concept of the two phenomena taken into consideration, the gender pay gap and the glass ceiling, in two distinct contexts: the socio-economic framework and the socio-cultural one, examining the ongoing issues in society.

On the other hand, the second part demonstrated that both problems are not only approached at a general scale, but at a global one. Several institutions at international, national and regional level, as the United Nation Organization, the International Labour Organization, the European Union and other parties, focus on these questions and endeavour, through binding laws, such as regulations and declarations, through acts of soft law or even just through the mobilization of society to overcome this gap and to dismantle those barriers that hamper the access of women to the labour market and their career advancement.

This third and final chapter aims to take a closer examination at the legislation of some countries to attempt understanding whether and how these issues can effectively be overcome. Therefore, if initially the more general aspects and acts adopted by different institutions were considered, in this section the national laws will be analysed. The choice of the three countries - Iceland, Italy and the Russian Federation - is not casual.

Iceland is in fact the first country since 2009²⁷⁹, according to the reports of the World Economic Forum, that has managed to almost close the gap. It has been in the first place for years in the political empowerment index – with 0,760 in 2021 and 0,701 in 2020, and in the top positions for the economic participation and opportunity category - ranking second in 2020²⁸⁰ and fourth in 2021²⁸¹.

Italy was chosen as it seemed interesting to examine the legislation of the country in which we live, to find out whether our nation is advancing on gender

²⁷⁹ Hausmann, R., Tyson, L. D., Zahidi, S. *The Global Gender Gap Report 2009*. (2009). World Economic Forum. [Online]. Available at https://www3.weforum.org/docs/WEF_GenderGap_Report_2009.pdf [Accessed on 23 April 2022].

²⁸⁰ *Global Gender Gap Report 2020*. Pag. 12. (2019). World Economic Forum. [Online]. Available at https://www3.weforum.org/docs/WEF_GGGR_2020.pdf [Accessed on 5 May 2022].

²⁸¹ *Global Gender Gap Report 2021. Insight Report*. Pag. 18. (March 2021). World Economic Forum. [Online]. Available at https://www3.weforum.org/docs/WEF_GGGR_2021.pdf [Accessed on 5 May 2022].

equality issues. Italy is currently holding the 63rd place, 13 positions higher than the previous year in the general ranking, three for the political empowerment – 44th position in 2020 and 41st in this year's report - and three for the economic participation and opportunity index (ranking now the 114th place rather than the 117th of 2020).

The Russian Federation was considered in this dissertation as it holds the first position for the education and the health and survival categories, both in 2021 and in 2020's reports. However, the road to equality and the breaking of the crystal ceiling is still long, perhaps too long. Thus, in the last year's study, the country has lost 11 positions regarding the political participation index, but, on the other, has gained seven rankings in the economic empowerment.

3.1 The Icelandic Situation

Iceland is one of the 47 European countries - but it is not part of the European Union, with a national population of approximately 376,000 inhabitants²⁸². It is a representative democracy and a constitutional republic with a multi-party system where the head of state is the President. The executive power is exercised by the Government, the legislative one is entrusted to both the Parliament and the President, and the judiciary is independent of the executive and the legislature²⁸³.

The President is elected for a four-year term by a popular vote. In 2016 Guðni Thorlacius Jóhannesson was selected as the representative of the Republic of Iceland for his first time, and in 2020 was re-elected for a second term.

On the other, the Parliament, which was established in 930 – and represents one of the oldest in the world, gained legislative power under the Constitution of 1874, and its main task is the drafting of laws²⁸⁴.

The Constitution of the Republic of Iceland, the supreme law of the country, is composed of 79 articles divided into seven sections: the I one states that Iceland is a republic and describes the division of powers (art. I and II); the II section –

²⁸² *Overview. Population.* (January 2022). Statistics Iceland. [Online]. Available at <https://www.statice.is/statistics/population/inhabitants/overview/> [Accessed on 9 May 2022].

²⁸³ *How is Iceland governed?.* Government of Iceland – Prime Minister's Office. [Online]. Available at <https://www.government.is/topics/governance-and-national-symbols/how-is-iceland-governed/> [Accessed on 9 May 2022].

²⁸⁴ *Iceland. Main executive and legislative bodies.* (25 January 2022). EURYDICE – European Commission. [Online]. Available at https://eacea.ec.europa.eu/national-policies/eurydice/content/main-executive-and-legislative-bodies-36_en [Accessed on 9 May 2022].

from article 3 to 30 – explains the President’s issues and the importance of the role, indeed the President is the one who concludes treaties, validates legislative acts or government measures...; in section III articles 31 to 34 define the role of Althingi, which shall be composed of 63 members for a term of four years; part IV deals with the main questions related to the Parliament’s work (art. 35-58), such as the decision whether to hold a public or a closed meeting depending on the matter; section V, which contains articles 59-61, describes the regulation of judiciary, that can only be established by law; the VI part (62-64) affirms that the Evangelical Lutheran Church is the State Church, but, at the same time, these articles assure the freedom of religion within the nation; and the last unit, from art. 65 to 79, lists several human rights²⁸⁵, as the right to liberty, the right to have a fair trial, the right to freedom of opinion and belief, the right to be equal before the law, and it specifically addresses equality between women and men stating that “men and women shall enjoy equal rights in all respects” (art. 65).

Regarding gender issues, a legislation on gender equality passed in Iceland in 1975. This act was then revised four times: in 1985, 1991, 2000 and 2008. The aim of this law is to establish and maintain equal status for both women and men and promote gender equality in all spheres of society²⁸⁶, work and life included, and to develop their skills.

Over the years, Iceland has become increasingly committed to this Act and to promoting laws and behaviour that combat gender inequality, including through the participation of the male population in gender issues. This has led to Iceland being in the first position in the World Economic Forum’s annual ranking regarding the gender-based gap in society.

²⁸⁵ *Constitution of the Republic of Iceland (No. 33, 17 June 1944, as amended 30 May 1984, 31 May 1991, 28 June 1995 and 24 June 1999)*. Government.is. [Online]. Available at https://www.government.is/library/01-Ministries/Prime-Ministers-Office/constitution_of_iceland.pdf [Accessed on 10 May 2022].

²⁸⁶ *Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010 and No. 126/2011*. Art.1. (Passed on 26 February 2008). Ministry of Welfare. [Online]. Available at https://www.ilo.org/dyn/travail/docs/1556/Act-on-equal-status-and-equal-rights-of-women-and-men_no-10-2008.pdf [Accessed on 10 May 2022].

3.1.1 Why Did Iceland almost Manage to Fill the Gap?

The success Iceland has achieved in recent years has been made possible by the influence of cultural, political, religious, social, academic and economic currents that were grown and developed domestically²⁸⁷.

During the Commonwealth period, women enjoyed liberties and had cultural and religious authorities. Indeed, they were goddesses, priestesses, oracles, poets, but also merchants and doctors.

With the advent of Christianity, women lost their role in the society and their equal status, but they immediately fought for their rights, until they had obtained in 1914 the right to vote, the right to run as political candidates, and the legal right to be Protestant priests²⁸⁸.

Over the years, women have managed to bring their issues to the political agenda and have taken on increasingly important roles: just consider the first women elected to a municipal government in 1908, the first woman elected to the Icelandic Parliament in 1922 from a women's list, the first female mayor in a municipality in 1958 in Reykjavík, the first female priest in 1974, the first nationally elected female head of state - Vigdís Finnbogadóttir - in the world in 1980, the first woman - Jóhanna Sigurðardóttir - to be elected prime minister in 2009, the first female bishop in 2012²⁸⁹...

To achieve these goals, Iceland has enacted a series of laws aimed at equality and fair distribution of work between men and women, distribution that also occurs in family life. In particular, in 2000 was enacted the Maternity/Paternity Leave and Parental Leave Act No. 95/2000²⁹⁰ which provides for three months for the mother, three non-transferable months for the father, and an additional 12 weeks that can be divided according to the needs of the family and the newborn baby²⁹¹. The

²⁸⁷ Marinósdóttir, M., Erlingsdóttir, R. *This is why Iceland ranks first for gender equality*. (November 2017). World Economic Forum. [Online]. Available at <https://www.weforum.org/agenda/2017/11/why-iceland-ranks-first-gender-equality/> [Accessed on 10 May 2022].

²⁸⁸ Ibidem.

²⁸⁹ *Gender Equality in Iceland. Information on Gender Equality Issues in Iceland*. (March 2017). Jafnréttisstofa – The Centre for Gender Equality Iceland. [Online]. Available at https://www.jafnretti.is/static/files/utgefid_efni_af_gomlu_sidu/gender_equality_in_iceland_2017.pdf [Accessed on 10 May 2022].

²⁹⁰ Ibidem.

²⁹¹ *Why is Iceland the world's global leader in gender equality?*. (March 2014). Women Political Leaders. [Online]. Available at <https://www.womenpoliticalleaders.org/why-is-iceland-the-world-s-global-leader-in-gender-equality/> [Accessed on 10 May 2022].

paternity leave was designed to encourage fathers to be more involved in caring for their babies and in helping in the housework. From January 2021, the law has changed, and now each parent receives six months of leave, with one month transferable between the parents, for a total of a year paid leave within a 24-month time span, and the payments for both leaves – maternity and paternity - are 80% of the average income²⁹². Moreover, parents can choose to be on leave together for the whole period, only part-time or in different time.

Furthermore, with the laws no. 2/1995 and 138/1994 and the art. 15 of the Act on Equal Status and Equal Rights of Women and Men No. 10/2008 public limited companies and private limited companies with more than 50 employees are obligated to have both representations on their company boards. The percentage of women or men cannot be under 40%²⁹³ if the board-members are more than three. The changes took effect only in 2013.

These amendments have certainly raised awareness of the existence of a gap between men and women and have tried to overcome it, with good results. But Iceland would not be ranked number one in the World Economic Forum's reports for years without the most important law on the issue, namely Act on Equal Status and Equal Rights of Women and Men No. 10/2008.

3.1.2 Act on Equal Status and Equal Rights of Women and Men No. 10/2008

Act on Equal Status and Equal Rights of Women and Men No. 10/2008 was amended in 2008 and has put pressure on individuals and boards with decision-making power to guarantee that their actions are in conformity with the law and to ensure that they do not engage in discriminatory practices.

The Act is divided into seven sections: the first, which includes the first two articles, defines the aims of the law and gives some definition in order to better understand the text, underlying for example the difference between direct and indirect discrimination; section II (art. 3 – 17) is related to the role of the Minister of Social Affairs and Social Security and to the institution and its offices that are

²⁹² Eydal, G. B., Gíslason, I. V. *Iceland*. (April 2021). University of Iceland. [Online]. Available at https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2021/Iceland.final.edited_pm.21july2021.pdf [Accessed on 10 May 2022].

²⁹³ *Legislation. More Legislation Regarding Equality. Gender Quotas*. Government of Iceland - Prime Minister's Office. [Online]. Available at <https://www.government.is/topics/human-rights-and-equality/equality/legislation/> [Accessed on 11 May 2021].

in charge of the operations; part III (art. 18-23) is about the rights and obligations of the employers and companies; from art. 24 to 30 the law focuses on the prohibition against discrimination on grounds of gender at work, in schools and educational institutions; section V explains the sanctions for anyone who neglects to comply with the law; the VI section (art. 33 – 34) indicates that the act enters into force immediately; and finally, the last part regards the five interim provisions.

The aim of the act, as cited in the first article, is to:

“[...] establish and maintain equal status and equal opportunities for women and men, and thus promote gender equality in all spheres of the society. All individuals shall have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender [...]”²⁹⁴.

Moreover, the Equal Rights Act was established as a general legal framework for Icelandic society to eliminate gender discrimination. This is to be achieved through various measures, as stated in Article 1, e.g. by implementing gender mainstreaming in policy-making and decision-making in all areas of society; working for equal opportunities for women and men; improving the status of women and their opportunities in various contexts; combating wage inequality and other gender-based discrimination in the labour market; enabling both sexes to balance their careers and home life; promoting education on inequality issues; and combating negative stereotypes about the roles of women and men.

Section no. II confirms that the Minister of Social Affairs and Social Security is in charge of the application of this law enforcement and has therefore established an institute – the Centre for Gender Equality (Jafnréttisstofa)²⁹⁵ - that deals exclusively with the administration in the spheres covered by the Act. If the Centre suspects that an institution, enterprise or non-governmental organisation is violating or has violated the Act, it shall consider whether there are prerequisites for requesting the Gender Equality Complaints Committee to examine the episode, as stated in art. no. 4.

²⁹⁴ *Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010 and No. 126/2011. Art.1. (Passed on 26 February 2008). Ministry of Welfare. [Online]. Available at <https://www.ilo.org/dyn/travail/docs/1556/Act-on-equal-status-and-equal-rights-of-women-and-men-no-10-2008.pdf> [Accessed on 10 May 2022].*

²⁹⁵ Einarsdóttir, T. *The Policy on gender equality in Iceland*. (September 2010). European Parliament. Directorate General for Internal Policies. Policy Department C: Citizens' Rights and Constitutional Affairs. Women's Rights and Gender Equality. [Online]. Available at <https://www.europarl.europa.eu/document/activities/cont/201107/20110725ATT24624/20110725ATT24624EN.pdf> [Accessed on 12 May 2022].

The Gender Equality Complaints Committee was established in 1991 and consists of three qualified lawyers for a period of three years²⁹⁶. Article 6 explains that individuals, enterprises, institutions and non-governmental organisations that consider themselves victims of violations of this Act may submit their cases to the Gender Equality Complaints Committee. Cases must be submitted in writing to the Complaints Committee within six months from the date on which the alleged violation became known or from the time when the person concerned became aware. In exceptional circumstances, the Complaints Committee may decide to examine a case even if the time limit defined above has expired, but in any case, not more than one year²⁹⁷.

Furthermore, the Minister of Social Affairs and Social Security appoints a Gender Equality Council after each parliamentary election, and its aim is to promote gender equality on the labour market and on the balance between work and family life.

Gender equality issues are discussed in the Gender Equality Forum, in which all can participate, as defined in art. 10, and is held twice during each four-year mandate period.

The Act provides for the Ministry of Social Affairs and Social Security to present a four-year gender equality action programme to secure equal rights and entails direct measures to increase equality between women and men in Iceland under art. 11. The last proposal covers the period 2020-2023 and the first part, entitled “the administrative system”, regards the funds administered by the Prime Minister’s Office, which are allocated to the project. The Icelandic Gender Equality Fund was founded in June 2015 and receives an annual allocation from the state budget²⁹⁸ and its main role, according to art. 1, is

²⁹⁶ Einarisdóttir, T. *The Policy on gender equality in Iceland*. (September 2010). European Parliament. Directorate General for Internal Policies. Policy Department C: Citizens’ Rights and Constitutional Affairs. Women’s Rights and Gender Equality. [Online]. Available at <https://www.europarl.europa.eu/document/activities/cont/201107/20110725ATT24624/20110725ATT24624EN.pdf> [Accessed on 12 May 2022].

²⁹⁷ *Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010 and No. 126/2011*. Art.6. (Passed on 26 February 2008). Ministry of Welfare. [Online]. Available at <https://www.ilo.org/dyn/travail/docs/1556/Act-on-equal-status-and-equal-rights-of-women-and-men-no-10-2008.pdf> [Accessed on 13 May 2022].

²⁹⁸ *Proposal for Parliamentary Resolution on a Gender Equality Action Programme for the period of 2020–2023*. Prime Minister Office. [Online]. Available at <https://www.government.is/library/01-Ministries/Prime-Ministers-Office/Gender%20Equality%20Action%20Programme%20for%20the%20period%20of%2020202023.pdf> [Accessed on 13 May 2022].

“[...] to finance or support projects and research designed to increase gender equality in Icelandic society and internationally”.

Article 13 of the Act no. 10/2008 stipulates the presence of gender equality officers within ministries. The role of these officers is to address and monitor gender equality activities within the fields of responsibility of the ministries in charge and their subordinated entities, to draw up their own plan of work, and to organise and coordinate their tasks by providing an overview of the projects for which they are responsible for.

Another fundamental article is no. 18, “the labour market”, which states that:

“[...] Employers shall work specifically to put women and men on an equal footing within their enterprise or institution and to take steps to avoid jobs being classified as specifically women’s or men’s jobs. Particular emphasis shall be placed on achieving equal representation of women and men in managerial and influential positions²⁹⁹”.

Moreover, the article also affirms that institutions and companies with more than 25 workers on annual basis shall present a gender equality programme in their policy. In case an enterprise or an institution has not a gender perspective, it must provide one as soon as possible and within a reasonable time according to the Centre for Gender Equality. Furthermore, companies will be required to obtain equal pay certification of their equal pay system. More precisely, they have to prove that women and men receive equal wages for the same work or work of equal value within the workplace. In case a woman receives different wages for the same job in the same company, this difference must be explained on grounds other than the gender, as stated in art. 25. The purpose of this certification, called Equal Pay Standard, is to enforce the legislation prohibiting discriminatory practices based on gender and requiring that “women and men working for the same employer shall be paid equal wages and enjoy equal terms of employment for the same jobs or jobs of equal value”, as cited in art. 19 of the Act. The Equal Pay Standard was

²⁹⁹ *Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010 and No. 126/2011. Art.18. (Passed on 26 February 2008). Ministry of Welfare. [Online]. Available at https://www.ilo.org/dyn/travail/docs/1556/Act-on-equal-status-and-equal-rights-of-women-and-men_no-10-2008.pdf [Accessed on 13 May 2022].*

introduced in 2012, passed in June 2017 but took effect only in January 2018³⁰⁰ and the equal pay certification must be renewed every three years³⁰¹.

In order to make all this happen, gender inequalities within the education system must be adjusted and gender equality education must be increased even more. As written in article 23, pupils shall receive instruction on gender equality issues at all levels of the educational system, including educational textbooks and materials. The Parliamentary Resolution proposes increased recruitment of teachers, with a focus on ways to enhance the number of men, greater recognition and support for teachers' work, especially during their first years of careers, the change of the supply and mechanisms of education in upper secondary schools in order to fight gender stereotypes, and an increased accessibility of education in the fields of science, technology, engineering and mathematics (STEM) with a greater emphasis on increasing the role of girls in order to redress the gender imbalance³⁰².

Finally, the proposal emphasises the importance of men's participation in the overcoming of gender inequalities in the international arena, as stated in point number 22 of the Proposal for Parliamentary Resolution on a Gender Equality Action Programme.

In conclusion, the promotion of gender equality is a priority in the Republic of Iceland and a specific objective of the parliamentary resolution on the Gender Equality Action Programme for the period of 2020–2023. Data has shown that gender equality and women's empowerment promote greater productivity in society, strengthen its institutions and improve opportunities for future generations. There is evidence that economic growth and higher incomes reduce inequality between men and women. This affects decisions made both at the community level and within families, enhances the position of women and reduces gender

³⁰⁰ *Looking for information about equal pay in Iceland? All about the Equal Pay Standard.* (January 2018). Kvenréttindafélag Íslands. [Online]. Available at <https://kvenrettindafelag.is/en/looking-for-information-about-equal-pay-in-iceland-all-about-the-equal-pay-standard/> [Accessed on 13 May 2022].

³⁰¹ *New Icelandic law on Equal Pay Certification entered into force on January 1, 2018.* (January 2018). Government of Iceland - Ministry of Social Affairs and Labour. [Online]. Available at <https://www.government.is/news/article/2018/01/04/New-Icelandic-law-on-Equal-Pay-Certification-entered-into-force-on-January-1-2018/> [Accessed on 13 May 2022].

³⁰² *Proposal for Parliamentary Resolution on a Gender Equality Action Programme for the period of 2020–2023.* 15.3. Prime Minister Office. [Online]. Available at <https://www.government.is/library/01-Ministries/Prime-Ministers-Office/Gender%20Equality%20Action%20Programme%20for%20the%20period%20of%2020202023.pdf> [Accessed on 13 May 2022].

discrimination, for example in the education of girls and boys and in the participation of women in politics and in the traditional labour market by supporting equal opportunities both in access to and in the workplace, considering women equal to their male colleagues without distinction.

3.2 The Italian Situation

Equality between women and men is a necessary condition for achieving the goals of economic growth, employment and social cohesion. These can be achieved through the effectively enhancing of the potential and talent of girls and women. To realize this, a country needs to enact laws that can effectively prohibit all forms of gender discrimination and can promote equality between men and women, also in the workplace.

Italy currently ranks 63rd out of 156 countries analysed in the latest World Economic Forum's gender gap report, gaining more than 10 positions since 2020. Since 2006, the first year in which the WEF began publishing these reports on the issues, Italy has worsened in all indexes except in political empowerment, where it has managed to gain 29 positions, moving from 77th place to 41st³⁰³.

In the early phase of industrialisation, female workers had begun to demand equal pay. In the Fascist era, especially between the two World Wars, women's rights both in the society and in the workplace gradually deteriorated. Employment contracts were based on a gender structure, where women were paid less than their male colleagues because their work was considered of less value and less productive. The commitment of women in the fight against inequality since the '50s and the ratification in June 1956 of the ILO Convention No. 100 ensured that legislations were enacted to protect female workers and equal pay, thus giving women the same status as male workers³⁰⁴, starting with the Constitution of 1948 and ending with the Code of Equal Opportunities between Men and Women, the implementation of EU legislations and the introduction of the so called “*quote rosa*”, just to name a few.

³⁰³ *Global Gender Gap Report 2021 Insight Report*. Pag. 229. (March 2021). World Economic Forum. [Online]. Available at http://www3.weforum.org/docs/WEF_GGGR_2021.pdf [Accessed on 16 May 2022].

³⁰⁴ Betti, E. *Le alleanze delle donne italiane per la parità salariale: il contributo dell'Organizzazione Internazionale del Lavoro*. (April 2020). International Labour Organization – ILO's Office for Italy and S. Marino. Rome. [Online]. Available at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/publication/wcms_745545.pdf [Accessed on 18 May 2022].

This subchapter will mainly focus on specific articles of the Constitution, the supreme law of the country, that encourages and protects gender equality; on the Code of Equal Opportunities between Men and women and its amendments, dealing with law no. 162/2021; and finally, on the Golfo-Mosca law on gender balance in quoted companies.

3.2.1 The Constitution of the Italian Republic

In the Constituent Assembly of 1946, charged to draft the Constitution of the nascent Italian Republic - a form of government voted on by an institutional referendum with universal suffrage on 2 June 1946, participated 556 deputies, of whom only 21 were female. Of these 21, only five attended the 'Commission of 75' entrusted with the drafting of the new constitutional Charter. The participation of women in the editing of the new Charter was crucial as they represented half of the Italian population. They were able to give voice to the demands and battles that women had been carrying on for years, such as equal dignity, equal opportunities, equal access to political and economic life, as well as in terms of employment guarantees and protection, and equal pay³⁰⁵.

The Constitution, which came into force on 1st January 1948, is the normative document that holds the top position in the hierarchy of sources of the legal system of the Italian Republic³⁰⁶. The Charter consists of 139 articles and 18 transitional and final provisions. The first twelve articles represent the fundamental principles of the Republic, as such as the equality among all citizens, the repudiation of war, the freedom of religion, the protection of foreigners..., while the subsequent articles are divided into two parts: the first one deals with the rights and duties of the citizen in the sphere of civil relations (Art. 13-28 Const.), ethical-social rights (Art. 29-34 Const.), economic relations (Art. 35-47 Const.) and political relations (Art. 48-54 Const.); the second Part (Art. 55-139 Const.) is instead dedicated to the order of the Republic.

³⁰⁵ Amato Mangiameli, A. C. *Donne e Costituzione. Spunti di riflessione*. (April 2019).

Dirittifondamentali.it. [Online]. Available at <https://www.astrid-online.it/static/upload/9779/9779b1bc0cf217dea995e84ab20236f2.pdf> [Accessed on 19 May 2022].

³⁰⁶ La Grassa, M.C.L. *La Costituzione della Repubblica Italiana. La guida completa sulle caratteristiche della Legge fondamentale dello Stato, la sua struttura e i principi in essa espressi*. (July 2020). Altalex. [Online]. Available at <https://www.altalex.com/guide/costituzione-della-repubblica-italiana> [Accessed on 19 May 2022].

Of primary importance, in addition to the republican form chosen by the Italian population in 1946, is work, seen as a mean to ensure the equality of citizens and to enable personal development, as set out in the first article of the Constitution:

“L’Italia è una Repubblica democratica, fondata sul lavoro³⁰⁷”.

The principle of equality is enunciated in the third article of the Charter, which states:

“Tutti i cittadini hanno pari dignità sociale e sono eguali davanti alla legge, senza distinzione di sesso, di razza, di lingua, di religione, di opinioni politiche, di condizioni personali e sociali³⁰⁸”.

This first paragraph defines formal equality and implies that under equal conditions the law may not provide for different treatment. Thus, this entails two consequences to be considered: the first is that everyone is equal before the law, regardless of social status or role; the second affirms that the legislator may not approve legislations that contain discriminations based on sex, race, language, religion, political opinion, personal and social conditions. In the event of this being done, the laws would be immediately annulled by the Constitutional Court³⁰⁹. However, the principle of non-discrimination is not meant to be all-encompassing: the Constitution itself provides for special measures to be adopted with regard to particular categories. The principle of formal equality would remain a purely theoretical statement if it was not integrated by the State's concrete commitment to provide the conditions for substantive equality by removing “[...] *gli ostacoli di ordine economico e sociale, che [...] impediscono il pieno sviluppo della persona umana e l’effettiva partecipazione di tutti i lavoratori all’organizzazione politica,*

³⁰⁷ “Italy is a democratic Republic founded on labour”. My translation.

Costituzione della Repubblica italiana - aggiornato alla legge costituzionale 11 febbraio 2022, n. 1. Art. 1. (March 2022). Senato della Repubblica. [Online]. Available at <https://www.senato.it/sites/default/files/media-documents/Costituzione.pdf> [Accessed on 19 May 2022].

³⁰⁸ “All citizens have equal social dignity and are equal before the law, without distinction sex, race, language, religion, political opinions, personal and social conditions”. My translation. Ibidem, art. 3.

³⁰⁹ La Grassa, M.C.L. *La Costituzione della Repubblica Italiana. La guida completa sulle caratteristiche della Legge fondamentale dello Stato, la sua struttura e i principi in essa espressi.* (July 2020). Altalex. [Online]. Available at <https://www.altalex.com/guide/costituzione-della-repubblica-italiana> [Accessed on 19 May 2022].

*economica e sociale del Paese*³¹⁰”, as stated in the second paragraph of Article no. 3, and promoted in the first article of the law no. 125/1991 “*Azioni positive per la realizzazione della parità uomo-donna nel lavoro*³¹¹”.

The equality between women and men is also enshrined in Article 37, which gives women equal rights and equal pay for equal work in comparison to male workers. The article continues with the right of women to be guaranteed working conditions that enable them to fulfil their role as mothers, as well as to obtain adequate protection in the workplace in the event of pregnancy:

“La donna lavoratrice ha gli stessi diritti e, a parità di lavoro, le stesse retribuzioni che spettano al lavoratore. Le condizioni di lavoro devono consentire l’adempimento della sua essenziale funzione familiare e assicurare alla madre e al bambino una speciale adeguata protezione³¹²”.

Furthermore, the protection of working mothers was later to be guaranteed by law no. 860/1950³¹³ entitled “*Tutela fisica ed economica delle lavoratrici madri*³¹⁴”, which established a series of regulations aimed at protecting the health of the future mother and child, as well as an economic guarantee since, as stated in Article 3 of the aforementioned law, they could not be dismissed for their state of pregnancy³¹⁵.

The principle of equal pay for work of equal value is also found in Article 2 of the law no. 903/1977, entitled “*Parità di trattamento tra uomini e donne in materia di lavoro*³¹⁶”. This article mentions that

“La lavoratrice ha diritto alla stessa retribuzione del lavoratore

³¹⁰ “...obstacles of an economic and social nature, which [...] prevent the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the nation”. My translation.

³¹¹ “Positive Actions for the Realization of Gender Equality at Work”. My translation. *Legge 10 aprile 1991, n. 125 Azioni positive per la realizzazione della parità uomo-donna nel lavoro*. Art. 1. Gazzetta Ufficiale della Repubblica Italiana. [Online]. Available at <https://www.gazzettaufficiale.it/eli/id/1991/04/15/091G0161/sg> [Accessed on 19 May 2022].

³¹² “The working woman has the same rights and, for equal work, an equal pay as to the worker. Working conditions must enable the fulfilment of her essential family function and ensure the mother and the child special appropriate protection”. My translation.

³¹³ Amato Mangiameli, A. C. *Donne e Costituzione. Spunti di riflessione*. (April 2019). Dirittifondamentali.it. [Online]. Available at <https://www.astrid-online.it/static/upload/9779/9779b1bc0cf217dea995e84ab20236f2.pdf> [Accessed on 19 May 2022].

³¹⁴ “Physical and Economic Protection of Working Mothers”. My translation.

³¹⁵ *Legge 26 agosto 1950, n. 860 Tutela fisica ed economica delle lavoratrici madri*. Gazzetta ufficiale della Repubblica Italiana. [Online]. Available at https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1950-11-03&atto.codiceRedazionale=050U0860&elenco30giorni=false [Accessed on 19 May 2022].

³¹⁶ “Equal Treatment between Men and Women in Labour Matters”. My translation.

quando le prestazioni richieste siano uguali o di pari valore³¹⁷”.

Furthermore, the same law in its first article establishes the principle of equality between men and women, as in the third art. of the Constitution, stating that

“E' vietata qualsiasi discriminazione fondata sul sesso per quanto riguarda l'accesso al lavoro³¹⁸”

and continuing in article 3

“[...] per quanto riguarda l'attribuzione delle qualifiche, delle mansioni e la progressione nella carriera³¹⁹”.

Other fundamental articles in the Charter for equality between men and women are number 51, paragraph 1³²⁰, which provides for access to public offices and elected positions for everyone without distinction of sex, also promoting “equal opportunities between men and women”, and 117 (7), which partly incorporates Articles 3 and 51 but with reference to the possibility for both sexes to run for elected office³²¹.

Our Constitution therefore provides the basis for a more gender-equal society by legally recognising that women have the same rights as men, both in private life and in the workplace. These guarantees, however, are not sufficient to close the gap that still exists, and this has led the legislators to intervene with further legislations to support the Constitution, such as the drafting of the law no. 903/1977 and the Code of Equal Opportunities between Men and Women.

³¹⁷ “The female worker shall be entitled to the same pay as the male worker when the work required is equal or of equal value”. My translation.

Legge 9 dicembre 1977, n. 903 Parità di trattamento tra uomini e donne in materia di lavoro. Gazzetta Ufficiale della Repubblica Italiana. [Online]. Available at <https://www.gazzettaufficiale.it/eli/id/1977/12/17/077U0903/sg#:~:text=1.,i%20livelli%20della%20gerarchia%20professionale>. [Accessed on 19 May 2022].

³¹⁸ “Any discrimination on the grounds of sex is prohibited with regard to access to employment”. My translation.

³¹⁹ “[...] in the allocation of qualifications, tasks and career progression”. My translation.

³²⁰ *Costituzione della Repubblica italiana - aggiornato alla legge costituzionale 11 febbraio 2022, n. 1.* Art. 51. (March 2022). Senato della Repubblica. [Online]. Available at <https://www.senato.it/sites/default/files/media-documents/Constituzione.pdf> [Accessed on 19 May 2022].

³²¹ *Ibidem*, art. 117.

3.2.2 The Code of Equal Opportunities between Men and Women (Legislative Decree No. 198/2006)

The Legislative Decree no. 198/2006, commonly known as “*Codice delle pari opportunità tra uomo e donna*”³²² and which came into force in 2006, encompasses in a unique legislative text all those provisions related to the issue of equal opportunities. It consists of 58 articles divided into four books: the first one, “*Disposizioni per la promozione delle pari opportunità tra uomo e donna*” (“Provisions for the Promotion of Equal Opportunities between Men and Women”), includes articles from 1 to 22 which explain the formation and the tasks of the Equal Opportunities Commission established at the Department for Equal Opportunities³²³; the second book is related to the opportunities in social-ethical relations, dealing with relations between spouses (art. 23) and within the family context (art. 24); the following part (art. 25-55) is based on economic relations, and the first title deals with the labour issue and the distinction between direct and indirect discrimination and the prohibition of discrimination on the ground of sex (art. 27); finally, the last section (art. 56-58) concerns with civil and political relations in access to elected offices, for example as a member of the European Parliament³²⁴.

On the subject of labour, is important to stress out article no. 25 which deals with the difference between direct and indirect discrimination. This article was modified by art. 2 of the law 162/2021 regarding the amendments to the Code, which added the paragraph 2-bis concerning discrimination that may place the worker at a disadvantage compared to others or limit access to advancement and career progression and expands the cases of discrimination to protect candidates also in the recruitment process³²⁵.

Other fundamental articles are no. 27, 28 and 29: the first prohibits any discrimination on the ground of sex in the access to employment covering marital

³²² “Code of Equal Opportunities between Men and Women”. My translation.

³²³ *Decreto Legislativo 11 aprile 2006, n. 198. "Codice delle pari opportunità tra uomo e donna, a norma dell'articolo 6 della legge 28 novembre 2005, n. 246".* Art. 3. (May 2006). Gazzetta Ufficiale della Repubblica Italiana. [Online]. Available at <https://www.gazzettaufficiale.it/dettaglio/codici/pariOpportunita> [Accessed on 19 May 2022].

³²⁴ *Ibidem.*

³²⁵ *Legge 5 novembre 2021, n. 162 Modifiche al codice di cui al decreto legislativo 11 aprile 2006, n. 198, e altre disposizioni in materia di pari opportunità tra uomo e donna in ambito lavorativo.* Art. 2. (2021). Gazzetta Ufficiale della Repubblica Italiana. [Online]. Available at <https://www.gazzettaufficiale.it/eli/id/2021/11/18/21G00175/sg> [Accessed on 20 May 2022].

(also quoted in article 35), family and pregnancy status; the second guarantees equal pay stating that:

“La lavoratrice ha diritto alla stessa retribuzione del lavoratore quando le prestazioni richieste siano uguali o di pari valore.

I sistemi di classificazione professionale ai fini della determinazione delle retribuzioni debbono adottare criteri comuni per uomini e donne³²⁶”;

whereas the last assures that any distinction between the sexes regarding the allocation of qualifications, tasks and career progression is firmly forbidden.

Chapter IV of the third volume refers to the promotion of positive actions, i.e. measures aimed at removing the obstacles that de facto prevent the realisation of equal opportunities, with the aim of eliminating inequalities in school and vocational training, access to employment, career progression, and working life; to encourage diversification of women's career choices in school and vocational orientation, and in access to employment; to overcome unfavourable conditions according to sex in training, professional and career advancement, and in economic and wage treatment; and finally to promote the inclusion of women wherever they are under-represented³²⁷.

Article 46 provided for a two-yearly report to be submitted by companies with more than 100 employees on the situation of male and female staff in relation to the status of recruitment, training, professional promotion, levels, changes in level or qualification, dismissals and wages effectively paid. The Legislative Decree 162/2021 lowers the employees' threshold within the company by reducing it by 50%, from 100 workers to 50. The report, which must be sent online, must specify the number of male and female workers, the wage differences between the employees, their contractual classification, and the function they perform within the company³²⁸. Moreover, art. 4 of the legislative decree that modifies the Code, added the certification of gender equality, a document attesting to the policies adopted by employers to reduce the gender gap in terms of both career

³²⁶ “The female employee is entitled to an equal pay as her male colleague when the work required is equal or of equal value. Job classification systems for determining pay must adopt common criteria for men and women”. My translation.

Ibidem, art. 28.

³²⁷ Ibidem, art. 42.

³²⁸ Villa, U., Giovannelli, I. L. 162/2021: *le novità in tema di pari opportunità sul lavoro*. (November 2021). Altalex. [Online]. Available at <https://www.altalex.com/documents/2021/11/24/l-162-2021-le-novita-in-tema-di-pari-opportunita-sul-lavoro> [Accessed on 20 May 2022].

opportunities and equal pay among employees of different sex³²⁹. Furthermore, according to Article 5, companies submitting such a report are granted, within the limit of 50 million EUR, an exoneration from the payment of the overall social security contributions to be paid by the employer³³⁰.

The last articles belonging to the third book are dedicated to the promotion of the female entrepreneurship. The aim is to facilitate access to credit for these enterprises, encouraging their creation and development.

In conclusion, the Code of Equal Opportunities represents, also with the Constitution, the turning point for gender equality legislation in several contexts, but it is still not enough to close that gap.

3.2.3 The Golfo-Mosca Law (Law no. 120/2011)

In relation to the promotion of equal opportunities between men and women, reference is also made to law no. 120 of 12 July 2011, more commonly known as the Golfo-Mosca Law. The law provides amendments to the “*Testo unico sulle disposizioni in materia di intermediazione fiscale*” (Consolidated Law of the Provision on Financial Intermediation) with the aim of achieving an effective presence and a wider gender equality in the access to the administrative and supervisory bodies of companies listed on regular markets and in publicly controlled ones³³¹. This Act represents the first Italian law that introduces equal opportunities in the corporate sector and provides for positive actions to increase the number of women in these processes, compatible with the principles of equality, parity and equal gender opportunities dictated by Articles 3, 37, 51 and 117 (7) of our Constitution.

Article 1, which introduces paragraph 1-ter of the article 147-ter of the Consolidated Law of the Provisions on Financial Intermediation set out in the

³²⁹ Legge 5 novembre 2021, n. 162 Modifiche al codice di cui al decreto legislativo 11 aprile 2006, n. 198, e altre disposizioni in materia di pari opportunità tra uomo e donna in ambito lavorativo. Art. 4. (2006). Gazzetta Ufficiale della Repubblica Italiana. [Online]. Available at <https://www.gazzettaufficiale.it/eli/id/2021/11/18/21G00175/sg> [Accessed on 20 May 2022].

³³⁰ Ibidem, art. 5.

³³¹ Brollo, M. *L'inclusione della diversità di genere negli organi sociali: dalle norme agli strumenti*. (2020). [Online]. Available at <https://www.dirittoantidiscriminatorio.it/app/uploads/2020/11/BROLLO-Talenti-Diversita.pdf> [Accessed on 20 May 2022].

Legislative Decree no. 58 of 24 February 1998³³², provides in the statutes of listed companies for an allocation of board members based on a gender balance, ensuring that the underrepresented gender accounts for at least one-third of the elected members. This quota increased to two fifths with the Budget Law of 2020³³³. In the event of failing to respect the balance, Consob (*Commissione nazionale per le società quotate in borsa*³³⁴) warns the non-compliant company to adjust within a maximum period of four months. In case the warning is ignored, an administrative financial penalty is applied (from EUR 100,000 to EUR 1 million) and a further period of three months is fixed for complying. The failure to comply with this last warning only leads to the disqualification of the board members³³⁵.

Article no. 3 states that the same provisions shall also apply to companies, incorporated in Italy, controlled by public administrations within the Article 2359, paragraphs 1 and 2, of the Civil Code, which are not listed on regulated markets, referring the relevant rules implementation regulation to be issued in accordance with Article 17(1) of law no. 400/1988. This regulation was adopted with the Presidential Decree no. 251/2012, and it regulates the methods and terms to ensure gender balance in the boards of directors and supervisory bodies of unlisted companies controlled by the public administrations referred to in Article 1, paragraph 2, of Legislative Decree no. 165/2001. In similarity with the provision of law no. 120/2011, Article 3 of Presidential Decree no. 251/2012 established that the obligations would be effective for three consecutive terms (increased to six after the extension of the law decided by draft laws no. 1028 and no. 1095³³⁶) of office starting from the first renewal of the collegiate bodies after the regulation came into

³³² *Parità di accesso agli organi delle società quotate*. Parlamento Italiano. [Online]. Available at <https://leg16.camera.it/522?tema=345&Parit%C3%A0+di+accesso+agli+organi+delle+societ%C3%A0+quotate> [Accessed on 20 May 2022].

³³³ *Quote di genere. Comunicato stampa*. (January 2020). CONSOB – Commissione Nazionale per le Società quotate in Borsa. [Online]. Available at https://www.consob.it/web/consob/novita/-/asset_publisher/xMXdfdeSuZFj/content/comunicato-stampa-30-01-2020-quote-di-genere/10194 [Accessed on 20 May 2022].

³³⁴ “National Commission for Companies and the Stock Exchange”. My translation.

³³⁵ *Legge 12 luglio 2011, n. 120. Modifiche al testo unico delle disposizioni in materia di intermediazione finanziaria, di cui al decreto legislativo 24 febbraio 1998, n. 58, concernenti la parità di accesso agli organi di amministrazione e di controllo delle società quotate in mercati regolamentati*. Art. 1. (2011). Gazzetta Ufficiale della Repubblica Italiana. [Online]. Available at <https://www.gazzettaufficiale.it/eli/id/2011/07/28/011G0161/sg> [Accessed on 20 May 2022].

³³⁶ *Legistatura 18°. Dossier n. 110*. (2019). Senato della Repubblica. [Online]. Available at https://www.senato.it/japp/bgt/showdoc/18/DOSSIER/0/1107241/index.html?part=dossier_dossier_1 [Accessed on 20 May 2022].

force in 2013³³⁷. Moreover, publicly controlled companies are obliged to notify the composition of their corporate bodies within 15 days of their designation. In the case of companies controlled by public administrations, non-compliance with the gender balance also leads to a warning to the company to restore the balance within 60 days and, in the case of failure to comply with the warning, the setting of a new deadline of 60 days to fulfil. If even the second warning remains unsatisfied, the members of the corporate body concerned fall from power³³⁸.

In conclusion, the presence of women in top management positions in Italian companies is limited, although there has been significant progress in the last decade. On the other hand, for listed companies and publicly controlled companies, there has been a significant increase in the presence of women due to the measures introduced by the Golfo-Mosca law. The lower presence of women in the governing bodies of publicly controlled companies compared to listed companies is partly attributable to the prevalence among the former of numerous companies with a single manager (38.6% in 2019). In such companies, only 10.4% of the administrators are women, while in those with a board of directors of both sexes the number of female members increases to 27.4%³³⁹.

3.3 The Situation in a non-EU Country: the Russian Federation

The idea of the Russian revolution was to change the social system in the country, also giving importance to developments in the field of gender equality, through the elimination of class inequalities.

Due to years of wars, women had to replace men in their workplaces. The Soviet State set a policy that supported the involvement of women in employment, in order to provide for their economic independence. In doing so, women obtained a higher status in society and were admitted to decision-making and leadership roles, but when the World War II ended and men returned to activities, they found themselves marginalised from career advancement and opportunities³⁴⁰. Women

³³⁷ Ballacci, F., Fabrizio, R., Sgroi, A. [et co.]. *La partecipazione femminile negli organi di amministrazione e controllo delle società italiane*. (March 2021). CONSOB. [Online]. Available at https://www.consob.it/documents/46180/46181/20210308_Ossevatorio.pdf/7f31b28d-b53b-4cdb-9309-d30a7ddb7bcc [Accessed on 20 May 2022].

³³⁸ Ibidem.

³³⁹ Ibidem.

³⁴⁰ Personal notes taken during the University course “History of Eastern Europe II”, during the academic year 2019-2020 at Ca’ Foscari University.

continued to work in the post-war period, but only to supplement the family income since the man was considered as the only breadwinner.

At that time, there was a relatively egalitarian situation in the Soviet Union, which changed dramatically in the early 1990s, when hastily adopted economic reforms transformed the planned economy into a free capitalist market. Furthermore, a failed privatisation programme created a new class of oligarchs, a small group of people who exercise, generally to their own advantage, a preponderant influence in various situation, especially in the economic context. Meanwhile, ordinary Russians saw their savings wiped out by hyperinflation (between 1990 and 1996, prices rose almost 5,000 times³⁴¹).

After the decline in the 1990s, a period of sustained economic growth began in 1999, interrupted by the recession of 2009. According to the results of a sample survey of organisations conducted by the Federal State Statistics Service is showed that in the period 2005-2011 women's wages were 60.7-65.3% of men's wages in the surveyed types of activity; in 2013 women received a quarter less than men; and in 2017 the ratio of the average wage of women to men was 71.7%³⁴². In addition, there was a gradual decline in unemployment over the same period, which halved from 11% in 2000 to 5.2% in 2014. After two years of recession, economic growth resumed in 2017, reaching 1.7%. On the positive side, most Russian employers reacted to the recession by cutting wages rather than laying off workers (inflation-adjusted wages fell by 9% in 2015, while unemployment remained constant at 5%³⁴³).

All this, however, underlines the fact that there were, and still are, discrepancies between social classes, but within these social differences there are further disparities, which are those between men and women. This discrimination is linked to a strongly patriarchal culture, reinforced by the conservative ideology promoted in recent years by the state. In support of this gender discrimination, Act

³⁴¹ Novokmet, Fi., Piketty, T., Zucman, G. *From Soviets to Oligarchs: Inequality and Property in Russia 1905-2016*. Pag. 18. (July 2017). WID.world WORKING PAPER SERIES N° 2017/09. [Online]. Available at <http://piketty.pse.ens.fr/files/NPZ2017WIDworld.pdf> [Accessed on 23 May 2022].

³⁴² Eliseeva, I., I., Dekina, M., P. *Statistical analysis of gender pay gap in modern-day Russia*. (2019). Статистика и Экономика. [Online]. Available at <https://statecon.rea.ru/jour/article/view/1423/1204> [Accessed on 22 May 2022].

³⁴³ Russell, M. *Socioeconomic inequality in Russia*. (April 2018). European Parliamentary Research Service. [Online]. Available at [https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/620225/EPRS_ATAG\(2018\)620225_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/620225/EPRS_ATAG(2018)620225_EN.pdf) [Accessed on 22 May 2022].

no. 512 of 18 July 2019 lists the sectors, occupations and jobs in which female occupation is severely restricted, as in metallurgy, mining, manufacturing of radio equipment, shipbuilding³⁴⁴... The lists of prohibited professions first appeared in the Labour Code of the Soviet Union in the 1930s and were later updated in the 1970s³⁴⁵. The idea behind these restrictions originated from the era of the industrial revolution - a time when working conditions were often extremely harmful and stressful for women, who worked even during pregnancy. Trade unions had at the time fought for restrictions on women's work in situations of reproductive health risk. Today, these prohibitions are based on pure discrimination, encapsulated primarily in the idea that women should have babies, or that they should stay at home to care for their children after pregnancy. Technical progress has also made some jobs much less strenuous than in the past. If these provisions were meaningful a hundred years ago, now they are just divisive. What makes it even more discriminatory is the fact that many of the professions on the lists are very well paid³⁴⁶. In 2017, female workers were most represented in education (82%), health and social services (79.3%), hotels and catering (73.5%), it means in lower-paid jobs and with fewer options of career development³⁴⁷. Among men, the most-representative groups are factory and machine operators (21.9%) and skilled workers in industry, construction and transport (21.3%)³⁴⁸.

In March 2017, the Government of the Russian Federation approved the National Strategy of Actions for Women for 2017-2022. The document aims at “safeguarding the health of women of all ages, promoting the economic

³⁴⁴ Министерство труда и социальной защиты Российской Федерации. Приказ Министерства труда и социальной защиты Российской Федерации от 18.07.2019 № 512н. "Об утверждении перечня производств, работ и должностей с вредными и (или) опасными условиями труда, на которых ограничивается применение труда женщин". (Зарегистрирован 14.08.2019 № 55594). (2019). Официальный интернет-портал правовой информации. [Online]. Available at <http://publication.pravo.gov.ru/Document/View/0001201908150010?index=0&rangeSize=1> [Accessed on 22 May 2022].

³⁴⁵ Luciani, L. "Non è un lavoro per donne": le professioni proibite nell'ex Unione Sovietica. (April 2019). East Journal. [Online]. Available at <https://www.eastjournal.net/archives/96872> [Accessed on 22 May 2022].

³⁴⁶ Ibidem.

³⁴⁷ Eliseeva, I., I., Dekina, M., P. *Statistical analysis of gender pay gap in modern-day Russia*. (2019). Статистика и Экономика. [Online]. Available at <https://statecon.rea.ru/jour/article/view/1423/1204> [Accessed on 22 May 2022].

³⁴⁸ Eliseeva, I., I., Dekina, M., P. *Statistical analysis of gender pay gap in modern-day Russia*. (2019). Статистика и Экономика. [Online]. Available at <https://statecon.rea.ru/jour/article/view/1423/1204> [Accessed on 22 May 2022].

advancement of women, fostering the continuous improvement of their income and well-being, preventing social disadvantage and violence against women, strengthening women's participation in political and public life, and advancing official statisticians on the issues of women's position in society³⁴⁹”. During the project, the “Achieving balanced participation of women and men in political and public decision making in the Russian Federation. European Best Practice” report has been developed³⁵⁰. The report confirms, once again, how gender stereotypes are the biggest obstacle for women who want to access and subsequently make a career in the labour market, as their characteristics in the collective imagination are being a good housekeeper, providing care and having good looks³⁵¹.

An equal position for women and men in society and in employment is formalized in the Russian Legislation, in particular in the Constitution and in the Labour Code³⁵².

3.3.1 The Constitution of the Russian Federation

The Constitution of the Federal Republic of Russia came into force on 25 December 1993. It was subsequently amended in 2008, 2014 and finally in 2020. The version discussed in this short subchapter is the one promulgated by the Decree of the President of the Russian Federation no. 445 of 3 July 2020³⁵³.

As for Italy and Iceland, the Constitution of the Russian Federation represents the main law of the country. It consists of 139 articles, divided into nine chapters: the first one, from art. 1 to 16 regards the constitutional system; the

³⁴⁹ *Report of the Russian Federation on progress achieved and obstacles encountered in the implementation of the Beijing Declaration and Platform for Action and the outcomes of the Twenty-Third Special Session of the General Assembly*. [Online]. Available at https://unece.org/fileadmin/DAM/RCM_Website/Russian_Federation_English_.pdf [Accessed on 23 May 2022].

³⁵⁰ *Co-operation on the implementation of the Russian Federation National Action Strategy for Women 2017–2022*. (2019–2020). Council of Europe. [Online]. Available at <https://www.coe.int/en/web/genderequality/russian-federation-national-action-strategy-for-women-2017-2022-> [Accessed on 23 May 2022].

³⁵¹ Hoare, J., Muravyeva, M. *Achieving Balanced Participation of Women and Men in Political and Public Decision Making in the Russian Federation. Report on European Best Practices*. (October 2019). Council of Europe. [Online]. Available at <https://rm.coe.int/report-balanced-participation-of-women-and-men-in-decision-making-in-t/16809e3c23> [Accessed on 23 May 2022].

³⁵² *Labor Code of the Russian Federation of 31 December 2001. (Federal Law No. 197-FZ of 2001)*. (2001). ILO NATLEX. [Online]. Available at <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm> [Accessed on 22 May 2022].

³⁵³ Caprio, S. (November 2020). *Lo zar di vetro. La Russia di Putin*. Milano: Editoriale Jaca Books.

second part (art.17-64) is entitled to the rights and freedoms of man and citizens; art. 65-79.1 explain the federative organization of the State; the fourth section is dedicated to the President of the Russian Federation and represents one of the most modified part of the Charter as the latest changes were demanded by the current president Vladimir Vladimirovič Putin especially with regard to the term of office and citizenship of the future president, as now only a person who has been a permanent resident of Russia for at least 25 years, and no longer 10, and has not previously held the citizenship of another foreign state can become head of State (art. 81); then, art. 94-109 deal with the role of the Parliament of the Russian Federation, the Federal Assembly; chapter VI is about the Government of the State which exercise the executive power of the Federation under the general direction of the President (art. 110); the description of the judiciary power and the Public Prosecutor's Office is contained in section VII (art. 118-129); from art. 130 to 133 the local self-government, which is exercised by the citizens through referendums, elections... is discussed; and finally the last chapter regards the constitutional amendments and the revision of the Constitution (from art.134 to 137). The second part of the Charter is about the final and transitional provisions³⁵⁴.

In the Constitution of the Russian Federation, as in the Icelandic one, the noun “woman” appears only once, precisely in art. 19 (3):

“Мужчина и женщина имеют равные права и свободы и равные возможности для их реализации³⁵⁵”.

This represents the only mention of female gender. Indeed, in all the remaining 136 articles there are references to “man” (человек - understood as a human being and not only as a male being) and “citizen” (гражданин), but never explicitly to women. Article 19 is partly reminiscent of article 3 of the Italian Constitution: it also declares that all persons are equal before the law and, it adds, before the court. Furthermore, in paragraph 2 it states that:

“Государство гарантирует равенство прав и свобод человека и гражданина независимо от пола, расы, национальности, языка, происхождения, имущественного и должностного положения, места

³⁵⁴ Caprio, S. (November 2020). *Lo zar di vetro. La Russia di Putin*. Milano: Editoriale Jaca Books.

³⁵⁵ “Men and women have equal rights and freedoms and equal empowerment opportunities”. My translation.

Глава 2. Права и свободы человека и гражданина. конституция российской федерации. [Online]. Available at <http://www.constitution.ru/10003000/10003000-4.htm> [Accessed on 24 May 2022].

жительства, отношения к религии, убеждений, принадлежности к общественным объединениям, а также других обстоятельств. Запрещаются любые формы ограничения прав граждан по признакам социальной, расовой, национальной, языковой или религиозной принадлежности³⁵⁶”.

Concerning the rights, freedoms and equality of individuals, it is necessary to mention two other articles that underline the importance of this issue: article no. 2, which expressly states that these constitute the highest value within the state and must be recognised, respected and defended; and article 17(1) and (2), which refers to the relevant rules of international law and emphasises their inalienability.

In the Russian Federation, as in Italy, work plays a fundamental role, so much so that it is mentioned and protected in the first articles of the Charter, more precisely in number 7 (2):

“В Российской Федерации охраняются труд [...], устанавливается гарантированный минимальный размер оплаты труда, обеспечивается государственная поддержка семьи, материнства, отцовства [...]³⁵⁷”

in which maternity is also mentioned, as in art. 38 (1).

Russian President Vladimir Putin at the Federal Assembly on May 10, 2006, introduced the maternity (family) capital program, a measure designed to counteract the low birth rate³⁵⁸, guaranteeing the receipt of a monetary sum for the second (or subsequent) child from January 1, 2007³⁵⁹. In 2020, the President

³⁵⁶ “The state guarantees the equality of individual and civil rights and freedoms regardless of sex, race, nationality, language, origin, property and official status, place of residence, attitude towards religion, beliefs, membership of public associations, as well as other circumstances. All forms of restrictions on the rights of citizens on social, racial, national, linguistic or religious grounds are prohibited”. My translation.

Глава 2. Права и свободы человека и гражданина. конституция российской федерации. [Online]. Available at <http://www.constitution.ru/10003000/10003000-4.htm> [Accessed on 24 May 2022].

³⁵⁷ “In the Russian Federation, labour is protected, a guaranteed minimum wage is set and State support is provided for the family, maternity and paternity”. My translation. Ibidem.

³⁵⁸ Borozdina, E., Rotkirch, A., Temkina, A., Zdravomyslova, E. *Using Maternity Capital: Citizen Distrust of Russian Family Policy.* (2014). European J of Women’s Studies. [Online]. Available at <https://blogs.helsinki.fi/rotkirch/files/2009/03/Using-maternity-capital-Borozdina-et-al.-prefinal.pdf> [Accessed on 24 May 2022].

³⁵⁹ *Maternity (Family) Capital.* Пенсионный фонд Российской Федерации. [Online]. Available at [https://pfr.gov.ru/en/matcap/#:~:text=Maternity%20\(family\)%20capital%20is%20a,adoption\)%20of%20a%20second%20child.](https://pfr.gov.ru/en/matcap/#:~:text=Maternity%20(family)%20capital%20is%20a,adoption)%20of%20a%20second%20child.) [Accessed on 24 May 2022].

suggested to extend the program also for the first child³⁶⁰. This measure resembles the late Soviet family policies of the 1970s-1980s, which offered numerous benefits to mothers to solve the low fertility crisis. However, the Soviet state promoted the gender contract of the “working mother” and the combination of wage labour and motherhood through social policy agreements. On the other, contemporary Russian authorities recognise that having children weakens the position of women in the labour market, and the government does not attempt to seek a solution to balance work and motherhood, but rather provide monetary compensation for women's losses³⁶¹. What sounds strange is that, unlike the other two countries analysed above, paternity is not granted in the Russian Federation. In fact, the mother is entitled to 140 days of leave, 70 before the childbirth and 70 after (as enshrined also in article 255 of the Labour Code), with an allowance of 100% of average earnings, while the length of paternity is three years, but can only be exploited by one parent, it means that the mother can take this leave, and represents 40% of average earnings during the two years preceding birth, paid until the child is 18 months³⁶².

Another fundamental article is no. 37 (1) and (3), which deals with employment:

“Труд свободен. Каждый имеет право свободно распоряжаться своими способностями к труду, выбирать род деятельности и профессию³⁶³”.

Article 37 (3) also concerns the subject of remuneration. The Constitution establishes a minimum wage fixed by federal law, but above all, states that every

³⁶⁰ *Value of maternity capital benefits paid by the government in Russia from 2007 to 2022*. (2021). Statista Research Department. [Online]. Available at <https://www.statista.com/statistics/1023323/russia-maternal-capital-benefits/> [Accessed on 24 May 2022].

³⁶¹ Borozdina, E., Rotkirch, A., Temkina, A., Zdravomyslova, E. *Using Maternity Capital: Citizen Distrust of Russian Family Policy*. (2014). *European J of Women's Studies*. [Online]. Available at <https://blogs.helsinki.fi/rotkirch/files/2009/03/Using-maternity-capital-Borozdina-et-al.-prefinal.pdf> [Accessed on 24 May 2022].

³⁶² Sinyavskaya, O. *Russian Federation*. (2018). [Online]. Available at https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL_Russia2018.pdf [Accessed on 24 May 2022].

³⁶³ “Work is free. everyone has the right to freely dispose of one's own labour skills, to choose the kind of activity and profession”. My translation.
Глава 2. Права и свободы человека и гражданина. конституция российской федерации. [Online]. Available at <http://www.constitution.ru/10003000/10003000-4.htm> [Accessed on 24 May 2022].

worker is entitled to receive compensation for work performed without discrimination. Furthermore, as in the other two Charters analysed, there is reference to unemployment.

Lastly, the right to participate in political and public life is enshrined in art. 32, paragraph 2. As in Italy, women are underrepresented in political and decision-making positions³⁶⁴. In February 2021³⁶⁵, the seventh State Duma of the Russian Federation achieved the highest number of seats in parliament occupied by women in the country's post-Soviet history: 15.8% of female deputies³⁶⁶. Currently, the State Duma is composed of 377 male members and only 73 women³⁶⁷. The gender gap in the political and public life and the political system itself negatively impact on the representation of women in the political arena. A male-dominated model of political life prevents women from overcoming multiple barriers related to the lack of party support, thus sending the wrong message that politics is an exclusively male prerogative. The truth is that Russia has no national mechanisms or procedures that provide concrete and legal guarantees of gender equality, as prescribed by the Constitution. The under-representation of women in politics leads, as in Italy and other countries, to a legal and tangible failure to address the problems women are forced to face throughout their lives.

The Constitution is not the only legal source that aims to protect women as individuals and as workers. The Labour Code, among others, is also committed to safeguarding the role of female workers, ensuring them the same rights as their male colleagues and thus guaranteeing gender equality.

³⁶⁴ *Equality and Non-Discrimination in Russia. Best Practice Guide for Lawyers*. Pag. 82. (March 2017). Equal Rights Trust. [Online]. Available at https://www.equalrightstrust.org/ertdocumentbank/Russia%20BPG_EN%20FINAL.pdf [Accessed on 24 May 2022].

³⁶⁵ *Russian Federation*. UN WOMEN. [Online]. Available at <https://data.unwomen.org/country/russian-federation> [Accessed on 24 May 2022].

³⁶⁶ Hoare, J., Muravyeva, M. *Achieving Balanced Participation of Women and Men in Political and Public Decision Making in the Russian Federation. Report on European Best Practices*. Pag. 29. (October 2019). Council of Europe. [Online]. Available at <https://rm.coe.int/report-balanced-participation-of-women-and-men-in-decision-making-in-t/16809e3c23> [Accessed on 23 May 2022].

³⁶⁷ *Russian Federation. State Duma*. IPU Parline. Global data on national parliaments. [Online]. Available at https://data.ipu.org/node/141/data-on-women?chamber_id=13392 [Accessed on 24 May 2022].

3.3.2 The Labour Code of the Russian Federation

The Labour Code of the Russian Federation was approved by the Russian Federation Council in December 2001, soon ratified by the President Vladimir V. Putin but entered into force only after few months, precisely in February 2002³⁶⁸. Several amendments were applied to the Code: in 2003, 2004, 2005, 2006 and the last one in December 2007³⁶⁹. It consists of 6 parts, 62 chapters, 14 sections and 424 articles which deal with the main labour law issues, such as basic principles of regulation, non-discrimination, labour relations, employee's and employer's basic rights and responsibilities, collective bargaining, contract of employment, remuneration, women's labour, including maternity protection³⁷⁰... The main purposes of the Labour Code are to guarantee the rights and freedoms of citizens in the workplace, to legally regulate labour relations, to create favourable conditions for work and protect the rights and interests of employees and employers, as enshrined in the first article.

Article no. 2, on the other hand, sets out the fundamental principles in this field, such as the right to choose one's occupation or profession and the type of activity, the prohibition of discrimination in the sphere of employment, the safeguarding of every employee's right to fair working conditions, equal rights and opportunities for employees, the protection of the right of every employee to timely and full payment of a fair wage that guarantees a decent human sustenance for oneself and one's family and that is not less than the minimum wage established by federal law, and the preservation of employees' opportunities, without

³⁶⁸ Rymkevitch, O. *The Codification of Russian Labour Law: Issues and Perspectives*. [Online]. Available at https://www.bollettinoadapt.it/old/files/document/1969WP_02_8.pdf [Accessed on 24 May 2022].

³⁶⁹ *Labour Code of the Russian Federation No. 197-FZ of December 30, 2001 (with the Amendments and Additions of July 24, 25, 2002, June 30, 2003, April 27, August 22, December 29, 2004, May 9, 2005, June 30, December 18, 30, 2006, April 20, July 21, October 1, 18, December 1, 2007)*. Adopted by the State Duma on December 21, 2001. Approved by the Council of the Federation on December 26, 2001. [Online]. Available at https://www.wto.org/english/thewto_e/acc_e/rus_e/wtaccrus58_leg_363.pdf [Accessed on 24 May 2022].

³⁷⁰ Egorov, V. *National Labour Law Profile: Russian Federation*. (January 2002). International Labour Organization (ILO). [Online]. Available at https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158917/lang--en/index.htm [Accessed on 25 May 2022].

discrimination, for career advancement³⁷¹.

The prohibition of discrimination is also protected by article 3, which guarantees equal opportunities for men and women with regard to rights in the workplace and condemns any discrimination based also on sex in the employment context.

Equal remuneration for work of equal value is finally mentioned in article no. 22. In fact, it is expressly stated that the employer must provide the same payment to all workers who have performed the same work, or work of equal value:

“[...] The employer shall [...] ensure equal payment to employees for their labor of equal value³⁷²”.

Moreover, any changing – based on discrimination - in the amount of wage is banned, as guaranteed by art. 132.

In addition, according to article 64 of the Russian Labour Code, any direct or indirect discrimination in the stipulation of an employment contract on the basis of the employee's sex is not allowed and it is absolutely forbidden to refuse to hire women on the grounds of pregnancy or the existence of children. This latter principle is also recognised in Article 261 of the same Code, which states:

“The employer has no right to cancel labor contracts with pregnant employees without their agreement excluding the event of company liquidation.

In the event of expiration of contract term expiration during pregnancy of an employee the employer upon the request of the pregnant female is to prolong the labor contract up to the date when she has the right for a maternity leave³⁷³”.

In conclusion, it is clear that legislations exist to protect the role of working women and mothers, but due to deep-rooted gender stereotypes and the prohibition of women from entering certain jobs, the road to gender equality in this country is still too long.

³⁷¹ *Russian Federation. Labour Code of the Russian Federation of 31 December 2001. (Federal Law No. 197-FZ of 2001). (December 2001). ILO NATLEX – National Laws on Labour, Social Security and Related Human Rights. [Online]. Available at <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm> [Accessed on 25 May 2022].*

³⁷² *Ibidem*, art. 22.

³⁷³ *Ibidem*, art. 261.

Conclusions

Gender equality has become an increasingly relevant issue in recent years. It has gained a more prominent role in international debates, attracted clearly greater commitment on the political arena and, at the same time, it has continued to come under pressure in some member states and outside the EU.

Laws aimed at promoting gender equality have been enacted in major institutions at international, national and regional level, such as the United Nations, the European Union, the International Labour Organization and some NGOs as the World Economic Forum. All measures adopted affirm that women's rights are human rights that must always be respected and protected, in any place and in any sector. For this reason, several institutes have been established with the aim of safeguarding these rights through binding and non-binding measures. Through binding measures, states are obliged to embrace policies regarding gender issue and incorporate them into their national legislation. On the other hand, non-binding acts are often adopted to put pressure on states that do not comply with the decisions commonly taken.

The matter of the gender pay gap and the metaphor of the glass ceiling have been reflected in the legislation not only of international organisations, but also at national level.

The countries whose legislations have been analysed in depth in this dissertation share the same position: gender equality is expressed in their fundamental law, the national Constitution. Although they have dissimilar histories and totally different backgrounds, both Iceland, Italy and Russia enunciate gender equality as a main point and consider men and women equal without distinction. All the three nations have enacted laws to protect women not only in the workplace, but also in the access and regarding their career advancement. Women are in fact often discriminated against due to biological issues and stereotypes that have embedded themselves in the country's culture, according to which their main role is to look after the household and children. As a result, females are forced to accept contractual restrictions and jobs that do not satisfy their needs, but which give them the opportunity to balance work and family commitments. Moreover, during pregnancy, they are even more disadvantaged since, often, the birth of a child can mean the loss of employment and thus of economic independence. In addition, in the common stereotype, women with children do not have time to carry out work, so they cannot

hold managerial or top management positions because they are engaged in other duties.

Thus, it can be claimed that the factors that lead to gender inequality, which is then also represented in the employment sphere and in the difficulty to overcome these barriers to progress upwards, are several and various: cultural, educational, economic and legal. They have been extensively discussed in this paper and can be concluded by saying that change is necessary, both on the international scene and on the political agenda of individual states. Not all nations have addressed, and are addressing, both issues in the same way, but some aspects are evident.

First of all, the concept of women as “domestic queen” should be dismantled. The woman is entitled as much as the man to work, to be economically independent, and to be satisfied with her career path, as stated in the international and national legislation analysed; at the same time, men deserve the right to enjoy the paternity leave without any negative impact on their professional life. Moreover, the female's household workload should be redistributed more equally within the couple because as long as it is the woman who takes care of all the work, it will always be an obstacle for her to reconcile family and employment duties.

The second point always concerns with pregnancy: every country has a fixed time frame for maternity and parental leave. Beyond this limit the woman returns to her workplace. One of the biggest problems she faces, and it has been discussed especially with regard to the Italian situation, is that she does not know who she should leave her newborn baby with as the facilities provided are not accessible since they are too expensive. More investment should therefore be made in social policies and family services.

Another solution to overcome the problem of the gender pay gap could involve regulatory intervention obliging companies not to discriminate in pay. This is what has happened in Iceland, where companies and public bodies with more than 25 employees have been required to prove that women are paid as much as their colleagues, under penalty of a fine - Act on Equal Status and Equal Rights of Women and Men No. 10/2008, and in Italy, where Article 46 of the Code of Equal Opportunities between Men and Women stipulates that public and private companies with 50 employees are required to draw up a report every two years on the situation of male and female personnel with regard to recruitment, training, professional promotion, levels, changes in category or qualification, etc. More than enacting and

adopting laws, therefore, there is a need to increase pay transparency, in the absence of which it is difficult to enforce existing regulations.

Then, the educational problem is another component that needs to be improved. In fact, there are cultural and educative legacies behind the low propensity of women to be interested in STEM subjects - which allow a qualification in higher paid fields - that have been deeply embedded in society over the years. Increasing the number of female students in these disciplines would have a very important effect on the gender gap. It would create qualified women workers in one of the sectors with the greatest job opportunities, with high average salaries and in companies that have a strong influence on the market. Moreover, it would create a fundamental change since there would be female role models in these jobs as well, making women more and more confident that they can make it and that they can fight these stereotypes that see them as being mainly inclined towards humanistic studies.

Lastly, the involvement of men in the struggle against gender inequality is crucial. As long as part of the population continues to think that this is just an overstatement, we will never be able to overcome this gap and dismantle these barriers.

In conclusion, as President von der Leyen said at the presentation of the Gender Diversity Index 2021: "It is the knock-on effect that counts. We are making progress, but not fast enough, not everywhere in the EU and not enough. It is clear that we have to do much more³⁷⁴".

³⁷⁴ 2022 Report on Gender Equality in the EU. (March 2022). European Commission. [Online]. Available at https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/2022_report_on_gender_equality_in_the_eu_en.pdf [Accessed on 6 June 2022].

Riassunto

Il presente elaborato finale dal titolo “I fenomeni del divario retributivo di genere e del soffitto di cristallo: un'analisi comparata delle legislazioni di Islanda, Italia e Federazione Russa” è un lavoro incentrato principalmente sullo studio di due fattori che influenzano la disuguaglianza di genere, il gender pay gap e il soffitto di vetro, e sull'analisi approfondita delle leggi nazionali islandesi, italiane e russe emanate con lo scopo di superare tali ineguaglianze.

Dal 2006 il Forum economico mondiale, un'organizzazione senza scopo di lucro, pubblica un report annuale volto ad individuare il progresso o l'aggravamento della situazione in più di 150 paesi sul tema della disuguaglianza di genere in quattro settori: partecipazione economica ed opportunità, livello di istruzione, salute ed empowerment politico.

Uno dei cambiamenti più importanti degli ultimi decenni è stato senza dubbio l'ingresso delle donne nella forza lavoro salariata. Se questo, nell'immaginario collettivo, si traduce con una maggiore emancipazione del sesso femminile e una sua maggiore indipendenza economica, dall'altra parte aiuta a sottolineare le problematiche che le donne si trovano ad affrontare all'ingresso del mondo del lavoro. Si è difatti scoperto che quest'ultime percepiscono un salario inferiore rispetto ai loro colleghi uomini per lo stesso lavoro o per un lavoro di uguale valore - ci riferiamo quindi alla questione del gender pay gap -, sono costrette ad accettare lavori meno retribuiti a causa di necessità biologiche, basti pensare ai congedi di maternità e alle (poche) sicurezze che le neomamme devono vivere, e vengono “segregate” e concentrate in lavori comunemente conosciuti come “femminili”, che forniscono poche opportunità di raggiungere posizioni di potere all'interno delle aziende e di un avanzamento di carriera, fenomeno del “glass ceiling”.

Queste disuguaglianze riflettono il background culturale della società, che trova il suo punto focale nell'istruzione e nell'esistenza di stereotipi di genere. Spesso, infatti, già dall'infanzia le bambine vengono indirizzate a sviluppare un atteggiamento più paziente, caritatevole e amorevole che le aiuterà ad essere brave madri e donne di casa, mentre i maschi sono portati ad avere un carattere più competitivo, testardo e ambizioso per raggiungere vette più alte nella società. A partire dalle scuole elementari, attraverso materiali scolastici e libri di testo, i bambini vengono in contatto con determinati fattori di diversità che li porteranno successivamente a compiere differenti scelte di vita. Si pensi semplicemente alla

scelta dell'indirizzo della facoltà universitaria. La maggior parte degli studenti che si affacciano alle materie STEM (scienze, tecnologia, economia e matematica – lavori comunemente noti per essere meglio retribuiti) sono rappresentati dal sesso maschile, mentre le donne risultano essere più propense allo studio di discipline umanistiche. La scarsa presenza di studentesse in istituti scientifici ed economici è dovuta anche ad uno stereotipo secondo il quale le donne non sono portate a tali studi, e alla mancanza di modelli femminili che possano aprire la strada verso un vero e reale cambiamento. La voce femminile in questo campo risulta dunque fondamentale. La loro presenza potrebbe contribuire a portare l'attenzione su questo tema e promuovere una parità di genere anche in questo settore.

Il tasso di occupazione femminile è notevolmente aumentato negli ultimi decenni. Tuttavia, esistono ancora ampi divari di genere nel mercato del lavoro. Tra i paesi analizzati in questo studio, le differenze si riscontrano specialmente nel territorio italiano e russo. Al contrario, l'Islanda è stata invece in grado di promuovere la parità tra i sessi e di raggiungere un'occupazione femminile tra le più alte tra i quasi 160 paesi analizzati dal report sul divario di genere del Forum economico mondiale.

Normalmente, le donne svolgono il loro lavoro in circostanze diverse da quelle dei loro colleghi maschi: guadagnano meno, si trovano costrette a firmare determinati vincoli contrattuali e vengono concentrate in lavori che non permettono avanzamenti di carriera. Questi tre fattori si trovano strettamente collegati tra loro. Percepire una paga inferiore è difatti correlato alla firma del contratto: per conciliare lavoro e famiglia molto spesso le donne si trovano costrette ad accettare lavori part-time con orario flessibile. Il carico di lavoro che le donne portano sulle spalle è notevolmente ampio, soprattutto se, per appannaggio culturale, sono loro che si occupano unicamente delle faccende domestiche, dei figli e delle persone anziane. La cura della casa e dei bambini comporta togliere tempo al lavoro salariato, e dunque all'accettazione di compromessi sul piano lavorativo. Difatti, le madri rappresentano il gruppo più svantaggiato dei lavoratori: seppur esistano leggi volte a tutelare la maternità, come ad esempio la Convenzione sulla protezione della maternità (numero 183) pubblicata dall'Organizzazione Internazionale del Lavoro (OIL), l'articolo 11, comma 2, della Convenzione sull'eliminazione di tutte le discriminazioni contro le donne, la legge islandese 95/2000, gli articoli 7(2) e 38(1) della Costituzione della Federazione Russa e l'art. 27(2) del Codice delle pari

opportunità, sono consapevoli che una gravidanza possa spesso costituire un fattore penalizzante per la loro carriera. E solitamente, questa penalizzazione può essere molto elevata: l'interruzione della presenza di lavoratrici nel mercato del lavoro, la riduzione dell'orario e il passaggio a lavori in cui la conciliazione tra lavoro e famiglia risulti più facile porta ad una riduzione della retribuzione e, quindi, ad una minore indipendenza economica. Tutti i paesi presi in considerazione in questa tesi prevedono un congedo di maternità, ovvero un'estensione obbligatoria dal luogo di lavoro, la cui durata e retribuzione dipende dalle leggi nazionali dei singoli stati, e di paternità. Si è riscontrato che nei paesi che perseguono politiche di sostegno all'occupazione femminile e della famiglia, tipo in Islanda, il tasso di donne lavoratrici è elevato. Al contrario, quei paesi la cui cultura e le cui politiche faticano ad accettare il doppio ruolo delle donne, come in Italia e in Russia, sono caratterizzati da un basso tasso di occupazione femminile, nonché di fertilità.

Il soffitto di cristallo, dall'altro lato, è un fenomeno differente. Anche in quei paesi in cui è stato quasi totalmente risolto il problema dell'accesso delle donne al mercato del lavoro, queste incontrano ancora diversi ostacoli nel raggiungimento di posizioni al vertice. Per ovviare tale problematica, si è cercato di emanare delle leggi che promuovessero e incentivassero l'assunzione di donne. Si pensi per esempio alla legge Golfo-Mosca in Italia, che pone come obiettivo il raggiungimento di un'effettiva presenza e una più ampia parità di genere nell'accesso agli organi di amministrazione e di controllo delle società quotate sui mercati ordinari e di quelle a controllo pubblico, o l'introduzione delle "quote rosa", un provvedimento volto a garantire la presenza delle donne nella classe dirigente di soggetti pubblici e privati; oppure, in Islanda, l'articolo 15 della Legge sulla parità di status e di diritti tra uomini e donne n. 10/2008, la quale stabilisce che le società per azioni e le società a responsabilità limitata con più di 50 dipendenti sono obbligate ad avere entrambe le rappresentanze nei loro consigli di amministrazione e che la percentuale di donne o uomini non può essere inferiore al 40% se i membri del consiglio di amministrazione sono più di tre. Al contrario, in Russia, il progresso nella categoria dell'empowerment politico continua a diminuire e continuano a non esserci leggi volte ad incentivare l'assunzione delle donne nei processi decisionali o in ruoli manageriali.

Le pari opportunità in materia di lavoro sono sempre state al centro dell'agenda politica non solo dei singoli stati, ma anche delle organizzazioni di più larga veduta,

come l'Organizzazione Internazionale del Lavoro (OIL), l'Organizzazione delle Nazioni Unite (ONU), l'Unione Europea (UE) e terze parti, come ONG del calibro del Forum economico mondiale e Amnesty International. Negli anni, queste organizzazioni si sono occupate di promuovere la parità di genere e di combattere le disuguaglianze tra uomini e donne attraverso atti vincolanti, come la Convenzione europea sui diritti dell'uomo (CEDU), la Convenzione sull'uguaglianza di retribuzione e quella sulla discriminazione (impiego e professione) – entrambe promosse dall'OIL rispettivamente nel 1951 e 1958, e atti non vincolanti, per esempio la Dichiarazione universale dei diritti umani o le varie strategie per la parità di genere supportate dall'Unione Europea. Negli anni sono state fondate anche diverse istituzioni che si occupano esclusivamente di tutelare i diritti delle donne e l'empowerment femminile, come l'Ente delle Nazioni Unite per l'uguaglianza di genere e l'empowerment femminile (UN Women) e la Commissione sullo status delle donne, con l'obiettivo di incentivare l'emancipazione economica e politica delle donne e di rafforzare la protezione nei loro confronti.

Com'è stato ampiamente discusso in questa tesi, i singoli stati si sono affacciati in tempi e con modalità diverse al tema della parità di genere. Infatti, se per ogni paese la parità di genere è sancita e tutelata da tutte e tre le Costituzioni – in Islanda principalmente all'articolo 65, in Italia dagli articoli 3, 37, 51 e 117(7), mentre nella Carta della Federazione Russa ricordiamo l'articolo 19, è anche vero che ogni nazione ha emanato leggi differenti per superare tale problematica.

Nel 2008 l'Islanda ha adottato la legge sulla parità di status e di diritti di donne e uomini, il cui obiettivo è quello di stabilire e mantenere uguali diritti e opportunità per tutte le persone in tutti i settori della società, combattendo la discriminazione di genere. Questa legge ha svolto, e continua a svolgere, un ruolo fondamentale nel paese in quanto ha posto le basi per una società volta all'uguaglianza di genere e alla parità dei diritti.

L'Italia e la Russia si trovano invece ancora lontani dall'obiettivo. Entrambe le nazioni hanno inserito nelle loro Costituzioni diversi articoli orientati alla non discriminazione tra uomini e donne in senso generico e più specificatamente nel mondo del lavoro. La donna viene, infatti, protetta sia come tale, che come lavoratrice ed infine come madre attraverso una serie di tutele che però non risultano sufficienti a colmare questo divario. Per questo sono state introdotte

ulteriori legislazioni, come il Codice delle pari opportunità e la legge Golfo-Mosca in Italia, e il Codice del Lavoro nella Federazione Russa, che prevedono il divieto di discriminazione tra uomini e donne sul luogo di lavoro promuovendo lo stesso trattamento tra tutti i lavoratori, un'uguale retribuzione per lo stesso lavoro o un lavoro di pari valore e un congedo di maternità, paternità e parentale per permettere ai neo genitori di prendersi cura del neonato. Purtroppo, per entrambi gli stati, il background culturale risulta essere ancora troppo radicato per permettere una trasformazione sociale di questo calibro.

In conclusione, sebbene il processo verso l'abbattimento del soffitto di cristallo, il superamento del divario salariale e, più in generale, verso una parità di genere sia stato costante e continuo negli ultimi decenni, la strada per raggiungere l'uguaglianza tra uomini e donne è ancora lunga.

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