

## Policy Discourses on ‘Reconciling Work and Life’ in the EU

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*This paper outlines the development EU policy discourse on ‘the reconciliation of work and family life’. This imposes a policy disjuncture on New Labour, for, while the British government may be ideologically more attracted to the liberal US model of ‘flexible’ labour, it is bound by EU law to implement a more corporatist gender equality model. The paper notes how themes of economic competition, democratisation, and protecting gender contracts emerged at the foundation EU gender policy. It traces these themes into an ‘equal opportunities at work’ discourse during the 1970s and 1980s and, with the increasing importance of the ‘demographic time bomb’ discourse and of Scandinavian style gender equality, into discourses stressing the ‘reconciliation of paid work with family life’ and gender mainstreaming. The paper ends by addressing the ‘half-empty or half-full’ assessments of EU gender policy.*

### **Introduction: the ‘noisy’ Atlantacist discourse versus the ‘quiet’ EU model in Britain**

This paper aims to outline EU policy discourse on ‘the reconciliation of work and family life’. On the one hand the Blair government in Britain is noisy with ‘Atlantacist’ policy talk and action using the US liberal model as inspiration – Welfare to Work is a prime example (Deacon, 2002; Holmwood, 2000). At the same time – but much more quietly – the UK government is having to implement (because it is subject to EU legislation and law) a corporatist ‘social partner’ model. Paradoxically, the government itself deepened this contradiction by finally joining the Social Chapter in 1997. This ‘quiet’ EU model has become increasingly influenced by equal opportunity issues and, latterly, by a weak version of the Scandinavian gender equality model which goes beyond simple equal opportunities in paid work. Recent examples of EU inspired – or enforced – actions are the introduction of parental leave (unpaid in the UK as yet), the extension of part-time employment rights, and the planned right for parents to request flexible working hours.

These two discourses and policy worlds are often contradictory. In brief, the US/ Atlantacist/liberal model sees individuals acting in the efficient free market. Social and individual failure in this market are essentially seen as ‘supply-side’ (individual) problems, due to a lack of human capital. This lack may be due to social constraints, like shortages in child care or gender discrimination. However, if the ‘opportunities for all’ that the New Labour government is now providing to overcome these constraints are not taken up, then failure is seen more as individual moral failure (Driver and Martell, 1998; Lister, 2001). The labour force must also be flexible, meaning flexible for capital and including a low cost element, to ensure economic success in the face of globalisation.

True, the minimum wage introduced in 1999 sets a bottom limit to low wage labour, but the rate seems to have been set very much with this bottom limit in mind so that 'flexibility' would not be threatened. Equal opportunities are only a minor part of this policy package. Indeed, continued gender inequality is a crucial issue here because so much of Britain's attempt at 'social dumping' (unfair competition using low cost labour in EU terms) has been through the use of low-waged and low-rights part-time female labour (Perrons, 1999; Bagihole and Byrne, 2000). Similarly, the 'parenting deficit' is also seen as essentially a moral failure of individual parents, despite the policy contradictions of seeing paid work as a moral duty while demoting unpaid caring work (Land, 2002; Lewis, 2002).

The EU corporatist model, in contrast, sees corporate 'social partners' (labour and capital) bargaining in a regulated market. Social and individual failure are seen more as 'demand-side' structural issues in terms of the relationships between partners. For example, a supply of flexible labour is also seen as crucial for economic success in the face of globalisation, but this is to be addressed by achieving a work-life balance as one part of the 'Social Dialogue' between the social partners. There is also a recent input from 'new social movements' as part of an emergent 'Civil Dialogue' (see den Dulk *et al.*, 2000; Hantrais, 2000). This resolution would also address other pressing social issues which threaten economic success such as the 'demographic time bomb' of decreasing fertility and increased ageing. These issues are clearly gendered and in this way equal opportunities for men and women are important in this bargaining process. Indeed, gender equality is now 'mainstreamed' in EU policy as a whole. While Tony Blair has been on conference crusades to persuade the 'Europeans' to drop their model and turn to his Atlantacist inspired 'Third Way' – which he claims is the only suitable response to globalisation – he has apparently had little success (Bonoli and Powell, 2002).

However, while New Labour may be ideologically attracted to the liberal US model, it is bound by EU law to implement the corporatist/gender equality model. The government can drag its feet, notably in the implementation process, and can publicly lay the blame on 'Europe'. A good example is the British government's resistance to the extension of parental leave to all parents with children under five on implementation date, arguing instead that only parents with children born after that date were eligible. The government was almost bound to lose the resulting court case (famously argued by Cherie Booth), and indeed it did so, but it could present itself as protecting business interests from Brussels. In turn, the EU model gives a political platform in Britain for the loose women's interest coalition of care lobbies, parts of the parliamentary Labour Party, and feminist social policy. The following section traces the development of this EU model in the 'reconciliation' of work and family life.

### **Gender divisions of labour and balancing home and employment in EU policy discourse**

Famously, article 119 of the founding Treaty of Rome in 1957 guarantees equal pay for equal work. Equally famously (or notoriously) this apparently pioneering principle was not the outcome of any concern for gender equality. Rather, it was due to the French government worrying that their relatively high-paid female labour would be undercut by lower-paid labour elsewhere (Hoskyns, 1992). Although Article 119 remained little used

until the 1970s, Britain's refusal to accept it was one of the reasons for the failure of its 1962 application for membership.

Recurrent themes for EU gender politics can already be distinguished in this early period. The first concerns demography. The wages of women workers were higher in France because of the natalism of French social policy. From the late nineteenth century the aim was to integrate single mothers (who at least were giving birth!) and working class women into the labour force, as a means of both maintaining or expanding fertility rates and ensuring better childrearing (Lefaucher and Martin, 1997; Lanquetin *et al.*, 2000). Secondly, this policy position was partly rationalised by appeal to the equality principles of 1789 (although these were in fact highly gendered). The third theme concerns the importance of national gender contracts to competing national political economies, where this competition had now to be resolved institutionally rather than just by open economic competition. Gender 'contracts' – social understandings about what men and women do, and expect – implicitly codify how men and women are positioned with respect to the labour market and to unpaid caring work. They will therefore have important economic effects (Pfau-Effinger, 2000; Gottfried, 2000). In attempting to reconcile the economic interests of various nation states – as with the Treaty of Rome, Britain's failed 1962 application and German reunification – different gender contracts become more politically visible than is normally the case. In national state policy discourses, in contrast, gender contracts are normally taken as given and so usually remain politically invisible, except at some critical 'tip-over' points (Hirdman, 1990, 1998). For 'reconciling paid work and family life' means more than increasing women's access to paid work (the equal opportunities at work agenda), it instead implies a redistribution of work and status between women and men, that is, changing the gender contract. These three themes have re-emerged in two later phases of EU gender policy as described below.

*Gendering the economic agenda: the mid-1970s to the 1990s*

In this period the impact of second-wave feminism, combined with the EU's need to achieve political popularity and legitimacy and the growing importance of women in the labour force at a time of economic problems, all combined to put gender equality back on the EU agenda (Hantrais, 2000). An impressive array of women's interest groups was inserted into the EU machinery – the Women's Bureau (1976) later the Equal Opportunities Unit as part of Directorate General V of the European commission itself, the Advisory Committee on Equal Opportunities for Men and Women (1981), the Women's Committee of the European Parliament (1984), the European Women's Lobby (1989) and (although strictly outside the EU itself) the European Network of Women (1983) and the Women's Committee of the European Confederation of Trade Unions (see Stratigaki, 2000, for details).

The overall result was that Article 119 had to be put into some sort of practice. Directives (European 'hard law' that requires implementation by member states, and where non- (or improper) compliance is subject to legal action from the European Court of Justice) were enacted on the application of equal pay for men and women (1975), equal treatment in access to employment, training and promotion (1976), equal treatment in social security (1979, in force 1984) equal treatment in occupational pension and insurance (1986) and equal treatment in self-employment (1986). During the 1980s

action became more focussed on policy development, and the Equal Opportunities Unit was given responsibility for Equal Opportunities Action plans, the First Action Plan in 1982–5 focussing on positive action programmes and the Second (1986–90) focussing on child care (Hantrais, 2000; Stigt *et al.*, 2000).

At the same time, however, this period shows a whole list of policy failures. Perhaps the most important was the failure of the proposed directive on day care provision (specifying minimum levels and quality). Similarly, the proposed parental and family leave directive of 1983 (vetoed by Britain) only reached the statute book under the different conditions of 1997. These failed directives added to the mass of EU ‘soft law’ – recommendations which do not have to be implemented and indeed can be safely ignored – so the 1992 child care recommendation had little effect in Britain, for example. These proposed directives threatened established national gender contracts and thus fell foul of the Council of Ministers (who represent national governments and are the supreme EU executive). At this time the Council of Ministers was keen to dilute and ‘emasculate’ these gender equality proposals. This reaction was, if anything, eased by Britain’s opting out of the 1989 Charter on workers’ rights and the Maastricht Treaty ‘Social Charter’ in 1992, for the Council of Ministers could then use potential British opposition to gender equality issues as a smokescreen for their own opposition. Germany was a notable player here, seeking to preserve its own ‘strong breadwinner’ gender contract (the principle of subsidiarity enshrined in the Maastricht Treaty was also useful). However, as Threfall (2000) points out, all this goes to show that it was not so much the EU in itself which was at fault here, but national governments. Indeed the European Commission itself seems much more ‘women friendly’ than the Council of Ministers which lies at the apex of EU decision making. However, the accession of Finland and Sweden to the EU in 1994 even introduced some women friendliness into the Council of Ministers.

The policy discourse result of all this was one of increasing women’s access to paid work. The social partnership of capital and labour became seen as gendered, and gender equality at work was the means of improving this situation. Statistically this was expressed by comparative female labour market participation rates, and these became a central part of many EU and Eurostat documents on women and employment. However, these national differences remained unexplained in terms of gender culture or the welfare regime (or at least authors felt they could not comment, but see Duncan, 1996a) and were portrayed as givens to be improved through technical rather than structural measures. Implicitly, some states were seen as pioneers and others as laggards in this rather simple evolutionary model.

This discourse became subject to a whole range of technical and conceptual critiques: increasing participation almost disappeared if measured by hours worked or wages received; part-time and ‘atypical’ work – often low paid, peripheral and predominantly held by women – was not distinguished; increasing participation was just a double burden; improved access to employment was not that central to gender equality, especially given all the foregoing; gender inequality had more to do with wider social and cultural factors, with employment as just one outcome, so that increased employment would simply reflect or even increase existing inequality rather than change it (Duncan, 1996b).

This ‘equal opportunities at work’ discourse altered during the 1990s to one emphasising the ‘reconciliation of paid work with family life’ (Hantrais, 2000; Threfall,

2000). The accession of Finland and Sweden to the EU in 1994, and the increasing influence of a parallel policy discourse that had been bubbling along during the 1980s – the 'demographic time bomb' – politically exposed the limitations of policy focussed on equal opportunities at work.

*The demographic time bomb and gender relations*

Europe is supposedly in the throes of the 'second demographic transition'. Although a contested term – some demographers would see it as a continuation of the first, some see more than two – all are agreed on the trends that make it up (Gonzalez-Lopez and Solsona, 2000). Put simply, fertility has declined to below replacement levels in most European countries, and on current trends by 2010 deaths in the EU15 will outnumber births. At the same time the EU population is ageing, with the so-called 'dependency ratio' of the old to those of working age increasing. Partly accounting for these 'output trends' are the decline in marriages, and the increase in divorce, cohabitation, lone parenthood, age of marriage and age of first childbirth – all factors which are usually (although not necessarily) connected with lower fertility.

As Gonzalez-Lopez and Solsona (2000) point out, the highly gendered aspect of these issues – after all we are talking about getting pregnant – is often so forgotten in technocratic demography that you would think fertility was a result of immaculate conception. Women's changing behaviour was seen as a negative and almost asocial development, even if this had to be accepted, rather than the result of creative social choices. Rather, the basic cause of the second demographic transition is the incompatibility of housewife marriage with women's economic and social aspirations, and the fact that replacements for housewife marriage are (currently) less compatible with child-rearing (*ibid.*). And behind this, theorists have it, are processes of individualisation, democratisation and emancipation – or, simply put, women are getting jobs and having a life instead of bearing children in traditional marriages. This is one explanation for why Germany, Italy and Spain show the lowest ever recorded completed fertility rates while, in 'women-friendly' Sweden and Denmark, birth rates are among the highest in western Europe.

Whatever the causes, however, this 'demographic time bomb' is now seen as a crucial question for national governments and the EU alike for both economic and realpolitik reasons. First, this 'disturbing demographic situation' (EC 1989, quoted in Hantrais, 1999) is seen as a sign that the EU will lose its world power status, where population size is interpreted as political and economic might. Secondly, an ageing population is seen as a particular problem in itself, because of the expected overload of pension systems, health and social services, as well as a more general economic problem. As the EC 1994 White Paper put it, more old people, and less young, means less (and less able) labour supply, less free capital for investment and less free spending power. Hence an ageing population will mean lower economic growth, lower competitiveness, less employment and less power (see Hantrais, 1999). There are of course various counter-arguments. For instance age and ageing are partly socially defined, so that the old are not or need not be seen as a burden, that increased expenditure necessary to deal with any increased 'burden' is in fact only a small amount relative to GDP, that productivity has increased in the past and will continue to do so (so that less workers can support more 'dependents'), that immigration can easily supply the required

numbers of young working and childbearing people, and so on. Nonetheless, the EU took the 'time bomb' discourse on board during the 1980s and 1990s, so much so that Article 7 of the 1992 Maastricht Treaty is concerned solely about the need to address these 'population problems'.

There are perhaps two sets of policy response to this situation. First are negative and/or prescriptive measures like reducing pension payments, increasing the retirement age or redefining women as childbearers in traditional households. These either treat symptoms rather than causes, or are impossible to implement. Enter, then, positive and supportive policies. Here the problem is not seen as changing demographic behaviour as such, but rather that institutional structures have not kept up with changing social expectations and behaviour. The solution here is to use social policy to change this situation. Hence the idea of 'reconciling employment and family life' – change the structures so that women (and men) can both have a life and have babies.

The outcome of this discourse dovetails into the conclusions of the 'equal opportunities' gender equality debate also taking place in the 1980s. Just getting women into employment may not change that much in gender equality terms, and may make things worse in demographic time bomb terms. Rather, what is needed is to change the way 'work' and 'home' are related. This 'reconciliation' also implies a reorganisation of gender roles and the gendering of work. At this juncture Sweden and Finland joined the EU, and this was decisive in getting this new discourse on to the policy agenda. These countries were not only officially committed to gender equality, with substantial policy measures already in place (see Björnberg, 2002; Näsman 2000), but in addition gender equality had become central to their political economy, with women both integrated into the labour force on near equal terms to men and politically powerful. Crucially, women were worried about joining what they saw as a 'women-hostile EU' and threatened to scupper accession to the EU. In both Sweden, and in Norway (which voted not to join), a majority of women voted against EU membership, and in Finland only a bare majority of women voted in favour. Around the same time most women in Denmark voted against the Maastricht Treaty in the two referenda, again largely for gender equality reasons (see Liebert, 1999; Bergqvist and Jungar, 2000). All these countries were in the position of having to prove to women that the EU was worth it. The task became one, then, of exporting the Nordic model to the EU rather than the other way round (*ibid*).

#### *Mainstreaming gender and reconciling employment and family life: the 1990s*

The idea of equal opportunities at work was increasingly seen as too limited, or even counterproductive, for either achieving gender equality or in addressing the 'demographic time bomb'. By the late 1980s and early 1990s sections of the European Commission had begun to talk about 'reconciling employment and family life' and 'mainstreaming' gender. While it is important to note the word 'sections' – other powerful actors like the Council of Ministers remained lukewarm – social policy in general and gender issues as one part of this were also becoming more prominent in the central EU economic discourse.

This prominence was partly because of the increased awareness of the importance of social policy for the economy. Reconciling employment and paid work became seen as an answer to the economic problems resulting from the second demographic transition and globalisation, in a situation where the core EU economies were in recession. Ageing

and low fertility, and creating a flexible labour force, could be addressed by reconciliation. The gender discourse could then fit into and exploit this agenda, given further impetus in the mid-1990s by the accession of Finland and Sweden who had to deliver a 'gendered EU' to their home constituency.

There was also an important shift in the decision-making apparatus of the EU in this period, a move which reduced the influence of the Council of Ministers – always hidebound by their national perspectives – and gave legislative initiative to the 'social partners'. Partly, this was seen as a means of outflanking recalcitrant national governments, not least Britain. Capital and labour, or more precisely the organisations representing European trade unions, large employers and small employers, were able to jointly initiate policy agreements which would ultimately lead to directives and recommendations. This is the so-called 'social dialogue'. And the social partners were very concerned about flexibility and, hence, 'reconciliation'. The emergence of a 'civil dialogue', based on agreements between NGOs and user movements, has also widened the scope of this discussion.

EU pronouncements and agreements (pre-eminently the 1992 Maastricht treaty and a number of social policy white and green papers) became peppered with references to reconciliation and the 1995–97 Third Action Plan took reconciliation as its prime theme. The Equal Opportunities Unit was moved from employment to social policy, where the new Swedish Director General added family policy to its remit. A first stage saw reconciliation of family life and employment in terms of women's flexibility with directives on maternity leave and a recommendation on childcare in 1992. A second stage saw this extended to reconciliation of family life and employment for women and men, as the Social Dialogue and the Action Plan gathered steam, and as the new Swedish and Finnish commissioners and advisors got to work. This phase saw the emergence of the long delayed directive on parental leave and a directive on equal rights in part-time employment. As always, it is important to remember that legislation was a watered down version of the original proposals. As Threfall (2000) puts it, just as the EU seemed to recognise what gender equality actually meant it became quite timid and cautious! This timidity was encouraged by an apparently reactionary judgment from the European Court of Human Rights (the 'Kalenke' case), the implications of which were exploited by some unenthusiastic national governments, not least Britain. So for many countries, this legislation for minimum provisions was merely setting a base line marker where their own measures were already superior. But for Britain, back into the social agreements after 1997, this low level base line represented a significant advance.

Denmark, Finland and Sweden still had to deliver to their home constituencies, however. A new top-level Commission structure was set up in 1995 – the Group of Commissioners on Equality between Men and Women and Women's Rights. Two of the four commissioners were women from Scandinavia, and 'mainstreaming gender' became the central agenda and a Norwegian expert was brought in to advise on implementation. Indeed the EU became the major champion of the mainstreaming principle adopted by the 1995 UN Beijing Women's conference (Bergqvist and Jungar, 2000). This was further buttressed by a Fourth Action Programme (1996–2000) centred on reconciliation and care. Both reconciliation and gender mainstreaming – 'the systematic consideration of the differences between the condition, situation and needs of women and men in all Community policies, at the point of planning, implementation and evaluation' (EC 1997, quoted in Hantrais, 2000) – became enshrined in the 1997 Amsterdam Treaty. Gender

equality is now a fundamental principle of EU activity. Reconciliation was also codified further in the 1997 Luxembourg employment meeting and the 1998 Employment Guidelines, where equality of opportunity became one of the 'four pillars' or lines of action for the Commission (the others being to increase employability, encourage adaptability and develop entrepreneurship). Sweden took gender equality, including the reconciliation of work and home, as its 'priority issue' in chairing the EU in 2001. Linked to this, EU gender policy began to delve into important areas outside the work-care axis, with initiatives on domestic violence, trafficking and prostitution and sexual harassment.

What does mainstreaming actually imply? Does it represent gender issues leaving the ghetto of a peripheral discourse to enter the mainstream, or will gender policy become 'broad and shallow' rather than 'narrow and deep'? Some feminist commentators tend towards the 'tokenistic' interpretation where no extra resources have been allocated to achieve or monitor mainstreaming and when the existing infrastructure has been undermined (e.g. the Women's unit is no longer in pro-active position). Mainstreaming has even been used as an excuse in the attempt (narrowly averted) to remove specific gender equality projects or structures with the rationale that as gender was now mainstreamed, there was no longer any need for them. The Committee on Women's Rights found that the Commission, the Council of Ministers and member states had even disregarded the mainstreaming principle in nearly all the central programmes structuring future EU policy (EC, 1998). This indeed makes mainstreaming look like rhetoric, although at least this was found out and some corrections (but not a total redraft) have been made (Schunter-Kleemann, 1999).

All this sounds depressing, but a more optimistic view is possible. Catherine Hoskyns (personal communication) makes the point that mainstreaming will not work if the dominant EU discourse – which is one about economic success – does not change. But in a way it has changed, for the debates about the demographic time bomb and flexible labour give reconciliation of employment and family life a central economic role. And, as Threfall (2000) points out, the reconciliation of employment and family life is highly gendered. It brings the issue of care firmly on to the agenda, and this ultimately means men spending less time at paid work and more time raising children, looking after the old and sick, or carrying out domestic chores.

### **Conclusion – EU gender policy as half full or half empty**

In assessing the role of the EU we are faced with the 'half-empty or half-full' problem. In the past, I have subscribed to the 'half-empty' view (Duncan, 1996b) – EU gender policy is more about rhetoric than reality, and does not make much difference in women's lives. Young (2000) updates this position taking into account the increased visibility of gender issues in the EU since 1995. While admitting that EU gender equality measures can be important for those countries with worse situations (Britain, Ireland and southern Europe), she sees this as making little difference in the wider political-economic context of making the EU 'a flexible transnational global production site' in the neo-liberal image. So on the one hand, for instance, EU policy supports women entering the labour force while on the other its increasingly neo-liberal economic policy means public sector cuts and privatisation. Worse, she sees EU gender policy as just a means of transforming women – hitherto protected, if also subordinated, in Keynesian fordism – into individual workers without social protection on the US model. Even for the gender equality



measures themselves, all the same old problems of procedure versus substance, and of actual implementation, remain (Keller and Sörries, 1999).

But the 'half-full' view – that EU policy makes a significant difference – has equal resonance. The EU is a powerful polity, which has the legal means to ensure that its rulings have considerable effect, it has extended its role into care issues as well as employment, and while the latter still remains most stressed it is also central to gender equality (Walby, 1999; Threfall, 2000). Much of the negative critique stems from the 1980s situation, but since then EU gender policy seems to offer a real means of generalising from the Scandinavian gender equality model. True, the central EU debate is one of achieving economic success in a globalised, capitalist world, but within this gender equality has moved centre stage if only because 'reconciling work and life' is now seen as necessary for this success. This means that the gendered distribution of work and care moves into the EU – and hence British – social policy agenda. As much attention should be paid to the quiet EU discourse, as to the noisy Atlantacist discourse, in explaining the course of British social policy.

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