



# Parents at Work: Preventing Discrimination

HANDBOOK



Supported by the Rights, Equality  
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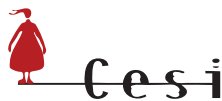






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# Table of Contents

<b>1</b>	<b>Discrimination of parents at the workplace: An underrated subject so far</b> .....	<b>5</b>
<b>2</b>	<b>About the handbook</b> .....	<b>12</b>
2.1	How to use this handbook?.....	14
2.2	Expected results .....	15
<b>3</b>	<b>Legal Situation in Austria and Croatia</b> .....	<b>16</b>
3.1	Legal situation in Croatia .....	16
3.2	Legal situation in Austria.....	21
<b>4</b>	<b>Tools and methods to raise awareness about discrimination</b> .....	<b>28</b>
4.1	Hiring Processes .....	29
4.2	Becoming a parent and Parental leave .....	36
4.3	Post-Leave Reintegration and Re-entry .....	41
4.4	Organising working time .....	45
<b>5</b>	<b>Collection of cases from the surveys n Austria and Croatia</b> .....	<b>51</b>
<b>6</b>	<b>Program of Workshops conducted within the project</b> .....	<b>56</b>
6.1	Example of workshop program .....	57
6.2	Example of Evaluation questionnaire .....	58
<b>7</b>	<b>Where can you get information and support?</b> .....	<b>59</b>
<b>8</b>	<b>Useful links and literature</b> .....	<b>63</b>



1

**Discrimination  
of parents at  
the workplace:  
An underrated  
subject so far**



Reconciliation of work and family is a topic of much discussion. Numerous studies and information brochures address the question of which strategies can be used on an individual or company level to find a balance between the demands of the world of work and childcare<sup>1</sup>.

A subject that has not yet received much attention is the question of workplace **discrimination against parents in response to their care responsibilities and their desire to reconcile these with their work**. Addressing this blind spot was the topic of the project “Parents@work”: Changing Perceptions!”, in framework of which this handbook was developed (project information can be found at the end of the chapter).

## **Parents@Work: Views of employees and companies**

Within the project, in-depth interviews with parents affected by discrimination<sup>2</sup> on the one hand, and companies that conversely see themselves as family-friendly<sup>3</sup> on the other hand were conducted.

The **in-depth interviews with parents affected by discrimination** showed the mechanisms used in some workplaces: Parents who are obliged to take care of their children are assumed not to be as capable as other employees. In particular for mothers, this resulted in being transferred to other positions, having to accept income disadvantages or not having contracts extended. Fathers who wanted to take parental leave or reduce to part-time were “encouraged” to opt for gainful employment or “free time”.

<sup>1</sup> Maurerer/Schmidt 2019, Wagner-Steinrigl 2019, Bergmann/Danzer/Schmatz 2014, Beham/Haller 2005

<sup>2</sup> Aufhauser/Bergmann/Pretterhofe/Sorger/Wagner-Steinriegl 2020, Kučer/Tkalčec 2020a

<sup>3</sup> Bergmann/Reichert/Sorger/Wagner-Steinrigl 2020, Kučer/Tkalčec 2020b



Thus, **discrimination often begins with pregnancy** and may later on **include harassment/mobbing, deterioration in work atmosphere, transfer to lower positions and even termination of the employment contract**. Although women are negatively affected more often than men, if men take on family responsibilities, they do not meet the “male” role perception and are also discriminated against.

A **number of studies highlight the influence of gender and parental status on employment decisions**<sup>4</sup> and indicate that parents were judged as less active and less committed to their jobs than other employees. Our interviews with parents affected by discrimination underline these findings: As soon as employees have children and take care of them – or plan to do so increasingly – they are perceived as less capable and flexible. Whilst women are attributed less capable and flexible this per se, men are attributed like this as soon as they file claims for parental leave or part-time work. On the other hand, the second part of our research – containing interviews with family-friendly employers – makes the efforts of companies visible to ensure that parents are not disadvantaged in the workplace. Analysed attitudes of employers indicate that corporate culture is very important in creating an open and supportive work environment and should be created and implemented from the highest level. Employers often believe that both – motherhood and fatherhood – can be reconciled with full-time work. The same applies for part-time work, except when it comes to managerial positions. Attitudes are divided when it comes to the skills that employees can develop due to their parenting role. Most employers also believe that parents have different needs than other workers, but that they have some possibilities to meet them.

But even family-friendly companies are formulating further needs for information, support and counselling as from their point of view, it is not always easy to reconcile company goals and reconciliation of work and family.

4 Fuegen et al. 2004

An important aspect in this context is to raise awareness that parents are discriminated against (sometimes unconsciously) and that a different perspective is needed here.

## **Unconscious bias: Unintentional discrimination of parents at the workplace**

Discrimination usually occurs due to prejudices: parents are seen as being less flexible, less productive, less professionally involved and causing organisational difficulties to the employers because of their parenting responsibilities. When organizing work (e.g. scheduling meetings late in the afternoon or evening), childcare obligations as well as other private obligations of working parents are often not taken into account. Changing the attitudes of companies, employees and society in general is necessary. This would lead to a more positive perception and reduce discrimination against parents in the workplace. Examples show different forms of discrimination employees are facing. The unfair treatment at the workplace is often caused by prejudices towards parents and people with caring responsibilities. Prejudices are preconceived attitudes and opinions towards certain social groups, which are often not based on own experiences. They arise from the fact that judgments, views or opinions that exist in our society are taken over and are transferred to individuals, without verifying their actual truthfulness in reality. E.g. “Mothers are less productive and flexible”, is a widespread prejudice.

These prejudices are not always made explicit, but are “unconscious”. Scientists speak of an unconscious bias (or implicit bias). It is defined as prejudice or unsupported judgments in favor of or against one thing, person, or group as compared to another, in a way that is usually considered unfair. Many researchers suggest that unconscious bias occurs automatically as the brain makes quick judgments based on past experiences and background. As a result of unconscious biases, certain people benefit and other people are penalized.

In contrast, deliberate prejudices are defined as conscious bias (or explicit bias).

These conscious and unconscious devaluations of parents as employees are addressed in this handbook. It aims at looking more closely into the discriminatory behaviours and attitudes of employers towards employees with care obligations and their consequences in order to help reduce discrimination towards parents.

## **What is the existing evidence of Ombudspersons for Equal Rights?**

**“The perception of working parents and pregnant women should change from business burden to business benefit. Additionally, while the impact on the economy is significant, it is important to remember that equality in employment is predominantly a moral imperative leading to the design of legislation and must play a role in ensuring no implementation gaps (Equinet/EHRC 2016).”**

The work of different Ombudspersons for Equal Rights shows that parents and in particular women are facing discrimination as parents at work<sup>5</sup>.

In 2016 the Ombudswoman for Gender Equality of the Republic of Croatia initiated 26 anti-discrimination cases based on complaints on the violation of maternity rights – 21% of all complaints related to labour rights, including equality in wages. Individually, complaints were submitted in 65% of cases by women and in 21% cases by men. In the remaining 8% of cases the proceedings were initiated by the Ombudswoman. In 5,5% cases complaints were submitted by groups of both sexes<sup>6</sup>.

<sup>5</sup> Adams et al. 2016

<sup>6</sup> Ombudswoman for Gender Equality Report from 2016

The Ombud for Equal Treatment Austria has the experience that apart from equal pay and sexual harassment, cases concerning the reconciliation of professional and private life make an essential part of its advisory services in the field of gender discrimination. They record around 70 to 80 cases each year solely on the topic of discrimination against employees with childcare obligations; however, this is only the “tip of the iceberg”, as only a small portion of cases end up here due to the small size of the Ombud’s office and the resulting low-level awareness of its purpose. It can therefore be assumed that a large number of parents are disadvantaged in the workplace because of their parenting or childcare responsibilities.

## **Important: Raising awareness and disseminating legal information**

The results of the analysis showed that although more women recognize discrimination and non-compliance with the law by employers, also men who want to care for their children face discrimination. It is necessary to work on informing and educating all workers of their rights and employers about discrimination and other difficulties experienced by parents in the workplace. We should develop tools to facilitate employers in providing support and flexibility in reconciling private and professional obligations. Work should also be done to strengthen the legislative framework governing the issue of protection against discrimination and to inform parents about their rights.

Furthermore, it is necessary to continuously inform the public about the work of the Ombudswoman for Gender Equality and encourage workers to turn to this institution for support and protection. The biggest problem is non-reporting of discrimination in the workplace due to lack of information about rights, distrust in the legal system and institutions, and fear of dismissal or mobbing.

## **“Parents@work”: Changing Perceptions!”**

The project has been implemented in Austria by L&R Social Research in collaboration with the Austrian Ombud for Equal Treatment (GAW) and in Croatia by CESI (Center for Education, Counseling and Research) in cooperation with the Office of the Ombudsperson for Gender Equality. The overall aim of the project is to find out what difficulties parents are exposed to at work due to their private responsibilities of caring for children and how they reconcile private and professional life.

What we want to achieve is:

- increasing awareness of (hidden) discrimination against parents in the workplace and in application processes among employers, employees and in the public eye;
- developing new strategies to support employers and employees in taking action to combat discriminatory practices and developing new tools for this (informational material, workshops, YouTube videos) that are adapted to the needs of the people and organizations concerned; and
- supporting gender equality institutions and other advisory organizations with materials and tools (such as YouTube videos) that can be used in their advisory work, as well as in the course of other activities, to increase public awareness.

The project ran from June 2019 to September 2021; it was co-financed by the European Commission as part of the “Rights, Equality and Citizenship Programme”.

More information together with produced materials can be found on the project website at <https://parentsatwork.eu>.

2

# About the handbook



This handbook is a result of the project “Parents@Work: Changing Perceptions!” The project included detailed analyses of the situation of parents at work, expert meetings, mutual learning meetings with relevant stakeholders and pilot workshops where the material offered in this handbook was tested.

The handbook can be used by educators, managers, human resources, etc. who want to work on the issues parents are facing in their work place as well in the labour market, reconciliation of private and professional life, equity and equality in the workplace and achieving equal opportunities in the labour market.

The handbook is designed to be used to work with representatives of the public, civil and private sectors and to work with a group of up to 25 people for a better efficiency and an interactive approach to training.

The handbook can be used to organize educational activities and workshops on the topic of working parents with a focus on an interactive approach.

The pilot workshops were due to the COVID-19 pandemic organized online with the goal to test the educational tools, and included representatives and workers of public institutions, employers, unions, academia representatives and civil society organizations. The trainings can however include any targeted groups with which you want to work to increase knowledge and understanding of the problem faced by parents and gender equality in labour matters.

## 2.1 How to use this handbook?

The handbook starts with an introductory theoretical section providing trainers with an overview of relevant legal information in Austria and Croatia.

Next you will find tools and methods. The manual is divided into four topics, which are:

- the hiring process (gender stereotypes and gender discrimination),
- becoming a parent and parental leave,
- re-entry and
- organizing work-life balance.

Every topic is closely linked to the issue of discrimination of parents regarding working matters and raising awareness of gender equality. Each section starts with background information concerning the discussed topic. Per topic there are tools and practical group exercises with instructions which can help participants to understand issues that have a direct impact on the position of parents in working matters.

The manual also contains links to short videos that can be used in trainings as a proposed multi-day program.

At the end of the manual there is a questionnaire that can be used to evaluate the workshops.



## 2.2 Expected results

The purpose of this manual is to provide readers with specific tools they can use in forming trainings on the topic and for the participants expected result is to provide them with an insight of the problem of the position of the parents in the labour market as well to raise awareness in to getting a better understanding of the social context of gender inequality in the labour market. Result would be increased knowledge and skills of the training participants to achieve equal opportunities on the labour market for working parents as well for employers to create a supportive and inclusive gender friendly working environment. Introduction: Discrimination of parents at the workplace – what is it and how can it be avoided?



**3**

# **Legal Situation in Austria and Croatia**



## 3.1 Legal situation in Croatia

The basic regulation governing the protection of pregnant women and parents from discrimination in the field of employment and work is the Gender Equality Act of 2008 (Zakon o ravnopravnosti spolova<sup>7</sup>). The Act contains general bases for the protection and promotion of gender equality, as fundamental values of the constitutional order of the Republic of Croatia and defines and regulates the manner of protection against discrimination on the grounds of sex, as well as the creation of equal opportunities for women and men.

Gender discrimination means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of endangering or preventing the recognition, enjoyment or use of human rights and fundamental freedoms in political, economic, social, educational, cultural, civil or other area based on the equality of men and women.

In addition to the above, the Act prohibits discrimination on the basis of marital and family status, and it especially emphasizes that less favourable treatment of women on the basis of pregnancy and maternity is considered discrimination.

The legal definition of discrimination on the grounds of sex indicates the areas in relation to which protection against discrimination is provided. A special chapter of the Gender Equality Act (Zakona o ravnopravnosti spolova<sup>8</sup>) additionally elaborates protection against discrimination in the field of employment and work. The Act explicitly prohibits discrimination in the private and public sectors, including state bodies, effectively covering the entire labour market, regardless of the type of activity.

<sup>7</sup> „Narodne novine“, br. 82/08 i 69/17.

<sup>8</sup> Chapter no. IV. Gender Equality Act (Zakon o ravnopravnosti spolova) (čl.13)

The Act recognizes the connection of certain segments and processes in the field of employment and work with increased risks, and especially emphasizes the prohibition of discrimination in relation to:

1. requirements for employment, self-employment or carrying out a professional activity, including the criteria and requirements for the selection of candidates for particular jobs in any activity and at all levels of professional hierarchy,
2. promotion at work,
3. access to all types and levels of education, career counselling, vocational training, additional training and retraining,
4. employment and working conditions and all rights that arise from work and are based on work, including equal pay.

The legislator recognized increased discriminatory risks in relation to certain characteristics or personal circumstances related to workers, and thus prohibited discrimination in relation to:

1. membership and participation in workers' associations or employers' associations or in any other professional organization, including privileges arising from such membership.
2. reconciliation of professional and private life
3. pregnancy, childbirth, parenthood and all forms of guardianship.

From the aspect of the project "Parents@Work: Changing Perceptions!", the last two points have the most important anti-discrimination significance, as they are directly related to the protection of employed pregnant women, mothers and parents.

In order to ensure the implementation of these legal provisions, as an independent body for combating discrimination in the field of gender equality, the Act regulates the competence and conduct of the Ombudswoman for Gender Equality with the authority to: receive complaints from all natural and legal persons related to discrimination in the field of gender equality, provide help to all who have filed a complaint due to gender discrimination in initiating

court proceedings, take action to examine individual applications until the initiation of litigation, and conduct conciliation and out-of-court settlement proceedings with the consent of the parties. In performing the tasks within its scope, the Gender Equality Ombudswoman is authorized to issue warnings, propositions and make recommendations, and the entities concerned are obliged to inform the Ombudsperson in writing about the measures and actions taken in accordance with the received warnings, proposals and recommendations no later than 30 days.

In addition to protection through the actions of the institution of the Gender Equality Ombudswoman, anyone who considers that their right has been violated on the basis of discrimination may file a lawsuit in a regular court of general jurisdiction and claim damages. The party to the proceedings is obliged to state the facts that justify the suspicion that discriminatory conduct has occurred, after which the burden of proof that there was no discrimination lies with the opposing party. Court proceedings in cases of discrimination are urgent, and except at the initiative of a party, proceedings may be instituted in a joint action.

In addition to the Gender Equality Act, an integral part of the system of legal protection of pregnant women and parents against discrimination is a special chapter of the Labour Act (Zakon o radu)<sup>9</sup>, which introduces a ban on unequal treatment of pregnant women, women who have given birth or are breastfeeding and predicts misdemeanour liability of employers with high fines. The employer may not refuse to employ a woman because of her pregnancy, nor because of pregnancy, birth or breastfeeding a child in the sense of a special regulation may offer her an amended employment contract under unfavourable conditions.

Unless the worker personally requests a certain right provided by law or other regulation for the protection of pregnant women,

<sup>9</sup> „Narodne novine“, br. 93/14, 127/17. i 98/19.

the employer may not request any information about the pregnancy or instruct another person to request it.

During pregnancy, use of maternity, parental, adoption leave, part-time work, part-time work for enhanced care and nursing of a child, leave of a pregnant or breastfeeding mother, and leave or part-time work care and nursing of a child with severe developmental disabilities, or within fifteen days from the termination of pregnancy or termination of the use of these rights, the employer may not terminate the employment contract of the pregnant woman and the person exercising any of these rights. Apart from the fact that such conduct would constitute the most serious violation of the employer, such dismissal would be null and void if the employer was aware of the existence of any of the above circumstances on the day of dismissal or if the employee notifies the employer of the existence of any of the above circumstances and submits an appropriate certificate from an authorized doctor or other authorized body.

After the expiration of maternity, parental, adoption leave, leave for the care and nursing of a child with severe developmental disabilities and suspension of employment until the third year of the child's life in accordance with a special regulation, the worker who has used any of these rights has the right to return to the jobs he/she worked on before exercising that right, within one month from the day when he/she informed the employer about the termination of exercising that right. Violation of this provision is also one of the most serious violations of the employer.

In addition to the above, pregnant women, parents with a child up to three years of age and single parents with a child up to six years of age enjoy additional protection in relation to overtime work and work in unequal working hours.

Maternity and parental rights of workers during employment are regulated by the Maternity and Parental Benefits Act (Zakon

o rodiljnim i roditeljskim potporama<sup>10)</sup> based on which employed or self-employed parents are entitled to maternity leave, parental leave, part-time work, part-time work due to intensive care, childbirth, breastfeeding leave, leave of a pregnant worker or leave of a worker who has given birth or leave of a worker who is breastfeeding, day off for prenatal examination, leave or part-time work for the care of a child with severe developmental disabilities and rest employment until the third year of the child's life.

## 3.2 Legal situation in Austria

In Austria there are protective regulations according to the laws of protection for mothers concerning pregnancy and birth. Additionally, parents (independent of their gender), have the right to parental leave, to part-time employment as well as protection from termination. Fathers (since September 1, 2019) have the right to one month of “early parental leave”<sup>11)</sup>.

### Maternity protection

- Employed pregnant women are entitled to maternity protection, as are apprentices and home workers.
- Expectant mothers are not allowed to work during the last eight weeks before the date of delivery (“protection period”).
- If there is a danger to the child, the mother can be released from work earlier if a specialist doctor approves the release and gives reasons for it in writing.
- Maternity protection after childbirth lasts 8 weeks. In the case

<sup>10)</sup> „Narodne novine“, br. 85/08., 110/08., 34/11., 54/13, 152/14., 59/17. i 37/20.

<sup>11)</sup> [https://www.oesterreich.gv.at/themen/arbeit\\_und\\_pension/elternkarenz\\_und\\_elternteilzeit.html](https://www.oesterreich.gv.at/themen/arbeit_und_pension/elternkarenz_und_elternteilzeit.html)  
Oesterreich.gv.at: (24.08.2021).

of premature births, multiple births or caesarean sections, the period of protection after childbirth is at least 12 weeks.

## **Parental leave**

- Employed mothers and fathers have a legal right to parental leave, therefore, refusal of parental leave is not possible.
- Parental leave can be taken for a minimum of two months and a maximum of up to the child's second birthday.
- Parental leave can be shared between the parents twice, which means that a total of three parental leave parts are permitted (e.g. mother/father/mother). Each part must last at least two months.
- The protection against dismissal ends four weeks after the parental leave.

## **Parental part-time employment**

- Employees are entitled to part-time work after the birth of a child under certain conditions: If the mother or father is employed in a company with more than 20 employees and the employment contract has existed uninterruptedly for at least three years, the requirements for the entitlement to part-time work are met.
- The entitlement lasts until the child's seventh birthday or longer if the child starts school at a later date. The start, duration, extent and location of the working hours must be agreed with the employer.
- If there is no entitlement, part-time employment (including start date, duration, extent and location) may be agreed at most until the child's fourth birthday.
- Parallel use of part-time employment by both parents is permitted.
- Special protection against termination and dismissal exists up to a maximum of four weeks after the child's fourth birthday.



## **“Daddy month” / Early parental leave for fathers (one month)**

- As of September 1, 2019, all employed fathers, including fathers in the public sector, have a legal right to time off from work in exchange for no pay on the occasion of the birth of their child.
- Fathers who take advantage of the early parental leave are protected from termination.
- Fathers who make use of the “daddy month” can apply for a “family time bonus” (700 EUR).

Sources: [Elternkarenz \(bma.gv.at\)](https://www.bma.gv.at) and [Mutterschutz-Regelung | Arbeiterkammer](#)

## **What does discrimination mean?**

Discrimination is unequal treatment that is not justified and leads to disadvantage. The Equal Treatment Act (Gleichbehandlungsgesetz) protects against discrimination on the grounds of gender (including marital status and children), ethnicity, religion, ideology, age or sexual orientation. Harassment also constitutes discrimination.

If employees take a leave of absence or reduce their hours to focus on parenting, this can lead to disadvantages with their employers. While pregnancy is linked to biological sex and discrimination in this context only affects women, fathers can also be disadvantaged if they choose to focus on their parenting duties. For example, if fathers announce that they would like to take parental leave and are then dismissed on these grounds, discrimination occurs when an employment relationship is terminated.

## Key legal provisions in the Equal Treatment Act (excerpts)

§2. The aim of this section is equality of women and men.

§ 3. Nobody may be directly or indirectly discriminated against in connection with an employment relationship on the basis of gender, particularly in relation to one's marital status or whether or not someone has children. In particular, this is not allowed:

1. when establishing the employment relationship,
2. when determining the remuneration,
3. when granting voluntary welfare benefits that do not constitute remuneration,
4. when it comes to training, further education and retraining measures,
5. in relation to career advancement, in particular in the case of promotions,
6. in relation to other conditions of employment,
7. when terminating the employment relationship.

§12 Legal consequences of violation of the requirement for equal treatment

(1) If an employment relationship has not been established due to a violation of the equal treatment requirement under §3 No.1, the employer is obliged to compensate the applicant for financial loss as well as for the personal impairment suffered. (...)

(5) If an employee has not advanced professionally due to a violation of the equal treatment requirement under §3 No. 5, the employer is obliged to compensate the employee for financial loss as well as for the personal impairment suffered.

(6) In the event of a violation of the equal treatment requirement under §3 No. 6, the employee is entitled to be granted the same working conditions as an employee of the opposite sex

or to compensation for financial loss as well as for the personal impairment suffered.

(7) If the employment contract has been terminated or prematurely ended by the employer because of the gender of the employee or because of the assertion of not obviously unjustified claims under this Act, or if the probationary employment contract has been terminated for such a reason (§3 No. 7), the dismissal, redundancy or termination of the probationary employment contract can be contested in court. If a fixed-term employment contract that is designed to convert into a permanent employment contract has been terminated through being allowed to expire because of the gender of the employee or because of the assertion of not obviously unjustified claims under this Act, legal action may be taken to determine that the employment contract is permanent. If the employee allows the termination against him/her to stand, he/she shall be entitled to compensation for financial loss as well as for the personal impairment suffered. (...)

## **Tips from the Ombud for Equal Treatment for reduced hours for parenting purposes**

What can also often happen is that, after returning to work on a part-time schedule, parents are faced with worse working conditions. This can include being transferred to a place of work that is far or further away, not being equipped with the necessary work equipment, or being deprived of a managerial position. It is important in such cases to seek to have a conversation at an early stage, to obtain legal information, and to also clarify that one has a right to the same, or an equivalent, job. The original employment contract in which the duties and job level are defined should only be changed with regard to the work hours and their location, but not the content of the work when one takes a reduction in hours for parenting purposes.

Fathers with ambitions in childcare earn either praise and recognition (the model dad) or ridicule and rejection (“wimp”, “a henpecked husband”). Some companies fear that fathers only take reductions in hours in order to secure protection against dismissal. Others see problems for their operations if “men too” start demanding more flexible working hours. They generally perceive employees who are parents as a “disruption” to operations. However, fathers have the same parental rights as mothers and can also invoke the Equal Treatment Act. This should therefore be seen as normal by companies, and professional management should be established for this.

## **Tips from the Ombud for Equal Treatment relating to pregnancy and maternity rights**

There are special regulations that protect pregnant women, which are regulated in the Maternity Protection Act. Women are not allowed to be disadvantaged in connection with a (suspected) pregnancy; termination during one’s probationary period due to pregnancy is also prohibited. What sometimes happens is that fixed-term contracts, offered with the intention of converting them to permanent contracts, are frequently terminated once notice of a pregnancy is given. In such cases, the Equal Treatment Act gives victims the option of either seeking redress in the form of financial damages or a restoration of a permanent employment relationship.

Discrimination due to pregnancy or the fact that someone has children is likewise not allowed during the application process. Questions about marital status or children are not prohibited in principle, but they must not be asked in such a way that they can be perceived as harassment or lead to adverse decisions for applicants. In general, questions in job interviews should always be related to the requirements or basic conditions of the position in question.



**4**

# **Tools and methods to raise awareness about discrimination**



In the following paragraph we offer tools and methods to raise awareness about the discrimination of working parents. We divided these tools and methods into four topics where discrimination most occurs. These topics are during the hiring process, when employees become parents and want to take parental leave, when employees want to re-enter after taking parental leave and how to organize the work-life balance. In this section you will find background information to initialize the different topics and per topic tools that can be used in achieving the goal of raising awareness. All tools are interactive with the clear idea that most of the input has to come from the personal experiences, beliefs and attitudes of the participants. Through this method, participants are confronted with their own stereotypes which through guidance of an experienced facilitator can be channelled into a deeper understanding of the issues. We believe this practical method where in fact most of the output comes from the participants has a more profound effect about the key problems and about what possible solutions can be.

## **4.1 Hiring Processes**

A hiring process as an activity in which the goal is to meet the workers and company's needs. It can be a demanding process for the person as well for the company. From the point of view of the applicant this can be a stressful and a challenging experience because personal skills, knowledge and values are being evaluated while the need to get the job is also very high bringing more stress and more insecurities in one's life.

From the company's point of view, it is an administrative process which must be well established, prepared and implemented. Values of the company, description of the job and tasks, required knowledge and skills are all segments of the job post that companies

need to prepare to attract workers. The best fit worker will get the job but there is still a selection process which must be well prepared and well lead to find the best fit for the job. Related to our project we have in mind companies that want to be or already are a gender equal company, or a gender aware company which is a value employers are more often claiming to have as an important value.

For companies to achieve the goal of being a gender equal company, it is important in the process of advertising a job vacancy it is already visible that the post is open for men and women equally. In Croatia, this would specifically mean that masculine and feminine genders are used for the advertised occupation because the Croatian language recognises both female and male gender in naming occupation.

Also, people often mention their marital status in the CV and job application, and some even say that they are parents, which is not relevant for doing a job. This provides information on family status, which can directly or without direct intent, lead to discrimination especially for women because it is assumed that women will be absent from work when they give birth. This is a very sensitive area of private and business life that can cause discrimination in employers' decisions, either consciously or unconsciously.

**For employers it is important to say that they understand** legal obligations and recognise that discrimination can be unintentional and based on assumptions but can also be intentional which can create a bad working environment. Discrimination behaviours and conduct can bring possible law suits or other related consequences. What can be done is a gender based analysis of the company and create an equal opportunity policy which are to be monitored and evaluated as a part of the regular organizational planning. There are many tools for gender based analysis which can be used according to the company need.



Specifically for the hiring process companies have to make sure that a job post is equally advertised for men and women. It is for example not advisable to use illicit and discriminatory questions in job interviews, such as: Do you have children? How do you plan to balance your family responsibilities with your work? Who takes care of your children while you work? Are you married? You don't have kids, but if you do, how do you plan to balance your responsibilities with work? Are you planning a pregnancy? Are you ready to sign a contract in which you will commit not to get pregnant for the next year or more?

**Employees / Workers should be informed about their rights and can as well** inform themselves about the company they are applying for. Preparation for the interview with a focus on personal skills and professional experience and knowledge is the most important while applying for a job. Anything related to family life and marital status isn't relevant for job performance and should not be stated. If the employer asks questions about family status, pregnancy, marriage, parental responsibilities during a job interview, the applicant must know that it can lead to possible discriminatory practices. In the process of applying for a job, the focus should be on the motivation for the job, skills and knowledge a person is bringing to the working place and working conditions.

For a positive practice of the hiring process we suggest following tools for the workshops.

## **Tool 1: Job interview**

**AIM:** to raise sensitivity regarding the issue of gender equality in the hiring process

**WHAT YOU NEED:** paper & pens, prepared questions which can be used during a job interview, both valid questions and of a discriminatory type

**DURATION:** ca 60 minutes (5 participants)

## WHAT TO DO:

Prepare the cards with typical interview questions you have previously prepared. Insert both possible discriminatory and valid questions. Examples of questions are: What is your motivation for this job? Do you have children and if not, do you plan to have? Are you ready to stay at work longer, if the job requires it? Who do you work with better, women or men and why? What do you consider as your greatest skill and why? Are you married? Do you have experience in leading people? How do you react to pressure and stress? Are you a team player? Do you have well-developed communication skills? Are you married? How old are your children? Are you available during weekends? What is in your opinion, the biggest contribution you can offer to our company? ...

- Ask participants to imagine a dream job and give them a few minutes to prepare for the job interview and to think about their knowledge and skills and according to the imagined dream job, to give answers.
- In a circle, each person in turn briefly describes their dream job.
- The facilitator lets the participant pick random cards (for example out of a box or bag) from earlier prepared questions and asks those questions to the participant as if they are in a job interview. You can go in to follow-up questions but make sure you allot an equal amount of time to each participant.
- As participants respond, follow what they say and how they say it. Observe nonverbal communication, you can take notes on responses.
- Once all the people have answered, start a discussion about the questions and the answers given. Questions for discussion: How did you feel? Did you manage to answer as you wished? Do you think the questions were correct? Do you have the idea you got a fair chance? Which questions did you like? Which questions did you deem irrelevant?

Extra option: let the participants themselves prepare job interview questions.

## **Tool 2: Unconscious bias / The train of tolerance**

**AIM:** to raise awareness related to the differences and stereotypes we have against different members of society, which are also transmitted to the labour market and lead to discriminatory practices and procedures.

**WHAT YOU NEED:** a sheet of paper with the text written below and instructions for solving the task, pens for the participants

**DURATION:** 30 minutes

**WHAT TO DO:** distribute the exercise text to the participants in the group and ask them to read the instructions and solve the task. Allow ten minutes for participants to complete the task.

### **TEXT:**

In Zagreb, you are buying a ticket for Eurail and boarding a fast train called “All Different, All Equal”, which travels through Europe from Zagreb to Moscow for 15 days. The train is divided into coupés and there are at least 4 passengers in each of them. That means you have to share the coupé with three other people. When you buy a train ticket, you get a list of your potential companions and then you choose three people you would most likely travel with and three people you would like to avoid sharing a coupé with at all costs.

**Assignment:** Choose three people to travel with and three people you do not want to travel with.

1. Female expert in bioenergetics traveling to an alternative medicine symposium
2. A DJ from Italy who seems to be financially well settled
3. An African woman selling leather goods
4. A young artist, HIV positive
5. A Roma from Hungary just released from prison
6. A Basque nationalist who regularly travels to Russia
7. A German rapper with a very alternative lifestyle
8. A blind accordion player from Austria

9. A successful entrepreneur originally from inland Dalmatia
10. A middle-aged Romanian woman who does not have a visa and holds a one-year-old child in her arms
11. A feminist from the Netherlands
12. A skinhead from Sweden
13. A professor from Harvard University going to Moscow in order to give a lecture at Lomonosov University
14. A Dinamo Zagreb fan (BVB)/ Football club fan
15. A prostitute from Poland currently living in Berlin
16. A French farmer who only speaks French and has a basket full of cheese
17. A folk Singer on verge of a big break through
18. A professor at the Faculty of Economics and Business in Zagreb who is going on a study trip to Finland
19. The assistant Ombudswoman for Animal Rights
20. An obese stockbroker from Switzerland
21. A priest traveling to a small town in the Austrian Alps for a transposition.

### **Tool 3: The perfect candidate**

**AIM:** recognize stereotypes and prejudices

**WHAT YOU NEED:** recent printed out or projected job posts, flip chart, markers and pens.

**DURATION:** 30 minutes

**WHAT TO DO:**

Divide the participants in smaller groups. Give each group one printed job post. Let the group discuss what is the perfect profile for that job post and let them draw this person. Let them write following things next to their drawings: the name, the age, experience, education, hobbies and interests, family situation. In plenum, every group presents their job post and their perfect candidate. Evaluate and discuss. Possible discussion topics: Why is this the perfect candidate? Which criteria did you use?

## Tool 4: The perfect job post

**AIM:** recognize gender aware job posts

**WHAT YOU NEED:** recent job posts, flip chart, markers and pens.

**DURATION:** 45 minutes

**WHAT TO DO:** Divide the participants in smaller groups. Give each group one printed/projected job post. Let the participants discuss the perfect profile for the job post. Let them then discuss whether this job post will actually attract the perfect profile to apply for the position. Let the group then rewrite, if necessary, the job post. In plenum, let the groups present their work. In the discussion afterwards, focus on gender awareness.

### VIDEO:

Blind spots

<https://www.youtube.com/watch?v=BFcjfqmVah8>

Blind spots – overcome the stereotype

[https://www.youtube.com/watch?v=6\\_ylevcJCPc](https://www.youtube.com/watch?v=6_ylevcJCPc)

OpenYourWorld

<https://www.youtube.com/watch?v=etlqln7vT4w&t=25s>



## **4.2 Becoming a parent and Parental leave**

Becoming a parent is a radical change in the personal life. It can affect priorities and working arrangements or needs and companies should take this into account. There are family friendly companies and gender aware companies who are developing strategies and measures to help and support working parents (to be). Mostly their focus is on organization and reconciling the private and professional life but analysis of Ombuds bodies show a high amount of complaints of working parents, especially of mothers. Many studies conducted in EU countries show that women often face discriminatory practices and procedures in the workplace. For instance, becoming pregnant, changing from full time to part-time work, going on sick leave for childcare, using maternity or parental leave, going to parent's meetings and having non fixed term contracts which all leads to the fact that women are paid less than their male colleagues. Women who become mothers are more likely to lose their jobs or to experience that their motherhood role has a negative impact on their careers. Moreover, if a woman has never entered the labour market or has been excluded from the labour market in some way, it will be more difficult for her to enter the labour market after becoming a mother.

On the other hand, men who choose to take on the role of caregiver in the family are also facing discriminatory practices towards them as women in same position. We should also not forget single-parent families who do not have the opportunity to share the workload related to domestic chores.

Although the measures to achieve gender equality are also directed to fathers and their parental involvement, there are also sensitive issues and stereotypes of the role of men in the care and upbringing of children. Encouraging men within the company for taking parental

leave is a gender friendly measure a company can implement and by doing so they can secure the gender balance and a gender aware working environment. All parents have an important role in upbringing kids and everybody should also be encouraged taking up their parental roles. Also, an important problem is the gender wage gap which is a reason that partners decide for a woman to take full parental leave, because the men's salary is usually better and higher than women's.

Employers usually have concerns about the job attendance of their employees. Overtime work and commitment issues are related to parenthood since having a family takes a lot of priorities and time. However, parents aren't necessarily less reliable or willing to do their job despite the challenges of family life. It is recommendable for companies to communicate with their employees about possible obstacles and possible solutions. This will help in creating, supporting and promoting a gender aware working place. Other measures within the company to support working parents can include offering flexible working hours, remote working possibilities, online education, online meetings, creating an internal platform to share work and managing tasks, offering coaching and mentoring for working parents, and provide education on equal opportunities and gender awareness for employees especially for decision makers. Also, every employer should be aware of the legal framework, which defines direct and indirect discrimination in working matters and every employee should be informed.

Originally, we didn't think about possible crises situations like COVID-19 which in 2020 deeply changed our personal and professional life and especially the working life of parents with kids in school. Education and work were transferred to our homes, our family suddenly became our colleagues and it was hard to distinguish working and private life. Many EU studies show that in the COVID crisis it were mostly women to take on the burden in different aspects of working and private life. They took more care of and spend more time on the family and schooling, they were and are working in more insecure jobs and in sectors like health,

education and social sector which were hit hard by the pandemic crises. More women were facing gender based violence and many victims were locked at home with their abusers. Regarding professional life, working arrangements and the “new normal”, we had to adapt working arrangements during lockdown, so the economy could keep on going. Being a parent and a worker in time of crises was and still is very demanding and challenging, so we should also be aware of the mental health of workers/employees within the companies.

## **Tool 1: Four cases**

**AIM:** To raise awareness and to practice an antidiscrimination conduct

**WHAT YOU NEED:** a sheet of paper with the text written below, flip chart, pens and markers

**DURATION:** 30 minutes

**WHAT TO DO:** Divide participants in smaller working groups, distribute the exercise text to the participants in the group and ask them to jointly work on the cases and answer the questions. After they are done, ask each group to present their work. When all groups present their work, you can start a discussion.

**Below you find four examples on problems that companies and employees often face and for which it is not always easy to find a satisfying solution.**

### **TEXTS FOR PRINTING:**

**Situation 1:** Imagine the following situation: a young woman was given a project within the company (planned duration 6 months, with follow-up perspective). You are very happy with her work; after 2 months she announces that she is pregnant.

- Are you familiar with this situation?
- How would you deal with it? What is your opinion?



**Situation 2:** A mother of three children (4, 6 and 10 years) is applying for a management position. She does not mention her three children in the application letter, but everyone knows it because you work in a field where everyone knows everyone.

- Are you familiar with this situation?
- How do you deal with your knowledge in the job interview? What is your opinion?

**Situation 3:** There is an enormous work pressure in your company. After some bad financial years, the situation is suddenly very good, everyone has a lot to do, overtime is accumulating for some key employees. One of these key employees announces that his partner will have a baby in two months and insists that they share parental leave. He would like to go on paternity leave for six months in half a year.

- Are you familiar with this situation?
- How would you deal with it? What is your opinion?

**Situation 4:** You run a large company. The corporate approach is that reconciliation of work and family and family friendliness are important values. However, one head of department is known for making life difficult for employees with childcare responsibilities. He/she is particularly negative about parental leave and part-time work for fathers. Besides that, the department head is one of the best employees you can imagine.

- Are you familiar with this situation?
- How do you deal with it? What is your opinion?

A few general questions at the end

- What kind of corporate culture do you find important in order that everyone feels comfortable and is productive?
- Are there ways to overcome negative attitudes of individuals towards parents?
- Do you think it is necessary to put parents in a better light so that they face fewer disadvantages? For example, in terms of noticing their specific skills or that they are the more loyal employees?

## **Tool 2: Gender friendly measures in the company**

**AIM:** To understand how a gender friendly company looks like

**WHAT DO YOU NEED:** Papers, Flip chart, pens in colours

**DURATION:** 45 - 60 minutes

**WHAT TO DO?** Divide the participants into small groups. Tell them they are employees of an imaginary company. You can choose the type of the company, for example (Sporting and fitness gear, Hotel chain, Accounting service...) Each group has a task to create 5 to maximum 10 measures, based on their own experiences or needs, on one or more (depending how many groups there are) of the following topics: Hiring process, Trainings and promotion, Harassment at work, Reconciliation of family and professional life, Parental leave. The groups have to function as a HR department and create measures which will create gender equal actions and measures to secure the wellbeing of women and men in their company.

Give them 20 – 30 min to create measures after which each group presents their work. Give the time to reflect on created measures and bring the discussion in plenum.

### **VIDEO:**

<https://www.youtube.com/watch?v=NNbQLLkEMVg> L&R

[https://www.youtube.com/watch?v=\\_HhDhrqpUog&t=109s](https://www.youtube.com/watch?v=_HhDhrqpUog&t=109s) L&R

## 4.3 Post-Leave Reintegration and Re-entry

It is important for companies to realize that every person and every profile can be an asset. A common situation is that people, mostly women, temporarily leave the labour market to take up a full time parental role. After a period, these people want to re-enter the job market. Studies show that companies are reluctant to restate these people in their pre-leave position or won't hire them since they were a certain amount of time not active as employee which, because for example a lack of job experience, no up to date knowledge of technological advances or their age, makes them less hireable. What should be noted is in the case of post-leave reintegration, most European countries have strict laws protecting the employee that just became a parent.

On the other hand, the process of post leave reintegration is not easy for parents and it requires adjustment time and support from the colleagues. By the survey report "Experiences of Discrimination at the Workplace Based on Parenthood" made within our project, in Croatia employees named **negative comments/mobbing and misunderstanding of parents' needs; transfer to less favourable or a lower-paying position and denial of promotion; termination of employment** as the most common manifestations of discrimination or negative experiences. In Austria many of the discriminated employees **lost their professional position and had to work in less favourable positions, often not fitting their level of qualification and/or experienced mobbing. Others were fired or had to face disadvantages regarding their income.** In the end, most of them had to change their working place after they made a stand against the discriminatory practice.

A recent study "**After parental leave: Incentives for parents with young children to return to the labourmarket**" is offering the

possible solutions to employers—[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658190/IPOL\\_STU\(2020\)658190\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658190/IPOL_STU(2020)658190_EN.pdf)

„Employers may draw on a wide range of programmes to help parents with young children return to work. These measures include: (i) career development or maternity-return coaching, which can support women returning to work after leave; (ii) sustained contact with parents during leave, which enables workers to stay up to date with company developments and mitigates stress upon return to work; (iii) childcare provisions and breastfeeding facilities at the workplace, which help parents better-manage family obligations (but are not always feasible); and (iv) supporting higher uptake of leave by men (through well-paid leave or supplemental leave beyond statutory requirements, and role models within the organisation). The evidence suggests that the availability of policies to support return to work (regardless of uptake) is associated with higher levels of productivity, working hours and labour-force attachment of parents. Companies that provide provisions beyond what is required end to benefit from this effect. The level of support from supervisors and managers can impact workers’ return to work experiences. Similarly, job quality, work conditions and workplace culture more broadly appear to be important factors in encouraging or limiting uptake of available incentives to return to work – both in terms of practices offered by an employer and the policies adopted at the national level “.

## **Tool 1: Mix and match**

**AIM:** to raise awareness of diversity of employees and that every employee brings assets to the job

**WHAT YOU NEED:** Prepared brief profiles of employees, characteristics and descriptions

**DURATION:** 60 minutes

## WHAT TO DO:

- Divide the participants in groups
- Create a job post (for example: assistant manager in logistics)
- Each group gets a brief profile (for example: 22 year old, just graduated, no children / 25 years old, 2 years' experience in the same company, 1 child 3 months old / 32 year old, 5 years work experience in 3 companies, 2 child aged 5 and 9 / 45 year old, 5 years' experience but didn't work the past 15 years, 3 children aged 14, 16, 18), ...
- The groups should expand the profile to their ideas, to create a story about their person.
- On a scale to 5, the group grades the chance their person will be hired with 1 no chance to be hired and 5 certain to be hired.
- Project following qualities and skills HR-departments are usually looking for in applicants
  - × Relevant job experience
  - × Loyal to the company
  - × Willing to learn
  - × Might take leave to care for children
  - × Motivated for new career steps
  - × Knows recent job related trends
  - × Frequent user of social networks
  - × Managerial skills
  - × Team player
  - × Organizational skills
  - × Developed communicational
  - skills
  - × Creative thinking
  - × Problem solving thinking
  - × Crisis management skills
  - × Analytical skills
  - × Negotiating skills
  - × ....
- The groups attribute these qualities and skills to their profile whenever it is relevant or known for their profile.
- Go back to the grading. Now that the profile is filled with qualities HR-managers are looking for in applicants, does the group changes their opinion in the original grading of how hireable the profile is.
- Each group needs to make up to 3 statements why they would hire / not hire their own profile.
- In plenum, discuss the results. Pay especially attention to the profile of the 45 year old person with outdated professional experience. Did the group validate their family-life experience?

## **Tool 2: Matching needs**

**AIM:** to find a balance between a company's needs and working parents' needs

**WHAT YOU NEED:** Flip chart

**DURATION:** 45 minutes

### **WHAT TO DO:**

Divide participants in two groups. One group are employers. The other group are employees planning to come back to work after parental leave.

The group of employers defines what companies can offer to facilitate post-leave reintegration. The group of employees defines what their needs and wishes are.

Option 1: on one flipchart the needs of employees are written down. On another flipchart the offer of the employers are written down. In plenum, for every need the whole group tries to match a measure created by the employers. If no match is found, the group as a whole should come up with a measure.

Option 2: The employees name their need one by one. Every need or wish of the employees, the employers try to match with a measure they came up with in their group discussion.

## **4.4 Organising working time**

Organising working hours as a parent is not an easy task, especially when the children are very young. To harmonize work obligations with family related obligations, nowadays requires additional skills of organising work and time management.

The topic of work–life balance was highly visible during the COVID-19 pandemic. Parents worked from home, schools and kindergartens were closed, and most of the burden of helping children with their school obligations was borne by their parents. Although we do not yet have exact data, there are strong indications that most of the care responsibilities fell on women - they were the ones who had the burden of caring for children and the household. Additional problem was the stress and pressure caused by spending time indoors, which had consequences on the mental health of both parents and their children.

Regardless this topic was always in the focus of working parents and the biggest problem faced by parents and especially women was creating time and managing time for several different tasks and obligations, because in our society it are still percentage wise more women who take care of children and family responsibilities. As a result, women are more exposed to possible discriminatory practices as workers, precisely because they are less available to employers and as parents are not able to perform quality work due to the care of children and families.



Reconciling the responsibilities of providing care for others and professional obligations is a challenge for women who become mothers in almost every OECD country. (*Babies and Bosses - Reconciling Work and Family Life: A Synthesis of Findings for OECD Countries*, OECD Publishing, Paris, 2007.) In fact, in the division of workload within the family, women are taking much more care for children, elderly and people with disabilities than men do, and are also more responsible for domestic chores. Traditional gender roles lead to a division of domestic chores/responsibilities and caregiving activities for children and other family members. Although the patterns of gender roles within families are gradually changing, primarily because of the financial sustainability and professional engagement that both women and men have, women still spend the most of their time, in work related to family and managing the household.

Speaking of needs that employed parents have compared to other employees, our analysis shows that most employers in Croatia recognize that parents have different needs than non-parents. The type of support that most of surveyed employers provide in their companies for the purpose of achieving work – life balance, is the understanding of other colleagues and the employer regarding planning vacations, holding meetings, etc., as well as working from home and flexible working hours. Opinions of companies on understanding the parental role in the context of work skills and abilities that parents can develop because of their parental role are divided. In this regard, slightly more than half of the companies believe that employees can acquire new work skills because they are parents. Time management, multitasking and patience are most often mentioned, as well as the ability to handle stress, adaptability and problem solving.

Employers in Austria are aware of many needs of working parents. One of the main needs of working parents they recognise is their desire for flexible working time models, for example the necessity for different flexitime models, employers' concessions with regard to planning holidays or vital appointments, and also the possibility



of part-time work. In connection with flexible working time, working parents also consider reliability in keeping appointments to be important in enabling or optimising the coordination of both professional and family activities. Further recognised principal needs of working parents are the possibility of working from home, individualised holiday care offers and in general, more understanding on the part of the employer in the context of reconciliation issues.

Employers surveyed listed a variety of already-existing measures implemented in meeting the above-mentioned needs of working parent. In addition to flexible working time models, the possibility of working from home, childcare facilities and a sensitive approach to the challenges of working parents, some employers also implement measures for information, further training and awareness raising on reconciliation. A further strategy to support working parents is also addressed in voluntary audits on work-life balance: through this auditing process, some employers are automatically encouraged to identify and respond to the needs of working parents.

From the survey we have done in the project employers stated following recommendations and ideas for the „ideal company“ :

**In Croatia:**

1. Internal procedures with clear measures and possible working arrangements for the parents, but not on the burden of workers who are not parents.
2. Supportive working environment and trust of the colleagues, mostly the managers.
3. Fixed term contracts, especially for the women, are problematic.
4. Flexible working arrangements and hours. Kindergarten or similar facility within the company where parents can bring their kids while working. To implement non-discrimination policies, especially to mothers, which is reflected in the wage and promotion.
5. Solidarity and understanding of the colleagues in heavy times like it was with the first lockdown.

### **In Austria:**

An ideal company policy was defined as follows:

1. communication at eye level, a culture of appreciation, equal treatment of employees,
2. active and mutual exchange between management and employees,
3. use of the collective intelligence of all those involved, openness to optimisation/further development,
4. transparent and comprehensible decision-making and practice.

In addition, overcoming negative attitudes towards working parents is also seen as an important goal for better compatibility of family and career. Negative attitudes could be overcome, for example, by emphasising the competences of working parents. According to the employers interviewed, these include, above all, good time management, high resilience, situation-based ability to react, pronounced problem-solving skills, high stress resistance and composure, and good multitasking skills. In general, it is also imperative to actively reduce negative prejudices through company communication and to raise awareness of compatibility of family and work among all employees.

## **Tool 1: Working day of a woman and a man**

**AIM:** to raise awareness regarding the issue of equality of women and men in private and professional life

**WHAT YOU NEED:** family descriptions you prepare in advance, flipchart, markers

**DURATION:** 45 minutes

**WHAT TO DO:** Divide the group into smaller subgroups of 4 to 6 people. Give each group a task to create a daily schedule (from waking up to going to sleep) for all adults in the family, according to the family description the group received on an already prepared

sheet of paper. Once the groups have completed the descriptions, they can present to others and a discussion can take place.

## **Tool 2: You're in charge**

**AIM:** to create work-life balance measures from different perspectives

**WHAT YOU NEED:** flipchart, markers

**DURATION:** 45 minutes

**WHAT TO DO:** Divide the group into 3 or 4 smaller groups. Each group needs to formulate main problems and solutions regarding to work-life balance from their own perspective.

- One group represents a parents' association.
- One group represents an employers' association.
- The third group is a parliamentary committee.
- The fourth (optional) group represents a local governing body (e.g. city assembly, county assembly).

In plenum each group presents their strategies and measures. Then each group evaluates the measures from the other groups, not based on personal opinion but as representative of the group they were assigned to. In the discussion afterwards you can distil a masterplan that takes into account all the different positions.

### **VIDEO:**

<https://www.youtube.com/watch?v=HB3xM93rXbY>

World's Toughest Job

[https://www.youtube.com/watch?time\\_continue=194&v=St1dQfYoTEM](https://www.youtube.com/watch?time_continue=194&v=St1dQfYoTEM)

Equality – Gender Equality Ombudswoman

**5**

# **Collection of cases from the surveys in Austria and Croatia**



These are some of the cases collected during our research activities in Austria and Croatia and can be used as examples to work with on raising awareness about the topic and within the workshops.

### **Case no.1.**

Case no.1 was employed in a management position, when he told his boss, that he wants to reduce his weekly working hours from fulltime to 30 in order to spend more time with his child, which is a legal entitlement for employees due to the Austrian „Parental Part-time Act“. After experiencing first signs of discrimination, like getting only appointments with customers at times of the day which makes it impossible for him to spend time with the child, he reduced his weekly worktime to 9,5 hours a week. This was the moment when the mobbing started. When he rejected the offer of his boss to raise his weekly working time again after 5 tough years of mobbing, the situation escalated completely and the interviewee contacted the Ombud of Equal Treatment (OET) and the Chamber of Labour to help him with. This worsened the situation at the working place, which also led to serious health problems. Facing this situation, he saw no other option than quitting the job without getting any compensation. Therefore, he went to court supported by the Chamber of Labour and the Ombud of Equal Treatment. The case was not finished at the point of time the interview was done. The interviewee documented the mobbing with protocols and sound recordings; therefore, his chances seem to be good to win the case.

### **Case no.2.**

When Case no.2 wanted to return from a short parental leave with reduced weekly working hours, her plan encountered heavy resistance. Especially her wish of working only on fix days was rejected by the management, who convinced her to make no agreement on fix working days by promising her to try to fulfil her

preferences according the working days as good as possible. But this promise was not fulfilled. On contrary, the interviewee was transferred to a new branch very far and difficult to reach from her home and the management did not stick to her preferred working days at all. And she experienced also mobbing after her return to work: she was for example repeatedly blamed for doing something wrong for no reason. After contacting the Ombud of Equal Treatment and the Chamber of Labour she went to court against her employer. Everything ended with an compromise settlement out of court and she left the company.

### **Case no.3**

At the moment of her pregnancy, case no.3 was in the training process for a higher position in her company. Following her parental leave, she planned to return to her fulltime job. She was promised to achieve a promotion after her absence, but when she got back after parental leave, she was told that the position she aspired did not exist any more and her old job was given to somebody else. She was transferred to a job in another era with no real tasks (she called it a “pseudo-job”) and stayed there until her next pregnancy and the following parental leave. After that, she was offered a lower position. At this moment she contacted the Ombud of Equal Treatment with the outcome, that her employer managed to find an appropriate position for her. After a while she received a financial incentive to leave the company. Since she did not feel welcome at her working place anymore, she accepted the offer and left. She thinks what happened to her was very unjust, but she does not want to bring the case to court.

### **Case no.4.**

The complainant (female, police officer) was prevented from taking the exam needed in order to be promoted because the time spent

on maternity leave wasn't counted in time spent at work which is required to qualify for taking the said exam and therefore could not progress in her workplace. This practice was defined by an official act of the Ministry of Internal Affairs. The complainant, since the employer did not show her willingness to solve this problem, turned to the Ombudswoman for help. She also contacted a lawyer who advised her not to pay the expensive litigation and said the outcomes are often unfavourable in this kind of cases. She contacted her union as well, but they did not provide her with adequate help and support. The employer took into account the recommendation of the Ombudswoman and after returning from her second maternity leave the practice was changed. However, the employer still refused to include the time spent on maternity leave for her first child, so she remained behind her colleagues who were able to take the exam. Even though in her case the employer changed this practice, the complainant stated that this discriminatory practice still remains the same in other parts of the country.

### **Case no.5.**

Upon her return from maternity leave, the complainant was assigned to a less favourable position and was denied her previous management position because the time she spent on maternity leave wasn't counted as time she spent working. As a result, she didn't have the same qualification as her male counterpart who was given this position instead of her, even though she had worked in said position for 6 years. Also, she wasn't even informed of this fact until she came back from her maternity leave. She felt this was unjust and she immediately returned on maternity leave and decided to contact the Ombudswoman and was ready to file a lawsuit. Other female co-workers were in the same situation, but unfortunately some accepted less favourable positions while others quit. The Ombudswoman contacted the employer and issued a warning stating that the law prohibits such behaviour and that the employer is legally obligated to secure the same working position

or a similar one with same working conditions upon returning from maternity/parental leave. The matter was finally resolved by agreement because the employer took the Ombudswoman's recommendation very seriously.

## Case no.6.

A group of injured parties (an association) complained about the discriminatory provision of employment contracts for workers on medical specialization in a hospital stating that "if they use maternity or parental leave or sick leave due to complications in pregnancy their specialization is extended for the amount of time they spent on the leave". The Ombudswoman sent a recommendation to the hospital instructing it to remove the discriminatory provisions of the employment contract, which the hospital accepted, although it refused to acknowledge the practice was discriminatory. Therefore, the Ombudswoman considered it necessary to send detailed explanations to the hospital in question about the legislative provisions applicable in this case and raise awareness about what discrimination look like in practice.





**6**

# **Program of Workshops conducted within the project**



# 6.1 Example of workshop program

## DAY 1

- Greeting and introduction to the workshops/ work information
- Introduction to the problem of working parents + exercise
- Introduction to subtopics (hiring process, re-entry, becoming a parents and parental leave) + exercises
- *Break*
- Examples of good practices in achieving gender friendly business models
- The importance of reconciling family and professional life to achieve equality in the labour market + exercise

## DAY 2

Introducing the World cafe method of work and division by topic:

1. Hiring process (gender stereotypes and gender discrimination),
  2. Becoming a parent and parental leave,
  3. Post-Leave Reintegration and Re-entry
  4. Organizing work-life balance
- Group work
  - *Break*
  - Group discussion and conclusions, making recommendations for achieving gender equality and equal opportunities for parents
  - Final evaluation/Questionnaire

## 6.2 Example of Evaluation questionnaire

This is an example of evaluation questions used at workshops conducted within the project in order to measure changes in attitudes of participants.

### QUESTIONNAIRE

1. What knowledge and information given to you would you consider to be the most important?
2. How satisfied are you with the work of the trainer/facilitator (on a scale from 1 to 5)?  
*1 not satisfied and 5 very satisfied*
3. Are the workshop topics clearly presented?
4. Which of the workshop topics do you find most relevant to your work/interest?
5. Do you have any additional suggestions or comments related to the trainings?
6. Do you now have more knowledge and information about the issue of working parents and possible discrimination?
7. Do you want to know more about a particular topic?  
*Please – explain.*

7

# Where can you get information and support?



There are numerous legal provisions on the subject of parenthood and the workplace: they include protective provisions for the benefit of (expectant) parents, options for combining work with childcare responsibilities, obligations for employers, and bans on discrimination. In addition, there are other important regulations for those affected in relation to social security during the initial period of parenthood, above all, child benefit. It is sometimes difficult to navigate one's way through all of this. This last section is therefore intended to provide an overview of the bodies that offer advice on questions relating to these topics – the focus here is on legal issues relating to discrimination against people with childcare obligations.

## **Croatia:**

### **For employees:**

**The Ombudsperson for Gender Equality** (<https://www.prs.hr>), an independent body in charge of combating discrimination in the field of gender equality which receives complaints related to discrimination, provides help in initiating court proceedings, takes action to examine individual applications until the initiation of litigation and conducts conciliation and out-of-court settlement proceedings with the consent of the parties. The entire process of establishing discrimination in the workplace is free of charge for the employees.

**The State Inspectorate** (<https://dirh.gov.hr>), 13<sup>th</sup> Sector - Labour Inspection, a state body that supervises the implementation of laws and other regulations concerning labour relations between workers and employers.

**The Croatian Health Insurance Fund** (<https://hzzo.hr/>), a public institution responsible for the implementation of rights concerning parental leave and benefits.

If an employee is a member of a trade union they can seek legal advice there. The list of **registered trade unions** can be found on the website of the Ministry of Labour, Pension System, Family and Social Policy (<https://mrosp.gov.hr/>).

You can also contact one of the **non-governmental organizations** dealing with women's and parents' rights which offer free legal advice and support.

### **For employers:**

List of **registered employers' associations** can be found on the website of the Ministry of Labour, Pension System, Family and Social Policy (<https://mrosp.gov.hr/>). They can provide employers with advice and examples of good practices in creating and implementing family friendly policies.

For questions and advice employers can also contact **the Croatian Chamber of Commerce** (<https://www.hgk.hr/>), **the Croatian Chamber of Trades and Crafts** (<https://www.hok.hr/>) and other chambers for specific professions.

## **Austria:**

### **For employees:**

The Chamber of Labour ([www.arbeiterkammer.at](http://www.arbeiterkammer.at)), the statutory representative body for employees, offers comprehensive advice on issues relating to parenting and the workplace, including in relation to discriminatory treatment. If the worst comes to the worst, it can also institute proceedings before the court for those affected.

The particular trade union responsible in each case also provides advice on these issues, but only to its members – so,

membership is a prerequisite here. Different trade unions bear responsibility depending on what type of employment someone has and what industry they work in. An overview is provided at <https://www.oegb.at>. The union can also represent its members in court if necessary.

If you, as an employee, have the impression that you are being discriminated against because of your childcare responsibilities, you can contact the Ombud for Equal Treatment ([www.gleichbehandlungsanwaltschaft.gv.at](http://www.gleichbehandlungsanwaltschaft.gv.at)). Advice and support from this facility is confidential and free of charge.

You can also assert suspected discrimination before the Equal Treatment Commission (<https://www.bundekanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlungskommissionen/gleichbehandlungskommission.html>). On the website of the Equal Treatment Commission, you will find numerous results of inspections dealing with cases of discrimination on the grounds of parenthood. The Ombud for Equal Treatment can support you with making an application to the Equal Treatment Commission.

### **For employers:**

As a business operator, you have the Austrian Chamber of Commerce ([www.wko.at](http://www.wko.at)) and the Federation of Austrian Industry ([www.iv.at](http://www.iv.at)) available to you as the interest support groups for employers if you have any questions or need advice.

If, as a business operator, you want to train your employees or managers on the subject of reconciling family and career, or want to actively support in raising awareness on this topic within the company or taking precautionary measures to prevent discrimination in this area, then you can also contact the Ombud for Equal Treatment ([www.gleichbehandlungsanwaltschaft.gv.at](http://www.gleichbehandlungsanwaltschaft.gv.at)).

8

# Useful links and literature





On our website you will find numerous literature references and the publications on the topic produced within the framework of the Parents@work project: <https://parentsatwork.eu>

## Useful literature

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