Is gender equality legislation becoming counter-productive?

Catherine Hakim argues that social and family policy must now be gender-neutral, but should cater for diversity in lifestyle preferences.

It was brave of Nicola Brewer, chief executive of the Equality and Human Rights Commission, to admit that extended 12-month maternity leave rights might encourage employers to avoid hiring women. But it is perverse of her to pretend that allowing fathers to share such parental leave would somehow solve the problem. Recent research has exposed the false claims about the results of these kinds of gender equality policies in Sweden (Hakim 2004). Social engineering extensions to laws prohibiting sex discrimination are futile or perverse in their consequences.

Some years ago, a woman I know was posted to Sweden to set up a subsidiary of her successful IT and systems design consultancy firm. Within the first week, she was advised not to employ women, and that this was especially important for a new company seeking to establish itself, and where delivery of services to agreed timetables was important.

It was explained to her that her investment in training new recruits, who were expected to be young, would be wasted, given women's long absences on maternity leave in Sweden. Even when they returned to work, they had the right to work shorter hours and could take days off without warning to look after sick children. As a successful career consultant, she found she had to employ men only, contrary to her expectations.

The myth of the Swedish model

In Sweden, three-quarters of working men are employed in the private sector, and two-thirds of working women are employed in public services. This industrial segregation of men and women results in massive occupational segregation, and a pay gap no lower than elsewhere in Europe – contrary to Swedish claims. A study by the International Labour Office shows that the Nordic countries have the highest degree of sex segregation in occupations among all OECD countries. The United States has the lowest level within the OECD group, and China has the lowest level in the world. Women are far more likely to reach top management in the US than in Sweden: the glass ceiling is thicker in Sweden, and seems to be a direct consequence of family-friendly policies (Albrecht *et al* 2003, Hakim 2004, Henrekson and Dreber 2005).

Sweden has actively pursued so-called 'gender equality' policies for decades, with little impact on the division of labour by sex in the home and the workplace. Surveys show that virtually all Swedish women pre-

fer *not* to share maternity leave with fathers. Nonetheless it was made compulsory to do so, with the result that some fathers now take extra days of 'baby leave' tagged on to holidays at Christmas and in August. The vast majority of parental leave is still taken by women, who do most of the childcare.

If social engineering policies fail in a small and socially homogeneous country like Sweden, they are even less likely to succeed in large and culturally diverse societies such as Britain and the US, where there is genuine debate about the appropriate goals of equal opportunities policies (to give them their correct name) and about appropriate roles for men and women.

Can we have gender-neutral social policy?

I have argued for some years that social policy and family policy should in future be gender-neutral, not gendered, and leave people free to choose their own family model (Hakim 2000). A minimum amount of job-protected maternity leave is necessary for the health and well-being of mother and infant. Otherwise, all maternity/parental leave should be available to whichever parent chooses to take it, thus allowing role reversal within couples, as well as enabling women to be full-time mothers if they so choose.

One example of gender-neutral policies is the Belgian scheme for (paid) sabbatical leave for everyone, men and women alike, which can be used for childcare, further education or any other purpose. This de-stigmatises parental leave, and makes special leave available to the childfree as well as parents. However, gender-neutral policies do not necessarily produce equality of outcomes. There is some evidence that they may increase differences between working men and women, because men often use such leave to update or extend their qualifications, or to start a business, while women generally use it for family purposes (Pinker 2008).

In the twentieth century, equality legislation was essential for eliminating entrenched sexism in the workplace, trade unions, and in the wider economy. It remains essential, to ensure equal opportunities for all social groups in a meritocratic society. However, some feminist academics claim that the policy goal should instead be equality of *outcomes*, which requires vigorous social engineering to force everyone into the same roles (Phillips 2004). It seems highly unlikely that such a proposal would attract a majority of votes in a referendum. Nowadays, people regard themselves as free to make their own choices over how to live.

What would it mean to be free to choose?

Social policy in the twentieth century initially provided a safety net, to enable the meeting of essential needs when breadwinners died or were incapacitated. Later on, the focus shifted towards entitlement and universal rights. In the twenty-first century, the focus has shifted again to choice, the right of all to choose their lifestyle and personal goals. Anthony Giddens argues more strongly still that choice is now forced on people in post-modern societies: in the absence of any single model of the good life, people are forced to choose their values and lifestyle (Preface in Hakim 2000).

Choice becomes increasingly important in the large, multi-ethnic and multi-cultural countries of the European Union and North America, where there will never be unanimity on social and political goals. I believe that the important dividing lines in society have moved away from gender towards lifestyle preferences, so legislation should in future ensure that people are free to choose their own lifestyles (Hakim 2000, 2003).

Research evidence for modern economies for the last 20 to 30 years shows a degree of polarisation in women's employment, and an even more marked polarisation of family lifestyles. When there is real freedom to choose, both women and men divide into three lifestyle preference groups: home-centred, work-centred, and a large middle group of 'adaptives', who seek to combine paid work and family work in some fashion. Proportions vary between countries, but the three groups are identifi-

able across the globe (Table 1), in ex-socialist countries as well as capitalist economies.

The three groups have different values and competing interests, which bring them into conflict with each other, especially as regards social policy priorities (Hakim 2000). The most misleading feminist myth is that women are united in their goals and priorities. For example, around one-quarter of women (and men) now remain childless, mostly by choice, and their interests and policy priorities differ substantially from those of parents.

The feminist myth that all or most women would be just as careerist as men if only they were given the opportunity has been exploded (Hakim 1995, 2004). Working women have learnt to express a good work ethic, just like men. However, across Western Europe, work-centred women account for only one-quarter of women, or less. Even in Sweden, only a one-third minority of women are careerist in their lifestyle choices (Table 1).

Focus on the imbalance, not the women

The trend towards flexibility in the workforce has also made it clearer that

Table 1. National distributions of lifestyle preferences among women and men

	Family-centred	Adaptive	Work-centred
Britain			
All women aged 16+	17	69	14
Women in full-time work	14	62	24
Women in part-time work	8	84	8
All men aged 16+	?	<48	52
Men in full-time work	?	<50	50
Men in part-time work	?	<66	34
Spain			
All women aged 18+	17	70	13
Women in full-time work	4	63	33
Women in part-time work	7	79	14
All men aged 18+	?	<60	40
Men in full-time work	?	<56	44
Belgium-Flanders			
All women	10	75	15
Women with partners	12	75	13
All men	2	23	75
Men with partners	1	22	77
Germany			
Women	14	65	21
Men	33	-	67
Czech Republic			
All women aged 20-40	17	70	13
Women in employment	14	69	17
Wives aged 20-40	14	75	11
Sweden			
Women in 1955 birth cohort: Actual lifestyle choices by age 43 (1998)	4	64	32
Japan			
Ideal lifecourse of unmarried women 1987	37	55	8
2002	21	69	10
2003	18	47	19

Source: Data for Britain and Spain, 1999, extracted from Tables 3.14 and 3.15 in Hakim (2003: 85, 87). Data for Belgium-Flanders extracted from Corijn and Hakim (forthcoming) based on a 2002/3 survey. Data for Germany extracted from Bertram *et al* (2005). Data for Czech Republic from personal communication from Beatrice Manea, based on a November 2005 survey. Data for Sweden extracted from Huang *et al* (2007) reporting analysis of a longitudinal dataset. Data for Japan from National Institute of Population and Social Security regular surveys of Views of the Unmarried about Marriage and Family in Japan.

some occupations and jobs will never be made family-friendly. Even where they can be transformed, the dedicated careerist working a 60–80 hour week will generally have an advantage over the worker who seeks a good work-life balance and does not give priority to job demands over private life (Hakim 2006). The labour market rewards competitive values and achievement more often than the caring and sharing values that dominate private life. I predict that men will continue to dominate in the workforce and public life while women will continue to dominate in family life, even in the absence of sex discrimination, because there are some residual differences in tastes, values and lifestyle choices (Pinker 2002) that have a cumulative impact.

Social policy should be gender neutral so that men and women can choose the type of work they concentrate on. Equal opportunities policies have been successful, stimulating massive changes over the past 30 years and transforming women's lives. Women now have real choices between a focus on family work and/or paid employment. In comparison, it is men who now have more circumscribed choices, with work-centred lives still the norm for men. Perhaps equality legislation should address this imbalance instead of a continued focus on women.

So why do feminists continue to demand a strengthening of gender equality laws? Largely because feminists continue to manufacture myths about women's oppression, and present women as the victims of male chauvinism and society at large (Hakim 1995). Just one example is the idea that women work harder than men doing a 'double shift' in the workplace and at home. This myth was recently reiterated by the Fabian Society who called for a more equal division of labour between spouses (Carvel 2008). Time budget studies flatly contradict the myth. In fact, throughout the modern world, men and women work almost identical total hours, averaged across the lifecycle, when paid and unpaid work hours are added together. In some countries, such as Sweden, Norway and the Netherlands, women work fewer hours in total than men. It is only in developing countries that women work harder than men (Hakim 2007).

It is time to pause for thought, and to review the research evidence on what men and women want, rather than demand yet more gender equality legislation in the vain hope of achieving perfect equality of outcomes. As is already evident in relation to childcare choices, what governments tell us we want can be quite different from the reality on the ground (Hakim *et al* 2008). A good deal of social policy has been based on listening to a small group of proselytising feminists rather than listening to the majority of women and men.

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