

Working conditions

Discrimination against men at work: Experiences in five countries



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European Foundation
for the Improvement of
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Conditions

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Contents

Introduction	1
Evidence from the EWCS 2015	3
Issues in recruitment	6
Cases in the education sector	8
Issues in healthcare-related services	10
Working time and parenting	11
Sexual harassment	12
Other areas of experienced disadvantage	13
Commentary	15
List of contributors	16
References	17

Country codes EU28

AT	Austria	FI	Finland	NL	Netherlands
BE	Belgium	FR	France	PL	Poland
BG	Bulgaria	HR	Croatia	PT	Portugal
CY	Cyprus	HU	Hungary	RO	Romania
CZ	Czech Republic	IE	Ireland	SE	Sweden
DE	Germany	IT	Italy	SI	Slovenia
DK	Denmark	LU	Luxembourg	SK	Slovakia
EE	Estonia	LT	Lithuania	UK	United Kingdom
EL	Greece	LV	Latvia		
ES	Spain	MT	Malta		

Introduction

Work-related discrimination based on sex happens when two otherwise equal persons are treated differently in aspects such as access to work, training, reward, recognition and pay. Given the extent of research on the subject of discrimination broadly, there is minimal literature on the question of discrimination against men specifically; in the European discourse, it has been – and is still – underinvestigated. (The issue is, however, complex, because discrimination is not always automatically harmful.) The lack of attention paid to the situation of men experiencing sex discrimination is visible in a recent report by the Organisation for Economic Co-operation and Development (OECD). The report presents gender equality in a traditional manner, highlighting the figures for sex discrimination against women, with little or no consideration of that experienced by men.¹

The European Institute for Gender Equality's (EIGE) Gender Equality Index offers one possible explanation.^a EIGE speculates that men may not feel that the issue of discrimination is important to them; hence, they are underrepresented in forums and dialogue on the issue. They do not present themselves for action or even discourse. Yet these are the areas in which evidence for male discrimination might surface. Limited research in this area has taken place, but in broader studies of gender, sexual orientation and race. A 2016 report from Liebkind et al suggests that in situations involving migrant workers, men can often be excluded in terms of recruitment, compared with their female counterparts.² Thus in today's multicultural society, the issue of discrimination is more complex: men and women can be discriminated against in a race/gender stereotype bundle. The authors express the dilemma:

we explore how the compatibility of the applicants' gender with the occupational gender stereotype affects the amount of recruitment discrimination faced by ethnic minority and majority job applicants.

In his examination of unacknowledged sexism, philosopher David Benatar takes a broader look at the area of recruitment.³ Benatar notes that while men still hold the majority of senior positions, they also dominate the lower-paid end of the employment spectrum, challenging assumptions about gender and occupation. Men are by nature competitive, argues Benatar; hence, the number of men holding top jobs. So why is it that men also occupy the majority of lower-paid jobs?

In Benatar's view there is a 'second sexism' typified by the wilful ignorance about male equality issues – often regarded as 'laughable' by both sexes. For the European workforce, sex discrimination against men is hidden within the gender discourse engaged in by all social partners.

Results from Eurofound's European Working Conditions Survey (EWCS 2015) show that men are approximately three times less likely than women to say they have experienced workplace discrimination based on sex.⁴ According to the results of the survey, 3.1% of women and 1.0% of men claimed they had experienced negative discrimination on the basis of their sex in the 12 months preceding the survey, suggesting that discrimination against men is more prevalent than previously thought. And even though discrimination against men is less frequent than that against women, it is not negligible.

The change in traditional occupational roles also presents a problem. A report by Rich and Riach from 2006 reveals that men are somewhat discriminated against when applying for secretarial and accountancy work and in certain parts of the IT sector – a sector in which the type of discrimination is also changing.⁵ The study also suggests that the way in which gender equality is approached may be flawed.

Cultural perceptions also seem to affect discrimination – against both men and women. Men are stereotypically viewed as more aggressive, stronger and dominant and – according to the traditional division of labour – are expected to be the primary breadwinners for their families. In contrast, women are seen as more submissive and caring and are expected to take the main responsibilities for household work. These stereotypical social views are often reinforced by the media and in some cases in school textbooks, as highlighted in a survey carried out in Bulgaria.^b

A review of the literature can only suggest what is missing; there is little or no evidence on recruitment procedures that might exclude men, such as the shaping of new posts to best suit female applicants, specific wording of recruitment advertisements, or the composition of interview panels. These aspects may appear unimportant, but job descriptions and recruitment processes can subtly discriminate in favour of either sex.

a EIGE's Gender Equality Index is available online at <http://eige.europa.eu/gender-equality-index>

b More information is available online about the [survey of the Commission](#) for Protection against Discrimination of the Republic of Bulgaria.

This report aims to reduce the knowledge gap in sex discrimination through an examination of disputes and debates. A questionnaire was sent to Eurofound's Network of European Correspondents in each of the 28 EU Member States; of these, 5 were chosen that reported the most relevant information – Bulgaria, Cyprus, Denmark, France and the UK. This report first

discusses the outcomes of the EWCS 2015. It then presents evidence collected from the five chosen countries, with regard to discrimination in such areas as recruitment, education, healthcare-related services, working time and parenting, and sexual harassment. The report concludes with a commentary.

Evidence from the EWCS 2015

Is discrimination against men in the workplace really so marginal compared with that experienced by women? To get a better grasp of the extent of the issue, the study looked at the EWCS 2015 – specifically, responses to the question on whether respondents had personally been subjected to discrimination because of their sex. The study then compared – between men and women – the frequency of stated experience of discrimination (Figure 1).

Since discrimination against men at work has been the subject of only limited attention in research literature and policy debate, it was expected that the proportion of men stating that they had experienced discrimination

would be close to zero. Surprisingly, when the EU28 average is looked at, the proportion of men experiencing discrimination was almost one-third that of women (1.1% of men compared to 3.2% of women). Thus, even though men experience discrimination at work less often than women, they experience it more often than was expected.

The occurrence of perceived sex discrimination against men varies among countries. In 2015, the highest proportion of men who experienced discrimination was in Hungary (3%), followed by the Netherlands (2.9%) and Romania (2.7%). In Portugal, Slovenia and Lithuania, in contrast, virtually no discrimination was reported.

Figure 1: Extent of perceived sex discrimination at work, by country (%)

Country	Men			Women		
	2010	2015		2010	2015	
Austria	0.4%	2.0%	↗	2.9%	5.9%	↗
Belgium	1.5%	1.2%	↘	3.9%	3.6%	↘
Bulgaria	0.9%	0.4%	↘	0.5%	0.7%	↗
Croatia	0.5%	0.3%	↘	2.0%	2.0%	↗
Cyprus	0.7%	1.8%	↗	1.4%	2.7%	↗
Czech Republic	0.9%	0.7%	↘	3.2%	3.9%	↗
Denmark	0.8%	1.2%	↗	2.7%	2.8%	↗
Estonia	0.0%	0.5%	↗	2.2%	1.6%	↘
Finland	0.4%	1.5%	↗	6.1%	5.3%	↘
France	2.9%	1.5%	↘	4.3%	5.0%	↗
Germany	0.2%	0.6%	↗	3.0%	2.2%	↘
Greece	0.4%	0.7%	↗	4.9%	3.4%	↘
Hungary	0.1%	3.0%	↗	1.5%	1.6%	↗
Ireland	0.6%	1.1%	↗	2.4%	3.2%	↗
Italy	0.2%	0.7%	↗	2.1%	3.1%	↗
Latvia	0.0%	0.2%	↗	2.3%	2.3%	↘
Lithuania	0.1%	0.1%	↗	0.8%	0.9%	↗
Luxembourg	1.2%	1.1%	↘	4.9%	5.5%	↗
Malta	0.4%	0.3%	↘	4.4%	2.8%	↘
Netherlands	1.0%	2.9%	↗	3.6%	5.4%	↗
Poland	0.4%	0.2%	↘	1.2%	1.4%	↗
Portugal	0.5%	0.0%	↘	1.0%	1.6%	↗
Romania	0.9%	2.7%	↗	2.9%	2.8%	↘
Slovakia	0.2%	0.6%	↗	2.3%	2.1%	↘
Slovenia	0.4%	0.1%	↘	1.7%	3.3%	↗
Spain	0.2%	0.7%	↗	1.8%	3.0%	↗
Sweden	1.0%	2.6%	↗	4.9%	7.0%	↗
UK	0.6%	1.1%	↗	3.1%	3.0%	↘
EU28	0.7%	1.1%	↗	2.9%	3.2%	↗

Note: Red shading indicates a higher rate of perceived discrimination; green shading, a lower rate. The question asked ‘Over the past 12 months at work, have you been subjected personally to discrimination on the basis of your sex?’

Source: EWCS 2015

Between 2010 and 2015, the proportion of men stating they had experienced sexual discrimination decreased in 10 countries and increased in 18 countries. In 2015, Hungary was the only Member State with a higher proportion of men perceiving discrimination than women. It is important to note, however, that due to relatively small sample sizes in the EWCS 2015, these figures can only be taken as an indication.

The data show a great variation between sectors in the proportions of men and women who said that they felt discriminated against based on their sex (Figure 2). In addition, the most discriminatory sectors for men may not be the same as for women. For example, construction and water supply activities top the list of sectors where women face the most discrimination, while men fare considerably better in these sectors.

Figure 2: Extent of perceived sex discrimination at work, by sector (%)

Sector	Men	Women		Proportion of male employees
A Agriculture, forestry and fishing	0.6%	2.8%		63%
B Mining and quarrying	0.0%	3.1%		84%
C Manufacturing	0.9%	4.7%		68%
D Electricity, gas, steam and air conditioning supply	0.2%	1.3%		79%
E Water supply; sewerage, waste management and remediation activities	0.6%	6.3%		87%
F Construction	0.9%	8.4%		91%
G Wholesale and retail trade; repair of motor vehicles and motorcycles	0.5%	1.8%		48%
H Transportation and storage	0.8%	4.5%		80%
I Accommodation and food service activities	2.1%	4.4%		44%
J Information and communication	0.2%	3.9%		71%
K Financial and insurance activities	0.1%	3.1%		55%
L Real estate activities	5.5%	3.1%		51%
M Professional, scientific and technical activities	0.7%	3.7%		48%
N Administrative and support service activities	2.9%	5.1%		50%
O Public administration and defence; compulsory social security	1.8%	3.7%		56%
P Education	0.9%	2.8%		30%
Q Human health and social work activities	3.0%	2.7%		18%
R Arts, entertainment and recreation	1.5%	1.0%		49%
S Other service activities	0.0%	1.7%		34%

Note: Red shading indicates a higher rate of perceived experience of discrimination; green shading, a lower rate. In the fourth column, blue indicates the extent of perceived sex discrimination among men. Orange indicates the extent among women. The question asked 'Over the past 12 months at work, have you been subjected personally to discrimination on the basis of your sex?' Sectors with numbers in italics have fewer than 200 respondents of a given sex.

Source: EWCS 2015

Men most often indicate an experience of discrimination in real estate activities and human health and social work activities – sectors where the extent of discrimination indicated by women is at an average level. Administrative and support service activities score relatively poorly for both men and women.

One interesting finding is the relationship between the proportion of men indicating they have experienced discrimination and the proportion of female employees in stereotypically female sectors. For example, in healthcare, men on average feel more discriminated

against. The education sector, however, is a curious exception. Historically, education has been known as a sector that is female-dominated at teacher level, but where male employees are often concentrated in higher-ranking roles such as heads of year or principal. This could indicate that men feel more discriminated against in lower-ranking occupations that are (stereotypically) female-dominated. Unfortunately, the EWCS data do not permit a reliable testing of this proposition.

Issues in recruitment

It is well established in research, in the media and in public debate, that women and certain groups (such as racial minorities, sexual minorities, older workers and people with disabilities) may be disadvantaged in the recruitment process. This report finds that, in certain circumstances, men can also face barriers in access to employment.

It has been reported in a number of cases that men have been rejected purely because of their sex. In **Bulgaria**, in 2010, a waiter's job was advertised online. One male applicant went to the premises to apply in person and was told that they were looking solely for women to work as waitresses.⁶ The applicant duly initiated proceedings with the Commission for Protection against Discrimination (CPD). However, the CPD dropped the case because the applicant was unable to prove he had actually applied for the job.

In **France**, a man applied for a position in a children's holiday centre with responsibility for health and first aid. His application was refused because – in the context of concerns over child sexual abuse – the centre management wanted to recruit a woman. The male job-seeker petitioned the High Authority against Discrimination and for Equality (HALDE). The Authority sent a letter to the employer stating that the decision was discriminatory; it also informed the public prosecutor.⁷

A number of complaints were submitted to the **Danish** Board of Equal Treatment regarding job advertisements aimed solely at female applicants. For example, a man who applied for a position in the women's wear section of a department store had his application refused because of his sex. The Board decided that the male applicant was discriminated against as he was not considered for the position based on his sex.⁸

In 2015, another clothing store in **Denmark** advertised that it was looking for 'a fashion-conscious young girl who wants to work with smart clothes'. After a complaint from a prospective male applicant, the Board of Equal Treatment judged that the advertisement was in breach of the regulations of the Equal Treatment Act.⁹ In another case, a man contacted a bakery for a position as a salesperson, to be informed that only women were employed in the shop, since the staff wore short aprons. Again, the Board judged that the man had been discriminated against.¹⁰ Similar examples of discriminatory job advertising include one for a leisure store and one for a fast-food van (which also breached rules on ageism) that were directed only at women.^{11,12}

In **France**, a man brought a case of sex discrimination to the Defender of Rights against a company that published a job advertisement (for a receptionist) targeted solely at women. The Defender of Rights recommended that the company modify its recruitment practices to ensure they follow the principle of non-discrimination.¹³ Another male job-seeker drew the attention of the Defender of Rights to a job offer stating that the employer was looking for 'a waitress/barmaid'. In this case, the Defender of Rights intervened and requested that the company change its job offer to respect the legal provisions.¹⁴

Again in **France**, a male applicant was rejected from vocational training solely because of his sex. The man claimed that three schools delivering professional training for working in a beauty salon had refused his application. Two of the schools – interviewed by the Defender of Rights – confirmed the systematic rejection of male applications. The schools defended their stance saying it would not be possible to create mixed classes due to the physical proximity between sexes in practical classes. The third school explained that it could not accept male applicants as it did not have separate changing rooms for men and women. The Defender of Rights concluded that systematic rejection of male applications constitutes discrimination on the grounds of sex and recommended changes in school practices.

In **Belgium**, a man applied for a position as administrative assistant but was rejected because the company was looking only for women. The Brussels Labour Court decided that the company had to pay the applicant compensation of €5,308. According to figures from the Belgian Institute for the Equality of Women and Men, about 40% of work-related discrimination complaints are filed by men.

Sometimes, discrimination is hard to prove even if the advertisement implies that only female applicants need apply. In **Denmark**, a heated debate was sparked in 2014 by the opening of a burger restaurant in Copenhagen called Hot Buns.¹⁵ The United Federation of Danish Workers (3F) objected to the phrasing of the job advertisement, viewing it as illegal discrimination: 'most importantly, you are outgoing, can make good contact and are perfectly OK with your work uniform being cowboy shorts and a top'. The union said this implied that the job was only envisaged for women, and hence excluded men. However, 3F's lawyer pointed out the difficulty in proving that Hot Buns was discriminating on sex. However, employees and a

previous manager reported that Hot Buns only hires pretty women. 'It must be girls who sell and they often sell more when they are wearing revealing clothes', commented a former manager.

It is important to note that discrimination in recruitment based on sex has, in some cases, legal backing. For example, Irish law allows an employer to state that they are looking for a domestic worker of a given sex if that person is going to work in someone's home. However, once the worker is recruited, he or she is fully protected by employment equality legislation.¹⁶

Rich and Riach suggest that the cases mentioned above are not exceptions and that men may face systematic discrimination in certain contexts.¹⁷ To test for sex discrimination in recruitment, the researchers sent out pairs of carefully matched applications describing

identical qualifications and experience to advertised job vacancies in the UK. Statistically significant discrimination against men was found in the 'female occupation' (secretary) and against women in the 'male occupation' (engineer), while statistically significant and unexpected discrimination against men was found in two 'mixed occupations' (trainee chartered accountant and computer analyst programmer). Furthermore, male applicants were up to four times more likely than women to suffer discrimination when seeking jobs in accountancy and computer programming. According to the study, men are the new victims of sex discrimination at work, with professions once regarded as male bastions now biased towards women. The results suggest that employers may now be employing a form of stealth 'affirmative action', actively trying to recruit more women.

Cases in the education sector

In recent years, the reputation of men working in the education sector – particularly in childcare facilities – has been negatively affected by cases of child abuse, disproportionately related to male teachers. In **the Netherlands**, for example, dozens of men stopped or changed the nature of their work in childcare facilities following paedophilia scandals in the country.¹⁸ Many did so because of the reactions of parents, many of whom complained about the presence of male teachers in the childcare facilities. And some male teachers appeared to have been let go for reasons that are unclear. According to Gjalt Jellesma from parents' interest group BOinK, this situation is undesirable, as children in childcare facilities need both male and female role models.

One **Danish** kindergarten had a guideline that only female employees should help children during a toilet visit, changing nappies and clothes. A complaint against the kindergarten, sent to the Board of Equal Treatment, in 2016, stated that male employees were being discriminated against, since unlike their female colleagues, they were not entrusted with the task. The Board decided that the guideline was contrary to the Equal Treatment Act.^{19,20}

In **Denmark**, a male employee caring for disabled students was dismissed from the secondary school he worked in because the school was not expecting to receive any male students with physical disabilities in the coming school year. The dismissal, according to the employee, emphasised that the carer was a man. Again, after a complaint, the Board of Equal Treatment decided that the dismissal was contrary to the Equal Treatment Act and the carer received compensation of DKK 215,000 (€28,870 as at 21 February 2018), corresponding to nine months' salary.

In 2010, a survey in **Denmark** among teaching staff and a control group of general citizens assessed whether there was a link between the societal concerns about child sexual abuse in the last 15 years and a fear of being suspected of paedophilia and, consequently, in changed behaviour towards children.^c The results show that fear of being suspected of paedophilia is distinctly gender-related: significantly more men than women fear falling under suspicion and therefore have changed their behaviour towards children. Only men have considered leaving the profession, strongly indicating a stigmatisation of men in the sector.

In 2016, the **Danish** Union of Public Employees (FOA) conducted a survey on rules for physical contact with children in day-care institutions. Survey results included the following findings:²²

- 35% of men but only 24% of women are constrained by rules regarding physical contact with children (kisses and hugs)
- 64% of men compared with 39% of women have rules at their workplace to protect them from suspicion of committing sexual assault, the most common rule being that doors must not be closed in toilets or when changing nappies
- 10% of men said they were not permitted to be alone with children as against only 3% of women
- 17% of men experience directly or indirectly that there are special rules for men in the facility
- 50% of men as against 15% of women have opted out of certain types of contact with children – such as having a baby on their lap, changing nappies or kissing a child – to protect themselves from suspicion of inappropriate conduct

Box 1: Debate in Denmark over male teachers

In **Denmark**, there has been considerable public debate in the media about discrimination against male teachers. One example is an article published in 2014, in which a professor of law referred to the illegal discrimination practised against male teachers based on fears about child abuse.²³ The article points out that the fear of abuse has led to specific rules for male teachers in several day-care centres, preventing men from working in pre-school facilities with children up to six years of age.

The debate was further heightened by the film *Jagten (The Hunt)* from 2012 about a man who is wrongly accused of sexually abusing his best friend's daughter. Henning Pedersen, President of the Danish Federation of Early Childhood Teachers and Youth Educators (BUPL), speaking on behalf of male teachers, said that the film highlights the fear of paedophilia and what happens if a man is wrongly accused.²⁴ Pedersen also pointed out that the fear of child abuse can have an effect on the distribution of gender among teachers; he expressed his concern this would result in a more uneven balance of women and men in the profession.

^c For more information, see the webpage of University of Aarhus research group Paradox at <http://smk.au.dk/forskning/forskningsgruppen-paradox/> (in Danish).

But discrimination against men in the education sector is not related solely to fears of child abuse. For example, a male teacher in **Bulgaria** claimed that he was not treated equally when assigned as a class leader along with two female colleagues, which required additional commitments outside his own subject, History.²⁵ He had previously worked as a class leader for over five years without any issues. But when the (female) school director had to reduce the number of staff teaching History by one, he was dismissed. The Commission for Protection against Discrimination (in its decision No. 61/2010 on appeal No. 11/2009) accepted that the employer had, among other issues, violated provisions against discrimination based on sex.²⁶ The Commission confirmed that the male applicant had more unfavourable working conditions compared with those of his female colleagues. The ruling also cited the fact

that male teachers were excluded from organisational and labour-related processes in the school, such as organising class work and distributing workload.

In **Cyprus**, men – due to mandatory national military service from the age of 18 – are disadvantaged as they do not get to complete their college studies and hence register for recruitment in education later than women. This has had a negative effect on the career of male teachers. After a number of complaints, the Commissioner for Administration identified in a report published in 2005 that male teachers were indeed discriminated against.²⁷ In 2009, a teacher filed a case with the Supreme Court of Cyprus against the Educational Service Committee, which was acknowledged in 2011. The respective legislation was subsequently amended, providing credits to male teachers who had completed military service.

Issues in healthcare-related services

Healthcare-related services is another sector where male employees appear to experience discrimination – whether from patients or colleagues, or by being subject to distinct rules. In 2014, a media debate in **Denmark** focused on the difficulties faced by men in the caring sector following an incident where an elderly woman refused to be cared for by a man.²⁸ According to the Danish Institute for Human Rights (DIHR), there is an aversion to men operating in home care as society still perceives men as unsuitable for caring jobs, a view more prevalent among elderly people. Such resistance could be due to shyness, fear of being robbed and, for some older men, possible homophobia. Regardless, this resistance is still highly discriminatory because it undermines men's professional competence.

An article by the **Dutch** Professional Association of Carers and Nurses confirms that male carers and nurses face challenges relating to a lack of male role models: there are few men in the profession, in part due to their fears of being thought to be gay. This is especially pertinent regarding issues of male carers physically touching the clients.²⁹ The article highlights an example where a male nurse was rejected by a male client who said he 'didn't want any homo on his body'. In 2015, only 15% of registered nurses in the Netherlands were men.

Male employees in the healthcare sector may be subjected to different policies than their female counterparts. In 2006, a male student nurse in the **UK** undertaking a clinical placement complained to the employment tribunal about the hospital's policy whereby male (but not female) nurses had to be chaperoned during certain intimate procedures on female patients – such as performing an electrocardiogram.³⁰ The student nurse argued that this had resulted in a hospital culture whereby male nurses were treated as second-class citizens, and had made him feel like a 'sexual predator'. The employment tribunal decided against the complaint, saying that there was no like-for-like comparison, because touching a woman's chest was different from touching a man's chest. The tribunal accepted that a requirement to be chaperoned during the procedure could amount to less favourable treatment, but the policy was in place to ensure the safety and welfare of both staff and patients. The student nurse then appealed to the Employment Appeal Tribunal, which found in his favour.³¹ Following this decision, the hospital was requested to dispense with chaperones altogether or to provide them for everyone.

Male employees in care occupations may be discriminated against even if their function does not involve physical care for clients. In **the Netherlands**, a male homecare worker was specifically scheduled for fewer working hours and his temporary employment contract was not extended, which was not the case for his female colleagues. The employer stated that it did so because female clients preferred to be looked after by a female carer. The College for Human Rights ruled, however, that the employer had discriminated against the employee based on sex.³²

In another case, a public debate took place after a male midwife in **Cyprus** complained in 2016 on his Facebook account that he had applied for numerous jobs as a midwife but was repeatedly turned down because he was a man. His story attracted considerable media attention, especially following an interview with national television station Sigma TV, where he described his experience.³³

Male hospital workers also appear to be more frequently exposed to violence. A **Bulgarian** survey carried out in 2001 among 508 medical personnel working in hospitals found that 11% of men (compared with 6.6% of women) reported having been victims of physical violence.³⁴ The data about distribution of experience of psychological violence by sex shows that verbal violence (abuse) is reported more often by women. Although the research is not based on representative data, it does indicate that men may be more affected by violence in female-dominated sectors or occupations such as healthcare than in more male-dominated sectors. One example of this is in **France**, where a contract clinical psychologist in the maternity department of a public hospital complained of harassment. According to the perpetrators of the harassment, he had no place in the function because he was male. According to HALDE, the existence of discriminatory harassment was established and the claimant was subsequently the object of unfavourable treatment (the non-renewal of his short-term contract) following the complaint of harassment.³⁵

Working time and parenting

A number of cases indicate that male employees may experience disadvantage compared with their female counterparts when it comes to adjusting their working times to accommodate family responsibilities.

In 2010, a male employee in the **UK** requested flexible working time from his employer after he explained he was experiencing family problems and wanted to spend time with his daughter. His manager – supportive in similar cases for female employees – denied his request and warned him that it would affect his progression within the company (PricewaterhouseCoopers). After his divorce, the employee asked again for flexibility in his working hours to allow him to visit his daughter. After considerable negotiations, a reduced work schedule was granted but with some unique conditions, such as a longer trial period. It is alleged that the manager made degrading comments about the employee, avoided him during social engagements and overlooked him in a new work appraisal system, which resulted in the employee's lower performance scores. Eventually, the employee resigned after two unsuccessful internal grievances procedures. Subsequent legal procedures submitted to the employment tribunal ruled that the employer had discriminated against the employee based on sex.³⁶ It should be noted that PricewaterhouseCoopers has won several prizes for diversity and gender equality, with the Opportunity Now Awards praising the firm's 'inclusive culture', in 2012. The firm also has a company-wide training programme on highlighting 'unconscious bias'. The case reveals that even in a firm widely seen as a leader in HR practices, stereotypical and biased views as to appropriate gender-related behaviour persist.

In another case, in 2011, a man in **Bulgaria** had to sign a decree after taking sick leave for three days as there was no other member of his family to look after his sick daughter. This was done in accordance with the Ordinance on Medical Examination by the Council of Ministers. The man sent a complaint to the Council as he found the Ordinance discriminatory because no such decree had to be signed by mothers looking after a sick child. Eurofound's Bulgarian correspondent was unable to find out how the complaint was determined.^d

A **French** male employee working in the social security sector entered into a legal dispute with his employer because he requested the same leave of absence as

provided to female colleagues after their maternity leave (1.5 months' full-time leave or 3 months half-time leave). The employee explained that he wanted to care for his child the same way as a female employee would. According to the Court of Appeal, the leave – stipulated in the collective agreement – must be provided to a male employee in the same situation as a female employee. However, the Supreme Court ruled that the leave aims to protect the particular relationship between a mother and child, so that leave cannot be granted to a male employee under these circumstances.³⁷ According to the Court, the employer's refusal to grant such leave is not discriminatory. This decision could be challenged by the European Court of Justice since the leave, according to some EU labour law experts, should be granted to male employees in the same situation as female employees.

A study of the **UK** civil service linked gendered bullying to managerial judgements over 'appropriate gender conduct'.³⁸ One particular case of bullying involved a male employee whose manager did not approve of his commitment to family life and his lack of conformity to what the manager defined as 'appropriate' male conduct. This resulted in the employee receiving a low performance appraisal rating. The author of the study argues that this form of gendered bullying is sex discrimination.

The subject of work-life balance for men with families has been receiving growing attention. In 2017, Dominique Bertinotti, **French** Minister for Family, launched a discussion about unequal treatment of men, stating that 'we cannot talk about gender equality without listening to the claims of the fathers'.³⁹

This report does not address in depth the issues related to paternity leave, because this has been examined in a previous Eurofound publication (*Promoting uptake of parental and paternity leave among fathers in the European Union*). That report found considerable variation in provisions across Europe; the main factors influencing take-up were the level of compensation, flexibility of the system, availability of information, and the extent to which men are concerned that they may be isolating themselves from the labour market if they take leave. The latest information on provisions can be found in Eurofound's *Country profiles* web page.^e

d Moreover, the Ordinance has changed several times since 2011.

e On the relevant country page, see 'Individual employment relations' in the 'Working life' section.

Sexual harassment

Studies indicate that while women still account for the majority of cases of employees who experience sexual harassment, the number of men reporting sexual harassment is significant.

In the **UK**, a 2017 survey by BBC Radio 5 Live explored the extent of sexual harassment. The survey found that 53% of UK women and 20% of men have at some point been sexually harassed at work or a place of study.⁴⁰ More than one-quarter of people surveyed had suffered harassment in the form of inappropriate jokes or ‘banter’, and nearly one in seven had suffered inappropriate touching. More women (30%) than men (12%) were targeted by a boss or senior manager.

A **UK** study performed in-depth interviews with male victims (or witnesses in the case where one victim had committed suicide) of workplace sexual harassment.⁴¹ Deborah Lee, the study’s author, argues that while research has paid a predominant part in raising awareness of women’s experiences of sexual harassment, men’s experiences of sexual harassment remain rarely acknowledged – and even less frequently studied. Lee finds that verbal allegations of a sexual nature (such as those of rape, incest or poor sexual

performance) play a significant part in heterosexual men’s experiences of workplace sexual harassment. The experiences are ‘underpinned by a restrictive discourse of “acceptable” masculinity’ where men may be perceived as less masculine if they do not behave in stereotypical ways.

A **French** study looked at the context in which sexist behaviour is most frequent in the workplace.⁴² Based on a French survey of working conditions in 2013 covering 34,000 workers in both the public and private sectors, the study found that after occupation and age, gender is one of the main factors of discrimination reported. While 22% of discrimination against women was related to their sex, for men the proportion was ‘only’ 4%. When the area of employment was deemed to be more ‘feminine’, 6% of women (but only 3% of men) reported being victims of hostile behaviour with a gender dimension. Conversely, in more ‘masculine’ jobs, 15% of women and just 1% of men reported being affected. One case discussed in the study led the authors to suggest that discrimination is often a concealed element in office disputes. Sex discrimination may become ‘a weapon in the bully’s armour, often concealed by a smokescreen of everyday interactions’.

Other areas of experienced disadvantage

Men experience disadvantages at work compared to women in a number of other areas.

Dress code

Clothing requirements and dress codes differ for men and women in many European workplaces. In some cases, there has been an asymmetry in the requirements for men and women's dress codes, which has led to disputes.

For example, at Jobcentre Plus in the **UK**, a man claimed he was being discriminated against because he was ordered to wear a collar and tie at work while women were allowed to wear t-shirts.⁴³ The employment tribunal in Manchester took the side of the employee; in response, the employer – the Department for Work and Pensions – said it was 'very disappointed' and announced it was lodging an appeal. Responding to the judgement, the Public and Commercial Services Union (PCS) said that the tribunal's decision was a 'victory for common sense'.

In another case, a group of male train drivers in **Sweden** circumvented a ban on wearing shorts in hot weather by wearing skirts to work. Employer Arriva commented that 'one should look decent and proper when representing Arriva ... If the man only wants [to wear] a skirt then that is OK'.⁴⁴

Provision of benefits

Under certain conditions, male employees may be treated differently in terms of the provision of benefits. A large proportion of discrimination cases in **France** are initiated by men because certain benefits seem to be reserved for women. This may be viewed as discrimination, because if a man is placed in an identical situation he should be treated the same. In one case, a French pension scheme stipulated that the retirement age for all employees was 60 years; however, this could be reduced to 55 years of age for female employees if they had raised three children. A male employee in a similar situation asked to receive his pension (also at the age of 55) but was refused. The employee went to HALDE, which recognised discrimination based on sex and requested that the pension scheme change its rules.⁴⁵ When this request was refused, HALDE asked the government to amend the decree that covered the pension scheme.

In **Cyprus**, there is ongoing debate on extending to men the entitlement to receive a deceased spouse's pension. Currently, the social security system discriminates against men, since the widow's pension is provided only to women. The Ministry of Labour, Welfare and Social Insurance expressed its commitment to submit proposals aimed at ending this particular discrimination without creating a financial risk for the social security fund in the long term. The issue is still being discussed by the Board of the Social Security Fund.

Eurofound provides an overview of statutory retirement age by country and sex in its article *Extending working life: What do workers want?*

Adverse working conditions

A **French** report finds that men are more exposed to harsh working conditions than women.⁴⁶ This includes night work, repetitive tasks, and physically demanding or hazardous jobs. Statistics from 2007 show that in France there were 29.7 work accidents per million hours worked affecting men and 16.3 work accidents per million hours worked affecting women. According to the Observatory of Inequalities, men are victims of 'reverse sexism' and are under more pressure at work, expected to work long hours and to work full time, despite having the same entitlements as women vis-à-vis their family. These findings are reflected in European-level data from the EWCS 2015, as shown in Table 1.

Table 1: Exposure to adverse working conditions, by sex in 2015, EU28 (%)

	Men	Women
Work intensity	44.7	40.6
Atypical working hours	17.3	13.8
Exposure to physical risks	19.1	13.5

Note: Atypical working time refers to such practices as weekend work, night work and shift work.
Source: EWCS 2015

Positive discrimination

To avoid being accused of discrimination, employers may choose to exempt women or disadvantaged groups from decisions that could have adverse consequences. This is termed 'positive discrimination'. However, it may have adverse consequences on other groups.

For instance, a male lawyer in the **UK** was made redundant in 2009 because management at the company (Eversheds Legal Services Ltd) had been concerned about legal action if the company made his female counterpart redundant while she was on maternity leave. During the redundancy process, both employees were compared and scored according to assessments of their work. The male employee raised his concerns during redundancy consultations, and an

employment tribunal subsequently found that not only had he been unfairly dismissed but was also sexually discriminated against. The judge said the firm had unfairly inflated the work assessment scores of the female colleague (included in the redundancy process); in conclusion, the judge awarded the male employee compensation of £123,300 (€139,785 as at 21 February 2018).⁴⁷

Box 2: Positive discrimination in favour of women

Following a collective agreement, a **French** employer granted female employees a paid half day holiday to celebrate International Women's Day on 8 March. When a male colleague asked for half day rest, his request was rejected, so he went to court. The Court of Appeal decided that the difference in treatment is justified by the need 'to promote the struggle of women in their fight for equality with men not acquired in the workplace'. The employee then went to the Supreme Court claiming that there is no justification for men to be excluded from the fight for gender equality. The Supreme Court, however, confirmed the decision of the Court of Appeal.⁴⁸

Commentary

The evidence suggests that men are subjected to workplace discrimination based on sex, albeit to a lesser extent than women. However, they are still impacted by it.

This report identified a range of cases in five selected countries where men were disadvantaged in or excluded from recruitment for new job positions. Such discrimination appears to be more prevalent in female-dominated occupations and in the education and healthcare sectors. It is most likely to be in operation in childcare sectors, where the generic labelling of males as potential paedophiles is in part based on unexamined assumptions.

Discrimination affects men who attempt to adjust their working time to combine their work and family responsibilities. Survey data indicate that men may also be victims of sexual harassment in the workplace, although such behaviour is rarely acknowledged. Finally, evidence of unequal treatment of men also relates to issues such as dress code, the provision of benefits, adverse working conditions and positive discrimination. Further research is needed, with more exhaustive and in-depth studies, to highlight issues of male discrimination in the workplace.

The report was able to identify only a very limited number of significant initiatives that would target the unequal treatment of male workers. Most public debates and initiatives concentrate on equality for women – a good example is the Bulgarian law on equality for women and men, which was adopted in 2016.⁴⁹ While the purpose of the law is to promote equality, no specific provisions are aimed at men. Another example is the asymmetry between the attention paid to policies setting quotas for women in management functions and to policies setting quotas for men in female-dominated jobs in nursing or child care.

Data on discrimination against men is often available, but it is little discussed because of cultural bias. There are, however, some indications that discrimination against men at work has been receiving more attention recently. Data from the EWCS 2015 show that the number of men who said that they had been discriminated against at work grew from 0.7% (compared to 2.9% of women) in 2010 to 1.1% (and 3.2% of women) in 2015. And reporting of discrimination to authorities is happening more regularly. For example, in 2011, the Bulgarian Commission for Protection against Discrimination stated that men had started to complain more often.

Traditional societal views are often seen as detrimental to the equality of women in the workplace, and society in general. In previous decades, substantive efforts have been undertaken – with limited success – to balance the positions and roles of men and women. These efforts have mostly targeted the position and role of women in the family, work and society. However, such emancipating initiatives have rarely looked at the position and role of men.

It could be argued that paying greater attention to the issues faced by men and striving for their equal treatment could also have a positive impact for women's equality. A society that does not confine men and women to their traditional roles of breadwinner and home-maker is more conducive to an enlightened attitude towards traditional roles in the workplace. It is therefore important to tackle this issue from the perspective of both women and men.

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While discrimination against women at work has long been a mainstream topic in research literature, only marginal attention has been paid to discrimination against men. A number of factors may be responsible for this, including change in traditional occupational roles, cultural perceptions of the ‘natures’ of men and women, and men’s own perception (or lack of perception) of discrimination. This short report investigates whether men face discrimination based on sex in the workplace. It looks at the results of Eurofound’s 2015 European Working Conditions Survey and then examines cases from five countries (Bulgaria, Cyprus, Denmark, France and the UK). Discrimination is examined in such areas as recruitment, education, healthcare-related services, working time and parenting, and sexual harassment. The cases demonstrate that men do indeed experience discrimination because of their sex. The cases appear to be more concentrated in female-dominated contexts and in instances of adjustment of working time in relation to parental duties.

The European Foundation for the Improvement of Living and Working Conditions (Eurofound) is a tripartite European Union Agency, whose role is to provide knowledge in the area of social, employment and work-related policies. Eurofound was established in 1975 by Council Regulation (EEC) No. 1365/75, to contribute to the planning and design of better living and working conditions in Europe.