Gender Mainstreaming in the Public Employment Service
Statements and Comments

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Introduction

During the 90s Slovenia was experiencing a period of changes that influenced both its economy and social security system, and caused changes in the position of men and women. However, it could be assessed that those changes in general did not worsen the employment and social security position (social and economic inclusion) of women significantly more compared to men. The equal access to full-time employment for women in Slovenia (compared to most ‘Western’ countries) can be seen as a legacy of the former system, which supported the inclusion of women in the public sphere, well-developed social child-care provisions and liberal family planning policies. Female employment has traditionally represented a high proportion of total employment and that has not been changed even in critical period of transition. Yet, intensification of working conditions in paid work and insecurity at the labour market (experienced by both women and men) have proven harder for women, particularly because of the burden of unpaid work.

Demographic, social and economic changes Slovenia has been faced with over the last 10 years and its international commitments and national priorities, such as joining the European Union, also challenged the methods, actions and legislation that should be used in eliminating inequalities between women and men (and in modernising the social contract between generations and between the state and citizens). Over the last 10 years the most considerable improvements were achieved in legislative area, which have not been yet (fully) implemented in practice. In the observed period the Slovenian government also examined and assessed the efficiency of valid legal standards, which formally complied with the international anti-discrimination standards, but did not provide for a comprehensive gender equality policy development framework. This process resulted in the change in policy focus, from eliminating discrimination against women to a more dynamic one that is oriented to the establishment of policies, which will actually lead to the achievement of de facto gender equality. As the acts introduce a number of new issues, however, the necessary promotional tools to make people aware of their rights and responsibilities do not accompany them. Further, there is a lack of training for people who can cause discriminatory practices and those who should deal with the abolition of these practices, while media coverage has been inadequate, too. The concepts and provisions laid down by law must therefore be accompanied by mechanisms that stimulate the implementation of these provisions and realisation of rights.

1 Results of surveys show that in spite of the high representation of women in paid employment, unpaid domestic work is highly segregated: women do most of it and thus women’s working hours are longer than men’s, while their earnings are on average lower (Javornik, 2002).

2 In Slovenia, international efforts to promote gender equality were important incentives used to influence the gender equality policy process. Slovenia was one of the first of the transition countries to translate civil society debates on changing women’s and gender interests in policy programmes of government and to harmonise its legal system in the area of equal opportunities with that of the EU.
Implementation of these acts reveals that the policy of promoting gender equality, especially efforts to provide additional funding necessary for its implementation and the implementation gap, remains a weak element of national mechanisms to promote equal opportunities and the equal treatment of women and men. Passing a law is not enough since this does not make routinised discriminatory practices a thing of the past.

From this perspective, a Danish project could be a good case study and a benchmark as to how (systematically and systemically) incorporate gender mainstreaming method into policy-making process in practice. The transfer could be a unique opportunity for exchanging the experiences and knowledge attained throughout many years of Danish gender-sensitive politics and policies.

1 Policy Context

In Slovenia, female employment has traditionally represented a high proportion of total employment and that has not been changed even in critical period of transition. But because of the recent labour market shifts in interaction with major societal changes a slight trend of worsening of the position of women in the sphere of work and employment is indicated. Job shortages, persistent levels of unemployment in combination with changing family structures have marginalised/segregated many women and some men\(^3\) necessitating the reassessment of the relationship between paid work and family life\(^4\).

Labour market shifts/challenges resulted in declining labour force regardless of sex. In the first few years of transition to a market economy, extensive restructuring led to the number of employed in manufacturing and construction declining by one-third. This recession resulted in increasing unemployment for both men and women, but since traditionally male industries were hit hardest, the male unemployment rate was higher than the female rate up until 1996. An analysis of the unemployment rate by sex over the whole transition period shows that the advantage of women did not last long. The crisis in particular branches of manufacturing activities (textile, leather and footwear industries), greatly affected an increase of women among the unemployed. In 2000, women comprised 50.7% of the unemployed on average, in 2003 share amounted to 52.8%. Further trends will greatly depend on the future restructuring of activities, which employ mainly female/male labour force.

Slower growth of female employment. In 2002, it was for the first time that more women than men secured employment. The trend continued in 2003, but the mid-term data for 2004 indicate the possibility that the growth in the employment of women was only temporary. As regards the participation rate of women in the labour market (57.6% in 2004) Slovenia is above the EU-25 average. It also has a long tradition of full-time employment of women\(^5\) - part-time work was uncommon before transition and has shown only few signs of growth (according to Eurostat (2004) only 3.9% of women and 3% of men were in part-time employment in 2003. The rate and the

\(^3\) However, women’s increased participation in the public sphere has not been paralleled by an equal increase in male participation in the private one; dual-earner family is not yet a dual-carer family.

\(^4\) A relatively strong position of women in working force achieved in the former socialist system - together with fairly good legislative support for both employment and balancing of working and family life - have been key advantages for creating a new agenda of balancing parenthood with life dedicated to work and other forms of participation in public and community life.

\(^5\) Former socialist countries have been exceptions in high labour force participation rates among women, who usually worked at full-time jobs.
gender gap are both significantly below the EU25). The analysis performed by the Ministry of labour, family and social affairs (2003) shows that in the period 1997-2000 in the branches with a negative trend in employment, more women lost their jobs than men, while in 2000 in most activities with employment growth male employment grew much faster. That was evident even in traditionally feminised activities such as health services, financial services, hotels and restaurants. According to the same source employment of men has been growing noticeably faster than the employment of women in both the service sector (health and financial services) and manufacturing.

**Higher female unemployment rate.** In 2003, the female unemployment rate (7.1%) was higher than for men (6.4%), especially for young women (19.9% compared to 15.6% for young men). The gap is evident according to the long-term unemployment rate (in 2003 3.6% for women and 3.3% for men). The share of long-term unemployed women has been growing, and due to the increase in first-time job seekers in recent years, their share among long-term unemployed persons is also growing. The worse economic circumstances affect the employment of ‘more-difficult-to-employ’ persons, who already encounter obstacles to entering the labour market. For that reason the gender structure of those exiting unemployment should be kept visible.

**Gender pay gap persists at 11 percentage points on average.** The relative difference between the average wages of women compared to those of men has varied over the past decade from –11.4 to –15 percentage points. Employed women on average earned 12.2 percentage points (2000) and 10.8 percentage points (2002) less than men, despite the fact that on average women in Slovenia are better educated than men (measured by the average school years of employed people).

**Evident horizontal and vertical gender segregation.** In terms of activity, gender segregation still exists to large extent – both horizontally and vertically. Typical female activities, based on statistical data, are textile, education, health care and social work, financial services, leather, hotels and restaurants. The most gender-balanced employment sectors are public administration, other services, and electrical and electronic products. Newest data show that men are entering some previously more feminised activities (such as hotels or financial intermediation). In spite of changes in direction of desegregation in the category of legislators, senior officials and managers (in 1995 2.7% and in 2002 4% of employed women worked in these occupations), men still dominate the managerial positions (regardless of women’s education level). Women predominate as clerks and service workers. Vertical segregation places women in positions of lower status and pay and with fewer promotion opportunities. In spite of the changes in direction of desegregation in the category of legislators, senior officials and managers, men still dominate the managerial positions attracting the highest status and best pay.

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6 The analysis of flexible forms of employment (Kanjúo and Ignjatović, 2004) shows that part-time and fixed term employment is much more characteristics of young workers (59% of age 15-25) than workers over 25 years (12%) and that both men and women are entering fixed-term and part-time employment.

7 It is 15-25 years of age.
2 Policy Response

Legal mechanisms for gender equality. Before questions of gender equality came increasingly to the fore of attention of international organisations and associations, the prevailing and generally accepted perception of gender equality in Slovenia was that all had already been achieved in the former political system and that equality between women and men was fully established. For that reason, over the last 10 years, the most considerable improvements in the area of gender equality were achieved in legislative area. The main legal mechanisms of promoting equal opportunities are now provided in three acts: the Parental Care and Family Cash Benefits Act, Equal Opportunities Act and the Labour Act, which have not been yet (fully) implemented (taken into action) in practice.

The new Labour Act prohibits discrimination based on sex and determines in detail the actions employers should take to prevent discrimination and to guarantee equal opportunities for women and men in the process of recruitment, employment and termination of contract. The Act itself is the highest authority regulating the labour market and brings about many gender-related novelties. It introduces the prohibition of discrimination based on various grounds, including sex. This is a basic principle that must be taken into account in issues related to employment relationships, and in application and interpretation of the various provisions of the Act. In addition to a general ban of discrimination, Act for the first time in the Slovenian legislation lays down an obligation to provide equal opportunities and equal treatment to women and men in access to employment, promotion, training, education, retraining, wages and other income arising from employment relationship, absences from work, working conditions, working hours and notice of termination of the employment contract. In cases of a dispute the applicant or worker presents facts, which justify the assumption that the prohibition of discrimination was violated, the burden of proof lies on the employer. The employer is liable for damages to the applicant or worker pursuant to general rules of civil law. Another provision - on procedures of interviewing job applicants - also states that candidates are not obliged to answer any questions concerning their family or marital status (including family planning) and are guaranteed protection in the labour court, while the Labour Inspectorate can impose sanctions to employer.

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The new Parental Care and Family Benefits Act (adopted in 2001) regulates rights of parents to all types of parental leave: maternity leave, paternal leave, leaves for nursing and caring for a child and adoption leave. The most important is the introduction of individual and non-transferable father's right to paternal leave (in the duration of 90 days).

The EOA, adopted in 2002, is a general act defining guidelines and providing the foundation for laws regulating particular areas: systematically, it gives definitions of notions such as gender equality and equal opportunities, while clearly defining direct and indirect forms of discrimination based on sex. The Act introduces both general and specific measures, which can be taken to achieve the desired changes in eliminating differences in treating women and men and ensuring equal opportunities. Consult http://www.uem-rs.si/eng/act_equal.html.

Labour Act was adopted in 2002 as a result of European Union and international requirements, coupled with expert work and years of negotiations between the social partners. It introduced a number of new provisions regarding equal opportunities and equal treatment of women and men. The Act seeks to protect the integrity and dignity of job seekers and employees, to provide sanctions, create the possibility of institutional monitoring and, consequently, the possibility of taking action and implementing measures against discriminatory practices in the labour market. Consult http://www.gov.si/mddsz/pdf/zdr_an.pdf.

Employment is an important social institution because it provides a source of status and identity. The processes of economic and social transformation invariably undermine the foundations of gender equality. This is why the
3 Assessment of the Transferability of the Danish project and GM/gender equality principles

Active labour policy programmes and inclusion of women. By the end of the nineties various programmes of active labour policy have been carried out in Slovenia, among them: education, training and vocational rehabilitation, subsidising employment in non-profit sector, promotion of self-employment, training and employment of disabled people and the subsidising of companies, which employ disabled persons, public works programme aimed to facilitate temporary work activities and social integration for the long-term unemployed, experimental and other programmes for alternative programmes of employment (assistance at home for elderly, people with disabilities). During 1996 and 1997 two-thirds of all persons included in job-seekers club were women. In 1998 there were more than 60% of women among the participants of training and educational programmes. Yet, until late 90s there have been no special positive actions aimed at women. However, active employment policy programme for 2000 and 2001 indicated the beginning of positive changes and Ministry of Labour, Family and Social Affairs and Ministry for Small Enterprises and Tourism also prepared the Programme for enhancing vocational promotion of women.

The Active employment policy programme up until 2005 aims at easing work and family reconciliation through 4 measures: 1/ development of centres to help one-parent families; 2/ organisation of assistance to women entrepreneurs (child care, information office); 3/ programme to limit long working hours; and 4/ programme to increase flexible forms of work.

The Active Employment Policy Guidelines for 2002 and 2003 (adopted by the Government in February 2002) defined women as one of four target groups for participation in the active employment policy programmes (beside young persons up to 26 years of age, persons with disabilities, difficult to employ persons and redundant workers). Women oriented programmes were directed to assistance at home, encouragement of self-employment and encouragement of entrepreneurship.

The Strategy of Development of the Labour Market through the Year 2006 determines the achievement of gender equality at the labour market as one of the global long-term objectives. It defines 5 measures: 1/ increasing equal opportunities for employment or activity in all occupations and activities; 2/ providing special support to women establishing their own enterprises; 3/ increasing involvement of women in programmes of education and training; 4/ decreasing gender segregation at the labour market and of the gender pay gap; and 5/ developing measures for preventing, identifying and eliminating all forms of discrimination in recruitment (access to), preservation of job, promotion, and in rights and benefits at work. Over the last several years unemployed women were included in the framework of active employment policy programmes mostly through the participation in programmes for education and training (60% of participants were women) and public works (58%).

mechanisms proposed by the LA, upgraded by control and protection measures, are an important step in ensuring gender equality. The law regulates a very sensitive, but highly important, area of social relations which is determined by social constructs and additionally shaped by existential fears. Therefore, these rights are often not exercised for fear of losing one’s job or are misunderstood. Appropriate (and responsive) legal and judicial protection should be established and provided, in addition to recommendations of which the continuous promotion of rights is the most important. And, measures should be developed to protect a person who files a case of violation from being victimised by the employer.
National Action Plan for Employment\(^{13}\) is a fundamental programme document for the implementation of policies in the labour market in numerous ways. Slovenian approach to the GM/gender equality in employment policies is clearly reflected in the section on Active employment policy as opting for “provision of gender equality as a horizontal measure within the framework of all programmes”. It is stated that there were not envisaged “any special programmes aimed only at women”, but that “within each measure there is a specified proportion of women that must be included in the measure, and that “women are one of the primary target groups, relative to which the success and effectiveness of the measure is gauged.” Yet, this does not in any respect indicate a real shift to the implementation and enforcement of gender equality\(^{14}\) as from this document I see no process of laying clear grounds and setting high standards of achieving gender equality in the labour market (See Recommendations, p. 7).

The central implementing institution for employment policy in Slovenia and the most important mediator between current supply and demand in the labour market is the Employment Service of the RS\(^{15}\), whom the Danish project concerns most. ESS increases the effectiveness and quality of its work by means of personnel improvement programmes and specialisation in the field of work with the unemployed and employers. It does so through intensive mediation for the unemployed regarding available jobs, by means of regular visits to employers with the objective of ascertaining their personnel needs, by means of co-operation with private employment agencies, the implementation of group treatment of the unemployed with various obstacles to employment, the creation of employment plans for all unemployed persons within a short period, the intensive education and training of employees for work with the unemployed and employers. A Centre for Occupational Information and Counselling and an open system for receiving clients at labour offices, where clients can obtain various information on the labour market and employment opportunities, were established.

According to the Labour Act, employers are prohibited from advertising a vacancy exclusively for men or women. Even more; in the job recruitment action, job seekers must be matched according to the competencies/qualifications and not according to their sex, unless a specific sex is an essential condition for the work to be performed (which has to be clearly argued)\(^{16}\). A

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\(^{13}\) Adopted in September 2004. It co-ordinates economic, social, and fiscal policies, employment policy, education policy, family policy, health policy etc. Before the Government adopts the NAP, the Economic-Social Council discusses it. In the Economic-Social Council (ESC), the following institutions participate: the Chamber of Commerce of Slovenia, the Chamber of Trades, the Slovene Association of Employers, the Association of Trade Employers, representatives of unions, the Government in its entirety as well through its Ministries, and non-governmental organisations.


\(^{14}\) E.g. equality plans do not appear in collective bargaining at any level yet.

\(^{15}\) The ESS is an independent legal entity with public institute status. The organisational system is the same for all its organisational units (local (LO) and regional offices (RO)), yet it allows for the integration of specific organisational measures by individual R\(Os\). These measures are generally the result of differences in the size and of specific regional features of the area of operation of an organisational unit. The R\(Os\) gained a new role in connecting with the environment and co-operating in preparing and implementing regional development programmes for the field of the development of human resources - with the objective of greater effectiveness in the implementation of employment policies in the local labour market. The Rules of Internal Organisation emphasise the function of L\(Os\) since they represent the first contact between ESS and its clients who are looking for assistance or information. The division of individual organisational units is based on the type and extent of an individual activity, professional relation, interacting functional link and region of the organisational unit.

Consult their web page: http://www.ess.gov.si/English/elementi-okvirjev/F-DirectorGreeting.htm.

\(^{16}\) Equal Opportunities Office (EOO) has tested the ban of discrimination based on sex and of the use of sexist language in the wording of job vacancies. In 2004 they carried out an analysis of published advertisements in mayor Slovenian daily newspapers and requested those employers who were not using definitions of jobs in both gender forms to stop such sexist
provision on procedures of interviewing job applicants, which states that they are not obliged to
answer questions that are not directly related to the employment relationship (such as family or
marital status), is also of relevancy to recruitment process.

Main challenges in the development of future initiatives to promote gender equality of those
in and entering the labour market would certainly be elimination of both horizontal and vertical
segregation as well as of correlated pay gaps. The experience gained to date has shown that,
indispensable as it is, a specific gender equality policy administered through national mechanisms
can only deal with part of the complex issue of gender equality and not with the broader processes
leading to de facto equality of the sexes. Slovenia has not yet put gender mainstreaming as a tool
or strategy into practice nor does fully understand the principle of GM as the (re)organisation,
improvement, development and evaluation of policy processes, so that gender perspective is
incorporated in ALL policies at ALL levels and at ALL stages. It rather argues for gender neutrality,
which is too often understood as not taking gender dimension into consideration. Moreover, in
policy papers women still belong to the group of “disadvantaged persons to whom special attention
is paid.”

Recommendations: Taking Action(s)

In spite of changes in family structure that open up new space for women in extra-domestic world as
well as in the occupational structure with increased career opportunities and the unusual wave of
economic prosperity, while it improved women's position in many areas of life, did not bring along
macroscopic progress in terms of gender equality. On the contrary, there is good evidence that
men's share of resources and their control over the mechanisms of public power is still almost
complete, although women succeeded to open up some spaces previously unknown. Thus, the
Danish project could be an important case study of how to incorporate gender
mainstreaming method into practice. However, the project lacks clarity of methodology and of
methodological approaches. It is not described in a comprehensive manner – it is not easy to grasp
the project and adopt the Danish strategy.

When thinking about transferability, specific socio-economic and legal backgrounds should be
considered. Beside particularities of the labour market, in Slovenia in the job recruitment action, job-
seekers must be matched according to the competencies/qualifications and not according to the
sex, though at the end of a day employers are still there to make an autonomous decision whom to
hire. Another significant perspective, which seems to be a novelty introduced through the Danish
project but not relevant to Slovenia, is the statistical monitoring. Slovenia collects and then splits up
the majority of relevant statistics and indicators – though the information and data used in different
public documents/plans and strategies insufficiently cover gender issues. Yet, there are still no
gender data on vulnerable groups (e.g. unemployed people with disabilities, unemployed Roma,
victims of violence, ex-convicts), and gender mainstreaming approach is not incorporated
systematically. Gender specific policies are given minimal attention and attention to both GM and
gender specific measures are limited mostly to employment policy areas. Fact is that gender
equality, by being taken into consideration in the planning, framing and adoption of political
directions, has still not become a daily constituent of Slovenian policy-making. On the contrary, GM
has received very limited attention in the public debate. Achieving gender equality is too often
practice. At the end of this action the EOO noticed that majority of advertisements in June and July 2004 where using both
gender forms. Yet, it has to be added that despite the recruitment action the employers are autonomous in deciding whom to
hire.
approached primarily as a question of improving the numerical representation of women in the labour market. It is too often supposed that equality between women and men will be achieved when women’s participation in the labour market equals that of men, and particularly when women are found in senior managerial and entrepreneurial positions in the same proportions as men. Improving women’s numerical representation in the labour market is of course a necessary condition for achieving gender equality, but it is not sufficient one. It also requires major improvements in the nature of jobs, their quality and the conditions of work if women are simply not to be stuck in bad jobs with poor prospects for progress.

Therefore, the Danish project could give a mental platform to Slovenian policy-makers to start implementing the gender mainstreaming principle, as already introduced through a project in 1997. Not just for implementing and taking into action of the ‘traditional’ policies but also of the gender mainstreaming strategy Slovenia (and not only ESS whom the Danish programme addresses) must meet certain criteria on which the prospects of success in attaining gender equality depend. There are at least seven important prerequisites for gender mainstreaming: 1/ expressed and clear political will (political consensus for implementation of the strategy) and governmental commitments whose implementation should be monitored; 2/ existence of a specific gender equality policy (anti-discrimination legislation, the existence of gender equality policy mechanisms); 3/ statistics segregated by sex; 4/ research and awareness of the gender equality issues; 5/ state administration operation; 6/ adequate financial and human resources; and 7/ participation of women in political and public life. The principle of gender mainstreaming should serve as a standard tool in shaping and developing policies to include the gender perspective into entire process of policy development. This is a long-term goal that cannot be attained within the life span of just one the project. The government should concentrate on at least six key prerequisites for future realisation of gender equality through GM application: 1/ formulating a master plan; 2/ capacity building; 2/ identifying key actors and obtaining commitment from them; 3/ education and training – strategy; 4/ preparing the final documents; and 5/ monitoring and evaluation process.

Important implementation gaps/deficits remain in Slovenian as well as in the wider European labour markets. Slovenia has still a lot to achieve and lots to learn in the process of integrating equal opportunities into policy-making processes. The impact of different policy measures on equal opportunities must be carefully scrutinised. To reach this goal, proper legislation is a prerequisite. However, more than mere legislation is needed if we are to finally put principles and actions-on-paper into reality and come up with effective responses the mechanisms through which women both achieve equal opportunities and are hindered from doing so in comparison to men. Transferring

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17 Gender mainstreaming entails the reorganisation, improvement, development and evaluation of political processes as well as information about the characteristics of the administration system. It is therefore necessary to have good knowledge of the operation of the state administration, namely knowing where the political processes take place, which actors are usually involved in these processes, which steps are normally taken in their implementation, who is usually responsible for them, etc. As gender mainstreaming is a complex and long-lasting process, it is impossible to tackle it in all fields simultaneously.

18 The experiences of countries in which women are included on a larger scale in decision-making processes indicate that in such environments changes are more extensive and occur more quickly, and more attention is devoted to different interests, living situations and experiences of women and men. The presence of women in political and public life in Slovenia, in particular in places where decisions are made, is one of the least fulfilled prerequisites for the introduction of the strategy.

19 To start introducing gender mainstreaming in all fields in the same breath is an extremely complex and, from the standpoint of the end result, questionable venture.
the Danish project could be a unique opportunity for exchanging the experiences and for knowledge / skills-transfer.

“... Instead of integrating women into the system, we need a transformation of the system, a transformation, which responds to the needs and abilities of both women and men. A transformation... in short, which goes far beyond cosmetic changes and window dressing *(Boddendijk, in Rees, 1998: 69)* – which GM method could easily turn into if not properly implemented.

Assessment of Transferability into Slovenian practice – Abridged presentation of arguments

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## Project 1999-2004 of the Danish Public Employment Service – Assessment of Transferability into Slovenian context

### POSITIVE ASPECTS OF THE PROJECT

- Introducing gender mainstreaming into practice – case study
- Capacity building of incorporating gender mainstreaming through re-organisation, improvement, development and evaluation of policy processes, so that gender perspective is incorporated in all policies at all levels and at all stages of job-recruitment process
- Gender-sensitisation of public officers – those dealing with unemployed persons and those financing and approving the project - resulting in reduced gender stereotypes
- Low financial costs
- Exchange of best practices and experiences of two different labour markets
- Making existing gender neutrality visible – opening a black box
- Awareness raising – breaking the gender barriers
- Diversification of job application patterns
- Development of new working methods
- Spill-over effect

### DIFFICULTIES IN IMPLEMENTATION

- **No clear working methodology and strategy** - Project is not comprehensively presented
- No direct linkage of how to transfer the project into functioning of national mechanisms – not enough details provided on functioning of the project
- Quantitative approach, missing qualitative measures (interviews with clients and users)
- No clear long-term strategy
- Relying on personal commitment (devotion) of those involved – short-term life span of the project - Risking the ‘forgetfulness’
- Lack of consecutive analyses and studies
- Synonymous use of gender = women
Bibliography


