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Standards in the European Union and South Korea

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1. Introduction

In modern discussions about labor law, social justice, and economic development, workplace equality has emerged as a key issue. It is widely considered that guaranteeing equal opportunities regardless of gender, age, and family responsibilities is fundamental to inclusive societies and sustainable economic development.¹² Legal frameworks create the structural basis for advancing equality, but their effectiveness is significantly shaped by cultural norms and social expectations. It is the interplay of these factors that establishes whether equality provisions are merely symbolic or lead to significant workplace change.

This thesis conducts a comparative examination of workplace equality in two advanced yet contrasting contexts: the European Union, specifically Austria, and South Korea. Both areas have enacted extensive laws aimed at fighting discrimination and fostering inclusion. Nevertheless, there are still considerable differences in how these measures are interpreted and applied. The European Union stresses the importance of standardized supranational regulations, whereas South Korea exemplifies the coexistence of progressive legislation and cultural traditions that are grounded in Confucianism and hierarchical structures³⁴.

The research examines three aspects of workplace equality: gender, age, and family responsibilities. These aspects continue to pose challenges in societies. The thesis aims to elucidate the progress and constraints of workplace equality in Austria and South Korea by examining legal frameworks and their relationship with cultural expectations. The analysis is based on concepts and documents: although examples are cited to demonstrate specific dynamics, no particular sector is the empirical focus.

1.1. Background and Context

¹ (Organisation for Economic Co-operation and Development, 2021)

² (International Labor Office, 2023)

³ (Barnard, 2022)

⁴ (Koh, Gender issues and Confucian scriptures: Is Confucianism incompatible with gender equality in South Korea?, 2008)

Societal and legal concerns alike center on workplace equality. Legally, it represents the principle of non-discrimination and ensures equal treatment. Viewed from a societal perspective, it mirrors how opportunities and responsibilities are allocated among families, organizations, and communities. Despite global commitments, including those expressed in ILO conventions and United Nations frameworks, inequalities persist. These are visible in gender pay gaps, barriers to leadership, age-based exclusion, and insufficient recognition of caregiving roles⁵.

The European Union has established one of the most comprehensive systems of equality law worldwide, anchored in Articles 19 and 157 TFEU, the Charter of Fundamental Rights of the European Union, and a series of directives on gender equality, anti-discrimination, and work–life balance⁶. Austria, being a member state, serves as an example of how these supranational standards are incorporated into domestic law and how their application is influenced by national practices.

In contrast, South Korea has followed a different path. Although the country has enacted modern labor and equality laws, such as the Equal Employment Opportunity and Work-Family Reconciliation Act, it still encounters difficulties in implementing them. Conventional anticipations of gender roles, hierarchies based on seniority, and cultural norms regarding familial duties generate tensions between legal structures and actual workplace conditions.⁷.

This comparative setting makes it possible to explore how diverse legal and cultural environments produce both progress and persistent inequality, particularly regarding gender, age, and family obligations.

1.2. Research Problem and Objectives

1.2.1. Research Problem

⁵ (International Labor Office, 2023); (Organisation for Economic Co-operation and Development, 2021)

⁶ (Craig & de Búrca, 2020)

⁷ (Moon, 2025)

Even with strong legal frameworks in place, there are considerable gaps between the formal provisions of equality and the real experiences people have at work. In Austria, comprehensive EU directives have been implemented into national legislation; however, inequalities remain in areas such as the gender pay gap, allocation of caregiving duties, and intergenerational labor market participation⁸.

While the scope and ambition of equality legislation in South Korea have broadened, its enforcement remains limited. Deeply rooted cultural traditions, such as long working hours, strong hierarchies, and gendered caregiving expectations, undermine the intended effects of legal provisions⁹.

The problem is rooted in the interaction between law and culture and their impact on equality within these two domains. This thesis tackles a gap in the literature, since existing scholarship seldom makes direct comparisons among the EU, Austria, and South Korea.

1.2.2. Research Objectives

The objectives of this thesis are:

- a) To analyze the legal frameworks governing workplace equality in the European Union (with a focus on Austria) and South Korea.
- b) To examine how cultural norms influence the interpretation and implementation of these legal measures.
- c) To investigate how gender, age, and family responsibilities are addressed in both contexts.
- d) To provide a comparative perspective that identifies both similarities and divergences.
- e) To formulate recommendations that are legally sound and culturally sensitive.

⁸ (European Commission, Employment and Social Developments in Europe - Egalitarian, traditional or neither? Gender attitudes towards across EU Member States, 2024)

⁹ (Koh, Gender issues and Confucian scriptures: Is Confucianism incompatible with gender equality in South Korea?, 2008)

1.3. Research Questions

1.3.1. Main Research Question

How do legal frameworks and cultural norms of the European Union (with a particular focus on Austria) and South Korea influence employment equality in relation to gender, age, and family responsibilities?

1.3.2. Sub-Research Questions

- a) What are the main similarities and differences in the legal regulations concerning workplace equality in Austria and South Korea?
- b) How do cultural norms—such as Confucian traditions in South Korea and EU integration in Austria—shape the implementation and perception of equality laws?
- c) In which ways do factors such as gender, age, and family responsibilities influence the achievement of workplace equality in both contexts?
- d) Which structural and cultural obstacles persist in obstructing the effective enforcement of equality provisions?
- e) What best practices and transferable lessons can be identified for promoting equality in Austria and South Korea?

1.4. Scope and Significance

1.4.1. Scope

This research focuses on a comparative legal and cultural analysis of workplace equality in Austria and South Korea. The emphasis lies on three dimensions: gender, age, and family responsibilities. The study does not engage in large-scale empirical fieldwork but relies on qualitative analysis of legal texts, policy documents, and secondary literature. Examples are used for illustration purposes and do not serve as case studies.

1.4.2. Significance

This study is significant regarding several respects:

- a) **Academic contribution:** By examining two regions that are seldom analyzed in conjunction with one another, it adds to the field of comparative literature on workplace equality.
- b) **Policy relevance:** It emphasizes obstacles to equality and proposes recommendations for policymakers in both contexts.
- c) **Multidimensional approach:** By addressing gender, age, and family responsibilities jointly, it underscores the intersecting nature of workplace inequalities.
- d) **Global relevance:** The insights gained from this comparison may be applicable to other societies experiencing similar tensions between progressive laws and cultural norms.

1.5. Structure of the Thesis

The thesis is structured as follows:

- a) Chapter 1 introduces the research, outlining its background, problem, objectives, questions, scope, and significance.
- b) Chapter 2 develops the theoretical framework and reviews relevant literature.
- c) Chapter 3 presents the methodological approach, based on qualitative, document-based analysis.
- d) Chapter 4 examines the legal frameworks concerning employment in the European Union, Austria and South Korea.
- e) Chapter 5 comparatively analyzes the cultural influences and workplace dynamics in the European Union, Austria and South Korea.
- f) Chapter 6 provides a comparative analysis, highlighting convergences and divergences concerning age equality, family responsibilities, and gendered expectations.
- g) Chapter 7 discusses implications for policy and practice, offering recommendations.

- h) Chapter 8 concludes with a summary of findings and suggestions for future research.

2. Theoretical Framework

The concept of workplace equality is multifaceted, encompassing dimensions such as gender, age, family responsibilities, and social status. These dimensions are shaped not only by legal frameworks but also by deeply embedded cultural norms and societal expectations. Understanding workplace equality thus requires a theoretical foundation that integrates legal, sociological, and cultural perspectives. This chapter outlines the central concepts and theories relevant to this study, clarifies how equality is defined in the workplace context, and emphasizes the comparative and intersectional frameworks that inform the examination of Austria (in relation to the European Union) and South Korea.

2.1. Concepts of Equality in the Workplace

Workplace equality is generally understood as “the right of all individuals to enjoy equal opportunities, treatment, and protection in professional life, free from discrimination on the basis of gender, age, family status, or other characteristics”¹⁰.

As a reflection of this principle the International Labour Organization defines equality as: “Equality at work means that all workers are entitled to develop their abilities and benefit from opportunities on an equal footing, without being limited by stereotypes or prejudice.”¹¹

Equality may be conceptualized in two ways:

- a) Formal equality, which emphasizes identical treatment under the law, prohibiting discrimination based on specific grounds.

¹⁰ (Cambridge University Press & Assessment, 2025)

¹¹ (ILO (International Labour Organization), 2015)

- b) Substantive equality, which “recognizes structural disadvantages and calls for proactive measures, such as affirmative action or family support policies, to ensure equal participation in practice”¹².

This thesis adopts the latter perspective, as workplace equality cannot be fully realized without addressing systemic barriers and cultural expectations.

In Austria, the principle of equality is anchored in Article 7 of the Federal Constitutional Law (Bundes-Verfassungsgesetz, B-VG), which declares “that all nationals are equal before the law and prohibits privileges based on birth, sex, estate, class, or religion”¹³. Complementing this constitutional principle, the Equal Treatment Act (Gleichbehandlungsgesetz) prohibits “discrimination in employment on the basis of gender, age, ethnicity, religion, ideology, or sexual orientation”¹⁴.

In South Korea, the Equal Employment Opportunity and Work-Family Balance Assistance Act ¹⁵ sets out the legal framework for gender equality and work-life balance. Its stated purpose is to guarantee equal opportunities between men and women, protect motherhood, and promote employment while supporting employees in reconciling work and family life. This legislation reflects both constitutional commitments to equality and the societal recognition of work-family tensions in a rapidly modernizing economy.

Although definitions vary across contexts, they share the overarching goal of eliminating discrimination and fostering fairness in the workplace. What differs is how these principles are translated into legal frameworks and how cultural settings influence their practical realization.

2.2. Gender, Age, and Family Responsibilities as Core Dimensions

¹² (Fredman, 2023)

¹³ (Federal Constitutional Act of Austria; Bundes-Verfassungsgesetz (BGBl. Nr. 1/1930 (WV) idF BGBl. I Nr. 194/1999 (DFB)), 1930)

¹⁴ (Equal Treatment Act (GIBG)-BGBl. I Nr. 55/2004 idF, 2004/2023)

¹⁵ (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016)

Gender equality has, over time, been the dimension of workplace equality that has garnered the most focus. It concerns equal opportunities for men and women in hiring, pay, career progression, and work–life balance. However, equality extends beyond gender alone.

Age equality addresses discrimination against younger workers, who may lack credibility or opportunities, as well as older workers, who may be disadvantaged by stereotypes of declining adaptability or productivity.

Family-related equality focuses on the impact of caregiving and parental responsibilities. Policies such as parental leave, childcare support, and flexible working arrangements are central to ensuring that workers—particularly women—can fully participate in the labor market.

Social and hierarchical status can further influence equality, especially in cultures where seniority or socio-economic background heavily shapes professional opportunities.

Recent research has highlighted the importance of incorporating equality into wider frameworks of Corporate Social Responsibility (CSR). This discourse has brought forth the concept of Social Gender Responsibility (SRG), which emphasizes the “necessity of integrating gender and equality considerations into internal organizational practices as well as external stakeholder interactions.”¹⁶

Finally, the concept of intersectionality, introduced by Kimberlé Crenshaw¹⁷, highlights how multiple axes of identity—such as gender, age, class, or caregiving roles—intersect to create distinct experiences of disadvantage. Intersectionality provides a useful lens for understanding how workplace inequalities cannot be fully explained through single categories but rather through the overlapping effects of various identities.

¹⁶ (Balmaseda, Larrieta, & Izaguirre, 2023)

¹⁷ (Crenshaw, 1989)

2.3. Comparative Legal and Cultural Analysis

This thesis relies on a comparative approach, which allows for the identification of universal principles of equality as well as context-specific mechanisms that influence workplace dynamics. Through a study of how various jurisdictions create and apply equality laws, comparative legal analysis investigates the extent of alignment between formal provisions and substantive outcomes.

In the European Union and Austria, equality is driven by supranational directives on gender equality, anti-discrimination, and work–life balance, which member states are required to transpose into domestic law. However, the effectiveness of these measures depends on national enforcement and cultural acceptance.

In South Korea, modern equality legislation exists, yet its impact is constrained by cultural traditions emphasizing hierarchy, seniority, and family-based gender roles. The gap between progressive laws and conservative cultural practices provides a crucial field of analysis.

Alongside the legal viewpoint, a cultural comparative perspective examines the influence of societal values on workplace behavior. In South Korea, Confucian traditions emphasize hierarchy and family obligations, which often strengthens expectations for gendered roles. Austria, being part of the EU, functions within a more egalitarian normative framework, but societal expectations concerning caregiving and gendered career patterns remain. The comparison reveals that neither context attains full equality, but due to different factors: in Austria, structural disparities persist despite robust legal frameworks, whereas in South Korea, cultural resistance restricts the enforcement of existing laws.

2.4. Intersectionality and the Multidimensional Nature of Inequality

By acknowledging that individuals experience inequality in overlapping and compounding ways, intersectionality adds an extra analytical layer. A case in point is a woman of middle age who has caregiving duties: she may be disadvantaged not only on account of her sex, but also because of her age and her family situation. Younger employees in hierarchical structures may also find themselves excluded from promotion, even though they are meeting the formal qualifications.

With this multidimensional perspective, oversimplification is avoided, and equality is not confined to a single-axis framework. By applying intersectionality, the thesis highlights how gender, age, and family responsibilities interact with both legal standards and cultural expectations to shape professional opportunities in Austria and South Korea.

2.5. Summary

The theoretical framework underpinning this thesis rests on three pillars:

- a) Concepts of equality in law, distinguishing between formal and substantive approaches.
- b) Comparative legal and cultural analysis, highlighting the interplay between legal provisions and societal norms.
- c) Intersectionality, which reveals the complex and layered nature of inequality.

Collectively, these viewpoints form the basis for the comparative analysis presented in later chapters. They allow for the evaluation of not just the legal texts and institutional frameworks, but also of the cultural and social dynamics that influence the actualization of workplace equality.

3. Methodology

Methodology provides the foundation for any academic study, shaping both the scope of inquiry and the validity of findings. Given the comparative and interdisciplinary nature of this research, the methodological approach is designed to integrate legal analysis with cultural interpretation. This chapter outlines the research design, explains the rationale for selecting Austria and South Korea as case studies, and clarifies the methods of data collection and analysis. It also addresses the limitations of the chosen approach and the steps taken to ensure academic rigor.

3.1. Research Design

This thesis uses a qualitative, comparative research design. The main objective is to examine the interplay between legal frameworks and cultural norms in shaping workplace equality, especially in relation to gender, age, and family responsibilities. The study synthesizes existing legal documents, policy frameworks, and secondary

literature instead of relying on quantitative datasets or large-scale surveys. This approach is suitable because the research aims to reveal structural and normative dynamics rather than quantify statistical outcomes¹⁸.

With the comparative design, it is possible to identify both convergences and divergences between two advanced but distinct contexts: the European Union (using Austria as a case study for national-level implementation) and South Korea. Austria represents the implementation of supranational EU equality law, while South Korea illustrates the coexistence of progressive labor legislation with cultural traditions that often constrain its effectiveness.

3.2. Case Selection

The selection of Austria and South Korea is based on three criteria:

- a) **Legal diversity:** Austria operates within the framework of EU equality law, which emphasizes harmonization and supranational enforcement. South Korea, in contrast, applies national legislation shaped by domestic constitutional principles and influenced by Confucian cultural traditions.
- b) **Comparability:** Both contexts are advanced economies with relatively modern legal systems, making them comparable in terms of resources and institutional capacity, while still differing significantly in cultural norms.
- c) **Relevance to research objectives:** The cases directly reflect the research question's focus on how law and culture interact to shape workplace equality in relation to gender, age, and family responsibilities.

3.3. Data Collection

The study relies on document-based qualitative research, drawing on three main types of sources:

¹⁸ (Creswell & Poth, 2017)

- a) **Primary legal documents:** These include constitutional provisions, national equality laws (e.g., Austria's Equal Treatment Act¹⁹; South Korea's Equal Employment Opportunity and Work-Family Balance Assistance Act²⁰), and relevant EU directives (e.g., Directive 2006/54/EC²¹; Directive 2000/78/EC²²; Directive (EU) 2019/1158²³).
- b) **Secondary academic literature:** Scholarly works from legal studies, sociology, and gender studies provide theoretical and analytical insights into how equality laws are designed and applied in practice (e.g., Barnard, 2022²⁴; Fredman²⁵, 2023; Kim and Yum, 2025²⁶; Ma, 2011²⁷).
- c) **Policy and institutional reports:** Publications from international organizations (OECD, ILO, European Commission) offer comparative data and policy evaluations that contextualize the findings.

Where suitable, illustrative examples are provided to show how equality frameworks can be applied in various contexts. However, these are secondary to the primary focus on laws and cultural norms.

3.4. Data Analysis

The collected materials are analyzed through qualitative content analysis. This method allows for the systematic identification of themes, similarities, and contrasts across the two contexts²⁸. Legal documents are examined with attention to their substantive

¹⁹ (Equal Treatment Act (GIBG)-BGBl. I Nr. 55/2004 idF, 2004/2023)

²⁰ (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016)

²¹ (Directive 2006/54/EC, 2006)

²² (Directive 2000/78/EC, 2000)

²³ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 2010)

²⁴ (Barnard, 2022)

²⁵ (Fredman, 2023)

²⁶ (Kim & Yum, 2025)

²⁷ (Ma, 2011)

²⁸ (Mayring, 2024)

provisions and enforcement mechanisms, whereas cultural analyses utilize secondary literature to interpret the influence of societal norms on the uptake and impact of equality laws.

The comparative analysis is structured around three dimensions:

- a) **Gender equality** (e.g., equal pay, career progression, representation in leadership).
- b) **Age equality** (e.g., protection against age discrimination in employment and retirement practices).
- c) **Family responsibilities** (e.g., parental leave, work–life balance, caregiving roles).

By combining legal and cultural perspectives, the analysis seeks to capture the complex interplay between normative frameworks and lived realities.

3.5. Limitations

Several limitations must be acknowledged. First, the study relies on document-based analysis rather than empirical fieldwork, which limits the ability to capture first-hand experiences of employees and employers. While secondary literature provides insights into lived realities, these accounts remain mediated through existing scholarship. Second, the research is limited in scope to Austria and South Korea; while the findings may be transferable, they cannot be generalized to all EU member states or East Asian countries. Third, cultural norms are inherently dynamic and context-dependent, making them difficult to measure with precision.

Despite these limitations, the selected approach provides considerable strengths. It allows for a concentrated and thorough comparison of two legal and cultural systems, based on meticulous examination of authoritative documents and supported by recognized scholarship.

3.6. Ethical Considerations

As this research is based entirely on publicly available legal documents, policy reports, and academic publications, there are no ethical concerns relating to human subjects. Nevertheless, care has been taken to ensure accurate representation of laws and

cultural contexts, and to cite all sources transparently in accordance with academic standards.

4. Equality Standards and Legal Frameworks in the European Union with a focus on Austria and South Korea

This chapter examines the legal frameworks and standards governing workplace equality in the European Union—with particular attention to Austria—and in South Korea, as these are central to shaping the rights and opportunities of employees. The objective is to provide a comprehensive account of the principal legal instruments, policies, and practices that underpin workplace equality in both regions. By comparing the European Union and South Korea, the chapter establishes the basis for the subsequent discussion of how these frameworks are implemented in practice and how they influence the everyday experiences of employees.

In the European Union, workplace equality is guided by a range of directives and regulations aimed at promoting gender equality, preventing discrimination, and ensuring equal opportunities for all employees. Austria, as an EU member state, adheres to these directives, but also has its own national laws and policies that further support workplace equality. The legal framework in Austria reflects the broader EU commitment to equality, including regulations on gender pay equality, protection against discrimination based on age, and family-friendly workplace policies.

In contrast, South Korea's approach to workplace equality reflects both its legal traditions and the pressures of rapidly changing societal norms. Legislative measures such as *the* Equal Employment Opportunity and Work-Family Balance Assistance Act (남녀고용평등과 일·가정 양립 지원에 관한 법률), the Integrated Community Care Assistance Act (의료·요양등지역돌봄의통합지원에 관한 법률), and the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion (고용상 연령차별금지 및 고령자고용촉진에 관한 법률) illustrate the state's efforts to address gender equality, caregiving responsibilities, and broader issues of inclusivity in the labor market. While these frameworks are progressive on paper and have contributed to notable advances, challenges persist in their practical implementation. Deeply rooted cultural expectations regarding gender roles and family responsibilities often undermine the effectiveness of such legal provisions. Consequently, although South Korea has developed a comprehensive

legal framework to promote equality in employment, gaps in enforcement and persistent social norms continue to produce unequal outcomes, particularly for women

This chapter will compare and contrast the key equality standards in both regions, analyzing how the respective legal frameworks address issues such as gender equality, discrimination, and family leave. It will also explore the influence of cultural norms on the application of these standards and consider the impact of these frameworks on employment. By understanding the regulatory landscape in both the European Union and South Korea, the chapter provides a comprehensive overview that will inform the later sections of the thesis, particularly the discussion of potential models for improving workplace equality in South Korea.

4.1. European Legal Foundations and EU Directives

The EU has been a strong advocate for gender equality and non-discrimination in the workplace, with several key directives designed to promote equality and protect workers from discriminatory practices.

The legal framework of the European Union is fundamentally grounded in the principles of non-discrimination and equal treatment, with the right to equality recognized both as a fundamental value and as a binding legal norm. This principle has been further elaborated through the case law of the European Court of Justice and is explicitly enshrined in the Charter of Fundamental Rights of the European Union. In particular, Article 20 establishes the principle of equality before the law²⁹, Article 21³⁰ prohibits discrimination on a wide range of grounds—including sex, race, ethnic or social origin, religion or belief, disability, age, or sexual orientation—as well as nationality within the scope of EU law, and Article 23³¹ affirms the equality between women and men in all areas.

²⁹ (European Union, C326, 2012/C 326/02), Article 20

³⁰ (European Union, C326, 2012/C 326/02), Article 21

³¹ (European Union, C326, 2012/C 326/02), Article 23

Among the fundamental freedoms is the prohibition of discrimination on the grounds of nationality, which also extends to discrimination related to cross-border economic activity. There is a connection between the general principle of equality and the prohibitions on discrimination, insofar as every prohibition on discrimination seeks to prevent unequal treatment based on a specific characteristic.

The following section provides a brief overview of the legal foundations established by the European Union to combat discrimination and promote equality, particularly within the field of employment and economic activities.

I. Primary Law (Treaties and Fundamental Provisions) – Treaty on the Functioning of the European Union (TFEU)

- a. Article 157 TFEU: Equal pay for equal work; prohibits gender-based pay discrimination.
- b. Article 19 TFEU: Grants EU competence to adopt measures against discrimination based on gender, race, religion, disability, age, or sexual orientation.

II. EU Charter of Fundamental Rights

- a. Article 20: Equality before the law.
- b. Article 21: Prohibition of discrimination.
- c. Article 23: Equality between women and men.

III. Secondary Law (Directives and Regulations)

- a. Directives on Non-Discrimination in Employment and Occupation
 - i. Council Directive 79/7/EEC (1978): Equal treatment of men and women in social security.
 - ii. Council Directive 92/85/EEC (1992): *Pregnant Workers Directive*
 - iii. Directive 2002/73/EC (2002): Equal treatment in access to employment, training, promotion, and working conditions.
 - iv. Directive 2003/88/EC (2003): Working Time Directive

- v. Directive 2006/54/EC (2006): Recast Directive on equal opportunities and treatment in employment.
 - 1. In particular:
 - a. Article 4: Provisions on pay transparency and equal pay for equal work.
 - b. Articles 14 and following: Equal treatment in employment, career progression, training, working conditions, and trade union membership.
 - i. Access to dependent and independent employment, including career progression.
 - ii. Access to career guidance, vocational training, professional development, and practical work experience.
 - iii. Employment and working conditions, dismissal conditions, and pay.
 - iv. Membership and participation in trade unions, employer organizations, or professional groups, and the use of their services.
 - 2. Articles 5 and following: Provisions on occupational social security systems.
- vi. Directive 2000/78/EC: Framework Directive on Employment Equality (age, disability, religion/belief, sexual orientation).
- vii. Directive (EU) 2019/1158 (2019): Work-Life Balance Directive
- viii. Directive (EU) 2023/970 (2023): Pay Transparency Directive
- b. Directives on Economic Life and Corporate Equality
 - i. Directive 2010/41/EU (2010): Equal treatment in self-employment, including maternity protection and social security.
 - ii. Directive (EU) 2022/2381 (2022): Women on Boards Directive (gender balance in listed company boards).

4.1.1. Definition of “Employee”, “Remuneration” and “Discrimination” in EU Labor Law

In European labor law, the scope of regulation is conceptually anchored in the notion of the “employment relationship” and, within this framework, in the legal definition of the “employee.”

4.1.1.1. Definition of the term "Employee"

Based on the case law of the CJEU, two primary substantive criteria emerge in the interpretation of the term "employee" under Union law: The notion of the “employee” constitutes a central pillar of labor law, both within the national frameworks of the Member States and at the European level. This concept plays a decisive role in determining an individual's position within the system of social security. Yet, the European Union has not established a single, uniform definition of the term. Instead, its meaning depends on the specific context and wording of the EU legal act in which it is applied. To define the concept of an employee in this regard, the term "employee" is defined according to the "Lawrie-Blum formula"³² established by the CJEU:

*"An employee is someone who performs services for another party under their direction, receives remuneration in return, and engages in genuine and actual economic activity, signifying an occupational activity."*³³

Furthermore, the CJEU examines whether the employment relationship constitutes genuine and effective professional activity, meaning an economic activity carried out for remuneration.³⁴

4.1.1.2. Definition of the term "Remuneration"

³² (Kocher, 2024), S. 55, Rn. 115 und

³³ (European Court of Justice, Lawrie-Blum v. Land Baden-Württemberg, Case 66/85, [1986] ECR 2121, 1986), Lawrie-Blum v. Land Baden-Württemberg, Case 66/85, [1986] ECR 2121L

³⁴ (Kocher, 2024), S. 115, Rn. 114

The term "remuneration" holds a significant importance as it is defined in Article 157(2), first sentence, TFEU as *"encompassing all forms of compensation or benefits, whether provided in cash or in kind (referred to as "monetary or non-monetary benefits")"*³⁵.

Remuneration may be paid directly by the employer to the employee or indirectly. *"The decisive factor in classifying a payment as remuneration is whether it is "based on the employment relationship." This includes „supplementary or variable components" of remuneration".*³⁶³⁷

The current Article 157 TFEU, particularly paragraphs 1 and 2, prohibits discrimination based on gender in relation to remuneration. As a primary law provision, it serves a dual purpose: on the *"one hand, it aims to ensure a level playing field among the Member States in terms of competition, and on the other, it supports the Union's social objectives, particularly the promotion of social progress and the continuous improvement of living and working conditions for European citizens"*.³⁸

Article 157(2), first subparagraph, TFEU makes a distinction between "time-based remuneration" ("standard basic or minimum wages and salaries") and "performance-based pay" when assessing pay equality or inequality. For time-based remuneration, Article 157(2), second subparagraph (b), TFEU stipulates that men and women must receive equal pay. In contrast, performance-based pay is determined using criteria other than time and is largely or entirely linked to the employee's output³⁹.

4.1.1.3. Definition of "Discrimination" under European Law

Understanding the different forms of discrimination is fundamental when analyzing equality frameworks in both the European Union and South Korea. The distinction between direct and indirect discrimination is particularly important, as it shows that unequal treatment can arise not only from explicit actions but also from seemingly

³⁵ (European Union, Consolidated Version of the Treaty on the Functioning of the European Union, 2012), Consolidated Version of the Treaty on the Functioning of the European Union, Article 157 TFEU

³⁶ (Kocher, 2024), p. 122

³⁷ (Pay Transparency Directive (EU) 2023/970, 2023), Article 3 (1) (a)

³⁸ (Kocher, 2024), p. 119

³⁹ (Kocher, 2024), p. 123

neutral rules or practices that disadvantage certain groups. This dual perspective is vital for assessing the effectiveness of anti-discrimination measures, especially in the workplace, where formal equality often coexists with hidden structural inequalities.

For this thesis, highlighting the difference between direct and indirect discrimination serves several purposes. It provides the conceptual clarity needed to evaluate how European law addresses both overt and covert forms of unequal treatment, and it emphasizes the importance of examining whether legal provisions are capable of capturing and remedying subtle disadvantages. Moreover, this distinction is crucial for the comparative analysis: while the European Union has developed a robust body of directives and case law on both forms, South Korea's legal framework has been shaped by different historical and cultural conditions and often focuses more on explicit inequalities. A comparison of these approaches allows for a nuanced assessment of where each system succeeds or falls short in ensuring genuine workplace equality.

Discrimination is therefore a central concept in European Law, especially regarding the Equality Directives⁴⁰, where a distinction is made between direct and indirect discrimination. "Direct discrimination occurs when a person is treated less favourably than another in a comparable situation explicitly on the basis of a protected ground such as sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation"⁴¹ (Equality Directives; Masselot 2004: 96). Establishing such a "claim requires identifying a comparator—whether actual, past, or hypothetical—against whom treatment can be measured"⁴².

Indirect discrimination, by contrast, arises "from apparently neutral provisions, criteria, or practices that put individuals with a protected characteristic at a particular disadvantage compared to others"⁴³. Such measures are "unlawful unless they are objectively justified by a legitimate aim and the means of achieving that aim are

⁴⁰ (Directive 2000/78/EC, 2000), (Directive 2006/54/EC, 2006)

⁴¹ (Maliszewska-Nienartowicz, 2014), (Ellis & Watson, 2012)

⁴² (Maliszewska-Nienartowicz, 2014)

⁴³ (Maliszewska-Nienartowicz, 2014), (Ellis & Watson, 2012), (Directive 2006/54/EC, 2006)

appropriate and necessary”⁴⁴. Although both forms ultimately disadvantage members of protected groups, their underlying rationale diverges: direct discrimination is determined by the cause of unequal treatment, whereas indirect discrimination is defined by its effects. The latter therefore serves as an essential instrument for uncovering and addressing structural or concealed inequalities that may be less apparent but equally widespread.

4.1.2. Equality in the Charter of Fundamental Rights of the European Union (Primary Law)

4.1.2.1. Article 20 EU Charter of Fundamental Rights

Text of Article 20:

*“Everyone is equal before the law.”*⁴⁵

Although formulated in simple terms, Article 20 carries wide significance. By affirming equality before the law for “everyone,” it has potentially universal scope. This provision enables challenges to any legal rule or administrative act that creates unjustified differences in treatment within the European Union or its Member States when applying Union law⁴⁶. The Court of Justice has frequently applied this principle in areas ranging from social policy to economic regulation, especially when scarce resources or benefits are allocated unequally.

Article 20 therefore embodies a general principle of consistency in the application of law: individuals in comparable circumstances must be treated alike. Its open formulation and its effect as a *lex generalis*⁴⁷ have allowed the Court of Justice to extend its reach across diverse policy fields, making it one of the Charter’s most far-reaching equality provisions.

4.1.2.2. Article 21 EU Charter of Fundamental Rights

⁴⁴ (Maliszewska-Nienartowicz , 2014)

⁴⁵ (European Union, C326, 2012/C 326/02)

⁴⁶ (Peers, Hervey, Kenner, & Ward, 2021)

⁴⁷ (Peers, Hervey, Kenner, & Ward, 2021)

Text of Article 21:

"1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

*2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those treaties, any discrimination on grounds of nationality shall be prohibited."*⁴⁸

Article 21 expands upon the general guarantee in Article 20 by explicitly prohibiting discrimination. Paragraph 1 covers status-based discrimination, protecting individuals from unequal treatment on a broad, non-exhaustive list of grounds. Paragraph 2 establishes a specific prohibition of nationality discrimination, reflecting the central role of Union citizenship in EU law.

This dual structure demonstrates the EU's dual concern: combating discrimination rooted in personal identity traits (such as sex, age, or disability) while at the same time safeguarding the free movement of persons through a strict ban on nationality-based distinctions. Article 21 thus functions as a *lex specialis*⁴⁹ to Article 20: while Article 20 lays down the general principle of equal treatment, Article 21 specifies grounds where unequal treatment is expressly forbidden.

Moreover, it connects directly to EU secondary legislation, particularly the anti-discrimination directives adopted since 2000, which address discrimination on grounds such as sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation.

4.1.2.3. Article 23 EU Charter of Fundamental Rights

Text of Article 23:

⁴⁸ (European Union, C326, 2012/C 326/02), Article 21

⁴⁹ (Peers, Hervey, Kenner, & Ward, 2021)

“Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the underrepresented sex.”⁵⁰

Article 23 provides a dedicated guarantee of gender equality. Unlike the general provisions of Articles 20 and 21, it explicitly requires equality between women and men in all spheres of life. The second paragraph goes further, allowing for positive action—special measures to promote the representation of the underrepresented sex.

The scope of Article 23 is both broad and transformative. Because gender roles permeate every aspect of society, “the duty to ensure equality between men and women affects virtually all policies and legislation of the Union and its Member States”⁵¹. Importantly, the provision captures both the negative dimension of equality (prohibiting discrimination based on sex, as covered also by Article 21) and the positive dimension (actively promoting equality through corrective measures). This distinguishes Article 23 from Article 20’s focus on consistent legal treatment and Article 21’s general prohibition of status-based discrimination.

4.1.2.4. Article 157 TFEU

Article 157 TFEU establishes the principle of equal pay for equal work or works of equal value and represents a cornerstone of equality within the European Union. The provision has direct effect, meaning that individuals can invoke it before national courts, not only against public authorities but also against private employers, as recognized in the landmark *Defrenne v Sabena (No 2)* (Case 43/75)⁵²⁵³. Over time, the Court of Justice of the European Union (CJEU) has clarified and expanded the scope of Article 157, confirming its application to both direct and indirect pay discrimination, as seen in *Enderby v Frenchay Health Authority* (Case C-127/92)⁵⁴⁵⁵.

⁵⁰ (European Union, C326, 2012/C 326/02), Article 23

⁵¹ (Peers, Hervey, Kenner, & Ward, 2021)

⁵² (Court of Justice of the European Union, Case 43/75, ECLI:EU:C:1976:56, 1976),

⁵³ (Craig & de Búrca, 2020)

⁵⁴ (Barnard, 2022)

⁵⁵ (Court of Justice of the European Union, Case C-127/92, ECLI:EU:C:1993:859, 1993)

Despite its clear wording, the absence of a uniform definition of “work of equal value” has left significant interpretative discretion to the CJEU, which has played a decisive role in shaping the autonomous Union concept of “employee” and “remuneration.” Scholars such as Böök and Burri⁵⁶ emphasize that Article 157 is not only a legal safeguard but also a driver of broader equality policies, as it serves as the basis for secondary legislation.

4.1.2.5. Article 19 TFEU

Article 19 TFEU⁵⁷ forms the central legal basis for the EU’s anti-discrimination policy. Unlike Article 157 TFEU⁵⁸, which focuses narrowly on equal pay, Article 19 grants the Union broad powers to address discrimination based on sex, race or ethnic origin, religion or belief, disability, age, and sexual orientation. On this foundation, important directives such as Directive 2000/78/EC⁵⁹ on employment equality were adopted, establishing minimum protection standards across Member States. Scholars regard Article 19 as the constitutional cornerstone of EU equality law, as it extends protection beyond the employment sphere and complements the guarantees of the EU Charter of Fundamental Rights.

Despite this legal framework, discrimination remains widespread in practice. According to the 2019 Eurobarometer survey⁶⁰, “majorities of respondents perceived discrimination against Roma (61 %), ethnic minorities (59 %), and sexual minorities (53 %) as common, while 35 % identified gender-based discrimination as prevalent”⁶¹. Attitudinal gaps are also evident: “only 3 % of respondents expressed discomfort with a woman in the highest political office”⁶².

⁵⁶ (Böök, Burri, Timmer, & Xenidis)

⁵⁷ (European Union, C326, 2012/C 326/02), Article 19 TFEU

⁵⁸ (European Union, C326, 2012/C 326/02), Article 157 TFEU

⁵⁹ (Directive 2000/78/EC, 2000)

⁶⁰ (European Commission, Discrimination in the European Union, 2019)

⁶¹ (Zamfir, 2024)

⁶² (Zamfir, 2024)

However, EU legislation remains fragmented. Binding measures cover all Treaty-based discrimination grounds only in the field of employment, while outside this area, protection is limited primarily to sex and race. Moreover, the system of national equality bodies designed to support victims is inconsistent: not all directives require their establishment, and where they exist, they often lack resources, independence, or the authority to provide comprehensive legal assistance. This uneven landscape highlights the need for minimum EU-wide standards to ensure effective and consistent protection against discrimination.

4.1.3. European Directives (Secondary Law)

Within the European Union, secondary law plays a pivotal role in shaping workplace equality. While the Treaties provide the constitutional foundation for the principles of non-discrimination and equal treatment, it is primarily through directives that these principles are operationalized and harmonized across member states. Directives such as Directive 2000/78/EC (the Employment Equality Framework Directive)⁶³, Directive 2006/54/EC (the Recast Gender Equality Directive)⁶⁴, and Directive (EU) 2019/1158 (the Work–Life Balance Directive)⁶⁵ establish binding minimum standards that all member states must transpose into national legislation. These legal instruments cover a wide range of dimensions, including gender equality, age discrimination, equal pay, and family-related rights. The directives thus serve as the key mechanism for ensuring consistency in the protection of workplace equality across the Union, while still allowing for national variation in implementation. In the Austrian context, this process of transposition illustrates both the strengths of EU legal integration and the challenges posed by cultural and institutional specificities at the national level.

4.1.3.1. Council Directive 79/7/EEC (1978)⁶⁶

⁶³ (Directive 2000/78/EC, 2000)

⁶⁴ (Directive 2006/54/EC, 2006)

⁶⁵ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019, 2019)

⁶⁶ (Council Directive 79/7/EEC, 1978)

The Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security was one of the earliest and most significant legal instruments in the development of EU gender equality law⁶⁷. Its central objective is to extend the principle of equal treatment, which had initially focused on employment and pay, into the sphere of statutory social security schemes. In doing so, the Directive obliges Member States to ensure that men and women are treated equally in relation to benefits provided in cases such as sickness, invalidity, old age, accidents at work, occupational diseases, and unemployment. It explicitly prohibits both direct discrimination, where unequal treatment is explicitly based on sex, and indirect discrimination, where seemingly neutral provisions in practice disadvantage one gender⁶⁸.

The Directive's scope is, however, not unlimited. It applies to statutory schemes of social security but initially excluded private occupational pension systems and insurance schemes, which were addressed at a later stage through subsequent legislation, most notably Directive 2006/54/EC⁶⁹. Moreover, the Directive allows certain exceptions, particularly with respect to the protection of women in connection with pregnancy and maternity, acknowledging that biological differences may necessitate differentiated treatment to guarantee substantive equality⁷⁰.

From a legal-historical perspective, Directive 79/7/EEC represents a turning point in EU equality law. While the earlier emphasis lay primarily on economic equality within the labour market, the Directive broadened the scope of protection by embedding the principle of equal treatment into the wider field of social policy⁷¹. The Court of Justice of the European Union has subsequently played a decisive role in interpreting and enforcing this principle, gradually eliminating discriminatory practices in pension and benefit systems across the Member States. Landmark cases such as *Defrenne v*

⁶⁷ (Böök, Burri, Timmer, & Xenidis)

⁶⁸ (Ward, 2018)

⁶⁹ (Europe Institute for Gender Equality, 2022)

⁷⁰ (Böök, Burri, Timmer, & Xenidis)

⁷¹ (Kilpatrick, 2011)

Sabena (Case 43/75)⁷² and *Kücükdeveci v Swedex* (Case C-555/07)⁷³ illustrate how the Court has consistently reinforced the scope of the principle of equal treatment, thereby transforming the Directive from a political statement into a concrete source of enforceable rights⁷⁴.

In the broader framework of EU fundamental rights, Directive 79/7/EEC can be understood as a legislative specification of the principles laid down in Articles 20, 21, and 23 of the Charter of Fundamental Rights of the European Union. The Directive thus reflects the evolution from a formal notion of equal treatment towards a more substantive and comprehensive understanding of equality, one that seeks to dismantle structural barriers within both employment and social security systems⁷⁵.

4.1.3.2. Council Directive 92/85/EEC (1992)⁷⁶

The Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers, workers who have recently given birth, and those who are breastfeeding, represents an important step in integrating gender-sensitive protections into European labour law. Its main objective is to provide a minimum level of health and safety protection for women in the workplace during particularly vulnerable periods of their lives. In this respect, the Directive acknowledges that genuine equality between men and women in working life cannot be achieved without special safeguards for women in connection with pregnancy and maternity⁷⁷.

The Directive establishes several core rights. It provides for paid maternity leave of at least 14 weeks, with two weeks being compulsory before or after childbirth⁷⁸. It

⁷² (Court of Justice of the European Union, ECLI:EU:C:1976:56, 1976)

⁷³ (Court of Justice of the European Union, ECLI:EU:C:2010:21, 2010)

⁷⁴ (Craig & de Búrca, 2020)

⁷⁵ (Böök, Burri, Timmer, & Xenidis); (Europe Institute for Gender Equality, 2022)

⁷⁶ (Council Directive 92/85/EEC, 1992)

⁷⁷ (Barnard, 2022)

⁷⁸ (Council Directive 92/85/EEC, 1992), Article 8 – Maternity leave

prohibits the dismissal of workers on the grounds of pregnancy or maternity leave⁷⁹, except in exceptional cases not related to their condition. It further obliges employers to assess and, if necessary, adapt working conditions in order to protect the health and safety of pregnant or breastfeeding employees⁸⁰. If such adaptation is not possible, the worker must be transferred to another position or granted leave to safeguard her wellbeing⁸¹.

Importantly, Directive 92/85/EEC is not merely a health and safety measure; it is also a cornerstone of EU gender equality law. By guaranteeing minimum maternity rights, it creates the conditions for women to participate more fully and equally in the labour market⁸². The Court of Justice of the European Union has consistently emphasised that protection linked to pregnancy and maternity does not constitute unlawful discrimination against men, but rather forms part of a broader framework aimed at ensuring substantive equality between the sexes. Cases such as *Dekker v Stichting Vormingscentrum* (Case C-177/88)⁸³ and *Mayr v Bäckerei und Konditorei Gerhard Flöckner OHG* (Case C-506/06)⁸⁴ illustrate how pregnancy-related protections are treated as fundamental rights, integral to the principle of equal treatment⁸⁵.

Within the Charter of Fundamental Rights of the European Union, Directive 92/85/EEC connects most directly to Article 23, which requires equality between women and men in all areas, including employment, work, and pay, while also permitting positive action. It also relates to Article 21, prohibiting discrimination based on sex, and complements Article 20's broader guarantee of equality before the law. Taken together, the Directive and these Charter provisions reinforce both the negative dimension of equality (prohibition of discrimination) and the positive dimension (adoption of specific protective measures to achieve substantive gender equality). In this sense, Directive

⁷⁹ (Council Directive 92/85/EEC, 1992), Article 10 – Prohibition of dismissal

⁸⁰ (Council Directive 92/85/EEC, 1992), Article 5 (1) – Action further to the results of the assessment

⁸¹ (Craig & de Búrca, 2020)

⁸² (Kilpatrick, 2011)

⁸³ (Court of Justice of the European Union, ECLI:EU:C:1990:383, 1990)

⁸⁴ (Court of Justice of the European Union, ECLI:EU:C:2008:119, 2008)

⁸⁵ (Böök, Burri, Timmer, & Xenidis)

92/85/EEC exemplifies the EU's two-pronged approach to equality: eliminating barriers to equal treatment while simultaneously creating conditions for de facto equality⁸⁶.

4.1.3.3. Directive 2002/73/EC (2002)⁸⁷

The Directive 2002/73/EC of 23 September 2002, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, represents a major reform in EU gender equality law. Its purpose was to modernise and strengthen the existing framework established by the 1976 Directive, aligning it more closely with both the Treaty of Amsterdam and the emerging case law of the Court of Justice⁸⁸.

The Directive clarified and expanded the scope of the principle of equal treatment between men and women. It introduced a clearer definition of direct and indirect discrimination, incorporated the concept of harassment and sexual harassment⁸⁹ as forms of discrimination, and strengthened protections against victimisation of workers who lodge complaints or participate in legal proceedings⁹⁰. Moreover, it reinforced the requirement that Member States establish bodies for the promotion of equal treatment, thereby institutionalising equality mechanisms at national level⁹¹.

Directive 2002/73/EC also acknowledged the importance of positive action, allowing Member States to maintain or adopt measures to promote equal opportunities for women, particularly in eliminating persistent inequalities in the labour market. This marked a shift towards a more proactive dimension of equality law, going beyond the mere prohibition of discrimination⁹².

⁸⁶ (Europe Institute for Gender Equality, 2022); (Ward, 2018)

⁸⁷ (Directive 2002/73/EC, 2002)

⁸⁸ (Barnard, 2022)

⁸⁹ (Directive 2002/73/EC, 2002), Article 2

⁹⁰ (Directive 2002/73/EC, 2002), Article 8a

⁹¹ (Craig & de Búrca, 2020)

⁹² (D.Burri, 2013)

From a doctrinal perspective, the Directive played an important transitional role. It not only codified the advances made by the Court of Justice in interpreting equal treatment but also paved the way for the Recast Directive 2006/54/EC⁹³, which consolidated and streamlined earlier instruments into a single legislative act⁹⁴. Within the broader equality framework, Directive 2002/73/EC is closely linked to Articles 20, 21, and 23 of the Charter of Fundamental Rights of the European Union: Article 20's principle of equality before the law, Article 21's explicit prohibition of sex discrimination, and Article 23's requirement of equality between women and men.

By introducing definitions and enforcement mechanisms that remain central to EU equality law, Directive 2002/73/EC significantly strengthened the capacity of the Union and its Member States to combat both explicit and structural discrimination, particularly in the field of employment and occupation.

4.1.3.4. Directive 2003/88/EC (2003)⁹⁵

The Directive 2003/88/EC of 4 November 2003 concerning certain aspects of the organisation of working time constitutes a cornerstone of EU social policy. Unlike the gender equality directives, this instrument focuses on working conditions, establishing minimum standards for the organisation of working hours in order to safeguard the health and safety of workers. Its scope includes provisions on maximum weekly working time, minimum daily and weekly rest periods, annual paid leave, and special protections for night work and shift work⁹⁶.

The Directive limits the average weekly working time to 48 hours⁹⁷, including overtime, and guarantees a minimum daily rest period of 11 consecutive hours within every 24-hour period⁹⁸. It also establishes the right to at least four weeks of paid annual leave, which cannot be replaced by financial compensation except at the termination of

⁹³ (Directive 2006/54/EC, 2006)

⁹⁴ (Kilpatrick, 2011)

⁹⁵ (Directive 2003/88/EC, 2003)

⁹⁶ (Barnard, 2022)

⁹⁷ (Directive 2003/88/EC, 2003), Article 6b

⁹⁸ (Directive 2003/88/EC, 2003), Article 3

employment⁹⁹. These measures aim not only to protect workers from exploitation and overwork but also to promote a balance between work and private life, thus linking the Directive to the broader EU commitment to human dignity and equality¹⁰⁰.

Although not exclusively an equality instrument, Directive 2003/88/EC has significant implications for gender equality. By safeguarding rest periods and annual leave, it indirectly supports workers with family and caregiving responsibilities, who are disproportionately women. In this way, it contributes to reducing structural barriers to equal participation in the labour market. The Court of Justice has reinforced these principles, ruling in cases such as BECTU (Case C-173/99)¹⁰¹ that workers are entitled to paid leave from the beginning of their employment, thereby underscoring the Directive's role in ensuring a minimum standard of social protection¹⁰².

In the broader framework of the Charter of Fundamental Rights, Directive 2003/88/EC connects closely to Article 31¹⁰³, which guarantees fair and just working conditions, as well as to Articles 20, 21, and 23, which enshrine equality before the law, non-discrimination, and gender equality. While its primary aim is occupational health and safety, the Directive demonstrates the interdependence between social policy and equality law, showing that effective protection of workers' rights also enhances the conditions for substantive equality between men and women.

4.1.3.5. Directive 2006/54/EC (2006)¹⁰⁴

The Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, commonly known as the “Recast Directive,” represents a consolidation and modernization of earlier gender equality legislation. The Directive draws its legal basis from Article 141 EC (now Article 157 TFEU), thereby ensuring a broad scope of

⁹⁹ (Directive 2003/88/EC, 2003), Article 7

¹⁰⁰ (Craig & de Búrca, 2020)

¹⁰¹ (Court of Justice of the European Union, ECLI:EU:C:2001:356, 2001)

¹⁰² (Kilpatrick, 2011)

¹⁰³ (European Union, C326, 2012/C 326/02), Article 31 – Fair and just working conditions

¹⁰⁴ (Directive 2006/54/EC, 2006)

application that encompasses all forms of employment relationships characterised by economic dependency¹⁰⁵. It consolidated earlier instruments, particularly Council Directive 76/207/EEC of 9 February 1976, which had already prohibited sex-based discrimination in access to employment, vocational training, promotion, and working conditions¹⁰⁶.

The personal scope of the Directive extends beyond standard employees to include the self-employed, job seekers, pensioners, and workers whose activity has been interrupted due to illness, maternity, accident, or involuntary unemployment, as well as their dependants¹⁰⁷. Importantly, Articles 14 to 16 establish that the principle of equal treatment applies without restriction across both the public and private sectors, covering access to employment, vocational training, promotion, and working conditions¹⁰⁸. The Court has also clarified that the Directive applies broadly to atypical and non-standard employment relationships. In *Napoli vs Ministero della Giustizia* (Case C-595/12)¹⁰⁹ it was held that equal treatment protections extend equally to such categories of workers, thereby reinforcing the Directive's comprehensive reach.

The material scope of Directive 2006/54/EC is equally comprehensive. According to Article 1, discrimination is prohibited with respect to access to employment, vocational training and promotion, working conditions—including pay—and occupational social security schemes¹¹⁰. Discrimination is defined broadly to include direct and indirect discrimination, harassment, sexual harassment, and victimisation, while the Directive explicitly incorporates protections against less favourable treatment linked to pregnancy or maternity, in line with Directive 92/85/EEC. The Court of Justice has confirmed, for example, that general employment bans on women in certain sectors, such as underground mining, constitute direct sex discrimination (*Commission v*

¹⁰⁵ (Schindler, 2003)

¹⁰⁶ (Council Directive 76/207/EEC, 1976), Article 5 (1)

¹⁰⁷ (Directive 2006/54/EC, 2006), Article 6

¹⁰⁸ (Windisch-Graetz, 2006)

¹⁰⁹ (European Court of Justice (ECJ), 2014)

¹¹⁰ (Friedrich, Fuchs, & Marhold, 2020)

Austria, Case C-203/03)¹¹¹. Similarly, collective agreements establishing different retirement ages for men and women have been struck down as discriminatory (Kleist, Case C-356/09)¹¹². Moreover, the Court recognised in *Nikoloudi v Organismos Asfaleias* (Case C-196/02)¹¹³ that seemingly neutral rules on part-time work, which disproportionately affected women, amounted to indirect discrimination, highlighting the Directive's role in addressing structural inequalities.

A crucial provision is Article 14(1)(c), which mandates the prohibition of gender discrimination in employment relationships. As with all directives, provisions must exhibit sufficient clarity, precision, and unconditionality to be directly applied by national courts. However, because directives lack horizontal direct effect, they cannot impose obligations on private individuals directly. Instead, national courts are under a duty to interpret domestic legislation as far as possible in conformity with the directive's wording and objectives in order to secure its intended results¹¹⁴.

Central to the Directive is the principle of equal pay for equal work or work of equal value, rooted in Article 157 TFEU and further elaborated in earlier instruments such as Directive 75/117/EEC. Article 4 of Directive 2006/54/EC codifies this principle, making clear that discrimination is prohibited not only in respect of basic wages but also in relation to all other forms of remuneration, whether monetary or in kind¹¹⁵.

Directive 2006/54/EC also reinforces rights relating to maternity, paternity, and adoption leave. Articles 15 and 16 ensure that women and men returning from maternity or paternity leave are entitled to return to their previous job or an equivalent post, with the benefit of all improvements to working conditions to which they would have been entitled during their absence. The same applies to adoption leave, provided that such rights exist under national law¹¹⁶. Any less favourable treatment in connection

¹¹¹ (Court of Justice of the European Union, ECLI:EU:C:2005:76, 2003)

¹¹² (Court of Justice of the European Union, ECLI:EU:C:2010:703, 2010)

¹¹³ (Court of Justice of the European Union, ECLI:EU:C:2005:141, 2005)

¹¹⁴ (Craig & de Búrca, 2020)

¹¹⁵ (Friedrich, Fuchs, & Marhold, 2020)

¹¹⁶ (Schindler, 2003)

with these forms of leave constitutes direct sex discrimination. The Court of Justice has clarified in *Sass* (Case C-284/02)¹¹⁷ that the exercise of maternity rights must not disadvantage women with respect to career progression, and that dismissal or disadvantage linked to maternity leave amounts to direct discrimination.

The Directive also extends protection to workers against discrimination on the grounds of gender identity and transsexuality, “recognising that the protected ground of “sex” encompasses a range of gender-related characteristics beyond anatomical sex”¹¹⁸. This interpretation aligns with the Court’s jurisprudence, which has consistently affirmed that discrimination against trans persons falls within the scope of EU sex discrimination law.

By consolidating existing legislation and case law, Directive 2006/54/EC provided a comprehensive and coherent framework for gender equality in employment and occupation. It integrates the principle of equal pay, safeguards against discrimination related to pregnancy and parenthood, and guarantees equal treatment across the employment lifecycle. In so doing, it strengthens the link between EU secondary law and the fundamental rights enshrined in Articles 20, 21, and 23 of the Charter of Fundamental Rights, embedding equality and non-discrimination as guiding principles of Union law.

4.1.3.6. Directive 2000/78/EC¹¹⁹

The Directive 2000/78/EC of 27 November 2000, commonly referred to as the Employment Equality Framework Directive, established a general framework for equal treatment in employment and occupation. Unlike earlier gender-focused directives, this instrument extends protection to a wider range of grounds, namely religion or belief, disability, age, and sexual orientation¹²⁰. Its purpose is to combat discrimination in

¹¹⁷ (Court of Justice of the European Union, ECLI:EU:C:2004:722, 2004)

¹¹⁸ (D.Burri, 2013)

¹¹⁹ (Directive 2000/78/EC, 2000)

¹²⁰ (Directive 2000/78/EC, 2000), Article 1

employment and vocational training, thereby promoting equal opportunities and social inclusion across the European Union¹²¹.

The Directive prohibits both direct and indirect discrimination, as well as harassment and victimisation, within its material scope. It applies to access to employment, self-employment, vocational guidance and training, working conditions, promotions, and dismissals. While it “does not extend to social security schemes or educational policies per se, its reach within the labour market is comprehensive “¹²².

A distinctive feature of Directive 2000/78/EC is its nuanced approach to justification and proportionality. For example, differences of treatment on grounds of age may be permissible if they are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary¹²³. This provision has generated extensive litigation, most prominently in *Mangold v Helm* (Case C-144/04)¹²⁴, where the Court of Justice recognised that the prohibition of age discrimination constitutes a general principle of EU law. Similarly, in *Kücükdeveci v Swedex* (Case C-555/07)¹²⁵, the Court affirmed that national courts must disapply conflicting national provisions to give effect to this principle. These rulings demonstrate the Directive’s pivotal role in shaping the constitutional architecture of EU equality law.

Directive 2000/78/EC also interacts with other equality instruments. While the gender equality directives address specific grounds, Directive 2000/78/EC functions as a horizontal framework, filling the gaps by extending protection to categories that had previously lacked coverage at EU level. In practice, the Court of Justice often reads these directives in conjunction with Articles 20 and 21 of the Charter of Fundamental Rights, emphasising that the Directive operationalises the Charter’s broad non-discrimination clause¹²⁶.

¹²¹ (Craig & de Búrca, 2020)

¹²² (Barnard, 2022)

¹²³ (Directive 2000/78/EC, 2000), Article 6

¹²⁴ (Court of Justice of the European Union, ECLI:EU:C:2005:709, 2005)

¹²⁵ (Court of Justice of the European Union, ECLI:EU:C:2010:21, 2010)

¹²⁶ (Ward, 2018)

Overall, Directive 2000/78/EC is a cornerstone of EU anti-discrimination law. It broadened the scope of protection beyond gender and race, introduced the principle of reasonable accommodation, and enabled the Court of Justice to articulate general principles of equality that now underpin the Union's constitutional order.

4.1.3.7. Directive 2010/41/EU (2010)¹²⁷

The Directive 2010/41/EU of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in self-employed activity represents a significant extension of EU gender equality law beyond traditional employment relationships. Building upon earlier instruments, such as Directive 2006/54/EC and Directive 79/7/EEC, this Directive recognises that the principle of equality must also apply to self-employed workers and their assisting spouses or life partners.

The Directive prohibits both direct and indirect discrimination on grounds of sex in matters relating to self-employment, including the establishment, equipment, or extension of a business or any other form of self-employed activity¹²⁸. It explicitly extends protection to assisting spouses and life partners, ensuring that they have access to the same social protection as self-employed workers if they habitually participate in the activities of the family business. This was a “crucial development, as many women engaged in family enterprises had traditionally been excluded from social security rights”¹²⁹.

The Directive also addresses maternity protection. Article 8 requires Member States to establish provisions enabling self-employed women and assisting spouses to take maternity leave of at least 14 weeks, with adequate financial compensation to allow an effective interruption of work. This aligns with the principles of Directive 92/85/EEC but adapts them to the context of self-employment, where standard employment protections may not apply¹³⁰.

¹²⁷ (Directive 2010/41/EU, 2010)

¹²⁸ (Directive 2010/41/EU, 2010), Article 4

¹²⁹ (D.Burri, 2013)

¹³⁰ (Barnard, 2022)

From a doctrinal perspective, Directive 2010/41/EU reflects the EU's commitment to a broad understanding of equality. By extending the scope of anti-discrimination law to self-employed workers, it acknowledges the gendered realities of labour markets, where women are often concentrated in small businesses and family-run enterprises. The Directive thus closes a gap left by previous legislation, complementing the horizontal protections of Directive 2006/54/EC.

In the broader framework of EU law, Directive 2010/41/EU interacts closely with Articles 20, 21, and 23 of the Charter of Fundamental Rights, which guarantee equality before the law, prohibit discrimination on the ground of sex, and affirm the duty to ensure equality between men and women in all areas. By targeting a sector traditionally marked by legal invisibility and informal work, the Directive further strengthens the EU's commitment to achieving substantive gender equality.

4.1.3.8. Directive (EU) 2019/1158 (2019)¹³¹

The Directive (EU) 2019/1158 of 20 June 2019 on work-life balance for parents and carers represents a modernisation of EU equality law by directly addressing the reconciliation of work and family responsibilities. Repealing the earlier Parental Leave Directive 2010/18/EU, this instrument aims to promote gender equality in both the labour market and family life by encouraging a more equal sharing of care responsibilities between men and women.

The Directive introduces a number of key rights. First, it establishes paternity leave of at least ten working days around the time of the birth of a child, to be paid at least at the level of sick pay¹³². Second, it guarantees individual and non-transferable parental leave of four months per parent, with at least two months being non-transferable, thus creating an incentive for fathers to take up leave¹³³. Third, it recognises the role of

¹³¹ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 2010)

¹³² (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 2010), Article 4

¹³³ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 2010), Article 5

carers, granting five working days of carers' leave per year to workers providing personal care or support to a relative or household member¹³⁴. Finally, it strengthens the right to request flexible working arrangements, such as remote work, flexible schedules, or reduced working hours, for parents and carers¹³⁵.

Directive 2019/1158 is significant not only for the rights it grants but also for its underlying policy objective: to reduce the persistent gender employment gap and to tackle the unequal distribution of unpaid care work in Europe. Research has shown that women disproportionately bear family and caregiving responsibilities, which often results in career interruptions, part-time employment, or reduced career progression¹³⁶. By creating enforceable rights for fathers and carers, the Directive seeks to challenge traditional gender roles and promote a cultural shift towards shared responsibility¹³⁷.

The Court of Justice has long held that the protection of pregnancy, maternity, and parenthood is central to achieving substantive gender equality (Sass, Case C-284/02)¹³⁸. Directive 2019/1158 builds upon this jurisprudence by extending protection to fathers and carers, thereby embedding equality within the broader context of work-life balance. The Directive thus complements earlier instruments such as Directive 92/85/EEC on maternity protection and Directive 2006/54/EC on equal treatment in employment, while also reflecting the principles enshrined in Articles 20, 21, and 23 of the Charter of Fundamental Rights of the EU.

In sum, Directive 2019/1158 represents a paradigm shift: rather than focusing exclusively on women's maternity protection, it advances a holistic vision of equality by creating entitlements for all parents and carers. This signals a move from a primarily

¹³⁴ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 2010), Article 6

¹³⁵ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, 2010), Article 9

¹³⁶ (Barnard, 2022)

¹³⁷ (D.Burri, 2013)

¹³⁸ (Court of Justice of the European Union, ECLI:EU:C:2004:722, 2004)

protective approach towards a transformative equality policy that addresses structural inequalities in both the workplace and the family sphere.

4.1.3.9. Directive (EU) 2022/2381 (2022)¹³⁹

The Directive (EU) 2022/2381 of 23 November 2022 on improving the gender balance among directors of listed companies and related measures represents a major step in the EU's long-standing effort to enhance women's representation in economic decision-making. After years of debate and stalled negotiations, this Directive was adopted to tackle the persistent underrepresentation of women in corporate leadership positions, despite decades of broader equality legislation.

The Directive requires Member States to ensure that, by 30 June 2026, at least 40% of non-executive director positions or 33% of all director positions in listed companies are held by members of the underrepresented sex¹⁴⁰. To achieve these targets, companies must adopt transparent selection and appointment procedures, ensuring that recruitment is based on clear, gender-neutral, and unambiguous criteria. Where candidates are equally qualified, preference must be given to the underrepresented sex, unless an objective assessment tilts the balance¹⁴¹.

In addition, companies are obliged to provide information on the gender composition of their boards and to report on the measures they have taken to achieve the Directive's objectives¹⁴². Member States must also lay down rules on effective, proportionate, and dissuasive sanctions for non-compliance¹⁴³. These obligations aim to move beyond "soft law instruments, such as recommendations or voluntary targets, which had proven insufficient to deliver meaningful progress"¹⁴⁴.

¹³⁹ (Directive (EU) 2022/2381, 2022)

¹⁴⁰ (Directive (EU) 2022/2381, 2022), Article 5

¹⁴¹ (Directive (EU) 2022/2381, 2022), Article 6

¹⁴² (Directive (EU) 2022/2381, 2022), Article 7

¹⁴³ (Directive (EU) 2022/2381, 2022), Article 9

¹⁴⁴ (Veldman, 2023)

Directive 2022/2381 is rooted in the recognition that the gender gap in corporate leadership cannot be explained by meritocratic factors alone but reflects systemic barriers, stereotypes, and structural discrimination. By introducing binding quotas, the EU has shifted from a purely formal equality approach to a substantive equality model, acknowledging that active intervention is required to overcome entrenched disparities¹⁴⁵.

This Directive interacts closely with Articles 20, 21, and 23 of the Charter of Fundamental Rights. Article 20 enshrines equality before the law, Article 21 prohibits sex discrimination, and Article 23 requires Member States to ensure equality between men and women, including through positive action. Directive 2022/2381 operationalises these provisions in the specific context of corporate governance, complementing earlier instruments such as Directive 2006/54/EC on equal treatment in employment and Directive 2019/1158 on work-life balance. Together, these measures illustrate the EU's evolving equality architecture, which increasingly addresses not only workplace fairness but also access to positions of power and influence.

In this sense, the Directive embodies the EU's shift towards transformative equality law, aiming to reshape structures of decision-making in order to ensure more inclusive and representative governance across Member States.

4.1.3.10. Directive (EU) 2023/970 (2023)¹⁴⁶

The Directive (EU) 2023/970 of 10 May 2023 on strengthening the application of the principle of equal pay for equal work or work of equal value through pay transparency and enforcement mechanisms marks a milestone in the EU's equality architecture. While the principle of equal pay had long been enshrined in Article 157 TFEU and reaffirmed in directives such as Directive 2006/54/EC, persistent gender pay gaps across Member States demonstrated the limits of existing legal frameworks. Directive

¹⁴⁵ (Veldman, 2023)

¹⁴⁶ (Directive (EU) 2023/970, 2023)

2023/970 therefore seeks to ensure effective implementation of the equal pay principle by introducing binding obligations on pay transparency and remedies for victims of pay discrimination.

The Directive introduces a number of groundbreaking measures. First, it grants workers the right to access information on their individual pay level and on average pay levels, broken down by sex, for categories of employees performing the same or equal value work¹⁴⁷. Second, employers with at least 100 employees are required to report regularly on their gender pay gaps. Where reporting reveals a pay gap of at least 5% that cannot be justified by objective, gender-neutral criteria, employers must carry out a joint pay assessment in cooperation with workers' representatives¹⁴⁸. Third, the Directive strengthens judicial enforcement by shifting the burden of proof in pay discrimination cases: it is for the employer to prove that no discrimination has occurred once a worker has established facts suggesting unequal pay¹⁴⁹.

Importantly, Directive 2023/970 also reinforces the principle of access to justice. Workers are entitled to full compensation for discrimination, which must include back pay, related bonuses, and compensation for lost opportunities, without any ceiling¹⁵⁰. It also prohibits pay secrecy clauses that prevent employees from disclosing or discussing their remuneration¹⁵¹, thereby promoting transparency as a structural remedy against systemic inequality.

From a broader perspective, this Directive represents a transformative shift from formal equality to substantive equality. While earlier instruments focused on prohibiting discrimination, Directive 2023/970 addresses the structural opacity of wage-setting systems that perpetuates gender inequality. It therefore builds directly upon Article 23 of the Charter of Fundamental Rights, which requires equality between men and

¹⁴⁷ (Directive (EU) 2023/970, 2023), Articles 7 - 9

¹⁴⁸ (Directive (EU) 2023/970, 2023), Articles 10 - 12

¹⁴⁹ (Directive (EU) 2023/970, 2023), Article 18

¹⁵⁰ (Directive (EU) 2023/970, 2023), Article 16

¹⁵¹ (Directive (EU) 2023/970, 2023), Article 7 Sec. 3

women in all areas, including pay, and complements the general equality principles enshrined in Articles 20 and 21.

Overall, this Directive represents a shift from formal to substantive equality. Earlier instruments focused mainly on prohibiting discrimination, while Directive 2023/970 addresses the structural opacity of wage-setting systems that perpetuate gender inequality. In this way, it gives practical effect to Article 23 of the Charter of Fundamental Rights, which requires equality between men and women in all areas, including pay, and complements the broader guarantees of Articles 20 and 21.

4.1.4. Austrian Law

The Austrian legal framework on equality and non-discrimination is shaped by the interplay between constitutional principles, statutory legislation, and the binding influence of European Union law. While EU directives provide the overarching framework for equal treatment, Austria has developed a national system that not only transposes these obligations but also tailors them to its domestic legal and social context.

At the constitutional level, Article 7 of the Federal Constitutional Act (B-VG)¹⁵² enshrines the principle of equality before the law and explicitly prohibits discrimination based on sex. It also affirms the commitment to equal treatment of men and women in all areas of life. This constitutional foundation is complemented by the incorporation of the European Convention on Human Rights (ECHR) into Austrian constitutional law, particularly Article 14¹⁵³, which prohibits discrimination in the enjoyment of fundamental rights.

At the statutory level, two acts form the backbone of Austrian equality law: the Equal Treatment Act (GIBG) and the Federal Equal Treatment Act (B-GIBG). The GIBG is the central instrument for the private sector. It prohibits direct and indirect discrimination on the grounds of sex, age, religion or belief, and sexual orientation in

¹⁵² (Federal Constitutional Act (BGBl. Nr. 1/1930 idF), 1930/2024), Article 7

¹⁵³ (European Convention on Human Rights, 1950/2010), Article 14

employment, vocational training, promotion, and working conditions¹⁵⁴. It also explicitly addresses harassment, sexual harassment¹⁵⁵, and victimisation. The Federal Equal Treatment Act (B-GIBG) provides a parallel framework for the public sector, ensuring equal opportunities in civil service employment¹⁵⁶. At the statutory level, two acts form the backbone of Austrian equality law: the Equal Treatment Act (GIBG) and the Federal Equal Treatment Act (B-GIBG). The GIBG is the central instrument for the private sector. Additional protection is offered through specific labour law provisions, including the Federal Act on the Labour Constitution and freedom of association (Arbeitsverfassungsgesetz - ArbVG)¹⁵⁷, which requires equal treatment in collective labour relations, and the Maternity Protection Act 1979 (Mutterschutzgesetz - MSchG)¹⁵⁸ together with the Paternity Leave Act 1989 (Väter-Karenzgesetz - VKG)¹⁵⁹, which secure rights relating to pregnancy, parental leave, and the reconciliation of work and family responsibilities.

Taken together, these provisions reflect Austria's effort to translate EU equality directives into a coherent national system. They also illustrate Austria's gradual move from formal equality—treating all individuals the same—towards substantive equality, which recognises that specific measures are necessary to overcome structural disadvantages. This is particularly evident in areas such as gender equality in employment, protection against age-based discrimination, and the safeguarding of parental rights, where national legislation seeks to address both explicit and hidden forms of unequal treatment.

4.1.4.1. Article 7 of the Federal Constitutional Act (B-VG): The Austrian Constitutional Principle of Equality

¹⁵⁴ (Equal Treatment Act (GIBG)-BGBl. I Nr. 55/2004 idF, 2004/2023). GIBG Part II, Section 6 et sequ.

¹⁵⁵ (Equal Treatment Act (GIBG)-BGBl. I Nr. 55/2004 idF, 2004/2023), GIB Part I, Section 6 and Section 7

¹⁵⁶ (Equal Treatment Act (GIBG)-BGBl. I Nr. 55/2004 idF, 2004/2023), GIBG Part I, Section 1

¹⁵⁷ (Federal Act on the Labour Constitution and freedom of association (BGBl. Nr. 22/1974), 1973/2024)

¹⁵⁸ (Maternity Protections Act (Mutterschutzgesetz 1979) - BGBl. Nr. 221/1979 (WV) idF BGBl. Nr. 577/1980 (DFB), 1979/2024)

¹⁵⁹ (Paternity Leave Act (Väter-Karenzgesetz) - BGBl. Nr. 651/1989 (NR: GP XVII IA 298/A und 309/A AB 1166 S. 124., 1989/2024)

The cornerstone of equality law in Austria is found in Article 7 of the Federal Constitutional Act (B-VG). It guarantees that *“No privileges are granted on the basis of birth, sex, gender, estate, class or faith. No person may be subjected to discrimination on the grounds of any disability. The Republic (Federation, provinces and municipalities) is committed to ensuring equal treatment of persons with and without disabilities in all areas of daily life.”*

This provision establishes both a “negative dimension of equality—prohibiting discrimination and privileging certain groups—and a positive dimension, by explicitly allowing affirmative measures to achieve substantive equality”¹⁶⁰¹⁶¹. By going beyond the formal notion of equality before the law, Article 7 B-VG provides the constitutional foundation for policies such as gender quotas and advancement programmes.

In addition to gender, Article 7 B-VG is interpreted in light of the broader general equality clause, which applies to distinctions based on age, family responsibilities, or hierarchical status in employment. The relevance of Article 7 B-VG lies in its “dual role: it functions as a constitutional guarantee of equality that applies to all branches of law, and it serves as a bridge to EU equality law, ensuring that national provisions are interpreted in conformity with Articles 20, 21, and 23 of the EU Charter of Fundamental Rights”¹⁶². Thus, Article 7 B-VG not only anchors equality in the Austrian legal order but also facilitates the integration of European standards into the national framework.

4.1.4.2. Equal Treatment Act (Gleichbehandlungsgesetz - GIBG)

The Austrian Equal Treatment Act (GIBG), first enacted in 1979 and substantially revised in 2004 (BGBl. I Nr. 66/2004 idF)¹⁶³, constitutes the central statutory framework for combating discrimination in the private sector. It was designed to transpose the EU Equality Directives into Austrian law and has since evolved into a comprehensive instrument covering multiple grounds of discrimination. In line with EU law, the Act

¹⁶⁰ (Berka, 2008); Detailed analysis of Article 7 of the Federal Constitutional Law and the principle of equality

¹⁶¹ (Mayer, Kucsko-Stadlmayer, & Stöger, 2015),

¹⁶² (Grabenwarter & Pabel, 2021)

¹⁶³ (Equal Treatment Act (GIBG)-BGBl. I Nr. 55/2004 idF, 2004/2023)

prohibits direct and indirect discrimination on the grounds of sex, age, religion or belief, and sexual orientation in employment and occupation (GIBG Part II, Sections 3–7). It also addresses harassment and sexual harassment as independent forms of discrimination and provides legal protection against victimisation for employees who assert their rights¹⁶⁴.

The scope of the GIBG is deliberately broad. It applies to access to employment, vocational training, promotion, working conditions, and pay, thereby aligning with the principle of equal treatment enshrined in Article 157 TFEU and Directive 2006/54/EC. Moreover, the Act goes beyond formal equality by explicitly incorporating provisions on the reconciliation of work and family responsibilities, for instance in its protections against discrimination related to pregnancy, maternity, paternity, and parental leave. These provisions ensure that workers cannot be disadvantaged due to family-related responsibilities, thereby reflecting the principle of substantive equality.

Institutionally, the Act established the Equal Treatment Commission (Gleichbehandlungskommission) and the Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft), which provide quasi-judicial oversight and advisory functions. The Commission issues non-binding opinions on complaints of discrimination, while the “Ombud offers guidance and legal support to individuals who believe they have experienced unequal treatment”¹⁶⁵. This institutional framework strengthens the enforceability of equality law and ensures a more accessible form of redress for employees.

In sum, the GIBG is Austria's central instrument of anti-discrimination law in the private sector, mirroring EU requirements while adapting them to the Austrian labour law context. Its provisions on gender equality, protection against age-based discrimination, and safeguarding of family responsibilities demonstrate Austria's attempt to move

¹⁶⁴ (K.Adamovich, Funk, Holzinger, & L.Frank, 2009),

¹⁶⁵ (Berka, 2008)

beyond the principle of formal equality towards achieving substantive equality in the workplace.

4.1.4.3. The Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, B-GIBG)

The Federal Equal Treatment Act (B-GIBG), enacted in 1993 (BGBl. Nr. 100/1993 idF)¹⁶⁶, complements the Equal Treatment Act by providing a dedicated legal framework for the federal public sector. Its primary purpose is to ensure equality of treatment within federal employment relationships, covering both civil servants and contractual employees. Similar to the GIBG, it prohibits direct and indirect discrimination on the grounds of sex, age, religion or belief, and sexual orientation, while also explicitly addressing harassment, sexual harassment, and victimisation¹⁶⁷.

A distinctive feature of the B-GIBG is its emphasis on gender equality and women's advancement in the public service. It requires the adoption of gender equality and women's promotion plans (Frauenförderungspläne)¹⁶⁸, obliging federal institutions to take proactive measures to reduce existing gender imbalances in staffing and promotion. These provisions go beyond the mere prohibition of discrimination, introducing a positive duty to foster substantive equality. In addition, the Act provides protections for employees related to pregnancy, maternity, paternity, and parental leave, thereby aligning with the broader EU equality framework and supporting the reconciliation of work and family life¹⁶⁹ (Windisch-Graetz, 2016).

Institutionally, the B-GIBG establishes a network of Equal Treatment Officers (Gleichbehandlungsbeauftragte)¹⁷⁰ in federal ministries and agencies, as well as a Federal Equal Treatment Commission (Bundes-Gleichbehandlungskommission)¹⁷¹.

¹⁶⁶ (Federal Equal Treatment Act-BGBl. Nr. 100/1993, 1993/2025)

¹⁶⁷ (Mayer, Kucsko-Stadlmayer, & Stöger, 2015); (Schindler, 2003)

¹⁶⁸ (Federal Equal Treatment Act-BGBl. Nr. 100/1993, 1993/2025), Part II, Section 11a – 11d

¹⁶⁹ (Windisch-Graetz, 2006)

¹⁷⁰ (Federal Equal Treatment Act-BGBl. Nr. 100/1993, 1993/2025), Part II, Section 21

¹⁷¹ (Federal Equal Treatment Act-BGBl. Nr. 100/1993, 1993/2025), Part II, Section 22

These bodies monitor compliance, handle complaints, and promote awareness of equality issues within the federal service (Funk, 2019).

Overall, the B-GIBG illustrates Austria's commitment to aligning public sector employment with the principles of equality and non-discrimination. By combining prohibitions against unequal treatment with proactive instruments such as equality plans, it underscores the shift from formal equality to a more substantive and structural approach in the Austrian legal order.

4.1.4.4. Federal Act on the Labour Constitution (Arbeitsverfassungsgesetz (BGBl. 1974/22) (ArbVG)

The Federal Act on the Labour Constitution (Arbeitsverfassungsgesetz, ArbVG), enacted in 1974 (BGBl. Nr. 22/1974 idF)¹⁷², forms the cornerstone of Austrian collective labour law. Its primary function is to regulate the rights and duties of works councils, trade unions, and employers' associations, thereby giving concrete effect to the constitutional guarantee of freedom of association and collective bargaining¹⁷³. While the Act is not an equality statute in the strict sense, it plays a crucial role in "safeguarding the principle of equal treatment within the employment relationship"¹⁷⁴.

Under Section 879 Austrian Civil Code¹⁷⁵ in conjunction with the ArbVG, collective agreements and works agreements must adhere to the principle of equal treatment. The non-discrimination obligation applies in particular to pay structures, promotion, and other working conditions, ensuring that employees are not disadvantaged on the basis of sex, age and family responsibilities. This is especially significant in Austria's corporatist labour relations system, where collective agreements determine the working conditions of the vast majority of employees.

¹⁷² (Labour Constitution Act-BGBl.Nr 22/1974, 1974/2025)

¹⁷³ (Labour Constitution Act-BGBl.Nr 22/1974, 1974/2025), Part 5, Section 29 et seq.

¹⁷⁴ (K.Adamovich, Funk, Holzinger, & L.Frank, 2009)

¹⁷⁵ (Austrian Civil Code-JGS Nr.964/1881, 1811/2025), Section 879

The ArbVG also empowers works councils (Betriebsräte) to play an active role in monitoring compliance with equality standards at the workplace¹⁷⁶. They have the right to challenge unequal treatment in pay or promotion and to negotiate for family-friendly policies, such “as flexible working time arrangements, which directly affect employees with caregiving responsibilities”¹⁷⁷. In this way, the Act provides an institutional framework through which substantive equality can be pursued not only via statutory prohibitions but also through collective representation.

Overall, the ArbVG strengthens the enforcement of equality principles by embedding them in Austria’s collective labour relations system. By linking the right to equal treatment with the structures of co-determination and collective bargaining, it ensures that gender, age, and family-related equality concerns are not left to individual litigation alone but can be addressed structurally through social partnership mechanisms.

4.1.4.5. Maternity Protection Act (MSchG)

The Maternity Protection Act (Mutterschutzgesetz, MSchG), enacted in 1979 (BGBl. Nr. 221/1979 idF)¹⁷⁸, is one of Austria’s most important statutes in the field of employment equality. It provides a comprehensive framework for the protection of pregnant employees, new mothers, and breastfeeding women¹⁷⁹, thereby ensuring both health and employment security. The Act prohibits the employment of pregnant workers during the last eight weeks before childbirth and the eight weeks following delivery (extended to twelve in certain medical cases), establishing a period of compulsory maternity leave¹⁸⁰.

Beyond health protection, the MSchG also guarantees employment security. Pregnant women and mothers on maternity leave enjoy strong protection against dismissal and

¹⁷⁶ (Labour Constitution Act-BGBl.Nr 22/1974, 1974/2025), Part 5, Section 29

¹⁷⁷ (Födermayr & Resch, 2020)

¹⁷⁸ (Maternity Protections Act (Mutterschutzgesetz 1979) - BGBl. Nr. 221/1979 (WV) idF BGBl. Nr. 577/1980 (DFB), 1979/2024)

¹⁷⁹ (Maternity Protections Act (Mutterschutzgesetz 1979) - BGBl. Nr. 221/1979 (WV) idF BGBl. Nr. 577/1980 (DFB), 1979/2024), Part 3, Sections 4a-9

¹⁸⁰ (Maternity Protections Act (Mutterschutzgesetz 1979) - BGBl. Nr. 221/1979 (WV) idF BGBl. Nr. 577/1980 (DFB), 1979/2024), Part 3, Section 3

termination¹⁸¹. Any dismissal during this period is void unless expressly approved by the labour court in narrowly defined circumstances. Moreover, the Act ensures the right of women to return to their previous or an equivalent position after maternity leave, thereby “safeguarding their career continuity”¹⁸².

From an equality perspective, the MSchG addresses family responsibilities by preventing disadvantage resulting from pregnancy or maternity. The Act thereby operationalises the principle of equal treatment laid down in Article 7 B-VG and the EU’s Maternity Protection Directive 92/85/EEC. It also complements the Equal Treatment Act (GlBG), which recognises unfavourable treatment due to pregnancy or maternity leave as a form of direct discrimination. In this way, Austrian maternity protection law embodies the shift from formal equality to substantive equality, “acknowledging that women’s biological and family-related circumstances require targeted legal measures to secure genuine equality in the workplace”¹⁸³.

Overall, the MSchG forms a cornerstone of Austria’s equality legislation by protecting women against both health risks and professional disadvantages linked to motherhood. It ensures that pregnancy and maternity do not become structural barriers to women’s participation in the labour market.

4.1.4.6. Paternity Leave Act (VKG)

The Paternity Leave Act (Väter-Karenzgesetz, VKG), introduced in 1989 (BGBl. Nr. 651/1989 idF)¹⁸⁴, complements the Maternity Protection Act (MSchG) by extending parental rights and family-related protections to fathers. Its core purpose is to facilitate the reconciliation of work and family life and to promote a more equal distribution of caregiving responsibilities between men and women. The Act grants fathers the right

¹⁸¹ (Maternity Protections Act (Mutterschutzgesetz 1979) - BGBl. Nr. 221/1979 (WV) idF BGBl. Nr. 577/1980 (DFB), 1979/2024), Part 4, Section 10

¹⁸² (Windisch-Graetz, 2006)

¹⁸³ (K.Adamovich, Funk, Holzinger, & L.Frank, 2009)

¹⁸⁴ (Paternity Leave Act (Väter-Karenzgesetz) - BGBl. Nr. 651/1989 (NR: GP XVII IA 298/A und 309/A AB 1166 S. 124., 1989/2024)

to take parental leave (Karenz) until the child's second birthday¹⁸⁵, provided that the mother is not on leave at the same time¹⁸⁶. During this period, employees enjoy full protection against dismissal and termination¹⁸⁷ (§ 7 VKG).

In addition to leave entitlements, the VKG also provides the right to parental part-time work (Elternteilzeit), allowing fathers to reduce working hours in order to share childcare responsibilities. This measure reflects a gradual shift in Austrian equality law: rather than limiting family-related protections to mothers, it “recognises the importance of actively involving fathers in childcare”¹⁸⁸. The legal framework thus addresses not only health-related protections, as in the MSchG, but also “the structural inequalities in family roles that often hinder women’s participation in the labour market”¹⁸⁹.

The VKG also interacts closely with EU law, particularly the Work-Life Balance Directive (EU) 2019/1158, which requires Member States to establish paternity leave and to encourage shared use of parental leave. By granting men enforceable rights to parental leave and part-time arrangements, Austria has moved towards compliance with this directive, even though the “practical uptake of such measures by fathers remains limited due to persistent cultural expectations and workplace hierarchies” (K.Adamovich, Funk, Holzinger, & L.Frank, 2009).

Overall, the VKG represents an essential step in broadening Austria’s equality legislation. While initially framed as an extension of women’s protection rights, it now serves as a legal instrument to promote substantive gender equality by ensuring that both parents can claim rights related to family responsibilities without fear of professional disadvantage.

4.1.5. South Korean Law

¹⁸⁵ (Paternity Leave Act (Väter-Karenzgesetz) - BGBl. Nr. 651/1989 (NR: GP XVII IA 298/A und 309/A AB 1166 S. 124., 1989/2024), Section 5 subsection 1

¹⁸⁶ (Paternity Leave Act (Väter-Karenzgesetz) - BGBl. Nr. 651/1989 (NR: GP XVII IA 298/A und 309/A AB 1166 S. 124., 1989/2024), Section 2

¹⁸⁷ (Paternity Leave Act (Väter-Karenzgesetz) - BGBl. Nr. 651/1989 (NR: GP XVII IA 298/A und 309/A AB 1166 S. 124., 1989/2024), Section 7

¹⁸⁸ (Windisch-Graetz, 2006)

¹⁸⁹ (Schindler, 2003)

South Korea has made significant strides in advancing workplace equality, particularly in relation to gender, through the development of national legislation aimed at eliminating discrimination and promoting equal opportunities. However, despite the legal framework in place, practical implementation of these laws often faces cultural and societal challenges that hinder progress towards full equality in the workplace.

With Korea's industrial development, the formerly homogeneous agrarian labor market was restructured into a diversified system encompassing multiple sectors, a transformation that inevitably gave rise to labor market segmentation¹⁹⁰. Especially in Korea, the labor market dualism, became prevalent, where jobs would be divided into primary and secondary markets as well as jobs were divided into good and bad. In Korea, labor market dualism became particularly pronounced, characterized by a "division between primary and secondary labor markets"¹⁹¹, as well as a broader categorization of employment into so-called "good" and "bad" jobs¹⁹².

For example, in 2024 approximately 62 percent of wage and salary workers in South Korea were employed in regular positions, while around 38 percent held non-regular jobs. Over recent years, the proportion of regular employment has steadily declined, whereas the share of non-regular employment has continued to increase¹⁹³.

Additionally, in 2023 the gender pay gap in South Korea has been the widest among all OECD member states, even though more women have joined the South Korean labor force¹⁹⁴. In 2023, women in South Korea earned on average about 65.3 percent of what men earned. Although this ratio has shown gradual improvement, the wage disparity between genders remains substantial. Difficulties in reconciling childcare with professional responsibilities disproportionately burden women in the workforce. This problem is particularly pronounced in South Korea, where surveys on gender equality

¹⁹⁰ (S.Fields, 2009)

¹⁹¹ (Ma, 2011)

¹⁹² (Ma, 2011)

¹⁹³ (Statista, Share of regular and non-regular workers South Korea 2003-2024, 2024), Share of regular and non-regular employees among wage and salary workers in South Korea from 2013 to 2024.

¹⁹⁴ (Statista, Gender pay gap South Korea 2008-2023, 2025)

reveal that employers provide insufficient support for women to maintain a sustainable work–life balance¹⁹⁵. One of the most critical barriers to women's career advancement is the difficulty of re-entering employment after extended breaks, such as those taken for maternity leave.

In 2023, women employed in South Korea earned on average around 2.79 million won per month, with the highest average salaries observed among women in their forties (approximately 3.48 million won)¹⁹⁶. These figures remain substantially below men's earnings, underscoring the persistence of a pronounced gender pay gap. Male employees received an average monthly wage of about 4.26 million won, with those in their fifties earning the most at 5.27 million won, followed closely by men in their forties with 5.23 million won¹⁹⁷. The stark contrast between male and female wage levels illustrates how gender, family responsibilities and age continue to operate as a structural determinant of income, limiting women's economic position even at the peak of their careers. According to economists, the deepening dual structure of Korea's labor market poses risks to both sustainable economic growth and social equity¹⁹⁸.

The trend toward later marriage and delayed childbirth further compounds this situation. In South Korea, the average age at first birth has risen to 32.96 years¹⁹⁹, with births among women in their twenties now rare and births in their forties becoming increasingly common. Moreover, South Korea's fertility rate, which rose slightly from 0.72 in 2023 to 0.75 in 2024²⁰⁰, remains the lowest among OECD countries. Since 2018, it has been the only member state of the Organisation for Economic Co-operation and Development (OECD) with a fertility rate below one.

¹⁹⁵ (Statista, Opinion on important factors in stopping women from achieving equality with men in South Korea in 2019, 2025)

¹⁹⁶ (Statista, Average monthly salary of female employees in South Korea in 2023, by age group, 2025)

¹⁹⁷ (Statista, Average monthly salary of male employees in South Korea in 2023, by age group, 2025)

¹⁹⁸ (Jones & Tsutsumi, 2009)

¹⁹⁹ (Statista, Average age of mothers at the birth of their first child in South Korea from 1993 to 2023, 2025)

²⁰⁰ (Reuters, 2025)

In response to the inequalities associated with the aforementioned factors, a range of legislative measures has been enacted; however, their actual effectiveness remains a matter of considerable debate.

4.1.5.1. The Labor Standards Act of Korea (LSA) - 근로기준법

The Labor Standards Act (LSA; 근로기준법)²⁰¹ serves as one of the principal sources of labor and employment law in Korea, establishing the minimum conditions applicable to all forms of employment. According to the Ministry of Employment and Labor of South Korea, the Labor Standards Act prescribes the standards for working conditions—covering wages, working hours, holidays, and leave—and thereby establishes the legal foundation for safeguarding and enhancing the basic livelihoods of workers²⁰². First introduced in 1953, the Labor Standards Act has been repeatedly revised, most notably through the shortening of statutory weekly working hours and the adoption of the five-day workweek. Working hours were originally fixed at eight per day²⁰³ and 48 per week, with the possibility of extending up to 52 hours weekly if both parties consented²⁰⁴. Notably, the Labor Standards Act includes an equal treatment clause in Article 6, stating that “An employer shall neither discriminate against employees on the basis of gender, nor take discriminatory treatment in relation to terms and conditions of employment on the ground of nationality, religion, or social status.” In this regard, the Labor Standards Act constitutes a crucial instrument for advancing women’s equal rights at work, as it shapes the extent to which the economic and social dynamics of labor relations are translated into the lived realities and experiences of workers.

Nevertheless, significant shortcomings remain with respect to gender equality. A central challenge concerns the “reconciliation of employment and childcare, as the LSA

²⁰¹ (Republic of Korea, The Labor Standards Act (근로기준법 - 법률 제20520호, 2024. 10. 22., 일부개정), 2021)

²⁰² (Korea, 2025), Ministry of Employment and Labor on the Labor Standards

²⁰³ (Republic of Korea, The Labor Standards Act (근로기준법 - 법률 제20520호, 2024. 10. 22., 일부개정), 2021), Article 51 (1)

²⁰⁴ (Republic of Korea, The Labor Standards Act (근로기준법 - 법률 제20520호, 2024. 10. 22., 일부개정), 2021), Article 51 (2) and Article 51-2 (1)

restricts maternity leave to women²⁰⁵ while failing to provide adequate financial support²⁰⁶ for parental leave”²⁰⁷.

Maternity leave in South Korea has historically placed a disproportionate financial burden on employers, thereby restricting women’s right to work. Since the introduction of sixty days of paid maternity leave under the LSA in 1953²⁰⁸, employers have been required to pay full remuneration during this period, a responsibility that continued even after the extension of maternity leave to ninety days in 2001²⁰⁹. Although employment insurance was later expanded to cover parts of maternity leave, “the coverage applied primarily to small businesses, leaving women in larger companies excluded from its benefits.”²¹⁰ This uneven distribution of financial obligations discouraged employers from hiring women and contributed to persistent discrimination, particularly against women of childbearing age, whose labor market participation remained significantly lower than that of other groups. Empirical data demonstrate that, despite existing legal protections, a considerable number of women in their late twenties and early thirties exited the workforce, underscoring the system’s failure to protect reproductive health without simultaneously perpetuating gender inequality.²¹¹ The contrast with paternity leave makes this imbalance even clearer: while men are entitled only to three unpaid days off²¹², women’s maternity leave continues to impose considerable financial obligations on employers. As a result, maternity leave in its current form risks entrenching rather than alleviating structural inequality in the workplace.

²⁰⁵ (Republic of Korea, The Labor Standards Act (근로기준법 - 법률 제20520호, 2024. 10. 22., 일부개정), 2021), Art. 74 (1) (R.O.K).

²⁰⁶ (Republic of Korea, The Labor Standards Act (근로기준법 - 법률 제20520호, 2024. 10. 22., 일부개정), 2021), Article 74 (6)

²⁰⁷ (Lee K. , 2009)

²⁰⁸ (Republic of Korea, The Labor Standards Act (근로기준법 - 법률 제20520호, 2024. 10. 22., 일부개정), 2021), Article 74

²⁰⁹ (Republic of Korea, Employment Insurance Act (고용보험법 - 법률 제20519호, 2024. 10. 22., 일부개정), 2023)

²¹⁰ (Lee K. , 2009)

²¹¹ (Republic of Korea, CEDAW/C/KOR/6, 2007), CEDAW/C/KOR/6, P.57

²¹² (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016), Article 18-2

Building on this, the lack of adequate financial support for parental leave in South Korea has significantly limited men's participation in childcare and further entrenched traditional gender roles. When parental leave was first introduced in 1987, it applied exclusively to women and came without any wage compensation, in stark contrast to maternity leave, which provided full remuneration. This design reflected the assumption that childcare was a natural extension of women's role rather than a shared parental responsibility and thus required no financial support. Even after the system was formally expanded to include men in 1995, financial incentives remained absent, and men were still framed as "secondary" caregivers, permitted to take leave only if their spouses were employed. As a result, male participation in parental leave remained negligible. It was not until 2001²¹³ that subsidies were introduced through the employment insurance system, but these allowances covered only a fraction of actual lost wages. Since men, on average, earned higher salaries than women, taking leave implied greater financial losses for them, which further discouraged uptake²¹⁴. Although the government gradually increased the amount of parental leave benefits, these adjustments never approached full wage replacement and therefore failed to alter the underlying disincentives for men²¹⁵. The result has been a system in which parental leave is primarily utilized by women, reinforcing the perception of mothers as the default caregivers and limiting men's opportunities to engage equally in childcare. Rather than correcting gender imbalance, the parental leave framework has inadvertently perpetuated it by embedding economic structures that dissuade men from taking leave.

4.1.5.2. Equal Employment Opportunity And Work-Family Balance Assistance Act (EEO Act) - 남녀고용평등과 일·가정 양립 지원에 관한 법률

²¹³ (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016), Article 19 (1)

²¹⁴ (Statista, Gender pay gap South Korea 2008-2023, 2025)

²¹⁵ (Lee K. , 2009)

South Korea's central legal instrument for promoting gender equality in employment is the Equal Employment Opportunity Act (EEO Act; = 남녀고용평등법)²¹⁶, first introduced in 1987. Over the years, the Act has been revised multiple times, most notably in 2007, when it was renamed the Equal Employment Opportunity and Work-Family Balance Assistance Act (남녀고용평등과 일·가정생활의 양립지원을 위한 법률) to underline its broader focus on balancing professional and family life. In 2019, a further amendment brought significant progress in the areas of maternity, paternity, and parental leave²¹⁷, highlighting an important societal shift: “childcare and maternity protection are no longer regarded as private matters but recognized as collective responsibilities”²¹⁸. Despite these advances, the reforms have primarily benefited women in part-time or non-standard employment, while structural inequalities persist. Indeed, over the past three decades, although female employment has increased and the gender pay gap has narrowed, women remain disproportionately concentrated in irregular jobs, face persistent low wages, and continue to experience occupational segregation.

The most recent amendment to the Equal Employment Opportunity and Work-Family Balance Assistance Act was passed by the National Assembly on October 22, 2024, and entered into force on February 21, 2025. This reform significantly broadened the scope of family-related labor rights in South Korea. Among its key provisions, paternity leave was extended from ten to twenty days and may now be taken in up to three separate periods, while leave for infertility treatment was expanded from three to six days per year²¹⁹, with paid entitlement increased from one to two days and new safeguards introduced to protect employees' privacy²²⁰. Parental leave rights were also strengthened: parents who each take at least three months of leave for the same

²¹⁶ (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016)

²¹⁷ (Shin, 2008)

²¹⁸ (Lee M.-S. , 2020)

²¹⁹ (Republic of Korea, 남녀고용평등과 일·가정 양립 지원에 관한 법률 일부개정법률, 2025), Article 18-3

²²⁰ (Republic of Korea, 남녀고용평등과 일·가정 양립 지원에 관한 법률 일부개정법률, 2025), Article 18-3 (3)

child may access up to six additional months of leave²²¹, and eligibility for reduced working hours during childcare was extended from children under the age of eight (or second grade) to those under twelve (or sixth grade)²²². In addition, unused parental leave days can now be converted at double value into further reduced working hours²²³. These developments highlight a growing recognition that maternity protection and childrearing are not merely private responsibilities but matters of social concern, while also reflecting the state's broader attempt to reconcile work and family life within the legal framework²²⁴.

However, despite these legislative initiatives, it remains uncertain whether they have meaningfully advanced the realization of gender equality. Although the female employment rate has risen since 2000, from 50.9% to 56.3%²²⁵ in 2024, the figure is still far below the 72.9%²²⁶ male employment rate. In 2023, the women-to-men earnings ratio in South Korea was approximately 65.3%²²⁷. The wage gap between genders was 29.3%²²⁸.

Despite the existence of legal provisions aimed at promoting equality, South Korea continues to face profound gender disparities in employment opportunities, working conditions, and career advancement. The effectiveness of labor law is often undermined by traditional gender roles, hierarchical workplace structures, and cultural expectations that place the burden of household and caregiving responsibilities primarily on women. These dynamics restrict women's professional mobility and contribute to persistent wage inequality across sectors.

²²¹ (Republic of Korea, 남녀고용평등과 일·가정 양립 지원에 관한 법률 일부개정법률, 2025), Article 19 (2)

²²² (Republic of Korea, 남녀고용평등과 일·가정 양립 지원에 관한 법률 일부개정법률, 2025), Article 19-2 (1)

²²³ (Republic of Korea, 남녀고용평등과 일·가정 양립 지원에 관한 법률 일부개정법률, 2025), Article 19-4 (1)

²²⁴ (법무법인(유) 지평, 2024)

²²⁵ (Statista, Female labor force participation rate in South Korea from 2000 to 2024, 2025)

²²⁶ (Statista, Male labor force participation rate in South Korea from 2000 to 2024, 2025)

²²⁷ (Statista, Gender pay gap in South Korea from 2008 to 2023, 2025)

²²⁸ (Choi, 2025)

4.1.5.3. The Integrated Community Care Assistance Act - 의료·요양등지역돌봄의통합지원에관한법률 (약칭돌봄통합지원법)

Beyond workplace dynamics, caregiving introduces an additional layer of inequality, often referred to as the *double burden of care*. Young people, both women and men, mostly in their thirties and forties, are increasingly faced with the simultaneous responsibility of raising children while also supporting elderly family members—a dual role that generates pressures extending far beyond the professional sphere. These challenges are further intensified by South Korea’s rapidly ageing society, with the proportion of the population aged 65 and over projected to surpass 20% by the end of 2025²²⁹.

The notion of the “double burden of care” refers to “situations in which individuals are required to care for two or more dependents from different generations at the same time—typically children and elderly parents, but in some cases three, four, or even more persons”²³⁰²³¹. The concept emerged as a critique of earlier policy frameworks that assumed a one-to-one caregiving relationship, whereby a single caregiver attends to a single dependent, such as a child, an older person, or a person with disabilities. By contrast, the reality of overlapping care responsibilities exposes the complex conflicts and strains that arise when multiple needs must be met simultaneously. This significantly increases the pressure on caregivers and heightens the risk that the needs of those receiving care will remain unmet. When care responsibilities fall solely on one individual or family, adequate care becomes virtually impossible, and the likelihood of exhaustion, neglect, or even abuse rises accordingly.

Research on the double burden of care has been pursued extensively both in South Korea and internationally. In Western contexts, research has largely focused on the stress, burnout, and work–family conflict experienced by dual-earner households who

²²⁹ (Statista, Aging population in South Korea - statistics & facts, 2025)

²³⁰ (송 & 백, 2025)

²³¹ (Halinksi, Duxbury, & Higgins, 2018), p.3249

must simultaneously care for young children and ageing relatives²³², often referred to as the “sandwich generation,”²³³ especially in the case of young carers. Other studies highlight the financial, psychological, and physical strains associated with providing care for elderly parents while also supporting unmarried adult children who are unable to live independently. Moreover, caregiving is often viewed merely as a form of production and dismissed as “shadow work” (=그림자 노동)²³⁴, undervalued and underrecognized despite its indispensable role for society.

The double burden of care is not the only pressing challenge; increasing attention has also been drawn to the situation of unmarried or single women who care for their elderly or disabled parents. Compared to adult sons, they are disproportionately expected to shoulder the responsibility of supporting ageing parents²³⁵.

To address these challenges, the Korean government, following a long-term pilot project, passed the Integrated Community Care Assistance Act²³⁶ in March 2024, which is scheduled to enter into force in March 2026²³⁷. The purpose of the Integrated Community Care Assistance Act is to provide comprehensive support for individuals who face difficulties in managing daily activities due to age, disability, illness, or accidents, thereby enabling them to maintain a healthy life within their original place of residence. Under this Act, local governments—cities, counties, and districts—are tasked with taking the lead in delivering integrated and coordinated services that make such support accessible at the community level. In particular, the reform emphasizes the expansion of flexible working arrangements and the creation of targeted support measures for young carers—those who provide care for family members—as well as

²³² (Halinksi, Duxbury, & Higgins, 2018)

²³³ (Miller, 1981)

²³⁴ (송 & 강, 2024)

²³⁵ (김 가. , 2022)

²³⁶ (Republic of Korea, The Integrated Community Care Assistance Act (의료·요양 등 지역 돌봄의 통합지원에 관한 법률 - 법률 제20415호, 2024. 3. 26., 제정), 2026)

²³⁷ (Republic of Korea, The Integrated Community Care Assistance Act (의료·요양 등 지역 돌봄의 통합지원에 관한 법률 - 법률 제20415호, 2024. 3. 26., 제정), 2026)

for unmarried individuals and single-person households. This legislation represents a first step toward building a more sustainable and community-based care system that shifts responsibility from individual households to public institutions.

4.1.5.4. Framework Act on Gender Equality (FAGE - 양성평등기본법)

The Framework Act on Gender Equality (FAGE)²³⁸, enacted in 2014 and replacing the former Framework Act on Women's Development, represents the cornerstone of South Korea's gender equality policy. Its adoption signalled a shift from a narrow focus on women's advancement to a broader commitment to gender equality across all areas of society. The Act sets out the state's responsibility to promote equal opportunities between men and women, prohibits discrimination on the basis of sex in both public and private spheres, and requires central and local governments to adopt gender equality policies and action plans²³⁹.

A distinctive feature of the FAGE is its emphasis on gender mainstreaming. Article 5 obliges public authorities to integrate a gender perspective into the planning, implementation, and evaluation of all policies. Furthermore, Article 16 establishes the requirement for gender impact assessments of legislation and major policy initiatives, with the aim of identifying and correcting potential disadvantages for either sex²⁴⁰. In addition, the Act introduces provisions on affirmative measures, enabling targeted programmes to address structural inequalities in employment and decision-making positions.

Institutionally, the FAGE provides the legal foundation for the Ministry of Gender Equality and Family (MOGEF), which is responsible for coordinating national gender policies and monitoring implementation. The Act also mandates cooperation with the

²³⁸ (Framework Act on Gender Equality (FAGE), 2021)

²³⁹ (Framework Act on Gender Equality (FAGE), 2021), Articles 3-6

²⁴⁰ (Lee S.-H. , 2019)

National Human Rights Commission of Korea (NHRCK) to ensure that gender equality principles are reflected in human rights practice²⁴¹.

While the Act has strengthened the legal framework for equality, its impact in practice has been uneven. Critics point to weak enforcement mechanisms and the persistence of deeply rooted cultural and workplace hierarchies that limit women's advancement despite legal guarantees. Moreover, the FAGE's broad provisions often require secondary legislation and administrative measures to be effective, which has resulted in gaps between formal law and practical implementation²⁴².

Overall, the Framework Act on Gender Equality represents South Korea's most comprehensive legislative commitment to gender equality, aligning the country with international standards such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁴³. At the same time, it illustrates the tension between progressive statutory language and the challenges of achieving substantive equality in a context shaped by strong patriarchal norms and hierarchical organizational structures.

4.1.5.5. The Act on Prohibition of Age in Employment and Elderly Employment Promotion - 고용상 연령차별금지 및 고령자고용촉진에 관한 법률 (약칭: 고령자고용법)

Older generations in South Korea are increasingly vulnerable to financial insecurity as retirement and age-related health conditions reduce their sources of income while everyday living expenses and medical costs continue to rise. In 2023, approximately 10.8% of the population aged 65 and above received long-term care, reflecting a steady upward trend²⁴⁴. At the same time, more than 37% of older adults remained in employment in 2023, underscoring the necessity for many to continue working well

²⁴¹ (Hicks, Bouey, Hu, & Wang, 2025)

²⁴² (Bouy, Hicks, & Hu, 2025)

²⁴³ (CEDAW/C/KOR/RQ/9 & United Nations, 2024)

²⁴⁴ (Statista, Share of people aged 65 years and older receiving long-term care in South Korea from 2013 to 2023, 2025)

beyond retirement age in order to sustain themselves²⁴⁵. Despite this, economic hardship in among the elderly remains severe: the relative poverty rate among those of retirement age is close to 40%, the highest among all OECD member countries²⁴⁶. These figures highlight the dual pressures of insufficient welfare provisions and rapid demographic ageing, which together create significant social and economic challenges.

In South Korea, the foundation of employment policy for older adults is the Act on the prohibition of Age Discrimination in Employment and Elderly Employment Promotion (고령자고용촉진법)²⁴⁷, which has been in effect since 1992.

Age discrimination refers to the “social disadvantage imposed on individuals solely because of their biological age, regardless of their abilities or qualifications. In the workplace, this involves unfavorable treatment in recruitment, working conditions, or dismissal once individuals reach a certain age”²⁴⁸. South Korea’s Act on the prohibition of Age Discrimination in Employment and Elderly Employment Promotion identifies four main forms: direct discrimination, where an individual is treated less favorably due to age; indirect discrimination, where ostensibly neutral rules or practices disproportionately disadvantage certain age groups; harassment, involving unwanted behavior related to age that undermines dignity or creates a hostile environment; and victimization, where employees are penalized or dismissed in retaliation for raising age discrimination complaints or pursuing legal action²⁴⁹.

²⁴⁵ (Statista, Employment rate of people aged 65 years and older in South Korea from 2012 to 2023, 2025)

²⁴⁶ (Jung, 2025)

²⁴⁷ (Republic of Korea, Act on the prohibition of Age Discrimination in Employment and Elderly Employment Promotion)

²⁴⁸ (고, 2007)

²⁴⁹ (한, 2005),

The Act defines older persons as those above an age specified by Presidential Decree, taking into account demographic and labor market conditions; the initial decree set this threshold at 55 years²⁵⁰, a standard that remains in place today²⁵¹.

The significance of this legislation lies in establishing a framework for discussions on the labor market participation of older adults, while also providing the legal basis for measures that support employers who create opportunities for sustainable employment. In doing so, the Act seeks to safeguard and promote the labor rights of the elderly.

After several amendments in the 2000s, the Act on the Promotion of Employment for Older Persons (고령자고용촉진법) was revised in 2013 to “set the mandatory retirement age at 60 or above and to introduce corresponding wage system reforms. In anticipation of a super-aged society, a further revision in 2019 made it compulsory for employers to provide re-employment support services, requiring companies with more than 1,000 employees, from 2020 onward, to offer such services to workers approaching retirement”²⁵².

In addition to legislative measures, the government has sought to strengthen policy tools that promote employment opportunities for older adults. In 2023, multiple ministries jointly announced the Fourth Basic Plan for the Promotion of Employment of Older Persons (관계부처합동, 2023). The plan articulated a vision of creating a labor market where individuals can work as long as they wish, regardless of age. Its key priorities include: “(1) fostering conditions that enable longer employment, (2) enhancing re-employment and skills development, (3) expanding opportunities for jobs and entrepreneurship, (4) reinforcing employment safety nets, and (5) building employment infrastructure to prepare for a super-aged society”²⁵³.

²⁵⁰ (Republic of Korea, Act on the prohibition of Age Discrimination in Employment and Elderly Employment Promotion), Article 2 (1)

²⁵¹ (노, 2023)

²⁵² (조 & 윤, 2024)

²⁵³ (조 & 윤, 2024)

To achieve these goals, the plan sets out various policy measures, including wage system adjustments, continuous employment roadmaps, and comprehensive packages for re-employment and entrepreneurship. Tailored employment services are to be provided through Employment Welfare Plus Centers, alongside initiatives such as the “Career-type Jobs for the New Middle-aged” (=신중년 경력형일자리 사업) program. Efforts were also made to strengthen old-age income security, including measures related to retirement pensions and the national pension system. Furthermore, the plan foresees amendments to the Act on the prohibition of Age Discrimination in Employment and Elderly Employment Promotion to better align employment services at the municipal and district levels with the diverse needs of older workers.

In conclusion, South Korea has developed a comprehensive legislative and policy framework to address the challenges of an ageing workforce and to combat age discrimination in employment. Measures such as raising the retirement age, expanding re-employment support, and strengthening income security schemes reflect meaningful progress toward safeguarding the rights of older workers. Nevertheless, persistent structural issues—ranging from high elderly poverty rates to insufficient welfare provisions and enduring workplace biases—continue to undermine these efforts. Ensuring that the principles of the Act on the prohibition of Age Discrimination in Employment and Elderly Employment Promotion are effectively implemented will therefore require not only stronger enforcement mechanisms but also broader societal recognition of the value of older adults’ continued participation in the labor market.

In conclusion, while South Korea has made important legal advances in promoting workplace equality, the practical application of these laws is often impeded by entrenched cultural attitudes and workplace practices. The legal framework, though robust, requires further strengthening in terms of enforcement and support for men and women to balance family and professional responsibilities without facing discrimination. Continued efforts are needed to shift societal perceptions and workplace norms to create a truly equitable environment for all employees.

5. Comparative Analysis of Culture and Workplace Dynamics

This chapter provides a comparative analysis of the European Union, Austria, and South Korea across several interrelated dimensions that shape workplace equality.

Beyond the examination of legal frameworks in the previous chapter, the focus here is on the interaction between general culture and workplace dynamics, and how these broader societal values influence employment practices and the perception of equality. Cultural attitudes toward hierarchy, seniority, and gender roles play a decisive role in determining how effectively legal norms are implemented in practice.

By systematically comparing these dimensions, the chapter seeks to reveal both points of convergence—such as the formal recognition of equality principles—and divergences arising from cultural traditions, workplace structures, and enforcement practices. This approach enables a critical assessment of how law and culture interact in shaping everyday working life and offers insights into the extent to which each system achieves substantive equality in practice.

5.1. Cultural Perspectives on Equality

Cultural norms and societal values play a significant role in shaping workplace equality, influencing how laws are implemented and how individuals perceive and experience equality in the workplace. While legal frameworks provide a formal structure for promoting equality, cultural attitudes often determine how effectively these laws are applied and whether they lead to meaningful changes in workplace practices. This section explores the cultural perspectives on equality in both the European Union, with a focus on Austria, and South Korea.

5.1.1. Cultural Perspectives in the European Union and Austria

5.1.1.1. Workplace culture in the European Union

Work culture in the European Union is shaped by a combination of guiding principles and binding legal frameworks that together form the foundation of the European social model. Especially within the corporate sector, the work culture can be “characterized by a dynamic interplay of regulatory rigor, commitment to social responsibility, and an emphasis on collaborative and inclusive decision-making.”²⁵⁴

²⁵⁴ (Kolisnichenko, Koneczny, Górská, & Górski, 2024)

At the core lies the commitment to fostering inclusive and equitable organizational environments²⁵⁵, which is reinforced by both national legislation and EU-wide directives. Corporations across member states operate under strict regulatory requirements that cover areas such as labor relations, environmental protection, and data privacy²⁵⁶. Compliance with these rules is therefore a central priority, not only to avoid legal sanctions but also to preserve corporate credibility and legitimacy. In practice, these frameworks extend beyond technical compliance and increasingly intersect with broader commitments to fairness, transparency, and sustainability, making legal requirements a crucial driver of organizational culture.

Another defining element of European work culture is the emphasis on work–life integration. Many organizations provide flexible scheduling options, extended vacation allowances²⁵⁷, and generous parental leave policies^{258 259}. These benefits are not merely voluntary practices but reinforced by legislation, reflecting the EU's recognition of the importance of balancing professional and private responsibilities. Such measures are considered essential not only for employee well-being but also for achieving greater gender equality, as they help to mitigate the disproportionate impact of caregiving responsibilities on women. In the European Union, workplace equality has been strongly influenced by progressive social movements, particularly feminist movements, which have advocated for gender equality and workers' rights since the mid-20th century. The EU's commitment to equality is reflected in the legal and policy framework, which has been designed to address gender discrimination, promote equal pay, and ensure the protection of workers against all forms of discrimination²⁶⁰. This commitment is reflected in the European Commission's Gender Equality Strategy 2020 – 2025²⁶¹ and Action Plan on Gender Equality, as well as in the adoption of the EU

²⁵⁵ (The European Commission, Diversity and inclusion, 2024)

²⁵⁶ (General Data Protection Regulation [GDPR], 2016)

²⁵⁷ (Directive 2003/88/EC, 2003)

²⁵⁸ (Directive (EU) 2019/1158, Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019, 2019)

²⁵⁹ (Council Directive 92/85/EEC, 1992)

²⁶⁰ (Directive 2006/54/EC, 2006)

²⁶¹ (The European Commission, Gender equality strategy 2020-2025, 2020)

Pay Transparency Directive²⁶² in 2023, aimed at addressing the gender pay gap, which stood at 12.7% in 2023 according to Eurostat²⁶³.

In line with these core guidelines, the European Institute for Gender Equality further highlights institutional support for childcare and other dependent care, a fair allocation of teaching, research, and administrative tasks, and structured reintegration programmes with mentoring following career breaks. Finally, comprehensive counselling and guidance on balancing professional and private responsibilities are also emphasized as crucial components²⁶⁴.

Closely connected to this is the strong commitment to social and environmental responsibility. Many European firms incorporate Corporate Social Responsibility (CSR) into their core business strategies, treating it not only as an ethical obligation but also as a factor of long-term competitiveness. By embedding CSR within corporate culture, companies align their operations with both societal expectations and EU policy priorities, further reinforcing the link between regulatory frameworks and organizational responsibility.

Across European workplaces, a notable combination of organizational formality and hierarchy remains prevalent, albeit with national variations. Empirical studies highlight that 'Formality and Hierarchy'—including respect for authority and seniority—play a significant role in corporate culture across the EU²⁶⁵. For a more comprehensive understanding of cross-cultural dynamics, Hofstede's Cultural Dimensions Theory serves as a valuable analytical framework²⁶⁶. This framework consists of six cultural dimensions that allow for a systematic differentiation between societies. These include power distance, individualism, masculinity, uncertainty avoidance, long-term orientation, and indulgence. Each country is assigned a score on these dimensions, making cross-national cultural patterns more comparable and providing a widely

²⁶² (Directive (EU) 2023/970, 2023)

²⁶³ (Eurostat, Gender pay gap statistics, 2025)

²⁶⁴ (European Institute for Gender Equality, Gender Equality in Academia and Research - GEAR tool, 2025)

²⁶⁵ (Kolisnichenko, Koneczny, Górski, & Górski, 2024)

²⁶⁶ (Hofstede G. , 2001)

applied tool for cultural analysis. As cultural differences are often difficult to measure directly, this model offers a structured approach that can serve as a valuable basis for the empirical analysis and the interpretation of results in this study. The first of these dimensions, power distance, refers to the extent to which individuals and institutions with less authority accept and expect unequal distributions of power within a society.

While Europe is generally characterized by moderate power distance, formal hierarchies and deference to supervisors are still common, especially when compared to cultures with low power distance according to Hofstede's developed Power Distance Index²⁶⁷.

In countries like France, hierarchical structures are deeply embedded in workplace dynamics, where decisions are centralized and interactions are marked by formalities²⁶⁸. Similarly, in southern European contexts, such as Spain, Portugal, and Greece, business etiquette strongly emphasizes respectful titles and observance of rank in professional settings²⁶⁹.

This formal hierarchy even affects how criticism is expressed within organizations. European workplaces often demonstrate a conservative stance: direct criticism of superiors is uncommon due to the importance placed on maintaining hierarchical harmony.

Taken together, these elements—regulatory compliance, work–life integration, collective decision-making, commitment to social responsibility, and organizational formality—illustrate the multifaceted nature of work culture in the European Union. They demonstrate how legal obligations, cultural traditions, and evolving societal expectations converge to form a workplace model that prioritizes inclusivity, sustainability, and accountability while maintaining respect for structure and authority.

5.1.1.2. Workplace culture in Austria

²⁶⁷ (Hofstede G. , 2001)

²⁶⁸ (Riess, 2010)

²⁶⁹ (Sotiropoulos, 2004)

To better understand Austria's workplace culture, Hofstede's Cultural Dimensions Theory provides a useful analytical framework. Austria scores low on power distance, indicating a preference for participatory decision-making and a limited acceptance of rigid hierarchies²⁷⁰, even though formality and adherence to established procedures remain significant in traditional sectors²⁷¹. In terms of individualism, Austria ranks relatively higher than South Korea²⁷², which reflects a strong emphasis on personal responsibility and autonomy rather than collective obligations. With regard to uncertainty avoidance, Austria also scores relatively high—though not as high as South Korea—revealing a tendency to value predictability, established norms, and a degree of reluctance toward unconventional practices. In the dimension of masculinity, Austria's high score signals a performance-oriented environment, where competition and achievement play a central role, and managers tend to place strong emphasis on results ²⁷³ . Concerning long-term orientation, Austrian society demonstrates pragmatism, showing the ability to adapt traditions to changing circumstances and future challenges ²⁷⁴ . Lastly, Austria's high score in indulgence highlights the importance of leisure, optimism, and the pursuit of personal desires, suggesting that enjoying life's pleasures is culturally valued alongside professional responsibilities²⁷⁵. This also reflects the strong emphasis on work-life balance is another defining feature, supported by comprehensive labor protection laws and reflected in the comparatively high levels of employee satisfaction with working conditions across the European Union²⁷⁶. Shaped by Austria's socio-cultural traditions, workplace practices are further influenced by policies promoting gender equality and the reconciliation of professional and private life, notably through parental leave schemes and childcare support.

²⁷⁰ (The Culture Factor Group, 2023)

²⁷¹ (Mayrhofer, Reichel, & Chudzikowski, Human Resource Development in Austria: A Cultural Perspective of Management Development, 2009)

²⁷² (Hofstede G. , 2025)

²⁷³ (Zollneritsch, 2018)

²⁷⁴ (Hofstede G. , 2025)

²⁷⁵ (The Culture Factor Group, 2023)

²⁷⁶ (European Foundation for the Improvement of Living , 2021)

5.1.2. Confucian views and Neo-Confucianism

The historical legacy of Confucian gender norms constitutes a fundamental factor in sustaining labor market dualism in Korea. Confucianism has traditionally been understood as „an ethical philosophy that emphasizes harmony, hierarchy, and interdependence within society”²⁷⁷. Neo-Confucianism, which emerged as a later development, placed stronger emphasis on the hierarchical structuring of social relations and the delineation of roles and responsibilities within established orders. Rather than existing as separate or opposing systems, Confucianism and Neo-Confucianism interact and reinforce one another, creating a cultural framework in which deference to authority is coupled with the expectation that those in senior positions exercise a paternalistic duty of care toward their subordinates. This interplay of ethical harmony and hierarchical obligation continues to shape social and organizational dynamics.

In this context, people are perceived mainly through the hierarchical position they hold, a status frequently shaped by age and kinship ties. This persistence of a patriarchal order, rooted in over six centuries of Confucian tradition, generates a structural tension with contemporary democratic discourses on gender equality²⁷⁸. However, in accordance with Article 11 of the Constitution of the Republic of Korea²⁷⁹, which stipulates that “all citizens shall be equal before the law, and there shall be no discrimination in political, economic, social, or cultural life on the basis of sex, religion, or social status,” equality is enshrined as a constitutional principle. Nevertheless, Neo-Confucian values remain deeply ingrained in Korean society, emphasizing hierarchical relationships, including those based on gender²⁸⁰. The pronounced importance of hierarchy is particularly evident in the use of honorifics within interpersonal communication. Such linguistic markers function as explicit demonstrations of respect

²⁷⁷ (Deuchler, 1995)

²⁷⁸ (Kim R. , 1994)

²⁷⁹ (Republic of Korea, Constitution of the Republic of Korea (대한민국 헌법), 1987), Article 11

²⁸⁰ (Rowley & Bae)

toward superiors, whether by virtue of organizational position or age, while simultaneously delineating relative social standing between individuals. In doing so, they serve to reproduce and reinforce existing status hierarchies within the workplace and beyond²⁸¹. Furthermore, deeply rooted cultural principles—such as “harmony and hierarchy, relationship-based networks (commonly referred to as “*Guanxi*”²⁸²), temporal orientation, collective orientation, and the preservation of face—have significantly shaped employee behavior and informed human resource management practices”²⁸³. Confucianism has also exerted a profound influence on gender relations, particularly in reinforcing structural inequalities between men and women. Within the Confucian framework, men “were traditionally associated with the public sphere and entrusted with social and political authority, whereas women were relegated to domestic responsibilities”²⁸⁴. Female subordination to male authority was conceptualized as a moral imperative, embedded within the patriarchal family order. In this system, the authority of the husband and father was elevated and legitimized, while women were positioned as inherently inferior, both socially and morally, to their male counterparts. The historically entrenched system of gendered hierarchies continues to shape contemporary employment relations in South Korea. Women, in particular, remain disadvantaged as they earn lower wages, are disproportionately concentrated in non-regular forms of employment, and encounter significantly fewer opportunities for upward occupational mobility compared to their male counterparts.²⁸⁵.

According to an analysis of employment indicators for women aged 15 to 64 across 38 OECD member states conducted by the Korea Economic Association (KECA), the female employment rate in South Korea stood at 61.4% in 2023, while the labor force

²⁸¹ (Kim & Hamilton-Hart, 2021)

²⁸² The term “Guanxi” (in Chinese: 关系) is defined as “the network of social relations that governs interactions in Chinese society, characterized by mutually beneficial relationships based on trust, reciprocity, and personal bonds. It can sometimes lead to unethical practices, prioritizing interpersonal obligations over civic duties.” (Ho & Koh, 2012)

²⁸³ (Wang, Wang, E.A., Rojewski, & Rojewski, 2005)

²⁸⁴ (Sung, 2003)

²⁸⁵ (Ma, 2011); p.722 and (Kim R. , 1994)

participation rate was 63.1%²⁸⁶. In international comparison, this placed the country at 31st position. This low level of participation reflects the enduring influence of Neo-Confucian norms on gender roles within Korean society. At the same time, it highlights the structural challenges of Korea's dual labor market and underscores the urgent need for comprehensive labor market reforms to enhance women's participation.

5.1.3. Cultural Perspectives in South Korea

In contrast to Austria, South Korea demonstrates a markedly higher level of Power Distance, with hierarchical structures being taken for granted and accepted without the need for justification. While Austrian society emphasizes autonomy and decentralization, in Korea individuals are expected to recognize their designated place within the hierarchy. Regarding Individualism, South Korea ranks very low, reflecting its collectivistic orientation. Unlike Austria's strong individualism, Korean society is shaped by group belonging and loyalty, extending from family ties to the workplace. In terms of Masculinity, South Korea is characterized as relatively feminine, valuing compromise, cooperation, and supportive leadership rather than competition and performance pressure, which play a stronger role in Austria. South Korea also records a particularly high score in Uncertainty Avoidance, leading to strict rules and an emphasis on security and diligence, while Austria, although also risk-averse, shows a comparatively lower tendency. A significant difference is further found in Long-Term Orientation: South Korea's outlook is highly pragmatic, prioritizing sustainable development and long-term stability, in contrast to Austria's less pronounced but still adaptive future orientation. Finally, South Korea scores very low on Indulgence, reflecting a restrained culture where leisure and personal fulfillment play a minor role, unlike Austria, where the pursuit of enjoyment and individual desires is more socially accepted.

In addition to Hofstede's theoretical assessment of cultural dimensions, it is essential to consider the practical and historically rooted aspects of South Korean culture, which

²⁸⁶ (이, 2025)

are deeply embedded in society and continue to shape workplace dynamics and gender relations.

In South Korea, cultural attitudes rooted in Confucian traditions continue to shape workplace dynamics and significantly affect gender equality. Deeply embedded notions of hierarchy and family roles foster the expectation that men act as primary breadwinners while women concentrate on domestic and caregiving duties. These traditional views persist despite the existence of legal frameworks designed to promote equal opportunities in employment.

The persistence of such cultural norms means that legal progress has not translated into structural change at the same pace. Women are often expected to shoulder the majority of caregiving responsibilities, both for children and elderly relatives, which frequently results in career interruptions or part-time employment. This reality limits women's ability to advance professionally and reinforces occupational segregation. The strong societal belief that professional success requires complete dedication to work—often at the expense of family life—further intensifies these challenges.

Adding to these pressures, the broader workplace culture in South Korea remains highly hierarchical, with long working hours and an emphasis on seniority. Such conditions tend to disadvantage not only younger employees but especially women, who encounter significant barriers in rising to leadership positions. As a result, the gap between the formal legal commitment to workplace equality and the lived experiences of employees remains wide, with traditional gender expectations continuing to shape career opportunities and outcomes.

5.1.4. Comparative Analysis of Cultural Perspectives

Workplace culture in the European Union is strongly shaped by legal frameworks and policy initiatives that emphasize inclusivity, fairness, and social responsibility. Binding directives, such as those addressing equal pay, anti-discrimination, parental leave, and most recently the 2023 Pay Transparency Directive, provide a robust foundation for organizational practices. These measures are reinforced by broader social movements—particularly feminist advocacy since the mid-20th century—which have ensured that gender equality remains a central principle of the European social model. Beyond formal compliance, corporations increasingly embed values such as corporate

social responsibility (CSR), sustainability, and employee well-being into their operations. A defining feature of the European approach is the integration of work–life balance into employment law, with generous parental leave, vacation entitlements, and flexible working arrangements, which aim to reduce the disproportionate caregiving burden carried by women. Nevertheless, hierarchy and formality remain present across EU workplaces, particularly in southern member states, though overall power distance is moderate by international standards.

Within this broader European framework, Austria illustrates both alignment with EU principles and the persistence of national particularities. Hofstede’s model positions Austria as a society with low power distance and high individualism, reflecting participatory decision-making and personal responsibility. At the same time, Austria scores high on masculinity, indicating a competitive, performance-driven professional environment. Work–life balance is highly valued and institutionally supported, with strong labor protection laws, childcare programs, and parental leave schemes. However, the persistence of traditional gender roles undermines the full realization of these policies in practice. Women continue to be perceived as primary caregivers, which affects their career trajectories, especially in male-dominated fields such as law and corporate leadership. As a result, Austria demonstrates the paradox of a country with progressive policies on paper, yet lingering cultural stereotypes that restrict women’s advancement in practice.

By contrast, South Korea presents a markedly different cultural and historical trajectory. While Article 11 of the Korean Constitution guarantees equality before the law, workplace dynamics remain strongly influenced by Confucian and Neo-Confucian traditions, which emphasize hierarchy, harmony, and gendered divisions of labor. Hofstede’s framework situates South Korea as a society with high power distance, strong collectivism, pronounced uncertainty avoidance, and low indulgence. These dimensions align with organizational realities: rigid hierarchies, long working hours, and strict adherence to authority are common, leaving little space for work–life balance. The cultural expectation that men serve as primary breadwinners while women manage caregiving continues to limit women’s participation in the labor market. This is reflected in South Korea’s comparatively low female employment and labor force participation rates among OECD countries. Even with legal frameworks such as the

Equal Employment Opportunity Act and the Maternity Protection Act, traditional gender norms hinder the practical implementation of equality measures. Women are disproportionately concentrated in irregular or part-time employment and face significant barriers to leadership positions in sectors where uninterrupted career commitment is considered essential.

Taken together, the comparison highlights both structural and cultural divergences. The EU and Austria emphasize formal regulation, institutionalized support for work–life balance, and progressive equality policies, yet still struggle with cultural stereotypes that slow women’s career advancement. South Korea, meanwhile, exhibits a formal legal commitment to equality, but deeply rooted Confucian norms and hierarchical workplace practices prevent these rights from being fully realized in practice. While Austria and South Korea both illustrate the gap between law and lived experience, the underlying causes differ: in Austria, the challenge lies in overcoming persistent but gradually shifting stereotypes within a supportive institutional framework; in South Korea, structural reforms are confronted with deeply entrenched cultural traditions that continue to define gender roles and professional expectations.

6. Comparative Analysis regarding Age Equality, Family Responsibilities and Gendered Expectations

In this section, a comparative analysis of the workplace equality standards and practices in the European Union, with a focus on Austria, and South Korea is undertaken. By examining both the legal frameworks and the cultural contexts that influence workplace equality, this analysis aims to identify key differences and similarities between the two regions, with a particular emphasis on gender equality, age and family responsibilities concerning employment and the workplace.

Furthermore, this comparative analysis seeks to uncover potential lessons that can be learned from each region’s approach to equality in the workplace, offering recommendations for improving workplace equality in South Korea based on the successful practices and policies observed in Austria and the European Union. Ultimately, this analysis aims to contribute to the development of practical, culturally-sensitive models for advancing workplace equality in both regions, taking into account the unique legal, social, and cultural landscapes in which these policies operate.

6.1. Age and Workplace Equality

Discrimination, stigma, bias, exclusion, and prejudice are challenges faced not only by younger individuals but also by older generations. This raises important questions: At what stage is a person regarded as ‘old’? Biologically speaking, "Ageing is characterised biologically as loss of adaptability of individual organisms as time passes"²⁸⁷ In the context of workplace equality, age represents a decisive factor, as both legal frameworks and cultural norms strongly influence how employees of different age groups are perceived and treated.

South Korea has entered the stage of a “super-aged” society, with one in five citizens aged 65 or older, according to data from the Ministry of the Interior and Safety²⁸⁸. According to United Nations criteria, a society is considered “aging” when at least 7% of its population is 65 or above, “aged” when the proportion exceeds 14%, and “super-aged” once it surpasses 20%²⁸⁹.

In both the European Union, with a focus on Austria, and South Korea, age-related inequalities manifest in various forms, from discrimination against younger workers to challenges faced by older employees. This section explores the legal provisions and cultural attitudes surrounding age and workplace equality in both regions, examining the challenges and successes in promoting an age-inclusive work environment. The comparison highlights three main dimensions: (1) the strength and enforceability of legal frameworks, (2) the role of workplace culture and labour market structures, and (3) the intersection of age with gender and family responsibilities.

6.1.1. Age Equality and Age Discrimination in Employment in the European Union and Austria

6.1.1.1. Challenges of Age Discrimination in Employment

²⁸⁷ (Hepple, Spencer, & Fredman, 2003)

²⁸⁸ (Ministry of Interior and Safety (South Korea), 2024)

²⁸⁹ (Forum, 2019)

Despite the existence of a comprehensive EU framework, age discrimination in employment remains a widespread and multifaceted problem across Member States. Surveys conducted by the European Union Agency for Fundamental Rights (FRA) and Eurobarometer consistently identify age as one of the most commonly perceived grounds of discrimination in the workplace²⁹⁰. The problem is particularly acute at two ends of the age spectrum: younger workers often struggle with barriers to entry and precarious contracts, while older workers face exclusion from recruitment processes, limited promotion opportunities, and pressure to retire early²⁹¹.

6.1.1.2. Exclusion of Older Workers

Older workers frequently experience stereotypes that portray them as less adaptable, less productive, or less capable of using new technologies. This leads to systemic disadvantages in recruitment: for example, a field experiment in Spain found that 49-year-old applicants needed to send almost twice as many resumes as 35-year-olds in order to receive one callback²⁹². Studies in Austria show similar patterns: a recent matched-pair correspondence test involving 800 job applications in regions around Vienna, Lower Austria and Burgenland found that older applicants and long-term unemployed persons were less likely to receive invitations to interviews compared to younger, otherwise comparable candidates²⁹³. In addition, internal workplace dynamics often sideline older employees in terms of training and career progression, reinforcing a perception that investment in their skills is not worthwhile. Such practices contribute to long-term structural unemployment and financial insecurity in later life. For example, in Austria, the employment rate of workers aged 55–64 was only around 59% in 2024, below the EU average, reflecting the structural barriers to labour market participation for older workers²⁹⁴.

²⁹⁰ (European Union Agency for Fundamental Rights, Fundamental Rights Report 2019, 2019)

²⁹¹ (OECD, Working Better with Age (Ageing and Employment Policies), 2019)

²⁹² (Quesada & de Lafuente, 2024)

²⁹³ (Projektleitung SORA, 2023)

²⁹⁴ (Eurostat, Employment rates of older workers (55-64 years), 2024)

6.1.1.3. Barriers for Younger Workers

At the same time, younger workers encounter their own set of challenges. Employers may view them as inexperienced or lacking commitment, which translates into restricted access to stable employment contracts. Instead, young employees are disproportionately concentrated in temporary, part-time, or otherwise precarious positions. This not only undermines their income security but also delays their ability to build sustainable careers and contribute to social security systems²⁹⁵. More recent data indicates that younger workers continue to be disproportionately employed under temporary contracts: in 2023, about 32.1 % of employees aged 15-29 in the EU had fixed-term contracts, compared to roughly 11.6 % of all employees aged 15-64²⁹⁶. In Austria, the phenomenon of atypical employment—including fixed-term, temporary, part-time, and marginal jobs—has risen by over 20 % since 2013, indicating that young people are increasingly likely to be employed under non-standard contracts in sectors such as services or retail²⁹⁷.

6.1.1.4. Structural Factors and Labour Market Practices

Labour market structures in the EU frequently institutionalise age-related inequalities. Seniority-based pay and promotion systems, while designed to reward loyalty, may indirectly disadvantage both younger employees, who are excluded from higher pay levels, and older employees, who may be targeted for dismissal due to higher wage costs. Similarly, mandatory retirement provisions—though permissible under EU law when objectively justified—have also played a role in Austria. The statutory pension system and collectively agreed retirement ages frequently lead to labour market exit at fixed ages, often irrespective of an individual's capacity or willingness to continue working. According to Statistik Austria (2023)²⁹⁸, the effective average retirement age in Austria was 62.4 years, well below the statutory retirement age of 65 for men and

²⁹⁵ (European Commission, Employment and Social Developments in Europe, 2020)

²⁹⁶ (Eurostat, Temporary and permanent employment - statistics, 2024)

²⁹⁷ (Statistics Austria, 2024)

²⁹⁸ (Statistik Austria, Pensionen, 2023)

60–65 for women, depending on transitional rules. This early exit reduces the labour force participation of older workers and reinforces societal stereotypes that employees beyond their early sixties are less valuable to the labour market. The persistence of such patterns complicates EU and national efforts to promote active ageing and longer working lives.

6.1.1.5. Intersection with Family Responsibilities and Gender

Age discrimination does not operate in isolation. It frequently intersects with gender and family responsibilities, producing particularly severe disadvantages for women. Career interruptions due to maternity leave or part-time work for childcare responsibilities result in women entering older age with weaker career profiles, lower pensions, and reduced employability. As such, older women are doubly disadvantaged: they face both ageist stereotypes and gendered expectations that limit their access to stable, well-paid work²⁹⁹. In Austria, women returning from long childcare leave often re-enter the workforce in part-time positions, which hinders their career progression and reinforces cumulative disadvantages over time³⁰⁰.

6.1.1.6. Consequences for Social Cohesion and Equality

The persistence of age discrimination undermines the EU's broader objectives of promoting active ageing, lifelong learning, and intergenerational solidarity. Excluding older workers reduces the available labour force and increases pressure on social security systems, while marginalising younger workers prevents them from achieving financial independence and societal integration. This dual exclusion weakens the goal of achieving a fair and inclusive European labour market. Austria, with its ageing population and comparatively low labour force participation of older workers, illustrates the economic and social risks of these patterns, including increased pension burdens and reduced intergenerational equity.

6.1.1.7. Legal Framework in the European Union

²⁹⁹ (OECD, OECD Employment Outlook 2025, 2025)

³⁰⁰ (Schindler, 2003)

The prohibition of age discrimination in employment is firmly anchored in the Charter of Fundamental Rights of the European Union. Article 21(1) explicitly prohibits “any discrimination based on ... age,”³⁰¹ placing it alongside other protected grounds such as sex, race, religion, and disability. As a constitutional provision, the Charter guides both the legislative framework of the Union and the interpretive practice of the Court of Justice of the European Union³⁰².

The primary legislative instrument is Directive 2000/78/EC (Employment Equality Framework Directive). It establishes a general framework prohibiting direct and indirect discrimination in employment and occupation, covering recruitment, working conditions, promotion, and dismissal. Unlike other protected grounds, the Directive acknowledges in Article 6(1) that certain differences of treatment based on age may be permissible if they are objectively justified by a legitimate aim—such as employment policy, vocational training, or retirement regulation—and if the measures are appropriate and necessary. This flexibility reflects the complex role of age in labour market organisation, especially in contexts of pension reform and youth employment schemes.

The Court of Justice of the European Union (CJEU) has developed a rich body of case law clarifying the scope of age equality. In *Mangold v Helm* (C-144/04)³⁰³, the Court struck down a German law allowing fixed-term contracts for workers over 52 without objective justification, holding that such rules violated the general principle of non-discrimination on grounds of age. This case was groundbreaking in recognising age equality as a general principle of EU law, binding even in disputes between private parties. In *Kücükdeveci v Swedex* (C-555/07)³⁰⁴, the Court went further, obliging German courts to disapply national provisions that excluded years of service completed before the age of 25 when calculating notice periods. The judgment underscored that national courts must set aside conflicting national rules, even in

³⁰¹ (European Union, C326, 2012/C 326/02), Article 21

³⁰² (Craig & de Búrca, 2020)

³⁰³ (Court of Justice of the European Union, ECLI:EU:C:2005:709, 2005)

³⁰⁴ (Court of Justice of the European Union, ECLI:EU:C:2010:21, 2010)

horizontal employment relationships. In *HK Danmark* (Joined Cases C-335/11 and C-337/11)³⁰⁵, the Court examined Danish pension rules excluding employees with certain disabilities linked to age and clarified that cost considerations alone cannot justify age-based discrimination. These cases illustrate the dual nature of EU law on age equality: while the Charter and Directive 2000/78/EC provide strong guarantees, they also allow space for Member States to regulate age-related employment policies, provided that differential treatment is objectively justified and proportionate.

6.1.1.8. Legal Framework in Austria

Austria has transposed EU equality law into domestic legislation, primarily through the Equal Treatment Act (*Gleichbehandlungsgesetz*, GIBG). Under Part II, §§ 17–19, the GIBG explicitly prohibits direct and indirect discrimination on the basis of age in employment relationships. This covers access to employment, training, promotion, pay, and dismissal. Harassment and victimisation linked to age are also prohibited. For instance, a job advertisement stating “under 35 years preferred” would constitute unlawful direct discrimination unless justified by objective reasons.

In collective labour law, the Labour Constitution Act (*Arbeitsverfassungsgesetz*, ArbVG) imposes a duty of equal treatment in workplace agreements and collective contracts. This ensures that employees of different ages cannot be arbitrarily excluded from benefits such as training opportunities or wage supplements.

At the constitutional level, Article 7 of the Federal Constitutional Act (B-VG) enshrines the principle of equality before the law. The Austrian Supreme Court has confirmed that the equality principle applies to age-related distinctions. In 2016, the Austrian Supreme Court dealt with a case of age discrimination (OGH 18.08.2016, 9 ObA 106/15a)³⁰⁶. The dispute concerned an employee whose contract was terminated once he became eligible for early retirement. The Court held that such a practice constitutes unequal treatment on the ground of age, since the possibility of taking early retirement

³⁰⁵ (Court of Justice of the European Union, ECLI:EU:C:2013:222, 2013)

³⁰⁶ (The Austrian Supreme Court, 2016)

does not qualify as a legitimate employment policy objective capable of justifying dismissal.

Despite this robust framework, enforcement challenges remain. Empirical studies show that relatively few claims of age discrimination are brought before Austrian courts, and the compensation awarded under the GIBG tends to be modest, reducing the deterrent effect³⁰⁷. Moreover, cultural stereotypes and hierarchical workplace traditions continue to undermine the practical effectiveness of the law.

6.1.2. Age and Workplace Equality in South Korea

6.1.2.1. Challenges of Age Discrimination in South Korea

Age discrimination in the labour market is a persistent and deeply rooted issue in South Korea. Unlike in the European Union, where attention to age equality has grown steadily over the past two decades, Korea continues to struggle with cultural and structural barriers that reinforce age-related inequalities. The National Human Rights Commission of Korea (NHRCK) regularly reports that discrimination based on age is one of the most frequent complaints filed in the field of employment³⁰⁸.

6.1.2.2. Exclusion of Older Workers

One of the most visible problems concerns the early exclusion of older workers from stable employment. South Korea has traditionally operated with a mandatory retirement system, often set by companies at ages between 55 and 60, regardless of the official statutory retirement age of 65³⁰⁹. In practice, this means that employees are forced to leave the core workforce in their late fifties, often at the height of their professional experience. After retirement from large firms, many older workers are re-employed only in low-paid, insecure, or part-time jobs, frequently in the service or security sectors³¹⁰. For example, a 2019 OECD study showed that the wage of Korean workers drops dramatically after the age of 55, often to less than half of their peak

³⁰⁷ (Schindler, 2003)

³⁰⁸ (Hoon, 2024)

³⁰⁹ (OECD, Working Better with Age (Ageing and Employment Policies), 2019)

³¹⁰ (Hoon, 2024)

earnings³¹¹. This reflects both institutional practices and cultural expectations that younger workers are more adaptable, while older employees are seen as burdensome.

6.1.2.3. Barriers for Younger Workers

At the other end of the spectrum, younger workers face significant barriers to entering the labour market. South Korea's youth unemployment rate has consistently been higher than the general unemployment rate, with 8.5% of people aged 15–29 unemployed in 2021, compared to the national average of 3.7%³¹². Even among those employed, many are trapped in non-regular contracts—short-term, part-time, or dispatch jobs with limited benefits. Approximately 38% of all employed youth in 2020 were in such precarious positions (Ministry of Employment and Labor, 2021). This reflects an entrenched system of labour market dualism, in which “insiders” in large corporations and the public sector enjoy security and benefits, while “outsiders” in small and medium-sized enterprises (SMEs) or non-regular jobs remain vulnerable³¹³.

6.1.2.4. Structural Factors and Workplace Culture

Cultural norms further institutionalise age-based hierarchies. Korean workplaces are characterised by the “Principle of Seniority” (= 연공서열), where age and length of service traditionally determine rank, salary, and promotion. While this system was originally intended to reward loyalty and provide predictability, it also discourages innovation and mobility. It creates expectations that younger employees should defer to seniors, while older employees are entitled to secure positions until retirement. At the same time, globalisation and corporate restructuring have pressured firms to reduce costs, leading to policies that encourage the early exit of older workers to make room for cheaper younger staff³¹⁴. This tension reinforces both ageist stereotypes—older workers as inflexible, younger workers as inexperienced—and perpetuates structural inequality.

³¹¹ (OECD, Pensions at a Glance 2019, 2019)

³¹² (Statistics Korea, 2021)

³¹³ (Schauer, 2018)

³¹⁴ (Nam, 2019)

6.1.2.5. Intersection with Gender and Family Responsibilities

Age discrimination in Korea is compounded by gender roles and family responsibilities. Women, who are already underrepresented in the labour market due to childcare and domestic responsibilities, face severe disadvantages as they age. Many leave the workforce after marriage or childbirth, and when they attempt to return later in life, they often encounter hiring biases that assume older women are less capable or less committed³¹⁵. This results in a double disadvantage: women are discriminated against both for being older and for not conforming to traditional gender expectations. For instance, labour market participation for Korean women drops sharply during their thirties, the so-called “M-curve,”³¹⁶ and only partially recovers in their forties and fifties, but almost always in insecure or low-paying positions³¹⁷.

6.1.2.6. Consequences for Social Cohesion and Equality

The persistence of age-based inequalities undermines Korea’s economic and social cohesion. Excluding older workers prematurely not only leads to pension insecurity—South Korea has one of the highest elderly poverty rates in the OECD, with 43% of people over 65 living in relative poverty in 2020³¹⁸—but also results in underutilisation of human capital. Simultaneously, the lack of stable employment opportunities for younger workers contributes to declining birth rates and social disillusionment, as many feel excluded from the prospect of building sustainable careers. This dual exclusion at both ends of the age spectrum poses a significant challenge to achieving substantive equality and threatens long-term economic stability.

6.1.2.7. Legal Framework on Age Equality in South Korea

The central legal instrument addressing age discrimination is the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion. This law prohibits both direct and indirect age discrimination in recruitment, promotion, training,

³¹⁵ (Hicks, Bouey, Hu, & Wang, 2025)

³¹⁶ (Moon, 2025)

³¹⁷ (Asia, 2025)

³¹⁸ (OECD, Pensions at a Glance 2021, 2021)

and working conditions. It also outlaws age-specific wording in job advertisements, such as “applicants under 35 preferred,” unless objectively justified. Violations can lead to fines and compensation orders. In addition, the Act requires employers to establish retirement ages of at least 60, a reform introduced in 2013 to gradually extend working life in line with demographic change.

However, enforcement remains weak. Unlike in the EU, where directives are supported by strong case law from the CJEU, Korean courts and administrative bodies rarely issue landmark rulings on age discrimination. According to reports by the NHRCK, most claims are resolved through mediation, and penalties are often modest. For example, in 2016 the Commission found that a large company’s job posting with an age cap of 32 violated the law, but the company faced only a corrective recommendation without binding sanctions³¹⁹. This has led scholars to argue that the law lacks sufficient deterrent effect³²⁰.

Other legislation intersects with age equality. The Framework Act on Gender Equality indirectly reinforces age equality by addressing the disadvantages faced by women throughout their life course. The Labor Standards Act also prohibits unfair dismissal, which can be applied to cases of age-based termination, though courts have interpreted this narrowly. Despite these frameworks, age-related employment practices—such as forced retirement at 60 or earlier in practice—continue to shape workplace realities.

6.1.2.8. Case Law and Practical Application

In South Korea, although legislation such as the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion provides for protections, case law illustrating unlawful age discrimination in hiring or job advertisements remains scarce. One notable case ruled by the Supreme Court on 14 March 2024 concerned a wage peak system implemented by a major bank: employees

³¹⁹ (National Human Rights Commission of Korea, 2017)

³²⁰ (이 & 김, 2020)

aged 55 and older had their salaries gradually reduced over several years as the retirement age was increased from 58 to 60. The court found that this did not constitute age discrimination under the law, judging that the system was justified by its alignment with retirement age policies and by measures related to the terms of employment³²¹.

On the other hand, the Daegu District Court decision of 27 April 2023³²² invalidated a wage peak system in a cooperative where workers aged 57 experienced sharp salary reductions without accompanying reductions in workload or duties, and where there was no proper collective agreement or employee consent as required by law. The court held that this constituted an unfavourable, and thus discriminatory, change in employment rules.

In addition, a Human Rights Watch report from 2025 documents multiple instances where older Korean workers, particularly those over 40, report being forced into early retirement, demoted, or subjected to wage cuts under policies justified by age, pension, or seniority arguments. The report underscores that despite legal prohibitions, practical enforcement is weak, and many workers bear reputational and economic damage with little recourse³²³.

These examples highlight a clear gap between the letter of the law and its effect: while age discrimination is prohibited formally, many wage systems, early retirement practices, and advertisements with age preferences continue to exist. Weak penalties and procedural requirements — such as collective agreement or consent — often reduce the risk of legal accountability for employers engaging in discriminatory practices.

6.1.3. Comparative Analysis: Age and Workplace Equality

The comparison between the European Union, with Austria as an example, and South Korea reveals that age equality in employment is a complex field shaped by both legal

³²¹ (김, 김, 김, & 조, 2025)

³²² (대구지방법원 2023. 4. 27. 선고 2021가합205418 판결 [임금, 2021])

³²³ (Human Rights Watch, 2025)

frameworks and cultural norms. Although both systems formally prohibit discrimination on the basis of age, their approaches diverge significantly in terms of enforcement, judicial development, and the interaction with labour market practices.

A common challenge across both contexts is that age discrimination affects workers at opposite ends of the employment spectrum. Younger employees often encounter difficulties entering stable jobs, being channelled into temporary or precarious contracts, while older workers are excluded from recruitment, training, and promotion or pressured into early retirement. This “dual exclusion” has profound social and economic consequences, undermining intergenerational solidarity and weakening labour market sustainability. Yet, the severity of these problems differs. In the EU and Austria, the issue manifests primarily in the persistence of precarious youth employment and early retirement practices, while in South Korea the problems are magnified by rigid workplace hierarchies, an accelerated demographic transition, and one of the highest elderly poverty rates in the OECD.

The legal frameworks in both systems provide a foundation for protection but operate with very different levels of effectiveness. In the European Union, Article 21 of the Charter of Fundamental Rights and Directive 2000/78/EC create enforceable rights, which the Court of Justice of the European Union (CJEU) has strengthened through case law such as *Mangold v Helm*³²⁴ and *Kücükdeveci v Swedex*³²⁵. These rulings oblige national courts to set aside conflicting national provisions, giving individuals a powerful tool to challenge age-based inequalities. Austria’s Equal Treatment Act (GIBG) reflects this supranational framework and has been applied by the Supreme Court, for instance in rejecting dismissals based solely on eligibility for early retirement. By contrast, in South Korea, the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion provides for similar prohibitions on paper, but enforcement remains weak. Decisions of the National Human Rights Commission of Korea (NHRCK) are non-binding, and judicial rulings often lack

³²⁴ (Court of Justice of the European Union, ECLI:EU:C:2005:709, 2005)

³²⁵ (Court of Justice of the European Union, ECLI:EU:C:2010:21, 2010)

consistency. While the Daegu District Court in 2023 recognised wage-peak systems as discriminatory when unjustified, the Supreme Court upheld similar practices in 2024 when linked to retirement policy adjustments. This demonstrates that while European law tends toward a rights-based model with binding effect, the Korean system remains recommendatory and fragmented, limiting its deterrent power.

Cultural and structural factors further explain the gap between law and practice. In Austria, indirect discrimination persists through institutional practices such as seniority-based pay and collectively negotiated retirement provisions. These encourage early labour market exit, reflected in an average effective retirement age below statutory levels. Although formally neutral, such practices sustain stereotypes that older workers are less productive or more costly. In South Korea, cultural seniority (연공서열) institutionalises age distinctions even more explicitly, assigning rank, salary, and authority based on age and tenure. At the same time, corporate restructuring has fostered practices such as forced early retirement or wage-peak systems, which cut salaries of older employees while extending their tenure. These measures reinforce stereotypes that younger workers are more adaptable and deserving of investment, while older workers are burdensome. The comparison shows that while Austria's challenges are largely structural and indirect, Korea's are culturally entrenched and openly age-based, making reform more difficult.

The intersection of age with gender and family responsibilities reveals further parallels and divergences. In Austria, women returning from childcare leave often re-enter the workforce in part-time roles, weakening long-term career progression and pensions. Older women therefore suffer from compounded disadvantages: they are perceived both as less productive because of their age and less committed because of gendered expectations. In South Korea, these disadvantages are even more severe. The “M-curve” of female labour force participation reflects mass withdrawal during childbearing years, with only partial and insecure re-entry later in life. Older women are thus doubly marginalised, facing the combined effects of ageist stereotypes and deeply rooted gender norms that treat their labour as secondary. This suggests that while both systems expose women to cumulative inequalities, Korea's cultural expectations intensify these patterns far more than in Austria.

The consequences for social cohesion are evident in both regions. In the EU, the exclusion of older workers places pressure on pension systems and undermines the promotion of active ageing, while precarious youth employment slows social integration. Austria exemplifies these trends with below-average employment rates for older workers and rising numbers of young people in atypical jobs. In South Korea, the effects are even more dramatic: the elderly poverty rate exceeds 40%, and widespread youth underemployment fuels disillusionment and declining birth rates. The result is a dual exclusion that threatens both equality and long-term economic stability.

In conclusion, both the EU and South Korea have recognised age equality as a legal principle, but their effectiveness in realising it diverges sharply. The EU model demonstrates the power of supranational law and jurisprudence to create enforceable rights, though it still struggles with structural practices that perpetuate early retirement and youth precarity. Austria illustrates both the benefits of this framework and the limits of enforcement when cultural stereotypes remain strong. South Korea, by contrast, shows how legal guarantees can be undermined when enforcement mechanisms are weak and when cultural hierarchies are deeply embedded. While the EU provides a stronger model for enforceable age equality, South Korea highlights the urgent need for reforms that go beyond legal provisions to address cultural and structural barriers. The comparative analysis suggests that age equality cannot be achieved by law alone: it requires a combination of binding legal remedies, structural reforms in labour markets, and a cultural shift in how societies value both younger and older workers.

6.2. Family Relationships and Gendered Expectations

Family relationships and gendered expectations have a profound impact on workplace equality, influencing the opportunities and challenges that both women and men face in balancing their professional and personal lives. In both the European Union (with a focus on Austria) and South Korea, traditional gender roles continue to shape expectations around family responsibilities, with significant implications for career progression, work-life balance, and the treatment of employees in the workplace. This section examines how family relationships and gendered expectations affect workplace equality, focusing on the societal and cultural pressures faced by individuals in both regions.

6.2.1. Family Relationships and Gendered Expectations in European Union: Austria in Focus

Since 2019, research and statistical reports have increasingly highlighted that, despite robust legal and policy frameworks in the European Union, cultural norms, expectations, and practices continue to pose substantial obstacles to achieving equality—especially in the domain of family life (child care, housework, parental roles). In Austria, many of these cultural obstacles are well-documented; policies exist to mitigate disparities, but uptake, social attitudes, and “everyday culture” often lag, reinforcing inequities. Below I lay out the major strands regarding time use, unpaid work, parental leave, norms about parenthood, attitudes toward gender roles, institutional culture and the interplay between policy and culture.

6.2.1.1. Time Use and Unpaid Work

A key way culture expresses itself is in who does what in the home. Studies show that women continue to perform a much larger share of unpaid work (childcare, eldercare, household chores) than men. For instance, OECD’s *Gender Equality in a Changing World (2025)*³²⁶ underlines that across its member countries, including Austria, women work fewer paid hours, are more often in part-time work, and take on more unpaid tasks. Stereotypes, internalized gender norms, and societal expectations contribute heavily to this gap.

In Austria specifically, a recent qualitative study *Paid Parental Leave in Correlation with Changing Gender Role Attitudes* (2023) looked at how couples (2021-22) negotiate childcare, employment, and household chores. Despite relatively generous parental leave policies and the existence of a “partnership bonus” to monetary reward more equal sharing of childcare benefits, most fathers still held to the breadwinner role, often working (or continuing to expect to work) even during periods when they could

³²⁶ (OECD, *Gender Equality in a Changing World - Taking Stock and Moving Forward*, 2025)

have taken leave³²⁷. Mothers, in contrast, more frequently had to assert their right to work rather than default to full-time caring roles³²⁸.

Such findings are *consistent with broader analyses of time allocation in Europe: The Gender Gap in Time Allocation in Europe (2020) finds (across EU states) that even when women increase paid work, the unpaid work burden falls disproportionately on them*³²⁹. These persistent imbalances in time use are rooted in cultural norms around what is “expected” of women versus men, both in terms of obligation and propriety.

6.2.1.2. Parental Leave, Childcare, and Norms Around Parenthood

Legal frameworks for parental leave and childcare infrastructure are crucial policy levers for promoting gender equality. Austria has made some strides here: there are quite generous leave provisions and incentive structures (partnership bonus) for more equal sharing. However, usage of these instruments remains uneven, indicating that cultural expectations still condition behavior. From *OECD’s Economic Surveys: Austria 2021*, the parental leave system “as currently implemented helps to perpetuate separate gender roles.”³³⁰ While there are provisions to encourage more balance, they are only sparsely used.

Childcare infrastructure also shows gaps: availability, quality, and geographic coverage (especially in rural areas) remain uneven. For many families, care options do not align with working hours or expectations of flexibility, making it harder for both parents to work full time, or at least for roles to shift significantly from traditional patterns³³¹.

Moreover, qualitative interviews in the 2023 study show that cultural expectations at workplaces also affect how people feel about taking leave or asking for flexible work. In some cases, fathers using leave or flexible parental arrangements are perceived as

³²⁷ (Mauerer, 2023)

³²⁸ (Schmidt & Schmidt, 2022)

³²⁹ (Gimenez-Nadal & Molina, 2020)

³³⁰ (OECD, *Economic Surveys: Austria 2021*, 2021)

³³¹ (OECD, *Economic Surveys: Austria 2021*, 2021)

less committed or face subtle or overt pushback. Mothers often have to negotiate more, or accept lower expectations of career progress, in exchange for performing caregiving work³³².

6.2.1.3. Attitudes Toward Gender Roles

Attitudes and norms are perhaps the central cultural lever. They both influence behavior and constrain how much policies can shift practice.

According to *Employment and Social Developments in Europe: Gender Attitudes Towards Work across EU Member States (2024)*³³³, most EU populations, including Austria, support equality in principle. However, many maintain more traditional beliefs about division of household labor or expect women to take more responsibility for care when children are involved. These “mixed attitudes” are widespread: people may support equality of opportunity but still believe that in practice, women will (or must) reduce paid work to accommodate family obligations.

In Austria, a longitudinal look at “parenthood effect on gender attitudes”³³⁴ examines how becoming a parent tends to shift gender attitudes, often in more traditional directions: parents often increase endorsement of traditional division of labor (women caring, men as breadwinner) after becoming parents, even if earlier beliefs were more egalitarian. This suggests that cultural norms around family roles are especially strong at moments of transition (birth of first child, etc.).

Another study³³⁵ investigates prescriptive norms about total workload (paid and unpaid) and finds that many people continue to hold strong beliefs about what is appropriate or expected: e.g. that women should do more of housework and care, even if they also do paid work. These beliefs remain deeply embedded culturally and socially.

³³² (Mauerer, 2023)

³³³ (European Commission, *Employment and Social Developments in Europe - Egalitarian, traditional or neither? Gender attitudes towards across EU Member States*, 2024)

³³⁴ (Valenta-Bergmann, 2025)

³³⁵ (Düval, 2023)

6.2.1.4. Institutional Culture, Policy vs Practice, and Quotas

Legal equality, institutional mechanisms, and quota policies can only go so far if social norms and institutional cultures resist or underplay them.

Austria's institutional mechanisms for gender equality and gender mainstreaming are actually stronger than EU average, and have shown improvement since 2021. EIGE reports that Austria is doing well in formal gender mainstreaming mechanisms (structures in government, staffing, budgets) compared to many other EU member states³³⁶.

But as one study³³⁷ shows, simply increasing women's representation via quotas (e.g., in universities, in supervisory boards) does not automatically lead to cultural change. In Austria's higher education sector, after the introduction of quota regulation, numbers of women in decision-making roles increased, but male leadership often still ascribed responsibility for "gender competence"³³⁸ to women; there was limited reflexivity among male leadership about their own roles and biases. Cultural expectations and institutional inertia meant that real change in how decisions are made, acknowledged, or how roles are shared, remained limited.

In addition, policy uptake and effectiveness often depend on cultural acceptance. For example, though Austria has the partnership bonus for more equal childcare leave, actual applications or usage are still low, partly because cultural norms push back: the idea that mother should be primary in early care, or that father's role is secondary. Also, employers' expectations and workplace culture sometimes discourage or stigmatize fathers taking leave³³⁹.

6.2.1.5. Outcomes: Pay, Pension, Visibility, Stress, Inequality

Cultural norms lead to measurable inequalities over the life course, not just in attitudes. The gender pay gap in Austria remains substantial. The Austrian indicates one of the

³³⁶ (European Institute for Gender Equality, Austria - Gender Mainstreaming, 2025)

³³⁷ (Wroblewski, 2021)

³³⁸ (Wroblewski, 2021)

³³⁹ (Mauerer, 2023)

higher pay gaps in Europe, particularly when part-time work, breaks for childcare, and occupational segregation are considered³⁴⁰.

The pension gap is especially large. Austria has one of the highest gender pension gaps in the EU: about 38-42% depending on the cohort. Different working years, career breaks, part-time work, lower earnings all contribute.

Under stress (e.g. COVID-19) these cultural and structural inequalities become more burdensome. The study Gendered impact of COVID-19 containment measures (2022) highlights that in Austria, as in other EU countries, women took on far more unpaid care work and experienced greater conflict between work and family, with adverse mental health outcomes³⁴¹.

Cultural invisibility of unpaid labor, and a lack of recognition or valuation (e.g. in social policy, taxation, retirement credit for care) exacerbate these disadvantages. The life course effects in earnings, pension entitlements and career progression cumulate. For example, parental leaves, part-time work, breaks for caring duties reduce both wage growth and pension contributions, and institutional culture often fails to counterbalance these losses³⁴².

6.2.2. Family Relationships and Gendered Expectations in South Korea

Since 2019, a number of studies, surveys, and policy analyses have painted a complex picture of how cultural norms, institutional practices, and everyday expectations in South Korea interact to both enable and hinder gender equality in family life. Below I outline key themes concerning unpaid domestic & care work, parental leave, norms around leave-taking, workplace culture, attitudes and norms (what people believe and outcomes and life-course effects).

6.2.3. Unpaid Domestic & Care Work

³⁴⁰ (Gärtner, Scambor, & Posch, 2019)

³⁴¹ (Gencer, et al., 2022)

³⁴² (OECD, Gender Equality in a Changing World - Taking Stock and Moving Forward, 2025)

One of the most visible cultural barriers to gender equality in South Korea is the unequal distribution of unpaid household and care work. Research conducted since 2019 consistently shows that women devote significantly more time than men to domestic and caregiving tasks. Park et al. (2022)³⁴³, for instance, found that women spend on average 54 minutes per day caring for children or elderly family members, compared to just 17 minutes for men.

More broadly, findings from *A Study on the Effects of Gendered Social Norms (2023)*³⁴⁴ reveal that men perform only about 17.2 percent of the total volume of unpaid household and care work, a figure that contrasts sharply with Northern European countries, where men contribute over 40 percent. These disparities are not merely statistical but reflect deeply ingrained cultural expectations that caregiving and domestic responsibilities are inherently women's duties, while men's involvement is seen as secondary or supplementary. As a result, women are more likely to reduce their paid working hours, interrupt their careers, or shift into part-time or less demanding employment in order to meet the demands of family and care, thereby reinforcing structural inequalities in the labor market.

6.2.4. Parental Leave, Leave-Taking Norms, and Policy Uptake

South Korea has expanded and revised its parental leave policies in recent years, yet the cultural norms surrounding leave-taking, particularly among fathers, together with institutional pressures in the workplace, have limited both their uptake and their effectiveness. As shown in Kim's study *Parental Leave Reforms in South Korea, 1995–2021: Policy Translation and Institutional Legacies (2023)*³⁴⁵, the legal framework provides broad access to leave, but institutional legacies such as entrenched workplace practices and prevailing social expectations shape how the policy is used. In practice, many men either refrain from taking leave altogether or restrict it to very

³⁴³ (Park, Jang, Joo, Kim, & Park, 2019)

³⁴⁴ (Kim Y.-s. , 2022)

³⁴⁵ (Kim & Lundqvist, 2023)

short periods, largely due to stigma, concerns about being perceived as less committed, or fears of career disadvantages.

The OECD report *Korea's Unborn Future (2024)*³⁴⁶ further underscores that parental leave usage in Korea is lower than in most OECD countries and that public expenditure on child-related leave benefits remains among the lowest. Nonetheless, qualitative evidence shows that when fathers do take leave, they sometimes choose longer periods or use more flexible arrangements and often report being more actively involved in caregiving and household responsibilities. Still, such cases remain the exception rather than the norm. Overall, cultural expectations that define caregiving as primarily a woman's duty, combined with the idea that men should prioritize paid employment and demonstrate dedication through long working hours, continue to undermine the potential of parental leave policies to foster a more equal division of family and care work.

6.2.5. Work-Culture, Long Hours, and Institutional Pressures

Another important dimension lies in workplace culture, where long hours and employer expectations strongly reinforce gendered roles. South Korea's highly competitive work environment and the persistence of norms that value long working hours and constant physical presence at the workplace disproportionately disadvantage individuals with caregiving responsibilities, who are more often women. As a result, marriage and childbirth are frequently accompanied by a reduction in women's paid working hours or even their withdrawal from the labor market, a development that is far less common among men. Evidence from the *Care Work Family Survey* and microsimulation analyses by Ilkkaracan and Memis (2022)³⁴⁷ indicates that reducing statutory weekly working hours from extremely long schedules to more moderate ones could substantially improve gender equality by increasing the time men spend on care, lowering women's unpaid workload, and allowing them to expand their paid work³⁴⁸.

³⁴⁶ (Yang, Hwang, & Pareliussen, 2024)

³⁴⁷ (Ilkkaracan & Memis, 2022)

³⁴⁸ (Ilkkaracan & Memis, 2022)

These findings highlight how rigid and demanding work expectations act as cultural barriers that perpetuate gendered divisions of labor and limit the practical effectiveness of policies designed to foster equality.

6.2.6. Attitudes, Beliefs, and Norms

Cultural beliefs and norms surrounding gender roles remain deeply entrenched in South Korea and often stand in tension with legal provisions that aim to promote equality. The RAND report *Promoting Gender Equality in South Korea (2023-2024)*³⁴⁹, highlights this ambivalence, showing that while many younger Koreans endorse egalitarian values in principle, such as equal rights and educational opportunities, in everyday practice women are still expected to shoulder the majority of family responsibilities, particularly after marriage or childbirth. This contradiction illustrates how equality is formally acknowledged but traditional obligations continue to shape behavior. Similar tensions are visible in the way children are socialized into gender roles. The qualitative study *Narratives of Children's Gender Socialization from Fathers (2024)*³⁵⁰ examined how fathers who had taken parental leave spoke about gender roles with their children. Some fathers expressed a genuine commitment to more egalitarian ideals, but many revealed a conflicted stance, simultaneously affirming equality while reverting to conventional expectations about what boys and girls should do.

Workplace attitudes reinforce these cultural pressures, as leave-taking by fathers is often interpreted as a lack of dedication, discouraging its use³⁵¹. Women, on the other hand, face expectations in the opposite direction: maternity leave is often assumed as a given, and women who do not take it may be judged as neglectful parents. This creates a double bind in which both men and women are constrained by social expectations, and where legal entitlements to leave are undermined by powerful cultural norms.

³⁴⁹ (Hicks, Bouey, Hu, & Wang, 2025)

³⁵⁰ (Lee Y. , *Narratives of Children's Gender Socialization from Fathers Who Take Parental Leave in South Korea*, 2024)

³⁵¹ (Yang, Hwang, & Pareliussen, 2024)

6.2.7. Comparative Analysis: Family Relationships and Gendered Expectations

While both regions have introduced laws and policies aimed at equalizing opportunities between men and women, the persistence of traditional cultural norms continues to hinder genuine progress. A comparative perspective reveals that Austria and South Korea face overlapping challenges, such as the unequal distribution of unpaid care work, low uptake of parental leave by fathers, and entrenched beliefs about gendered family roles. Yet, the degree to which these issues are embedded in everyday life, and the ways in which they interact with broader institutional structures, differ significantly.

In Austria, extensive data collected since 2019 illustrates that even though the legal framework for equality is strong, cultural practices lag behind. Women still perform a disproportionate share of unpaid work, and studies consistently show that household and caregiving responsibilities remain heavily gendered. This imbalance is reinforced by cultural expectations: fathers are still widely seen as breadwinners, while mothers, even when employed, are expected to take primary responsibility for childcare and domestic work. The persistence of these expectations explains why generous parental leave policies and incentives such as the “partnership bonus” are underutilized by men, leaving the bulk of family responsibilities with women. Workplaces also reflect these attitudes: men who do take leave are often perceived as less dedicated, while women are penalized in career progression if they prioritize family responsibilities. The result is a gender pay gap of around 18 percent and one of the highest pension gaps in the EU, which illustrates how cultural norms compound into structural inequalities across the life course. Even quota systems in higher education and corporate governance have not fully shifted the deeper cultural expectations about who should lead and who should care. The COVID-19 pandemic further highlighted these disparities, as women took on a significantly higher share of additional unpaid care work, resulting in elevated stress levels and adverse effects on mental health.

South Korea presents a parallel but even more accentuated picture. Despite significant legislative reforms since the mid-1990s to promote gender equality and work-family balance, the reality of cultural expectations undermines implementation. Women in Korea spend substantially more time on unpaid care work than men, and Korean men’s contribution to unpaid domestic labor is only about 17 percent, in contrast to over 40

percent in Northern Europe. This reflects strong cultural beliefs that caregiving and household duties are inherently women's responsibilities, regardless of their participation in the labor market. These norms push women to scale back on paid employment, take career breaks, or shift into part-time work in order to meet domestic obligations.

Parental leave policies in Korea are formally generous, but uptake remains low, especially among men. Studies show that men frequently avoid taking leave due to stigma, workplace cultures that valorize long hours, and the fear of career disadvantages. Even when fathers take leave, they often do so for short periods or in contexts that minimize disruption to their jobs. The OECD has noted that South Korea's expenditure on parental leave is among the lowest in the OECD area, and overall participation rates remain below international averages. This lack of effective leave-taking perpetuates the cultural association of women with care and men with work. Long working hours and rigid corporate cultures exacerbate these divisions. Unlike Austria, where flexible work is increasingly integrated into policy debates, South Korea's intense workplace culture leaves little room for caregiving responsibilities, especially for men. As a result, women experience sharp declines in labor force participation after marriage and childbirth, and their career trajectories are frequently disrupted in ways that men's are not.

Attitudinal data also highlight striking similarities and differences between the two regions. In Austria and the EU more broadly, surveys show that most people endorse gender equality in principle, but in practice they continue to support traditional divisions of labor when children are involved. Parenthood is a turning point that often strengthens traditional attitudes, with couples reverting to gendered patterns even if they held egalitarian beliefs before. In South Korea, the tension between ideals and reality is even more pronounced. Younger Koreans increasingly express egalitarian values, but traditional expectations remain deeply entrenched in daily life. Fathers who take leave may espouse progressive ideals, yet many still transmit conventional gender norms to their children, reflecting ambivalence between modern beliefs and inherited practices. Workplace attitudes reinforce these expectations: male employees risk being perceived as uncommitted if they take leave, while women are judged

harshly if they deviate from the assumed maternal role, either by working full time or by forgoing maternity leave altogether.

The outcomes of these cultural dynamics are visible in both regions, though again the intensity varies. Austria continues to struggle with persistent pay and pension gaps, reflecting the cumulative impact of part-time work, career breaks, and unpaid caregiving. South Korea faces one of the largest gender pay gaps in the OECD, with women earning less than 70 percent of men's wages on average. The "motherhood penalty" in Korea is particularly severe, as many women leave the labor force entirely after childbirth and face difficulties returning later. Moreover, the cultural expectation that women should carry the dual burden of work and caregiving has contributed to Korea's extremely low fertility rate, which has become a national policy concern. Austria shares some of these challenges but benefits from stronger childcare infrastructure and more widespread part-time employment opportunities, even if these options still disproportionately affect women's long-term career outcomes.

When comparing Austria with South Korea, it becomes clear that both regions grapple with the cultural inertia of traditional gender roles. In Austria, progressive laws and EU frameworks provide a strong foundation for equality, but cultural expectations about family roles continue to undermine their effectiveness. South Korea, by contrast, combines similarly progressive legal reforms with even more deeply ingrained cultural and institutional barriers, including rigid workplace cultures, long working hours, and strong stigmas against men who participate in caregiving. In both contexts, cultural beliefs and expectations ultimately determine whether policies succeed or fail, making it evident that legal reforms alone cannot dismantle entrenched inequalities.

Thus, the comparative analysis demonstrates that while Austria and South Korea differ in institutional structures and demographic pressures, they share the challenge of aligning cultural norms with legal frameworks. Without cultural change—such as normalizing men's participation in caregiving, reducing the stigma attached to flexible work, and revaluing unpaid labor—policy measures will remain only partially effective. Both regions highlight the importance of tackling cultural expectations directly if workplace equality is to move beyond formal rights toward substantive reality.

6.2.8. Implications for Policy and Practice

The comparative analysis of Austria and South Korea reveals that although both legal frameworks and family policy infrastructures have advanced in recent years, cultural norms and institutional practices continue to undermine the goal of genuine workplace equality. For policy and practice, this means that reforms must not only change laws and benefits but also systematically address the cultural, organisational, and normative conditions that mediate how these laws are used. First, in Austria, recent research shows that flexibility and financial incentives in parental leave reforms significantly affect fathers' uptake. A study by Ziegler (2025)³⁵² examining recent Austrian reforms finds that when leave options are more flexible (e.g. shorter leave durations, more choices), fathers are more likely to take leave—even if the total duration declines. Financial incentives also help, but flexibility plays a stronger role in shaping behavior. This suggests that Austrian policymakers should continue to refine leave schemes to allow greater variation in duration and timing to accommodate diverse family situations. Moreover, Austria's practice of offering “bonus weeks” or additional paid leave if both parents share portions of the leave entitlement (also referred to in EIGE's parental leave policies toolkit) further illustrates that incentive-based mechanisms help make equitable sharing more attractive³⁵³.

Yet uptake remains limited, pointing to the persistent barrier of cultural expectations: fathers often perceive leave-taking or caregiving responsibilities as risky for their careers, or incompatible with masculine role norms. To address this, policy should be accompanied by public campaigns and employer-level interventions that reduce stigma and create visibility for men who share caregiving. In practice, Austrian workplaces could adopt “father-friendly” policies explicitly, e.g. allowing fathers to take leave without penalty, elevating role models, and ensuring that flexible working or part-time jobs are not automatically career-limiting.

³⁵² (Zielger & Bamieh, 2025)

³⁵³ (European Institute for Gender Equality, Gender Equality Index 2019: Work-life balance, 2019)

Second, childcare infrastructure and affordable quality childcare are essential enablers. The OECD's Korea's Unborn Future (2024)³⁵⁴ finds that Korea's challenges in work–life balance are in part attributable to insufficient childcare services and working conditions that penalize caregiving.

In Austria, while infrastructure is more developed, there remain gaps in rural areas or in matching hours of childcare with parents' working hours. Policy should therefore ensure not just availability, but alignment of service hours with employment patterns, high quality, and geographic equity. Subsidies may help, but regulation and oversight of service quality and accessibility are equally critical.

Third, the design of parental leave policies must consider the trade-offs and unintended consequences. Recent work³⁵⁵ shows that more generous parental leave benefits can help narrow gender gaps in labour supply and possibly support fertility, especially among couples where both parents are educated. However, if leave is too long or too generous without sufficient supports (childcare, norms, employer culture), it may exacerbate gender gaps because women tend to take much more of it.

This means policy makers should calibrate leave durations, benefit levels, and eligibility so as to encourage equitable use by both parents rather than reinforcing the default that women will be the primary caregivers. In Austria, reforms that introduced flexibility alongside financial bonuses have shown some success in increasing fathers' take-up of leave, though fathers' average leave duration remains small³⁵⁶.

Fourth, organisational culture and employer norms matter greatly. Evidence from both countries shows that even when leave and benefits exist, uptake is often hindered by fear of negative career consequences, cultural stigma, or normative expectations about what a “responsible employee” does. In South Korea, a study *Norms about Childcare, Working Hours, and Fathers' Uptake of Parental Leave* (Lee, 2023)³⁵⁷

³⁵⁴ (Yang, Hwang, & Pareliussen, 2024)

³⁵⁵ (Kim & Yum, 2025)

³⁵⁶ (Ziegler & Bamieh, 2023)

³⁵⁷ (Lee Y. , Norms about childcare, working hours, and fathers' uptake of parental leave in South Korea, 2023)

demonstrates how strong working-hour norms and the expectation that employees (especially men) prioritize work over family reduce leave use among fathers despite legal entitlement.

Similarly in Austria, male-dominated industries often have rigid schedule expectations, less part-time work, fewer flexible hours, and slower cultural acceptance of father involvement. The EU project “*Men and Reconciliation of Work and Family*”³⁵⁸ in Austria found companies in male-dominated sectors particularly resistant to flexible working and parental part-time employment.

Thus it is imperative that policy implementers engage employers as partners, develop training for managers on gender competence, introduce norms of flexible working, make leave use by men visible and valued, and ensure that employees who take leave or work flexibly are not penalised in promotions or evaluation.

Fifth, communication, visibility, and normative change are essential complements to legal reform. Policies are more effective when people know about them, when using them is socially accepted, and when role models are visible. In Austria, for example, case studies show that where managers themselves take parental leave, or where companies announce father-friendly policies publicly, uptake by male employees increases. The Austrian bonus weeks and improved flexibility have had some effect, but the cultural norm of the “breadwinner father” remains strong. In South Korea, despite legislative reforms and subsidies, the reported dip in parental leave uptake in 2023 (a drop of 3.9 %) suggests that policy design alone is fragile unless the social environment supports usage³⁵⁹. Public awareness campaigns, normalization of caregiving by men, and challenging stereotypes about motherhood and fatherhood should be part of a comprehensive strategy.

Sixth, monitoring, evaluation and fine-tuning are required. Because changes in cultural norms are slow and indirect, it is crucial for policies to be evaluated both quantitatively

³⁵⁸ (Pointecker, et al., 2018)

³⁵⁹ (Yoon, 2024)

and qualitatively over time—to track not only usage rates, but also the experiences of caregivers (women and men), employer reactions, career outcomes, mental health, and well-being. For instance, the study “*Does a flexible parental leave system stimulate maternal...*” (Ziegler, 2025³⁶⁰) in Austria highlights how reforms that allow multiple leave scheme options yield different outcomes depending on how individuals perceive financial cost, job security, and flexibility.

In Korea, similar longitudinal data and qualitative work need to follow up whether reforms (e.g. more leave, universal childcare, etc.) are shifting gendered behaviors or mainly benefiting those already predisposed toward more egalitarian division of labor.

Finally, at the level of institutions (governments, social partners, employers), there must be alignment: policy design, public messaging, administrative support, workplace regulation and enforcement must all pull in the same direction. Legal leave rights and infrastructure only go so far if workplace cultures or collective bargaining do not support them. For example, Austria’s bonus weeks for parental leave sharing between parents are valuable tools, but their potential is undercut if fathers in certain industries fear reprisal or stigma. In South Korea, reducing working hours and improving family-friendly working conditions are repeatedly identified as “success factors”³⁶¹ for balancing fertility and female employment.

In conclusion, the implications for policy and practice are that achieving substantive equality in workplaces requires multi-layered strategies: refining policy design to enhance flexibility and financial incentives; strengthening childcare infrastructure; tackling organizational culture and expectations; promoting visibility and normative change; and building robust monitoring and evaluation. For your thesis, this suggests that recommendations should not only propose what laws or benefits to improve, but also how to foster cultural and institutional contexts in which people feel able and supported to use them equally.

³⁶⁰ (Zielger & Bamieh, 2025)

³⁶¹ (Yang, Hwang, & Pareliussen, 2024)

7. Policy and Practice Recommendations

The comparative analysis of the European Union, Austria, and South Korea has shown that while legal frameworks for workplace equality are formally well established, their effectiveness in practice remains constrained by persistent cultural norms, structural labour market patterns, and weak enforcement mechanisms. These findings underline the need for targeted policy and practice recommendations that move beyond legal guarantees and actively address the implementation gap.

In the European Union and Austria, the main challenges are linked to structural inequalities in the labour market, particularly in relation to age and gender. Older workers continue to face premature labour market exit, despite policies promoting active ageing³⁶², while younger workers remain overrepresented in precarious and fixed-term contracts³⁶³. At the same time, family responsibilities and gendered expectations disproportionately affect women: Austria, for example, has one of the highest female part-time rates in the EU in 2022, with more than 50% of women working part-time compared to less than 10% of men³⁶⁴. This dynamic not only contributes to the gender pay gap, which stood at 16.8% in Austria in 2022³⁶⁵, but also to a gender pension gap of nearly 33.1%³⁶⁶. These figures illustrate that formal rights do not automatically translate into substantive equality, especially when cultural practices and economic incentives encourage the persistence of traditional divisions of labour.

South Korea faces similar but more acute challenges. Despite the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion and the Equal Employment Opportunity and Work-Family Balance Assistance Act, enforcement mechanisms remain weak, with many rulings of the National Human

³⁶² (OECD, Working Better with Age (Ageing and Employment Policies), 2019)

³⁶³ (Eurostat, Temporary and permanent employment - statistics, 2024)

³⁶⁴ (Statistik Austria, Frauen verdienen 2022 brutto pro Stunde um 18,4 % weniger als Männer - Geschlechterunterschiede bei Einkommen, Erwerbstätigkeit und unbezahlter Arbeit weiterhin hoch, 2024)

³⁶⁵ (European Institute for Gender Equality, Unadjusted gender pay gap (%) by working time, 2022)

³⁶⁶ (European Institute for Gender Equality, Gender pension gap (%) in the age group 65-74, 2022)

Rights Commission being recommendatory rather than binding³⁶⁷. Labour market structures such as wage-peak systems, mandatory retirement, and strong seniority hierarchies reinforce age-based exclusion. Women continue to experience the so-called “M-curve” of labour market participation, reflecting withdrawal during childbearing years and re-entry in insecure positions later in life³⁶⁸. South Korea also records one of the highest elderly poverty rates in the OECD, with more than 40% of people over 65 living in relative poverty³⁶⁹, illustrating the long-term consequences of weak protection against discrimination and insufficient family support systems.

These findings demonstrate that equality in the workplace cannot be secured by legislation alone. Effective implementation requires a multi-layered strategy that combines binding legal remedies, supportive infrastructure (e.g., childcare and retraining), and cultural change in workplace and family norms. The following recommendations are therefore designed to translate legal frameworks into practical improvements, targeting both institutional enforcement and broader social dynamics.

7.1. Recommendations for Governments

Governments in both the European Union and South Korea hold the primary responsibility for ensuring that legal principles of equality are not merely symbolic but are effectively implemented in workplaces. While legislation provides the framework, persistent inequalities highlight the need for stronger enforcement, institutional reform, and cultural change.

In the European Union and Austria, one key recommendation is the strengthening of enforcement mechanisms. The Austrian *Equal Treatment Act (GIBG)* provides protection against age and gender discrimination, yet modest levels of compensation reduce its deterrent effect. Governments should therefore introduce higher sanctions

³⁶⁷ (김 남. , 2015)

³⁶⁸ (Moon, 2025)

³⁶⁹ (OECD, Pensions at a Glance 2021, 2021)

and empower equality bodies to act proactively, including monitoring compliance and imposing penalties, rather than relying solely on individual complaints.

A second priority lies in promoting active ageing policies. Austria continues to record a relatively low employment rate among older workers—about 59% of those aged 55–64 were employed in 2024, below the EU average³⁷⁰. This illustrates the structural barriers that encourage early retirement. Governments should therefore expand lifelong learning and retraining programmes, while creating financial incentives for companies to retain older workers. Such measures align with OECD recommendations on extending working lives to strengthen pension sustainability³⁷¹.

Family responsibilities and gendered expectations also remain a pressing issue. Governments should therefore expand affordable childcare and incentivize men to take parental leave. The implementation of the *Work-Life Balance Directive* already provides a legal foundation, but practice requires further innovation. For example, Austria is planning to introduce a mandatory two-month quota for fathers within the parental leave system, while some EU countries, such as Sweden, apply a “use-it-or-lose-it” model where leave is forfeited if the father does not use it³⁷². Financial incentives, such as Austria’s *Familienzeitbonus* of up to €1,700 per month for parents who share leave, could also be expanded³⁷³. In addition, governments should ensure that returning parents have legal entitlements to comparable positions and access to training opportunities, as studies show that flexible leave schemes shorten parental absence and support long-term career continuity³⁷⁴.

Turning to South Korea, the most urgent recommendation concerns the enforcement of anti-discrimination laws. While the *Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion* and the *Equal Employment Opportunity and Work-Family Balance Assistance Act* provide important guarantees,

³⁷⁰ (Statistik Austria, Erwerbstätigenquote Älterer (55-64 Jahre), 2024)

³⁷¹ (OECD, Working Better with Age (Ageing and Employment Policies), 2019)

³⁷² (COFACE Families Europe, 2023)

³⁷³ (Bundeskanzleramt, 2025)

³⁷⁴ (Zielger & Bamieh, 2025)

decisions of the National Human Rights Commission of Korea (NHRCK) remain recommendatory rather than binding³⁷⁵. This weakens deterrence and allows discriminatory practices to persist. Legislative reform should therefore ensure that NHRCK decisions carry binding force or, at minimum, obligate courts to review and enforce them.

A second area is the reform of wage-peak and mandatory retirement systems, which currently reduce wages of employees above 55 or force early exit despite unchanged workloads. While the Korean Supreme Court upheld certain wage-peak systems, the Daegu District Court in 2023 declared such a scheme invalid when it imposed steep salary cuts without proper collective agreements or adjustments in duties³⁷⁶. Governments should establish clear criteria for wage-peak schemes, ensuring that they are linked to fair workload reductions and negotiated collectively, rather than used as unilateral cost-cutting tools.

Governments should also expand support for work–family balance. Women in Korea experience the so-called “M-curve,” with labour market participation dropping sharply in their thirties due to childcare and only partially recovering in insecure jobs³⁷⁷. Despite existing laws, many employers prefer paying fines rather than providing childcare facilities, as required by the Equal Employment Opportunity and Work–Family Balance Assistance Act³⁷⁸. The government should therefore raise penalties, introduce stronger incentives for compliance, and ensure universal access to affordable childcare. At the same time, parental leave for fathers should be made more attractive, both financially and socially, through state subsidies and awareness campaigns that challenge cultural norms around caregiving.

Finally, both Austria and South Korea should prioritise systematic data collection and monitoring. Reliable statistics on workplace discrimination, wage gaps, and parental

³⁷⁵ (김 남. , 2015)

³⁷⁶ (대구지방법원 2023. 4. 27. 선고 2021가합205418 판결 [임금, 2021])

³⁷⁷ (OECD, OECD Employment Outlook 2025, 2025)

³⁷⁸ (Lee J. , 2023)

leave uptake are essential for evidence-based policymaking. For instance, EU-wide Eurostat surveys show that 32.1% of young workers in 2023 were employed under fixed-term contracts compared to only 11.6% of older workers³⁷⁹, highlighting precarious employment at one end of the spectrum. Similar Korean labour market data could provide the foundation for targeted reforms addressing both youth unemployment and premature retirement of older workers.

Taken together, these recommendations emphasize that governments must act not only as legislators but also as enforcers, facilitators, and cultural leaders. Legal frameworks provide the skeleton of equality, but without active measures in policy and practice—ranging from binding sanctions to parental leave incentives and cultural awareness campaigns—the promise of workplace equality will remain unfulfilled.

7.2. Recommendations for Companies

While governments provide the legal framework, the responsibility for implementing workplace equality lies largely with companies. Employers shape day-to-day practices, organisational culture, and career opportunities. As the comparative analysis between the European Union, Austria, and South Korea has shown, cultural norms and structural barriers within firms often undermine legal guarantees. Therefore, targeted recommendations for companies are essential to ensure that workplaces move beyond formal compliance toward genuine equality.

7.2.1. Recommendations for companies in the European Union and Austria

In the European context, companies should prioritise transparent and objective human resources practices. Research demonstrates that older workers are systematically disadvantaged in recruitment, with fewer interview invitations compared to younger applicants with identical qualifications^{380 381}. To counteract this, employers should anonymise recruitment procedures, use competency-based assessments, and monitor

³⁷⁹ (Eurostat, Temporary and permanent employment - statistics, 2024)

³⁸⁰ (de Vries, Gentile, Miroudot, & M.Wacker, 2020)

³⁸¹ (Drydakis, Paraskevopoulou, & Bozani, 2022)

hiring outcomes by age and gender. Similarly, pay audits and transparent promotion criteria can reduce hidden biases and ensure compliance with the principle of equal pay under Directive 2006/54/EC and the new Pay Transparency Directive.

A second recommendation concerns family-friendly workplace policies. Austria faces particularly strong expectations that women assume the majority of childcare responsibilities, resulting in one of the highest female part-time rates in the EU. Several Austrian companies have developed best-practice examples that could be replicated more broadly. For instance, voestalpine operates comprehensive childcare facilities at its Linz site, including round-the-clock services (24/7 care on nights, weekends, and holidays), as well as a company kindergarten and nursery called “Vivo Kinderwelt”³⁸², which were expanded in 2024. Similarly, Porsche Holding Salzburg provides a company-run kindergarten in Salzburg (Austria), offering full-day and year-round care for employees’ children³⁸³. Other companies, such as Salzburg AG, provide a birth grant of up to €1,500 and support employees through flexible working time arrangements, home office options, and part-time management positions. These measures are designed to enable employees to take on leadership responsibilities while working part-time and to promote a more sustainable work–life balance.³⁸⁴ These initiatives illustrate how company-driven solutions—combined with flexible working hours, telework, and structured return-to-work pathways—can reduce the “part-time trap” and support a more equal division of family responsibilities.

Finally, companies must strengthen anti-harassment and diversity training. Surveys across the EU reveal that harassment and subtle forms of discrimination remain underreported, particularly in hierarchical workplaces³⁸⁵. Firms should therefore establish independent reporting mechanisms, provide mandatory training on unconscious bias, and link managerial bonuses to diversity targets. Such measures

³⁸² (Vivo Kinderwelt, 2025)

³⁸³ (Porsche Holding Salzburg, 2024)

³⁸⁴ (Salzburg AG, 2025)

³⁸⁵ (European Union Agency for Fundamental Rights, A long way to go for LGBTI equality, 2020)

ensure that equality is not treated as a symbolic commitment but as a measurable performance goal.

7.2.2. Recommendations for companies in South Korea

For Korean companies, the most pressing issue is the persistence of age-based hierarchies and wage-peak systems. Employers should shift away from rigid seniority-based pay and promotion models toward performance- and competency-based evaluation. As highlighted by the Daegu District Court in 2023, wage-peak systems that impose steep salary cuts without adjusting workloads or securing collective agreements can amount to unlawful discrimination³⁸⁶. Companies should instead design systems that balance sustainability with fairness, for instance by offering gradual workload reductions, voluntary phased retirement schemes, or retraining for new roles.

Another priority is the integration of women across all stages of the career cycle. The so-called “M-curve” of female labour force participation reflects workplace cultures that expect women to exit during their thirties. To counteract this, companies should invest in affordable in-house childcare, create return-to-work programmes, and ensure that career advancement remains possible for employees who take family-related leave. Some leading Korean firms, such as Samsung and Hyundai, have piloted on-site childcare centres and flexible return programmes, setting examples that other employers could follow³⁸⁷.

Major corporations have begun to introduce family-friendly policies and welfare benefits that go beyond statutory minimums, as a way to address demographic challenges and improve employee retention. For example, Samsung has expanded its childcare infrastructure: at its Suwon campus, the daycare capacity was increased to support up to 300 children, making it one of the largest corporate-run facilities in Korea³⁸⁸. Samsung also offers policies such as reduced working hours during

³⁸⁶386 (대구지방법원 2023. 4. 27. 선고 2021가합205418 판결 [임금, 2021])

³⁸⁷ (OECD, OECD Employment Outlook 2025, 2025)

³⁸⁸ (Tan, 2024)

pregnancy, remote working schemes, paid leave for childbirth, and a “reboarding” program to assist employees returning from parental leave³⁸⁹. Similarly, Hyundai Motor provides 90 days of paid maternity leave and 10 days of paid paternity leave. It also operates in-house daycare centers at several plants and offers flexibility in working hours³⁹⁰. Hyundai has even established a joint task force with its labour union to develop comprehensive support for employees with childcare needs³⁹¹. Other conglomerates such as LG and POSCO have also stepped up: LG gives employees up to two years of parental leave, and provides paid leave for fertility treatments³⁹². POSCO operates daycare facilities not only for its own employees but also those of partner companies³⁹³.

These corporate practices illustrate how companies can act as agents of change within the constraints of national regulation. By adopting robust childcare support, flexible work schemes, and return-to-work programs, Korean firms are beginning to align corporate practice with the ideals of gender equality and work–life balance. However, while these examples are promising, they remain concentrated among the largest conglomerates, and smaller firms often lack capacity to replicate them.

Moreover, Korean companies should actively promote cultural change in workplace dynamics. Hierarchical structures often discourage younger employees from voicing ideas and reinforce expectations that older workers remain until retirement regardless of performance. Introducing flat-team structures, mentorship programmes pairing older and younger employees, and cross-generational training initiatives could improve innovation and reduce intergenerational tension.

Across both regions, companies must also take ownership of data collection and reporting. By publishing age and gender diversity statistics, conducting internal equality audits, and setting measurable targets, employers can identify problem areas and track

³⁸⁹ (Samsung Corporation, 2025)

³⁹⁰ (Hyundai, 2025)

³⁹¹ (Tan, 2024)

³⁹² (Baek, 2023)

³⁹³ (Tan, 2024)

progress over time. Evidence from the EU demonstrates that companies engaging in systematic diversity monitoring not only improve compliance but also benefit from higher employee satisfaction and productivity³⁹⁴.

In sum, companies in both Austria and South Korea must recognise that workplace equality is not simply a matter of compliance with legislation but a core element of sustainable business practice. By embedding equality principles into recruitment, pay, promotion, and workplace culture, employers can reduce legal risks, strengthen competitiveness, and contribute to broader social cohesion.

8. Conclusion

8.1. Summary of Key Findings

This thesis has sought to explore the dynamics of workplace equality in Austria and South Korea by adopting a comparative perspective that takes into account both legal frameworks and everyday experiences within the workplace. The central aim was to understand how formal laws, organizational structures, and cultural norms intersect to either promote or hinder equality. By analyzing the European Union and Austrian legal frameworks on the one hand, and the South Korean legal system on the other, it became evident that legislation alone cannot fully account for the existing discrepancies in workplace equality. Instead, the findings consistently highlight the importance of implementation, enforcement, and cultural acceptance.

One of the most significant findings concerns the strength of the European legal system in embedding equality principles through directives and regulations that member states, including Austria, are obliged to implement. These frameworks cover a broad range of issues, including equal pay, non-discrimination in recruitment and promotion, maternity and parental leave, and protection against age-based or gender-based discrimination. Austria's transposition of these directives into national law, combined with strong institutional mechanisms for monitoring compliance, has created a relatively robust foundation for workplace equality. While gaps and challenges

³⁹⁴ (Directive (EU) 2023/970, 2023)

remain—particularly concerning the representation of women in leadership roles—progress is more visible in Austria than in South Korea.

In contrast, South Korea has established ambitious laws, such as the Equal Employment Opportunity and Work-Family Balance Assistance Act, the Maternity Protection Act, and the Framework Act on Gender Equality. These laws theoretically provide employees with comprehensive protection against discrimination and unequal treatment. Yet the research demonstrates that implementation remains inconsistent, largely due to weak enforcement mechanisms and strong cultural expectations that reinforce traditional gender roles. For example, despite the availability of parental leave, uptake among men remains extremely low, and women continue to face career disadvantages after childbirth.

A further key finding is that cultural norms significantly shape the effectiveness of legal provisions. In Austria, lower power distance, a higher degree of individualism, and cultural acceptance of work-life balance measures facilitate the implementation of equality policies. In South Korea, however, deeply ingrained hierarchical structures, expectations of long working hours, and unequal divisions of household and care labor reduce the effectiveness of equality legislation. The unequal distribution of unpaid care work emerged as one of the most persistent cultural barriers to workplace equality, with women disproportionately burdened despite legal frameworks promoting equality.

Moreover, the thesis has shown that sector-specific factors play a critical role. The legal profession in Austria, while still male-dominated in its highest ranks, shows gradual improvement due to EU-wide initiatives and national diversity strategies. In South Korea, however, female legal professionals still face significant barriers in terms of career advancement, networking opportunities, and work-life balance. Similar patterns can be observed in several corporate sectors, where Austria benefits from EU initiatives promoting women in leadership, while South Korea continues to struggle with entrenched gendered workplace practices.

Overall, the findings demonstrate that the gap between formal equality and lived experiences remains substantial in both contexts, albeit for different reasons: in Austria, the challenge lies in closing the remaining structural gaps; in South Korea, the difficulty lies in bridging the divide between ambitious laws and cultural realities.

8.2. Contributions to Research and Practice

This thesis contributes to academic research in several important ways. First, it provides a comparative perspective that has been underexplored in the literature. While many studies focus either on European workplace equality or on the South Korean context, few examine them side by side. By placing Austria, as an EU member state, and South Korea in direct comparison, this study sheds light on the different ways legal and cultural environments shape workplace equality outcomes.

Second, the thesis bridges legal and sociocultural analysis, demonstrating that neither legal frameworks nor cultural norms alone can fully explain the state of workplace equality. Instead, the findings suggest a complex interplay in which cultural acceptance of gender roles and organizational behavior either reinforce or undermine the legal system. This combined approach enriches the literature by moving beyond purely legalistic or purely sociological studies, providing a more holistic understanding of the issue.

Third, the study contributes to the understanding of sector-specific dynamics, particularly in the legal profession and corporate employment. By zooming in on these fields, the thesis highlights how certain industries may amplify or mitigate the effects of cultural expectations and legal standards. This insight is valuable because it points to the need for tailored strategies rather than one-size-fits-all approaches to equality.

In terms of practical contributions, this thesis highlights several lessons that can inform both policymakers and practitioners. For governments, the findings emphasize the need to ensure that legal frameworks are not only well-designed but also effectively enforced. Strong monitoring institutions, transparent complaint mechanisms, and awareness campaigns are crucial to bridging the gap between law and practice. For companies, the research underscores the importance of organizational initiatives that complement legal provisions—such as flexible working models, diversity and inclusion programs, and transparent promotion processes. Such measures can mitigate cultural resistance and promote genuine equality within the workplace.

Furthermore, this study shows that cultural transformation is a prerequisite for meaningful change. Legal reforms without cultural acceptance risk remaining symbolic.

As seen in the South Korean case, ambitious equality laws have limited practical effect unless accompanied by efforts to shift societal expectations regarding gender roles and family responsibilities. Conversely, Austria demonstrates that when cultural values are aligned with legal reforms, progress toward equality becomes more tangible.

8.3. Future Research Directions

The findings of this thesis also open up several avenues for further research. One promising direction is the longitudinal study of equality measures, particularly in South Korea, where cultural norms and workplace practices are gradually evolving. Tracking changes over time would allow researchers to assess whether legal reforms and corporate initiatives lead to sustained improvements in workplace equality.

A second avenue is the pursuit of sector-specific analyses across different industries. While this thesis focused on the legal profession and corporate employment, future research could investigate fields such as technology, healthcare, and education to capture a more comprehensive picture of workplace equality. Such studies would provide nuanced insights into how specific professional cultures interact with legal and cultural frameworks.

Third, future studies should adopt a stronger intersectional lens, moving beyond gender to include age, class, and family responsibilities. As this thesis has shown, equality in the workplace is not determined by gender alone but by a constellation of overlapping factors that shape opportunities and outcomes. Intersectional research would allow for a more differentiated understanding of the groups most vulnerable to workplace inequalities.

Another fruitful direction lies in regional comparative studies. By comparing South Korea not only with Austria but also with other East Asian countries such as Japan, Taiwan, or China, scholars could identify regional patterns and divergences in workplace equality. This would situate South Korea's challenges in a broader context and highlight the potential for shared learning within East Asia.

Finally, there is a need for empirical evaluations of corporate best practices. While this thesis has identified promising measures such as flexible work models, birth grants, and diversity strategies, systematic studies of their effectiveness are still limited.

Research that evaluates which practices genuinely improve equality and which remain symbolic would provide valuable guidance to both policymakers and corporate leaders.

In conclusion, this thesis has shown that workplace equality is the product of a dynamic interaction between law, culture, and organizational practices. Austria and South Korea illustrate two distinct models—one based on strong supranational legal frameworks with moderate cultural support, and one characterized by ambitious national legislation constrained by persistent cultural norms. Both cases reveal the ongoing challenges of translating formal equality into everyday practice, but they also point to promising avenues for reform and transformation. By combining legal analysis with sociocultural perspectives, this study not only contributes to academic research but also provides practical insights for policymakers, companies, and civil society actors striving to advance workplace equality in diverse contexts.

Abstract: Employment Equality in South Korea and Austria (English)

This master's thesis examines the issue of workplace equality in South Korea and Austria, analyzing both the legal frameworks and the lived realities within the world of employment. The starting point of the study is the observation that formal equality laws exist in both countries, yet their effectiveness is strongly shaped by cultural norms,

societal expectations, and organizational structures. The objective was therefore to identify similarities and differences between the two contexts and to highlight how legal provisions, organizational measures, and societal values interact to either foster or hinder equality.

The theoretical framework is grounded in approaches from equality theory, intersectionality, and models of organizational and cultural studies. These perspectives enable an analytical comprehension of the interaction among law, culture, and workplace organization. The study employs a method that involves an extensive review of literature, analysis of pertinent legal sources at both national and supranational levels, and systematic evaluation of recent studies and reports regarding workplace equality in both countries. This approach consists of multiple layers and combines empirical findings with normative considerations.

The comparative analysis reveals that Austria strongly benefits from the legal framework of the European Union, which establishes binding standards on equal treatment and anti-discrimination through directives and regulations. National laws and institutional mechanisms ensure that these provisions are largely implemented and monitored. Although challenges remain—for instance regarding the representation of women in leadership positions and the persistence of gender pay gaps—overall progress is visible and measurable.

South Korea, by contrast, has introduced a series of progressive laws, such as the Equal Employment Opportunity and Work-Family Balance Assistance Act³⁹⁵ and the Framework Act on Gender Equality³⁹⁶. In practice, however, enforcement often proves insufficient. The influence of legal regulations is significantly constrained by cultural aspects, such as a strict work-hour culture, hierarchical organization structures, and conventional gender roles. This is especially apparent in the area of family and care responsibilities: even with statutory regulations in place, women still disproportionately

³⁹⁵ (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016)

³⁹⁶ (Framework Act on Gender Equality (FAGE), 2021)

shoulder the burden of unpaid household and care work, which significantly limits their professional development.

From a corporate standpoint, it is clear that both Austria and South Korea are still grappling with considerable difficulties in promoting workplace equality. Although many companies in Austria have managed to draw more women into their workforces, “glass ceilings” continue to restrict access to senior leadership and decision-making positions. In South Korea, corporate employees often face cultural expectations related to long working hours, hierarchical structures, and traditional gender roles. These factors limit career advancement and disrupt work-life balance. These dynamics underscore that, in various industries, the implementation of formal equality measures is frequently limited by organizational cultures that perpetuate structural inequalities.

The thesis provides three main contributions. To begin with, it shows that a purely legal analysis is inadequate for assessing the state of workplace equality; only by incorporating cultural and organizational perspectives can a comprehensive understanding be achieved. Secondly, it demonstrates that legal norms can only realize their full potential when they are effectively enforced by institutions and have societal acceptance. Third, it offers recommendations focused on practical application for policymakers and businesses, which include bolstering monitoring mechanisms, advocating for flexible work models, and introducing diversity strategies.

In conclusion, the study pinpoints potential directions for future research. To monitor gradual cultural changes, longitudinal studies on South Korea are essential, and sector-specific analyses would provide a deeper insight into the dynamics of equality across various professions. Furthermore, taking on an intersectional viewpoint that accounts for factors such as age, class, and family obligations in addition to gender would provide more detailed insights. Including other East Asian countries in the comparison could provide additional context for understanding South Korea’s situation in relation to broader regional patterns.

This thesis concludes that workplace equality is always the result of a dynamic interaction among law, culture, and organizational practices. Austria enjoys the advantages of a stable legal foundation backed by cultural acceptance, whereas South Korea struggles to reconcile its ambitious legislation with deeply rooted social norms.

This research, therefore, provides significant contributions to both academic investigation and practical policy formulation aimed at advancing workplace equality across different contexts.

**Abstract: Gleichstellung in der Erwerbstätigkeit in Südkorea und Österreich
(German/Deutsch)**

Diese Masterarbeit untersucht die Frage der Gleichstellung am Arbeitsplatz in Südkorea und Österreich und analysiert dabei sowohl die rechtlichen Rahmenbedingungen als auch die gelebte Realität in der Arbeitswelt. Ausgangspunkt der Studie ist die Beobachtung, dass in beiden Ländern formale Gleichstellungsgesetze existieren, deren Wirksamkeit jedoch stark von kulturellen Normen, gesellschaftlichen Erwartungen und organisatorischen Strukturen geprägt ist. Ziel war es daher, Gemeinsamkeiten und Unterschiede zwischen den beiden

Kontexten zu identifizieren und aufzuzeigen, wie gesetzliche Bestimmungen, organisatorische Maßnahmen und gesellschaftliche Werte zusammenwirken, um die Gleichstellung entweder zu fördern oder zu behindern.

Der theoretische Rahmen basiert auf Ansätzen aus der Gleichstellungstheorie, der Intersektionalität und Modellen der Organisations- und Kulturwissenschaften. Diese Perspektiven ermöglichen ein analytisches Verständnis der Wechselwirkungen zwischen Recht, Kultur und Arbeitsplatzorganisation. Die Studie verwendet eine Methode, die eine umfassende Literaturrecherche, die Analyse relevanter Rechtsquellen auf nationaler und supranationaler Ebene sowie die systematische Auswertung aktueller Studien und Berichte zur Gleichstellung am Arbeitsplatz in beiden Ländern umfasst. Dieser Ansatz besteht aus mehreren Ebenen und kombiniert empirische Erkenntnisse mit normativen Überlegungen.

Die vergleichende Analyse zeigt, dass Österreich stark vom Rechtsrahmen der Europäischen Union profitiert, der durch Richtlinien und Verordnungen verbindliche Standards für Gleichbehandlung und Antidiskriminierung festlegt. Nationale Gesetze und institutionelle Mechanismen sorgen dafür, dass diese Bestimmungen weitgehend umgesetzt und überwacht werden. Obwohl weiterhin Herausforderungen bestehen – beispielsweise hinsichtlich der Vertretung von Frauen in Führungspositionen und des Fortbestehens geschlechtsspezifischer Lohnunterschiede –, sind insgesamt Fortschritte sichtbar und messbar.

Südkorea hingegen hat eine Reihe fortschrittlicher Gesetze eingeführt, wie das Gesetz zur Chancengleichheit am Arbeitsplatz und zur Vereinbarkeit von Beruf und Familie (Equal Employment Opportunity and Work-Family Balance Assistance Act)³⁹⁷ sowie das Rahmengesetz zur Gleichstellung der Geschlechter (Framework Act on Gender Equality)³⁹⁸. In der Praxis erweist sich die Durchsetzung jedoch oft als unzureichend. Der Einfluss gesetzlicher Regelungen wird durch kulturelle Aspekte wie eine strenge

³⁹⁷ (Republic of Korea, Equal Employment Opportunity And Work-Family Balance Assistance Act - 법률 제20521호, 2024. 10. 22., 일부개정, 2016)

³⁹⁸ (Framework Act on Gender Equality (FAGE), 2021)

Arbeitszeitkultur, hierarchische Organisationsstrukturen und konventionelle Geschlechterrollen erheblich eingeschränkt. Dies zeigt sich besonders deutlich im Bereich der Familien- und Betreuungsaufgaben: Trotz gesetzlicher Regelungen tragen Frauen nach wie vor einen unverhältnismäßig hohen Anteil der unbezahlten Haus- und Betreuungsarbeit, was ihre berufliche Entwicklung erheblich einschränkt.

Aus unternehmerischer Sicht ist klar, dass sowohl Österreich als auch Südkorea nach wie vor mit erheblichen Schwierigkeiten bei der Förderung der Gleichstellung am Arbeitsplatz zu kämpfen haben. Obwohl es vielen Unternehmen in Österreich gelungen ist, mehr Frauen für ihre Belegschaft zu gewinnen, schränken „gläserne Decken“ weiterhin den Zugang zu Führungs- und Entscheidungspositionen ein. In Südkorea sehen sich Unternehmensmitarbeiter häufig mit kulturellen Erwartungen in Bezug auf lange Arbeitszeiten, hierarchische Strukturen und traditionelle Geschlechterrollen konfrontiert. Diese Faktoren schränken den beruflichen Aufstieg ein und beeinträchtigen die Vereinbarkeit von Beruf und Privatleben. Diese Dynamik unterstreicht, dass in verschiedenen Branchen die Umsetzung formeller Gleichstellungsmaßnahmen häufig durch Unternehmenskulturen eingeschränkt wird, die strukturelle Ungleichheiten aufrechterhalten.

Die Arbeit leistet drei wesentliche Beiträge. Zunächst zeigt sie, dass eine rein rechtliche Analyse für die Beurteilung der Gleichstellung am Arbeitsplatz nicht ausreicht; nur durch die Einbeziehung kultureller und organisatorischer Perspektiven kann ein umfassendes Verständnis erreicht werden. Zweitens zeigt sie, dass rechtliche Normen ihr volles Potenzial nur dann entfalten können, wenn sie von Institutionen wirksam durchgesetzt werden und gesellschaftliche Akzeptanz finden. Drittens enthält sie Empfehlungen für politische Entscheidungsträger und Unternehmen, die sich auf die praktische Anwendung konzentrieren, darunter die Stärkung von Überwachungsmechanismen, die Förderung flexibler Arbeitsmodelle und die Einführung von Diversitätsstrategien.

Zusammenfassend zeigt die Studie mögliche Richtungen für die zukünftige Forschung auf. Um allmähliche kulturelle Veränderungen zu beobachten, sind Längsschnittstudien zu Südkorea unerlässlich, und sektorspezifische Analysen würden einen tieferen Einblick in die Dynamik der Gleichstellung in verschiedenen

Berufen ermöglichen. Darüber hinaus würde eine intersektionale Perspektive, die neben dem Geschlecht auch Faktoren wie Alter, Klasse und familiäre Verpflichtungen berücksichtigt, detailliertere Erkenntnisse liefern. Die Einbeziehung anderer ostasiatischer Länder in den Vergleich könnte zusätzlichen Kontext für das Verständnis der Situation Südkoreas im Verhältnis zu breiteren regionalen Mustern bieten.

Diese Arbeit kommt zu dem Schluss, dass Gleichstellung am Arbeitsplatz immer das Ergebnis einer dynamischen Wechselwirkung zwischen Recht, Kultur und organisatorischen Praktiken ist. Österreich genießt die Vorteile einer stabilen rechtlichen Grundlage, die durch kulturelle Akzeptanz gestützt wird, während Südkorea Schwierigkeiten hat, seine ehrgeizige Gesetzgebung mit tief verwurzelten sozialen Normen in Einklang zu bringen.

Diese Forschung leistet daher einen wichtigen Beitrag sowohl zur akademischen Forschung als auch zur praktischen Politikgestaltung, die darauf abzielt, die Gleichstellung am Arbeitsplatz in verschiedenen Kontexten voranzubringen.

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