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WOMEN'S RIGHTS AND GENDER EQUALITY IN THE DIGITAL LABOUR MARKET

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Abstract. Gender inequality in the labour power has always been a pressing global issue. Digitalization processes have great potential to achieve better social and economic outcomes in the modern world. However, despite the positive impact of digitalization, the risk of gender inequality patterns still remains, and the emerging new digital reality inevitably creates the prerequisites for the emergence of new threats. The digital gender gap is often observed both in the traditional labour market and in the digital one, which causes discrimination in the context of gender equality, creates social exclusion and creates conditions for the violation of human rights. This article presents the main reasons that create conditions for the formation of the digital gender gap and discusses aspects of legal regulation in order to protect women's rights in the digital labour market.

Keywords: gender equality, digital divide, digital gender inequality, digital labour market.

JEL Classification: J7, J70, J700, J71, J710.

1. Introduction

The right to work is one of the fundamental human rights that allows for the protection of human dignity, development and personal freedom. The right to choose a job, a business, the right to work according to one's profession, the right to receive fair remuneration for work are the main elements that belong to the whole of the fundamental right to work. Despite great attention to the promotion of employment, the opportunities for men and women to equally enjoy and implement these rights face unequal competition. The right to choose a job, the right to work in a desired profession are still not fully assured in the context of equal opportunities. According to the International Labour Organization [ILO] report (2025), working-age women worldwide are working half as much (48.2%) as men (72.9%) (ILO, 2025). With the development of technology and the rapid transition of society to digital format, digital tools can be one of the tools to achieve women's empowerment and ensure gender equality in the digital labour market. However, digitalization is not gender neutral and also poses risks to women's rights and security. Social and gender norms, as well as entrenched gender stereotypes, prevent women from taking advantage of the opportunities offered by technology and pursuing professional development (Organisation for Economic Co-operation and Development [OECD], 2024). The digital labour market broadly encompasses work that is facilitated, mediated or performed using digital technologies and online platforms. It includes the production, exchange and delivery of goods and services in a digital environment. The digital labour market most often includes various intermediary platforms that connect workers with clients, online marketplaces; digital content creation and exchange, where writing, graphic design, and video production take place; remote work; automation and AI, where, with increasing automation, digital work is performed with the help of artificial intelligence; data-driven work, where much digital work is based on data processing and analysis (Casilli, 2025). The purpose of the article is to present the main reasons that create conditions for the formation of the digital gender gap, and to discuss aspects of legal regulation in order to protect women's rights in the digital labour market.

Digital skills are becoming a necessity for full participation in the creation of social and economic life events. Digital skills programs for both women and men

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are becoming a priority for international communities. Global organizations are setting a goal in the global development agenda to promote the employment of youth and adults who have technical and vocational skills in the digital labour market (United Nations, 2020). It is proposed to specifically assess the level of Information and Communication (ICT) skills of youth and adults. Already in the decade of the last century, it was proven that the use of personal computers in certain professions is one of the reasons for salary growth, with salaries increasing from ten to fifteen percent and more (Krueger, 1993). The initial findings are supported by subsequent studies, which, based on large-scale and internationally comparable data, highlight the economically significant benefits of digital skills (Moreno-Guerrero et al., 2022).

2. The digital gaps

2.1. Digital gender inequality

Every person, regardless of gender, has the right to work in the profession of their choice (The European Union, 2012). The International Labour Organization defines work as "any activity undertaken by persons of any sex or age for the production of goods or the provision of services for others or for their own use" (ILO, 2025). According to research, more than 90% of jobs worldwide have a digital component (United Nations, 2018). Despite the fact that every worker should be given the opportunity to choose their professional activities, men continue to hold the highest-paid positions in various industries around the world, while many women still work in lower positions, work informally, or do not work at all. Although laws regulate the right to work equally and prohibit discrimination, the growing digital gender gap violates women's right to establish themselves in the desired digital labour market. The term "digital divide" or "technological divide" refers to the unequal availability of Information and Communication Technologies (ICT) in society. The uneven distribution of technologies "reinforces social inequalities and creates a persistent information or knowledge gap between people who have access to and use new media (the "haves") and those who do not (the "have nots") (Schweitzer, 2025).

The original inequality created by factors such as age, education, ethnicity and race, and income in social life does not disappear in the digital labour market. Girls and women, without sufficient access to technology and the internet, face difficulties and are unable to participate equally in our digital society. The failure of girls and women to do so affects every aspect of their lives. Therefore, if girls and women are not involved in the creation of digital tools and online content, it contributes to even greater inequality. It is important to emphasize that the gender technology gap also negatively affects the economic growth and development potential of countries (Bertay et al., 2020). One of the main reasons for gender inequality in the digital labour market is the lack of digital literacy at all ages. Digital literacy includes both the ability to use the internet and digital technologies functionally and the knowledge of how to do so safely. A particularly important aspect is that technology is rapidly developing, which is why the digital literacy gap between the genders is increasing. Lack of education and lack of internship opportunities shape gender inequality in the creation of digital content in the labour market. The stereotypes that technology is only for "boys" and that prevent girls from using digital tools are one of the main factors that shape the digital divide (D'Ignazio & Klein, 2020).

The next aspect is the lack of digital competences. According to the analysis of the Web of Science, attention is paid to two main lines, namely "digital competence-ICT-students" and "teacher-education-educational-technology-teacher-digital competence". The study has widely revealed that there is still a lack not only of technological resources, but also of skills and competences of the individuals involved in the teaching processes (Moreno-Guerrero et al., 2022). Therefore, appropriate teaching methods for teachers who are involved in the process of technological education are one of the main priorities in order to reduce gender inequality in the digital labour market.

2.2. Algorithmic bias and discrimination

Modern technologies, including artificial intelligence solutions, not only replace some jobs, but also contribute to the improvement of human resource management (Hmoud & Laszlo, 2019). The participation of artificial intelligence in recruitment procedures not only creates a competitive advantage over other employers who do not use it, but also helps to more quickly and effectively evaluate applicants who participate in job interviews. According to recent research, while artificial intelligence can improve the quality of hiring, increase efficiency, and reduce workload, algorithmic bias can still create discrimination based on gender, race, colour, and personality traits. Scientists say that algorithmic bias is caused by algorithm developers, who may already be biased, and improperly processed data sets (Chen, 2023). Although at first glance it seems that AI developers not only facilitate recruitment processes but also reduce bias, the algorithms themselves cannot eliminate the assumptions of discrimination (Miasato & Silva, 2019). It is important to emphasize that AI is created by humans, so the decisions they make depend on the original data creators who provide them with that data. If AI already receives unfair data, the resulting algorithms can perpetuate bias, discrimination, and create inequality (Bornstein, 2018). AI developers believe that AI cannot be biased, but poorly designed programs can create unfair working conditions and discrimination. To avoid discrimination while taking advantage of artificial intelligence, organizations are advised to be more careful in choosing programs that develop algorithms responsibly and promote racial and gender diversity equality in high-tech companies (Raub, 2018).

The following group of researchers distinguish between errors in computer systems. Very often, algorithmic bias manifests itself through systematic and repetitive errors in computer systems, which lead to inequality and discrimination, for example, based on race and gender (Jackson, 2021). In this case, the concept of "implied bias" arises (Raghavan et al., 2020). In a study of gender classification products from companies such as IBM, Microsoft and Face++, preliminary data found that the three companies achieve relatively high overall accuracy in assigning the correct gender based on a face. However, a closer look revealed that each company had different errors and error rates. All three companies had significantly better images of people with lighter skin tones, with IBM showing a 19% difference in error rates. The researchers found that the error rate for darker-skinned women was even higher. The IBM product with the highest error rate was almost 35% less likely to identify a darker-skinned woman than a lighter-skinned man. Microsoft's software misdiagnosed a person's gender 93% of the time, simply because the person had darker skin (Stack Overflow, 2020). The prevailing view that artificial intelligence processes are inherently objective and never make mistakes contributes to the spread of discrimination (Chen, 2023).

The modern economy has become a space where artificial intelligence technologies are successfully establishing themselves in the labour market. As technology advances, traditional recruitment mechanisms are being replaced by artificial intelligence. AI not only makes processes easier and faster, but it also creates new causes for discrimination.

2.3. Pay disparity and economic inequality

Despite progress in gender equality, the gender gap in the labour market is generally much wider than previously thought. Although the law regulates equal pay for all, women are still paid significantly less for work in the same positions. According to World Bank report (2024), 3.9 billion women worldwide face legal barriers that affect their participation in economic activity, women often do not have the same legal relationships as men and earn 20% less than men (World Bank, 2024). We have legislation mandating equal pay, but there is a lack of measures to ensure pay transparency. The gender pay gap in digital work platforms is one of the most visible manifestations of discrimination towards women that comes from the traditional workplace even before technology took hold (Foong et al., 2018). This only confirms the fact that gender is one of the main factors determining the income gap, as men earn much more per hour than women doing the same job.

According to the International Labour Organization's Flagship report (ILO, 2025), around 1.6 billion women and 800 million men are officially unemployed worldwide. Approximately 45% of these women report that they are engaged in unpaid care work for family members and household chores (ILO, 2025). Gender expectations regarding care and household responsibilities, and the unequal distribution of household work by gender, influence the work experience on digital work platforms and shape segregation (Anwar et al., 2021). One of the main reasons that limits women's opportunities to apply for better-paid positions is the burden of responsibility placed on working women for childcare and housework.

Researcher Claudia Goldin, Nobel Prize laureate (2023), who studied gender differences in the labour market, found that gender differences in wages and employment rates are related to structural, social norm factors, and women's greater responsibility for home and family. After collecting data, she introduces the term "motherhood penalty" to describe the short-term and long-term economic disadvantages faced by women who become mothers. This „penalty" includes lower wages, fewer opportunities for promotion, and limited career prospects compared to the careers of men or childless women. However, Claudia Goldin observes the exact opposite in the case of men. In many countries, men's wages are increased by 10% after the birth of a child, as if it were a "fatherhood bonus" (Goldin, 1990).

3. Legal regulation

Digital processes are not gender neutral, and gender discrimination in the digital labour market originate from traditional workplaces, even before the advent of technology. This chapter presents the main European Union and international legal acts that regulate gender equality and non-discrimination issues in the labour market and which are applied in addressing problems in the digital labour market. Although most legal acts do not regulate the digital labour market and do not address the problems of digital exclusion, but they are important as fundamental legal acts that regulate gender equality and ensure the protection of rights in the labour market in general.

The principle of equal pay for equal work was enshrined in the Treaty of Rome in 1957. This decision can be considered the beginning of the formation of gender equality in the labour market (The European Parliament, 1957). Regarding gender equality in the labour market, one of the main ones is the Council Directive (EU) 2024/1499 on standards by equality bodies on equal treatment between persons irrespective of their racial or ethnic origin, equal treatment between persons irrespective of their religion or belief, disability, age or occupation, supply of goods and social security and sexual orientation, equal treatment between women and men (The Council of the European Union, 2024, 2024/1499/EC). Also the following Directive (EU) 2024/1500 of the European Parliament and of the Council on standards of equality bodies in the field of equal treatment between women and equal opportunities in employment and occupation (The European Parliament & the Council of the European Union, 2024a, 2024/1500/EC). Both directives were developed on the basis of Directive 2006/54/

EC, which aimed to address gender equality issues by merging several directives. The aim was to modernise and improve European Union (EU) legislation on equal opportunities and equal treatment of men and women in the fields of employment and occupation. The main objectives of the directive are to increase employment, promote access to employment or self-employment, as well as improve working conditions, review pay gaps and grounds for dismissal, and place a strong emphasis on vocational training (The European Parliament & the Council of the European Union, 2006, 2006/54/EC).

The principle of equal pay, which prohibits discrimination on the basis of sex in matters of pay, is enshrined in Article 157 of the Treaty on the Functioning of the European Union. The document introduces the concept of salary as remuneration in monetary terms or in kind that every employee is obliged to receive for work performed (The European Parliament & the Council of the European Union, 2006, 2006/54/EC). Although this directive is not specifically aimed at the digital world, it ensures equal treatment between men and women in employment and occupation, including addressing gender discrimination in digital workplaces and technology sectors. This directive is particularly important for ensuring gender equality in digital labour markets.

The International Labour Organization (1951, 1958) standards are based on two main conventions, namely Convention No. 100 concerning Equal Remuneration (1951) and Convention No. 111 concerning Discrimination (Employment and Occupation) (1958). Convention No. 100 concerning Equal Remuneration (1951) promotes equal pay for equal work, which applies to both traditional and digital labour markets, ensuring that women are fairly compensated in the digital economy (ILO, 2024). Convention No. 111 concerning Discrimination (Employment and Occupation) (1958) prohibits discrimination in employment, including in the digital and technology sectors, ensuring that women have equal opportunities in the digital labour market (ILO, 2024).

Digital technologies are becoming an increasingly important part of all aspects of society, and therefore every participant faces the need for trust. The trustworthiness and security of technologies are a prerequisite for their adoption. Legislation and systems that address digital equality in the digital market are designed to ensure that every participant in social relations can participate equally in the digital economy, and is protected from discrimination, exploitation and unfair practices. On this basis, on 19 February 2020, the Commission (EU) presented the White Paper "Artificial Intelligence: A European approach to competence and trust". The aim of the document is to promote the use of Artificial Intelligence (AI) and to find ways to avoid potential risks that may arise from the use of new technologies (The European Commission, 2020). In order to ensure security and trust in the online space, the General Data Protection Regulation (GDPR) can also be included. Although this regulation is aimed at privacy and data protection, it is important for women in cases of online harassment, identity theft and data abuse. The GDPR obliges to protect personal data and gives individuals (including women) more opportunities to control their data in digital spaces (The European Parliament & the Council of the European Union, 2016, 2016/679/EC).

The Digital Services Act (DSA) and Digital Markets Act (DMA) are also part of the digital labour market, which aim to ensure that online platforms are held accountable, with a focus on eliminating discrimination, including harassment and gender-based violence. They also address the responsibility of online platforms to create safer, more inclusive spaces in which diverse types of work can be created. The goal of DSA is to ensure that the online world is safe and that everyone's fundamental rights are protected. (The European Parliament & the Council of the European Union, 2022a, 2022/2065/EC). The DMA aims to establish a set of clearly formulated objective criteria to help identify the supervisors of large digital platforms, also known as "gatekeepers". Gatekeepers will have to comply with the DMA's set of actions (obligations) and prohibitions (prohibitions). It is one of the first regulatory measures that could regulate the "gatekeeper" power of the largest digital companies (The European Parliament & the Council of the European Union, 2022b, 2022/1925/EC).

Various initiatives, which each country undoubtedly has, also play an important role in the context of gender equality in the labour market. One of the largest of them, aimed at all countries, is the UN Women Innovation, Technology and Digital Agenda initiative, which focuses on the empowerment of women and girls in digital spaces, which advocates for women's digital literacy and leadership (UN Women, 2021). The next initiative, the Beijing Declaration and Platform for Action (2015), is not specifically designed for the digital context, but this framework document has encouraged countries to address the challenges women and girls face in the digital age, including access to and opportunities for technology (UN Women, 2015). Therefore, in 2025, as we celebrate the 30th anniversary of the Beijing Declaration and Platform for Action, the anniversary report provides information that many countries have made progress in gender equality and women's empowerment, from prohibiting discrimination in employment to adopting gender-responsive climate action plans (UN Women, 2025). The article gives an important role to digital literacy, therefore it is important to mention the OECD Principles for Internet Policymaking, which are intended for governments to promote digital literacy and women's participation in the digital economy (OECD, 2022).

The European Commission is also contributing to promoting initiatives and has introduced policies specifically addressing gender equality in the digital era. One of them is the Women in Digital, which aims to increase women's participation in technology, foster entrepreneurship in innovation, thus closing the gender gap in

fields such as mathematics, engineering and digital technologies (The European Commission, 2024).

One of the most important documents regulating transparency in the digital space is the European Artificial Intelligence Act. It is the first legal framework for artificial intelligence, which is designed to reduce the risks posed by artificial intelligence. The framework's rules aim to promote trustworthy artificial intelligence in Europe. (The European Parliament & the Council of the European Union, 2024b, 2024/1689/EC). The European law on artificial intelligence (AI) can play an important role in regulating gender equality in the digital labour market, given that artificial intelligence technologies are increasingly shaping various sectors of the economy. This legislation aims to regulate high-risk artificial intelligence systems and ensure that they are used in a way that promotes fairness and transparency. It aims to prevent discrimination when AI is involved in decision-making processes, in particular in digital markets, when conducting recruitment, recruitment or advertising for real positions (The European Parliament & the Council of the European Union, 2024b, 2024/1689/EC).

Most international legal instruments that regulate traditional employment relationships, aiming to ensure equality in the labour market, are also directly used to ensure digital gender equality in the digital labour market. These legal provisions, from consumer rights and data privacy to anti-competitive rules and the protection of digital workers, collectively aim to promote fairness, transparency and equal access in the rapidly evolving digital market. Digital gender equality in the digital marketplace means equal access to opportunities, resources and protection for all individuals, regardless of gender, race, disability or other factors, in the digital economy. There are several key pieces of legislation and frameworks around the world that focus on promoting digital equality, promoting fair competition, protecting consumers and ensuring a level playing field for all digital market participants. The legal environment for gender equality in the digital labour market is evolving, with various international, national and regional efforts being made to combat discrimination, promote equal opportunities and inclusion for women. However, despite ongoing processes, much remains to be done to close the gender gap in digital labour markets, especially in relation to pay equity and protection from violent crime online. After reviewing the legislation, it is worth noting that there is a great need to adapt existing legislation to the changing world, to make it more adaptable to the digital market, so that it more effectively addresses digital gender inequality, better protects women's rights in the digital labour market, and plays a preventive role in protecting the digital workplace and ensuring fundamental human rights.

4. Main aspects of court practise

Recent cases of digital gender discrimination in the digital workplace highlight the ongoing challenges women face in the tech industry. In the Pinterest (2020) case, an employee sued for gender discrimination discrimination, unequal pay and retaliation after advocating for policy changes. The case has sparked debate about workplace discrimination in the tech industry (Jha & Jha, 2022).

In the case of Ellen Pao v. Kleiner Perkins (2015) addressed the issue of gender discrimination by alleging bias in promotion decisions. This case was the first to reach court and received a very high profile regarding sexual harassment and discrimination in Silicon Valley, despite the fact that similar complaints have occurred before (The Superior Court of California of the County of San Francisco, 2015). Although the case was lost, it sparked a broader conversation about discrimination against women in Silicon Valley, highlighting systemic problems in the industry. These incidents highlight the ongoing problem of gender discrimination in the digital workplace, which has led to ongoing efforts to achieve equality in the tech industry (Hermle, 2015).

The digital divide, gender equality and violations of women's rights in the digital labour market open up new experiences and opportunities, shaping a completely new approach in the legal practice of future technologies. To date, it is difficult to determine the exact number of cases of the Court of Justice of the European Union [CJEU] per year, specifically addressing digital gender discrimination in the digital labour market, because such cases are not always clearly divided into categories „digital labour market", „digital divide", „digital gender discrimination" or simply do not exist. They are most often presented as general labour dispute cases with elements of discrimination. Despite that, the Court of Justice of the European Union still draws attention to issues such as equal treatment in employment, non-discrimination, and recognition of gender identity when considering cases related to gender discrimination in the digital labour market (Court of Justice of the European Union, 2024). In disputes over the regulation of digital markets and services, the Digital Services Act (DSA) and the Digital Markets Act (DMA) can be invoked, which are designed to create a safer digital space and create a level playing field for digital services. This is an important step in the CJEU interpretation of aspects of these regulations that may indirectly affect issues related to discrimination in digital labour markets (Court of Justice of the European Union, 2024).

Although the case law of the Court of Justice of the European Union (CJEU) specifically addressing the issue of inequality for women in the labour market is limited, it is possible to highlight some important aspects of the problems that women still face. Age discrimination remains a relevant issue, contributing to inequalities in the employment sector. In the labour law case Kücükdeveci v. Swedex (2010), Ms Kücükdeveci challenged a German law that excluded periods of employment before the age of 25 from the calculation of the notice period for dismissal (Court of Justice of the European Union, 2010). The Court of Justice found that this practice was contrary to the Employment Equality Framework Directive

2000/78/EC, as it violated the fundamental EU principle of non-discrimination. The directive aims to prevent discrimination on the grounds of protected characteristics such as age, disability, race, religion, sexual orientation and sex, ensuring equal treatment in employment and occupation (Court of Justice of the European Union, 2010, C-555/07). In dealing with age and sex discrimination in employment practice, in Meister v. Speech Design Carrier Systems GmbH (2012), the Court explained that a refusal to grant access to information may be one of the factors to be taken into account in establishing the facts from which it may be presumed that there has been direct or indirect discrimination (Court of Justice of the European Union, 2012, Case C-415/10). This case had a significant impact on other cases relating to the digital industry.

In Lithuanian court practice, the Lithuanian Supreme Court's 2024 review of labour cases, in the list of the most relevant annual cases, presented a case on the organization of remote work. The Supreme Court of Lithuania stated that without a clear procedure for organizing remote work, it is impossible to objectively assess the actions of the employee and prove that she committed a violation of her labour duties (The Supreme Court of Lithuania, 2024, civil case no. e3K-3-176-684/2024). This legal rule confirms that when creating jobs and employing individuals in the digital space, the same conditions, rules and principles apply in order to avoid violations. Digitalization aspects are the most important change currently taking place in both public and private sector services and decision-making, which has a significant impact on the protection of fundamental rights and the promotion of democratic values.

5. Conclusions

The digital divide in the labour market is shaped by the information and knowledge gap between people who have access to and use technology and those who do not have access to and/or do not use it. The lack of equal access to technology and the Internet, when girls and women cannot participate equally in the digital society, at the same time reinforces social inequality and exclusion.

Digital processes are not gender neutral, therefore unresolved gender discrimination issues are transferred as a legacy from traditional workplaces to the digital labour market.

The differences in the level of wages and employment between men and women are determined by structural, social normative factors and stereotypes.

Algorithmic procedures simplify recruitment processes, but this does not reduce bias and does not eliminate discrimination.

The digital divide, gender inequality and violations of women's rights in the digital labour market open up new experiences and opportunities, and shape a new approach in future technology law.

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