

Gender Equality Magazine

Magazine of the Gender Equality Programme (2001-2005)

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Last issue of the series

Equality between women and men

Equal Pay



Employment & social affairs



European Commission

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Editorial

by Lisa Pavan-Woolfe

This issue of the Gender Equality Magazine takes an in-depth look at equal pay. Below, Lisa Pavan-Woolfe, the new European Commission Director in charge of Gender Equality, gives some background to this important issue and talks about what the Commission is doing to close the pay gap.

► **As the new Director responsible for gender equality, what are the main challenges for you?**

The main challenge, as I see it, is women's participation on the labour market. Europe wants to achieve an overall employment rate of 70% by 2010 and to raise the female employment from 53% today to 60% by 2010. The 60% target is an ambitious one. It involves drawing an additional 10 million women onto the labour market. This means recognising women's abilities and achievements and giving them equal rewards with men, in terms of promotion, salaries and other incentives.

But there are also other challenges. For example, the lack of women in decision-making positions. More needs to be done if policy-making and decisions are to reflect the social, economic and cultural values of society as a whole. I believe women will bring with them new issues, broadening our policies and solutions.

► **Why do you think this is the right time to renew efforts to combat the gender pay difference?**

There are still important gender differences in pay despite the existence of long-standing national and Community legislation and case law. Structural differences on the labour market such as age and career pattern can explain part of the pay gap but some 15% for the European Union as a whole remains unexplained. This means at the end of the day, a woman takes home 15% less than a man in a similar position. This is unacceptable.

► **What policy initiatives targeting equal pay are underway?**

Several initiatives have been taken at European level. Statistics and indicators are being improved. The European Employment Strategy allows Member States to coordinate their national policies on employment focusing on a number of agreed priorities. Ending the gender pay gap is one of these. As a result, Member States have started to acknowledge the existence of a gender pay gap and some of them have announced initiatives to reduce it. However, these initiatives tend to be rather vague and lack concrete actions and targets. The 2002 employment guidelines, adopted in September, will change this. As part of the multi-faceted strategy proposed to achieve gender pay equality in both the public and private sectors, for the first time, Member States are asked to consider the setting of targets to tack-

le the pay gap (see separate article).

The Commission has taken other steps to promote equal pay. We have chosen equal pay as the priority topic for transnational projects to be funded during the first year of the new Programme related to the Community Framework Strategy on Gender Equality (2001-2005). Two calls for proposals have taken place. Approximately 20-30 projects can be funded for an amount of 7-8 million €. The official launch of this Programme took place on 13 September at a European conference organised by the Belgian Presidency in cooperation with the Commission (see special insert in this Magazine).

► **Available statistics on pay have been criticised. Are steps being taken to improve this situation?**

I am pleased to say that Eurostat is introducing improvements (see separate article). However, it is a long term process. We need better and more recent statistics if we are to deepen our understanding of the gender pay gap. For this, the commitment of the Commission and the Member States is crucial.

The Heads of State and Government gave their backing to improving pay statistics. At the Stockholm Summit in March 2001, they invited the Council and Commission to develop indicators to end discriminatory pay differentials between women and men. The Belgian Presidency (July – December 2001) is keeping up this momentum by working with Member States and experts to develop indicators containing comparable data.

► **Do you favour a revision of the 1975 equal pay Directive?**

A strong legislative framework already exists in the European Union to guarantee equal pay: Article 119 of the Treaty of Rome, the 1975 Directive on equal pay and Article 141 of the Amsterdam Treaty which amends and replaces Article 119. Over the coming year, we will be following closely the initiatives and discussions currently taking place to see whether it is necessary to update the equal pay Directive.

The Commission has already revised the 1976 Directive on equal treatment at work, to bring it up to date with current thinking on indirect discrimination and to clearly state, for the first time, that sexual harassment is discrimination.

► **What about the role of the Social Partners in closing the pay gap?**

The role of the Social Partners is crucial. There is a plethora of measures they can take (see separate article). But their commitment is weak. Much greater efforts are needed, especially in the private sector. I hope we will see more action from them in the near future.

► **Going back to the fifth Programme, new funding rules were announced. Why were these changes introduced?**

The Commission decided to support larger scale projects than before to increase effectiveness. The Programme is only as effective as the projects and initiatives that it funds. With ambitious, large-scale, good-quality initiatives, the Programme will make a difference, providing a unique opportunity for the spread of best practice around Europe and enabling cooperation on a scale that would otherwise be impossible.

► **Outside the Programme, what other measures are underway to promote gender equality?**

While the Programme is running, the Commission is looking at other ways of promoting equality, by gender mainstreaming its own policies, by implementing concrete actions designed to improve the situation of women in society and boosting the number of women in senior positions within its own staff.

We have been working on a reform process for the Commission, which includes specific measures to improve the situation for women staff. Amongst these are measures to promote career development and mobility, better provisions for reconciliation between work and family life, and a review of the recruitment procedures.

It has set recruitment goals for women in senior positions and it has decided that all its committees and expert groups must be gender balanced, with neither sex having over 60%. ◀

Equal pay key theme of Gender Equality programme

Equal pay is the priority theme of the European Commission's newly launched Programme relating to the Community Framework Strategy on Gender Equality to run from 2001-2005 (1). The Programme forms part of this Framework Strategy which combines specific measures designed to foster gender equality with the mainstreaming approach to ensure that all Community policies take gender into account. To maximise the programme's impact, each year will focus on a key area. For 2001-2, the first year, equal pay is the priority theme. This will be followed by reconciliation of work and family life (2002-3); women in decision-making (political and business life – 2003-4), and gender stereotyping (2004-5).

A number of equal pay projects were co-financed under the Commission's previous equality programme, the medium-term Community action programme on Equal Opportunities for Women and Men (1996-2000). These include:

① The European Trade Union Confederation (ETUC) launched an equal pay campaign and set up a transnational network of female trade union experts in the area of equal pay covering the 15 Member States and Norway. A series of national and European seminars brought together the trade union world to discuss equal pay and debate and analyse trade union strategies. An equal pay website was also created by the project and is accessible via the ETUC website at the following address: www.etuc.org/equalpay. The site exists in English and French. (see separate interview with the ETUC in this magazine, page 17)


② A guide giving a useful checklist to pinpoint wage discrimination against women in the job evaluation process was designed and published by Spain's Instituto de la Mujer (Women's Institute) in collaboration with Employment ministries and equal opportunities bodies in other Member States. The checklist provides companies with a list of questions to help them assess their job evaluation schemes. The guide is published in Spanish, English, German, French and Portuguese and is available from the Instituto de la Mujer, c/ Condesa de Venadito 34, E-28027 Madrid.

③ A research and action project led by the Belgian Employment Ministry which collected examples of good practice in Ireland and the Netherlands in the field of equal pay for work of equal value. Workshops were also organised to promote equal pay policies in Belgium and the other Member States. It published two research reports on the project findings and a manual entitled "Earnings to match your function" aimed at employers and employees. The manual sets out a method for evaluating jobs and professions to avoid gender based discrimination. For more information: Ministry of Employment, Rue Belliard 51, B-1040 Brussels. Fax: +32.2.230.10.67

(1) Towards a Community strategy on gender equality (2001-2005). European Commission. Office for Official Publications of the European Communities, L-2985 Luxembourg. ISBN 92-894-1107-4



The gender pay gap



The principle of equal pay for work of equal value has, in one form or another, been enshrined in European law since the 1950's. Governments, employers and trade unions all accept that women should receive the same pay as their male colleagues for doing equal work or work of equal value. However, turning this principle into reality has proved a formidable task. On average

How can you measure the gender pay gap?

Trying to measure the pay gap brings to the surface a host of issues. How can you compare the wages paid to a woman in one occupation with the wages paid to a man in another occupation? How can you assess if two jobs are of equal value? And of equal value to whom? How do you fix a wage when the comparative model of a man doing similar work or work of equal value does not exist?

The wage packet including pension and other benefits represents the value that has been attributed to a specific job and to the person performing that job. Scrutinising pay systems from a gender perspective brings to light the values and judgements that lie behind that wage. Are women and men being judged by the same standards? Are professional expertise and occupational skills less valued in women's work than in men's? Is responsibility given the same weight when setting a woman's wage?

women continue to earn less than men by as much as 25%. This is despite a small rise in the average earnings of women compared to men since 1995. It means that a disproportionate number of the low paid are women while a disproportionate number of those in the highest paid jobs are men. Women now make up 77% of low income employees in the European Union.

Pay gap statistics limited in scope and timeliness

Two main data sources are used to calculate pay differentials between women and men. These are the European Community Household Panel (ECHP) for which annual results are available and the Structure of Earnings Survey (SES) which EU Member States undertake periodically, the last being for the year 1995.

Both sources are currently insufficient for the purpose of comprehensively measuring pay gaps. The ECHP covers both the public and private sectors, but it only collects net pay and the annual results are available only with a long time lag (the latest results being for 1997). The SES, which is a business survey of individual full-time and part-time employee records, provides statistically more precise and reliable estimates, but does not cover the public sector, education, health and other community, social and personal service activities, nor does it cover employees in enterprises with fewer than 10 employees. This lack of coverage impacts significantly more on women than men.

.....but improvements are in the pipeline

The ECHP will be replaced by the EU-SILC (Statistics on Income and Living Conditions) for the year 2003. This will deliver quicker annual results and may be used to provide gross as well as net earnings. With regard to the SES, recent EU regulations now oblige Member States to undertake a survey every four years, starting from 2002, with the additional prospect from 2006 of a wider coverage of employees including the public sector which has posed particular problems for some Member States.

Picturing the pay gap – what the data shows

Women employed full-time in industry and services in the European Union earn an average 75% of men's wages according to the last Structure of Earnings Survey (SES) (1) by Eurostat (the Statistical Office of the European Communities).

In only four Member States – Belgium, Denmark, Luxembourg and Sweden - was this pay gap less than 15%. In Sweden, which had the best record, the gap was 12%. At the other end of the spectrum, in Greece and the Netherlands, women's wages reached only 70% of men's and in Portugal, they were as low as 67%.

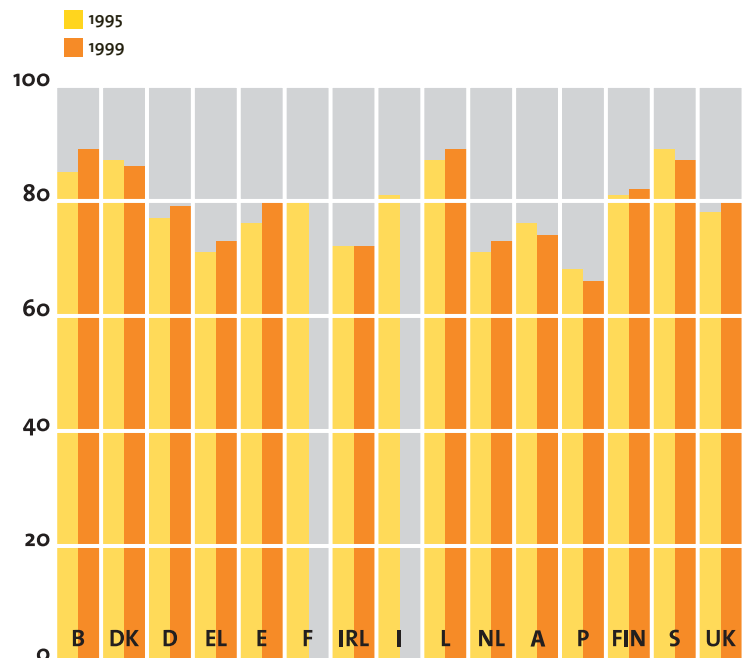
In most Member States, the extent of this difference in pay was much the same in industry and services taken separately as in the economy as a whole.

These findings are confirmed by the European Community Household Panel (ECHP) (2), which shows a similar gap for the activities covered by the SES.

The ECHP figures, which date back to 1997, are the most recent at EU level. They have the advantage of including the public sector where many women work. If the public and private sectors are combined, according to this source, women in the European Union earn an average 86% of men's wages. The situation is worse in the private sector where wage gaps are as high as 19 percentage points compared to 10 percentage points in the public sector. Gender pay gaps decreased or remained stable in all Member States except in Spain and Austria where there were slight increases.

Women's earnings in industry & services in Member States, 1995 & 1998/1999

Source: Statistics in focus. Population and Social Conditions. Theme 3 – 5/2001. European Communities 2001



Note: B, IRL, A, P and FIN: 1998 instead of 1999
DK: 1996 instead of 1995

Looking behind the difference – the hidden problem

No single cause can explain why the pay gap persists. It could be a reflection of women’s less advantageous position in the labour market itself. Broadly speaking, work done by women is valued less highly than work done by men.

Other reasons include age, education, sectors of work, career break, promotion, and so on. But does discrimination have a role to play? Employers say generally no. Others argue that at least 15% of the pay gap is caused by direct or indirect discrimination.

Age only part of the problem

The 1998 Employment in Europe report (3), which looked at the gender pay gap, said that age was only part of the reason. The gap exists in all age groups considered separately but widens significantly the older the worker. So for women aged 40 to 54 working full-time, average hourly earnings were over 20% lower than men’s in all Member States, except in Belgium (19% lower), 30% lower in France, Italy and Luxembourg, a third lower in the Netherlands, 40% lower in the UK and almost 45% lower in Greece.

Surprisingly the report authors found that the relative length of service seemed to make little difference within age groups. Indeed, “the wage gap tends to be wider for those who have been in a job for a relatively long period of time than for those who have been in a job for nearly a year or two”.

Occupational segregation key to the puzzle

Current research findings show that the pay gap arises to a significant extent from differences in the kind of jobs performed by women and men.

This gender segregation of the labour market, said one group of researchers (4), leads to an unequal distribution of women and men in different sectors, branches of industry and occupations and this has a direct bearing on the pay gap.

They showed that the pay gap can range from 43% in the male-dominated crafts and related trades to around 18% in female-dominated occupational fields such as clerks, service workers and shop and market sales workers.

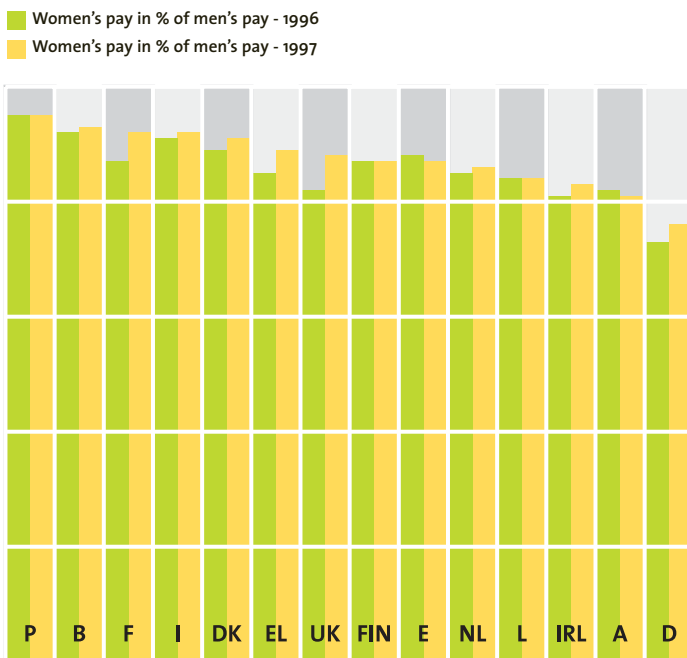
A study carried out for the OECD (5) in 1997 noted that although this concentration in a handful of occupations has provided women some protection in recent years against job loss and has sheltered them from competition from unemployed male labour, it has also resulted in an “above average wage penalty”.

This means that women who work within occupational groups that comprise a large proportion of females are penalised compared to other groups. On average, the study shows they “earn less in relation to the average earnings of all women” in all other occupational groups. The analysis applied to seven countries – Australia, Canada, Germany, France, Norway, the UK and the USA. More than 60% of women work in less than 10 occupational groups out of a total number of between 50 and 80 groups in each country.

But for the authors of the 1998 Employment in Europe report “the different occupational structure of men’s and

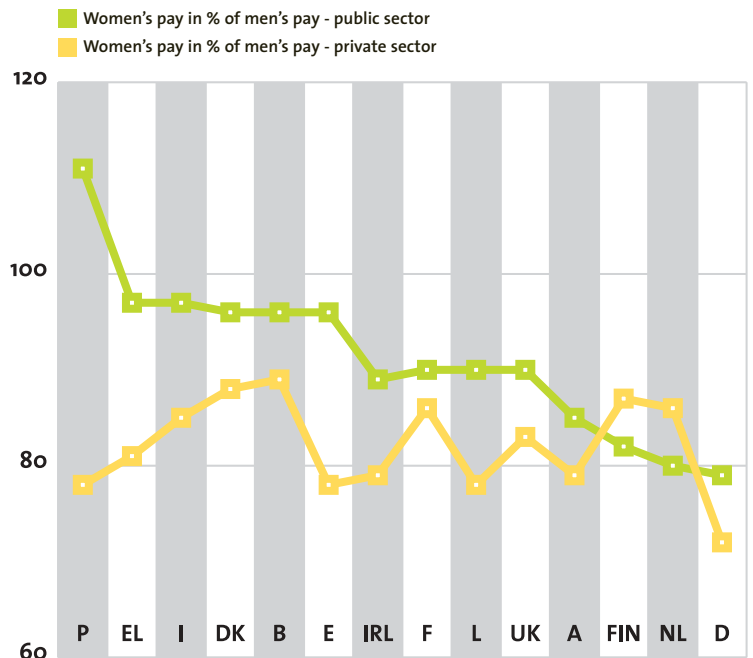
Overall gender pay gap in 1997

Source: Eurostat. European Community Household Panel. 1997



Public and private sectors pay gap in 1997

Source: Eurostat. European Community Household Panel. 1997



Identifying barriers – a case from the UK

An Equal Pay Task Force set up in 1999 by the Equal Opportunities Commission in the UK to look at the issue of equal pay identified five barriers to explain why the pay gap has not been eradicated:

- most people do not realise that a pay gap exists, or understand its causes. Official statistics use inconsistent definitions, which compound confusion;
- equal pay legislation is ineffective – cases take too long to come to court, require too many hearings and are too expensive;
- those employers and trade unions who realise there is a problem do not know how to tackle it;
- secrecy about pay keeps the problem hidden, with the onus on individuals to prove discrimination rather than employers to demonstrate equal treatment;
- social policies make the situation worse, re-enforcing women's economic dependency on men, who are still assumed to be the main breadwinners.

They made five key recommendations:

- publicise the facts;
- improve equal pay legislation through, for example, mandatory pay reviews;
- show employers and trade unions what they can do and give them the tools to do it;
- open up the discussion about pay, with employers reporting publicly on equal pay in their workforce;
- encourage government's to assess the impact of social, economic and labour market policies on equal pay.

They suggested a number of questions to ask yourself / your business to see how you rate on the equal pay front. For these questions and for more information on the campaign and its specially created logo look at:
http://www.eoc.org.uk/equal_pay_taskforce1.html

women's employment explains only part of the gap between men's and women's pay". This is because in all broad occupational groups and in most of the more detailed ones, "women have lower rates of pay than men in all Member States".

They observed that differences in men's and women's average earnings "arise more from differentials among higher paid workers where women are less well represented than among the lower paid".

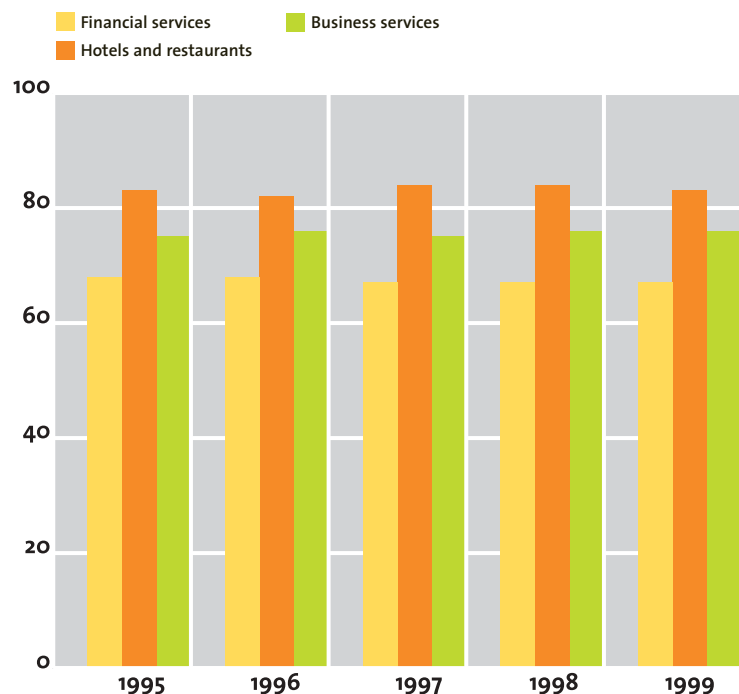
Losing out at the top

In some countries, average female rates of pay at managerial level are only 2/3 of those of men. The top 10% of women wage earners in the European Union earn on average 35% less than the top 10% of men wage earners. This feature is true throughout the Union, and is especially marked in France, Italy and the UK. On the other hand, the lowest paid 10% of women have hourly wages that are on average some 15% lower than men.

The Employment Report said "women, accordingly, would appear to experience more difficulty than men in advancing their careers, at least so far as pay is concerned, no matter what type of job they do. Though the difficulty seems to be more acute among managers, it is also evident for office workers and sales staff as well as manual workers."

Women still earn less in all sectors

Source: Harmonised Statistics on Earnings, ESTAT, 2001



Equal in education but not in pay

The Employment in Europe authors considered if education could be the reason for women's slow advance to high paid jobs but did not find the explanation there either. Over the Union as a whole, women with university education earned on average 32% less than men with a similar educational level, whereas women with no qualifications beyond basic schooling earned 22% less than men.

Since women with higher levels of education are far less likely to interrupt their working careers for family reasons, this result is the opposite of what might be expected if experience, an unbroken working career and the understanding of the latest techniques which come with it, are important determinants of pay levels.

The authors concluded "we are, therefore, left without a tangible explanation for the apparent failure of women to achieve the highest paid jobs in their occupations in the same numbers as men".

This was also the conclusion of the authors of a study carried out by Applica sprl for the European Commission (6). They said part of the reason why there are fewer women at the top could be that more women than men take career breaks to look after children or other family members but the authors were doubtful. They observed, "it appears simply to be the case that women advance far less than men in their careers, or even if they do advance as far, are less well paid for their efforts for no obvious reason".

Making pay a public affair

And then there is the system of pay itself. Pay is a public but also a very private affair. Pay negotiations are not just done collectively – often they are only known to an employer and the person she or he has employed.

Payment systems are changing, putting greater emphasis on the competencies of the individual worker rather than on the nature of the job. This has been accompanied by greater use of individualised performance awards. This can result in gender bias when assessing skills. Managers may not even be aware that they are more likely to negotiate higher individualised salaries for men.

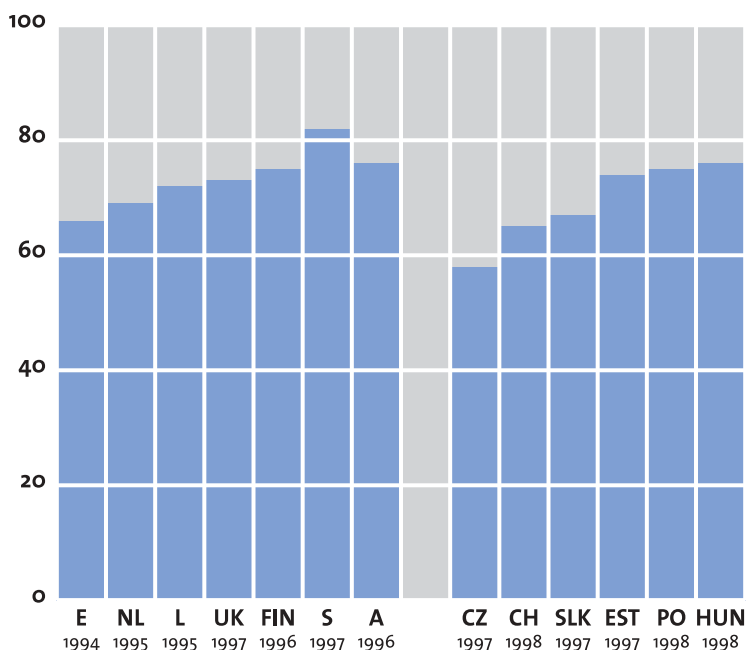
Research has shown that part of the blame comes from "complacency" amongst employers. It said that employers state confidently that they do not discriminate in how they pay women and men, yet have never compared average pay by gender to find out whether or not discrimination is taking place even if inadvertently.

Employers can be criticised for targeting low paid jobs at women who rely on their partner's income. Even though, the earnings of many women are not sufficient to live on, especially when they have childcare costs. "Employers who pay higher wages (for jobs where men pre-dominate) are effectively subsidising employers who pay low wages to women, because the household income relies on the male earnings." (7)

Top level managers- women paid less *

Source: UN/CEC Women and men in Europe and North America, 2000

■ Women's pay in % of men's pay - legislators, senior officials and managers

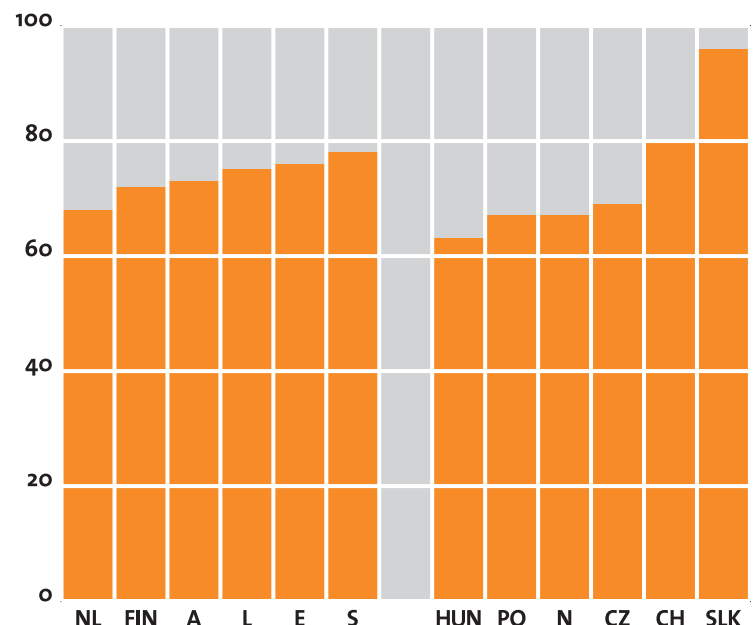


* Different sources are used; the data are not directly comparable between the countries

Same education, still a pay gap *

Source: UN/CEC Women and men in Europe and North America, 2000

■ Women's pay in % of men's pay - tertiary education



* Different sources are used; the data are not directly comparable between the countries

Breakdown of the pay gap

Education

Incredible as it may seem pay differentials increase as the level of education rises! Again based on 1995 SES Eurostat statistics, women earn a maximum 78% of men's wages at the lowest educational level. When they have gone through higher education, they earn 71% of men's wages.

Sectors of work

Women are concentrated in certain sectors of the economy which are also the sectors offering the lowest wages. Indeed, some researchers argue that a rise in the proportion of women in an occupation may be associated with a decline in relative pay. This concentration is a major contributor to the overall gender pay gap.

Value of work

Generally, work done by women is valued less than work done by men. Wage levels are higher in the section of the labour market dominated by men than in the section dominated by women.

Number of hours worked

There is a connection between the number of hours women and men devote to paid and unpaid work and the income differentials that arise.

Structure of pay

Fringe benefits ranging from pensions to company cars are more common in men's wage contracts than in women's. Also, additional payments related to experience, merit or performance are not fairly distributed to both high and low level employees.

Career breaks

Taking time out of a career to bring up children or look after elderly relatives also affect pay and seniority.

Career opportunities

A newly hired woman may get a lower paying assignment than a man starting work at the same time for the same employer. Women are also found to be at a disadvantage when it comes to promotions, training and apprenticeships which all affect pay.

Senior jobs

Women are proportionately less well represented at the top of their professions. The result is that more men than women hold senior or high level jobs. This is reflected in the pay gap at the top end of the earnings scale being wider than lower down.

Tax and benefits systems

Many of these still assume that the man is the main breadwinner. They can also affect women's career continuity, the type of jobs they take and if they return to these jobs.

Collective agreements

These agreements often allow salary structures to reflect the negotiating power of different groups of employees. As a result, women are generally in a weaker position when negotiating pay.

Existence and level of minimum wage

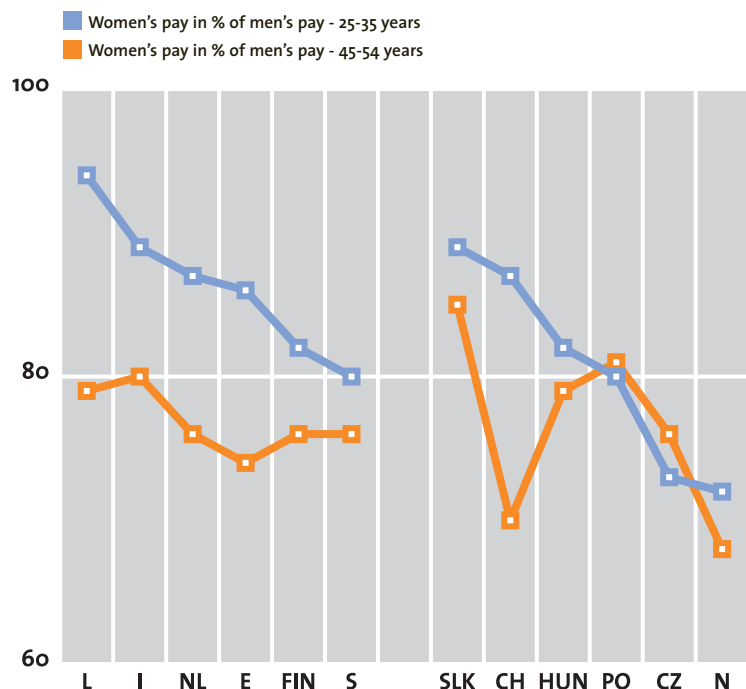
Much of the gender pay gap arises from women's concentration among the low paid. Policies encouraging low wages or restraining wage increases may have an indirect negative effect on the gender wage gap.

Age

The average age of women in work is lower than men's. Just over a third of all women in full-time employment and nearly a quarter of all men in full-time employment are under the age of 30. In this group, women are paid at least 80% of men's wages. In older groups, pay differentials increase and women earn about 70% of men's wages. ▶

Pay gap between women and men widens with age *

Source: UN/CEC Women and men in Europe and North America, 2000



* Different sources are used; the data are not directly comparable between the countries

Pay in the candidate countries

Thirteen countries – Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic, Slovenia and Turkey - have applied for European Union membership.

The difference in average earnings between women and men in the candidate countries is similar to European Union Member States. The data, however, is not directly comparable.

In most candidate countries, women's earnings as a percentage of those of men averaged between 76% and just over 80% with the level being lower than this in Cyprus (70%) and higher in Slovenia (85%).

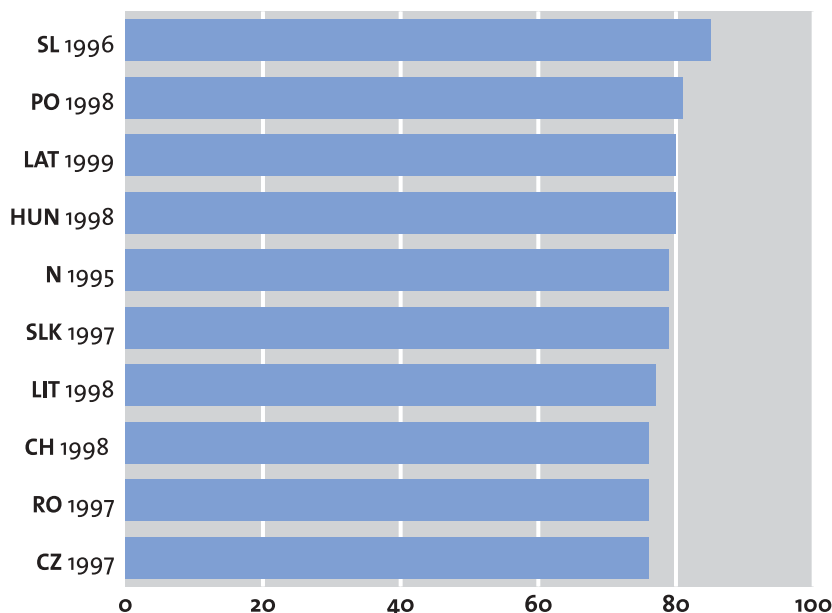
The data indicate a general narrowing of the earnings differential since 1995, with six of the seven countries for which figures are available, showing a rise in the earnings of women relative to those of men and the remaining one, Cyprus, showing little change (8).

The largest increases seem to have occurred in countries where earnings of women were already relatively high in relation to men's – in Slovenia, Romania and Poland. ◀

EU neighbours have a lower pay gap*

Source: UN/CEC Women and men in Europe and North America, 2000

■ Women's pay in % of men's pay



* Different sources are used; the data are not directly comparable between the countries

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- (1) & (8) The SES does not include data on public sector earnings. Statistics in focus. Population and Social Conditions. Theme 3 – 5/2001. Earnings of men and women in the EU: the gap narrowing but only slowly. S. Clarke. European Communities 2001. ISSN 1024-4352
- (2) The ECHP is a survey of households collecting data on net monthly earnings after the deduction of taxes and social charges. The survey covers several sectors, health care, education, public administration, other communal services, agriculture, personal services, and also very small establishments. Sweden is not covered.
- (3) Employment in Europe 1998, European Commission. Office for Official Publications of the European Communities, L-2985 Luxembourg. ISBN 92-828-4911-2.
- (4) Highlighting Pay differentials between women and Men. S. Fransson, I. Johansson, L. Svenaeus. Background paper of the Swedish Presidency of the European Union. ISBN 91-631-0430X
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Policy initiatives underway

In the years following the adoption of the 1975 equal pay Directive, the gender pay gap was left to researchers to explore and the courts to deliberate. The Amsterdam Treaty signed in October 1997 provided a fresh impetus to this debate as it strengthened the equal pay provisions in the Community Treaty (see separate article below). Since then, the European Commission working with the Member States has prepared the ground to move forward on this issue. Employers and trade unions are obvious key players.

What the law says

Equal pay for women and men is one of the principles enshrined in Community legislation since its origins.

Article 119 of the 1957 Treaty of Rome guaranteed equal pay for equal work.

This was followed by the 1975 Directive on equal pay (Council Directive (EEC) No 75/117, OJ L45, 19.2.1975, p.19) which went further than the Treaty introducing the concept of equal pay for "work to which equal value is attributed."

Article 141 of the Amsterdam Treaty amends and replaces Article 119, clearly expounding the equal pay principle.

The European Court of Justice has played a major role in clarifying equal pay law. It has ruled on some 18 important cases since 1970 when Gabrielle Defrenne, an air hostess with the Belgian national airline, Sabena, took legal proceedings against the Belgian state.

Pay is defined broadly both in Article 141 and in the case law of the Court. The Article provides that "pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of their employment, from their employer. The key test is that the payment is made because of the employment relationship (i.e. there is a legal basis for the pay whether contractual, statutory or otherwise). Consequently, the Court has ruled that statutory payments in case of sickness, redundancy and maternity

amount to pay. The Court has additionally said that the pay can be "immediate or future" and includes occupational pensions (see in particular Case C-262/88 Barber).

Direct discrimination in rates of pay between women and men carrying out the same job is an obvious breach of Article 141 and cannot be justified. The Court has also developed the concept of indirect discrimination, in particular in relation to part-time workers.

In case 96/80 Jenkins, the Court found that a lower hourly rate of pay for part-time workers was not sex discrimination in itself, but would be discriminatory if it was in reality an indirect way of paying women (who make up the bulk of the part-time work force) less than their (largely full-time) male colleagues. In the later case of Bilka-Kaufhaus, the Court confirmed that indirect discrimination against women need not be intentional. There has inevitably been much case law on the issue of justification of the difference in pay levels due to factors unrelated to sex.

The benefits of equal pay

- ▶ The ability to attract and keep the best people for the job
- ▶ A diminishing of women's economic dependency, bringing women and their dependents out of the poverty trap
- ▶ A highly motivated workforce as skills, experience and potential of all staff are equally rewarded
- ▶ A more equitable system of labour market organisation leading to productivity improvements
- ▶ A wider range of employment opportunities for all groups of women opened up as the incidence of indirect subsidies from high paying (male-dominated) to low paying (female-dominated) organisations is reduced
- ▶ Minimising the risk of lengthy and expensive litigation
- ▶ A gain in revenue for the Government from higher tax and lower dependence on state benefits

The code of practice on the implementation of equal pay for work of equal value

Employers and trade unions could turn to the code of practice published in 1996 by the European Commission to see what they can do to close the pay gap.

The code essentially proposes two things:

- ▶ *that employer and trade union negotiators at all levels who are involved in the setting of pay systems should carry out an analysis of these systems and pinpoint any signs of gender discrimination so that remedies can be found;*
- ▶ *that a follow-up plan should be drawn up and implemented to eliminate any gender discrimination evident in the pay structures.*

The code states that information needs to be collected across the whole of the organisation's workforce. It should cover all staff including those who are on temporary contracts.

For employees, information could cover, for example, gender, grade, job title, hours of work excluding breaks, required entry qualifications and other relevant qualifications, length of service within the organisation, basic pay and additional payments and contractual benefits.

The aim of this information is to give a general picture on gender and pay.

Examples of key indicators of potential gender bias given in the code include:

- ▶ *women have lower average earnings than men with the same job title or in the same grade;*
- ▶ *jobs predominantly occupied by women are graded or evaluated lower than jobs predominantly occupied by men at similar levels of effort, skill or responsibility;*
- ▶ *women are paid less than men with equivalent entry qualifications and length of service;*
- ▶ *the majority of women and men are segregated by different grading, classification and evaluation systems;*
- ▶ *part-time or temporary workers have lower average hourly earnings than full-time or permanent employees in the same job or grade and/or have access to fewer pay and other contractual benefits;*
- ▶ *different bonus arrangements, piece-rate and other payments by result or overtime arrangements apply in different areas of production affecting disproportionately one gender.*

The code makes suggestions for follow-up actions to remedy any discrimination found to exist. These include:

- ▶ *a merging of those jobs which are gender-specific in terms of the workers who carry them out and apply the higher rate of pay which the men receive;*
- ▶ *efforts to harmonise pay systems that create barriers between different types of job (e.g. office jobs and production jobs);*
- ▶ *a redefinition and re-evaluation of formal qualifications and skills which traditionally are more women's than men's (e.g. manual dexterity);*
- ▶ *a reorganisation of work by broadening the employment categories to allow women to access typically masculine jobs where conditions are better;*
- ▶ *the organisation of training measures to allow access to jobs where the other sex predominates;*
- ▶ *an extension of the various advantages to include part-time workers.*

A code of practice on the implementation of equal pay for work of equal value for men and women. Available from: Office for Official Publications of the European Communities, L-2985 Luxembourg. ISBN 92-827-8099-6

Employment guidelines urge governments to step up action

Equal pay and gender equality has been in the news since 1997, when at the Luxembourg Summit, European Union Heads of State and Government agreed to co-ordinate their efforts to create more jobs in Europe and present a common front against unemployment. This was the start of the European Employment Strategy.

As a result, it was agreed that every year Member States would draw up National Action Plans (NAPs) on employment. Their common starting point would be EU-wide employment guidelines, to be adopted annually. The European Employment Strategy would use indicators to assess progress in the Member States employment policies. A Joint Employment Report, published annually, would give a comparative assessment of the NAPs and examine each Member State's response to the guideline recommendations for that year.

From the start, it was agreed the plans would focus on four policy areas. Gender equality was chosen as one of the four. The others were boosting entrepreneurship, enhancing employability and creating an adaptable labour market. Today, these are still the four pillars of action. The EU 2001 employment guidelines state that both the Member States and the Social Partners must promote equal pay for equal work or work of equal value and must take steps to minimise gender related pay differentials.

Since 1998, by evaluating the NAPs, the Commission is also evaluating Member States' progress in achieving gender equality. Every year, the Commission's evaluators find there has been some progress but the issue of gender equality is still not sufficiently addressed.

The Commission said Member States have "started to acknowledge" that there is a pay gap (1). However, the measures proposed to tackle it tend to be "rather vague" or rely too heavily on voluntary compliance.

Looking at the 2001 NAPs, the Commission said some Member States have announced initiatives to reduce the gender pay gap, but most of these are still at the early stages of implementation and lack concrete actions or targets. It continued by saying that little attention is being paid to identifying and addressing policies which exacer-

bate the gender pay gap or to reducing the pay differences between women and men. Although the Social Partners have a crucial role to play here "their commitment is weak." It called for much greater efforts to be made especially in the private sector where the pay gap is more than double (19% versus 10%) that of the public sector.

Tackling the pay gap "still appears to be given a low priority", the Commission concluded. It made 11 recommendations to individual Member States pointing towards specific shortcomings, notably over childcare provision and the gender pay gap.

The EU 2002 employment guidelines, adopted in September 2001, continue to take up the gender pay gap because of the insufficient progress made so far (2). They urge Member States and the Social Partners to adopt "a multi-faceted strategy" in the public and private sector and "consider the setting of targets to tackle the pay gap". Suggested actions include a review of job classification and pay systems to end gender bias, improving statistical and monitoring systems and awareness-raising about the pay gap. ◀

(1) Annual Report on Equal Opportunities for Women and Men in the European Union 2000. Available from: Office of Official Publications of the European Communities, L-2985 Luxembourg. ISBN 92-894-1214-3

(2) For the Joint Employment report and 2002 guidelines see website http://europa.eu.int/comm/employment_social/empl&esf/news/emplpack2001_en.htm

Closing the gender pay gap – who can do what

Governments

- ▶ strengthening equal pay legislation to allow group actions and making it easier to take cases to the courts
- ▶ developing long-term strategies to raise minimum wages as a tool for closing the gender pay gap
- ▶ carrying out pay reviews in government bodies and the public sector to set an example
- ▶ ending the under-evaluation of women's work in the public sector and examining the impact of public sector changes on the gender pay gap
- ▶ assessing the impact on equal pay of social, economic and labour market policies
- ▶ promoting training and development opportunities especially for part-time workers
- ▶ promoting work/life balance policies and extending childcare provisions

Employers

- ▶ introducing gender pay audits giving information on payment systems by gender
- ▶ ending the under-evaluation of women's work in the private sector
- ▶ facilitating training and the gaining of qualifications in female-dominated sectors and including part-timers in this effort
- ▶ taking a fresh look at job evaluation schemes

Trade unions

- ▶ making equal pay central to collective bargaining and negotiations
- ▶ putting more pressure on employers and governments to bring change
- ▶ greater representation of women within trade unions, especially when negotiating collective agreements



Belgian Minister champions equal pay

Laurette Onkelinx

Laurette Onkelinx, Belgian's deputy Prime Minister and Minister for Employment, has put the issue of equal pay at the centre of the Belgian Presidency's gender equality agenda. In an interview with the Gender Equality Magazine, she said there is sufficient evidence to show that the gender pay gap exists.

The main reasons for it are well known, be it unequal access to training, women's career paths, gender segregation of the labour market, job evaluation schemes and so on. But she felt women's lower presence on the labour market places them in a weaker negotiating position. This is why she emphasised the need to increase women's employment rates and so strengthen their negotiating hand.

Since she became Minister for Employment in 1999, she has taken a number of steps to improve women's employment.

The first was to increase the minimum wage. Such a measure, she feels, automatically improves women's income as they comprise the majority of the low paid.

Although she would like to see co-ordination of minimum wage policies at European level, she said a number of Member States vehemently oppose any such moves. "Now we have the euro, it is natural that we try and co-ordinate wage polices across Europe", she said.

Another step she has taken as Minister was to propose two laws, which have now been adopted, promoting the quality of life at work and encouraging employment of risk groups, the young and older people.

The Minister said the two laws allow for more flexible and shorter working hours to help women and men to better balance work and private life. For example, the working week is reduced to 38 hours and individuals are given a right to a 4-day week.

Belgium has been involved in negotiations with the Social Partners for a number of years to see how to end gender inequalities in job classification schemes. As Minister for Employment, Ms Onkelinx has witnessed these talks and said employers and trade unions take an "ambiguous" position when it comes to equal pay.

On a European level, she supports the strengthening of the equality pillar in the employment guidelines (see separate article). By putting more emphasis on equal pay in the guidelines, the Minister hopes to shake the Social Partners out of their current inaction on this issue.

By December 2001, she also hopes to have finalised the equal pay indicators with Member States. At the start of the Presidency, a questionnaire was sent to all the Member States with a proposed set of indicators (see separate article). She has also started a discussion with Member States' finance ministers to examine the gender impact of their finance and economic polices.

Ms Onkelinx, a lawyer by profession, entered politics in 1986 in order to bring about change. She had worked for a number of years in the social sector and wanted to see what she could do from the inside. Within two years, she had her first ministerial post at the age of 34. ◀

Developing indicators – governments agree to act on gender pay gap

Work is underway to measure the pay gap more effectively through the development of indicators. A balance has to be maintained between simplicity and yielding sufficient information.

The Swedish Presidency during the first six months of 2001, kicked off the discussion on indicators using a report drawn up by a group of Swedish researchers as its background document (see report by S. Fransson and others referred to in a separate article).

By March 2001 at the Stockholm Summit, European Union Heads of State and Government had agreed to increase the pressure to eradicate salary differences between women and men.

They promised to work with the Commission to “develop indicators to ensure that there are no discriminatory pay differentials between men and women”.

Belgium, which took over the Presidency on 1 July 2001, lost no time in circulating a questionnaire to all the

Member States which sets out a number of indicators to measure gender pay inequalities and gauge the impact of selected labour market policies on pay differentials. It hopes to complete this process by December 2001. ◀

Indicators proposed by the Belgian Presidency

Quantitative indicators measuring the pay gap

- 1 Overall gender pay gap: measured on an hourly basis with and without overtime pay, for all employees, for all full-time employees and for female part-time employees compared to female full-time employees and compared to male full-time employees.
- 2 Gender pay gap by group: covering by age and education. It is also suggested to compare women employees in the prime years of 25 to 45 that have children with those who do not.
- 3 Gender segregation and pay: explores the structure of wages and its relationship to the gender pay gap. The focus is on five issues: low pay, overall wage dispersion; pay in female-dominated occupations/sectors; pay in occupations/sectors accounting for a high share of women (more than 66%); pay in public versus private sector.
- 4 Dynamic indicators measure factors which may lead to a closing or widening of the gender pay gap but need to be monitored separately. For example, it is important to know if a closing of the gender pay gap comes through an improvement in women's pay or a decline in men's pay. So here it is proposed to monitor trends in men's pay versus trends in female pay; changes in the structure of wages; changes in part-time/full-time differentials; change over the life course.
- 5 Decomposition of the pay gap using a statistical formula to reveal the part that remains unexplained. This gap could be a direct result of discrimination. This does not exclude that all the other elements making up the rest of the pay gap, such as working conditions, sectoral application, size of the establishment and so on do not also contain an element of discrimination.

Qualitative indicators: the impact on the pay gap of selected labour market policies

The questions set on policies go beyond the identification of measures. They ask: the objectives of each measure; if it is an individual or collective measure; optional or compulsory; aimed at organisations or at individuals; if it has an impact on retirement rights; the number of people concerned according to gender and the impact it has on the gender pay gap.

- 6 What are the measures affecting employment, taxation and social security which directly or indirectly affect the daily, weekly or individual working hours of certain categories of workers?
- 7 What are the measures that directly or indirectly have an effect on the interruption of the occupational career (labour legislation, fiscal legislation, social security coverage, benefits of all kinds)?
- 8 Are there any measures that reduce the wage costs to employers or provide subsidies for low wages?
- 9 What in your country are the measures for fighting wage inequalities between men and women?
- 10 Are there measures to encourage the gender pay gap to be put on the agenda of collective bargaining?
- 11 What in your country are the measures that are the most efficient in terms of fighting wage inequalities between men and women?

Interviews with key players

Miet Smet

Member of the European Parliament

Fighting for equal pay - valuing the chair and not the person on it

Miet Smet, a Member of the European Parliament, and a former Employment Minister in Belgium, was on familiar ground when she took the initiative to put equal pay for work of equal value on the agenda of the Parliament's Committee on Women's Rights and Equal Opportunities.

In an interview with Gender Equality Magazine, she said she took this step because there is still "unfair inequality" between women's and men's wages that can only be explained by discrimination.

The Committee gave her its backing and in June 2001, she organised a Parliamentary hearing to discuss equal pay for work of equal value. She drew up a report on this topic for Parliament. The Parliament adopted a resolution on the issue in September 2001 (1).

As Belgian Employment Minister from 1992 until 1999, she worked with the Social Partners to close the wage gap. As a result, "I am very familiar with the issue and with the apparent obstacles to a solution".

Ms Smet insists that 15% of the wage gap is "discriminatory". This is because of gender biased job evaluation and classification of functions and gender segregation.

Different value is placed by society on jobs or tasks mainly carried out by women and those mainly carried out by men, she said. The value rating of a job should be based on the importance of the job and not the person performing it.

To overcome "this value discrimination", she wants job classification systems introduced that are based on gender-neutral criteria.

She criticised the continuing low priority given to the wage gap by those negotiating pay. One reason, she said, was that "employers and trade unions have too few women among the negotiators".

They are also "worried about the costs" of introducing equal pay for equal work. The cost of resolving the pay imbalance is seen to benefit only the low or underpaid, which are mainly women. Therefore, the "positive effects of this 'righteous change' is limited for those workers who represent the Social Partners in the working place and are the negotiators and social peace-keepers."

Yet ending the wage gap is a "basic right", said Ms Smet. "It is only fair that women and men are being paid equally when their job is of equal value."

There are also economic benefits. Currently, there is a shortage in the care and cleaning sectors, but, she said, women cannot be encouraged to enter the labour market if they are repeatedly underpaid in these jobs. She said female-dominated sectors and women's jobs need to be upgraded in order to narrow pay differentials.

As for the Member States, Ms Smet said they should put "a lot of effort into making the wage gap visible". They should guarantee gender-neutral job rating systems through legislation, develop awareness-raising campaigns and encourage the social partners to take up action. Some

are providing a model by ending pay gaps in the public sector.

As for the European Commission, it needs to collect more recent and complete statistical data and oblige Member States to produce a detailed report on actions taken. She also wants to see in the new employment guidelines, the setting of targets and a date to achieve them.

"I am convinced that this is the right time to take action," said Ms Smet. "If nothing is done now, when will there ever be a 'right' time?"

(1) A5-0275/2001 of 29.9.2001

Beatrice Hertogs

ETUC - European Trade Union Confederation

Increasing low wages, the fast track to closing the pay gap

It is not easy to detect gender discrimination at company or even sectoral level, said Beatrice Hertogs from the ETUC in an interview with the Gender Equality Magazine. Even with the best will, trying to unearth discrimination within a company is a long process. Often, those involved in negotiating pay from both sides of industry do not even know where to start looking.

Discrimination in pay usually arises because less value is placed on women's work. "But how can you prove this discrimination is taking place?"

One strategy has been to include in collective agreements a revision of job evaluation systems. However, this exercise "takes time, a great deal of time", and it is not always easy to convince employers (and indeed certain categories of employees) to go down this road.

Revising job classification schemes may be the only strategy to detect discrimination in pay, but, she argued discrimination is only one component of the pay gap. Ms Hertogs said increasing low wages or the minimum wage would reduce the pay gap immediately and help to combat poverty more generally. Such a strategy is particularly important in sectors where there is a predominance of women employees.

Another way of closing the pay gap and raising low wages is to pay the same overtime rates to part-time workers as paid to full-time workers. Such experiments are already taking place in the Netherlands, said Ms Hertogs.

Changes in the organisation of work could also offer a good opportunity to reduce the pay gap, she said. Women can be encouraged to take up further training courses and so transform their jobs.

The gender pay gap exists in all the Member States, said Ms Hertogs. The national context holds the key to finding the right strategy to tackle it. This means looking at women's employment patterns in that country, the way industrial relations are organised, and how wages are fixed.

She felt Member States could do more to reduce the pay gap. For a start, they could upgrade low paid jobs in the public sector. They could also put pressure on employers and trade unions to tackle the pay gap more effectively.

She said there has been sufficient research and data to show the problem is there. However, the request for more figures continues. Updating and improving the figures is good, but in her opinion, this search for more data acts like a barrier to other measures being put in place. "The time has come to use the existing figures to set targets and dates," she said.

She believes that existing equal pay laws need strengthening. The equal pay Directive could be revised to allow group actions. In the majority of cases, it is not an individual woman but a group of women, who are being discriminated against, she explained. Independent bodies could be set up in each country to give advice on pay complaints and try to find a friendly settlement avoiding the courts.

Despite the slow progress, she remained optimistic. "We need more women in the labour market. If employers want to attract women employees and ensure that they stay within their company, then they have to pay them better."

Thérèse de Liedekerke

UNICE (Union of Industrial and Employer's Confederations of Europe)

European employers react on equal pay debate

European representatives of public and private sector employers give their views on the equal pay gap in two separate interviews with the Gender Equality Magazine.

Statistically there is a pay gap, said Thérèse de Liedekerke from UNICE but this, she said, is caused by a number of factors resulting from women's position on the labour market.

It has been estimated that some 15% of the pay gap remains unexplained once other factors such as age and occupation have been taken into account. This 15% could be caused by discrimination. She strongly disagrees that this gender pay gap is necessarily the result of discrimination by employers.

Statistics show that "we have not reached equality", said Ms de Liedekerke. "They indicate that gender equality needs to be further promoted but the cause of pay differentials are largely linked to reasons other than discrimination leading to labour market segregation."

"Discrimination can only be determined by comparing individual pay levels. It cannot be established on the basis of average pay levels. Alleging discrimination from overall figures gives the wrong impression that all employers discriminate against women. This is unfair".

An important element to be taken into account when trying to understand the reasons for the gender pay gap, she emphasised, are women's different career paths because of family responsibilities, their level of education or choice of careers. "Employers should not be asked to correct a problem that has its origins within other spheres of society (family, cultural attitudes, etc.)."

Employers back the principle of non-discrimination but they feel that the notion of equal work for work of equal value has been interpreted too widely. Many factors determine pay decisions: individual performance, qualifications, length of service within a company, financial situation of the company, amount that the client is prepared to pay for the product or service produced, etc. These factors can lead to justified differences in individual pay levels.

"The notion of work of equal value has an element of comparing apples with pears", she said. "Pay determination systems in force in companies must not lead to discrimination. But this does not necessarily mean that gender as such, must be an issue for pay negotiations," she concluded.

On how to close the pay gap, employers tend to put more emphasis than trade unions on education and training and on raising awareness to encourage women to better diversify their career choices.

She was vehement that the European level should not interfere in local pay systems. "The European legislator has played its role when creating the legislative framework on the basis of which individuals can challenge unfair solutions in the courts. If a collectively agreed pay system leads to discrimination, it is for the local social partners to find the solutions."

As to the future, Ms de Liedekerke was optimistic. Even if further progress is still necessary, gender equality has improved in Europe over the past decades. She was confident that there was room to bring the positions of employers and trade unions closer together on practical solutions.

Jytte Fredensborg

CEEP (European Center of Enterprises with Public Participation and of Enterprises of General Economic Interest)

Equal pay targets "unrealistic"

Jytte Fredensborg from CEEP also emphasised that differences in pay did not automatically mean that it is caused by sex discrimination.

Where there is a pay gap caused by sex discrimination it should be tackled but she found the setting at European level of equal pay targets to be "unrealistic". She believes that many of the differences in pay will disappear as women enter the labour market and a greater number enter management posts. But she said that in the current situation, the sharing of unpaid work within the home is still an obstacle to many women. "The cultural background-linking the full responsibility for children and family to the woman, and only to the woman - is still a major obstacle to many women when they consider entering a career."

Collective bargaining and dialogue between the social partners at all levels is crucial. "The lowest gender pay gaps are found in countries where collective bargaining coverage is widest". But, she said, it should be left up to employers to evaluate the jobs in their companies and decide the pay that should be given.

A key problem is a cultural one, she explained. It is the sharing of unpaid work within the home and this is "difficult to turn around". ◀



President of the Equality Advisory Committee urges faster progress

Niall Crowley

Niall Crowley, the chief executive officer of Ireland's Equality Authority and President of the European Commission's Advisory Committee on Equal Opportunities for Women and Men, said the time is right to move forward on equal pay.

In an interview with the Gender Equality Magazine, he said as a single item, equal pay draws together so many strands of equality and inequality. "If we make progress on equal pay, then we make progress on all fronts of gender equality."

Mr Crowley was elected President of the Commission's Advisory Committee in June 2001. The Committee brings together the equality bodies and relevant Ministries of the Member States and employer and trade union representatives.

In 1999, it adopted an Opinion on equal pay calling on governments, employers and trade unions to make equal pay a priority issue.

In Spring 2001, in a further Opinion, the Committee said the gender pay gap "has developed as a major policy concern" and should be a "core priority". This Opinion concerned the upcoming 2002 employment guidelines. In it, the Committee urged the establishment of targets with timescales to reduce the gender pay gap.

But for both Opinions, the Committee was unable to secure the full support of the employers' representatives. They did not endorse elements of the equal pay Opinion, said Mr Crowley. On the employment guidelines Opinion, he said there was a consensus that women and men should be paid equally but the Committee did not agree with the setting of targets on this issue nor on the focus being placed on collective bargaining.

The employers argue that the statistics do not reflect reality and have not proved that any part of the gender pay gap is caused by sex discrimination. The major reason for the pay gap, in their opinion, is professional segregation on the

labour market that can only be resolved through measures such as education and training (see separate interviews). They also oppose the proposal to set targets and to define dates to achieve them.

Mr Crowley agrees there is an issue about the data, "more and better data needs to be gathered", but the current data are "adequate to show there is a serious problem", he said. "Employers and trade unions have central roles to play in developing and implementing responses to the issue of equal pay and it will be important that both play these roles to the full."

He wants the 2002 employment guidelines to set equal pay targets. "It is probably the best way to get a coherent approach across the Member States."

Mr Crowley concluded that he was optimistic that improvements in the pay gap will take place.

However, "my optimism is tempered by the caution of reality. We know that there is resistance to change and that the pace of change in the past has been desperately slow. But there is a momentum at all levels to make this a priority issue and there are important policy moves taking place as a result." ◀

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