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Trade union strategies regarding equal pay

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CONTENTS

INTRODUCTION

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TABLE OF CONTENTS

<u>1.INTRODUCTION</u>	p3
<u>1.1. Unequal pay - a persistent gap</u>	
<u>1.2. Central issue of this research project</u>	
<u>2. SITUATION OF THE ISSUE</u>	p4
<u>2.1. The demand for equal pay</u>	
<u>2.2. Legal and actual equality</u>	
<u>2.3. Equal pay and trade unions</u>	
<u>3. CONCEPTUAL FRAMEWORK</u>	p6
<u>4. INSTITUTIONAL FRAMEWORK</u>	p7
<u>4.1. Pay determination in the private sector</u>	
<u>4.2. The principle of equal pay in the private sector</u>	
<u>4.3. Equal pay in public services</u>	
<u>5. OBSERVATION AND IDENTIFICATION OF UNEQUAL PAY</u>	p11
<u>5.1. Difficulties in identifying inequalities</u>	
<u>5.2. The size of the gender pay gap</u>	
<u>6. ANALYSIS AND EXPLANATION OF UNEQUAL PAY</u>	p14
<u>6.1. Features of unequal pay</u>	
<u>6.2. Causes of unequal pay</u>	
<u>6.3. Relative importance of the causes of the pay gap</u>	
<u>6.4. Is job evaluation a solution?</u>	
<u>7. TRADE UNION STRATEGIES REGARDING EQUAL PAY</u>	p24
<u>7.1. A theme for action, which is not always shared</u>	
<u>7.2. Hesitant trade union action</u>	
<u>8. UNEQUAL PAY AND THE PRINCIPLE OF GENDER MAINSTREAMING</u>	p27
<u>8.1. Remedying inequality</u>	
<u>8.2. Conclusion – the need for gender mainstreaming</u>	
<u>APPENDICES</u>	p29
<u>BIBLIOGRAPHY</u>	p39

1. INTRODUCTION

1.1. Unequal pay - a persistent gap

For decades, the demand, "equal pay for equal work", predominated in the women's movement within action aimed at the total emancipation of women. Therefore, pay cannot be missing from research, ~~which-that~~ analyses gender equality in the trade union movement. Already in the 19th century - and above all in the 20th century - this demand was of constant concern to the women's movement. In **Belgium**, the fight for equal pay was a model of the general struggle for women's emancipation. The F.N. Herstal strikes in 1966 and 1974 were a symbol of this struggle¹. At the beginning, it highlighted the demand for equal pay, in order to remove direct discrimination and then, later, as we can see in **Austria** - and other European countries - since 1970, emphasis has gradually put on the fight against indirect discrimination.

In the **Netherlands**, as in the other European countries, this issue was in the forefront for a period of time and put on various collective bargaining agendas, but the results won through bargaining were not sufficient to reduce the pay gap significantly and definitively. - In **Denmark** (to be checked by Denmark), the issue of the pay gap has become a very important topic in the past year-

In **France** - in spite of repeated union campaigns on this issue - the fight against the gender pay gap is rarely central to union strategies. This is because of the fact that pay restraint policies, linked to the introduction of the 35-hour week, have put it into the background for the time being. Research shows the same situation in **Italy**, given that collective bargaining in recent years has not been able to have a tangible effect on reducing the gender pay gap, partly for cultural reasons and partly because of the absence of specific measures promoted by unions and companies.

However, the situation is changing. New equal pay campaigns have been launched. It should also be said that although the world of work is very conscious of the demand for equal pay, national legislators have left this principle largely to European Union initiatives.

1.2. Central issue of this research project

The point of departure of this study was not to find out whether pay discrimination persists in the sectors and enterprises examined in each of the six partner countries, but rather to explain the persistence of the pay gap and to find out if and how trade unions undertake actions or find solutions to overcome the existing pay gap.

The following structure has been adopted for this report. Firstly, the content and notion of pay and all the concepts used were studied. Then, it was necessary to describe the institutional and legal framework of the principle of equal pay. The next question was to find out if the actual situation is in line with legal situation, and if not, what distortions exist. The fourth part offers an analysis of discrimination and reasons for it. Then, via national reports of the partner countries of the MSU project, we examined trade union action to deal with the relationship between the issue of equal pay and a gender mainstreaming approach.

¹ C.A.R.H.O.P. - F.E.C., *Histoire du mouvement ouvrier en Belgique, Outil pédagogique 9, Syndicalisme au féminin, Recueil de documents 3, Revendications et actions*, Brussels, 1990, p. 5

This report is based on European studies concerning equal pay (notably EIRO) and the national reports of the countries participating in the MSU programme. These reports are based on sector-level (metal industry, commerce and public services) surveys and enterprise-level case studies (see the case studies in the appendix).

2. SITUATION OF THE ISSUE

2.1. The demand for equal pay

This research project studies the way in which trade unions take on board the issue of equal pay between women and men within their own structures and in their equality policies for working women and men.

The unequal treatment of women compared with men is a problem, which European society has experienced for centuries². This societal problem is also decisive for the situation of women at work, and in particular for working women in industrialised societies. The actual and legal inferior position of women has, however, changed overtime in the direction of greater emancipation, as a result of their large-scale participation in the labour market and also as a result of the political democratisation of society. This dual economic and political process is reflected in a desire for emancipation, which - as far as income from work is concerned - led to the demand for "equal pay for equal work".

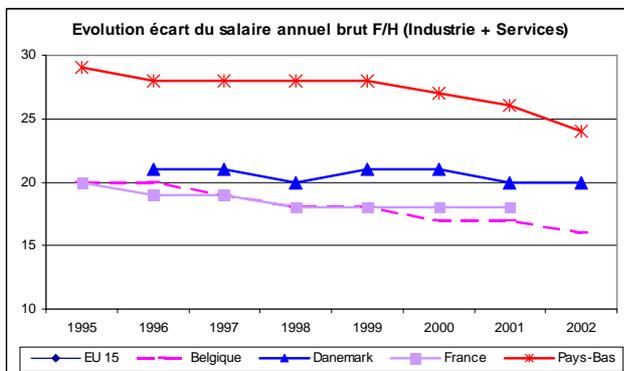
2.2. Legal and actual equality

Currently, the demand for equality has been achieved in law. However, the actual situation has not followed this development. Working women continue to be victims of discrimination as far as pay is concerned.

Belgium has a gross pay gap of about 15%. In the **Netherlands**, women's hourly pay is 23% less than men's (2000). In **France**, the gap is on average 25%, similar to **Italy**, where there is a 24% gap. In **Austria**, however the gap is about 32% (gross pay, including supplements, but excluding part-time employees). In **Denmark**, the average gap is approximately 15% between blue collar women and men, and approximately 20% between white collar women and men, which is much smaller when one incorporates the greatest possible number of directly measurable factors, affecting pay formation.

² Probably because very little is known about the history of women at work. Cécile Dauphin and Delphine Gardey write about this as follows: "*Women at work remain partly hidden and for a long time historians, who were convinced that they could not exist, did not try to find them ...*". Dauphin C. et Gardey D., "Façons de faire l'histoire du travail et du genre". Introduction, in Laufer J., Marrez C., and Maruani M., *Le travail du genre*, Paris, 2003, p.64.

Graph 1 Development of the gender pay gap (annual gross pay) : industry and services



Source: Eurostat

The above graph shows that the pay gap has changed little since 1995, except in the **Netherlands**, where favourable change can be observed. Nevertheless, the **Netherlands** - along with **Austria** and **Italy** - are countries where the gap is still very big. These figures are based on annual gross pay in industry and services (Eurostat) and are different from those presented in the national reports of the MSU partners. Moreover, the above data are not complete for **Austria** and **Italy**. Besides these differences, which raise methodological difficulties regarding pay comparisons, our study confirms slow change, which sometimes even hardly promotes equality.

Other studies confirm this trend. In general, it can be observed that since 1995 women's average pay has increased in relation to men's pay, but their pay still remains well below men's pay. According to "Statistics on the Structure of Earnings" (SSE)³, average pay of full-time women employed in industry and services in the EU was around 75% of that of men. Since 1995, the gap reduced in **Belgium** and the **Netherlands**, but remained approximately stable in **Denmark** and in **France**. The data provided by EIRO⁴ indicate that in **Austria** and **Italy** the gap is growing slightly.

Unequal pay can be explained by the context of an undemocratic and inegalitarian society, managed by men, but it is clear that economic considerations - such as keeping labour cheap - are also at work. Pay discrimination has essentially become indirect and this raises the problem of proving its existence, structure and mechanisms - and also of finding remedies.

2.3. Equal pay and trade unions

The aim of this study is to examine the link between gender pay discrimination and the way in which trade unions incorporate gender issues in their structures and policies, in order to remove such discrimination. Are unions the driving power behind the movement for equal pay? Is equal pay imposed by governments or is it achieved via collective bargaining? Is it rather a matter of political factor that push legislators into making decisions? It can also be the result of a combination of both approaches.

³ Clarke S., Earnings of men and women in the EU: the gap narrowing but only slowly, *Statistics in focus*, Population and social conditions, Theme 3, 5/2001, European Communities, 2001

⁴ <http://www.eiro.eurofound.ie/2002/01/study/TN0201101S.html>

In order to answer these questions, it is necessary to study all the factors that affect pay and assess the impact of trade unions on them. This should make it possible to assess the influence of changes in union gender policy on the way pay is determined and, more specifically, on achieving equal pay. It will, however, be difficult to assess the precise influence of union gender mainstreaming policies on achieving equal pay, because the impact of other factors affecting pay policy has not been assessed.

3. CONCEPTUAL FRAMEWORK

According to article 141 of the EU directive, "pay" means normal basic or minimum pay and all other payments - in cash or other forms - which employees receive directly or indirectly from their employer. Pay can be considered as the compensation for work done by employees. Over time, the notion has developed greatly. It has become complex and variable and not only individual, but also collective. The notion of deferred pay has appeared. A supplement can be owed by an employer even for a period during which the employee did not actually work.

Employees also receive various financial and other advantages for their work, such as end-of-year bonuses, group insurance bonuses, supplements and profit-sharing. Some companies and sectors provide collective forms of advantages, such as a crèche for employees' children. The very notion of pay has become complex, with the introduction of concepts, such as pay supplements, bonuses for particular services or per service, performance pay, benefits in kind, luncheon vouchers and educational/training vouchers, etc.

Social advantages are to be found in individual contracts, collective agreements or in legislation, but are not considered to be part of pay. These different forms of compensating work have different aims: sometimes avoiding tax or social security payments and sometimes they are of a political nature, namely aimed at tying employees to the enterprise, motivating them in their work, encouraging them to increase the quality of their work and their productivity. Such advantages are not always appreciated by those, who receive them. The Belgian report describes a statement made by a trade union representative: "*They want to make us work with toast in one hand and baby in the other*" (ABVV-FGTB in Meta 2 / metal industry).

In the **Netherlands**, legislation uses the notion of inequality rather than discrimination, because it covers more than only (intentional) discrimination.

Moreover, unequal pay involves two additional concepts: on the one hand, the principle of "indirect discrimination" that was introduced by the European commission: "*Indirect discrimination exists if apparently neutral regulations, criteria or procedures place a significantly higher proportion of one gender at a disadvantage*"; on the other, the notion of "equal pay for equal work" was extended to the notion of "equal pay for work of equal value". This means that one should receive the same pay for a different job, provided it requires the same level of skills, knowledge, effort and responsibility.

Both of these concepts have brought important new tools to the fight against unequal pay, even if they are still far from being sufficiently used.

4. INSTITUTIONAL FRAMEWORK

4.1. Pay determination in the private sector

Although legislation on minimum pay may be considered by academics as being a form of protectionism against women's pay discrimination, this is not debated by social partners in the countries covered by our study. According to some studies, the pay gap is smaller in countries with strict laws on minimum pay and centralised legislation on pay determination (EIRO).

In **France**, the State strongly influences pay at various levels: it determines national minimum pay (SMIC). The state also makes it possible to extend a collective agreement to all the companies in a sector. By setting SMIC each year, the State influences increases, which are awarded in collective agreements with a view to controlling inflation. The French system is, thus, known for its centralised approach to bargaining (role of the State and sectors). Nevertheless, for many years already, company agreements have become more influential in pay trends, via increasingly decentralised collective bargaining. This is explained by the obligation to negotiate pay at company level every three years (1982 Auroux laws). Sector-level collective agreements propose minimum pay for the sector and define - on the basis of classifications - coefficients for each type of job, which are then applied in companies. In **France**, basic pay in the private sector is made up of a coefficient, which is established in an agreed scale, which is multiplied by the value of points linked to the particular position that an employee occupies. The scale is negotiated annually.

In the **Netherlands**, minimum pay is established by the government annually. There is proportional pay for young people. The 1975 law abolished the same mechanism for women. Collective bargaining is on pay systems in relation to levels of functions and other additional components, linked to pay. Many of the systems are based on job evaluation or classifications of functions (the latter being less favourable). There are two trends in collective bargaining. Given increased individualisation of working conditions, central bargaining only defines a general framework, which is then negotiated in greater detail in decentralised bargaining. The other trend is the development of a kind of "self-service" system, which is based on general agreements at the level of the National Council of Labour, which stipulate elements, which are interchangeable during collective bargaining at sector or company levels, thus making it possible to individualise working conditions and exchange "pay" for "working time".

In principle, pay in the private sector in **Belgium** is fixed by individual negotiations between the employee and the employer. A legal framework and rules exist and fix limits to such individual negotiations. The main rules - both legal ones and those in collective agreements - fix the general inter-sector framework, in which pay is negotiated at company level between employees and employers. Moreover, the inter-sector framework is supplemented by sector- and company-level agreements. Thus, agreements provide for pay scales with minimum levels, which must be respected. Sector-level agreements automatically index pay on the cost of living. Inter-sector agreements guarantee monthly minimum pay and pay for part-timers, which is proportional to that of full-timers. In the 1989 and 1996 laws on maintaining the country's competitiveness, the public authorities impose a pay standard, beyond which pay increases are forbidden.

In **Denmark** minimum pay standards are negotiated as a framework in sectors for three-year periods. There is additional pay bargaining in companies for groups of workers. It has become quite common throughout private companies - but also gradually in the public sector - that

part of pay is individually negotiated between individual employers and employees, for instance, in relation to performance-related pay.

In **Italy**, pay is one of the most negotiated topics. Following on from the 1993 protocol, two aspects are negotiated at national level: minimum pay and seniority (length-of-service) groups. The variable part of pay is negotiated at company level, by defining performance-related bonuses. Minimum pay is reviewed on a six-monthly basis, in line with envisaged inflation. Minimum pay is calculated according to required tasks and levels of technical skills - in sector level agreements. This is in addition to quotas fixed by some companies, via decentralised bargaining, in the form of production bonuses, "*super minima*" (sums paid, which are above minimum pay) and "*una tantum*" (*ad hoc* payments to compensate for delays in adapting the six-monthly national reviews).

In **Austria**, collective agreements fix minimum pay, automatic promotion and length-of-service bonuses (*Vordienstzeiten*) for each sector. Relations between employees and employers are individual and fixed in individual contractual agreements - but must not be inferior to collective bargaining standards in the sector concerned. Trade union representatives are not even meant to be informed about the content of individual contracts. All collective agreements must be in line with EU conditions regarding "equal pay for work of equal value".

4.2. The principle of equal pay in the private sector

All the countries covered by the study have legislation on equal pay. Direct and indirect gender pay discrimination is forbidden by the constitutions of these countries. Pay discrimination concerns all forms of pay differences, which are not objectively justifiable. Equal pay for equal work or work of equal value should be implemented regarding all elements and conditions of pay, including in the areas of profits, bonuses and job evaluation. Given the fact that the pay gap persists, legislation has been amended or added to by other regulations, which concentrate on indirect discrimination.

In **Belgium**, both of the industrial sectors, examined during this study, have inter-sector regulations concerning equal pay, which apply to the whole of the private sector. They guarantee the implementation of the principle of "equal pay for equal work" in all circumstances. They forbid not only direct discrimination, but also indirect discrimination. Equality should be ensured in all elements and conditions of pay, including in job evaluation systems. Job evaluation systems should in no way lead to discrimination - in their choice of criteria, their weighting or their system of transposing assessment values into pay components.

France also has important legal measures concerning equal pay. The law, which was adopted in 1983, was an important step. It extends the principle of equality to all work of "equal value". The 2001 law on occupational equality aims at changing the place of equality in collective bargaining, notably concerning pay. As far as the private sector is concerned, these laws have made it compulsory to produce statistics and relevant indicators, notably on pay. The new law also introduced the obligation to negotiate occupational equality between women and men at company and sector levels every three years and also to tackle inequality during compulsory negotiations (on pay, working time and grading). It is, thus, an important measure from a gender mainstreaming point of view. An inter-sector agreement in 2004 on

gender balance and occupational equality concerns all working conditions and provides for reducing the pay gap. It also suggests - for the first time - that job evaluation criteria should be analysed.

In **Italy**, the 1991 law (N° 125) on positive action for promoting gender equality in the labour market concerns both the private and public sectors. It aims at stimulating women's participation in work - and also at removing women's inequality, notably in the area of vocational training, pay and in relation to responsibilities at work and home. Besides legal guarantees, equal pay is guaranteed by collective agreements.

As in **Belgium** and **France**, the **Netherlands'** constitution guarantees non-discrimination. At the same time, the AWGB 1994 law (general law on equal treatment) forbids all forms of discrimination based on gender or caused by a full-time or part-time work contract. However, in the **Netherlands**, as in other countries concerned by the MSU-project, research shows that the pay gap is bigger in the private than in the public sector⁵.

In **Austria**, the banning of indirect and direct discrimination and the principle of equal pay (including for work of equal value) are stated in the 1979 law on equal treatment of men and women and amendments adopted in 1990, 1992 and 2004. A mediator and an equal treatment commission have been created to monitor the law. As in other European countries, **Austria** has to also check that national laws and regulations are in line with the principle of equal pay for women and men for work of equal value. Legal regulations opposed to these principles must be removed. This has not yet been done in **Austria**.

Despite the existence of an "Equal pay act" in **Denmark** since 1973, there is still a pay gap, which is difficult to explain. The new "Equal opportunities act" is the most advanced legislation in **Denmark** concerning gender equality. The law introduces the principle of gender mainstreaming as an instrument to promote equal opportunities at work. But it should be emphasised that this law does not cover "equal pay", nor does it refer to the 1973 law. A debate is going on as to whether it is necessary to have new legislation on equal pay. Some people think that it is necessary, in order to obtain general statistics from employers as well as data that is already available and registered during court cases. Others think that new legislation on equal pay is not necessary, given the responsibility of social partners to negotiate an agreement on pay transparency.

4.3. Equal pay in public services

By the very nature of the sector - which safeguards the general interest - the principle of gender equality in general and that of equal pay, in particular, are observed rigorously in the public sector. At least, as far as identical functions are concerned. Any inequality that exists is indirect. This has obviously not always been the case. Thanks to strict legal protection and changing mentality amongst politicians, the situation has changed.

All six countries covered by the study have legislation which prohibits all forms of discrimination, notably in public services, between women and men for the same job. This protection is often presented in the form of a general principle, which is applied to working relations and supplemented by specific protection regarding pay.

⁵ Source: Eurostat, PCM-UDB, ver. December 2001

In **Italy**, the 1991 law (N° 125) on positive action for promoting gender equality in the labour market, includes the obligation for public services to organise positive action with a view to achieving gender equality. Gaps nevertheless exist regarding bonuses. There are also collective inequalities linked to different forms of functional segregation, career development and access to promotion.

In public services in **France**, it is stated that pay is equal for equal work and there is no direct discrimination. It is, in fact, difficult to prove this, because detailed gendered statistics on pay are not available. Pay is, above all, statutory and dependent on one's grade. Pay is equal for a specific grade, regardless of whether one is a woman or a man - except for certain bonuses, such as family and residential supplements. However, as far as local authorities are concerned, the system is made up of a central part, which is established at national level (by joint negotiating committees), but is also partly decentralised to take into account decisions made by the Mayor. According to the unions, *"This system promotes individualisation of pay, which can lead to substantial inequality for women in criteria used in the local scheme"*.

In **Austria**, there is a law for civil and public servants called "Law on equal treatment for men and women in the public sector" (*Gleichbehandlungsgesetz des Bundes*) This law concerns a demand for positive action for women involving preferential treatment regarding promotion and training (EIRO).

A **Belgian** trade union public services officer stated *"In public services, women are equal to men and men are equal to women - in practice, it should be like this"* (ACOD, Ministries). However, it is accepted that in spite of legal equality, women still are still experiencing inequality. It is related to sociological and psychological factors, which are both inside and outside the ministries. Indirect discrimination has been identified in the area of recruitment of staff, who do not have civil service status: *"There is no discrimination, but there is discrimination between those with civil service status and those who do not have it... Depending on the level, they do the same work, but they do not have the same rights to pay... Staff with civil service status have greater career prospects than staff without... The latter are, thus, doubly penalised, because they also do not have job security (which civil servants have). They are also excluded from skills assessments. There is a difference of 8,000 Belgian francs."* (Public service, **Belgium**). Public sector unions have fought to remove this discrimination, which mainly concerns women, who predominate amongst this category of staff. Moreover, Belgian law actually obliges ministries to implement equal opportunities plans, which should include positive action measures for putting an end to indirect discrimination. But a survey of equal opportunities plans shows that during the last five years, they do not refer to the issue of unequal pay.

In the **Netherlands**, employees in the private sector are largely covered by the same legislation as in the public sector. However, research shows that the pay gap between women and men in the public sector is less than in the private sector. Explanations for this include: lower pay in general in these sectors; political concern of government and parliament (in parts of the sector); and the existence of more transparent rules and regulations and methods of correction.

In **Denmark**, the issue of equal pay has been discussed and scrutinized much more in the public than the private sector. More surveys have been carried out and initiatives taken to close the gap. Also, employers in the public sector are obliged to make equality plans, which

also tackle the pay gap. However, recent surveys have shown that the new forms of individualised pay have widened the gender gap. One of the reasons for this is the slackened awareness, resulting from the idea that “equality plans will solve the problems”.

All six countries confirm that indirect discrimination exists in the public sector. As in the private sector, it is difficult to identify such inequality, in view of the existence of legally guaranteed equality. These guarantees are respected individually, especially regarding basic pay.

5. OBSERVATION AND IDENTIFICATION OF UNEQUAL PAY

5.1. Difficulties in identifying inequalities

It is clear that there is real legal protection of the principle of "equal pay for equal work" - the time when women's pay was a percentage of men's pay is over. However, this legal protection does not suffice - it does not prevent indirect pay discrimination from existing. There are many studies of indirect discrimination and women at enterprise level confirm its existence. This is the case in all the countries covered by our study. The same is observed both at enterprise level and sector level.

All the national reports show that there is often no system for identifying inequality. However, some initiatives do exist, as, for example, in **Austria**, where the women's departments of all three unions have set up wide-ranging cooperation regarding equal pay. Within the sectors concerned, the Austrian report mentions that data have not been collected and assessed in a regular and systematic way - neither by unions nor by the national statistical services. The report also emphasises that gender statistics are not available for one of the companies studied in the metal industry, but even without such statistics, union representatives were able to confirm the different forms of "*discrimination against women regarding functions*" persist.

In **France**, as in all the countries concerned, legal protection is binding and makes it possible to take many more cases, to court in order to denounce pay discrimination. Unions do take matters of discrimination for union activity to court, but it is still rare for them to take gender discrimination cases to court. This shows how the issue of gender equality could be dealt with, but it is not explicitly expressed by either CGT or CFDT. The French report emphasises that it is difficult for unions to identify unequal pay. It is, in fact, dealt with indirectly - they speak of working time and insecure jobs (commerce); structure of employment (types of jobs or sub-sectors, where many women work in public services); the role of job grading (metal industry and commerce) and the way bonuses are awarded (all three sectors).

The **Italian** report points to unequal pay as a significant problem and the fact that there is still a lack of information. This makes it difficult to work out policies against unequal pay, thus diverting attention (including that of unions) to other priorities.

Union interviewees in **Belgium** consider that no pay discrimination remains in legislation, but whatever discrimination there is, is of an indirect nature: there is no direct discrimination concerning functions - the same pay conditions are applied to the same functions carried out by men and women. This was stated by both men and women union representatives in all three sectors: "*There are no problems regarding unequal pay - everything is regulated by law*" (VSOA, Ministries). However, they were not able to give precise figures to confirm this

statement. Indirect inequality results from various factors, according to union representatives, such as the lack of vocational training for women, family constraints, long periods of absence, which are sometimes frequent, periods of inability to work, pregnancies, labour market segregation and, amongst others, difficulties in obtaining promotion.

The **Austrian** report, therefore, rightly emphasises that it is important to assess women's and men's activities by using the same criteria. This means the same standards should be used for evaluating women's and men's jobs.

As in other countries, unions in the **Netherlands** point out that identifying the causes for unequal pay in companies and sectors is often extremely difficult. For many years, the lack of job evaluation in many companies was seen as an important factor. However, a growing number of employees are paid on the basis of an analytical job evaluation system. Job evaluation itself was seen as a possible cause of unequal pay, so job evaluation systems were screened and gender-biased elements removed. This, however, has not led to substantial changes in the pay gap. Tackling this issue seriously at company or sector level is frequently impossible, because of the lack of real and correct figures.

For many years, the employers' organisations in **Denmark** produced gendered statistics, but stopped this some years ago. This led to a lack of information on pay in the private sector and the differences between men and women. Information on pay is also strongly considered to be 'private' information, and lack of transparency gives nothing for individuals to hold on to, when it comes to comparing their pay with that of others. In the public sector, the situation is different, as many different sources can be used, both by unions and individuals. In order to solve the problem of lack of information in the private sector, LO together with the national employers' federation, DA, recently published research on women's and men's pay in 2003. This research points out that many factors are decisive for the gender pay gap, such as sectors and regions, performance and educational backgrounds. The fact that women frequently take leave for family reasons is also seen as an important factor.

Thus, the first action that needs to be taken regarding gender equality policy is to check and quantify discrimination, in order to be able to tackle the mechanisms, which lead to indirect discrimination and rectify them.

5.2. The size of the gender pay gap

In **Belgium**, in 1995, women's pay was 83.8% of men's pay throughout the private sector (85.7% for full-timers). In 1996, the pay gap was 11.5% for the private and public sectors. These figures are confirmed by a study carried out by the Limbourg University Centre, which estimates that women's gross pay is around 85% of men's gross pay. In 1999, women's pay was 86.63% of men's pay for those on permanent contracts. It was 99.33% of men's pay for those on fixed term contracts.

In **Austria**, unequal pay is very great - and highest of all six countries. Women continue to earn about a third less than men (32% pay gap) across industrial and occupational categories. It was observed that women earn the same pay within occupational categories, where women predominate, as in occupational categories where men predominate, therefore the gap is even greater in the latter. The pay gaps are respectively 26% and 37%. Within the metal industry,

this problem is confirmed - in 2001, women's average monthly pay was only 74% of that of men. The gap is even greater in machine building (69%) and metal production (71%).

The **Dutch** report states that in the last 25 years, women workers earn on average 25% less than men. In 2000, the figure was 23% for the same or equivalent work. Since 1993, there was a slight drop from 26% to 23%. In the public sector, the figure is 15%. It can vary greatly depending on the age group. Above 45, there is a 31% gap, compared with 3% for the under 23s. In management positions, women earn 32% less than their colleagues, who are men.

In **Italy**, the gender pay gap has not decreased over the past decade. According to Bank of Italy data, women's pay is on average 24% below that of men. The gap is greatest amongst the most highly paid. The pay gap has increased since the abandoning in 1983 of policies aimed at achieving equal pay. This was notably the case of the abolition of pay indexing, whose aim was to protect the lowest paid. Women are mainly to be found amongst low- and medium-paid employees. The negative effects of pay policy in the years after 1983 have been reduced by changes in the age of the supply of women's employment, the growth in the number of women in public services, training policy and non-discrimination legislation.

In **France**, the pay gap throughout the private sector is about 25%. Amongst full-timers, the gap is 20% (2001 data). It is greater for executives (24%) than office workers (8%) and intermediate occupations (14%). This confirms remarks concerning other countries: sectors and occupations, where there are many women, have smaller pay gaps than sectors, where men predominate. In commerce, the central problem is the generally low level of pay: in spite of job shortages, including in most highly qualified positions, pay is hardly attractive. Various collective agreements still have their grading based on minimum pay, which is below SMIC, thus postponing career development, as, at lower levels, promotion does not lead to higher pay. Thus, many employees – the majority of whom are women – are on SMIC plus 50 Euros for all their working life. There is also the problem of short working time, especially for checkout staff (cashiers), where part-time work is the rule (even though it is better protected). 80% of those on SMIC are women. In the civil and public services, women's pay is 13% less than that of men. This gap reaches 24% in the highest grade (grade A = executives). In fact, the pay gap within a grade is explained mainly by the fact that they are doing different kinds of jobs. As we have already said, this system promotes individualised pay, which can lead to major inequalities, notably between types of jobs (technical and administrative ones), and also between hierarchical grades and, thus, indirectly between men and women. But, given the system, it is very difficult to pinpoint these differences and measure them.

Recently published research in **Denmark** (resulting from cooperation between DA (Danish Employers' Federation) and LO) shows a pay gap between blue collar women and men of approximately 15% and between white collar women and men of approximately 20%. Pay formation takes place within the framework of collective agreements; however pay is to a certain degree also an individualised process, which is determined by many factors. Observed pay differences depend on how hourly pay is calculated. By incorporating the greatest possible number of directly measurable factors, which affect pay formation, most of the observed pay gap can be explained, but a gap of approximately 4% between blue collar women and men and approximately 7% between white collar women and men still remains. Factors taken into account are: occupational group, education, sector, experience, overtime, leave, region, number of job changes and children. The most important factor is the gender-segregated labour market.

6. ANALYSIS AND EXPLANATION OF UNEQUAL PAY

6.1. Features of unequal pay

In all the countries of the study, on the basis of literature and interviews carried out for the national reports, the following features of unequal pay can be identified:

1. Unequal pay is of an indirect nature. No direct inequality is referred to in any of the countries or sectors. One of the major sources of inequality resides in access to employment and concentration of women in low-paid employment (see point 6.2. on the cause of inequality and job segregation).
2. Although pay data is available in enterprises, inequality is not very transparent and is difficult to identify. For example, in **Belgium**, the leading woman union representative in a metal industry company did not raise the problem herself, even though her involvement was of a very active nature. Other examples of ignorance about discrimination were found: *"I also have the impression that there is no pay discrimination. Take the example of career prospects, if you are a man or women, in my view - and I have been here for 10 years now - the same opportunities are offered to men and women in shops."* (ACLVB/distribution/ man trade union representative).

~~3. Inequalities persist and survive for decades, as the **Dutch** report, "Hard to analyse and hard to tackle", states. Moreover, they increase along with men's and women's careers, thus rendering analysis more complicated: a picture of a particular moment does not suffice. Reports in the Netherlands (there has been much research in recent years) mention that the following factors probably contribute greatly to unequal pay: lack of analytical job evaluation systems in some sectors; women's career gaps and the different ways in which women build up their careers in the labour market; insecure contracts and sometimes part-time work; lack of transparency in companies' internal pay policies; discrimination, as a result of traditional views of women's work; the fact that women are trapped in certain jobs and sectors, where pay is generally lower, etc. ~~This means that the pay gap is a result of a combination of typically pay related factors and others, which are more related to women's position in the labour market.~~~~

3.

4. The gender pay gap is much greater for those in high-level positions than for those in low-skilled and insecure jobs. A **Belgian** study by An Gevers⁶ found that the pay gap increases with the level within the enterprise. The reason for this is that at the lowest levels, pay is fixed by collective agreements, whereas at the highest levels, pay is fixed by individual negotiation. Unskilled women employees are least affected by pay discrimination; the most affected are women within management. Men managers earn 134% of non-management staff, whereas women managers earn 117%. This observation is shared by all case studies in all the countries covered by our study, including in civil and public services.
5. Tension appears between collective and individual pay determination. All the reports mention the role of individualised pay, which increasingly escapes what is agreed through

⁶ Ballegeer E, "Loonzakje mannen weegt zwaarder" Vacature, 07/09/2001

Mise en forme : Puces et numéros

Mise en forme : Puces et numéros

collective bargaining. However, this seems to jeopardise women's pay above all, as the **Austrian** report points out, as women tend to underestimate themselves during individual negotiations. Recent **Danish** reports, ~~however,~~ point out that ~~the this~~ issue ~~involved~~ is also related to the different preferences of women and men during negotiations, combined with awareness of the effects of these preferences and choices on pay differences (men are more concerned about pay increases than women).

6.2. Causes of unequal pay

Theoretical analysis and empirical research on the causes of unequal pay between women and men converge. On the basis of the fact that equal pay for equal or equivalent work is guaranteed by law for individual women and men employees, research and analysis mainly - if not exclusively - concern indirect forms of inequality. Pay gaps are often not the result of just one factor, but of several simultaneous factors. Moreover, inequalities are the result of both objective and subjective factors - the latter being at the basis of discrimination. The various national reports identified the following causes:

Collective protection against indirect discrimination is hardly made use of

The limited effects of legal protection have already been demonstrated. Legislation on gender equality is not able to remove all forms of indirect discrimination. Legal protection concerning equal pay is effective at the level of individual and direct discrimination, but less so regarding collective and indirect discrimination. European legislation has progressed on this point and recognises forms of indirect discrimination and has reversed the burden of proof. But the implementation of these principles in Member States has not been completed or they are rarely used. Besides individual court cases, of which there are not many in the countries of our study, these principles are not collectively applied. Legislation in the **Netherlands** opened up possibilities for union action several years ago. This has led to an increase of court cases, put forward by unions on issues related to pay. Several important cases – relevant for whole populations especially of casual workers and part-time workers, who are mostly women – have eventually – after victory in the court – led to changes in legislation.

Cultural context

Very often, causes of indirect discrimination are stated to be outside the workplace and sectors. Society at large is considered to be responsible for the existence of various causes of discrimination. Thus, trade union officers refer to the traditional system of school education and vocational guidance, which mean that women are often still restricted to training, which does not enable them to access all functions, including those which are better paid.

General culture of society is also pointed to as a cause of indirect discrimination - it gives priority to men over women and incorporates a system of values and general perceptions, which are not hostile to women, but which are reticent to share power and society's wealth with them.

In this context, the **Italian** report considers that "family support" services should be created by companies and working conditions should be adapted to the need to "reconcile" work and family life. Such measures are sometimes introduced with a view to fairly sharing family chores between women and men.

However, the **Danish** experience shows that even if you have childcare systems covering 90 % of all children up to school age, it has not led to profound changes in the choices women and men make, nor has it affected their labour market position regarding pay.

Sometimes, the pay gap is maintained because of traditional mentalities and men's refusal to work for lower pay than women or to see women working for the same pay as them - they want to be the main "breadwinner". In the commerce sector in **Austria**, a member of a works council suggested: "*Perhaps men do not apply for the position of head of department, because pay is too low for them.*"

Cultural perceptions are very clear when it comes to the way in which family responsibilities are 'translated' into labour conditions for women. For instance, in the **Netherlands**, women, who re-enter the labour market after a career break for family responsibilities, frequently find themselves nearly in the position of 'apprenticeship' – with the low pay, which this generates. This situation can have lifelong repercussions, for example, as a result of seniority rules, unless action is taken. In some sectors this has led to arrangements in collective bargaining agreements to grant women equal pay with their colleagues, after the retraining period has been finished successfully.

Level of education and training

One of the basic factors contributing to the segregation of functions is undoubtedly educational levels, which for women are sometimes lower, and also the problem of vocational guidance, which is determined by socio-cultural factors, that keep women in lower-paid sectors. There is also the issue of the glass ceiling, i.e., an invisible barrier to women's careers, which means they rarely reach top-level positions.

Vocational training is also a major factor influencing pay gaps. The **Italian** report suggests creating a data bank on occupational skills of staff, thus making it possible to combat discrimination in promotion policies.

The **Austrian** report observes that even if there is investment in (young) women's training, conventional mentalities persist: "*Yes, to be honest, there are only a few women. We have a training session and each time we try to convince young women. We manage to get a couple of young women - they are very good, but the foreman continues to prefer men rather than women*" (BRV, Vehicle production company).

Experiences in the **Netherlands** are similar, especially for traditional men's jobs, which generate higher pay, where men are more frequently recruited than women. This is, for instance, the case for more technical jobs (even chauffeurs and basic technician), but also for more managerial jobs. Trade union activists in *Factory* mentioned this, as did the representatives from *Retail company*. Many companies do not seem to be sufficiently aware that they do not take career paths of all their employees (men and women) equally seriously, and that they, therefore, limit the scope of potential improvement of the qualifications of their employees.

Horizontal and vertical segregation

Both horizontal and vertical occupational segregation leads to unbalanced distribution of women and men in various grades. All the reports insist on this dimension: one of the bases of inequality lies in the fact that women are either not in the same sectors of economic activity or - within the same company or sector - they do not occupy the same jobs. The **Belgian** report points out that this is the case for Maga 2: "...95% of the positions of responsibility are held by men, although there have been some changes" (LBC/distribution, Maga 2). This leads to pay differences, which are sometimes quite big, given that women are in the less well-paid grades for various reasons.

The **Italian** report denounces the harmful effects of horizontal and vertical segregation in all three sectors. Women are relegated to lower positions and also have difficulties in accessing management positions. Despite recent agreements, which aim at promoting a fairer balance between women and men in public service employment, women continue to be concentrated in certain sectors, such as education and health services.

In **France**, in commerce (in both companies, where case studies were carried out: *Grande Distrib* and *Magasins*), women are concentrated in certain types of job (cashiers) and certain departments (textiles) and are promoted less often than men (to be department heads). Women represent 65% of all staff, but only 30% of foremen and 15% of executives. Moreover, on the basis of *CFDT's* study of careers, the French report observes that in the civil and public services, there is least career development in jobs, where there are most women.

In **Denmark**, although the focus has been on gender segregation for years, it seems to persist and be the most important cause of observed pay gaps. Women and men are mainly employed in different sectors, occupations and levels. Among blue-collar employees, the gender-segregated labour market explains half the observed pay gap, while among white-collar employees it explains about 25 % .

In the case studies in the **Netherlands**, it became clear that horizontal and vertical segregation is common within the companies described. Small improvements or changes over the years can very often be defined as incidents (when it comes to tackling vertical segregation, where 'token women' can be found at higher levels) and as changes resulting from changes in labour market supplies (when it was hard to find people for certain jobs, women were more easily taken on at lower levels, which previously were only for men - or vice versa). Only in those companies where the issue was actively addressed, real structural changes were seen.

In **Austria** horizontal and vertical segregation is one of the most important reasons for unequal pay. This fact is reflected in the employment structure with highly gender-related segregation of activities. Women are hardly working as skilled-, but predominantly as semi-skilled employees. But also within this range, women are not working in all jobs which are available for them. This was especially the case in the vehicle company, which was studied. A prerequisite for overcoming this situation is the possibility of enriching work descriptions with multiple activities (e.g. assembly and repair work). The collective-contractual pay of those employed in the retail sector is clearly lower than those in traditional men's ranges e.g. in the metal-working or building industries. In the retail sector, many women are skilled employees (commerce apprentices), but they are at the bottom of the pay and grading scheme. In the retail sector, there is very marked vertical segregation.

Part-time work

In the context of more flexible working time, there is more part-time work - and most of those who work part-time are women. In the six countries covered by the study, part-time work – compared with full-time work - is considered to be a source of pay discrimination. In the **Netherlands** – where part-time work is broadly accepted - strict legislation is applied and measures are taken, in order to sanction unequal payment for part-timers and reduce the risk of discrimination against women. Nevertheless the large majority of part-timers are women.

The **French** report mentions that part-time work - even when it is "chosen" - is a source of lower pay - certain bonuses are not paid to part-timers and staff are thus blackmailed. Likewise, access to individual increases are difficult for those, who have chosen part-time work. Part-time work makes people think of women and, therefore, partial pay and... low pay.

The **Italian** report confirms that part-time and atypical contracts only increase the gender pay gap. It points to the appearance of a new type of contract, which is the source of major discrimination "*associazione in partecipazione*", i.e., a para-subordinate contract, which should not be confused with self-employment. In a hospital, that was studied, persistent prejudice was observed against those, who work half-time: "*It's unacceptable. They block the careers of some women - especially those who ask to work half-time, i.e., above all women with family problems and those who return to work after maternity leave.*" (CGIL, public hospital).

Staff employed in the civil and public services, but without civil service status

More women than men are in this situation in all the countries covered by the study. The **Belgian** report mentions one of the aspects of such discrimination: "*They do not have the same pay, because they remain at the level at which they were recruited - there is no promotion for them.*" (ACOD).

Absenteeism / long hours culture and access to promotion

Absenteeism is generally greater amongst women employees than men. It can be the result of several factors, including maternity leave and family responsibilities. It has a negative influence on women's pay and careers. The availability and presence of women is more limited than that of men and, therefore, makes access to higher-level jobs more difficult for them.

Research in work and family life in **Denmark**, as well as in **Belgium**, has shown that family responsibilities are still expected to be and are actually carried out by women.. When women reduce their working hours or make more flexible working arrangements, they do so for family purposes, whereas men use flexibility to work more or to go on training courses. Women take time off, while men prefer money. Children seem to be one of the important factors for the gender pay gap, as has been shown in Danish research, undertaken by LO and DA. However, other research shows that both women and men abstain from leadership positions for family reasons thus families do not seem to be a larger obstacle for women than for men, in this respect.

The **Italian** report highlights the late arrival of women in the labour market, as well as later promotions and career interruptions. In a case study of a hypermarket, it was observed that women are mainly in the department providing services to clients and in the textiles department, whereas in other departments, especially the food department, 80% to 90% of the positions are occupied by men. The departments, where women predominate, are those, which offer fewer career opportunities and where promotion is rare. The majority of positions of responsibility are held by men. Management decides upon promotion mechanisms and they often use criteria, which are rarely suitable for women (shift working, Sunday working, overtime and reluctance to ask for leave).

In commerce, in **Belgium**, union representatives in both the enterprises, which were studied, say that women have very little possibility of promotion.

In **France**, career development fully reflects inequalities, notably regarding maternity leave and absenteeism linked to children, etc. For example, in the public services, cleaners (80% of whom are women) and street cleaners (100% of whom are men) have careers, which start at the same level - they are totally comparable in terms of recruitment and career opportunities. However, at the end of their careers, about 50 points on the scale separate them. Moreover, access to promotion remains unclear in many companies. Indirectly, many women are left out of promotion - for example, at Zip (metal industry), where presence is highly valued. In Auto (also metal industry), increases are awarded on the basis of proposals made by one's superior: *"For an 'honest' boss, there are 'objective' criteria, such as absenteeism, but it is well-known that women are absent more often... so women do not receive individual increases. Other criteria are overtime, availability and work on Saturdays. This criteria concerning presence and availability is very important in Auto"*, (CGT union representative).

A clear example of how working time policies can influence women's position at work and their pay can be seen in commerce in the **Netherlands**. According to a recent survey by the largest trade union in the larger supermarkets, many older women –who are relatively 'expensive' workers in this sector, because of their age – have been gradually pushed out of their jobs by permanently changing rosters, which prove to be very unfavourable for women with family responsibilities. The imbalance resulting from flexibility required by employers (overtime, sudden changes in rosters etc.) and the possibilities for employees themselves to enjoy flexibility in their own interests (for personal and family reasons) was also mentioned by active union members and their representatives in the metal factory as an obstacle to women becoming fully-fledged employees able – in line with management procedures - to have full promotion and educational opportunities.

In **Austria**, the situation is not much different from other countries. The fact that women tend to interrupt their professional lives more frequently than men for child care and caring for relatives leads to less promotion for women. The majority of managerial positions are only "available" for full-time employees. The proportion of women working part time is very high in the retail sector, especially in food chain stores were up to 80% work part time.

Access to bonuses and individualisation

Access to bonuses is more difficult for women. Some criteria are sometimes to their disadvantage, such as length-of-service. There is also the trend of individualised pay, which is a source of discrimination.

The **French** report points out, in a metal industry company, that there are several types of bonuses - linked to working schedules, workshops (they are generally higher in the forge and foundry). However, women are mainly in the workshops, where there are fewer bonuses. Also, individual and variable bonuses play an increasingly big role in pay, to women's disadvantage. For example, in *Magasins*, where experiments with a variable bonus show that there are major differences between employees, depending on their availability - and even their docility (accepting changes in schedules and part-timers accepting extra hours, etc.) or their accepting versatility without any pay increase. Likewise, part of pay in local authorities is made up of a bonus, whose criteria are fixed by the local authority and often lead to tension with the unions. More generally, the risk of great individualisation of pay increases is denounced, especially as the system is based on civil service status, which is the same for everyone.

The Dutch report also refers to new forms of pay, based on individual performance or profits. As in many countries, in the **Netherlands**, performance-related pay is becoming a larger proportion of total pay for individual employees. A recent survey showed that these forms of pay lead to bigger gender pay gaps. This report and other experiences in companies and institutions, led to discussion within FNV and affiliated unions on how to cope with this phenomenon, also taking into account the gender bias which can result.

In the private sector companies in **Denmark**, it has been quite common that part of pay is the result of individual performance or arrangements between each employer and employee. This principle was also recently introduced in the public sector, representing some 2 % of pay. A bonus system already existed before. It is acknowledged that bonus systems can lead to unequal pay. Local authorities, in particular, try to tackle this issue through awareness-training programmes for management. The effects of individualisation on unequal pay have surfaced in surveys only very recently.

In **Austria** interviews with representatives of employers, trade unions and works councils point out clearly that women are predominantly classified in the lower paid groups and, in addition, women are rarely in fields, where higher bonuses can be earned.

6.3. Relative importance of the causes of the pay gap

In all the countries covered by the study, empirical studies have tried to measure the relative value of factors, which explain the gender pay gap. At the same time, they try to establish which are the objective and subjective factors, which could lead to arbitrary situations.

For example, in **Belgium**, Meulders and Plasman find an overall 20% gender pay gap. They reach the following conclusions:

1. The sector concerned and human capital involved (i.e., individuals' levels of training, experience and length-of-service) contribute more to pay gaps than occupations.
2. Amongst human capital variables, length-of-service is the most important determining factor.
3. About half of the 20% gap can be explained by the diversity of women's and men's characteristics – occupational experience, length-of-service in the particular function, type of contract, features of the sector, bonuses, size of the enterprise.

They conclude that a 10% gender pay gap is the result of pure discrimination. According to other authors, the following factors lead to arbitrary situations:

- evaluation of vocational training;
- job evaluation and classification;
- pay structures, including the individualised part;
- possibility of accessing higher-level functions;
- fields of application of collective agreements.

In **France**, various studies give similar results – out of a total gender pay gap of 25%, the “unexplained” gap is between 10% and 15%, but is different if one takes working time into account: for those who work full-time, the ratio of pure discrimination is only 5% (INSEE, 2000).

The **Dutch** report points out that, according to research of the Labour Inspectorate, a 5% gender pay gap is “inexplicable” in the competitive sector – the same is the case for a 3% gap in the public sector.

6.4. Is job evaluation a solution?

Job evaluation is the last stage of a process, which aims at fair payment of functions. This system begins with descriptions of functions, then analyses and values them and concludes with a gender neutral classification of functions. It is generally considered that this system of (re)evaluation of functions – based on criteria, which are objective and gender neutral - could lead to a favourable evaluation of functions, which are considered to be typically women’s ones (EIRO).

There are debates on the usefulness of this gender neutral system of job evaluation as an instrument for promoting greater pay equality in **Belgium** and the **Netherlands**. Several countries have studied this system (including **Austria**) and others have tested it (**Belgium**), but have observed that its introduction is not without problems, as it is difficult to compare the same functions in different sectors, at different negotiating levels and bargaining areas. Another issue is the role of ‘market value’ related mechanisms, since men work more often in private sectors, where pay is higher due to labour market situations.

In other countries, such as **France**, there has hardly been any debate on this and it is far from have been tackled by trade unions or the government, even if, for example, the most recent inter-sector collective agreement on equality recognises the importance of less discriminatory job evaluation and grading schemes. Another risk of the system is that the degree of objectiveness can always be criticised. Moreover, the introduction of such systems would probably be costly and lengthy. Some examples can be given and others are in the national reports.

In **Denmark**, collective agreements set minimum pay frameworks for occupations, which are based on seniority and job functions. Individual criteria, such as training, efficiency, low absenteeism and personal skills, are set by both public and private companies and organisations. They are sometimes negotiated with shop stewards and sometimes set by middle management on basis of their knowledge, statistics and personal impression.

Some studies have been made of gender neutral classification systems. The **Austrian** report mentions that dismantling the pay gap is not an objective in itself. In general, there is not sufficient information about the equivalent nature of job functions. Over the last four years, the women's departments of both of the unions studied have held training and workshops for members of works councils on the issue of pay and less discriminatory evaluation, but it cannot be said that the union movement really fulfils its responsibilities regarding the problem of indirect pay discrimination.

In **Belgium**, the government initiated action in this area in 1990. It encouraged the social partners to modernise classifications of functions. The government can fix certain conditions for classification systems to ensure that they are gender neutral. Several collective agreements refer to these commitments. The EVA project (see information box) has been initiated by the government, along with all three representative trade unions.

In the **Netherlands**, the system of job evaluation is considered to be a viable and effective instrument for achieving equal pay. Procedures for evaluating and qualifying functions should be objective, in order to ensure that a function of equal value be paid equally for men and women. However, because of the pressure of various kinds of mechanisms, preconceived ideas and male culture, evaluation procedures open up the possibility of subjective evaluation to the detriment of women. This leads to lower pay. Several factors prove to be important in order to avoid effects of this kind, as ongoing Dutch research-. Firstly, a close look has to be made to ensure a clear and extensive description of all functions, which will be evaluated. Descriptions in themselves very often prove to be gender-biased, thus leading to lower grades for jobs, where mostly women work, and higher grades for jobs, where mostly men work. Secondly, all those who are involved in job evaluation – whether they be HRM-professionals or trade unionists – should be trained and instructed, so as to raise their awareness that gender bias effects can occur. Thirdly, several job evaluation systems (still) contain elements in weighting and scaling which can be gender-biased, for instance, by not fully recognising the weight of several important elements in typical “women’s work” (e.g., relational skills and empathy amongst home-helps); ~~For example~~ conversely, if various physical elements are weighted differently for women and men (e.g. for warehouse staff, but not for check-out staff), ~~which, also~~ from a legal point of view, this can be contradictory to legislation on equal treatment. The effects, ~~which are described here~~, can be greater when an analytical system for job evaluation is not used, but rather, more traditional forms of job evaluation, which in many countries and companies is still quite common.

Qualifying functions is very often identified – both at sector- and enterprise-levels – as leading to greatest arbitrariness and affecting the gender pay gap most. However, it is an area where the legislator can intervene more easily, compared with pay bargaining. It is also an area, which can be the subject of social consultation of the social partners. It can be concluded that gender policy is essential in this field.

The Belgian **EVA project** is an initiative of the Equal Opportunities Institute - supported by the Federal public employment, work and social consultation service, as well as the European Social Fund – with a view to improving equal treatment of women and men. CSC, FGTB and CGSLB are involved in this project, which involves various stages over several years. EVA means analytical job EVALuation. The aim of the project is to provide help for introducing new job classifications and encourage changing obsolete systems. The main principle is to raise social partners’ awareness of gender-neutral systems; therefore the Institute can count on the cooperation of all of the social partners.

Job evaluation and classification

Pay can be negotiated individually between individual employees and employers. Many sectors and companies, however, want to create a structure, which ensures that each job is remunerated more fairly, on the basis of its value. This is what is called job evaluation and classification. Job evaluation makes it possible to attribute a value to each job and put them in a correct order. Then jobs are divided into groups and pay is attributed to each group or a scale leads to real pay structure.

Two principles play an essential role in this system: firstly, the nature of the job is the criterion used in job evaluation, quite independently of the intrinsic qualities of the person who is doing the job, i.e., the job is evaluated, not the services of the person occupying it; secondly, the principle of “equal pay for work of equal value”, i.e., more or less equivalent functions are paid the same. This is of particular importance, when comparing “men’s” and “women’s” jobs and explains why a good job evaluation system is an effective way of re-evaluating women’s pay and reducing the gulf between men and women’s pay.

When classifying jobs, there can be various phases, depending on the system, which is used. It is important to bear in mind gender neutrality at each stage of the process. The following phases can be identified:

- Description of the job – the content of the job is described very precisely and its significant components are listed.
- Analysis of the job – uniform analysis on the basis of the description. Each job is classified in line with a series of identical criteria.
- Evaluation of the job: determining its value on the basis of an evaluation table.
- Classification of the job – distribution of jobs in groups of equivalent jobs.

The main aim of job evaluation is to create a pay structure and justify pay differences. The process of pay formation should, nevertheless, be clearly distinguished from phases of job description, analysis and evaluation. Establishing a link between pay groups and groups of jobs is part of a different process, namely collective bargaining, which is also essential, but should happen separately. Job evaluation is only a way of fixing part of pay, namely that which is related to the job itself. Besides that, there are other forms of pay, which in principle do not have anything to do with job evaluation, such as length of service payments, bonuses, over-time and extra payment for shift-work.

How can prejudice be avoided ?

It is generally accepted that analytical job evaluation systems offer better guarantees of gender neutrality than systems, which are based on peer comparisons and ranking. The reason is that the latter run a greater risk of gender-biased value judgements influencing where jobs are put on pay scales, than is the case with analytical systems, where each job has to be systematically examined according to the same criteria. Gender discrimination is avoided if:

- the content of the job is described in a gender-neutral way (never referring to gender in the description) ;
- all relevant components of the job are described (one cannot evaluate something, which is not described);
- job evaluation is carried out in a gender-neutral way (without taking into account whether a woman or a man does the job);
- each job is systematically examined according to the same criteria;
- all the phases of the evaluation process and procedures are scrupulously implemented.

Only when all mechanisms of indirect discrimination have been identified can all traps be avoided and can job evaluation really lead to equal pay, in line with equal work accomplished.

Source : <http://www.cgslb.be>

7. TRADE UNION STRATEGIES REGARDING EQUAL PAY

7.1. A theme for action, which is not always shared

The trade union movement is well aware of the importance of the issue of gender pay discrimination. However, unions' approaches vary both in methods and intensity. Moreover, awareness of discrimination does not always lead to permanent action, which might be the case, given the importance of the issue. During interviews carried out at the level of sectors and enterprises, we observed that a campaigning attitude to combat discrimination was often absent.

In **Belgium**, ACOD (public sector) does not carry out specific action to rectify the pay gap. Such gaps are often considered (not only by ACOD) as being private affairs, in which unions do not intervene. Other related problems are, however, tackled, such as promotion: *“What is really a problem is promotion, for example. If a woman works 4/5 time and there are two candidates and the man works full-time, then the man will be promoted and not the woman. Then we often step in, but the answer is that ‘we need a full-timer’ – it’s often used as an argument”*. (ACOD, public sector).

In **France**, it seems that trade unions are not really prepared for dealing with unequal pay. There are several reasons for this. Transparency regarding pay is not really sought by management, unions and employees themselves. There is little room for manoeuvre and equal pay does not seem to be a priority. For example, in the commerce sector, there is no action or bargaining on unequal pay between women and men. According to a CGT women officer: *“Pay must be increased – all pay, not only that of women. There is no direct discrimination, therefore there is no specific action”*. In most of the cases presented, unequal pay can be observed; but there are rarely agreements which provide measures for catching up and rectifying such inequality.

After several years of little interest from politicians, employers and trade unions, the issue has in recent years become a high priority in **Denmark**. Research in 2000 brought the issue onto the agenda again, as it pointed out that the pay gap was still 20 %. This led LO and DA to look into the situation themselves, as both parties agreed that – if this information proved to be correct – it was not a desirable situation. This in turn led to various activities, including additional research and willingness to look into more detail as to how to tackle the problem.

Sometimes, negotiators are not motivated to bargain on this issue, as a GPA officer in **Austria** claimed: *“There is a lack of analyses and demands and naturally also a lack of motivation of negotiators to promote concrete measures, which would lead to ‘equal pay for work of equal value’ – apart from demands that the lowest paid should have increases.”*

The need to combat indirect pay discrimination is clearly not a priority. The impression one gets is that a general feeling of acceptance of the problem has developed over decades of social struggle and, above all, since the advent of the social and economic crisis. This leads us to the idea that the fight for equal pay has weakened since the achievement of legal equality. The adoption of legislation on “equal pay for equal work” pushed the existence of many less visible forms of discrimination into the background.

An obstacle to union action is clearly that of **labour costs** in general. This means that the demand of “equal pay for equal work” is in competition with demands for general pay increases for both men and women. In times of financial difficulties, the part of company income, which is available for pay, is increasingly smaller. Thus, Belgian newspapers have headlines, such as: “*Belgian women are paid 20% to 21% less than men. Equal pay is a social bomb*”⁷ and “*The new law on discrimination can lead to great increases in labour costs*”⁸. Such opinions put another angle on the issue and lead to greater opposition between men and women employees in a period of financial difficulties. It is clear that in **Belgium** – as in all the countries covered by the study – the law on pay norms puts a break on trade union action regarding anti-discrimination demands.

In the **Netherlands** it has taken many years for FNV and affiliated unions to come to terms with the idea that unequal pay is an important issue and needs tackling, but in recent years it has been acknowledged and taken seriously. Many steps have been made to try and reduce gender pay gaps. As a result of ongoing discussions, **L**arge employers’ organisations and public sector employers have denounced unequal pay for women. It has also led to the social partners drawing up a checklist for avoiding unequal pay, with which negotiators can **‘screen’ pay** policies in their sectors and companies.

In Italy, the upward trend in women’s pay started to take a downturn in 1983. Since that time, which signals the first turnabout in the functioning of the labour market, the gap has widened, due mainly to the demise of policies based on pay equality (abolition of the index-linked “pay scale”). In the previous decade - in order to protect the lowest skill levels - there had been mechanisms to automatically adjust pay, the end of the wage spread and equality strategies pursued by industry-wide bargaining, which had favoured women as they were positioned in the low- to middle-pay levels. There had even been talk of ‘involuntary feminism’ of Italian unions. Since then – in a general context of low pay for both men and women subordinated employees - the Italian union movement seems not to be really prepared for dealing with unequal pay and this issue is still not considered to be a priority.

7.2. Hesitant trade union action

In **Belgium**, CSC pays much attention to job evaluation and qualifications, as well as training. This is the case both in the public and private sectors – and also for FGTB and CGSLB. All three trade union confederations recognise the problem, but hesitate to make gender pay discrimination a major priority of union consultation and action.

⁷ Tendances, Trends, 28 August 2003

⁸ De Standard, 14 February 2002

CSC 2002 Congress: "fair income"

It is not possible to say that Belgian trade union confederations are not concerned by indirect pay discrimination. CSC devoted its statutory congress (17-19 October 2002) to the issue of "fair pay"⁹. During it congress (31 May to 1 June 2002), FGTB demanded that in the 2003-2004 inter-sector collective agreement discrimination be removed and commitment made regarding analytical classification of functions¹⁰. CSC made the following proposals:

1. Career breaks and the four-day week should become normal by making them masculine as well.
- 2.2. All functions, occupations and economic activities should be rendered as gender-balanced as possible. CSC proposes a ten-year plan: within the next ten years, all functions, departments, enterprises and institutions should be composed of at least a third of each gender.
- 3.3. During this ten-year period, there should be a great campaign against all forms of discrimination and for diversity.
- 4.4. All classifications of functions should be assessed in terms of all forms of discrimination.
- 5.5. Career development possibilities for women and other discriminated groups should be envisaged, i.e., collective action to promote individual job satisfaction.

These policies also apply to affiliated sector unions and workplace branches. But, given the extent of the problem, union action is limited to certain aspects of discrimination.

Mise en forme : Puces et numéros

The **French** report also observes a certain degree of union hesitation regarding action. Nevertheless, there seems to be more interest recently. The report proposes making four groups of issues for action:

1. Promoting women's careers and recruitment.
2. Providing for positive action regarding access to promotion.
3. Lengthening working time for those, who do not have full hours.
4. Legal action: another solution, which brings real results, involves taking court action on pay discrimination. Unfortunately, in **France**, this kind of action is hardly used, even though procedures exist.

The **Dutch** report observes continued union interest in the issue of equality, as mentioned above. Apart from striving towards improvements for part-timers and those with insecure contracts, the following elements can be mentioned regarding the FNV approach:

- several cases of unequal pay were taken to court and the commission for equal treatment; some with clear consequences for groups of workers;
- improvements in legislation were lobbied for;
- much leading research in this field was stimulated and supported by FNV;
- in several collective bargaining agreements, substantial progress was made in removing gender-bias elements from pay systems;
- several training courses were organised for groups of active members and legal advisors and negotiators.

However, the issue is considered to be 'difficult to access' and 'hard to tackle', also because a substantial part of the problem is related to broader issues concerning women's position in the labour market.

The **Austrian** report quotes a works council member, who is wondering about the role of gender mainstreaming in implementing the principle of equal pay for work of equal value: "*I think that it is important to take this as a central issue and work on it again. Sometimes, they*

⁹ CSC « Dans quelle mesure mon revenu est-t-il juste ? », syndicaliste CSC – Special Edition - 25 January 2002, p. 23.

¹⁰ FGTB, Congress resolutions, 31 May and 1st June 2002, pp.9-10

do not even realise they are telling us stupid things, for example, a man said he could not live on his pay. I responded by asking whether a woman could? Challenging this each time is a permanent process.”

In **Denmark**, even after a long period of equality policies and changes for women in the labour market, social partners were jolted when they realised that the pay gap still existed. For instance, **HK** - one of the largest unions in the private sector - developed various initiatives on this issue. One of them was gathering statistical information via the membership. All members were asked to give information on their pay situation. More than half of them responded to this request. This led to the creation of a databank, thus enabling HK to create transparency regarding pay. Members, including men, were shocked to discover women's low pay in many sectors. HK then decided to organise awareness-raising courses for its members.

8. UNEQUAL PAY AND THE PRINCIPLE OF GENDER MAINSTREAMING

8.1. Remedying inequality

Reflecting on the features and causes of the gender pay gap leads to a whole series of solutions, which are both very specific and also more general. There is also the problem that many levers need to be used at the same time by both women and men actors, who sometimes, within their group, have opposing interests.

The fact that all the problems have to be dealt with at the same time in an overall framework significantly increases the degree of complexity and requires huge political energy, which can only be created by political democracy, that calls on all levels of decision-making involved in the process of emancipation. Our research enables us to draw several conclusions. Equal pay is not only a question of method and legislation, but also of political WILL, regarding the following issues:

- Ensuring that all union members and representatives are aware of the significance of equal pay and legislation and understand the principle of “equal pay for work of equal value”. Training all actors regarding the many explanations of unequal pay. Provide good information on the issue of equal pay.
- Collecting data on men's and women's pay. Checking that access to bonuses is the same for men and women and that criteria are free of gender bias. Carrying out equal pay audits. Analysing women's and men's careers in equivalent positions.
- Providing specific training for all union members involved in collective bargaining and encouraging the development of the issue of gender equality in all collective bargaining, notably on pay.
- Involving experts in debates on new systems of job evaluation and classifications. Many systems (and collective agreements) seem out-of-date and are no longer in line with criteria for defining jobs and functions, which are totally new, nor are they in line with changes in work organisation. Pay systems are thus in the process of being revised. It is essential to deal with systems of classifications in order to concretely implement equal pay. Clear proposals should be made and be well prepared for negotiations with employers.

- Using existing legislation and calling on legal experts, in order to envisage taking cases to court, including the European Court of Justice.
- Finding financial resources – depending on company results – to fund the reduction of observed pay gaps (without penalising other employees and also preventing the gender pay gap from increasing during the process). In order to avoid competition between employees, financial resources available for positive pay action should be increased. The **Belgian** report suggests that part of enterprises' increased income resulting from greater productivity should be used for this.

8.2. Conclusion – the need for gender mainstreaming

It is surprising that both in the studies and field interviews, little reference is made to the fact that equal pay is not a stable element in pay negotiations, but a component of the production process and, therefore, subjected to free market laws.

It is also surprising that few studies and few interviewees explain pay differences by the absence of gender mainstreaming in unions, in spite of the general acceptance of the importance of gender mainstreaming processes. However, it is a fact that unions play a central role amongst social actors, who could influence pay negotiations in terms of more gender equality. Employers are guided by production costs. It has to be observed that pay remains a factor of production – a cost for employers – which, in a market economy, is largely determined by the market. The authorities generally abstain from intervening in pay bargaining, which they leave in the hands of the social partners.

The existence of gender pay discrimination is not contested. Scientific studies and interviews of witnesses confirm this. However, such discrimination is not directly obvious in the individual pay packet of each employed woman. Social partners unanimously recognise that legislation forbids all forms of discrimination and strictly applies the principle of “equal pay for equal work”.

Persisting discrimination is indirect and affects all women employees. In spite of positive action over the past fifty years, progress is slow and the gender pay gap remains big – between 15% and 30%. Half of the gap is explained by “objective” factors, while the other half is pure discrimination. This trend is observed both in the public and private sectors, although one must be prudent as there is a lack of viable data for the public sector.

It is important to underline that there is also a hesitant attitude amongst trade unions, which consider pay negotiation also as an individual matter. They use little effort to develop their own gender policy – and even less so, play a role of catalyst for equal pay.

This attitude has obvious consequences for enterprise-level union delegations. At this level, there are also few initiatives for developing dynamic gender equality policy, although a great amount of activity at that level was expected on this issue. Initiatives on pay within a gender equality perspective are also rather limited.

Finally, three issues seem central for the future: evaluation and classification of functions; vocational training; and union action to ensure respect for the legal principle of individual equality.

APPENDICES

~~TO BE ADDED TO BY EVERYONE~~

A. Research methodology

Research on equal pay was carried out on the basis of existing empirical studies (see bibliography). This study did not carry out quantitative surveys. The existence of unequal pay appeared, above all, in interviews of privileged witnesses in representative trade unions. Thus, trade union leaders of various confederations concerned were interviewed in three sectors: metal industry, commerce and public sector.

At enterprise level, union activists were interviewed. These interviews were generally carried out in the form of separate discussion groups for each enterprise. A semi-directive questionnaire guided interviews in all six partner countries.

The following table indicates the number of enterprises and individuals concerned by the case-studies.

Table A.1. People interviewed (MSU surveys)

Country	Sector	Trade Union	Enterprise	Number of people met
Austria	Metal industry	GMT	Electronic Company	4
			Vehicle company	4
	Commerce		Retail Company 1	2
			Retail Company 2	2 ¹¹
Belgium	Metal industry	CMB	Meta1	3
			Meta2	3
		CCMB	Meta1	1
			Meta3	3
	Commerce	LBC-NVK	Maga1(C)	3 ?
			Maga2	2 ?
		BBTK-SETCa	Maga1(C)	4 ?
			Maga2	8 ?
		ACLVB	Maga1(C)	2 + 1 ¹²

¹¹ but many interviews (approx. 25) and workshops with job steward (of other shops and “plants”) and union representatives for this sector were actually the basis for the whole “retail chapter”.

¹² Also met the ACLVB-CGSLB office for commerce

			Maga2	2
	Public sector	ACOD	Enterprise	3
			Ministries	1
		CCOD	Enterprise	2
			Ministry	2
		VSOA	Enterprise	2
			Ministry	1
Denmark	X	X	X	X
France	Metal industry	CGT	Auto	3
			ZIP	2
		CFDT	Auto	1
			FO	Auto
	Commerce	CGT	Grande Distrib.	1
			Magasins	2
		CFDT	Grande Distrib.	1
			FO	Grande Distrib.
	Public sector	CGT	Ville 1	1
			Ville 2	10
		CFDT	Ville 1	2
			Ville 2	1
		FO	Ville 1	2
			Ville 2	6
Italy	Metal industry		Factory 1	X
			Factory 2	X
			Factory 1	X
			Factory 2	X
	Commerce		Hyper-market1	X
			Hyper-market 2	X
			Hyper-market1	X

			Hyper-market 2	X
	Public sector		Hospital	X
			Research institute	X
			Hospital	X
			Research institute	X
Netherlands	Retail		Retail company	2
	Metal		Factory	2

Table A2 Data on surveyed enterprises

Country	Sector	Name of enterprise	Number of employees (% of women)	Data on pay gap
Austria	Metal industry	Electronic Company	617 (33.4 %) (blue and white collar workers)	No data available
		Vehicle company	1,800 (2.7 %) (blue collar workers only)	No data available
	Commerce	Retail Company 1	branch of the chain store 68 (80,9%)	Representative data not available
		Retail Company 2	1,140 (84.9%)	Representative data not available
Belgium	Metal industry	Meta 1	697 (15.5%)	X
		Meta 2	108	X
	Commerce	Maga 1	12 400 (33.3%)	X
		Maga2	12,000 (60%)	X
	Public services	Federal employment services	1 516 (54.3%)	X
		National employment office	3,888 (67.3%)	X
Denmark	Metal industry	X	X	X
	Commerce	X	X	X
	Services publics	X	X	X
France	Metal industry	Auto	11,648 (13.2%)	3% - 10% depending on category
		Zip	292 (50%)	7% (manual workers), 4% (technicians) 57% (executives)

	Commerce	Grande Distrib.	36,891 (65%)	23% above all executives
		Magasins	18,103 (72%)	1% of sales staff, but 20% of executives
	Public services	Ville 1	2,046 (54%)	Not communicated
		Ville 2	4,668 (58%)	Not communicated
Italy	Metal industry	Factory 1	X	X
		Factory 2	1,346 (10% °)	X
	Commerce	Hyper-market 1	417 (87%)	X
		Hyper-market 2	130 (90%)	X
	Services publics	Hospital	4 202	X
		Research institute	1,813 (22%)	X
Netherlands	Metal industry	Factory	4.200	X
	Commerce	Retail company	X	X
	Public services	X	X	X

Appendix 2

Graph 1 (Uncorrected) gender pay gap in the six partner countries¹³

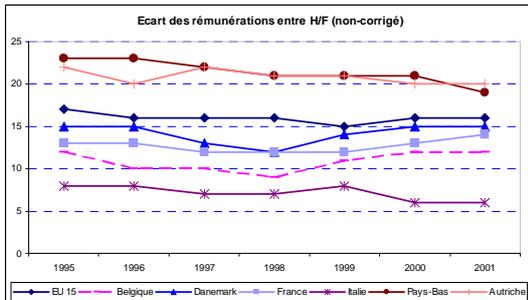
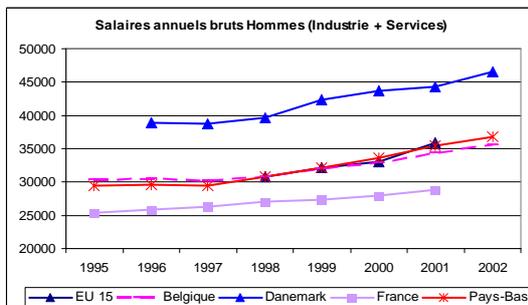


Table 1

	1995	1996	1997	1998	1999	2000	2001
EU 15	17	16	16	16	15	16	16
Belgium	12	10	10	9	11	12	12
Denmark	15	15	13	12	14	15	15
France	13	13	12	12	12	13	14
Italy	8	8	7	7	8	6	6
Netherlands	23	23	22	21	21	21	19
Austria	22	20	22	21	21	20	20

Source: Eurostat

Graph 2 Annual gross pay, men (industry and services)



Source: Eurostat

Table 2 National legislation in the six countries covered by the study

¹³ The gender pay gap is given as the gap in average hourly gross pay between men and women employees as a percentage of the average hourly gross pay of men employees. The population includes all employees between 16 and 64 years, who work at least 15 hours per week. Data comes from the Community panel of households, which is a survey based on a standardised questionnaire, which involves annual interviews of a representative panel of households and individuals, covering a large range of subjects.

Country	Year	Principle legislation
Austria	1979	Law on equal treatment for men and women (amended)
Belgium	1999	Law on equal treatment for men and women (Articles 12 & 25) Royal decree of 9 December 1975
Denmark	1973	Act on Equal Pay for Men and Women (amended in 2003)
France	1946	Constitution and Articles L. 140.2 and Labour Code – 13 July 1983 et 9 May 2001 laws
Italy	1977	Constitution (Articles 3 and 37) et 903/1977 law (Article 2) and 125/1991 law
Netherlands	1994	Constitution (Article 1) and 1994 law on equal treatment

Source: EIRO

Table 3 Principle actions taken by trade unions at inter-sector level regarding equal pay (non-exhaustive))

Country	Consciousness - raising / Conferences	Research / Studies	Procedures	Publications	Training
Austria	<p>Campaign: 'Look closely to make discrimination against women visible'</p> <p>Symposium 'Wages, qualifications and gender'</p> <p>Spring-conference of the-GPA-women on equal pay and less discriminatory job evaluation. (2002)</p> <p>Campaign: <u>Equal money for equal performance</u> <u>Gleiches Geld für gleiche Leistung</u> (2004)</p>	<p>Members of the women's departments of the-OeGB, GPA and GMT took part in several EU-projects on the issue of unequal pay.</p> <p>e.g. "<u>Equal pay for work of equal value – dialogue about strategies and instruments</u>" <u>Gleicher Lohn für gleichwertige Arbeit – Dialog über Strategien und Instrumente</u>".</p> <p>e.g. <u>Towards a Closing of the</u></p>		<p>GMT: <i>GMT, 'Mit gutem Beispiel voran', Gender mainstreaming in den Kollektivverträgen am Beispiel der Kollektivverträge der Gewerkschaft Metall-Textil</i>, 2nd edition, Vienna 2003</p> <p>ISF: <i>Toward a Closing of the Gender Pay Gap. A comparative study of three occupations in six European countries.</i> Oslo 2002.</p> <p>Edeltraud Ranftl: <i>Erfolgsvoraussetzungen zur Umsetzung der Entgeltgleichheit in österreichischen Einzelhandel. Kollektivvertragliche Regelungen, betriebliche Praxis und Herausforderungen für SozialpartnerInnen. Teilprojekt Österreich.</i> Linz, 2003</p>	<p><u>GPA</u> <u>Seminars of the-GPA</u> for the negotiation board on the issue of equal pay. (2003 <u>and</u> -2004)</p> <p>Workshops on less discriminatory job evaluation and classification for social partners (2001)</p>
Belgium	<p>ACV-CSC : Video on equal treatment, brochure on job classifications</p>	<p>ACLVB-CGSLB, ACV-CSC, ABVV-FGTB : EVA project: equal pay for work of equal value</p> <p>ACV-CSC : full-</p>	<p>ACV-CSC : Congress (October 2002)</p> <p>ACV-CSC : Internal working group on 'job classification'</p>	<p>ABVV-FGTB : Pamphlet on equal opportunities</p> <p>ABVV-FGTB : Brochure on Classification of</p>	<p>ACV-CSC : Systems of gender neutral classification of functions</p> <p>ACV-CSC : Training of</p>

		time officers	ABVV-FGTB : Procedure for centralising requests for court cases on equality	functions ACV-CSC : Increase of low pay ACV-CSC : Rapport of activities (Congress - October 2002)	women officers ABVV-FGTB : Enterprise level
Denmark	LO: Seminars and information, manuals and websites	Analysis of women's and men's pay in 2003 together with DA Initiated an research by Center for kvindeforskning at Ålborg Univeristy center ' <i>Når køn forhandler løn</i> '	LO: 5-Point Programme for tackling equal pay Main point in the congress - accepted action plan for LO's equality committee	L: Pamphlet on 'Pay as deserved?'	LO: Training for 'Shop Stewards' HK collection of wage data, training of shop stewards inside companies, seminars and campaigns to create knowledge outside and inside the trade union
France	Campaigns on pay - CGT and CGT-FO	Project of a study of job evaluation in certain classifications (CGT)	Inter-sector agreement on equality (March 2004) signed by all 5 unions. Launching of enterprise-level collective bargaining.	CFDT and FO: guide on negotiating equality	Training programmes negotiating equality in all unions
Italy	UI : Manual for managers trade union members in SMEs Conferences, different unions	UIL: search for 'Good practices'			
Netherlands		Research projects of different unions Research projects together with employers' organisations	FN : 'Bringing cases to court' FNV: Amendment of the collective agreement FNV: 'scrutinizing job evaluation systems'	FNV: several brochures <i>National Board (employers and trade unions):</i> Checklist on equal pay	FNV: training for legal advisors FNV: awareness meetings for trade union women members, trade union activists

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