



*A short summary of the project manual
Gender Mainstreaming in
Collective Pay Agreements*

Tool 1

Checklist related to gender equality in collective agreements

The key points, mentioned in our compendium, were summarised in eight groups:

1. Wording
2. Form of employment (Permanent or non-permanent)
3. Regulations on qualifying periods
4. Working time
5. Basic tariffs
6. Job related additional payments
7. Working time related rights
8. Other working conditions, in particular further training and education, job advancement

And each of them linked with the following questions on the basis of the 4-R method:

Representativity

How many men /women affected by a measure and how many men/women involved in a measure;

Resources

How are the resources of space, money and time distributed between the different sexes?

Realia

Which gender rules and values (affecting both men and women) are to be identified in the background of planning and deciding upon a measure?



Rights

What equality promoting rights exist and how is the relation between a measure and these rights?

How to combine both of them?

1. Wording

Representativity

How many men/women are affected by the wording of the collective agreement?

How many men/women are involved in collective bargaining?

How many men/women have a say in elaborating the text?

Resources

Are men respectively women explicitly mentioned in the text?

Are only women referred to, though men are also meant or vice versa?
(seamstress, driver, skilled workers)

Can a gender related definition actually be used to keep one gender away from an occupation? (f.e. technician)

Realia

Is a male definition really gender neutral?

Is it appropriate to leave a gender unmentioned?

Is it appropriate to refer to both sexes by only mentioning one?

Rights

In all collective agreements both men and women have to be explicitly mentioned throughout the whole text. This might necessitate new definitions for certain occupations. Moreover, the new usage has to be made binding in its scope of application (f.ex. in plant level agreements)

2. Continuity of employment

Representativity

How many men/ women:

- are home workers?
- are employed on the basis of a fixed term contract?
- do in the initial three months' testing period of their employments have a casual/irregular employment



- are on employment terms without social insurance coverage or have an employment relationship without or only limited guaranteed labour rights' protection
- are temporary agency workers
- are doing part time work
- are teleworkers?

How many men/women have an influence on the form of their employment?

How many men/women are represented within the works' council?

How many men/women terminate their employment relationship voluntarily or involuntarily by the reason of taking over family duties

How many men/women have been actually dismissed though higher protection against dismissal had been granted?

Are their workers doing several part time jobs?

Resources

What is the impact of the form of employment (permanent or non-permanent) on:

- the effective income and the life income
- the possible threat of unemployment
- the economic independence
- the career advancement
- the access to further training measures
- the entitlement to social benefits
- old age provision
- working conditions as:
 - working rooms?
 - access to information?
 - access to informal contacts?
 - social contacts
- eligibility to workers' representative bodies (how are the chances to be elected a male or female works' council representative)?
- What are the effects of the permanent or non-permanent form of employment on subsequent or future employment relationships?

Realia

Is the role of provider/family caretaker gender related?

Is one of the sexes more likely to be affected by instable and irregular employment?

Does the employment prevent taking over of responsibilities in other areas?



Which other non-job related duties are being taken into account and how?

What is the impact of:

- Family work
- Political activities
- Trade union work
- Other additional work

on income, form of employment regarding continuity, job advancement, etc.

Rights

How can the collective agreement contribute to change the traditional gender related division of tasks: men- public life; women-family work and private live (examples.: parental leave for fathers, child care arrangements)

How can the collective agreement improve precarious forms of employment and enhance their continuity? (examples: economic incentives against precarious employment, regulations on qualifying periods, minimum assignment periods, extending collective agreement to cover also precarious forms of employment; regulations on qualifying previous employment, overpayment of part time work due to increased efficiency; additional overtime payments for overtime work; additional payments for flexible work)

Regulations in collective agreements to promote reintegration of men and women into working life after parental leave

3. Regulations on qualifying periods

Representativity

How many men/women are affected by qualifying periods' regulations?

- parental leave on one hand; military service on the other hand
- leave for family reasons
- job-hopping, in particular in groups of enterprises

What is regarded as qualifying previous employment?

What is taken into consideration as work experience (example: "family management")?

As far as assessment of qualifications during previous employment in other branches is concerned:



Are these qualifications evaluated in a gender-neutral manner?
Are there any assessment criteria established?
And when, how are these assessment criteria actually applied in practice
(?)

Resources

How do qualifying periods affect income, especially in the long run?
What are the impacts on holiday entitlements, periods of termination,
other entitlements related to the duration of employment?
Are only gender related entitlements arising of the duration of
employment considered as qualifying periods?

Realia

What kind of gender related concept deems military service as “service
for the home country” and childcare as private affair?
Can qualifications acquired in family life context (such as housekeeping
and cleaning) considered to be common skills and others not (example:
driving as occupation with apprenticeship)
Can it be taken for granted that working career planning for men is
continuous and for women presumably interrupted?

Rights

Do qualifying periods’ regulations in collective agreements contain
direct or indirect discriminatory formulations?
How should these regulations be formulated to have a gender-neutral
effect (in a seniority based remuneration system)?
How can qualifying periods regulations contribute to reduce the wage
gap in general?
What structural effects do these regulations have in a certain sector-
qualifying periods’ regulations in mainly male dominated sectors as a
rule discriminate female workers employed in these sectors, who often
worked in other branches before. Very open qualifying regulations are
to the advantage of male workers, having worked in other branches
before.
What kind of provisions on individual qualifying periods might be
foreseen in order to guarantee a gender-neutral implementation- given
the fact that the collective agreement itself does not stipulate any
qualifying regulations?



4. Working time

Representativity

How many men/women do:

- continuous/ non continuous daily work
- shift work
- full time work/part time work/ work per hours/ work on call
- night work/work in the evening hours
- work on weekends (Saturday, Sunday, public holiday work)
- extra work/overtime work

Is there any gender related correlation between duration and distribution of working time?

How autonomously can men and women organise their working time?

How many men/women determine distribution of working time and organisation of working time?

Resources

What is the evaluation of these different forms of working time and how are they remunerated?

Is there any differentiation between male-dominated or female dominated branches regarding evaluation and remuneration?

Is there any difference in remuneration for a form of working time, predominately done by only one sex compared to other forms of working time?

Is extra work/overtime work gender differently remunerated in cash or compensated by free hours?

How do multiple part time jobs affect daily free time and protection against excessive working hours?

How does organisation of work impact disposal of working room and working tools?

Are various forms of working time offered both sexes or are there any gender related differences?

Do men and women have equal opportunities to leave their workplace during working time?

- What kind of reasons for leaving will be accepted?



Realia

Are the different forms of working time considered to be equally acceptable or apt for both sexes?
Are certain forms of working time seen as a concession?
Are workers doing part time work or having part time working places being disqualified or underrated?
Is part time work compatible with higher positions?
Is the wish for more working time autonomy taken into consideration and gender differently evaluated?

Rights

Does the collective agreement contain provisions to improve forms of working time, predominantly done by women?
Is the discrimination of existing gender specific forms of employment only formally forbidden or efficiently prevented?
Does the collective agreement provide for a better compatibility of work and private life, full time employment included?
What kind of collective agreement provisions further a gender-neutral distribution of forms of working time (examples: incentives for parental leave for fathers, offer of managerial senior positions in part time work)?

5. Basic remuneration

Representativity

How many women receive collectively agreed minimum wages/salaries?
Proportion of men/women classified in a wage/salary group on the basis of a collective agreement and/or workplace/individual regulations?
How many men/women are involved in wage/salary determination:

- at plant level
- at collective bargaining level
- at statutory level

How many men/women receive piecework remuneration/Incentive wages?

Resources

How are the basic wages/salaries gender specifically distributed?
Distribution of men/women in all wage/salary groups
Are there any gender specific differences in starting wages/salaries within the same wage/salary group?



How often and quickly do men and women receive wage/salary increases or promotions in grading?

Realia

Is the evaluation of work as

- difficult/easy
- stressful/not stressful
- qualified/less qualified
- responsible
- with longer/shorter need of training on the job/ requirement of qualification non discriminatory or is generally one sex preferred?

Are all essential criteria taken into consideration and estimated in a gender neutral, non-discriminatory manner?

Are certain gender skills/qualification not or underestimated, as being considered as common skills (cleaning, knitting, needle work, cooking...)

Is a certain qualification –skilled work- underestimated in female dominated branches, while getting high evaluation in typically male branches?

Rights

Direct or indirect discrimination is taking place against several bans by (European) legislation.

How can the collective agreement contribute to close the pay differentials between men and women effectively?

Analysis

Which components determine the basis wages/salaries? Is each of these components non discriminatory? In addition, job evaluations schemes; promotions in wage grading and qualifying periods have to be examined in this respect.

Possible goals

- a) Equal share of men and women in all wage/salary groups
 - Clear and distinguishable classification criteria
 - Upgrading of branch typical female work
 - Elimination of branch typical obstacles in job advancement (examples: male typical formal qualification criteria (occupational diploma) as irreplaceable grading criteria
 - Promotion of women's' qualification at workplace level
- b) Equal payment for men and women classified in one wage group:



- Collectively agreed entitlement to upgrading in pay within a wage group provided that gender related pay differentials continue to exist after a transitional period
- Obligatory equal starting wages/salaries within the same wage group
- Persistent monitoring of gender pay differentials at branch and plant level
- Follow up of measures undertaken

6. Job related additional payments

How many men/women receive in addition to their basic remuneration:

- allowances
- additional payments
- overtime payments
- bonuses
- additional payments for outside work
- allowances for travel expenses

How many men/women receive what kind of additional payment
How many men/women fix kind, amount and granting of additional payments?

Resources

What are the preconditions for receiving any of these additional payments; Is it easier for one sex to meet these demands?
What was the amount of these additional payments? How was the distribution of these additional payments' bill between both sexes at branch /or plant level?

Is there any difference in pay between additional payments, received typically by women or those, typically provided to men? Is there eventually any objective argument for a differential?

Are certain activities/performance/hard work only remunerated in a one-off payment (example: lifting of heavier loads once or lifting lesser heavy loads several times)

Realia

Are certain values (for example: protective motive) impeding for one sex the access to additional payments?

Is the work rated as



- heavy/light
- involving psychical or mental strain
- or responsibility taking
- discrimination-free or does it in general imply preference of only one sex?

Are all essential criteria taken into consideration and evaluated in a discrimination-free manner?

Are additional payments, predominantly received by one sex, higher due preferential taxation?

Rights

What kind of remedies does the collective agreement offer to close the gender related gap regarding additional payments?

Are female specific activities/ or work involving heavy strain adequately remunerated (as for example: monotonous work, coldness and wetness, work under pressure)?

How does the collective agreement respond to the fact that in reality work involving heavy strain/other specific activities/ are not remunerated in a discrimination-free manner?

Does the collective agreement provide measures to ensure that historically developed regulations on additional payments will exclude discrimination (for example: differential in comparably high paid night shift arrangements to additional payments for work involving heavy strain)?

7. Length of service related rights

Representativity

Proportion of men/women receiving:

- severance (redundancy) pay
- premium for length of service
- other length of service related remunerations and benefits (as for example: occupational pensions)
- increases in pay due to length of service
- benefits as extended holidays, longer notice periods, permanence of employment)?

How many men/women determine the allocation of these benefits? At plant/branch level?



Resources

Is it for one sex impossible to get eligible for certain rights/benefits or is the entitlement only minimal?

Which kind of breaks are qualifying periods (parental leave, military service, training, part time work)

Are there any additional requirements, which are harder to be met by one sex (for example: what is considered as continuous length of service?)?

Realia

Is the value concept, influencing the establishment of length of service related rights/benefits (as for example: permanence at the workplace/continuously rising income) compatible with gender typical working life careers?

Does the value concept (for example: all time availability of the employee) provide for any alleviating measures regarding compatibility of family work and time off for dependants?

Rights

How does the collective agreement further gender equality in allocation of length of service benefits/rights (for example: progressive pay increase)?

- Are requirements regarding qualifying periods for both sexes equally attainable
- Are Increments either degressive or progressive?

Does the collective agreement provide for qualifying periods of leave, still characteristically taken by female workers (as for child care) as length of service, thus implying continuous service?

8. Other working conditions, in particular vocational training and further education as well as job advancement

How many men/women receive other benefits (for example: equipment at the workplace, "fringe benefits" and access to training and further education)?

How many men/women are represented in managerial positions and how long does it take men and women to achieve job advancement (positions in works' councils included)



How many men/women are fixing allocation of other benefits (in particular concerning equipment, "fringe benefits", access to training)

Resources

How much space (for example: office room, working place, rest areas, wardrobes) is gender specifically granted?

How much autonomy over their working time do men and women have (for example: taking informal breaks)?

How much time for training do men and women claim?

How much paid leaves from the job (for example: time off for dependants or for urgent personal reasons) do men and women take?

How much money is invested in training and further education?

Are training opportunities for managerial positions offered in a gender equal manner?

Do similar working life careers of men and women necessarily imply comparable rises in income?

Realia

Do employers tend to have less confidence in trusting women additional strains and managerial tasks or do women in general have lesser self-confidence in their own qualifications?

Does the prejudice persist that women usually do not pursue long term working career and job advancement strategies?

What kind of values concerning family and private life responsibilities define the drafting of social benefits (for example: days off for marriage and birth, funeral, and others)

Rights

Does the collective agreement provide for gender equality in other relevant working conditions?

Does the collective agreement promote gender equal investments in training and further education measures, in particular concerning the training of women in male dominated occupations and the training of men in female dominated occupations, by granting options for training leave with employer's financial contribution?

Does the collective agreement offer incentives to draw up specific promotion schemes for women at company level; for example: flat rate wage/salary increases for female workers working in companies without any specific promotion strategies for their female workforce?

Do all these collectively agreed provisions and regulations (regarding the key issues, mentioned in our checklist as remuneration system, working time, length of service related benefits) further gender equal job advancement opportunities?



A short summary of the PROJECT MANUAL

Gender Mainstreaming in Collective Pay Agreements

**As exemplified by the collective pay
agreements
of the Austrian trade union 'Metall-Textil'**

Project team

C. Bauer †	
C. Baur	christine.baur@bmsg.gv.at
R. Hauser	robert.hauser@metaller.at
A. Hiden	anton.hiden@metaller.at
M. Kemperle	monika.kemperle@metaller.at
I. Nikolay-Leitner	Ingrid.nikolay-leitner@bmsg.gv.at
R. Schindler	rene.schindler@metaller.at
S. Prisching	susanne.prisching@bmsg.gv.at



Why mainstream gender into collective pay agreements?

Under collective pay agreements in Austria, regulations and criteria for wage group classification apply equally to women and men. If for example a certain task is assigned to a certain wage group, it makes no difference whether it is performed by a man or a woman – the pay remains the same.

Also, when someone joins a company, under collective agreements starting pay is based on his or her relevant work experience, not on gender.

These facts have led many people to conclude that collective pay agreements are gender neutral and therefore cannot possibly have anything to do with the obviously disadvantaged positions of women in the workplace itself.

At the same time, the argument being levelled against criticism from 'the gender corner' is that it risks weakening collective agreements in general, something that would affect all employees – female and male.

By silencing criticism, however, you risk impeding further development and progress.

The working group on 'Gender Mainstreaming in Collective Pay Agreements', therefore, deliberately posed the question in a different manner:

What contribution to the reduction of pay inequality between women and men can be made by a collective pay agreement as a trade-specific, concrete, legal instrument, guaranteed by the extensive authority of the employers and trade unions at local level?

Project goals

- To check collective agreements in the metal and textile trade union sector for:
 - Disputable regulations
 - Regulations in which a gender perspective needs to be observed when renegotiated
 - Regulations that are formulated in gender neutral terms but can be applied in a discriminatory manner
- To find and/or develop examples of best practices for gender-fair collective pay agreements.



- To define cornerstones for the development of pay schemes that help bring women's pay into line with that of men.

This is meant to lead to a more balanced analysis and to facilitate practical solutions of problems that have previously been discussed from opposite poles – on the one hand, collective pay agreements as the cause of all wage discrimination, and on the other, collective pay agreements as unconnected with wage discrimination, the causes having to be sought elsewhere. Negotiators must be alerted to the equal pay opportunities inherent in collective agreements. Any regulations of a discriminatory nature that still persist must be listed and eliminated without delay.

Non-goals

- To call into question the value of collective pay agreements.
- New regulations that fail to promote the closing of the wage gap.

Results of the analysis

The gender analysis of the collective agreements negotiated by the Austrian metal and textile union was carried out in a fascinating situation. In 2000, the old Metall-Bergbau-Energie (metal-mining-energy) union was merged with the Textil-Bekleidung-Leder (textiles-clothing-leather) union, bringing together employees from two very different sectors in a single organisation. The new union, Metall-Textil, is now in charge of a typically well-paid 'male' sector of the economy as well as a typically low-paid 'female' sector.

At the time of the analysis, 1-2 years after the merger, the structure of the collective agreements had not yet changed. Despite the introduction of a completely different set of rules, particularly concerning the central issue of wage classification, the tendency was to favour male employees in both sectors.

This illustrates very clearly the subtle ways in which relations of power have persisted as a result of the parties involved adapting to the given structures in each respective industry. By the same token, the goal of eliminating wage discrimination must be pursued in subtle ways adapted to each specific situation.

The analysis started by examining regulations that were directly or indirectly discriminating. The main focus was not on labour law issues but on the question of which regulations – legitimate or not – ultimately led to the discrimination of either gender. Care was taken not to discuss legal action (law suits) as a solution, but rather to consider if and how employers and employees in each industry could help eliminate or at the very least significantly reduce wage discrimination by means of responsible common measures.



Examples

➤ **Basic wages/wage classification**

The first point to note is that the wage classification schemes in the clothing and textile sector refer almost exclusively to specific tasks and contain long lists assigning a wide variety of tasks to the different wage groups. By contrast, the collective agreements in the metal sector utilise more general wage tables and make a strict distinction between skilled and semi-skilled labour. Within these groups, the different levels of job requirements are described in an abstract way. There is no mention of specific tasks.

Strangely enough, the consequences for gender equality of these two completely different systems are the same:

The strict division between skilled and semi-skilled labour in the metal sector means that women – even if they perform excellent work – remain poorly paid, since they lack formal qualifications. Apprenticeships in metal jobs are traditionally male dominated; only in a few cases are young women professionally trained for one of these occupations.

In clothing and textile jobs, on the other hand, a majority of women have formal training but do not benefit from this. Whether an apprenticeship has been completed or not is irrelevant to the collective agreements in this sector. All that counts is the nature of the actual task performed. Thus men (mostly immigrants) who perform correspondingly skilled tasks can draw at least as high a wage regardless of whether they have formal training for the job or not.

In order to promote gender equality via collective agreements, it would be wise to focus less on formal qualifications in the metal sector.

In the clothing and textile agreements on the other hand, the importance of skilled labour should be emphasised. This should be done without too much weight being attached to the need for 'relevance to the field' ('Facheinschlägigkeit'): traditionally, apprenticeships within the textile industry count for nothing in the clothing industry, and vice versa. Such a narrow view of things undermines opportunities for upgrading skilled labour.

It might also be worthwhile considering the introduction of 'certificates of competence' in accordance with a Swiss model. These are used to certify the knowledge and skills that employees have acquired and demonstrated in the course of their work. In order to be formally qualified as a skilled worker, they simply have to complete those parts of the apprenticeship that they lack.



➤ **Overtly discriminatory wage regulations**

Almost every collective agreement in the clothing and textile industry contains typically 'male' wage groups. The category known as 'company craftsmen' consists both of skilled workers in charge of the service and maintenance of machinery and installation, and of groups such as stokers and drivers, who perform semi-skilled labour. They are far better paid than skilled employees working with the actual clothing and textiles.

Thus under the collective agreement for the textile industry, the 'certified stoker' and the 'semi-skilled machinist' as well as the 'company craftsman with a full apprenticeship' and the 'semi-skilled company craftsman with five years of relevant experience in the textile industry' all belong to wage group 9 out of a total of 12 groups. Meanwhile, numerous tasks performed by skilled workers in the clothing and textile sphere are attributed to wage groups 4-8.

➤ **Statistical results and conclusions**

A gender-specific evaluation of the wage statistics shows that differentials within individual wage groups in the metal sector do exist, but are not very large. What is considerably more significant is the distribution of women and men among the different wage groups. Both in the wage groups for skilled workers and in the groups for semi-skilled workers, men dominate the higher-paid groups, while women (in the groups for skilled workers as well as in general) are assigned to the lower-paid groups.

Therefore, a major goal must be the achievement of a more correct classification within the different groups of skilled and semi-skilled workers respectively. Furthermore, the strict distinction between types of labour that are nominally different should be eased.

Wage statistics for the clothing and textile sector on the other hand show significant wage gender gaps within the individual groups, while the gaps seem to diminish across the different wage groups. There is a greater balance between the number of women and men within each wage group.

Thus the focus here should be on the elimination of wage gaps within individual wage groups, which in a sense is a simpler task. Furthermore, recognition and pay for skilled labour should be increased so as to enhance the status of 'female' occupations requiring an apprenticeship.



➤ **Imbalance between basic wages and supplementary pay implicit in the job**

In collective agreements in the clothing and textile sector, wage spread in terms of basic pay is relatively limited. The difference between the lowest and highest basic wage is 14-25 per cent.

In view of this, paying an additional 20-30 per cent for night work alone seems questionable. The additional demands of night work compared to the extra labour required for more qualified jobs are grossly overvalued in this case. And we have to keep in mind that until 2002 only men were allowed to work night shifts.

This can be compared to the night bonus in the metal industry, which is a fixed sum amounting to 13 per cent of the average wage in the sector. On the other hand the difference between pay in the lowest and highest wage groups here is 67 per cent!

➤ **Definition of supplementary pay**

Supplementary pay for dirty, strenuous or dangerous work is described in very general terms in the collective agreements governing the 'metal industry' and 'metal trade', which apply to a large number of employees. As a result, companies routinely emphasise the special demands of 'male work'. Accordingly, extra bonuses are paid for physically demanding tasks but not for monotonous tasks or tasks demanding constant and painstaking concentration (final control).

In these cases, more exact descriptions and examples can prove useful.

➤ **Training and further education**

A comparison between the two sectors shows that the agreements in the metal sector consistently specify that the employer is obliged to finance an apprentice's time at a technical boarding school or college during his or her apprenticeship, at least in part, whereas such costs do not have to be reimbursed in the clothing and textile sector. This leads to discrimination of the predominantly female apprentices working with clothing and textiles in comparison with the predominantly male apprentices in the metal sector.



Examples of best practices

- A distributive fund with the explicit goal of reducing wage discrimination against women
- Written regulations specifying time limits following trial employment (collective agreements for the clothing, textile, shoe, saddler and furrier trades)
- Automatic reclassification from wage group 7 to wage group 6 after three years
- Opening up wage groups for skilled workers to semi-skilled workers as well, in accordance with the EVU agreements in the energy sector
- No limit on the extent to which unpaid leave may be taken into account, in accordance with the EVU agreements
- Collectively agreed increase of real wages by a minimum amount (pay negotiations, Metall 2000)
- Gender-fair language as used in the German Labour Protection Bill (ArbeitnehmerInnenschutzgesetz)
- Removal of the lowest wage group (formerly wage group 8 – 1989)

Best fantasies (measures not yet taken but worth pursuing)

- A promising measure is equal representation for women and men in collective pay negotiations. Equal representation would be particularly valuable in the 'small committees' where the operative negotiations take place. In addition, **gender training for negotiators of collective agreements** would be meaningful.
- High priority is given to the easily achievable goal of gender-neutral language use in all collective agreements.
- A further mandatory condition is the **involvement of employers** in the task of making wage discrimination a thing of the past.
- **Special representatives for sexually harassed employees** should be appointed at executive level or at staff management level to ensure that discrimination cases of this kind are dealt with by persons with the proper authority and skills.
- **Collective agreements can specify what is meant by 'equal' work** in several ways:



- by listing exact rules for wage group classification and determining the relative weight of the criteria (qualifications, responsibility, etc), or at least by identifying different but equally difficult tasks that are typical for the industry concerned;
- by stipulating that while a work evaluation system does not have to be analytical, companies may only use systems that have been deemed non-discriminatory by both the employers and employees or the by the national ombudsman for gender equality (equal opportunities ombudsman);
- by adopting the principle that the part of the wage which is paid supplementarily, as a bonus or a 'free' reward, etc, is based on an assessment system and represents the same average sum for all employees, at least in relation to their basic wage (if the number of employees is statistically relevant).

To **focus attention** on the issue of equal pay, companies' annual accounts and reports should be required to specify average pay for the various employee categories separately for women and men. If differences occur, their causes should be explained and the company's long-term plans in this area should be detailed.

As a **government reward** for progress in reducing inequality, tax relief or bonuses could be introduced for gender equality measures that bring about improvements.